AMNESTY INTERNATIONAL REPORT -1985-

AMNESTY
INTERNATIONAL
REPORT
1985

Amnesty International Report 1985

ERRATA

Africa

Page 27 (Cameroon), line 21, should read: late May
Page 29 (Cameroon), line 34, should read: Abdoulaye Mazou
Page 52 (Guinea), line 29, should read: *Amicale des anciens détenus politiques*
Page 84 (Senegal), line 26, should read: "threatening the integrity of the national territory", "committing acts likely to endanger public security" and, as students at the Polytechnic Institute

The Americas

Page 154 (Guatemala), line 43, should read: soft drinks firms.
Page 194 (Venezuela), line 9, should read: (formally the

Asia

Page 239 (The Philippines), line 21, should read: Presidential Commitment Order

The Middle East and North Africa

Page 308 (Egypt), lines 34/35, should read: President Muhammad Hosni Mubarak
Page 324 (Lebanon), lines 2, 13, should read: Progressive Socialist Party
Page 326 (Lebanon), line 10, should read: Progressive Socialist Party
Page 336 (Saudi Arabia), line 2, should read: Tabuk

This report covers the period January to December 1984

AMNESTY INTERNATIONAL is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

— It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed *"prisoners of conscience"*.
— It advocates *fair and early trials* for *all political prisoners* and works on behalf of such persons detained without charge or without trial.
— It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

AMNESTY INTERNATIONAL acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

AMNESTY INTERNATIONAL has more than 500,000 members, subscribers and supporters in over 150 countries and territories, with over 3,400 local groups in more than 55 countries in Africa, the Americas, Asia, Europe and the Middle East. Each group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London. No section, group or member is expected to provide information on their own country, and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

AMNESTY INTERNATIONAL has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of American States and the Organization of African Unity.

AMNESTY INTERNATIONAL is financed by subscriptions and donations from its worldwide membership. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by the International Council and income and expenditure are made public in an annual financial report.

AMNESTY INTERNATIONAL REPORT 1985

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This report documents Amnesty International's work and its concerns throughout the world during 1984. The absence of an entry on a particular country in this report 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.

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Preface

The lives of thousands of citizens were deliberately taken by the state in 1984. No precise figure for the victims can be given because secrecy concealed many deaths and governments denied responsibility for killings carried out on their orders or with their complicity. At least 1,500 official executions were publicly recorded but this figure represents only those known to Amnesty International: the true total was certainly higher. More were the victims of deliberate political killings in various countries: unarmed civilians were killed in large numbers by the army and the police, by other security forces or by "death squads" sanctioned by the authorities. In jails throughout the world, prisoners were tortured to death or allowed to die in prison through deliberate ill-treatment and neglect.

In 1984, the year under review, nearly half the countries of the world held prisoners of conscience in their jails, thousands of political prisoners were incarcerated without charge or trial, and torture was used as an instrument of state policy in many nations. This report records the efforts made by Amnesty International to investigate these human rights violations and to take action to halt them, prevent their recurrence and help the victims.

The taking of human life by the state must be recognized as an urgent and imperative issue for the international community. The exercise of state power to end a citizen's life strikes at the heart of two of the most fundamental of all human rights: the right to life and the right not to be cruelly treated. International public opinion should no longer tolerate the use by governments of executions and assassinations, whether to address political difficulties or problems of law and order. Whatever the circumstances, torture and political killings by governments can never be justified.

In drawing attention at the same time to both judicial and extrajudicial executions and to deaths in custody Amnesty International makes no moral or political comparisons. The processes through which the victims died differ: the sentence of death was imposed on many by courts of law;

prisoners died in custody from torture, harsh conditions amounting to ill-treatment and deliberate neglect; civilians lost their lives in raids by security forces carrying out indiscriminate killings. The logic of treating these together is not to be found simply in the fact that each ends with the death of a victim. It is because responsibility for the death lies with those entrusted, as states, with preserving the life, liberty and security of their people.

In many instances recorded in this report, deaths resulted from official acts that were arbitrary and often cruel in the extreme. Regardless of the circumstances, Amnesty International opposes without reservation the imposition of the death penalty and the killing of prisoners. Any society whose citizens die at the hands of "death squads", any state that allows prisoners to be tortured to death, any nation with the death penalty, must be challenged on its human rights record. In this area of the struggle for human rights alone, the scale of vigilance required is demonstrated in the pages that follow. Taken with the other abuses recorded, the conscience of the international community cannot fail to be stirred. That must be transformed into effective action.

The death penalty is provided by law in over 100 countries. During 1984, 2,068 people were reported sentenced to death by courts in 55 countries. Reported executions rose to 1,513 by the end of the year, according to reports from 40 countries. These are less than the true figures. In countries like China, Iran and Iraq where many executions took place throughout the year, official figures were not available.

In some countries with large numbers of prisoners awaiting execution – such as the United States of America, which had over 1,400 inmates on death row at the end of the year – the death penalty is put forward as an answer to violent crime. This is also the case in South Africa, where at least 114 people were executed – all but three of them from the black or so-called coloured population groups. In others it is used as a punishment for political offences. Officials demanded the death penalty in trials of political prisoners in countries such as Angola and Liberia. In Pakistan, the government intervened to procure the death sentence on three men after a military court had imposed prison sentences in a closed hearing.

Prisoners were hanged or shot after trials by military or revolutionary courts that fell short of internationally recognized standards for a fair trial in Afghanistan, Angola, Cameroon, Iran and Libya. In some countries, for example Nigeria and China, prisoners were executed within days of being sentenced, leaving little or no time to appeal or petition for clemency. Some were executed in public. Libyans living abroad were again pursued by government-backed assassins: two were slain in Athens in July 1984.

Some prisoners died in prison through lack of adequate care or deliberate neglect. In the Soviet Union, two human rights activists died

after the authorities rejected doctors' recommendations that they be freed. In Cameroon, eight prisoners convicted of offences against the security of the state were reported to have died of malnutrition during 1984. According to figures released by Freetown City Council, 241 prisoners died of malnutrition in Sierra Leone's jails in 1984. In Zaire too, prisoners were understood to have died from malnutrition or to have been deliberately killed.

Deaths under torture were reported from Chile, Turkey and Uruguay. Outright political killings, often of unarmed civilians during counter-insurgency operations, took place in Chad, El Salvador, Guatemala, Indonesia and East Timor and Peru. In some cases, responsibility was attributed to "death squads" apparently acting with official connivance; in others, uniformed members of the security forces and military were implicated. In southern Chad, government forces carried out hundreds of summary executions, killing prisoners and shooting unarmed civilians at random. In El Salvador, a 1983 Amnesty International mission of inquiry concluded that most of the estimated 40,000 people killed in political violence in the previous five years had been murdered by government forces which dumped mutilated corpses openly in an apparent effort to terrorize the population.

It is not only governments and groups acting with official connivance who carry out political killings. Amnesty International condemns, as a matter of principle, the torture and execution of prisoners by anyone, including opposition groups. It recognizes that governments have the responsibility of dealing with such abuses, but in doing so they must act in conformity with international standards for the protection of human rights. However, some groups in opposition to governments have acquired characteristics of political authority that in practice puts them in a position where they may be expected to respect international human rights standards. In such cases, Amnesty International appeals to them to do so. When considering whether a group has such characteristics, several factors have to be taken into account. For example, does the group control people in its territory in a way similar to the exercise of government jurisdiction? Is it able to implement procedures for the protection of human rights and humanitarian law in its territory? Is it recognized by governments and international organizations? An appeal from Amnesty International to such a group would not imply any legal or international status or recognition; it is aimed strictly at securing the protection of the human rights that Amnesty International seeks to defend everywhere.

Government secrecy and censorship mean that Amnesty International is limited by lack of information on certain countries. Because there is no entry on a particular country in this report, it cannot be assumed that no violations of human rights have taken place there.

Among the countries where the information available to Amnesty International was insufficient to allow an entry in this report were: Equatorial Guinea, Madagascar, Ecuador, Oman, Qatar and the Yemen Arab Republic. For similar reasons – and because Amnesty International attaches consistent importance to opposing *all* abuses of human rights within its mandate – no comparisons are made between one country and another. Amnesty International never ranks governments according to their human rights records: it simply reports what it has learned about prisoners of conscience, political trials, torture and executions, and what it has been able to do on behalf of the victims.

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. In one entry several hundred executions may be recorded in one paragraph; in another a description of complex legal changes affecting human rights guarantees may occupy several pages. To use word counts to judge the importance Amnesty International attaches to its work on a given country or the seriousness of human rights violations there is to misunderstand the problems Amnesty International faces and its approach to them.

Amnesty International covers a limited spectrum of rights, but not because it ignores the importance of other rights. It believes there is a close relationship between all human rights but recognizes that it can achieve more by working within set limits.

At the heart of the rights Amnesty International seeks to defend is the principle that all people have the right to express their convictions and the obligation to extend that freedom to others. The release of prisoners of conscience – people imprisoned because of their political, religious or other conscientiously held beliefs, their ethnic origin, sex, colour or language, provided that they have not used or advocated violence – is central to Amnesty International's work. The organization also strives to ensure a fair trial within a reasonable time for all political prisoners and opposes torture and the death penalty in all cases.

Amnesty International is strictly impartial. It does not work against governments, but against human rights violations. It neither supports nor opposes any political, social or economic system. It applies a single universal standard to all countries regardless of the ideology of the government or the views of the victims.

Accurate information, evaluated without bias, is central to maintaining this impartiality. Amnesty International submits major reports to governments before publishing and is always prepared to correct any factual errors it has made. The organization does not work in secret; it puts its information on the public record. The publication of this annual report is intended both as an opportunity to scrutinize Amnesty

International's work and as a contribution to the growing international awareness of human rights.

Amnesty International now has an active worldwide membership, with more than 500,000 members, subscribers and supporters in over 150 countries and territories. This report reflects the efforts of these people (and those of many other organizations and individuals) who understand that their involvement *can* make a difference to the protection of fundamental and inalienable human rights. The report shows also how necessary it is for those efforts to be maintained and intensified.

Amnesty International – a worldwide movement

A worldwide campaign to expose and end the use of torture as a tool of state policy was launched by Amnesty International in April 1984.

To launch the Campaign for the Abolition of Torture Amnesty International published a report, *Torture in the Eighties*, which analysed the conditions under which torture takes place and cited allegations of torture or ill-treatment of prisoners in 98 countries.

The report included case studies of situations in which public pressure, supported by international opinion, helped to limit or halt torture. It outlined a 12-point program of practical measures which governments should take to prevent torture.

The report pointed out that torture frequently occurs during a prisoner's first days in custody when visits by family or lawyers are banned – often under laws giving the authorities wide-ranging powers to deal with emergencies. To prevent torture, governments should ensure that all prisoners are brought before a judicial authority shortly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them. There should be no secret detention – prisoners should be held in publicly recognized places and accurate information about their whereabouts should be made available. Statements extracted under torture should never be used in legal proceedings. Governments should ensure that all complaints and reports of torture are impartially and effectively investigated and those responsible should be brought to justice. Victims of torture and their dependants should be entitled to financial compensation and victims should be given proper medical care and rehabilitation.

Campaigns to publicize more general concerns have become a regular feature of Amnesty International's work, in addition to efforts on behalf of individual prisoners, which remain the organization's focus.

Originally the inspiration for Amnesty International came after two Portuguese students were sentenced to seven years' imprisonment for making a toast to freedom. This news so disturbed a British lawyer, Peter Benenson, that he conceived and organized a year-long campaign to

publicize the plight of people detained all over the world for peacefully expressing their beliefs: people later called prisoners of conscience. Within months of the campaign's launch, thousands of people had offered help, and out of it a permanent movement was born: Amnesty International.

There are now over 3,400 local Amnesty International groups in 55 countries, and individual members, supporters and subscribers number over half a million. Once research carried out at the International Secretariat (the organization's headquarters) determines that a prisoner is a prisoner of conscience, she or he is "adopted" by one or more groups of members. They then send the authorities of the country concerned letters and telegrams asking for the prisoner's immediate release. They also organize as much public support as possible. If there is insufficient evidence to show whether a prisoner *is* a prisoner of conscience, the case may be given to a group to investigate, and the group will ask the authorities for more information.

Political imprisonment, detention without trial, torture and executions are not confronted solely by highlighting individual prisoner cases. During 1984 almost one third of Amnesty International groups participated in special networks of groups which, in addition to their work for prisoners of conscience, concentrate on human rights violations of concern to Amnesty International in various regions of the world.

When information received at the International Secretariat shows that urgent action is needed – for example when torture is feared or a prisoner is about to be executed – there are special networks ready to act promptly by sending telexes and telegrams. In 1984 this type of urgent response was launched 319 times.

Campaigning is another way of drawing attention to patterns of human rights violations and putting pressure on governments to stop these abuses. A campaign focuses attention on one country or a theme for a number of months and many local groups participate in each campaign. As well as the Campaign for the Abolition of Torture, campaigns were organized in 1984 on Syria, Paraguay and the People's Republic of China.

An established annual event is Prisoners of Conscience Week which had Women in Prison as its theme in 1984. Many of the world's political prisoners are women and they suffer from all the injustices to which governments subject their citizens. Amnesty International also takes part in other annual events, the most notable being International Labour Day (1 May) and Human Rights Day (10 December): it was a fitting end to the year that on Human Rights Day in 1984 the United Nations (UN) General Assembly adopted the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (see Appendix V). As Amnesty International's campaign to abolish torture continues in

1985, special efforts will be made to have the Convention ratified by as many countries as possible.

Amnesty International's members come from widely varying backgrounds, but they are all united in their support of the movement's aims: to seek the release of all prisoners of conscience, to ensure fair and prompt trials for all political prisoners and to abolish the use of torture and the death penalty. Groups only handle cases of prisoners held in countries other than their own. This is one of several safeguards to ensure Amnesty International's independence and impartiality.

Independence from political and financial influence helps guarantee that impartiality, so another safeguard that has been established is that funds for Amnesty International's budget are raised entirely by members and from public donations, and no money is accepted from governments. Money from governments for the relief program, that is to assist prisoners or their families, is only accepted if Amnesty International has sole charge of its use (see Relief p10).

Central also to Amnesty International's policy is its democratic structure which enables individuals and groups to be involved in decision-making. Sections, which now exist in 45 countries, coordinate group activities, organize publicity and mobilize the public to fight human rights violations. Section delegates form the International Council – the governing body of the movement – and the Council in turn elects a nine-member International Executive Committee to carry out its decisions and supervise the International Secretariat.

Based in London, the International Secretariat collects and acts on information about Amnesty International's concerns, keeping members, groups and sections, and the international news media informed about cases and campaigns. News releases, publicity material and reports are produced and the *Amnesty International Newsletter* provides regular news, including the details of three prisoners of conscience, in each monthly issue. Missions are also organized to send Amnesty International representatives to various countries where they may have talks with government officials, collect information about human rights violations or legal procedures, or observe political trials. Reports on their findings are later made to the International Executive Committee.

Amnesty International is unconditionally opposed to the death penalty and works for its total abolition throughout the world. Amnesty International regularly monitors death sentences and executions around the world. It appeals for clemency whenever it learns of a case in which imminent execution is feared.

By the end of the year 27 countries had abolished the death penalty for all offences and 19 for all but exceptional offences, such as war crimes. A number of other countries have not abolished the death penalty but do not carry out executions in practice.

On 5 September 1984 assent was given to the Acts Amendment (Abolition of Capital Punishment) Bill, 1984, which abolished the death penalty in Western Australia, the last Australian state to retain the death penalty for ordinary offences.

During 1984, 1,513 prisoners are known to have been executed in 40 countries, and 2,068 sentenced to death in 55 countries. These figures include only cases known to Amnesty International: the true figures are certainly higher.

Refugees

Although Amnesty International's statute relates to prisoners, the organization does oppose the forcible return of any person to a country where he or she might reasonably expect to be imprisoned as a prisoner of conscience, tortured or killed. Information on the risks faced by refugees is submitted by Amnesty International to refugee organizations and to governments considering applications for political asylum. It also informs the United Nations High Commissioner for Refugees about refugees who face human rights violations. In addition, Amnesty International sometimes calls on governments to admit prisoners of conscience whose only alternative to continued imprisonment is exile.

Relief

During 1984 the International Secretariat of Amnesty International distributed £397,424 in relief payments to help prisoners of conscience and their families and to assist the rehabilitation of torture victims. Sections and Amnesty International groups also sent help to many thousands of prisoners and their families. The relief program is not a substitute for the primary objective of securing freedom for prisoners of conscience and an end to the use of torture, but aims to alleviate suffering. When relief payments are distributed by bodies outside Amnesty International or through intermediaries, the organization takes care to stipulate the precise prisoner-related purpose for which the payments are intended, and wherever possible obtain receipts from the beneficiaries. The relief program of the International Secretariat is supervised by a subcommittee of the International Executive Committee which also advises sections on relief activities. Amnesty International's relief accounts, like its general accounts, are audited annually and are available from the International Secretariat.

International Organizations

One of the most notable achievements of the United Nations (UN) was the adoption by the General Assembly of the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention against Torture was adopted on Human Rights Day, 10 December 1984. The text was inspired by the 1975 Declaration against Torture. The Commission on Human Rights had been discussing it since 1978 and in March 1984 the Commission agreed that the draft should be forwarded to the General Assembly. Amnesty International had been represented as an observer at the seven annual sessions of the Commission. Before the General Assembly session, Amnesty International sections urged their governments to move for speedy adoption of the convention.

The Convention against Torture contains several positive elements that go beyond the earlier Declaration against Torture (see Appendix V). These include:

- acceptance of the principle of compulsory jurisdiction over alleged torturers, which means that unless they are extradited for trial in another country, alleged torturers must be prosecuted in whatever state party they are found.
- the obligation not to send back (*refouler*) or extradite refugees or others to countries where they risk being tortured.
- the exclusion of "obedience to superior orders" as a defence against a charge of torture, which means effectively that an order to torture must be disobeyed.
- the obligation on states to investigate reliable information about torture and other cruel, inhuman or degrading treatment or punishment, even in the absence of a specific complaint from an alleged victim.
- the creation of a 10-member Committee against Torture that will be able:
  - to consider periodic reports from states parties;
  - to inquire into allegations of systematic torture;
  - to receive complaints from individuals against a particular state, if the state expressly agrees to this; and
  - to receive complaints by one state against another where both have agreed to this.

Amnesty International urges governments to ratify international instruments protecting the human rights Amnesty International works to promote. By the end of 1984, 80 states were party to the International Covenant on Civil and Political Rights, 34 to the Optional Protocol of that covenant, and 83 to the International Covenant on Economic, Social and Cultural Rights. During 1984 Cameroon, Togo and Zambia ratified the international covenants; Cameroon, France and Zambia ratified the Optional Protocol.

Amnesty International continued to follow closely the work of the Human Rights Committee, the body created by the International Covenant on Civil and Political Rights to monitor compliance with the

covenant's provisions. The tasks of this committee of 18 experts serving in their personal capacities include: examining reports by states parties about compliance, considering complaints from individuals under the Optional Protocol, and issuing interpretive "general comments" on provisions of the covenant. During 1984 the Committee adopted general comments on Article 14, which covers the right to a fair trial.

During 1984 Amnesty International continued to submit information to the UN and other international organizations. Using the procedure under Economic and Social Council (ECOSOC) Resolution 728F, it submitted information on the human rights situation in the following countries: Benin, Brunei, Czechoslovakia, Gabon, Haiti, Indonesia and East Timor, Libya, Mauritania, Paraguay, Philippines, Syria, Turkey, Uruguay and Zaire. Resolution 728F authorizes the UN to receive communications concerning human rights and to bring them to the attention of the government concerned. Under ECOSOC resolution 1503 the UN determines in confidential proceedings whether such communications reveal a "consistent pattern of gross violations of human rights" in a country, and, if so, whether to authorize a study or investigation of the situation.

Amnesty International submitted information to the Working Group on Enforced or Involuntary Disappearances set up by the UN Commission on Human Rights to investigate "disappearances" anywhere in the world. During 1984 Amnesty International submitted information on "disappearances" in 19 countries: Argentina, Chad, Chile, Colombia, East Timor, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Kenya, Mexico, Paraguay, Peru, Sri Lanka, Togo, Uganda, Uruguay and Zaire. In September 1984 Amnesty International wrote to the working group to draw attention to the three countries in which "disappearances" appeared to occur most frequently: El Salvador, Guatemala and Peru. It suggested that visits by the working group to these countries would be particularly useful.

Amnesty International submitted information to the UN Special Rapporteur on Summary or Arbitrary Executions appointed by the Commission on Human Rights concerning extrajudicial executions and death sentences or executions imposed contrary to accepted international safeguards for a fair trial. During 1984 Amnesty International brought to the attention of the Special Rapporteur information on reported extrajudicial executions and deaths in detention in 16 countries: Benin, Bolivia, Chad, Chile, Colombia, Guatemala, India, Indonesia (East Timor), Kenya, Libya, Mauritania, Peru, Philippines, Sierra Leone, Sri Lanka and Zaire; it also informed him of one case of a reported threatened extrajudicial execution in Ghana. Amnesty International also sent him information on reported death sentences or executions lacking the minimum internationally recognized safeguards in 18

countries: Afghanistan, Angola, Bangladesh, Cameroon, China, Iran, Iraq, Kuwait, Liberia, Libya, Malawi, Mozambique, Nigeria, Pakistan, Somalia, Turkey, Viet Nam and the USSR. In some cases, Amnesty International called on the Special Rapporteur to intercede urgently to prevent threatened executions.

Amnesty International continued to bring its concerns to the attention of the main UN bodies dealing with human rights questions.

At the 40th session of the UN Commission on Human Rights Amnesty International made statements on the draft convention against torture; states of emergency; "disappearances"; summary or arbitrary executions; and on the dissemination of human rights instruments. It submitted written statements on "A Universal Amnesty For All Prisoners of Conscience", and on the human rights situation in East Timor, Guatemala and Iran.

At the 37th session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Amnesty International made statements on amputations in Sudan and on the death penalty. It submitted a written statement on its 12-point program for the prevention of torture.

At the 39th regular session of the UN General Assembly Amnesty International made a statement before the assembly's Fourth Committee about its concerns in Namibia. On the Day of Solidarity with Political Prisoners in South Africa and on the International Day for the Elimination of Racial Discrimination, Amnesty International outlined its concerns in South Africa.

Amnesty International continued to submit information to UNESCO's Committee on Conventions and Recommendations on cases of human rights violations concerning writers, teachers and others in Afghanistan, El Salvador, Haiti, Laos, Nigeria, Paraguay, Viet Nam and Yugoslavia. Amnesty International was represented at a working seminar on this UNESCO procedure convened by the International Human Rights Law Group. In response to the UNESCO Director-General's draft program Amnesty International reaffirmed its concern for the implementation of UNESCO's seven-year program for human rights teaching. It also stressed that more needed to be done to make UNESCO's recommendations in the field of human rights education more widely known. The importance of UNESCO's role in the promotion of human rights was the main topic at a meeting between UNESCO's Director-General and the Secretary General of Amnesty International which took place at UNESCO headquarters in Paris on 11 September 1984. Amnesty International continued as coordinator of the non-governmental organization (NGO) side in the UNESCO Secretariat/NGO Joint Working Group on Education for the Promotion, Application and Defence of Human Rights. It also attended the 19th biennial conference of

international NGOs in consultative relationship with UNESCO, which recommended the continuation of the joint working group.

In November 1984 Amnesty International applied to be admitted to the Special List of Non-Governmental International Organizations of the International Labour Organisation (ILO). The Special List is the ILO's equivalent of consultative status for NGOs which are not workers' or employers' bodies. During the year Amnesty International continued to make available information on such issues as forced labour and violations of the right to freedom of association to organizations working within the ILO.

Amnesty International pursued a number of individual cases taken up by the Inter-American Commission on Human Rights (IACHR), the human rights body of the Organization of American States (OAS), and submitted information on the human rights situation in a number of countries: Chile, Colombia, El Salvador, Paraguay, Peru, Suriname and Uruguay. Representatives of Amnesty International attended the 14th regular session of the OAS General Assembly (Brasilia, 12–17 November 1984) after the OAS Permanent Council had invited it to attend as a "special guest". Before the assembly Amnesty International wrote to ambassadors of OAS member states, enclosing its 1984 annual report and urging delegations to encourage the assembly to find ways of exerting influence on those countries most involved in perpetrating gross violations of human rights.

On 5 September 1984 Argentina ratified the OAS American Convention on Human Rights. It also made declarations under Article 45 (recognizing the competence of the IACHR to receive inter-state complaints) and Article 62 (recognizing the jurisdiction of the Inter-American Court of Human Rights), as did Ecuador on 24 July 1984. This brings to 22 the total number of ratifications of the Convention, which entered into force on 18 July 1978.

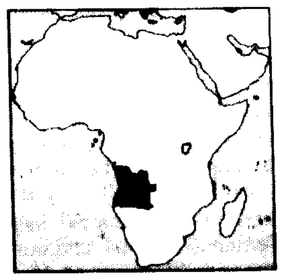
The African Charter on Human and Peoples' Rights was adopted unanimously by the Organization of African Unity (OAU) in 1981. Amnesty International continued to monitor ratification of the charter. Five states deposited instruments of ratification during 1984: Burkina Faso, Egypt, Sierra Leone, Tanzania and Zambia – bringing to 15 the total number of ratifications. A majority of the 51 OAU member states must become parties for the charter to come into force.

Although all 21 member states of the Council of Europe are parties to the European Convention on Human Rights, four states (Cyprus, Greece, Malta and Turkey) have not yet accepted the right of individual petition under Article 25. Austria and Sweden ratified Protocol 6 to the European Convention on Human Rights abolishing the death penalty for peacetime offences, bringing the total number of ratifications to three. The protocol requires five ratifications to enter into force. Amnesty International sections urged the governments of their countries to ratify the protocol.

During the year Amnesty International testified twice to bodies of the European Parliament. On 2 April 1984 it made a statement before the Political Affairs Committee on violations of human rights in Turkey pointing out that the restoration of civilian government had not so far resulted in any apparent change in the areas of interest to Amnesty International. In December 1984 Amnesty International spoke at a European Parliament meeting in Strasbourg. The presentation – called "Torture: a challenge for Europe" – stressed that there was no room for complacency about torture in Europe. It listed 10 recommendations for action including the non-return of refugees to countries where they may be subjected to torture or other cruel, inhuman or degrading treatment; and adoption of a European convention against torture which would provide for an effective system of unannounced prison visits by an independent transnational body.

The Inter-Parliamentary Union, a non-governmental organization composed of members of parliament from 103 nations, maintains a special committee which investigates reported violations of the human rights of parliamentarians and seeks redress. During 1984 Amnesty International sent the special committee information on detained members of parliament from 15 countries: Bangladesh, Gabon, Ghana, Indonesia, Iran, Kenya, the Republic of Korea, Mauritania, Somalia, Sudan, Turkey, Uganda, Uruguay, Viet Nam and Zimbabwe.

Africa



Angola

Amnesty International's main concerns were the prolonged detention without trial of suspected opponents of the government, including alleged supporters of armed opposition groups, and the use of the death penalty. At least 31 death sentences were imposed during the year, mostly by military courts, after trials which did not appear to conform to internationally recognized standards. In a number of cases, defendants reportedly said that they had been ill-treated under interrogation during their pre-trial detention.

The internal conflict between government security forces and guerrillas supporting the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, continued throughout 1984. Both sides accused the other of killing civilians. Amnesty International remained concerned about the apparently arbitrary detention by UNITA forces of civilians not involved in the armed conflict. These included foreigners working in Angola and Zairian refugees, as well as Angolan civilians. A number of foreign workers were released after being taken to the UNITA base in southeast Angola, but no information was available about other captives.

Amnesty International continued to receive information about large numbers of suspected government opponents held without trial for periods varying from six months to nine years. They included alleged supporters of the UNITA and other armed opposition organizations. Although no official figures were available about the total number of political detainees, unofficial sources estimated that more than 1,000 were held in detention centres in Luanda and provincial capitals, and in rural detention camps. Several hundred suspected members or supporters

of the UNITA were reported to have been arrested or captured during the fighting in 1984 and some were presented at public rallies or press conferences and reportedly compelled to make self incriminating statements.

The law on criminal procedure requires prisoners suspected of committing offences against the security of the state to be charged or released within seven months. However, this appears to have been ignored in many cases and political detainees have been held without trial indefinitely under administrative detention procedures. Such detainees appeared to have no opportunity to have the legality of their detentions reviewed.

Amnesty International asked the government about the legal grounds for the imprisonment of a number of long-term detainees some accused of violent offences, others apparently arrested for political reasons not connected with the internal conflict. Among these were Marie Simon Zumu and seven other Zairian refugees who were arrested in March 1983 and subsequently held without charge or trial in Luena, the capital of Moxico province. They were still being held at the end of 1984.

The only long-term detainee whom Amnesty International had adopted as a prisoner of conscience, Fernando Costa Andrade ("Ndunduma"), was released uncharged at the end of January. He had been arrested in December 1982, after producing a play which satirized members of the government, and accused of insulting the head of state and of "fractionalism" (promoting a particular faction within the ruling party).

Amnesty International took up for investigation the case of one prisoner convicted during 1984: Bartolomeu Dias Fernandes was sentenced to six years' imprisonment in April by the People's Revolutionary Tribunal in Luanda on charges of insulting the head of state. The precise nature of his alleged offence was not known.

Several prisoners charged with offences against the security of the state went on trial before the People's Revolutionary Tribunal in May in a widely publicized trial known as the "Kamanga" or diamond-smuggling trial. There were 124 defendants, two of whom – Francisco Carlos Fragata and Paulo Capita – were accused of spying for the USA as well as diamond smuggling offences. Amnesty International received reports before the trial that Francisco Carlos Fragata had been ill-treated in pre-trial custody. At the trial several defendants alleged that they had been beaten or otherwise ill-treated during interrogation. Two months after the trial started the People's Prosecutor called for death sentences to be passed on the two defendants charged with spying and on three others accused of diamond smuggling. On 30 October the court sentenced Francisco Carlos Fragata to death, acquitted Paulo Capita,

and deferred sentence on the three others pending an inquiry into a charge that they had tried to damage the reputation of the country and its institutions by alleging that they had been ill-treated in custody and by conspiring to alter the course of justice. By the end of 1984 no results of the inquiry had been made public. Amnesty International was concerned that an independent and impartial investigation of the allegations of ill-treatment should be carried out. It believed that Francisco Carlos Fragata had been convicted on tenuous evidence and appealed for his death sentence to be commuted. One week later a Special Appeals Tribunal reduced his sentence to one of six years' imprisonment, having apparently concluded that he was not guilty of spying. (This tribunal was set up in 1980 to review sentences of death and more than 20 years' imprisonment imposed by the People's Revolutionary Tribunal.)

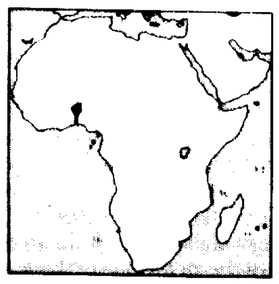
More than 80 alleged members or supporters of the UNITA were tried during 1984 before Regional Military Tribunals. While the People's Revolutionary Tribunal was established in 1976 with jurisdiction over all political cases, in July 1983 military courts were empowered to try civilians in political cases in areas affected by the internal conflict and to impose the death penalty. Most political cases were tried by military courts during the year. The law governing the procedures of military courts gives defendants the right to defence counsel of their choice, to examine the prosecution's case against them 10 days before their trial opens and to call witnesses in their defence. However it was unclear whether these rights were respected. The law also guarantees those convicted the right of appeal to the Armed Forces' Military Tribunal, the highest military court.

The first trial of suspected supporters of the UNITA by a Regional Military Tribunal took place in February when eight people were tried in Huambo for offences against the security of the state. One of them – Isaias Jeremias Nangolo – who had worked in Huambo's telephone exchange, was sentenced to death for passing sensitive information to the UNITA. Unofficial sources reported that he was executed shortly after the sentence was announced, without any opportunity to appeal.

Twenty-nine other defendants are known to have been sentenced to death during 1984 on account of their UNITA activities. The charges against them included treason, espionage, sabotage and armed rebellion. Another 43 convicted on similar charges received prison sentences. Several of those sentenced to death had been presented to journalists towards the end of 1983 when they had made self-incriminating statements. Although the verdicts of the military courts were communicated to the press, no information was available about appeals hearings or executions. The law provides for prisoners sentenced to death by military courts to be executed by firing-squad within 24 hours of being notified that the appeal court has upheld their death sentence.

Amnesty International was concerned that trials of government opponents did not appear to conform to internationally recognized standards of fair trial in a number of respects. In particular, defendants were reportedly not given an adequate opportunity to present their defence and in many cases defendants appeared to have no opportunity to appeal. At a conference in Luanda in April a senior official in the ruling party condemned various abuses of authority and violations of citizens' rights. He noted in particular that few of those verdicts which are automatically subject to appeal according to Angolan law were in fact submitted to higher courts.

Following each trial at which death sentences were announced Amnesty International called on the authorities to uphold the right of appeal and, if death sentences were confirmed upon appeal, to commute them. However, no death sentences imposed by military courts were known to have been commuted during the year.



Benin

Amnesty International was concerned about the imprisonment of prisoners of conscience and about other political prisoners detained without trial or imprisoned after unfair trials. All the prisoners whose cases had been taken up by Amnesty International were released on 1 August in a presidential amnesty but further political arrests were reported later in 1984. Amnesty International was also concerned about reports of ill-treatment of prisoners, some of whom died apparently because they were denied appropriate medical treatment.

During the first part of the year Amnesty International was working on behalf of 35 prisoners of conscience, most of whom had been detained without trial for more than four years for alleged involvement in non-violent protests against government policies. Most had been arrested following school and university protests which began in 1979 (see *Amnesty International Report 1984*).

In mid-1984 Amnesty International also adopted as prisoners of conscience 38 other untried political detainees, most of whom had been arrested between June and August 1983 for suspected membership of an unofficial trade union, the *Centrale syndicale des travailleurs du Benin* (CSTB), the Benin Workers' Trade Union Federation.

In mid-February eight of the student prisoners of conscience detained since 1979 and held in Cotonou's Central Prison were transferred to Abomey and Ouidah prisons following protests about their continued detention and demands for their release. On 3 March, 10 of the 11 students held in Porto Novo prison escaped and went into hiding. Three of them - Leon Adjakpa, Malehossou Bouraima and Leon Yelome - were recaptured several days later and a fourth person, Cyriaque Faton, was arrested on suspicion of assisting their escape. They were reportedly punished by being detained for three weeks in a disused transport container exposed to the sun. They were then moved to Cotonou's main military camp, Camp Ghezo, and detained in its high security detention wing, known as the *Poste de commandement operationnel* (PCO). However, in June the four detainees and one other, Emmanuel Alamou, escaped from the PCO and went into hiding.

Until August Amnesty International continued to appeal for the release of five prisoners of conscience, two of whom were under sentence of death, and for a review of the cases of eight other political prisoners, all of whom were arrested in 1975 when the government claimed to have foiled two attempts to overthrow it. The trials they received fell short of international standards of fairness (see *Amnesty International Report 1984*). Amnesty International was also investigating the cases of Claude Midahuen, Leonard Maboudou and Andre Oke Assogba. The three, all former senior government officials, had been arrested in 1975 and 1976 apparently in connection with the same alleged coup attempts but were never brought to trial. Similarly, the organization continued to investigate the cases of Colonel Alphonse Alley, a former head of state, and Major Jean-Baptiste Hacheme, who were arrested in early 1973 following the alleged discovery of a plot to overthrow the government. They were both sentenced to 20 years' imprisonment in early 1973 after a trial which fell short of international standards.

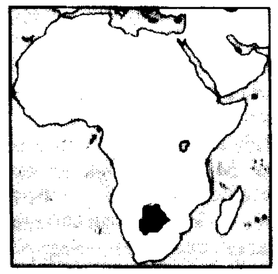
On 1 August 1984 President Mathieu Kerekou declared an amnesty following his re-election for a second term as head of state. All prisoners of conscience and other political prisoners of concern to Amnesty International were released and the police stopped searching for the detainees who had escaped from Porto Novo prison and the PCO. The releases were welcomed by Amnesty International. However, at least four of those released were reported to have been again detained without charge by the end of 1984. In late September Hebert Offiki, one of the students who had escaped from Porto Novo prison in March, was arrested and detained at Natitingou. A month later, Emmanuel Alamou, a student who had escaped from the PCO in June 1984, was arrested in Cotonou. In early November, two other former political detainees, Dr Afolabi Biaou and Didier D'Almeida, were also detained

in Cotonou. Both had apparently been active in an unofficial association of former political detainees formed after the amnesty in August. It had protested about the rearrest of Hébert Offiki and Emmanuel Alamou and called on the authorities to reinstate former political detainees in their previous jobs. Amnesty International expressed its concern to the authorities over these new arrests and called for the trial or release of the four detainees. However, they were still held at the end of 1984.

Amnesty International remained concerned about the conditions in which political detainees were held in view of reports of severe overcrowding, poor lighting and ventilation, inadequate sanitation and washing facilities, and grossly deficient medical care in all the main political detention centres. Conditions at the *Commissariat central*, central police station, and in a number of smaller police stations in Cotonou were reported to be particularly harsh with prisoners being subjected to extreme overcrowding in punishment cells, known as *"violons"*. As many as 12 detainees were reportedly held at a time in the cells although they apparently measured no more than 1m by 2.5m, making it impossible for detainees even to lie down. The authorities continued to refuse food to most political detainees, forcing them to rely on the generosity of their families or fellow prisoners.

In April Amnesty International received reports that certain prisoners who had become seriously ill in Cotonou's Central Prison had been refused hospital treatment by prison authorities or permitted it after unnecessary delays. As a result, at least seven non-political prisoners had apparently died since mid-1983, two of them reportedly in 1984. On 1 January Joe Akplogan was reported to have died after being refused hospital treatment; he was apparently threatened with removal to a punishment cell after becoming ill. In February a woman prisoner was also reportedly refused hospital treatment until an injury to her foot became gangrenous. She was then treated but allegedly died after her foot was amputated. Amnesty International appealed to the government in April and July to institute an independent inquiry into these deaths, and to ensure that all prisoners received adequate medical care. However, there was no response.

In April 1984 Amnesty International submitted information about its concerns in Benin under the UN procedure for confidentially reviewing communications about human rights violations. The submission urged the UN to take all appropriate steps to redress the cited human rights violations.



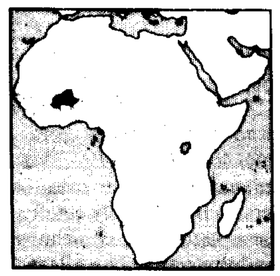
Botswana

Amnesty International was concerned about the use of the death penalty. Three prisoners convicted of murder were executed during 1984. A fourth person was sentenced to death but was not believed to have been executed by the end of the year.

Clement Gofhamodimo was convicted of murder by the High Court in January. His appeal was heard in May but rejected in late June. His case - like all those of prisoners under sentence of death - was reviewed by the Advisory Committee on the Prerogative of Mercy, comprising the President, Vice-President, Attorney-General and a doctor. However, the committee did not recommend clemency and Clement Gofhamodimo was hanged on 27 October. Amnesty International appealed for clemency after his death sentence was imposed and again after his appeal for clemency was rejected.

Amnesty International made a similar appeal in July on behalf of Lovemore Sibanda when it learned that the Appeal Court had upheld his conviction for murder, and the death sentence. However, he and Lesenyo Kgeresi, also convicted of murder, were reportedly executed in September.

Amnesty International received reports of one other prisoner under sentence of death, but by the end of 1984 had not learned the outcome of his appeal.



Burkina Faso

Amnesty International's main concerns were the imprisonment of three prisoners of conscience for trade union activities, the reported detention without trial of suspected opponents of the government and the death penalty.

In August 1984 the name of Upper Volta was changed to Burkina Faso on the first anniversary of the coup which brought Captain Thomas Sankara to power.

Three leading officials of the *Syndicat national des enseignants africains de Haute-Volta* (SNEAHV), National Union of African

Teachers of Upper Volta, were arrested on 9 March in the capital, Ouagadougou. They were then taken to the military barracks in Koudougou, where they reportedly remained in detention without trial for the rest of the year. The three Jean Pagnimba Bila, Ousmane Ismaël Kindo and Joachim Sib were respectively Secretary General, Deputy Secretary General and Foreign Relations Secretary of the SNEAHV. Shortly afterwards the Defence Minister, Major Jean-Baptiste Lingani, said they had been detained because of their "subversive political activities", and accused them of seeking to undermine the government with financial assistance from unnamed foreign powers. However, no formal charges were brought against them and their union's reported opposition to certain government policies was believed to have been the real reason for their arrest. In protest, other SNEAHV leaders called a strike on 20 and 21 March which was apparently supported by nearly half the union's 6,000 members. The government took the view that the strike was politically motivated and dismissed all the teachers who supported it. President Thomas Sankara later stated publicly that some 1,300 teachers had been dismissed. However, in October the authorities announced that teachers who demonstrated their support for the government would be permitted to return to their former jobs.

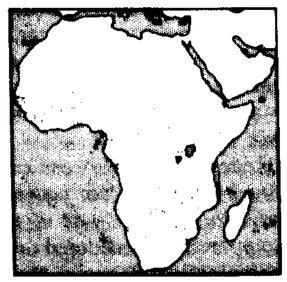
In late March Amnesty International expressed its concern about the detention of the three trade union officials and called for them to be brought to trial promptly or released. However, the government did not respond. Amnesty International subsequently adopted Jean Pagnimba Bila, Ousmane Ismaël Kindo and Joachim Sib as prisoners of conscience and called for their immediate release but they were still detained without trial at the end of 1984.

At least four other people were known to be detained without trial for political reasons at the end of 1984. Joseph Ouedraogo, former President of the National Assembly, had been arrested in October 1983 and was reported to be held either under house arrest or in Po military camp with other former senior officials. Three members of the *Ligue patriotique pour le developpement* (LIPAD), Patriotic League for Development, were also still in detention without trial. Two of them – Adama Toure and Arba Diallo – were former ministers in President Sankara's government. Eleven LIPAD members had been arrested in October in Ouagadougou, but the eight others were held only briefly.

In late May the authorities announced that an attempt to overthrow the government had just been discovered and thwarted. The alleged ringleader, Colonel Didier Tiendrebeogo, and 25 others were charged with plotting to overthrow the government and tried before a military court. Colonel Tiendrebeogo, four other soldiers and two civilians were tried, convicted and sentenced to death on 11 June. They were executed

the following day. Five other defendants were sentenced to imprisonment with hard labour for 15 years to life, and 14 were reported to have been acquitted. Following the executions on 12 June, Amnesty International informed the authorities of its unconditional opposition to the death penalty and called for any future death sentences to be commuted.

Many senior officials in former administrations – the Third Republic (1966-1980), the *Comite militaire de redressement pour le progres national* (CMPRN), the Military Committee of Recovery for National Progress, (1980-1982) and the *Conseil de salut du peuple* (CSP), People's Salvation Council, (1982-1983) – were tried during 1984 for alleged corruption or financial impropriety. Those concerned, at least 126 in all, included two former Presidents, Sangoule Lamizana and Colonel Saye Zerbo, a former Prime Minister, Issoufou Joseph Conombo, and at least 35 former government ministers. They were all tried in Ouagadougou and Bobo-Dioulasso by Revolutionary People's Tribunals which were reportedly made up of 18 judges, three of whom were magistrates and the remainder soldiers and civilians apparently without legal training. Defendants appear to have been allowed to state their defence although neither defence lawyers nor state prosecutors were present. Over 50 prison sentences were imposed but some were fully or partly suspended, and some of those serving sentences were released by presidential clemency in early August.



Burundi

Amnesty International was concerned about the arrest and detention without charge or trial of suspected opponents of the government and about the imprisonment of people suspected of infringing new regulations restricting religious freedom and activities.

In July, President Jean-Baptiste Bagaza announced an amnesty for convicted prisoners, which was extended to some political detainees whose long-term detention without charge or trial had been of concern to Amnesty International. They included prisoner of conscience Gaspard Karenzo, a former government minister detained since November 1982, who was arrested shortly before elections for the national assembly, in which he had been expected to stand, and detained without charge on orders of the security police. He was apparently never told the reason for his detention.

The organization was concerned also about the detention without charge of a number of students and teachers whose cases were taken up for investigation. They were arrested in February when the authorities apparently suspected that they were organizing a strike for higher student grants. They are believed to have been released in July.

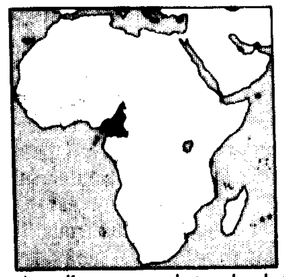
In March the Minister of the Interior, Lieutenant Colonel Charles Kazatsa, issued a document regulating meetings and religious activities to the country's 15 provincial governors. It banned religious instruction and activity during the working week and ordered all public religious services to be confined to Saturday afternoons, Sundays and public holidays. Prayer meetings in private houses were banned. The Minister also directed certain religious symbols, such as crucifixes, to be removed from public places. Restrictions were placed on how religious groups could use their funds and on how far they could become involved in social and economic issues. For example, the Christian churches had to obtain government authorization before participating in rural development projects.

Between April and July at least 30 people were detained or placed under house arrest for opposing or infringing these restrictions. They included clergy and lay members of Christian churches. Most were held for a few days only, but some were detained without charge or trial for almost two months.

In April lay members of various churches were arrested for allegedly attending religious services during the week. Then several Roman Catholic priests were arrested after making statements which the authorities interpreted as criticism of the new regulations. Among them was Abbe Edouard Kirombo, a Roman Catholic priest in Ruyigi province. He was placed under house arrest for more than a month after delivering a sermon which the authorities regarded as subversive during a service at which a crucifix was moved, in accordance with the new regulations, from outside the church to within it.

Abbé Pierre-Claver Niyorugira, Vicar General of the diocese of Ngozi, was arrested on 11 June and detained uncharged for seven weeks. He had tried to arrange financial assistance for the wife of a common law prisoner, an action which was apparently considered an infringement of the ban on unauthorized participation in social and economic affairs. He was released at the end of July during the ruling party's congress.

After the July releases Amnesty International learned of no further arrests in connection with the restrictions on religious activities. However, in September it issued a six-page document summarizing its concerns about the recent arrests and urged the government not to establish restrictions on religious activities which could lead to imprisonment for the non-violent exercise of human rights.



Cameroon

Amnesty International was concerned about the imprisonment of prisoners of conscience, some of whom were released during 1984, and the detention without trial of other political prisoners. Over 200 people, some of whom may have been prisoners of conscience, were convicted after trials which did not meet internationally accepted standards for fair trial. Amnesty International received reports of torture, and of over 120 executions, although that figure was denied by the authorities. Some of those reportedly executed were not known to have received any trial, and others were said to have been sentenced to death after summary trial procedures.

During a presidential election in mid-January, which was won by President Paul Biya, Amnesty International received reports of the detention without trial of at least 13 prisoners of conscience. Twelve people were reportedly detained on suspicion of possessing literature supporting an opposition party, or of criticizing President Biya. All had been released by June. Gabriel Nyeck Minka, a trade unionist who had lived in France for several years, was detained at Douala airport on 14 January – the day of the election – and held until April, when he was released after suffering heart palpitations.

At the end of January the only long-term prisoner of conscience adopted by Amnesty International, Martin Ebele-Tobbo, was released from Tchollirè *centre de rééducation*, "re-education" centre. He had not been tried (see *Amnesty International Report 1984*). At least two other long-term political detainees whose cases Amnesty International was investigating were also released in 1984. They were Jean Kona and Thomas Mabong, both held without trial since January 1982.

On 6 and 7 April units of the armed forces stationed in Yaoundé, the capital, attempted to overthrow the government but were defeated by units loyal to the authorities. According to the government, fighting between rival military units resulted in 70 people being killed and 265 unaccounted for. However, Amnesty International received reports suggesting that there were hundreds of deaths. On 18 April a state of emergency was declared in Yaoundé and the district of Mfoundi. This gave the authorities emergency powers of detention and permitted military tribunals to judge both civilian and military personnel suspected of crimes against state security. From late April, the Yaoundé military tribunal sat on at least six occasions to try people charged with offences arising from the attempted coup. The proceedings were held *in camera*. Many defendants were represented by lawyers. In November President

Biya announced that a total of 1,205 people had been detained on suspicion of involvement in the coup attempt, of whom 491 had been tried. Of these, he said, 232 had been acquitted, 51 had been sentenced to death, and 205 had been sentenced to terms of imprisonment. He stated that a further 52 people were awaiting trial and that one person had died in pre-trial custody. Amnesty International received later reports that three people apparently unaccounted for had been sentenced to death in their absence. However, the authorities did not reveal the names of those tried or any other information concerning the trials. It was therefore impossible to determine the fate of individual detainees from official accounts, but many were released uncharged.

From May onwards Amnesty International repeatedly urged the government to publish the names of all those convicted, together with details of the charges against them. By the end of 1984, Amnesty International believed that between 30 and 100 people detained after the coup attempt were still held without trial although President Biya stated in November that no more trials were envisaged. Amnesty International believed that some might be prisoners of conscience. One such was Ahmadou Bello, former managing director of Cameroon Airlines, arrested in April after returning to Cameroon from a business trip. He had not been present in the country at the time of the attempted coup. Another such untried detainee was Colonel Ngoura Beladji, who had reportedly remained loyal to the government during the events of 6 and 7 April but had nevertheless been detained. At least five people who had been acquitted by the Yaounde military tribunal also continued to be held. They included Nana Mamadou, a former government official, and Issa Tchiroua, an engineer, who were reportedly still detained in Yoko *prison de production*, labour camp, following their acquittal.

Amnesty International continued to call for the trial or release of long-term political detainees who may have been prisoners of conscience. They included Luc Minkoulou, an army sergeant held without trial since September 1979. He was reportedly detained after being accused anonymously of involvement in a coup attempt. He was allegedly tortured soon after being imprisoned. Amnesty International also continued to appeal for the trial or release of Winston Fonyonga, Vincent Nteh, Ferdinand Langsi and Fokemba, detained in March 1983 (see *Amnesty International Report 1984*). At the end of 1984 at least two of the four were reported still to be held, apparently without trial, at Tchollire "re-education" centre.

Amnesty International was concerned that the military tribunals were not conducted in accordance with internationally accepted standards of fair trial. In March, before the coup attempt, Amnesty International made public its concerns after the Yaoundé military tribunal had sentenced three people to death on 28 February. Commandant Ibrahim Oumarou and Captain Salatou Adamou were convicted of subversion, conspiracy and conspiracy to murder, as was former President Ahmadou Ahidjo who was convicted in his absence. The organization was concerned that the defendants were not represented by legal counsel and by allegations that the two defendants in detention had been tortured.

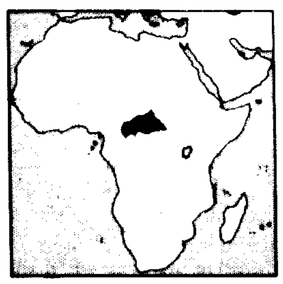
During the trials arising from the April coup attempt Amnesty International repeatedly expressed its concern that the military tribunals fell short of internationally accepted standards, notably in that they permitted no right of appeal, and that there were inadequate safeguards against the admission of evidence obtained under duress. At least one person accused of a political offence - Rose Zia - is reported to have been sentenced to a term of imprisonment by the Yaounde military tribunal after she had earlier been acquitted of the same offence by the same tribunal.

Amnesty International was concerned about reports that torture was inflicted in a room called *la chapelle*, the chapel, at the Yaounde headquarters of the *Brigade mixte mobile* (BMM), a paramilitary police force. Similar reports had been received in previous years. Prisoners were reportedly hung upside down and beaten with sticks. In March a pregnant woman was allegedly tortured in this way when she refused the sexual advances of one of her jailers, and subsequently miscarried.

Some prisoners held after the attempted coup were reportedly ill-treated in military custody, especially at the *Groupement mobile*, Mobile unit, camp in Yaounde. Some were reportedly made to crawl naked over rough ground and had urine thrown over them; one was said to have had boiling water poured on his hands when he asked for water. Many people convicted of offences arising from the coup attempt reportedly did not receive adequate food. Amnesty International was concerned about reports that eight people convicted of offences against state security had died of malnutrition by the end of the year. Up to 50 prisoners held in Yaounde central prison were reported to be weak from malnutrition and in danger of death, including Abdoulaye Mazouz, former Secretary General of the Ministry of National Education, who was also reported to have had his artificial leg removed after his arrest. Moreover, some ill prisoners were reported not to be receiving adequate medical treatment. Amnesty International urgently appealed for all prisoners to receive adequate food and medical attention.

President Biya's November announcement that 51 people had been sentenced to death after the April coup attempt did not indicate whether any death sentences had been carried out, but the President explicitly rejected the figure of 120 or more executions which had been reported by Amnesty International. Basing its opinion on reports from several

sources, including eye-witnesses, Amnesty International continued to believe that 120 or more people were executed, including individuals reportedly extrajudicially executed by government forces immediately after the coup attempt. For example, an anaesthetist who worked at Yaounde central hospital was reportedly shot by a member of the security forces on or about 8 April because he had the same family name as former President Ahmadou Ahidjo.



Central African Republic

Amnesty International was concerned about the imprisonment of prisoners of conscience; the detention without trial of other political prisoners, including some refugees; and about certain aspects of trials before the Special Tribunal, a court with jurisdiction over political cases. Most prisoners of conscience adopted by Amnesty International were freed at the end of December when the head of state ordered the release of more than 60 prisoners. Amnesty International received information about the ill-treatment of one political detainee and was also concerned that by the end of 1984 the authorities had still not commuted the death sentences imposed on three political prisoners in May 1982.

The armed conflict in neighbouring Chad resulted in many refugees entering the country. In November the border town of Markounda was attacked, apparently by Chad-based opponents of the military government. The head of state, General Andre Kolingba, claimed that this attack was carried out by supporters of Ange Patasse and former General Alphonse M'Baïkoua, both of whom were also accused of complicity in an unsuccessful coup attempt in March 1982.

During 1984 some Chadian refugees and asylum seekers were detained and some were allegedly threatened with *refoulement* (forcible repatriation). Two who had been arrested in June 1983 – Ousmane Gam and Baradine Adoum – were released in January and allowed to leave the country. However, in November a group of Chadian asylum seekers was detained, including a local government administrator, Jean Marcel Clamoungou, and an army officer, Marouf Guemourou. Several were relatives of victims of extrajudicial executions in southern Chad who themselves would be at risk if they were returned to Chad. Amnesty International called on the authorities not to repatriate them

and asked why they had been detained. Some were later released and allowed to leave the country but others were believed to be still detained at the end of 1984.

The ban on all political activity imposed in September 1981 when the military government headed by General Andre Kolingba took power remained throughout 1984 and was used by some government officials to penalize non-political acts to which they attributed a political motive.

Amnesty International was concerned at the length of time that some suspected government opponents were held in prison without trial. Criminal procedure laws were not respected, particularly those limiting to one month the period for which political suspects might be held without reference to a judge. Furthermore, members of the government were reported to have overruled judicial decisions in some cases. In March, for example, a *juge d'instruction* (investigating judge) reportedly ordered the release without charge of Joseph Potolot, who had been arrested in November 1983 and accused of assisting former Emperor Jean-Bedel Bokassa in an attempt to return to Bangui, the capital. However, the Minister of the Interior, Lieutenant Colonel Christophe Grelombe, is reported to have countermanded the release order Joseph Potolot remained in custody under an administrative detention order until his release at the end of December.

In January five people were arrested and accused of organizing opposition to the government shortly after students in Bangui went on strike in protest at a government decision to make recruitment into the civil service and the award of student grants dependent on examination results. However, the five were not accused of involvement in the student protests. They included two former prime ministers – Simon Bozanga and Henri Maidou – and Abel Goumba, the leader of the *Front patriotique oubanguien – Parti du travail* (FPO-PT), Oubangui Patriotic Front – Labour Party, who had only been released from prison a few months earlier. A number of students were also arrested but were released uncharged after a few weeks. The five detainees were not tried but banished in early February to towns or villages far from Bangui and placed under house arrest under administrative orders issued by the Minister of the Interior. They were all adopted as prisoners of conscience by Amnesty International. Their restriction orders were imposed for six months and are not known to have been formally renewed. However, the five remained under house arrest – they were each moved to different villages in March – until late December, when they were freed at the order of the head of state.

A further and related case was that of Patrice Endjimoungou, a friend of Abel Goumba. He was arrested and banished in August after asking the Minister of the Interior to ensure that Abel Goumba had

sufficient money to buy food in the village to which he was restricted. Patrice Endjimoungou was adopted as a prisoner of conscience by Amnesty International. He too was released at the end of December.

Amnesty International also adopted as prisoners of conscience a number of people detained without trial for political reasons. They included Tandalet Hozi Okito, President of the *Parti socialiste centrafricain*, Central African Socialist Party, and Michel Mangue, a teacher and former civil servant who had previously been detained without trial from March 1982 until September 1983. Tandalet Hozi Okito was arrested in January for allegedly violating the government's ban on political activities. Michel Mangue was arrested in August, apparently because he sought permission to visit the neighbouring People's Republic of the Congo and was suspected of intending to contact government opponents there. Both were released uncharged at the end of the year.

Amnesty International received reports of a number of arrests in October following a violent demonstration at a military camp in Bangui where French troops were based. Some students who had not been involved in the demonstration were arrested at the same time and released uncharged only at the end of December. Also arrested in early October were two government employees – Jean-Claude Ouaka and Pierre Sedo – who were accused of criticizing the government and insulting members of the security forces. Press reports indicated that they were brought to trial in November, but it was subsequently established that they were released uncharged at the end of the year.

At the end of December a total of 43 political detainees held while their cases were investigated were released, 12 of whom had been held for more than six months. Ten others who had been held under house arrest or in custody by administrative order were also freed. A small number of untried detainees remained in prison such as Grégoire Miango, a senior army officer arrested in October 1983 and accused of conspiring to overthrow the government. General Kolingba also decreed that 14 political prisoners convicted during 1983 and 1984 were to have their prison sentences halved at the end of the year: this was believed to have led to the release of 10 of them.

In July six people arrested in 1982 and early 1983 were tried by the Special Tribunal for alleged involvement in the coup attempt of March 1982. Five were convicted and sentenced to between five and 10 years' imprisonment and the other was acquitted. The five who were convicted had all previously appeared before the Special Tribunal in November 1983, when they had had their cases referred back to the prosecution for further inquiries. However, when they were tried again in July they were convicted largely on the evidence which had previously been considered by the same court to be insufficient. One of the five, Theodore Bagua-

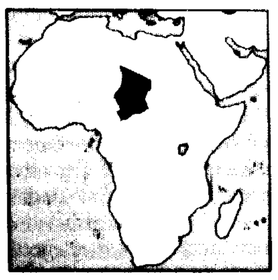
Yambo, was considered by Amnesty International to be a prisoner of conscience. He had been absent from Bangui at the time of the coup attempt but was found guilty of contravening the ban on political activities by allowing his house to be used in early 1982 for a meeting of the Political Bureau of the *Mouvement de liberation du peuple centrafricain* (MLPC), Central African People's Liberation Movement. He was sentenced to five years' imprisonment. Some of the other defendants appeared to be possible prisoners of conscience, including Jean Methet-Yapende, a MLPC supporter who had been arrested in March 1982. He received a five-year prison sentence for allegedly inciting members of the public against the security forces shortly after the coup attempt. An Amnesty International observer who attended Jean Methet-Yapende's first trial in November 1983 reported that insufficient evidence was available to convict him, but his conviction in July was based on virtually the same evidence. Both Théodore Bagua-Yambo and Jean Methet-Yapende were reported to have been released at the end of December, when their five-year sentences were halved.

The three others convicted in July were army officers. Jerôme Allam and Gaston Ouedane were ministers in the military government at the time and were accused of failing to report to General Kolingba when he summoned them by radio during the night of the coup attempt. They were convicted of complicity in an attempt to overthrow the government and were sentenced to 10 years' imprisonment. The third – Marc Gbenengaina – was imprisoned for eight years for helping one of the alleged leaders of the coup to escape. The prison sentences on the three were halved in December; they remained in prison at the end of 1984.

Amnesty International was concerned about certain aspects of this trial. One of those convicted was, in Amnesty International's view, a prisoner of conscience. Others were convicted of complicity in a coup attempt and given long prison sentences although no convincing evidence of guilt was produced in court. Moreover all those convicted by the Special Tribunal were denied the right of appeal.

Amnesty International received one report of serious ill-treatment of a prisoner. Donatien Ndamokodjiade Mboya, a soldier apparently suspected of intending to kill the head of state, was reported to have been beaten and held in handcuffs and leg-shackles for several days at a time during his interrogation in June. His alleged ill-treatment reportedly provoked other inmates of Ngaragba prison to protest to the authorities. No investigation into these allegations was known to have taken place. He was released uncharged at the end of the year.

Three political prisoners convicted by the Special Tribunal in May 1982 on charges of illegal possession of explosives remained under sentence of death throughout 1984.



Chad

Amnesty International was concerned about the "disappearance" or extrajudicial execution of hundreds of people detained by forces loyal to the government of President Hissein Habre. Many of the victims may have been prisoners of conscience. The organization was also concerned about the detention without trial of suspected opponents of the government, some of whom may have been prisoners of conscience. Amnesty International also received reports of the detention without trial of political opponents by the *Gouvernement d'union nationale de transition* (GUNT). Transitional Government of National Unit, which claimed to be the legitimate government of Chad and which controlled territory in the north of the country.

Armed clashes continued between government troops and armed forces loyal to the GUNT under ex-President Goukouni Oueddei, although apparently on a lesser scale than in 1983. The government also faced armed insurrection in parts of southern Chad from groups which it alleged received support from both Libya and the GUNT. Foreign involvement in the internal conflict continued: the GUNT was supported by Libyan armed forces, and the government received help from French and Zairian military forces. However, in September the French Government announced that it had reached an agreement with the Libyan Government to withdraw their respective armed forces from Chad. The Zairian authorities subsequently announced their intention to withdraw too. By the end of 1984 several thousand foreign troops had withdrawn, however, French military advisers remained in Ndjamena, and there were reports that over 1,000 Libyan troops remained in northern Chad.

Most reports of "disappearances" and extrajudicial executions were received from southern Chad, between September and November, when government troops moved through the southern prefectures of Moyen Chari, Logone Oriental, Logone Occidental and Tandjile, apparently to counter attacks on government forces by armed opponents called *commandos* or *"codos"*. At least 80 former *commandos* were reportedly executed at Deli in Logone Occidental on 27 September after surrendering to government forces. However, not all the victims of "disappearance" and extrajudicial execution were armed opponents of the government. Some were apparently suspected only of sympathizing with armed opponents of the government. Still others were penalized because of acts attributed to members of their families or to residents

of areas where they had administrative responsibility. For example, following the arrest in September of more than 50 officials and community leaders at Sarh, apparently in reprisal for attacks on government forces in Moyen Chari, some were reported to have "disappeared". In one such case El Hadj Baba Traore, a town councillor, was reported to have "disappeared" after being detained on 25 September.

Other people were reportedly killed by government forces in apparently random attacks intended to intimidate the local population. Witnesses said that a number of villages were burned and residents killed in the Moïssalla district of Moyen Chari in early September, apparently in reprisal for the killing of a local administrator. Among the dead were Dai-Assei, a former soldier, at Moïsalla, and Jean Sou at Bekourou, killed on 9 September. Amnesty International obtained the names of over 200 individuals reported to have been executed or to have "disappeared" after being detained by government forces.

On 8 November Amnesty International publicly appealed to the government of President Habre to halt all such political killings and to ensure that all detainees were protected from ill-treatment. In response, government ministers denied that the political killings and "disappearances" described had taken place and said that the organization could send a delegation to Chad. Amnesty International informed the authorities on 16 November that it would send a mission to Chad in December to investigate its concerns and to discuss them with government representatives. However, on 23 November the government told Amnesty International that its mission proposal was being considered and a suitable date would be proposed shortly.

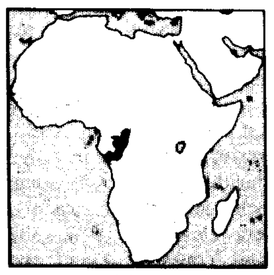
Amnesty International also investigated the cases of political detainees who may have been prisoners of conscience. Among these were over 50 people reportedly detained at Abéché in July 1983, apparently on suspicion of being GUNT sympathizers. They included El-Hadj Ali Mohamed, the Imam of the Cheikh el Fakhara mosque; members of the family of the Sultan of Abéché; and farmers, traders, administrators and artisans. At least two were released in 1984 - the religious leader El-Hadj Ali Mohamed, and Youssouf Assad, the director of a transport company - however, the fate of others remained unclear.

Another prisoner whose case was under investigation by Amnesty International was reported to have "disappeared". Pierre Ousmane Touadé, a lawyer and journalist and former leader of the *Parti national pour le developpement du Tchad* (PNDT), National Party for the Development of Chad, was reportedly detained at Moundou in August 1982 because of his political opposition to the government. No information about him was received from the authorities but Amnesty

International received reports from former prisoners that he had been killed in late 1982 or early 1983 in a detention centre controlled by the *Departement de la documentation et de la securite* (DDS), Documentation and Security Department, a security service.

Over 150 political detainees were released uncharged during the year. For example, Georges Sylvestre, a post office official detained at Ndjamena in August 1983 apparently on suspicion of being involved with the GUNT, whose case was being investigated by Amnesty International, was released in May. The authorities announced the release on 7 June of 150 prisoners in an amnesty to mark the second anniversary of the occupation of Ndjamena by forces loyal to Hissein Habre. Amnesty International asked the authorities for the names of those released but was unable to ascertain their identities.

Amnesty International also received reports that at least 10 people were held on political grounds by forces loyal to the GUNT in northern Chad who might be prisoners of conscience. They included Acheikh Ibn Oumar, the Secretary General of the *Conseil democratique revolutionnaire* (CDR), the Revolutionary Democratic Council, which had previously supported the GUNT. He was detained on 4 November, apparently because of his opinions on relations between the GUNT and Libya.



Congo

Amnesty International was concerned about the long-term detention without trial and torture of political prisoners, some of whom were believed to be prisoners of conscience. It was also concerned by the use of the death penalty.

Amnesty International knew of 15 detainees held without trial apparently accused of being responsible for bomb explosions in Brazzaville in March and July 1982 or of supplying explosives to an opposition group in the neighbouring Central African Republic. Most of the detainees were held in Brazzaville either at the headquarters of the *Direction generale de la sécurité de l'Etat* (DGSE), General Directorate of the Security of the State, or in prison. However, some were reportedly taken to the *Cité des 17*, an estate on the edge of Brazzaville, and tortured during interrogation by the DGSE. The detainees included Bernard Kolelas and his close relative, Philippe Bikinkita, both of whom were

arrested in 1982 apparently in connection with one of the bomb explosions. Most of the 10 others detained in connection with the incident were freed in an amnesty in August 1983. At that time, the President of the Supreme Court told Amnesty International that Bernard Kolelas and all the others had been released but the organization learned later that in fact Bernard Kolelas, Philippe Bikinkita and Eugène Madimba were still being held in incommunicado detention. They were still being held in detention without trial at the end of 1984.

The code of penal procedure requires all detainees' cases to be referred for investigation by a *juge d'instruction* (investigating judge), but it appears that in practice the DGSE has unchallenged powers to keep detainees in custody indefinitely, incommunicado and without charge or trial. The judiciary appears to have no jurisdiction over such detainees and in April the President of the Supreme Court told Amnesty International that he could provide it with no information about Bernard Kolelas; only the DGSE could do so.

Bernard Kolelas had previously been detained in August 1978 and held for a year for alleged complicity in a plot to overthrow the government, but he was not brought to trial and there seems actually to have been no plot. He is reported to have been tortured then, and again following his arrest in May 1982. An official commission of inquiry in 1982 reportedly found no evidence implicating him in the bomb explosions, which he is known to have condemned. He was adopted as a prisoner of conscience by Amnesty International.

Five other people were arrested in late 1983 or in 1984 for alleged complicity in bomb explosions in Congo and the Central African Republic in 1981 and 1982. They included Claude-Ernest Ndalla, a former senior official of the ruling *Parti congolais du travail* (PCT), Congolese Labour Party, who had previously been imprisoned several times and had been adopted as a prisoner of conscience by Amnesty International from 1977 to 1979. He was arrested in March and reportedly held incommunicado at the *Cité des 17* by the DGSE, where he is alleged to have been induced by drugs to confess to involvement in the explosions. In July Jean-Pierre Thystere-Tchicaya, PCT Secretary for Ideology, was dismissed and later reportedly arrested because Claude-Ernest Ndalla's confession apparently implicated him in the explosions. At the end of 1984 Claude-Ernest Ndalla was still held without trial. His case was taken up for investigation by Amnesty International.

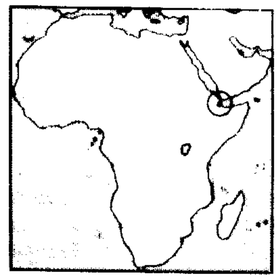
Several soldiers arrested in late 1983 and during 1984 and accused of complicity in the 1982 bomb explosions remained in detention without charge or trial at the end of the year. They included Daniel Biampandou, who is alleged to have been beaten and tortured with

electric shocks after arrest, Pascal Nyanga and Lieutenant-Colonel Blaise Nzalakanda.

Amnesty International was also concerned about the detention without charge of two men arrested in mid-1983, apparently because they had worked closely with Florent Ntsiba, a government minister dismissed from office in April 1983. Madzou and Missie were reportedly tortured after their arrest and were held incommunicado at the DGSE headquarters in Brazzaville during the first half of the year. It was not known if they were still in custody at the end of 1984.

In November, President Denis Sassou Nguesso announced the release of former President Joachim Yhombi-Opango, who had been detained without trial since being deposed in February 1979. Amnesty International had repeatedly expressed concern about his long-term detention without charge or trial. When he announced his predecessor's release, President Sassou Nguesso also indicated that other political prisoners were being freed. However, according to unofficial sources, the only prisoners set free were a group of soldiers arrested in 1977 in connection with the assassination of President Marien Ngouabi. Two months earlier the only convicted political prisoner known to Amnesty International was released. Jacob Bantsimba had been sentenced in his absence to 20 years' imprisonment in January 1978 for his alleged part in digging up the corpse of former President Massamba-Debat soon after his summary execution in March 1977. Jacob Bantsimba returned from exile in 1981 and was arrested and taken to Brazzaville prison to serve his sentence, although all the other prisoners convicted at the same trial had been released in August 1979. Amnesty International had been investigating his case.

Amnesty International learned of two death sentences imposed in January and April on prisoners convicted of murder. Both were allowed to appeal, but the results were not known at the end of 1984. It was not known if any executions took place.



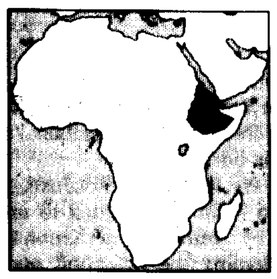
Djibouti

Continuing concern about earlier allegations of torture and the situation of Ethiopian refugees were Amnesty International's major concerns during 1984.

On 12 January, the Minister of Justice and of Islamic Affairs responded to an inquiry made by Amnesty International in 1983 concerning the detention and alleged torture of Ali Mohammed Houmed (known as "Moyale"), Hussein Houmed Ahmed and seven other people suspected of belonging to an opposition group called the *Mouvement populaire de liberation* (MPL), Popular Liberation Movement. The nine, apparently suspected of having committed acts of political violence between 1977 and 1979, had been detained in 1983 after returning from exile in Ethiopia. The Minister informed Amnesty International that they had been charged with offences against state security and with criminal offences. He stated that normal judicial procedures were being followed and that none of them had been tortured. All nine were reportedly released in November 1984, at least five of them without trial.

In December Amnesty International received reports that at least 18 further alleged members of the MPL had been detained on returning to Djibouti from Ethiopia. They were apparently suspected of being involved in acts of political violence. At least five of the 18 were reported still to be detained at the end of 1984. They included Mohamed Kamil, the former secretary-general of the MPL, as well as a former gendarme and a former soldier.

In November representatives of the Governments of Djibouti and Ethiopia and the UN High Commissioner for Refugees (UNHCR) met to consider the program of voluntary repatriation of Ethiopian refugees in Djibouti which began in September 1983. They decided to end the program on 31 December 1984. By then, some 32,000 refugees had returned to Ethiopia from Djibouti, either individually or under the auspices of the UNHCR program. Amnesty International received allegations that some refugees were forced to register for the voluntary repatriation program but was unable to verify them. Up to 3,000 Ethiopian refugees were still in Djibouti at the end of 1984 and Amnesty International remained concerned that individuals facing imprisonment as prisoners of conscience, torture or execution in Ethiopia should not be involuntarily returned there.



Ethiopia

Amnesty International was concerned about the imprisonment of prisoners of conscience, some of whom had been held for over 10 years, and the detention without trial of other suspected opponents of the government. The fate of 15 political prisoners who "disappeared" in 1979 still remained unclarified by the authorities. Amnesty International also received reports of torture and ill-treatment of political prisoners, and allegations that some were executed extra-judicially.

A severe famine affected several parts of the country causing thousands of deaths and the displacement of several hundred thousand other people, some of whom fled to neighbouring countries. There was also continued armed opposition to the government in several areas, notably Eritrea, Tigray, Wollega and Hararghe regions. Many civilians in these areas were reportedly arrested by government security forces on suspicion of links with opposition guerrilla organizations and there were also reports of extrajudicial executions of unarmed civilians by the security forces. On 19 October, 23 people – including foreign nationals and a representative of the International Committee of the Red Cross – were abducted by the Tigray People's Liberation Front and Ethiopian People's Democratic Movement. However, they were all released by the end of the following month.

On 5 February the government acknowledged the detention in Addis Ababa two months earlier of 18 alleged members of a clandestine opposition organization, the Ethiopian People's Democratic Alliance. They were accused of distributing anti-government leaflets and plotting against the government. They included Asegahegn Araya, a former senator, Berhe Beyene, an official of the Ethiopian Orthodox Church, and Mengesha Gebre-Hiwot, a former assistant Minister of Education. By the end of 1984 they were all still detained without charge. Some were reportedly held in the Central Prison in Addis Ababa while others were believed to be held in the Central Revolutionary Investigation Department (known as the "third police station") in Addis Ababa. Some had allegedly been tortured after their arrest. Amnesty International was investigating their cases as possible prisoners of conscience.

In early 1984 several hundred people were arrested in Tigray region reportedly for seeking greater Tigrayan representation in the government. They included several prominent local government officials such as

Berhane Mamo, mayor of Makalle and Beyene Abraha, governor of Agame district. They were believed to be held in a security detention centre in Makalle where torture was allegedly routine and were still detained without charge at the end of the year. Amnesty International was collecting information to assess whether they might be prisoners of conscience.

On 21 April about 40 members of the Ethiopian Evangelical Mekane Yesus Church, an affiliate of the Lutheran World Federation, were arrested in Dembi Dollo in Wollega region after attending a church service. They were reportedly accused of defying an official order which prohibited the service and ordered the closure of churches in the area. More than half were released uncharged after a short time but 17 were still detained without trial at the end of 1984. They included the Reverend Ula Fituma and other pastors, teachers and farmers. They were all adopted as prisoners of conscience by Amnesty International.

On 5 September the government announced the release of 96 political prisoners. Although it did not disclose details, they were believed to be former members or supporters of the government or of political organizations which had at one time supported the government, such as the All-Ethiopia Socialist Movement (*Me'isone*). They had been held without charge or trial since being detained on various occasions during the previous seven years. Amnesty International welcomed these releases, which were linked to the 10th anniversary of the revolution and the establishment of the Workers Party of Ethiopia (WPE). Amnesty International called for a general amnesty for all political prisoners.

Among those still imprisoned for whom Amnesty International continued to appeal were 10 relatives of the late Emperor Haile Selassie, detained without charge or trial since the overthrow of his government in 1974. They were apparently held because of their family connection with the overthrown government, although all former members of the government detained in 1974 had been released uncharged by the end of 1983. The 10 prisoners were Tenagnework Haile-Selassie and her four daughters, Sara Gizaw and her three sons, and Zuriashwork Gebre-Igziabeher. All 10 were held in Addis Ababa's Central Prison.

More than 100 prisoners of the Oromo ethnic group arrested in February 1980, mostly in Addis Ababa, continued to be detained throughout 1984 at the Central Prison and the "third police station" in Addis Ababa (see *Amnesty International Report 1984*). They had apparently been suspected of supporting the Oromo Liberation Front (OLF) and many had reportedly been tortured. Abba-Biyya Abba-Jobbir, a High Court judge, Tsehai Tolessa, the wife of the "disappeared" Reverend Gudina Tumsa (see below), Martha Kumsa, a journalist, and

Zegeye Asfaw, a former Minister of Law and Justice, were among over 40 of these prisoners whose cases had been taken up by Amnesty International, most of whom were adopted as prisoners of conscience.

Amnesty International continued to call for the release of the Reverend Olana Lemu and others imprisoned in harsh conditions at Nekemte, apparently for their religious activities as members of the Ethiopian Evangelical Mekane Yesus Church. The government had alleged in 1981 that the church supported the OLF which the church strongly denied. Four members of the church from Wollega region who had been detained without trial since 1979 were released in early 1984.

Members of certain other smaller churches were also reportedly detained during 1984, particularly in Wollega region, for alleged opposition to government policies. There were reports that some members of the Beta Israel community (known as *Falashas* or Ethiopian Jews) were also imprisoned for practising their religion or for attempting to leave the country illegally to emigrate to Israel.

Amnesty International continued to investigate the imprisonment on political grounds of three Ethiopian employees of the UN Economic Commission for Africa, arrested in Addis Ababa at various times since 1979. A fourth local UN staff member, Shimelis Teklu, was arrested in January. All four were still detained without charge at the end of 1984.

Many other political prisoners were reported to be held in 1984, particularly in Addis Ababa and in areas where opposition guerrilla organizations were active. Amnesty International was unable to estimate the number of prisoners of conscience and other political prisoners; it believed that those it knew about were only a small proportion of the several thousand in prison in 1984. There were reportedly over 1,500 political prisoners in the Central Prison in Addis Ababa alone, including many long-term untried detainees. Political prisoners were also held in the "third police station" in Addis Ababa, some for over four years without charge or trial. Torture was reportedly routine in this prison.

In Eritrea, several hundred political prisoners were reportedly detained in Sembel prison and Haz-Haz women's prison in Asmara on suspicion of links with guerrilla organizations. Many had allegedly been tortured in Mariam Gimbi security prison in Asmara. Their cases were reportedly reviewed by a secret security committee which imposed sentences without any formal trial taking place. Some prisoners were reportedly executed in secret outside the prison. Some hundreds of political prisoners were allegedly also detained without trial in Makalle prison in Tigray region, accused of links with the Tigray People's Liberation Front. Many had allegedly been tortured in security detention centres.

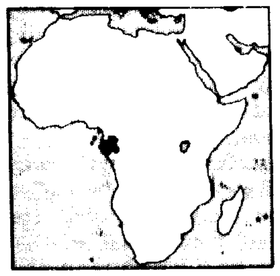
Some prisoners were reported to have been arrested for refusing or

trying to evade compulsory military service. A number were reportedly held for trying to leave the country illegally, in most cases without being brought to court. Amnesty International was investigating allegations that people who had fled to another country, such as Djibouti, to seek asylum had been returned to Ethiopia against their will and imprisoned there, but was unable to substantiate these allegations.

Amnesty International continued to press the authorities to clarify the fate or whereabouts of 15 political detainees who "disappeared" in July 1979 after being taken from prison in Addis Ababa. The government denied that they had "disappeared" but by the end of 1984 had failed to provide any evidence that they were still alive. Most were feared to have been secretly executed soon after their "disappearance". It was widely believed that the Reverend Gudina Tumsa, general secretary of the Ethiopian Evangelical Mekane Yesus Church, who "disappeared" after being abducted in July 1979 allegedly by people acting for the government, had also been secretly killed.

Torture of people arrested on political grounds was reportedly routine. Amnesty International received allegations of torture in Addis Ababa, Asmara, Makalle, Nekemte and Harar among other places. Torture methods reportedly included beatings on the soles of the feet while the victim was suspended upside down and electric shocks. Detainees under interrogation were reportedly held incommunicado in overcrowded and unhygienic conditions. Several prisoners allegedly died following torture and the denial of medical treatment.

Prison conditions in the Central Prison in Addis Ababa and other civil prisons were said to be poor. Although detainees were allowed to receive food and certain other basic necessities from relatives, some correspondence and occasional visits, medical treatment was often inadequate and hygiene poor, due to overcrowding and inadequate facilities.



Gabon

Amnesty International was concerned about the continuing imprisonment of 18 prisoners of conscience and three other political prisoners who may have been prisoners of conscience. However, by the end of the year 10 of the prisoners of conscience had been released as a result of presidential acts of clemency, and one other was due for release on expiry of sentence. Amnesty International was also concerned about reports of unfair trials and ill-treatment of prisoners.

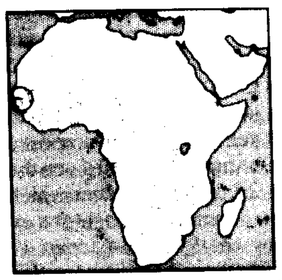
President El Hadj Omar Bongo announced three measures of clemency to mark political anniversaries. In March he reduced the prison terms of 17 prisoners of conscience by three years and as a result Louis-Marie Aubame was released. All 17 had been convicted of threatening state security in 1982 after a trial which Amnesty International considered to be unfair (see *Amnesty International Report 1984*). In December two further presidential decrees led to the release of nine others, including Luc Bengono-Nsi and Moubamba Nziengui, who were both suffering from psychological disorders which were apparently not treated in prison. However, some of the nine continued to be restricted after their release. Among the remaining prisoners of conscience at the end of 1984 were Michel Ovono, a mining engineer, and Jean-Pierre Nzoghe-Nguema, a former rector of Omar Bongo University, who were serving sentences of up to 12 years' hard labour. Another prisoner of conscience – Serge Edouard Etsine – was due for release after serving a three-year sentence imposed in December 1981, but Amnesty International was unable to confirm that he had been freed. He had reportedly been convicted by the *tribunal correctionnel de Libreville*, Libreville Criminal Court, for writing a document criticizing a government minister.

Amnesty International continued to investigate the cases of three other prisoners who may have been prisoners of conscience. It asked the authorities for further information about Bonaventure Bidza, reportedly sentenced to eight years' imprisonment by the State Security Court in 1981, but received no substantive reply. Amnesty International had received reports that he was convicted because he had written a magazine article considered subversive by the government.

In April Amnesty International published a document on its concerns in Gabon. These included the imprisonment of prisoners of conscience; reports of torture and ill-treatment of prisoners; and unfair trials. The document contained detailed notes by an Amnesty International

observer on the November 1982 trial before the *Cour de surete de l'Etat*, State Security Court, of 37 people accused of threatening state security. The 37 were alleged to have belonged to an illegal group which criticized the government and sought to change Gabon's constitution. Amnesty International considered that the proceedings fell short of internationally recognized standards for a fair trial, particularly because little or no relevant evidence was produced by the prosecution. For example, in the case of Jean-Marc Ekoh, who was still imprisoned at the end of 1984, no evidence was produced to support the charge of threatening state security. Amnesty International believed that the people convicted in this trial were prisoners of conscience imprisoned for exercising their right to freedom of expression, irrespective of whether or not proceedings at their trial met internationally accepted standards. However, Amnesty International appealed to the authorities to review the structure and functioning of the State Security Court, and to review the case of any other prisoners convicted by the court in previous years. It also continued to call for the release of all remaining prisoners of conscience convicted in November 1982. Amnesty International urged the authorities to investigate reports that prisoners had been ill-treated or tortured. It also urged the abolition of the death penalty.

In April Amnesty International submitted information about its concerns in Gabon under the UN procedure for confidentially reviewing communications about human rights violations. The submission urged the UN to take all appropriate steps to redress the cited violations.



Gambia

Amnesty International was concerned about the detention without charge or trial of suspected opponents of the government, some of whom were believed to be prisoners of conscience, and about the continued passing of death sentences.

Amnesty International continued to appeal for the release of seven people who had been arrested in late October 1983, apparently on suspicion of having published or distributed a political pamphlet criticizing government policies. This anonymous pamphlet, titled *The Voice of the Future*, was reported to have appeared first in the late 1970s and thereafter to have circulated periodically until an abortive attempt to overthrow

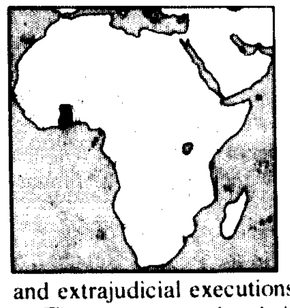
the government by force in July 1981. The seven detainees included Samuel Sarr, a teacher, Amie Sillah, a health inspector, and Halifa Sallah, a sociologist. In early April six of the detainees were charged under the Societies Act of 1970 with having "managed or assisted in managing" an unlawful society and with publishing and circulating *The Voice of the Future*. These offences, upon conviction, would have incurred up to five years' imprisonment. However on 25 April, after brief legal proceedings, the charges were withdrawn and the six defendants were reported to have been released on 12 May.

Momodou Saho, the one person arrested in October 1983 who was not charged in April, continued to be detained without charge and was considered by Amnesty International to be a prisoner of conscience. The organization made renewed appeals for his release. He was freed on 27 July, apparently on the orders of President Dawda Jawara.

Earlier, on 3 July, the authorities released six other uncharged detainees who had been held since November 1983. They were all members of the security forces and were reportedly arrested as a result of continuing investigations into offences committed during the coup attempt of July 1981. They included two gendarmerie officers - Chief Inspector Baba Shylon and Inspector Seydou Juwara - a police sergeant, Lang Kinteh, and three members of the Pioneer Unit in Farafenni. Amnesty International had called on the authorities to bring them to trial promptly or release them.

In May Amnesty International received information that over 25 people had been arrested in the preceding weeks for allegedly distributing leaflets which criticized government restrictions on trade union activity. They were all believed to have been subsequently released uncharged, in some cases after some weeks in detention. They included several students, clerical workers and agricultural technicians.

There were further trials during 1984 before the Special Division of the Supreme Court in connection with offences allegedly committed during the failed coup attempt in July 1981. All those on trial were defended by lawyers and no procedural irregularities were reported to Amnesty International. In all, 26 death sentences were imposed between January and the end of April 1984, bringing the total since the trials began in late 1981 to 63. In February, 27 death sentences which had earlier been confirmed on appeal were commuted to terms of imprisonment on presidential order. During the year, the Court of Appeal confirmed the death sentences imposed on 25 prisoners, but quashed eight others commuting three to prison terms and ordering the release of five prisoners. By the end of 1984 none of the prisoners sentenced to death by the Special Division of the Supreme Court had been executed but the presidential decision as to whether to commute the remaining 25 death sentences confirmed on appeal was still awaited.



Ghana

Amnesty International was concerned about the imprisonment of prisoners of conscience and the detention without trial of people held on political grounds. It was also concerned about the "disappearance" of one detainee who may have been a prisoner of conscience, about unfair trial procedures, and about judicial executions and extrajudicial executions by the security forces.

The government, headed by Flight-Lieutenant Jerry John Rawlings, continued to face armed opposition from members and former members of the armed forces and at least two coup attempts were reported during 1984. A number of people apparently suspected of trying to overthrow the government were reportedly executed by the security forces without trial, or after being convicted in their absence.

Amnesty International investigated the cases of over 30 political prisoners or detainees and adopted five of them as prisoners of conscience. All five - a newspaper proprietor, two journalists and two lawyers - were released during 1984. The proprietor, Thomas Quarshie Thompson, was released uncharged in April after having a stroke. He had reportedly been detained because of criticism of the government in his newspaper, the *Free Press*. The two lawyers - Obeng Manu and Sam Okudzeto - were freed in May. They too had been detained since June 1983 for criticizing the government. The two journalists who worked for the *Free Press* - John Kugblenu and Mike Adjei - were released in July. Other prisoners who might have been prisoners of conscience and whose cases were investigated by Amnesty International included at least six people who had been detained without trial since January 1982. At least three of the six remained in untried detention at the end of 1984. They included Riley Poku and Dr John Nabila, respectively Minister of Defence and Minister of Presidential Affairs in the government of Dr Hilla Limann, which was overthrown on 31 December 1981. Fourteen other prisoners whose cases were taken up for investigation by Amnesty International as possible prisoners of conscience were members of the armed forces, apparently held on suspicion of involvement in attempts to overthrow the government. They included Samson Nyame Bekyere, an army corporal, and Private S. K. Amonsah-Dadzie, both of whom had been acquitted by a Public Tribunal in August 1983 of attempting to overthrow the government, but were detained again immediately afterwards. Also being investigated by Amnesty International was the case of Andrews Asare Kwame Pianim, an economist convicted on 2 August 1983 of preparing to

overthrow the government and sentenced to 18 years' imprisonment. A member of the five-person panel which had heard his case later stated that the panel had been directed by the authorities to convict him. Several other political detainees whose cases had been taken up for investigation by Amnesty International were released during the year. For example, George Garbrah, a former deputy minister of defence, was released in February, after being held without trial since January 1982.

In May the government stated that David Akwasi Aboagye, a Ghanaian who had sought political asylum in the Federal Republic of Germany (FRG) in September 1980, had been deported by the FRG authorities in November 1983 and by mid-1984 was living in Ghana. However, some FRG newspapers had claimed that David Akwasi Aboagye had been summarily executed after returning to Ghana, and the Ghanaian Government statement said that David Akwasi Aboagye's death had been reported by Amnesty International. On 26 June Amnesty International informed the authorities that neither the International Secretariat of Amnesty International nor its section in the FRG had initiated any action on his behalf or reported his death.

In its letter of 26 June Amnesty International sought information about Manny Asiedu, a businessman who was reported to have "disappeared" after being detained by soldiers at his home in Accra on 17 June. The soldiers were reportedly trying to find an army officer wanted for plotting to overthrow the government. On 30 October Amnesty International was informed that the government had no record of Manny Asiedu's arrest or imprisonment, and that his current whereabouts were unknown. In view of the fact that it had received eye-witness reports of Manny Asiedu's arrest by uniformed soldiers, Amnesty International subsequently asked the government whether there had been any police investigation into Manny Asiedu's "disappearance", and if so to make the findings public. The organization had received no reply by the end of 1984.

In July Amnesty International made public a memorandum concerning the Public Tribunals which it had sent to the government in October 1983. This referred to the findings of an Amnesty International observer who had attended sessions of the Public Tribunals in August 1983 and had discussed their procedures with officials and members of the government. In the memorandum Amnesty International expressed the view that trials before the Public Tribunals were unfair in certain respects, notably because the burden of proof was placed upon the defendant in some cases, and because the right of appeal to a higher court was denied. The organization recommended 10 changes to the structure and procedures of the Public Tribunals in order to bring them into line with internationally accepted legal standards. They included:

introducing the right of appeal to a higher court with a composition different from that of the Public Tribunals and including at least one legally trained officer; that at least one qualified and experienced lawyer should sit on each Public Tribunal and be responsible for deciding questions of law; and that the standard of proof to be applied should be clarified.

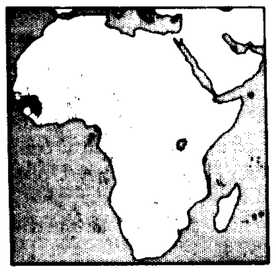
The government had announced in 1983 that it intended to establish an appeals procedure for people convicted by Public Tribunals, but this was not established until August, when the government introduced the Public Tribunals Law 1984, Provisional National Defence Council (PNDC) Law 78. However, Amnesty International noted that PNDC Law 78 contained no safeguards to ensure that the composition of the National Public Tribunal – the body empowered to hear appeals – was different from that of the tribunal of first instance. Moreover, it remained unclear which court had jurisdiction over which offences. Other concerns described in the October 1983 memorandum on the Public Tribunals also remained.

Although some prisoners held in civilian prisons reportedly received inadequate medical care, all the cases of ill-treatment reported to Amnesty International concerned people held in military custody. For example, Victor Agbewali, a civilian, was reported to have suffered serious damage to his eyesight as a result of being beaten when he was detained at Gondar barracks in May, reportedly on suspicion of illegally possessing a firearm. He was subsequently released but required hospital treatment. In the same month a political detainee, Corporal George Namale, was reported to have been threatened with summary execution during interrogation by a senior member of the government. He was apparently suspected of involvement in a coup attempt and had been extradited from Burkina Faso (formerly Upper Volta) in late 1983. Amnesty International urgently appealed to the authorities to respect his fundamental right to life. He was not known to have been tried or released by the end of 1984.

At least 25 people were executed by firing-squad during 1984. Sixteen had been sentenced to death by Public Tribunals for offences including murder, armed robbery, attempting to overthrow the government and smuggling. Those executed included at least three members of the security forces convicted of murder. At least 14 other people were sentenced to death by Public Tribunals, or by military tribunals which heard cases against military defendants only, but were not known to have been executed. They included nine soldiers convicted of offences against state security who had apparently left the country and were sentenced to death in their absence in April. In September Amnesty International noted broadcasts by the Secretary of the Interior stating that the death penalty might henceforth be imposed by Public Tribunals

on people convicted of "all major forms of economic crimes". It continued to appear that the Public Tribunals could impose death penalties at their discretion.

Among the 25 people known to have been executed during 1984 three had been sentenced to death by Public Tribunals in their absence. Lance Corporal Halidu Giwa, Sergeant Abdul Malik and Corporal Martin Adjumba were convicted in August 1983 of attempting to overthrow the government. They were detained on 23 March, after entering Ghana illegally, and executed the next day. At least nine other people were also detained on 23 March, apparently on suspicion of attempting to overthrow the government. They too were executed the next day – without any known trial. They included Lance Corporal Djabaa, Warrant Officer Frimpong, and Lance Corporal Sarkodie. All were reported to have been executed while being held in military custody in or near Accra. A civilian businessman, John Ofori Wilson, was reported to have been extrajudicially executed by the security forces also on 24 March. He was arrested in Accra and was apparently unarmed at the time.



Guinea

Major political changes affecting human rights followed the death in late March of President Ahmed Sekou Toure. Under his administration, Amnesty International had been concerned about the detention without trial of large numbers of suspected critics of the government, many of whom "disappeared" or were tortured or killed in detention. Following his death, the armed forces took power and immediately started a process of reform which was still continuing at the end of 1984. Political prisoners were released, restructuring and reform of the judiciary began, and an official inquiry was established into the fate of some thousands of prisoners who "disappeared" in detention during President Sekou Toure's long rule. An Amnesty International mission visited the country in October to assess these changes.

The armed forces seized power on 3 April and formed a government known as the *Comité militaire de redressement national* (CMRN), Military Committee for National Redress, and suspended the constitution. They also disbanded the National Assembly and dissolved the country's sole political party, the *Parti démocratique de Guinée*

(PDG), Democratic Party of Guinea, and all the political structures and organizations which it had controlled. In its first public statements the new government declared that it would give priority to the protection of internationally recognized human rights and would seek to guarantee freedom of expression, movement and trade union activity. It also stated that the thousands of political prisoners who had "disappeared", died or been killed in prison were "martyrs" who had "lost their lives simply because they wanted to express their opinions on the country's future" and that they "would be rehabilitated". An official inquiry was subsequently established to investigate the fate of these prisoners and to look into the numerous cases in which the property of political detainees and their families had been confiscated.

The new government immediately released all political detainees. At least 200 were reportedly released on 3 April from the main detention centre, Camp Boiro, in the capital, Conakry. Some had apparently been detained on suspicion of complicity in various alleged plots against the government. Others had been detained for several years apparently because they were relatives or friends of alleged opponents of President Sekou Toure's government. As Amnesty International had previously reported, political detainees in Guinea had usually been held without charge or reference to any independent judicial authority. Many of them had their cases investigated by the *Comité révolutionnaire*, Revolutionary Committee, a body made up of senior political officials and relatives of the President, which met in closed session at Camp Boiro and often had detainees tortured to extract confessions. Released prisoners confirmed that various methods of torture were systematically used: electric shocks, beatings, burning with cigarettes, and the so-called *diète*, "diet" – deprivation of food or water for days at a time.

Some 40 government ministers, senior PDG officials and relatives of the late President, including members of his immediate family, were arrested when the armed forces took power. Some of them had been members of the Revolutionary Committee. At least 15 soldiers accused by the new government of attempting to organize a counter coup shortly after 3 April were also detained. The CMRN said that they would all be tried in public and that leading members of the former administration would be charged with corruption, embezzlement and other economic offences. Later, however, they said that some would also face charges of murder and other offences relating to human rights violations. The new President, Colonel Lansana Conte, and various government ministers all said during 1984 that these cases would not result in the death penalty.

In mid-June major reforms of the judiciary were announced following a week-long *Conférence nationale de la justice*, National Conference on Justice. Tribunals created under the previous administration, over

which PDG officials had presided, were abolished and their jurisdiction over civil and some criminal matters was transferred to newly created local courts and justices of the peace. The Supreme Revolutionary Tribunal, a court composed of members of the National Assembly with jurisdiction to try political cases, was also abolished. Its powers were transferred to the *Haute cour de justice*, High Court of Justice, a court which had not functioned in President Sekou Toure's time. A new Supreme Court was also established and the responsibility for the administration of prisons was returned from the Ministry of the Interior to the Ministry of Justice.

More than 200 people were arrested in September after violent protests at Kamsar following the death in police custody of Kerfalla Cisse, a criminal suspect. In mid-October, 16 of those arrested were sentenced to prison terms ranging from one to five years and the remainder were fined and released. Four police officers were reported to have been charged in connection with Kerfalla Cisse's death.

In early October an Amnesty International delegation visited Guinea to assess developments, seek information about those who had "disappeared" in prison, and inquire into the needs of former prisoners, particularly those requiring medical treatment. Meetings were held with President Lansana Conte, the Prime Minister and other senior government and judicial officials, including members of the *Commission nationale d'enquête*, National Commission of Inquiry, established to investigate the cases of "disappeared" prisoners. President Conte reaffirmed the government's commitment to human rights and its opposition to torture, and stated that he would not wish to see the death penalty imposed in any of the cases against former government officials.

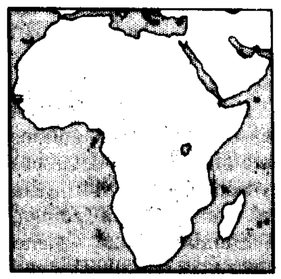
Amnesty International's delegates also met representatives of a newly formed *Association des anciens detenus politiques*, Association of Former Political Detainees, who helped arrange three days of public meetings for the delegates in Conakry's *Palais du peuple*, People's Palace. They were attended by several hundred released prisoners, their relatives and relatives of "disappeared" prisoners. At these meetings Amnesty International's delegates received numerous oral and written testimonies about political imprisonment in Guinea from as early as 1961; information about penalties imposed by the previous government on relatives and close friends of political detainees; and details of acute medical and other needs of former prisoners. Much of the information in the testimonies had apparently not been made public before, and referred to prisoners who had been secretly executed, often by means of the *diete noire*, black diet, total deprivation of food and water until death, or who had died under torture or as a result of ill-treatment. Several former detainees said that they were among at least 70 farmers from Benty who had been arrested in January 1984 following protests

over taxes. They said they had all been tortured and that this had resulted in a number of deaths.

Amnesty International's delegates were told that many former political prisoners were in poor health as a result of ill-treatment or their harsh conditions of imprisonment. Some had neurological and digestive disorders, others had suffered loss of sight or become partially or totally paralysed.

During the mission delegates asked the Minister of the Interior about the situation of at least nine people reportedly arrested in N'Zerekore in July 1984 for distributing a leaflet criticizing the appointment of certain local administrators. They were told that those arrested had been released after a short time. The Minister also provided information concerning the rioting which took place in Kamsar in September.

At the government's invitation Amnesty International's delegates visited Kindia prison where about 60 members of the former administration, soldiers and relatives of President Sekou Toure were held. They interviewed five of the detainees in private and found that they appeared to be well-treated. Amnesty International was told by the authorities that the National Commission of Inquiry was investigating possible charges against the detainees and that a number would probably be tried when investigations were completed. However, this had not occurred by the end of 1984.



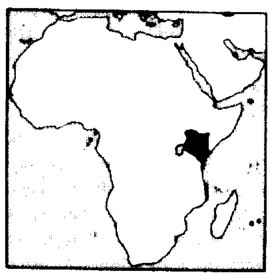
Guinea-Bissau

Amnesty International continued to be concerned about the house arrest of a number of former political leaders.

Two members of the government led by President Luiz Cabral, which was overthrown in November 1980, remained under house arrest throughout the year. Umaru Djalo and Constantino Teixeira were arrested soon after the November 1980 coup and were imprisoned without trial until late 1983. They were then released from prison, but an administrative order placed them under house arrest.

Another former political prisoner was also held under house arrest throughout 1984. Rafael Barbosa was imprisoned for political reasons both before and after independence, but was freed soon after the November 1980 coup. He was rearrested in early 1981 after he

persisted in publicizing his criticisms of government policy. During 1984 he was reportedly held under house arrest in Bedanda, in the south of the country, and his case was investigated by Amnesty International. However, at the end of the year the authorities announced that he was being released.



Kenya

Five prisoners of conscience were released during the year. Amnesty International was concerned about the continued imprisonment of other political prisoners held without trial since 1982. There were disturbing reports of large-scale killings of civilians in February during security force operations in the northeast and at least 20 death sentences were imposed and six executions carried out.

At the beginning of 1984 eight people arrested in 1982 were still detained without charge or trial under the Preservation of Public Security Act (PPSA). Five of them, who were adopted as prisoners of conscience, were released in 1984. David Mukaru Ng'ang'a, a university lecturer, was freed in April. The other four - Koigi wa Wamwere, a member of parliament, George Anyona, a former member of parliament, and two university lecturers, Edward Oyugi and Kamoji Wachiira - brought a *habeas corpus* application before the High Court in April alleging that their detention was illegal. It was rejected by the Chief Justice, who ordered the detainees to pay the costs of the hearing, but they were eventually released on 12 December on the 21st anniversary of Kenya's independence. No reasons for their detentions were ever given by the government. The three other PPSA detainees remained in detention throughout 1984. They were Stephen Muriithi, a former deputy director of the police Special Branch, Raila Odinga, deputy director of the Kenya Bureau of Standards, and Otieno Mak'Onyango, a newspaper editor. The last two were initially charged with treason in connection with a coup attempt in August 1982 but in March 1983 the treason charges were dropped. Amnesty International continued to press the authorities to bring them to trial or release them.

In January, 11 people, including prominent local politicians, were arrested in North-Eastern province and held without charge for several weeks under long-standing local emergency regulations.

Amnesty International continued to investigate the cases of Wang'ondu

wa Kariuki, a journalist, and Maina wa Kinyatti, a university lecturer, who were convicted in 1982 of possessing seditious documents and sentenced to four and a half and six years' imprisonment respectively. They appeared to have been imprisoned for their opinions and criticisms of the government, which did not involve violence. An appeal by Maina wa Kinyatti was rejected by the Court of Appeal in November.

The organization continued its inquiries into the cases of 10 university students also convicted of sedition in 1982 and 1983, who were sentenced to prison terms ranging from five to 10 years. Amnesty International urged the authorities to review their cases to ensure they had not been imprisoned solely for their opinions.

Amnesty International was also investigating the detention of up to 16 people who fled to Tanzania in 1982 and were returned to Kenya against their will by the Tanzanian authorities on 7 November 1983, although several of them had been granted asylum in Tanzania. They were held in secret and apparently illegal custody in Kenya for several months before some - including a former member of parliament, James Orengo - were released. In March, three former members of the air force who were in this group were charged with leading a coup attempt on 1 August 1982, convicted of treason by court-martial and sentenced to death.

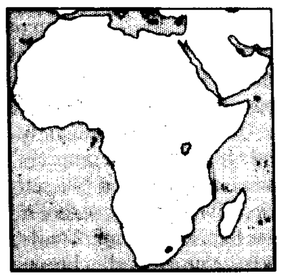
The conditions under which political prisoners were held gave cause for concern. Uncharged detainees were in some cases reportedly held in solitary confinement for long periods, and were allowed little contact with their families. Although convicted political prisoners were allowed more regular family visits and correspondence there were reports of delays in prisoners' medical treatment, and the prison diet was inadequate. Amnesty International urged the government to investigate and improve these conditions.

In February Amnesty International received disturbing reports of the arrest, torture and killing of a large number of people of Somali ethnic origin in northeast Kenya. Unofficial estimates of the number of deaths ranged from several hundred to over 1,400. On 10 February government forces launched a security operation in Wajir district, following conflicts between two Somali clans, to confiscate illegally-held weapons and to discover those responsible for six recent murders. About 1,400 members of the Degodia clan were arrested and taken to Wagalla airstrip, near Wajir town. They included civil servants, teachers, traders and nomads. They were reported to have been beaten repeatedly, tortured, and held for three days without food, water or medical treatment, as a result of which many died. A number were reported to have been shot dead, killed with machetes, or burnt alive at the airstrip. Others were reportedly taken away in lorries and summarily executed

or abandoned in remote areas. After three days the remaining prisoners at Wagalla airstrip were released.

Amnesty International expressed concern about these reports to the government on 1 March and asked what steps the authorities were taking to investigate them. On 12 April the Minister of State in the President's Office stated in Parliament that 381 people had been arrested on 10 February and that 57 had died – 28 when the security forces met resistance, and a further 29 from gunshot wounds or being trampled to death in the confusion following a meeting addressed by the District Commissioner. No mention was made of the alleged torture or ill-treatment of those detained. In view of the contradiction between the government's account of the incident and the unofficial reports which it had received, Amnesty International urged the authorities to establish an independent inquiry. By the end of 1984, however, the government had neither responded nor announced any inquiry.

On 30 April Amnesty International expressed concern to President Moi about reports that six condemned prisoners had been executed at Kamiti prison in Nairobi and called for a halt to executions as a further 120 prisoners there were believed to be under sentence of death. During the year at least 20 death sentences were imposed, mostly for robbery with violence. The three former members of the air force court-martialled in March – Hezekiah Ochuka, Pancras Oteyo Okumu and Robert Odhiambo Ndege – were sentenced to death for treason. Hezekiah Ochuka alleged that he had been tortured but this was rejected by the court-martial. All three lodged appeals which had not been heard by the end of 1984. Nine other former air force personnel convicted of treason in 1983 also remained under sentence of death. Amnesty International appealed for the commutation of these and all other death sentences.



Lesotho

Amnesty International was concerned about the detention without trial of suspected opponents of the government, one of whom was reported to have died in custody, and about the findings of two inquests. One related to the death of a political detainee in 1983 and the other to the killing in 1981 of a prominent newspaper editor and two other people who were alleged to have been victims of extrajudicial executions. The organization was also concerned about the use of the death penalty.

The government continued to face armed opposition from guerrillas belonging to the Lesotho Liberation Army (LLA), the military wing of an exiled faction of the opposition Basutoland Congress Party, and alleged that the LLA received South African support. In late March the Minister of Information accused the South African Government of planning to overthrow the Lesotho Government in favour of a new political grouping, the Democratic Alliance, whose leaders had visited Pretoria in January. This was denied by the South African authorities.

The Human Rights Act, which had received parliamentary approval in 1983, came into effect on 18 July. It recognizes certain fundamental human rights including the rights to life, liberty, freedom of opinion and respect for the integrity and security of the individual. However, these rights and others, such as the right not to be subjected to arbitrary arrest or detention, are guaranteed only insofar as they do not conflict with existing laws. Hence the Act affords no protection, for example, against arbitrary arrests and detentions under the Internal Security (General) Act, which empowers the authorities to hold political suspects without charge or trial for up to 42 days and to hold them incommunicado for part of that time. Similarly, the requirement in the Human Rights Act that "No person shall be subjected to torture or to inhuman or degrading punishment or other treatment" would appear to be undermined by a clause in the legislation concerning internal security which grants immunity from civil or criminal prosecution to police and other officials who commit offences in order to preserve "good order" or "public safety" and to prevent "internal disorder". The right to life recognized in the Human Rights Act is also qualified by the existence of legislation permitting the death penalty.

In January an Amnesty International observer attended an inquest into the deaths of Edgar Motuba, the editor of a church newspaper and well-known critic of the government, and Lechesa Koeshe and Oriele Muhale, two friends who accompanied him when he was taken from his home by armed men in September 1981. All three were later found shot, allegedly by a pro-government "death squad" known as *Koeeoko*. The inquest failed to attribute responsibility for the killings but it was disclosed that the three were shot with weapons of a type normally available only to police and military personnel and that there was only a cursory police investigation at the time. The presiding magistrate reportedly called for a more thorough investigation at the end of the inquest but no further action was known to have been taken.

There were disturbing disclosures too at the resumed inquest into the death in detention in April 1983 of Henry Khahlanyetso Masheane, an oil company employee. He was said by security police to have committed suicide by hanging himself with his belt but medical evidence was produced which disproved this and indicated that after he died he

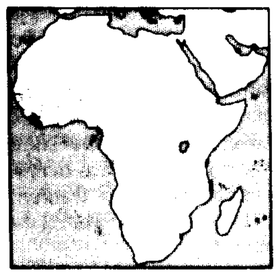
was hanged in his cell to suggest suicide. The inquest concluded that he had been killed in detention but failed to attribute individual responsibility either for his death or for the attempted cover-up. The magistrate directed that the inquest record be sent to the Director of Public Prosecutions but Amnesty International learned of no further developments by the end of 1984. Some 20 other political detainees were held in cells adjacent to the deceased at the time of his death, but none were called at the inquest.

A third inquest due to open in December was postponed until 1985. It concerned the death in custody in 1981 of Setipa Mathaba, a political detainee. Amnesty International repeatedly expressed concern over the authorities' failure to hold an inquest, in view of evidence of torture and ill-treatment of other political detainees which it had obtained at the time.

There were further political detentions in 1984 and one detainee, Daniel Moeketsi, was reported to have died in custody. Following a bomb explosion on 13 April, security police detained several members of the Lesotho Evangelical Church including Daniel Moeketsi. He was arrested on 23 April, when his house was searched for arms but nothing found. The next day, he was reportedly taken back to his home and then to some cliffs nearby from which he apparently fell, jumped or was thrown while still handcuffed. In May Amnesty International appealed on behalf of those detained and called for them to be charged or released. Several detainees, including a journalist, Thabo Lesehe, were released uncharged but four others were charged with offences against state security and remanded for trial in 1985. The government told Amnesty International of these developments and stated that any action over David Moeketsi's death would be determined by the Director of Public Prosecutions.

Two women were sentenced to prison in January for assisting LLA guerrillas and in February another woman and 11 men appeared in the Maseru High Court on charges of treason. All 12 were either discharged or acquitted but one, Soledata Malefani, was reportedly shot dead by armed men several months later. At least one state witness who testified at this trial reportedly said he had been blindfolded and severely beaten during interrogation by police until he "confessed" to membership of the LLA.

At least one person was sentenced to death for murder but it was not known whether any executions were carried out.



Liberia

Amnesty International was concerned about the imprisonment of prisoners of conscience, and about the detention - usually without trial - of other individuals apparently suspected by the authorities of criticizing or opposing the government. The organization was also concerned about death sentences passed on 13 political prisoners after a trial which appeared to fall short of international standards of fairness. Ten of those sentenced to death were subsequently pardoned and released. The organization was also disturbed by the continuing use of the death penalty in other cases and by the harsh conditions reported at Bellah Yallah prison where some political prisoners were held during the year.

In April the military government announced that a return to civilian rule would be delayed until January 1986 but the ban on political activity in force since 1980 was lifted in July, allowing registration of political parties.

A number of people suspected of criticizing or opposing the government were arrested in 1984. They included four journalists, detained apparently because the authorities disapproved of their work, who Amnesty International regarded as prisoners of conscience. Willis Knuckles, a correspondent for the British Broadcasting Corporation (BBC), was detained without charge from early February to 2 April and was reportedly badly beaten. In June Rufus Darpoh, a freelance journalist and former editor of the government-controlled *New Liberian* newspaper, was arrested and taken to Bellah Yallah, where conditions have in the past been reported as very harsh. He was not charged and was eventually released on 17 November. Two journalists employed by the *Footprints* newspaper - Sackor Sirleaf and Klon Hinneh - were arrested in early August and held uncharged for almost two months.

Amnesty International investigated the case of Toye Bernard, a lawyer, who was detained without charge from 2 May until mid-August apparently because he had criticized the confiscation of property belonging to the families of 13 former senior officials publicly executed in April 1980.

On 20 August the Head of State, Colonel-in-Chief Samuel Kanyon Doe, announced the discovery of a "socialist" plot to overthrow the government, and 10 alleged ringleaders were arrested. They included Dr Amos Sawyer, Chairman of the newly-formed Liberia People's Party (LPP), Major-General Nicholas Podier, who had been Co-Chairman of the ruling People's Redemption Council (PRC) until its

dissolution in late July when he became Speaker of the Interim National Assembly, and two other members of the Assembly. Although Head of State Doe reportedly announced that the detainees would be tried without delay, no charges were brought against them. On 22 August security forces opened fire on university students demonstrating against the arrests, wounding at least 70. Unofficial sources claimed that some students were killed and afterwards secretly buried but this was denied by the government. The university was closed and the entire teaching staff dismissed. Amnesty International urged the authorities to bring the 10 detainees to trial or release them without delay.

Following Dr Sawyer's arrest Dusty Wolokollie became acting Chairman of the LPP. He was arrested on 28 August. However, on 8 October Dr Sawyer and all the other detainees except Dusty Wolokollie were released unconditionally. Dusty Wolokollie was charged with "spreading rumours, lies and disinformation", apparently in connection with a leaflet he had published calling for Dr Sawyer's release. His trial had not taken place by the end of 1984. He was considered by Amnesty International to be a prisoner of conscience.

There were further arrests in early December. Two members of the Liberia National Students Union (LINSU), including its president, Ezekiel Pajibo, were arrested with four members of the LPP. They were reportedly accused of writing leaflets critical of the government but they were not known to have been charged by the end of 1984. Amnesty International considered that they were prisoners of conscience.

In January 1984, 19 people were tried before the Special Military Tribunal on charges of high treason, conspiracy to undermine the security and economic stability of the state and the murder of six people, including an army general. They had all been arrested in November 1983 when the authorities announced the discovery of a coup plot. The alleged leader of the conspiracy was Brigadier-General Thomas Quiwonkpa, former commander of the armed forces and a senior member of the PRC. However, he was said by the authorities to have escaped arrest and left Liberia. Shortly after the trial opened, three of the defendants were granted immunity and become prosecution witnesses. Three other alleged conspirators were reportedly abducted from Guinea, returned to Liberia and added to the list of defendants.

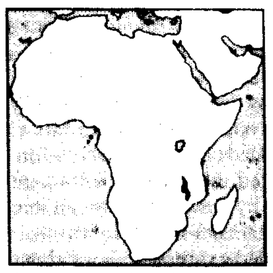
Amnesty International urged the government to ensure that the trial would conform to internationally recognized standards of fairness and indicated its wish to send an observer to the trial. The authorities did not confirm until late March that an Amnesty International trial observer could attend the proceedings, which were by then virtually complete. In the event, Amnesty International did not attend the trial. However, according to reports, the defendants were not permitted defence counsel of their choice or the opportunity to cross-examine witnesses fully.

There is no right of appeal against verdicts of the Special Military Tribunal, which is composed entirely of military officers.

On 5 April, 13 of the accused, including Kalonko Luo, a former deputy minister, Captain Johnny Herring and Harry Yuan, managing director of the Liberian Electricity Corporation, were convicted and sentenced to death. The six other defendants were acquitted and released.

Amnesty International immediately appealed for clemency for the 13 prisoners sentenced to death as their executions were due to take place on 6 April. A stay of execution was granted and on 7 April Head of State Doe announced that he had granted clemency to 10 of the 13 prisoners, commuted their death sentences and ordered their release. However, the death sentences imposed on the three remaining prisoners Captain Acquah Dolo, Lieutenant Arthur Suah and Private Wilfred Saner – were confirmed. According to the authorities, they were due to be executed immediately but Amnesty International had not been able to confirm that the executions had taken place by the end of 1984.

In addition to those sentenced to death in April, five members of the security forces were reported to have been sentenced to death during 1984 after being convicted of murder. At least one was believed to have been executed.



Malawi

Amnesty International was concerned about the imprisonment of prisoners of conscience, two of whom continued to be imprisoned after an unfair trial and under sentence of death until June when their sentences were commuted to life imprisonment. Other prisoners of conscience adopted by Amnesty International were released during 1984 but the organization remained concerned that some suspected opponents of the government continued to be detained without trial. There were reports of ill-treatment of prisoners and there was continued concern about the use of the death penalty.

On 7 February the National Traditional Court of Appeal rejected the appeals of Orton Chirwa, a former Minister of Justice, and his wife, Vera, a law lecturer, against their conviction in May 1983 on charges of treason. The appeal court also confirmed the death sentences imposed after their trial. Amnesty International then appealed to Life-President Kamuzu Banda to grant them clemency and expressed the view that

they were both prisoners of conscience. Orton and Vera Chirwa were arrested in December 1981 with their son, Fumbani, who was not brought to trial. Amnesty International believed that they had been arrested on account of their non-violent opposition to the government, and that the proceedings in their trial had been unfair (see *Amnesty International Report 1984*). Appeals for clemency were also made by the UN Commission on Human Rights, the Secretary-General of the UN and a number of governments.

There was no immediate response to these appeals but on 24 February the authorities released Fumbani Chirwa from what they described as "protective custody". He was returned to the border with Zambia and freed uncharged. He subsequently confirmed to Amnesty International that he had been detained incommunicado and in solitary confinement at Zomba Prison for almost two years and at times had been chained by his ankles to a bar in his cell and handcuffed. He was held in a section of the prison reserved for political prisoners, and for criminal prisoners awaiting execution.

Amnesty International renewed its appeals for clemency for Orton and Vera Chirwa around Kamuzu Day, 14 May, an occasion sometimes marked by humanitarian measures. The government made no reference to the Chirwas but it did announce the release of 13 prisoners reportedly detained for anti-social behaviour or for seeking to undermine the stability of the country. The names of those freed were not made public but Amnesty International subsequently confirmed that they included four university students detained without trial since February 1983. Zangaphe Chizeze, Edge Kanyongolo, Tubby Chibwana and Mack Willie Killion had all been adopted as prisoners of conscience by Amnesty International following their arrest for reportedly attempting to form a new political group in opposition to the Malawi Congress Party (MCP), the only party permitted under the constitution.

Sofiliano Faindi Phiri, a former nominated member of parliament who was adopted as a prisoner of conscience by Amnesty International after he was sentenced to five years' imprisonment in 1981, was also believed to have been released in May. He had expressed views about development in the Chikwawa area which were interpreted as insulting to the President. He was believed to have been granted one third remission of sentence.

On 30 June the government announced that Life-President Banda had commuted Orton and Vera Chirwa's death sentences to life imprisonment. Amnesty International welcomed this but continued to campaign for their release as prisoners of conscience. The organization obtained copies of the judgment delivered in May 1983 following their trial before the Southern Regional Traditional Court at Soche and of the judgment in February 1984 of the National Traditional Court of

Appeal. It made both these documents public in December together with an expert legal commentary by an Amnesty International delegate who had attempted to observe the appeal proceedings but had been refused access to the court. By being tried before a traditional court rather than a high court, Orton and Vera Chirwa were placed at a disadvantage: the right to legal representation was denied and rules of evidence observed in the high court did not apply. The appeal court judgment criticized other aspects of the Chirwas' trial, such as the court's failure to observe its own rules relating to the issues of jurisdiction, admissibility of evidence and the need to call witnesses. Some of the court's rulings, the appeal court stated, were "wrong in law". It also castigated the court for failing to base its judgment on an analysis and evaluation of the evidence, commented that it "made some extraordinary findings" and stated that "The record is littered with unnecessary abuse which is not part of the traditional law".

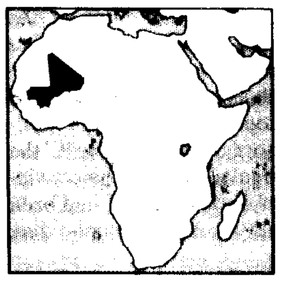
Despite this catalogue of criticism, the appeal court upheld the judgment of the lower court and confirmed the death sentences. It did so, however, without providing a reasoned argument for the decision. This led Amnesty International's delegate to suggest that much of the judgment must have represented the views of a minority of the five appeal court judges who had been overridden by a majority which made "little attempt to provide reasons for its conclusions". According to the delegate, although much of the appeal court judgment was well-reasoned and demonstrated that "judged by normal legal standards" the trial of the Chirwas was "so riddled with irregularities that the convictions could not stand", ultimately " 'tradition' and 'custom' " had been invoked "to cure every irregularity and illegality" and justify upholding the Chirwas' convictions.

In publicizing the two courts' judgments, Amnesty International appealed again for the immediate and unconditional release of Orton and Vera Chirwa and expressed concern also about their conditions of imprisonment. However, they were both still held at the end of 1984.

Several political detainees were also believed to be still held at the end of 1984, mostly in Mikuyu Prison, near Zomba. They reportedly included a journalist, a local government worker from Nsanje and a former senior official of the MCP. There were also some indications of renewed government pressure on members of the Jehovah's Witnesses sect. In June a cabinet minister was reported to have warned that the government would not tolerate any revival of the sect, which was banned in 1967. At the end of 1984 Amnesty International was investigating allegations that a number of Jehovah's Witnesses living as refugees in Zambia, including young children, had been abducted from there by members of the Malawi Young Pioneers, youth wing of the MCP, ill-treated and imprisoned in Malawi.

In late 1984 Amnesty International received information alleging systematic ill-treatment of convicted criminal prisoners, especially at Dzeleka Prison, which since late 1983 had apparently been used to detain hard-core offenders in punitive conditions after they had completed their prison sentences. Such prisoners were reported to have been manacled naked in punishment cells, given one-quarter rations and routinely beaten for minor infringements of prison rules.

Amnesty International remained concerned about the use of the death penalty. At least one person sentenced to death for murder by a traditional court had his sentence confirmed upon appeal although a co-defendant had his sentence quashed. It was not known whether any executions were carried out in 1984 but Amnesty International received information that there were more than 80 prisoners under sentence of death.



Mali

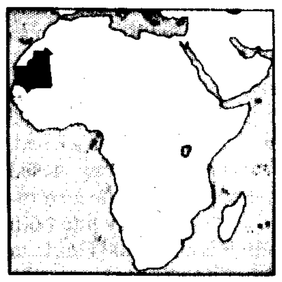
Amnesty International was concerned by reports that both political and criminal prisoners continued to be subjected to cruel, inhuman or degrading treatment in Taoudenit and Kidal prisons, where conditions have for many years been reported to be very harsh. Both are situated in remote and inhospitable desert locations in the north of Mali, to which civilian access is forbidden. The organization also learned of several short-term political detentions.

At least nine political prisoners were reportedly held in Taoudenit throughout 1984 together with an unknown number of criminal prisoners. The political prisoners were convicted in October 1978 in connection with an alleged coup plot and sentenced to between seven and 20 years' imprisonment with hard labour. In November 1983 Amnesty International appealed to the authorities to release 16 prisoners who had received five-year prison sentences in the same trial but who were reported to have been kept in prison after their sentences expired in September 1983. In March Amnesty International learned that 14 of these prisoners had been released by early 1984. One was reported to have died in custody but the whereabouts of the last, Boureïma Maïga, were unknown.

Amnesty International appealed to the government during 1984 to improve conditions in Taoudenit and Kidal substantially or to close

both prisons and move the inmates to prisons where conditions conformed to the UN Standard Minimum Rules for the Treatment of Prisoners. Conditions in Taoudenit were reported to be particularly harsh because of the high salt content of the local water – which apparently caused serious ill-health among prisoners – and because prisoners were forced to work in open-cast salt mines. In both prisons hygiene and sanitation standards appeared to be very low and prisoners reportedly received a grossly inadequate diet. Medical facilities were virtually non-existent, and all visits by friends and relatives were forbidden.

Amnesty International learned of the arrest of six people, teachers and auxiliary staff at the *Ecole normale superieure* (ENSUP), Higher Teachers' Training College, in late September. They were apparently suspected of distributing a leaflet criticizing the government in Bamako, the capital. Four were reportedly released in early October but two teachers – Yoro Diakite and Issa N'Diaye – were held without charge until late October.



Mauritania

Amnesty International's main concerns were the imprisonment of prisoners of conscience, the imprisonment after unfair trials or the detention without trial of political prisoners, and reports of torture and ill-treatment of prisoners. However, by the end of 1984, all but three of the prisoners whose cases were of concern to Amnesty International had been released. They were freed after Colonel Maaouya Ould Sid'Ahmed Ould Taya replaced Lieutenant Colonel Khouna Ould Haidalla as Head of State in a bloodless coup on 12 December 1984. The new administration promised greater respect for human rights.

Many people were arrested in March and April apparently on suspicion of belonging to a pro-Libyan movement generally described as "Khadafist" or "Nasserian", opposed to government policy on the conflict in Western Sahara. Some 150 people were detained in Nouakchott, the capital, and held in military barracks and up to 50 others were arrested outside the capital, notably in the northern town of Atar. Shortly after these arrests began the authorities declared that they had foiled a plan to "destabilize" the country which, they claimed, had been organized by a foreign power.

Those detained included El Kory Ould H'Meitty, Secretary General of the *Union des travailleurs de Mauritanie* (UTM), Union of Mauritanian Workers, and Hamoud Ould Abdi, President of the *Union nationale des etudiants et stagiaires de Mauritanie* (UNESM), National Union of Students and Trainees of Mauritania. A senior civil servant, Deh Ould Abdel Jelil, and some school pupils were also among those held. The detainees were all held incommunicado without access to lawyers and relatives. Many were reportedly tortured shortly after their arrest by being suspended by their hands or feet and beaten with rifle butts and clubs. It was also reported that many detainees were denied food and water for several days and that some were tortured with electric shocks apparently to make them "confess".

In late April Amnesty International learned that one of the detainees, Sidi Mohamed Ould Lebatt, who was employed by Mauritania's oil products marketing company, had died in custody in mid-April. The government reportedly stated that his death was due to "heart trouble" which had afflicted him for several years but Amnesty International received allegations that he died as a result of torture. It called on the government to establish an independent inquiry into his death and sought assurances of humane treatment for all detainees. However, the authorities did not respond and no formal investigation into the death is known to have been held during 1984.

Amnesty International subsequently received information about the death in custody of another political detainee, Ahmed Ould Ahmed Mahmoud, a school pupil in Atar. His death was not officially disclosed, but he was alleged to have died in late March from internal injuries caused by beatings. On 5 June Amnesty International appealed to the government to prevent torture and called for an independent inquiry into both deaths in custody. Shortly afterwards, President Khouna Ould Haidalla reportedly denied that torture was used in Mauritania.

Some of the detainees arrested in March and April were released in June but more than 30 remained in detention without charge or trial until December and were regarded as prisoners of conscience by Amnesty International. El Kory Ould H'Meitty, Hamoud Ould Abdi and four others were released in mid-November pending trial before the *Cour spéciale de justice*, Special Court of Justice.

There was a new wave of politically motivated arrests in September in the northern town of Zouerate. Fifteen alleged members of a "Ba'athist" or pro-Iraqi political organization were reported to have been arrested after slogans calling for the release of political prisoners were painted on walls in the town. Those detained - who included Mohamed Ahmed Ould Mohamed El Imam, Mohamed Moulaye Ould Abdelkader and Saleck Ould M'Barek - were apparently transferred to Nouakchott in mid-October. Amnesty International called on the

authorities to release them and to provide assurances that they were being humanely treated. There was no response but the detainees were all reported to have been released following the change of government in December.

Throughout 1984 Amnesty International called for the release of 11 prisoners of conscience, four of whom had been arrested in August 1981 and the others in March 1982, for alleged membership of a "Ba'athist" political party in contravention of the ban on all political activity imposed when the army took power in July 1978 (see *Amnesty International Report 1984*). They had been sentenced to imprisonment with hard labour for 10 to 12 years, after a trial which Amnesty International believed to be seriously deficient in several respects. All 11 were released in December. Also released was Yemhelou Ould Sidy Khattary who had been held under house arrest although he had received a suspended sentence at the same trial in October 1983. He was reportedly unable to attend his trial because of severe injuries resulting from torture, including extensive burns on his back due to the application of hot coals.

Amnesty International took up for investigation the cases of two soldiers and two former government ministers during 1984. Deh Ould El Houssein and Mokhtar Ould Saleck, two army lieutenants, were reportedly arrested in July 1982 on suspicion of sympathizing with a "Ba'athist" party. They were both held under house arrest without charge or trial and although Mokhtar Ould Saleck was freed in December, Deh Ould El Houssein's release had not been confirmed by the end of the year. Mamadou Ly and Silmane Soumare, the former government ministers, were apparently arrested in November 1983 and then banished to their home villages in the south. No official reasons for the restrictions were given but they appeared to be suspected of opposition to the government. They too were freed in December.

Amnesty International continued to urge judicial review of the sentences imposed in March 1982 on five prisoners alleged to have conspired to overthrow the government (see *Amnesty International Report 1984*). Four were sentenced to 10 years' imprisonment with hard labour and the other to five years' imprisonment after a hurried trial before the Special Court of Justice which fell short of international fair trial standards. All but one of the prisoners were released in December. However, the situation of Adjutant Be Ould Bneijara remained unclear at the end of 1984.

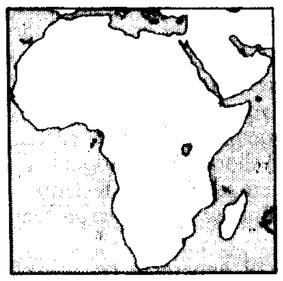
Two prisoners of conscience held since 1979, apparently because of their opposition to government policy over the war in the Western Sahara, were also released in December. They were Mohamed Lamine Ould Hormattalah, a former member of the National Assembly who had been detained without trial since October 1979, and Abdarrahmane

Ould Mouloud Ould Daddah, a businessman and relative of former President Moktar Ould Daddah, who was not tried until March 1984. The Special Court of Justice sentenced him to 18 months' imprisonment but he was released immediately because of the time already spent in pre-trial detention. A few days later, however, he was rearrested and again taken before the court which sentenced him to eight years' imprisonment, apparently on state security charges.

Two other prisoners of conscience adopted by Amnesty International were released. They were Zeini Ould Moulaye Ould Hassan, a magistrate, who had been rearrested in March 1983 – after completing a two-year prison sentence – for opposing government policy towards Western Sahara. He was released in late 1983 or early 1984. Dahane Ould Ahmed Mahmoud, a former Minister of Foreign Affairs and naval lieutenant, had been held without trial since August 1981 and was released in mid-1984.

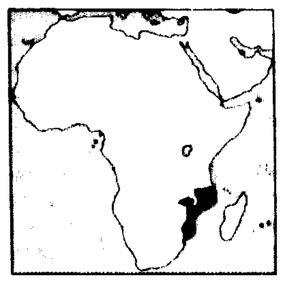
Harsh conditions of imprisonment were reported both in Jereida camp and in the *Genie militaire*, Military Engineers barracks, in Nouakchott. At the *Genie miltaire*, many political detainees were reportedly held in overcrowded, insanitary and very poorly ventilated cells. A number of them apparently suffered from severe gastric illnesses due to the poor quality of the food and medical facilities were reported to be virtually non-existent.

In April 1984 Amnesty International submitted information about its concerns in Mauritania under the UN procedure for confidentially reviewing communications about human rights violations. The submission urged the UN to take all appropriate steps to redress the cited human rights violations.



Mauritius

The first execution in more than 23 years was carried out on 23 November when Louis Leopold Myrtile was hanged at Beau Bassin prison. He had been convicted of murder and sentenced to death in April 1982 by the Court of Assizes. His sentence was confirmed by the Appeal Court in July 1982, after which Amnesty International appealed to the Governor-General for clemency. The organization made a further appeal in August 1984 after Louis Leopold Myrtile's appeal was rejected by the Privy Council of the United Kingdom, the highest court of appeal for Mauritians.



Mozambique

Amnesty International's main concerns were the long-term detention without trial of suspected government opponents, some of whom had been imprisoned for more than 10 years by the end of 1984; the continued imprisonment of political prisoners convicted at unfair trials between 1979 and 1983; allegations of torture of political detainees and prisoners suspected of committing economic offences; and the widespread use of flogging. In contrast to previous years, no new political trials were reported and no death sentences were known to have been imposed by the courts.

Amnesty International was also concerned by allegations that supporters of the main armed opposition movement, the *Resistencia Nacional Moçambicana* (RNM or RENAMO), Mozambican National Resistance – which was active in many parts of the country – were responsible for torturing, mutilating and killing prisoners. RNM guerrillas abducted and detained both Mozambicans and foreign nationals working in the country, although a number were freed during the year. Cyril Punyasoma, a Sri Lankan national who had been held longer than any of the others, was set free in November after more than two years in captivity.

Despite a number of diplomatic initiatives aimed at ending the internal conflict, armed opponents of the government continued throughout 1984 to attack government troops, communal villages and transport networks. In March the government signed a treaty with South Africa, known as the "Nkomati Accord", under which each party agreed not to support opposition organizations active in the other's country. Soon afterwards, RNM bases in South Africa were reportedly closed and the Mozambique authorities expelled members of the African National Congress of South Africa (ANC) based in Maputo. The "Nkomati Accord" did not lead to any reduction in the RNM's activities however, and during the following months internal armed conflict escalated.

Government spokesmen claimed repeatedly that RNM guerrillas were being captured or were surrendering to government forces in significant numbers. At the beginning of 1984 the government claimed to be holding about 3,500 suspected members of armed opposition groups. By April it was reported that the total had reached 4,000 and by the end of 1984 the government said it was more than 4,500. However, the whereabouts and conditions of imprisonment of most of these detainees were not known and humanitarian organizations, such as the International Committee of the Red Cross (ICRC), did not have access

to them. The government continued its policy of displaying some prisoners at public meetings, where they stated that they had been RNM guerrillas and had committed specific acts of violence against civilians. Witnesses reported that some of them seemed to be drugged and that a number were assaulted by members of the audience. However, none is known to have been tried during 1984.

Amnesty International continued to express its concern to the government about the lack of safeguards for untried political detainees. It also called for the urgent review of the cases of a number of detainees held in the main political detention centre, Machava, in the capital Maputo, and elsewhere. The organization received information about uncharged political detainees who had been held incommunicado for several months and in some cases for over a year. A number were reported to have been tortured, badly beaten or flogged. Amnesty International took up for investigation the cases of a number of long term political detainees. They included Bidimingo Luis Matchabe, a railway worker arrested in December 1982 after writing a letter to a government official complaining about arbitrary arrests, and Victor Naitang, an air force pilot arrested in July 1981 after one of his colleagues defected to South Africa. Another was Armando Timbe, a former refugee arrested at Maputo airport in March 1983 when he voluntarily returned to Mozambique, who was released uncharged in November.

Amnesty International also inquired about a number of untried political detainees arrested in the months preceding Mozambique's independence in June 1975 who were among prisoners publicly displayed at Nachingwea camp, in southern Tanzania, in March and April 1975. They included Lazaro Nkavandame and Paulo Gumane, both of whom were believed to be held in "re-education" camps in the north of the country.

Some releases of long-term detainees were reported. At the beginning of September during a visit to Maputo by the Portuguese Prime Minister, Dr Mario Soares, 11 detainees of Portuguese nationality were released. They had been arrested in Beira during the first half of 1983 and accused of complicity with the armed opposition but never charged or tried. Several foreign nationals arrested at the same time, who were also being held without trial, were freed earlier in the year. Later in September, however, four other Portuguese nationals suspected of supporting the RNM were detained. They were arrested in Tanzania and transferred to Maputo, where they were held in a secret interrogation centre. They were returned to Tanzania towards the end of the year.

Fifty other long-term untried political detainees were released in late September on the 20th anniversary of the beginning of the insurrection against Portuguese colonial rule. Those freed included 34 people who

had been held without trial for nine years or more. Among them were 15 people accused of abandoning the armed opposition to colonial rule and joining the Portuguese security forces, such as João Abilio Andrade, and nine soldiers accused of taking part in a mutiny in Maputo in December 1975, including Pio Escola Machaque. Thirteen others had been held since February or March 1981 for allegedly participating in a US spy network. Two – Alcido Chivite and Jose Massinga – had appeared at a news conference organized by the authorities in Maputo in March 1981 when they admitted spying for the USA. Amnesty International had repeatedly sought information about them from government officials as they had not been charged or tried.

Before the releases, in April and May, the government relaunched its "Legality Offensive", a campaign initiated in November 1981 to prevent abuses of detainees by the security forces and to ensure greater respect for the law, in particular the length of time suspects could be detained without charge or trial. Senior officials again criticized the detention without charge of suspects for longer than the legally permitted maximum. Although the law stipulates that most suspects may not be held for more than 84 days without being charged detainees suspected of economic sabotage or offences against the security of the state may be detained indefinitely. In May President Samora Machel criticized branches of the security forces under the Ministers of Internal Security and the Interior for allegedly leaving prisoners in detention and forgetting about them. He also criticized the armed forces for operating secret detention centres and for detaining prisoners without authority.

Despite such official criticism, however, Amnesty International continued to receive information that political detainees, particularly those held by the national security service, were being held for long periods without being charged and in some cases without being informed as to the reasons for their detention. Such detainees could neither challenge their detention nor contest any accusations against them. Since November 1974 political detainees have been prevented from filing writs of *habeas corpus* for their release; nor, since the creation of the national security service in October 1975, have they been able to apply to the courts or to the Procuracy to have their detentions reviewed.

In July and again in October, Amnesty International urged the government to limit the use of detention without trial and to introduce safeguards to protect political detainees. In particular, Amnesty International recommended that limits be placed on the periods during which suspects could be detained without charge and held incommunicado. The organization also proposed that the law on criminal procedure be amended to provide for all detainees to be brought promptly before an independent judicial officer, such as a judge or procurator.

Amnesty International continued to investigate the cases of a number of political prisoners who were imprisoned after unfair trials and whom it believed might be prisoners of conscience. Those concerned had been tried by the Revolutionary Military Tribunal, a special court established in 1979 with jurisdiction over political cases. They had reportedly been denied legal representation, although this is guaranteed by law and by the constitution, and not allowed to call defence witnesses. They included six students who were sentenced to eight years' imprisonment in April 1983 on charges of "agitation" after being convicted of distributing reactionary propaganda at the Eduardo Mondlane University in Maputo.

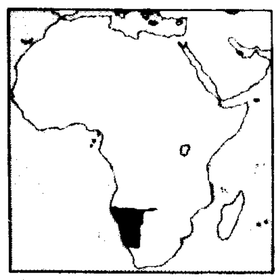
Information received by Amnesty International about the use of torture related mainly to detention and interrogation centres in Maputo and Beira. However, suspected RNM guerrillas were also reported to have been subjected to torture in the custody of the armed forces, particularly by the use of *"cordas"*, "ropes", where the victim's arms are bound tightly behind the back with wet rope for hours or even days. Amnesty International was informed that one suspected RNM supporter who arrived at Machava detention centre after being held in military custody, had infected open wounds as a result. The organization also received reports that in early 1984 a detainee in Pavilion 9 at Machava was subjected to *"cordas"* for about two hours and lost consciousness. This apparently led to medical personnel at the prison protesting and demanding an inquiry into the case. Other detainees were also reportedly subjected to severe beatings and prolonged isolation.

Some untried political detainees were reportedly flogged in front of other prisoners. For example, in May a suspected RNM member held at Machava was reported to have been given 30 lashes on the orders of the detention centre's director, although he had not been tried. It appeared that after public flogging was introduced as a judicial punishment which could be imposed by the courts, some prison officials interpreted this as a licence to impose floggings as they wished.

There were reports of court-ordered floggings throughout 1984. They were imposed under Law No. 5/83 enacted in March 1983, which empowers the courts to impose public floggings – up to 90 lashes – in addition to prison sentences and fines. Some prisoners convicted of murder were sentenced to be flogged, as were some accused of "economic sabotage": for example, a man convicted of murder in Tete in December was sentenced to 22 years' imprisonment and 20 lashes.

Amnesty International also received reports that village courts imposed sentences of flogging for a wide variety of minor offences. For example, at Litamanda communal village, in Cabo Delgado province, a villager was sentenced to 15 lashes in February for showing a lack of respect towards village authorities, and at M'tamba village a man convicted of insulting local people while drunk was sentenced early in 1984 to 25 lashes.

In February Amnesty International published a five-page document describing the use of floggings since March 1983, and it continued to appeal against the use of flogging, which it opposes as a cruel, inhuman and degrading form of punishment, throughout the year. The organization was particularly concerned about floggings carried out outside the framework of Law No. 5/83: they were often inflicted on individuals who had either not been tried or who had been convicted on charges for which flogging was not stipulated as a punishment by law. This concern was also raised by officials concerned with the administration of justice, at a conference in Maputo in November.



Namibia

Amnesty International was concerned about the detention without trial of suspected opponents of the continued South African administration of Namibia – including prisoners of conscience, and about allegations of torture and ill-treatment of political detainees. More than 120 detainees, most of whom had been held without charge or trial since 1978, were released as were at least 15 political prisoners sentenced to long prison terms in 1968 after a trial which did not meet internationally recognized standards. However, there were many new politically motivated arrests and several people arrested in 1983 were held without charge or trial throughout 1984. Some former uncharged detainees continued to have their freedom of movement and association limited by administrative restriction orders originally imposed when they were released years earlier. Amnesty International also remained concerned about the use of the death penalty and about allegations of extrajudicial killings of civilians.

There was continued conflict between South African security forces and nationalist guerrillas belonging to the South West Africa People's Organisation (SWAPO) and both sides accused the other of killing civilians. There were also renewed international negotiations for a settlement on Namibia but there was still no agreement by the end of 1984.

Amnesty International received reports of new politically motivated detentions throughout the year. These occurred particularly in the northern districts of Ovamboland and Kavango, where more than half

the population lives and where SWAPO guerrillas were most active, but suspected opponents of continued South African administration were also arrested in Windhoek, the capital, and elsewhere. Those detained included Asser Lihongo, Dean of the Evangelical Lutheran Ovambo-Kavango Church (ELOK) in Kavango, who was arrested in early May with his wife and daughter, and other church ministers and evangelists. He was held incommunicado and without charge for about four weeks. His wife and daughter were held uncharged for more than two weeks.

Proclamation AG.9 of 1977 constituted the legal basis for most detentions. This administrative decree empowers all members of the security forces within designated "security districts" (which encompass most of the northern half of Namibia) to arrest any person suspected of either committing or having knowledge of an offence or an intended offence. Those arrested may be detained incommunicado and without charge in any place "deemed suitable" by those making the arrest for up to 30 days. Further indefinite incommunicado detention without charge or trial may then be authorized by the Administrator-General, the senior representative of the South African Government in Namibia. No official statistics were released relating to the number of such detentions; indeed, it appeared that security force personnel were not required to keep records of those they detained. In a court ruling delivered in April, it was confirmed that there were no regulations governing the treatment and conditions of imprisonment of detainees held under Proclamation AG.9.

This court ruling followed a legal application brought in November 1983 by relatives of Reverend Heikki Ausiku, an ELOK pastor, Gideon Nestor and Severinus Siteketa following their detention under Proclamation AG.9. Their relatives sought an urgent court order restraining members of the security police or of *Koevoet* (Crowbar), a special police counter-insurgency unit, from assaulting or ill-treating the three men. In support of the application a number of sworn statements by former detainees were laid before the court alleging prolonged solitary confinement, electric shock torture and beatings, and indicating the existence of at least one secret interrogation camp to which detainees had been taken and tortured. The judgment was significant, although it was delayed until some months after the release of the three detainees on whose behalf the application had been made. It declared that detainees held under Proclamation AG.9 should not be held in solitary confinement and should be permitted adequate exercise in the open air.

Severinus Siteketa was subsequently redetained in late April and held incommunicado, reportedly in solitary confinement, until mid-August when he was again released uncharged.

Another legal action on behalf of detainees held under Proclamation AG.9 was brought before the Windhoek Supreme Court in March. The action, which was similar to a *habeas corpus* application, was brought by the bishops of the Anglican, Roman Catholic and ELOK churches and 20 relatives of detainees held in a special military camp in the Mariental district. It was brought on behalf of some of the 120 or more detainees at the camp, many whose cases had been taken up for investigation by Amnesty International. Most of the detainees had been held without trial since May 1978 when they were forcibly abducted from Angola by South African forces (see *Amnesty International Report 1983* and *1984*). It was alleged in court that the abduction of the detainees from Angola had breached international law and that they had been held unlawfully for almost six years.

The South African authorities' response to the action was unprecedented. On 27 April the Minister of Justice, acting with the approval of the State President, issued a certificate under a provision of the Defence Act which effectively removed the Windhoek Supreme Court's jurisdiction over the case. This stated that it would not be "in the national interest" for the proceedings to continue because, in the opinion of the Minister of Justice, they concerned acts carried out "in good faith" in connection with "the prevention or suppression of terrorism in an operational area". The authorities' action was widely condemned in legal circles but upheld by the Windhoek Supreme Court at a hearing in June. However, in late May more than 50 of the Mariental detainees were released unconditionally, including all but five of the 37 on whose behalf legal action had been taken. Amnesty International welcomed their release and called for the remaining detainees to be freed as well. In October all but one of those still held were released unconditionally.

Earlier, the South African authorities released some 17 long-term political prisoners sentenced after an unfair political trial in 1968, all of whom had been held in the maximum security prison on Robben Island. Herman Toivo ja Toivo, one of the founders of SWAPO, was one of two prisoners freed in March. The other 15 were freed in May.

Amnesty International remained concerned about allegations of torture and ill-treatment of political detainees and by the South African authorities' failure to take action against those allegedly responsible. In response to its appeals for an impartial inquiry into torture allegations, the organization was informed by the Administrator-General that existing mechanisms of inquiry operated by the military and police were sufficient in his view. He said that all security force personnel were required to acknowledge in writing the illegality of assaulting or mistreating civilians and the possibility that such action could lead to prosecution. A very different picture, however, was given in a memorandum submitted by the local South West Africa Bar Council in May to a

commission of inquiry into security legislation headed by a Supreme Court judge. The Bar Council drew attention to a series of court cases concerning allegations of torture, assault and killing of civilians by members of the security forces and asserted that there were others which had been prevented from going to court because they concerned acts which the authorities considered to have been committed "in good faith". Both the Defence Act and Proclamation AG.9 of 1977 contain provisions guaranteeing immunity against civil or criminal prosecution for such acts.

During 1984 no action was taken to prosecute a security police officer who, in June 1983, was found by the Windhoek Supreme Court to have been responsible both for the death from torture of a political detainee in 1980 and for attempting to cover it up. Indeed, the officer concerned was reported still to be active in the security police and to have been promoted. In another case, an inquest in October 1983 attributed the death of Jona Hamukwaya, a political detainee, to unlawful assault by *Koevoet* personnel, but by the end of 1984 the authorities had apparently still not identified and brought to justice those responsible. However, they did bring charges under the South African Police Act against Roman Catholic Archbishop Denis Hurley who had publicly criticized Jona Hamukwaya's death and accused the *Koevoet* unit of atrocities. He was remanded in October for trial in 1985.

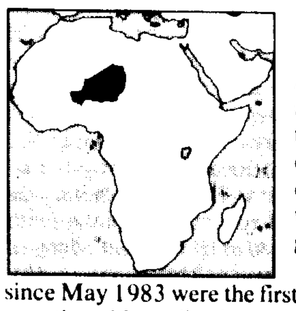
In February Hans Röhr, the leader of the Namibian Christian Democratic Party, publicized developments in the case of Ndara Kapitango, whose arm had to be amputated after he was severely burnt by two soldiers in Kavango (see *Amnesty International Report 1984*). He stated that those responsible had merely been fined 50 Rand (approximately US $24) by a military tribunal and that Ndara Kapitango himself had received no compensation. Hans Röhr also made new allegations of beatings and killings of civilians in Kavango by security forces.

There was continued concern about reports of extrajudicial executions but Amnesty International was not able to attribute responsibility in individual cases. The Bar Council, in its submission to the commission of inquiry into security legislation, cited evidence that *Koevoet* and other personnel were indoctrinated to be "programmed killers" and were paid *kopgeld*, "bounty money", for every suspected SWAPO guerrilla killed. Such practices apparently resulted in a number of extrajudicial executions of civilians. For example, in January it was reported at an inquest that Leonard Kamati, an 18-year-old school student, had been found dead from bullet wounds in December 1982 six days after he was detained by *Koevoet* personnel. They said he had been released the day before his death and must have been killed by SWAPO

guerrillas. In late August Hans Rohr called for an urgent inquiry into alleged extrajudicial killings of civilians by security forces in Kavango. He alleged that in one incident five adults and a child were killed when security forces destroyed their home near Nepara. The authorities stated that the allegations would be investigated by a military board of inquiry but no outcome was known to Amnesty International by the end of 1984.

Amnesty International continued to be concerned about the death penalty. The sentence imposed in 1983 on Jonas Paulus, a member of *Koevoet*, for a series of murders (see *Amnesty International Report 1984*) was confirmed by the South African Appeal Court in September but it was not known if he or anyone else was executed.

In August Amnesty International submitted information on its concerns in Namibia to the UN *Ad Hoc* Working Group of Experts on Southern Africa and in November the organization also submitted information to the Fourth Committee of the UN General Assembly.



Niger

Amnesty International was concerned about the detention without trial of suspected opponents of the government. However, all those adopted as prisoners of conscience by Amnesty International or whose cases had been taken up for investigation were released during 1984.

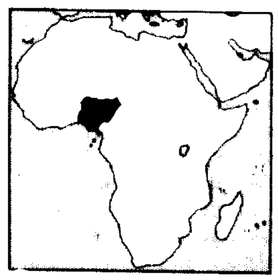
Fourteen students held without trial since May 1983 were the first to be freed. They had been detained after a nationwide strike by university students and school pupils (see *Amnesty International Report 1984*). At the time of their release the authorities stated that the students were being "put at the disposal of the administration", and they were apparently told that they would not be allowed to resume their studies unless they performed satisfactorily in new jobs allocated by the government. Amnesty International had called several times for the students to be brought to trial or released.

Two students and several teachers arrested in June 1983 about whom little had become known by the end of 1983 were reported during 1984 to have been released within a few months of their arrest.

On 15 April President Seyni Kountche released some 40 political prisoners to mark the 10th anniversary of the army's accession to power. Those freed included former President Hamani Diori and Djibo Bakary, former leader of the *Sawaba* (Freedom) Party, both of whom had been

held under house arrest since 1980, after several years' detention without trial. Both had been adopted as prisoners of conscience by Amnesty International. Two of the former President's brothers – Boubacar Moussa Diori and Ganda Diori – were also released, as were Abdou Gaoh and Ibrahim Issa, two former officials. They had all been held without charge or trial since the coup in April 1974 and their cases had been taken up for investigation by Amnesty International. Among the other long-term political detainees freed were several arrested at the time of an alleged coup attempt in August 1975.

Despite these releases between 10 and 25 people were believed to have remained in detention without trial throughout 1984. They were arrested after an unsuccessful coup attempt in October 1983 and included Mamane Sidikou, former head of the presidential cabinet.



Nigeria

Amnesty International was concerned about the imprisonment of prisoners of conscience. It was also concerned that political prisoners were tried by tribunals using procedures which apparently fell short of internationally recognized standards of fairness. The organization was also concerned about the use of the death penalty, the application of which was extended to 19 offences. Many of the 111 or more people executed during the year had been convicted by tribunals which did not permit any judicial appeal.

The Supreme Military Council (SMC), which took power in a military coup on 31 December 1983, suspended some sections of the 1979 constitution and issued a series of decrees. The government's power to detain people without trial was extended, special tribunals were established to try people accused of crimes which the government regarded as particularly serious, and the number of capital offences was increased.

In January the government detained over 500 former politicians and traders associated with the government of former President Shehu Shagari, who was himself detained throughout 1984. In February the government promulgated SMC Decree No. 2 – the State Security (Detention of Persons) Decree 1984 – which empowered the authorities to detain indefinitely anyone suspected of being "concerned in acts prejudicial to state security" or of having "contributed to the economic

adversity of the nation". It was made retroactive to 31 December 1983, and was invoked in the cases of those detained in January. At least 150 more people were reported to have been detained under SMC Decree No. 2 during 1984. Most of those held under the decree were reportedly suspected of common law offences such as corruption and embezzlement. Some 30 former officials detained in January were convicted of common law offences during 1984. However, Amnesty International believed that at least one person held under the decree was a prisoner of conscience and called for his release. Dr Tai Solarin, a teacher and journalist, was detained by the security forces on 12 March reportedly because he had written a newspaper article criticizing the government. On 19 April a Lagos High Court ordered his release, but he was immediately rearrested and was still held without trial in Jos prison at the end of 1984.

The organization also adopted as prisoners of conscience Nduka Irabor and Tunde Thompson, two journalists detained on 11 April and accused of writing an inaccurate article in the Lagos *Guardian* newspaper. In June both were sentenced to a year's imprisonment. Amnesty International considered them to have been imprisoned for exercising their right to freedom of expression. The organization investigated the cases of six other people who it thought might be prisoners of conscience.

In October, 250 people detained since January under SMC Decree No. 2 were released uncharged, among them Chief Chukuemeka Odumegwu Ojukwu, whose case was being investigated by Amnesty International. It considered that he might have been detained on account of his former political activities as leader of the secessionist state of Biafra, in spite of an official amnesty. At least four journalists who had been detained reportedly for writing stories which criticized or embarrassed the government were also released during 1984, including two who were being investigated by Amnesty International as possible prisoners of conscience. On 31 December it was announced that a further 144 people detained under SMC Decree No. 2 would be released to mark the first anniversary of the SMC.

The government established at least five categories of special tribunal, each presided over by a qualified judge, with members of the armed forces acting as assessors. Although special tribunals were used principally to try people accused of criminal offences, some were used to hear political cases. For example, the journalists Nduka Irabor and Tunde Thompson were both tried by a special tribunal established under SMC Decree No. 4, The Public Officers (Protection Against False Accusation) Decree. Furthermore, Amnesty International learned of one person charged with a criminal offence whose trial was transferred from an ordinary court to a special tribunal apparently for political

reasons: Fela Anikulapo Kuti, a musician known for the political content of his songs, was detained on 4 September on suspicion of attempting to export currency unlawfully. His case was transferred from the High Court to a special tribunal established under SMC Decree No. 7, the Exchange Control (Anti-Sabotage) Decree of April 1984. Amnesty International received allegations that the authorities had indicated their wish to secure a conviction while the case was still *sub judice*, and that defence witnesses were prevented from testifying. Amnesty International called for his release or retrial before a court whose procedures met internationally recognized standards. One special tribunal, established under SMC Decree No. 3, The Recovery of Public Property (Special Military Tribunals) Decree 1984, was explicitly created to try former holders of public office and their associates accused of criminal offences.

In April and May Amnesty International informed the authorities of its wish to send an observer to sessions of the special tribunals, and requested a visa. However, no reply was received by the end of 1984.

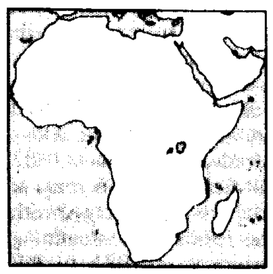
At least 111 people were publicly executed during the year, some 68 of them after being convicted by special tribunals with no right of appeal. However, all sentences imposed by special tribunals were subject to confirmation by the political authorities. Death sentences passed by special tribunals under SMC Decree No. 5, The Robbery and Firearms (Special Provisions) Decree, had to be confirmed by the appropriate state military governor, but such confirmation was sometimes so swift as to cast doubt upon the thoroughness of review. For example, in Kwara State, six people convicted of stealing cars on 17 July had their sentences confirmed by the state governor the next day and were executed the day after that. Amnesty International repeatedly appealed to the authorities to commute all death sentences, and it expressed particular concern about executions after conviction by tribunals with no right of appeal.

In July the government promulgated SMC Decree No. 20, The Special Tribunal (Miscellaneous Offences) Decree, and No. 22, The Counterfeit Currency (Special Provisions) Decree which extended the death penalty to 17 more offences. Moreover, the extension was imposed retrospectively: between 6 and 11 December, five people were sentenced to death under SMC Decree No. 20 for offences which had not been capital offences when they were committed. Amnesty International publicly appealed for the sentences to be commuted, and expressed concern at the retroactive imposition of death penalties. One of the five, Jose Luis Pecina, was subsequently pardoned by the SMC.

Over 120 people were reported to have been sentenced to death during 1984, by both Federal High Courts and special tribunals. Moreover, in May, over 820 prisoners were reported to be under sentence of

death some of whom had been sentenced more than 14 years earlier. On 13 November Amnesty International asked the authorities about a newspaper report that the Chief of Staff, Supreme Headquarters, had ordered the execution of any prisoner under sentence of death who had no right of appeal or whose appeals had been rejected. On 22 November, the authorities replied that the Chief of Staff had no authority to issue such orders. Amnesty International subsequenttly received reports that governors in at least two states had ordered the execution of all such prisoners. For example, 55 condemned prisoners were allegedly executed in Enugu on 15 November; a government official was alleged to have stated that nine people were shot and 46 hanged to "decongest" the prison.

Amnesty International also received reports that orders had been given to some sections of the security forces to execute summarily suspected criminals. On 29 December the News Agency of Nigeria reported that the military governor of Sokoto state had ordered border guards in the state to shoot on sight anyone suspected of smuggling.



Rwanda

Amnesty International was concerned about the continued imprisonment of prisoners of conscience. Although a significant number of prisoners of conscience convicted in 1981 and 1983 were released during 1984, at least one prisoner of conscience was convicted at a trial in August. The August trial also highlighted Amnesty International's concerns that trials of alleged government opponents appeared to fall short of international standards and that political prisoners continued to allege that they had been tortured in custody. Amnesty International was also concerned about the long-term detention without charge or trial of a number of political prisoners.

Amnesty International continued to appeal for the release of prisoners convicted by the State Security Court in November 1981 and April 1983 on charges of distributing seditious documents in early 1980. At the beginning of 1984, there were 27 of these prisoners serving sentences of between three and 12 years. However, 13 of them were among 16 political prisoners released in June and October, while 14 remained in prison at the end of 1984. No official explanation was given when four prisoners were freed in June, but in October, when 12 more

were released, the Minister of Justice said those concerned had been given remission for good behaviour. Amnesty International was also concerned that three other political prisoners convicted in November 1981, who had not been adopted as prisoners of conscience, were unfairly convicted on the basis of statements apparently made under torture.

Seven people were tried in August by the State Security Court in Kigali for political offences. The court convicted three, deferred judgment on two, and referred two for trial by an ordinary court on the grounds that their alleged offences were not political. Of the three who were convicted, two were found guilty of passing confidential information to representatives of a foreign power and sentenced to 10 and 15 years' imprisonment. The third, Alphonse Utagirake, was convicted of writing seditious documents and sentenced to three years' imprisonment. He was accused of criticizing the presidential election in 1983 in which President Juvenal Habyarimana was the only candidate and of arguing that obligatory communal work should be abolished. Amnesty International adopted him as a prisoner of conscience.

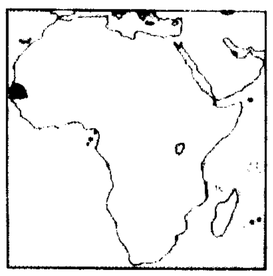
The organization was concerned about allegations of torture made in court by two of the seven defendants. François Habimana claimed that he had made a false confession after being tortured by members of the national security service: his case was considered by the court to be non-political and he was sent for trial by an ordinary court. Aloys Ngurumbe claimed that he had been given electric shocks during his interrogation and forced to "confess" to involvement in a plot against the government. Formerly recognized as a refugee in Uganda, Aloys Ngurumbe had reportedly been forcibly repatriated to Rwanda in 1982 while on a visit to Zaire and was detained for more than two years at Ruhengeri prison before being brought to trial. He was charged with participating in attacks on his country in the 1960s and committing murder, and with participating in a conspiracy in 1981 to kill government officials and overthrow the government. He reportedly admitted taking part in armed raids in the 1960s, but denied being part of a conspiracy and claimed that he had only admitted to this during interrogation because he had been tortured. The prosecution asked for him to be sentenced to death, but at the end of August the court deferred judgment on him and one other defendant accused of spying. According to unofficial sources the court reconvened later in 1984 and sentenced him to life imprisonment.

Amnesty International was concerned that none of the defendants tried in August was assisted by a defence lawyer, although under the law all defendants have a right to legal counsel and that there was no right of appeal. The organization was particularly concerned that the court did not conduct any serious investigation into the allegations of torture.

Amnesty International was also concerned about the long-term detention without charge or trial of political prisoners. The law requires that detainees should be referred to the procuracy within a few days of arrest, but this procedure is widely ignored. In January President Habyarimana ordered the release of all suspects held for more than one year without being referred to the procuracy. However, this order was apparently not applied to political detainees, whose cases appeared to be investigated by the national security service instead of the procuracy.

During the August trial before the State Security Court, two detainees in security service custody who were not on trial appealed to the court to review their cases and order their release. Eustache Kabalira had previously been tried and acquitted by the same court in November 1981 on charges of organizing a campaign to destabilize the government. In August 1984 he told the court that he had been rearrested in February 1983 and held by the security service for 19 months without charge. He asked to be released from prison while investigations into his case continued. This was refused but the court said it would look into his case. Eustache Kabalira's action in bringing his own case to court to complain about his long-term detention without charge or trial was the first known legal action of its kind by an untried political detainee in Rwanda. The other detainee, Jacques Hategikamana, brought a similar action before the court in August but was also told he had to remain in security service custody.

In May the Minister of Justice announced that prison guards and members of the security and police forces found to have ill-treated prisoners were to be punished. He pointed out that all prisoners had the right to receive visits from relatives and instructed prison officials to respect this right. The Minister's statement appeared to be the result of an investigation ordered by the President in June 1983 into allegations of ill-treatment of prisoners. It was apparently carried out by the Minister of Justice and the Roman Catholic Archbishop of Kigali. Amnesty International welcomed the statement and asked how the authorities intended to investigate allegations of torture or ill-treatment. However, it remained concerned that when allegations of torture were made in the State Security Court in August, no investigation appeared to have been carried out then. The organization also welcomed the Minister's public confirmation that political prisoners could receive visits: however, both before and after the Minister's statement some political prisoners in Ruhengeri prison were reportedly prevented from seeing visitors.



Senegal

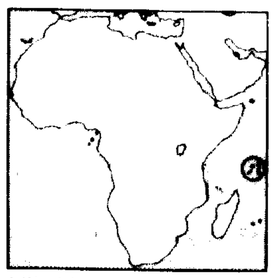
Amnesty International was concerned about the prolonged pre-trial detention of people arrested in connection with an autonomist movement in Casamance, the southernmost part of the country. A number were alleged to have been tortured after arrest.

Violent disturbances broke out in the Casamance area after the trial in December 1983 of some 40 advocates of Casamance autonomy, 19 of whom were sentenced to prison terms for prejudicing national integrity and the remainder acquitted or given suspended prison sentences. A number of people were killed – including at least three police officers – and more than 250 people arrested. None had been tried by the end of 1984 but about 120 of them were provisionally released in March and April. The remainder were reportedly detained in Dakar, the capital, and its suburb, Rufisque, at the end of 1984. Late in the year, Amnesty International received information suggesting that a number of those arrested had been subjected to torture, including severe beatings and electric shocks, following their arrest.

In addition to those arrested in Casamance, three students at the *Ecole polytechnique*, Polytechnic Institute, at Thies were also in custody at the beginning of 1984. Saliou Niang, who was allegedly beaten and given electric shocks after his arrest, Oumar Ba and Ibrahim Ka had all been arrested in December 1983. They were accused of "inciting popular revolt" and, as students at the Polytechnic Institute are officially under a paramilitary regime, of "undermining army morale". They were suspected of distributing leaflets signed *Ferñent*, "The Spark", which criticized the administration of the Polytechnic Institute and advocated violence in support of Casamance autonomy. On 2 May El Hadj Momar Samb, a teacher, was arrested in Dakar, apparently for distributing *Ferñent* leaflets and other documents to dockworkers.

In July Amnesty International wrote to the Minister of Justice and called for El Hadj Momar Samb and the three students to be brought to trial or released. The Minister replied in September that the government did not consider the four to be prisoners of conscience as the *Ferñent* leaflets had advocated violence. He stated also that they would be tried before the State Security Court and thus were not eligible for release pending trial. In the event, however, El Hadj Momar Samb was tried in early November before the Magistrate's Court in Dakar and convicted of spreading false news. He was fined and given a three-month suspended

sentence. His trial was attended by an Amnesty International observer who reported that the proceedings were fair, but criticized the government's initial decision to have him tried on serious state security charges. The three Thies students were also released in November by the magistrate investigating their cases to await trial in January 1985.



Seychelles

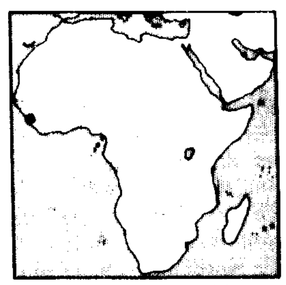
Amnesty International was concerned because suspected opponents of the government, including prisoners of conscience and possible prisoners of conscience, were held under legislation providing indefinite detention without trial. It was also concerned about the "disappearance" of two people who were reportedly abducted and killed by members of the security services.

Four people – a businessman, a taxi driver and two former soldiers – were detained during the night of 29/30 September, apparently on suspicion of organizing an anti-government demonstration for the following day. They were reportedly held under the Preservation of Public Security (Detention) Regulations, which provide for the indefinite detention, on the order of the President, of anyone considered dangerous to public security. Three were released untried in November. The remaining prisoner, the businessman Jean Dingwall, was investigated by Amnesty International as a possible prisoner of conscience. He had been detained at least twice before for political reasons.

Amnesty International received allegations that two people were abducted and killed by government security agents. "Expedit" Jean Guillaume, a labourer, was reported to have been abducted on 9 August when he was apparently mistaken for another person regarded as a government opponent. On 23 August the authorities announced that he was missing and appealed for information as to his whereabouts. On 13 September Alton Ah-Time "disappeared" and was also subsequently reported to have been abducted and killed by security officials. On 21 September the authorities announced his "disappearance" and appealed to the public for information. Alton Ah-Time's mother published an open letter in the press, in which she alleged that her son had been under surveillance by government agents for several months. She also alleged that he had been accused of opposing the government, in particular for suspected contact with an illegal opposition group, the *Mouvement pour*

la resistance (MPR), the Resistance Movement. Other reports received by Amnesty International stated that Alton Ah-Time was abducted by four named government security officials and later killed.

Amnesty International wrote to President France Albert Rene on 7 November about Jean Guillaume and Alton Ah-Time, asking for information on any official inquiries into their "disappearance". The organization noted that in at least five other cases since 1977 in which people had "disappeared" or died in apparent accidents, subsequent reports had suggested that they had been abducted and killed by agents of the government, with or without official sanction. By the end of 1984 Amnesty International had received no reply. However, on 30 November President Rene denied in a radio interview that Jean Guillaume and Alton Ah-Time had been abducted and killed by agents of the security forces or the government.



Sierra Leone

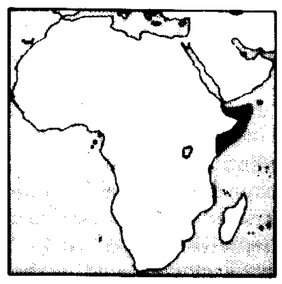
Amnesty International was concerned about reports of ill-treatment of prisoners, in some cases said to have resulted in death. It was also concerned about the continued detention without trial of suspected political opponents of the government, at least two of whom were prisoners of conscience.

At the beginning of 1984 more than 100 people detained in connection with acts of political violence in the Pujehun region were reported to be held in prisons or police cells in Pujehun and Bo. Some had apparently been held without trial for more than a year. Amnesty International received information that their conditions of detention were grossly inadequate, and in particular that prisoners were not given adequate food or medical attention. As a result, at least five prisoners were reported to have died from malnutrition at Pujehun in the preceding six months. On 22 March Amnesty International wrote to President Siaka Stevens to express its concern about these reports and to urge that all prisoners should be humanely treated. It also sought clarification of the number and identities of all those held in connection with the violence in the Pujehun region. However, there was no response from the government and Amnesty International continued to receive reports of ill-treatment.

In early July, after receiving information about further deaths of prisoners since January 1983, Amnesty International publicly appealed to the government to investigate the deaths of some 19 prisoners whose

names were known to the organization. Ten were reported to be political detainees who had died in custody at Pujehun. The nine others, detained for reasons not reported to Amnesty International, had reportedly died in Koidu prison in Eastern Province. On 12 July the authorities publicly denied Amnesty International's allegations. They stated that two people had died in Pujehun prison and three in Koidu prison between January and July 1984 – none of them from malnutrition – and that all detainees and prisoners were fed three times a day. However, they did not account for any of the individuals named by Amnesty International, nor did they institute an investigation of the type requested. Moreover, Amnesty International continued to receive reports that prisoners were seriously malnourished and that this had led to more deaths.

On several occasions people were detained for criticizing the government. Most were released uncharged within a few days. However, Christopher Coker, a journalist arrested in September for criticizing the government, was held in Pademba Road prison for some four months. J. L. Olu Mammah, an accountant, was also imprisoned there after being detained in September, reportedly for possessing literature issued by an illegal political group, the Sierra Leone Democratic Party. Amnesty International considered both men to be prisoners of conscience.



Somalia

Amnesty International's main concerns were the imprisonment of prisoners of conscience, some of whom had been detained without trial for more than six years; the indefinite detention without trial of other political prisoners or their conviction after unfair trials; and the death penalty. Prison conditions for political prisoners were reported to be harsh and there were allegations of extrajudicial executions by the security forces.

President Mohamed Siyad Barre's government continued to face armed opposition from the Democratic Front for the Salvation of Somalia and the Somali National Movement, two opposition organizations based in neighbouring Ethiopia. Many people suspected of supporting these armed opposition groups, particularly in the north, were detained. Amnesty International continued throughout 1984 to press for the release of long-term prisoners of conscience. They included two untried detainees held since 1978, Yusuf Osman Samantar ("Barda'ad"), a left-

wing politician, and Jama Ali Jama, an army colonel. Amnesty International was investigating the cases of Ahmed Abdi Hashi, a former director-general of the Ministry of Justice, and Abukar Hassan Yare, a university law lecturer, both of whom had been detained without trial together with other alleged critics of the government since January 1981.

Amnesty International made renewed appeals for the release of six members of parliament who were adopted as prisoners of conscience after their arrests in June 1982. They included Ismail Ali Abokor, a former Vice-President, Omar Arteh Ghalib, a former foreign minister, and Mohamed Aden Sheikh, president of the Somali Academy of Sciences. They had been charged with treason but had not been tried by the beginning of 1984. In February, in response to an Amnesty International inquiry, the Attorney General stated that investigations into their cases had been completed and that the six would soon be tried in open court. He added that they were permitted by law to engage defence lawyers of their choice and that they were in good health and well-treated in prison. However, despite these assurances, the six had not been tried by the end of 1984 and were apparently still being denied access to legal counsel and to their families. They were held in harsh conditions at Labatan Jirow Prison.

Amnesty International continued to investigate the imprisonment of 20 doctors, teachers and traders arrested in Hargeisa in November 1981. In February 1982 they were convicted by the National Security Court of participating in a subversive association and sentenced to prison terms ranging from three years to life. Amnesty International believed that they might be prisoners of conscience and that they had not received a fair trial.

Many new politically-motivated arrests occurred during 1984. In July there were mass arrests in Hargeisa of students and teachers allegedly involved in distributing anti-government pamphlets. On 2 October 28 of them were tried in Hargeisa before the National Security Court on charges of treason and other offences under the National Security Law. They were not all legally represented and the trial proceedings were summary. All the defendants were convicted. Seven students – including Abdi Damar Abdi, Abdirahman Mohamed Barud and Yusuf Mohamed Issa – were sentenced to death and eight defendants were sentenced to life imprisonment. The 13 other defendants received prison terms ranging from three to 20 years. Defendants before the National Security Court have no right of appeal to a higher court but death sentences are subject to review by the President. Amnesty International appealed for the seven condemned prisoners not to be executed, and stated its view that the defendants had not received a fair trial. The organization considered that all 28 might be prisoners of conscience.

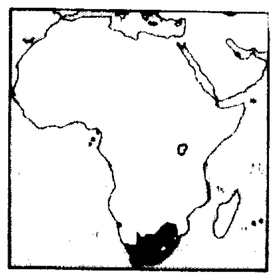
On 24 November three army officers hijacked an aircraft on an

internal flight and forced it to land in Ethiopia. They threatened to blow up the aircraft and its passengers unless the Somali Government released into exile the seven students under sentence of death – whom they alleged were about to be executed – and 14 untried political detainees. The government refused to accede to these demands but reportedly agreed not to execute the students and to review the cases of the 14 detainees, who included the six former members of parliament mentioned previously. The hijack ended peacefully, three days after it had begun. There were reports later that suspected associates of the hijackers had been arrested in Mogadishu. By the end of 1984 the government had neither confirmed commutation of the seven death sentences nor announced the outcome of any review of the detainees' cases.

Amnesty International was concerned that political prisoners were held in harsh conditions, particularly in the maximum security prisons of Labatan Jirow, near Baidowa, and Lanta Bur, near Afgoi. They were denied visits from, or correspondence with, relatives and lawyers, and some prisoners were allegedly subjected to prolonged solitary confinement. Medical facilities were poor. Amnesty International appealed in particular for Yusuf Osman Samantar and Jama Ali Jama to be given urgently needed medical treatment which they were reportedly being denied. The organization was investigating allegations of beatings and ill-treatment of prisoners held for interrogation in the National Security Service headquarters in Mogadishu.

At least 20 people were sentenced to death by the National Security Court in 1984. They included six people convicted of crimes against the state who were tried in Hargeisa in January, and the seven students sentenced to death in October. Amnesty International appealed for commutation of the death sentences. It protested at a public execution for murder which was carried out on 12 July in the police academy square in Mogadishu. Five people convicted of armed robbery were also executed there on 30 September.

Reports were received of extrajudicial executions of people accused of collaborating with the opposition Somali National Movement. The reports alleged that security forces had killed a number of military officers in Hargeisa in August and up to 50 civilians in Hargeisa and Berbera in November. On 23 November Amnesty International asked the government to investigate these allegations but received no reply.



South Africa

Amnesty International was concerned about the imprisonment or restriction of prisoners of conscience. It was also concerned about the detention without trial of other suspected opponents of the government and of local administrations in African "homelands" (which the South African Government has declared "independent" but which are not recognized internationally). Prisoners of conscience included detainees held without trial, prisoners serving sentences imposed by the courts, people restricted under banning orders and many thousands of black people imprisoned under the so-called "pass laws", which apply only to blacks. Detention without trial was used extensively and there were new allegations of torture and ill-treatment of political detainees. There were also further deaths in detention under suspicious circumstances. Amnesty International was also concerned about the continued use of the death penalty.

Major constitutional changes were put into effect despite widespread opposition. New racially-based parliamentary assemblies granted direct representation to the "Coloured" (i.e. mixed race) and Indian minorities, numbering respectively less than three million and one million people. However, blacks – an overall majority of the population – continued to be denied parliamentary representation or any say in government. Elections for the Coloured and Indian assemblies were held in August in the face of a boycott campaign organized by the United Democratic Front (UDF), a coalition of groups of all races opposed to the constitutional changes, and the National Forum, a coalition of groups espousing "black consciousness". The turnout was low: less than 30 per cent of Coloureds and 20 per cent of Indians voted. In September, P W Botha relinquished office as Prime Minister and was elected South Africa's first executive State President.

There was widespread civil unrest, particularly in the second half of 1984, due to opposition to the constitutional changes, continuing discontent among young black people over educational grievances – which resulted in a protracted boycott of schools in many areas – and opposition among urban blacks to rent increases and other local issues. In September violent disturbances broke out in several black townships in the "Vaal triangle" south of Johannesburg and spread to other townships. The government reacted by deploying large numbers of paramilitary police and, on some occasions, troops in the townships. Several hundred people were arrested and at least 170 people were reportedly killed, most apparently as a result of police action.

Significant changes were made affecting black people prosecuted under the pass laws, which regulate where they may live and work and restrict their freedom of movement, following the publication in April of the findings of a commission of inquiry into the structure and functioning of the courts. This criticized the conduct of trials of pass law prisoners before special Commissioners Courts with jurisdiction over blacks only and described the use of separate courts for different races as "unnecessary, humiliating and repugnant". It recommended that pass law prisoners should be tried before magistrates courts, a proposal which the government subsequently implemented and which was believed to have resulted in a marked decline in the number of such convictions. The commission also criticized the imprisonment of blacks under the pass laws, which resulted in South Africa having *per capita* one of the highest prison populations in the world, and commented that pass law prisoners were "not real malefactors" but "the needy victims of a social system that controls the influx of people from the rural to the urban areas by penal sanction".

Shortly before publication of the commission's report an Amnesty International mission visited South Africa to investigate the administration of the pass laws and observe trials of people prosecuted under them. The mission found that proceedings in Commissioners Courts were characterized by extreme brevity and such serious shortcomings that defendants did not receive fair trials.

Many people were detained without trial for political reasons during 1984 both by the South African security police and by security police in the Ciskei, Transkei and Venda "homelands". Amnesty International intervened in more than 300 cases, many involving detainees considered to be prisoners of conscience, but the total number of people arrested for political reasons, some of whom were held only briefly, was far higher. They included officials of black trade unions, black and white student activists, leaders of the Coloured and Indian communities opposed to the elections, officials of the UDF and other anti-government political organizations, journalists and church and community workers. Many were held under Section 29 of the Internal Security Act, 1982, which permits the security police to hold uncharged detainees incommunicado for interrogation indefinitely and to withhold all information about them. Those arrested in the "homelands" were held in similar circumstances under local legislation. For example, at the beginning of 1984 several people arrested in November 1983 were still detained incommunicado in the Venda "homeland". They included Samuel Mugivhela Tshikhudo, a 50-year-old farmer, who died in mid-January a few hours after security police had him admitted to hospital. Amnesty International, which had earlier pressed the Venda authorities to charge or release the detainees and prevent them being tortured or ill-treated,

publicly expressed its concern over this death and its fears for the safety of the remaining detainees. Subsequently, the organization learned that Samuel Mugivhela Tshikhudo had apparently died from a disease akin to typhoid, probably contracted in detention. However, no inquest into his death had been held by the end of 1984.

A month after the death the authorities allowed the remaining detainees to be medically examined. All were severely debilitated and had lost a lot of weight through malnourishment and other factors, and one had apparently attempted suicide. Most of the detainees were released uncharged but two were tried. Petrus Mudzielwana received an eight-month prison sentence and Tendamudzimo Ratshitanga, a prominent Venda poet, was jailed for five years for allegedly assisting guerrillas. His trial was attended by an Amnesty International observer who reported that the conviction was based on inadequate evidence. The case was taken up for investigation by Amnesty International.

There were recurrent political arrests in Ciskei, where many people had been detained and tortured in 1983, as a boycott of bus services by Mdantsane residents continued throughout 1984. Those detained included community leaders, one of whom, Priscilla Maxongo, had been held incommunicado and without charge for more than five months by the end of 1984. She was the subject of an international appeal by Amnesty International. In Transkei too, there were many politically motivated arrests. In late August, some 250 students were arrested and held for several weeks following months of unrest at the university.

A number of people were placed in preventive detention under Section 28 of the Internal Security Act. Among them were four black community leaders from Cradock arrested in March in connection with local protests over rent and education grievances and held for several months. Leading officials of the UDF and other organizations campaigning for an election boycott were also arrested in August and placed in preventive detention. Seven of them successfully challenged their detention orders in the Natal Supreme Court and were released on 7 September, but new detention orders were then issued against them. Five of the seven, together with Paul David, a former prisoner of conscience whose detention had also been ordered, then entered the British Consulate in Durban on 13 September and sought sanctuary there. This provoked a diplomatic dispute between the British and South African Governments. On 6 October George Sewpershad, M. J. Naidoo and Mewa Ramgobin, all leading members of the Natal Indian Congress and the UDF, left the consulate voluntarily and were redetained. The three others – Archie Gumede, a national president of the UDF, Paul David and Billy Nair – were still in the consulate on 10 December when all preventive detention orders were revoked by the

Minister of Law and Order. They then left the consulate but Archie Gumede and Paul David were immediately rearrested and charged with treason. The three who left the consulate on 6 October and three other UDF leaders who had been detained in Johannesburg – Dr Essop Jassat, Aubrey Mokoena and Curtis Nkondo – were also charged with treason. All eight were remanded in custody for trial in 1985 after an Attorney-General prohibited their release on bail. They were considered by Amnesty International to be prisoners of conscience.

There were many new arrests following the outbreak of township disturbances in early September. Amnesty International made numerous interventions on behalf of those detained urging their early release or trial and the introduction of full safeguards against torture or ill-treatment. Some of those detained were children: on 28 September some 58 children under 16 were released from police custody and a further 46 were freed three days later. In early November there was a two-day general strike by black workers in the Witwatersrand and Vaal industrial areas, which received support from the two main confederations of black trade unions, student and other groups. A few days later, security police detained members of the committee which organized the strike and the leaders of the two union confederations, Chris Dlamini and Phiroshaw Camay. They were held incommunicado for interrogation. Kate Philip, a white student leader, was also among those detained. Amnesty International considered that they were probably prisoners of conscience and appealed on their behalf. The trade union leaders and Kate Philip were freed in early December but the strike committee members were charged with subversion and released on bail for trial in 1985. Many other detainees, however, remained in incommunicado detention at the end of 1984.

There were new allegations of torture and ill-treatment of detainees but for the first time a security police officer was prosecuted and imprisoned after the death of a political detainee. In February security police sergeant Jan Harm van As received a 10-year sentence for the murder in July 1983 of Paris Malatji, who had been shot in the head at close range while held at Protea police station in Soweto. In another case, a police constable who had shot Saul Mkhize, leader of a black community threatened with forcible relocation, in 1983 (see *Amnesty International Report 1984*) was acquitted of murder.

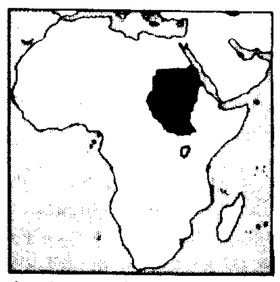
There were many new political trials and potential state witnesses continued to be held in incommunicado detention for long periods. A few, when they appeared in court, refused to give evidence for the state and then received long prison sentences for contempt; the maximum penalty for refusing to testify was five years' imprisonment.

Two banned people – Dr Beyers Naude and Moki Cekisani, both adopted prisoners of conscience – had their banning orders prematurely

lifted in September. However, a new banning order was imposed in late October when Abel Dube, who had been held in preventive detention since 21 April 1982, was released but immediately restricted to Messina. Another former banned person, Charles Nqakula, was officially designated an inhabitant of Ciskei and prohibited from entering other parts of South Africa. When he did so, he was arrested. Similar action was taken against Steve Tshwete, a leading member of the UDF in the Eastern Cape.

The death penalty continued to be one of Amnesty International's main concerns. A total of 114 people convicted of criminal offences were hanged in Pretoria Prison. Several others were sentenced to death or executed for criminal offences in Ciskei, Transkei and Venda. It was not known whether executions also took place in Bophuthatswana. Benjamin Moloise, who was sentenced to death in 1983 for a politically motivated murder, was not executed in 1984, and no other political prisoners were sentenced to death during the year.

Amnesty International submitted information on its concerns in South Africa to UN bodies including the *Ad Hoc* Working Group of Experts on southern Africa.



Sudan

Amnesty International was concerned about the imprisonment of prisoners of conscience, the detention without trial of other suspected opponents of the government and the imprisonment of political prisoners after unfair trials. The organization was also concerned about allegations of torture and ill-treatment of political detainees, the continuing use of the death penalty and the use of amputations and floggings as judicial punishments. Over 65 people were sentenced to amputation and several hundred to flogging.

Armed conflict persisted in the south during 1984 between the government and an opposition guerrilla organization – the Sudan People's Liberation Army (SPLA). Abuses were reported to have been perpetrated by both sides, although accounts were difficult to verify. Eleven civilians, mostly foreigners, were abducted by the SPLA and held for periods ranging from some weeks to several months. Six were still held at the end of the year.

More than 400 suspected opponents of the government, including many prisoners of conscience, were believed by Amnesty International

to be detained without charge or trial under the State Security Act at the beginning of 1984. Further political arrests occurred in February when at least 15 army officers were arrested for allegedly plotting against the government. However, none had been charged or tried by the end of 1984. Also in February, Sirr Anai Kelueljang, a journalist and poet, was arrested near Rumbek and held in Juba prison without charge until he was released in September.

On 29 April President Gaafar Mohamed Nimeiri declared a state of emergency on the grounds that "opponents of the government were planning to disturb the process of Islamization and benefit from the armed conflict in the south". Certain articles of the constitution were suspended – for example that guaranteeing the right to freedom of opinion. The state of emergency remained in force until 29 September and for its duration, cases involving offences against Islamic (or *Shari'a*) law and certain political and economic offences were tried by newly established emergency courts. The majority of the judges in these courts were members of the security forces and defendants were denied legal representation and the right of appeal. Proceedings were conducted summarily and sentences – including amputation and flogging – were carried out with little delay. On 8 May Amnesty International appealed to the government to ensure that no one was detained under emergency regulations solely for the peaceful expression of their opinions, and called for the restoration of the right to legal representation and appeal.

During the emergency numerous alleged government opponents were arrested, particularly suspected members of the banned Arab Ba'athist Socialist Party. Most were detained without trial under the State Security Act, although some were tried by emergency courts. On 15 May, Osman el-Sheikh el-Zein, a pharmacist, was arrested in Khartoum with three others and accused of printing and distributing Ba'athist leaflets criticizing the government. They were brought to trial in November before an ordinary criminal court on charges of membership of an illegal political organization and inciting hatred against the government. Their trial was continuing at the end of 1984. Other alleged Ba'athists were tried before emergency courts and sentenced to prison terms, mostly of one or two years, for membership of an illegal political organization.

Several people were arrested in Juba in June reportedly for opposing the government's policy of redividing the formerly semi-autonomous southern region. Charles Adura and other members of the Equatoria regional parliament were among those arrested. All, however, were released uncharged after a short time except Charles Adura, who was reportedly still detained without charge at the end of 1984.

On 8 July the government announced that defendants before the Emergency Courts, which it renamed "Decisive Justice Courts", would

henceforth be allowed legal representation and the right to appeal to a newly-created "Decisive Justice Court of Appeal". On 3 August, Salaheddin el-Musbah el-Mahdi, a businessman, was sentenced by a Decisive Justice Court to five years' imprisonment for insulting the head of state. Speaking in a Khartoum mosque in President Nimeiri's presence, he had criticized the state of emergency and called for the release of political prisoners. The sentence was reduced on appeal to two years' imprisonment and 80 lashes, which were inflicted immediately. He was still imprisoned at the end of 1984 and was regarded by Amnesty International as a prisoner of conscience.

The Decisive Justice Courts were abolished when the emergency was lifted on 29 September and their jurisdiction was returned to civil courts. Political arrests, however, continued. In October over 200 people were arrested and accused of involvement in a conspiracy to undermine security and "prepare for a scheduled foreign intervention". They included the Reverend Philip Abbas Gabboush, a former member of parliament; Mursi Mursal, a member of the Bar Association's council, and several army officers. By the end of 1984 they had not been tried and Amnesty International was investigating their cases.

In December at least eight local government officials and university lecturers were arrested in Juba following an attack by the SPLA near Juba apparently for political reasons. They were all reported to have been released without charge by the end of the month.

In the latter part of 1984 Amnesty International was working on behalf of over 100 prisoners of conscience and investigating the cases of several other political prisoners. They included members of banned political parties such as the Sudan Communist Party and the Arab Ba'athist Socialist Party, as well as members of the Republican Brothers movement, an Islamic organization, and supporters of the detained former Prime Minister, Sadiq el-Mahdi. Some of the detained prisoners of conscience had been held for several years, such as Youssif Hussein el-Amin, a trade union leader arrested in 1979; Mohamed Murad el-Hag, a university lecturer arrested in 1979; El-Tigani el-Tayeeb Babikir, a Communist Party leader arrested in 1980 and Mohamed Sidahmed Attiq, a journalist and alleged Ba'athist arrested in 1980. President Nimeiri was reported on 15 December to have stated that there were only about 300 political prisoners in Sudan. He said that the Communists and Ba'athists would soon be brought to trial but gave no details. However, Amnesty International believed that the number of untried political detainees and convicted political prisoners was in fact higher than this.

Several prisoners of conscience were released during 1984. In January a number of prominent southern politicians detained in 1982 and 1983 were released. Among them were Dhol Achuil Aleu who had

been vice-president of the High Executive Council for the South (the former southern regional government), and Bona Malwal, a former Minister of Information. Also freed during 1984 were Mokhtar Abdallah Ahmed, a trade unionist detained in 1979 and Abdu Hashim Hamdallah, a businessman arrested in 1980. On 18 December former Prime Minister Sadiq el-Mahdi was released together with 16 of his supporters from the banned Umma Party, which is linked to the Ansar sect of Muslims. On 19 December President Nimeiri also released Mahmoud Mohamed Taha, leader of the Republican Brothers movement, and about 50 of his supporters, who had been detained without trial under the State Security Act since June for criticizing the Vice-President.

Political prisoners were mostly held in civil prisons, such as Kober Prison in Khartoum North, and various regional prisons. Conditions were poor and several detainees reportedly suffered long delays before receiving medical treatment.

Amnesty International received allegations of ill-treatment or torture of some political prisoners while they were held incommunicado by the State Security Service. In July Amnesty International appealed to the authorities to investigate reports that Osman el-Sheikh el-Zein and three other alleged Ba'athists had been tortured while under interrogation by the State Security Service in Khartoum. On 21 December Amnesty International appealed to the government to investigate the alleged torture of Nabil Nashid Abdallah, a geologist, and over 30 other alleged Ba'athists detained incommunicado in State Security Service custody in Khartoum.

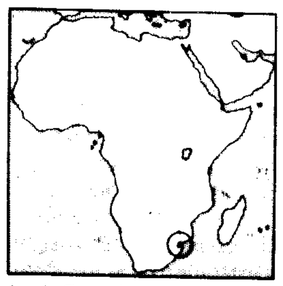
Amnesty International appealed for the penalty of amputation to be abolished, as it is a cruel, inhuman and degrading punishment and as such, prohibited by international law. Under the new Islamic laws introduced in September 1983 the penalty for the theft of goods valued at over 100 Sudanese pounds (about US $80) is amputation of the right hand, and the penalty for armed robbery or persistent theft is amputation of the right hand and of the left foot ("cross-limb amputation"). At least 65 amputations were carried out during 1984, including 45 right hand amputations and 20 cross-limb amputations, mostly before a public audience in Kober Prison and under the supervision of a doctor. At the end of the year, at least 23 sentences of amputation were awaiting the result of judicial appeals or the infliction of the penalty. Many of the victims had been tried without legal representation or the right of appeal.

In August 1984 Amnesty International presented information on amputations in Sudan to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. On 29 August the Sub-Commission adopted a resolution recommending that the UN Commission on Human Rights urge governments which had legislation or practices allowing amputation to provide alternative punishments in

conformity with the prohibition of torture and other cruel, inhuman or degrading treatment in Article 5 of the Universal Declaration of Human Rights.

Amnesty International was also concerned about the judicial penalty of flogging, also introduced in September 1983 and widely used. Between 25 and 100 lashes were inflicted, in court, immediately after sentencing, or after an appeal ruling upholding the sentence. Several hundred men and women were flogged during 1984, many of them after being tried without rights to legal representation or appeal.

Amnesty International appealed to President Nimeiri on a number of occasions to commute death penalties. At least 10 people convicted of murder or persistent armed robbery were publicly executed during 1984. On 15 June Al-Wathig Sabah al-Khair was hanged in Kober prison two days after being convicted of persistent armed robbery by an emergency court. He was also sentenced to crucifixion after death, but this was not carried out as "the machinery was not available", according to the prison director.



Swaziland

Amnesty International was concerned about the imprisonment of prisoners of conscience and the detention without trial of other suspected opponents of the government. All prisoners of conscience held at the beginning of 1984 were released in March and April but there were new politically motivated arrests during the year of both Swazi nationals and South African refugees and political exiles. Most of the South Africans, some of whom were allegedly tortured or ill-treated, were deported to other countries of asylum but there were reports that several were forcibly returned to South Africa despite fears that they might be imprisoned and tortured there.

There were further indications of a power struggle within the government, culminating in the dismissal in June of the Ministers of Finance and Foreign Affairs, the Army Chief of Staff and the Commissioner of Police, and the subsequent removal from office of Prince Sozisa, Chairman of the *Liqoqo*, or Supreme Council of State.

At the beginning of 1984, 19 people were held under administrative detention orders signed by the Prime Minister, Prince Bhekimpi Dlamini. They had all been arrested in the last five months of 1983 in

connection with opposition to the deposing of the Acting Head of State, Queen Regent Dzeliwe, and her replacement by Queen Regent Ntombi. Four of the detainees had been adopted as prisoners of conscience: Douglas Lukhele, a former Attorney-General and High Court judge; Arthur Khoza, a senior civil servant; and two members of the royal family, Prince Sulumlomo Dlamini and Prince Thunduluka Dlamini. Amnesty International was investigating the cases of the other 15 detainees, who, unlike the first four, had been charged with treason. Some of them had applied successfully to the courts to be released on bail but administrative detention orders had then been imposed. Such detention orders, which could not be challenged in the courts, were for a maximum of 60 days but could be renewed immediately upon expiry any number of times, so providing a basis for indefinite detention without trial. All those held at the beginning of 1984 had had their detention orders renewed at least once.

The 15 prisoners charged with treason were due to stand trial in May. However, in March the government suddenly released eight of them together with Douglas Lukhele and Arthur Khoza. Amnesty International welcomed this development but on 27 March made a renewed appeal for the release of Prince Sulumlomo Dlamini and Prince Thunduluka Dlamini. The organization also urged the Prime Minister to cancel the detention orders imposed on the seven remaining prisoners charged with treason. The two princes and the seven prisoners were freed on 18 April at the direction of Queen Regent Ntombi and all treason charges were dropped.

In late March and April there was a series of violent clashes between Swazi security forces and members of the African National Congress (ANC) of South Africa, some of whom were based in Swaziland while others apparently entered Swaziland after being expelled from Mozambique after its Nkomati Accord with South Africa. There were several deaths on both sides and many suspected ANC members were arrested. Some had undoubtedly been involved in violent activity but others were recognized refugees of long standing who did not appear to have been involved in violence. Several were prosecuted and imprisoned for possessing weapons but the majority were held uncharged pending deportation. In April it was reported that armed men had forcibly removed alleged ANC members from two police stations. The government blamed the ANC for both incidents but the ANC alleged that four prisoners taken from Bhunya police station had been taken to South Africa. This was denied by both the Swaziland and South African authorities.

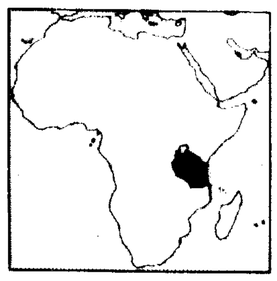
In July Amnesty International received reports that 48 detained ANC activists had gone on hunger-strike in protest against torture and ill-treatment in custody. The organization expressed its concern to the

government over these allegations and called for an inquiry. It urged the authorities not to repatriate alleged ANC members to South Africa in view of fears that they might be tortured there. No inquiry was known to have been established but most of the alleged ANC members were deported to other countries in late July.

In December the government said that some ANC members had returned to the country and ordered 23 of them to report to the police or face summary deportation to South Africa. Amnesty International was concerned about this threat and again urged the authorities not to repatriate people who would be at risk of torture in South Africa.

In early October a former student leader of South African origin, Bhabalazi Bulunga, was arrested at Big Bend. He was held uncharged for about 10 days and then forcibly repatriated to South Africa, where he was detained by security police. Amnesty International protested to the Swaziland authorities over his arrest and repatriation and called on the South African authorities to release him. He was freed uncharged in late December but was not permitted to return to Swaziland.

The Minister of Finance dismissed in June, Dr Sishayi Nxumalo, the former Army Chief of Staff, Colonel Mangomeni Ndzimandze, and another senior army officer, Major Abednego Dlamini, were arrested in November. The police stated only that they were being held in connection with security matters. None of them had been charged or released by the end of 1984 although the law requires that people who are arrested must be charged or released "within a reasonable time", normally considered to be 48 hours. Dr Nxumalo was dismissed shortly after announcing the discovery of a large-scale fraud involving the customs union with South Africa in which senior politicians were allegedly involved. Dr George Msibi, a member of the *Liqoqo*, then claimed that Dr Nxumalo and the army and police chiefs dismissed with him had threatened the Queen Regent with "bloody revolution" unless she dismissed their political opponents. This was denied by Dr Nxumalo who instituted a court action against Dr Msibi for defamation. However, before this could be heard, the government enacted by decree new legislation granting members of the *Liqoqo* immunity against civil court actions, retroactive to March. Amnesty International appealed on behalf of Dr Nxumalo and the two army officers following their arrest and called for them to be charged or released in accordance with the law. It also expressed concern over reports that Dr Nxumalo had become seriously ill while in custody and had required hospital treatment.



Tanzania

Amnesty International was concerned about the short-term detention without trial of two prisoners of conscience and about allegations of torture and ill-treatment of prisoners.

The government made a number of important legislative changes during 1984. In October Parliament passed an act amending the constitution to include in it for the first time a bill of rights, including the rights to equality before the law and to freedom of thought, movement and worship. During the debate on the new constitution, and in his opening address to an Amnesty International regional conference in Arusha in November, Prime Mininster Salim Ahmed Salim announced that the government was considering certain amendments to the Preventive Detention Act, which allows for indefinite detention without trial. They included establishing a time limit on detention; the publication of all detentions in the official gazette; and the right of detainees to contest the grounds for detention in the High Court. However, the precise proposals had not been made public by the end of 1984. In September the Economic Sabotage (Special Provisions) Act of 1983, under which there had been some 2,000 prosecutions, was replaced by the Economic and Organized Crime Control Act, 1984. The new law removed certain aspects of the previous one which were incompatible with international standards for a fair trial, such as the denial of the right to legal representation and to appeal. Amnesty International learned of no prosecutions in 1984 under either act of political opponents of the government.

In January a political crisis over the union between the Tanzanian mainland and the islands of Zanzibar and Pemba led to the resignation of the Zanzibari President, Aboud Jumbe. Wolfango Dourado, chairman of the Zanzibar Law Review Council and a former Attorney General of Zanzibar, and Bashir Ebassuah Kwaw-Swanzy, the then Zanzibar Attorney General and chief legal adviser to the Zanzibari Government, were detained without charge. Wolfango Dourado was arrested in Zanzibar on 30 January, apparently because the proposals of the Zanzibar Law Review Council on the constitutional relationship between the mainland and the islands conflicted with those of the Tanzanian Government. Bashir Kwaw-Swanzy, a Ghanaian citizen, was held under house arrest from 30 January, released on 13 February and immediately deported. Wolfango Dourado was detained at Keko Remand Prison on the mainland until his release on 11 May. Amnesty

International believed that the two men were prisoners of conscience and called for their release.

After the change of government in Zanzibar in January, 24 political prisoners were released who had been detained without charge under Zanzibar's separate Preventive Detention Act (see *Amnesty International Report 1984*). Amnesty International also learned of the release of Said Lemke, a naturalized Kenyan citizen, who had been handed over to the custody of the Tanzanian authorities by Kenya in November 1983. He returned to Kenya in May.

In November 1984 the trial began in the High Court of 19 people charged with treason for their alleged part in a plot to overthrow the government. Most had been arrested in January 1983. Four of the defendants – Hatibu Gandhi (*alias* Hatty McGhee), Christopher Kadego, Eugene Maganga and Livinius Rugaimukamu – were reportedly among a group of refugees and political exiles forcibly returned from Kenya to Tanzania in November 1983. Amnesty International was concerned about allegations some defendants made at the preliminary inquiry in a magistrates' court in September that they had been tortured during interrogation. In December Amnesty International expressed its concern to the government that eight of the accused had alleged that they were being kept in chains in their prison cells. The organization asked for assurances that, in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners, prisoners would not be chained under any circumstances and that other forms of restraint would be used only when the prisoner was in transit, on medical grounds, or to prevent injury or damage to property. The trial was adjourned to allow the defendants to consult their lawyers, and was expected to resume in January 1985.

Togo

Amnesty International was concerned about the apparently widespread use of politically motivated detention without trial and about reports of torture and ill-treatment and harsh prison conditions. One prisoner died in detention, possibly as a result of ill-treatment, and the government failed to account for another detainee who reportedly "disappeared" in custody in 1981.

In May 1984 Togo acceded to the International Covenant on Civil

and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

During the year Amnesty International continued to receive reports that significant numbers of people were arrested on suspicion of opposing the government or for other political reasons. All forms of political activity other than those run by the only authorized political party – the *Rassemblement du peuple togolais* (RPT), Togolese People's Rally – were prohibited. Failure to display enthusiastic support for the RPT and President General Gnassingbe Eyadema was apparently sufficient reason for arrest and prolonged detention without trial. The relatives and friends of political detainees were frequently discriminated against by the authorities, and themselves occasionally also detained. Detainees were not permitted to consult lawyers or to seek redress before the courts and in most known cases were held incommunicado. All available reports suggested that the judiciary was not permitted by the authorities to question political detentions.

During 1984 Amnesty International appealed to the authorities for the prompt trial or release of almost 20 people reportedly detained for political reasons. They included a former Vice-President, Idrissou Antoine Meatchi, who was arrested in June 1982 ostensibly in connection with alleged mismanagement of public funds 10 years earlier. In November 1983, he was transferred from Lome, the capital, to a prison in Mango in the north, where conditions were reportedly very harsh. Amnesty International expressed its concern to the authorities and asked for an assurance that he was being humanely treated. However, there was no response and he died in late March. His death was officially attributed to a "heart attack" but Amnesty International received information suggesting that Idrissou Antoine Meatchi had been ill-treated and denied food and water for long periods. In late March Amnesty International urged the authorities to investigate his death but no inquiry was known to have been held by the end of 1984.

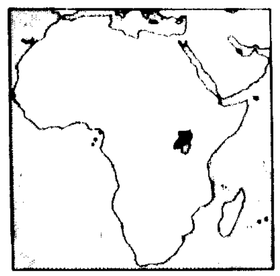
Amnesty International also renewed its appeals for information about M'Ba Hankpade Kabassema, a former government minister and managing director of the *Office togolais des phosphates*, Togolese Phosphates Board, but no response was received. He apparently "disappeared" in mid-1981 following his arrest in Lome and banishment to his home village of Niamtougou. In May 1981 the government told Amnesty International that he had been arrested on suspicion of involvement in bomb explosions in Lome in April 1981. However, he was not reported to have been charged or tried and he may have been arrested because he was suspected of alleging corruption within the government.

Amnesty International also took up with the authorities the cases of several other people reportedly detained without trial for political

reasons. They included Adabra Kodjo Marcellin, a university lecturer apparently arrested in September 1983 on suspicion of being in contact with exiled opposition movements, and Foevy Goudeagbe, a medical auxiliary. Foevy Goudeagbe was reportedly arrested in January for criticizing the government, released briefly after some months and then detained again until September. The organization also intervened on behalf of Aboudou Cheaka Toure, a senior RPT official and Head of Protocol at the Presidency who was arrested in May, apparently because of disagreements with President Eyadema over regional policy.

Amnesty International continued throughout 1984 to press for an independent judicial review of the cases of Kodjovi Emmanuel de Souza, Kouao Stephan Sanvee and Kwassi Jean Savi de Tove, who were convicted by the State Security Court in August 1979 on charges of conspiracy to overthrow the government (see *Amnesty International Report 1984*). An Amnesty International observer who attended the proceedings found that their trial failed to meet international standards of fairness. Amnesty International, which has taken up all three prisoners for investigation, appealed particularly to the authorities during the year to disclose the place of imprisonment of Kodjovi Emmanuel de Souza and to ensure that all three prisoners received humane treatment and adequate medical care.

There were further reports of torture and ill-treatment of political detainees and of harsh conditions in several detention centres. The majority of detainees appeared still to be held in the *gendarmerie* camp in Lome or in Tokoin military barracks just outside the town. In both places there were reports of severe overcrowding, and low standards of nutrition, sanitation and health care. Amnesty International received information that political detainees were regularly tortured or ill-treated, particularly by being beaten, hit repeatedly on the ears and being given electric shocks. Conditions in Mango prison were also reported to be harsh, and detainees were apparently ill-treated by prison guards and denied adequate medical treatment. The military camps at Lama Kara and Temedja also appear to have been used for detention purposes. Amnesty International was informed that conditions in these camps were especially harsh and that brutality towards prisoners was so severe that it caused a number of deaths, although no detailed cases were reported to the organization.



Uganda

Amnesty International was concerned about the detention without trial of hundreds of alleged political opponents of the government, including some prisoners of conscience. At least 80 political detainees were released in an amnesty in July but others continued to be held in military barracks or in prisons run by the National Security Agency (NASA). Amnesty International received many allegations of torture from those who had been held in unlawful custody, and investigated a number of "disappearances" from military and security custody. The organization was also concerned about continued reports of extrajudicial executions of alleged political opponents by the army.

The internal security situation remained unstable throughout 1984. Activity by anti-government guerrillas was reported in the "Luwero triangle" northwest of Kampala, in Bunyoro and in West Nile, and the army mounted major operations against them. In Karamoja the army launched a joint operation with Kenyan forces against cattle rustlers along the border.

Several hundred people remained in detention without trial throughout 1984 under the Public Order and Security Act, 1967. This permits the detention of anyone whom the President deems "dangerous to peace and good order in Uganda". Both the act and the constitution lay down safeguards for such detainees but they were often disregarded by the authorities. A judicial review tribunal established to review each detention within two months and thereafter at six-monthly intervals was not apparently active. Although the act stipulates that detentions should be notified in the official *Uganda Gazette* within 30 days, none were published in 1984 until November. This was the first list published since August 1983, although many people had been detained in the meantime.

Over 600 prisoners, including at least 80 political detainees, were released in an amnesty in July. After these releases the Minister of Internal Affairs reportedly said that 1,142 people were still detained without charge in Luzira Upper Prison, the maximum security prison near Kampala where most Public Order and Security Act detainees were held. However, he did not specify how many of them were held under the Public Order and Security Act. The list of such detainees published in the *Uganda Gazette* in November contained 251 names, but Amnesty International believed that the number of long-term political detainees in civil custody was greater than that.

Several detainees held under the Public Order and Security Act were adopted as prisoners of conscience by Amnesty International. They included Onesimus Katalikawe, an opposition Democratic Party (DP) member of parliament. He had been arrested at Bombo military barracks in February when he inquired about three other people who had been arrested. He had reportedly been whipped and beaten severely and held at a secret NASA detention centre before being transferred in late February to Luzira Upper Prison. He was still detained there at the end of 1984. Amnesty International also adopted as prisoners of conscience six journalists detained under the act in November. Francis Kanyeihamba and Sam Kiwanuka were detained after being tried and acquitted of "writing and publishing a false and malicious publication" – a satirical article criticizing the government's proposed Women's Charter. Two others – Drake Ssekeba and Sam Katwere – were detained after publishing an article alleging corruption among government ministers. Anthony Ssekweyama, editor of the pro-DP weekly newspaper *Munnansi*, was detained following publication of an article criticizing the presence in Uganda of North Korean troops. David Kasujja, another *Munnansi* journalist, was charged with criminal trespass and detained after a court had ordered his release on bail. Two other *Munnansi* journalists – Andrew Mulindwa and John Baptist Kyeyune – were also adopted as prisoners of conscience but were still held uncharged in police custody at the end of 1984. Both had been arrested by soldiers who reportedly tortured John Baptist Kyeyune while he was in their custody.

Conditions in Luzira Upper Prison were believed to be poor but there were no reports of torture. Several uncharged political detainees died there, including Nelson Kirya-Kalikwani, a 66-year-old DP official who died in July after being detained in April. The authorities did not divulge the cause of death, but it occurred at the time of a typhoid outbreak in the prison. Amnesty International expressed its concern to the government about this and other deaths and about allegations that detainees were denied medical attention.

In June a Repeal Act was passed which stripped members of the armed forces of the power to arrest civilians conferred on them by the former government of President Idi Amin. However, Amnesty International continued to receive many reports of civilians being unlawfully detained by the army or NASA, allegedly because of connections with the guerrillas, but in fact because of their political affiliations or ethnic origin. The government, however, continued to refuse to acknowledge that anyone was held in military barracks, and it was impossible to find out the numbers detained. Amnesty International continued to receive reports that torture was routinely carried out by soldiers and NASA personnel, sometimes until the victim died. The most common form of torture reported was beating, using iron bars, sticks with nails, rifle butts

and electric cable. The application of electric shocks, rape and other sexual tortures were also reported.

In July Amnesty International issued an urgent appeal on behalf of Annette Florence Nnakandi, the 18-year-old daughter of a missing DP member of parliament, who was arrested at the end of May and detained in Makindye barracks – where she was reportedly tortured – and Nile Mansions military intelligence centre. It was discovered that her eight month-old daughter was detained with her. She was later transferred to police custody where the government said that she was being held for questioning. She and her baby were released without charge in September.

Amnesty International received many reports of "disappearances" in military custody. In March the organization asked the government about Ludovico Mangeni and Joseph Wabwiire, two elderly DP officials. They were reportedly arrested at Tororo police station in eastern Uganda in March, along with six other DP officials, when they were applying for permission to hold a meeting in the town. The eight were transferred from police custody to Rubongi military barracks in Tororo. Six were later released but Ludovico Mangeni and Joseph Wabwiire had "disappeared". It was alleged that they were being held in Rubongi barracks where they were being denied food. In July Amnesty International received reports that they had died in custody. In August, in response to Amnesty International's inquiries, the Ministry of Internal Affairs stated that an investigation had established that they had never been arrested and detained, and repeated the government's denial that any prisoners were held in military custody.

Several leading political opponents of the government were tried in 1984. They included Yoweri Kyesimira, a DP member of parliament who was previously detained without trial from February 1981 to January 1982. He was rearrested in March 1983 and charged with treason on account of alleged links with guerrillas. No verdict in his trial had been given by the end of 1984 although two assessors reportedly recommended to the judge that he should be acquitted. Amnesty International was concerned that Yoweri Kyesimira may have been a prisoner of conscience.

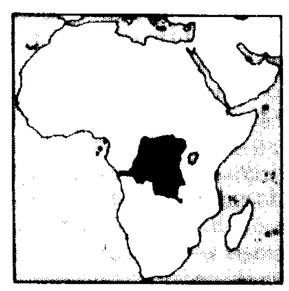
In November Paul Ssemogerere, the leader of the DP, Anthony Ssekweyama and another DP official were charged with sedition. They had publicized an alleged letter from the Chief Justice to President Milton Obote which discussed plans to detain DP leaders, and led Paul Ssemogerere to question the independence and political impartiality of the Chief Justice. However, they were released on bail and their trial had not begun by the end of 1984. It was while on bail that Anthony Ssekweyama was detained under the Public Order and Security Act (see above).

The trial of six men accused of treason took place in the High Court from November to December. They included Balaki Kirya, a former government minister who was abducted from exile in Kenya by Ugandan agents in 1982 and subsequently charged with treason. In December he was acquitted and charges against the other five defendants were withdrawn. However, all six were immediately rearrested and they were still detained at the end of 1984. Amnesty International expressed concern to President Obote about the rearrests and asked to be told the legal basis for the detention of the six men.

Ugandan refugees and political exiles outside the country faced continued threats to their security. In May Laurence Ssemakula, the leader of the opposition Federal Democratic Movement of Uganda (FEDEMU), was reportedly abducted from Nairobi. Six months later Amnesty International received information that he had died at Kireka military barracks shortly after his abduction. The organization received reports of several other attempted abductions of Ugandan refugees in Kenya and in September and October Ugandan soldiers were alleged to have abducted Ugandan refugees from Sudan. In December Amnesty International expressed its concern to President Obote about such incidents and about reports of extrajudicial executions carried out by soldiers in the West Nile area, and called for an urgent inquiry.

Amnesty International continued to receive reports of widespread extrajudicial killings by the army. In addition to West Nile, the southern Buganda area was cited, especially the "Luwero triangle" where it was reported to Amnesty International that a number of mass graves had been discovered. Amnesty International also received reports of killings of civilians by guerrillas. However, the organization believed that the majority of killings of civilians were carried out by the army. One particularly well-documented incident took place at Namugongo, near Kampala, at the end of May. Soldiers were reported to have killed up to 100 civilians, including the Reverend Godfrey Bazira, principal of the Uganda Martyrs' Theological College, and Sheik Yusuf Mollo, Imam of the nearby Kito mosque. The government condemned the killings and admitted that soldiers might have been involved. Subsequently one man, reportedly an army officer, was said to have been charged in connection with the killings. However, no formal inquiry was known to have been established. In July Amnesty International urged President Obote to establish an independent and impartial inquiry and to make public its findings.

In August 1984, the Ugandan Minister of Information reportedly stated that some 15,000 people may have been killed by both the army and guerrillas since 1981. This statement was issued in denial of an earlier estimate by the US Assistant Secretary of State for Human Rights and Humanitarian Affairs that between 100,000 and 200,000 people had been killed by the army or deliberately starved to death since 1981. Amnesty International stated that it did not know exactly how many people had been killed, but that killings of civilians were taking place on a scale so large as to cause the gravest concern.



Zaire

Amnesty International was concerned by the imprisonment or restriction to isolated towns and villages of prisoners of conscience, many of whom were arrested during 1984. It was also concerned about the incommunicado detention without trial of other political prisoners, some of whom were reportedly tortured, and about allegations of torture and deaths in custody of suspected criminals. Amnesty International learned of a number of death sentences imposed by military courts, but no executions were announced.

A number of people were arrested after bomb explosions in Kinshasa in March but some appeared to be detained simply because of their ethnic origins or political views. Some were reportedly tortured at the headquarters of the national security service, the *Agence nationale de documentation* (AND), National Documentation Agency. The majority were released after periods ranging from a few days to several weeks but others were still detained at the end of 1984. Amnesty International was concerned that some of them – such as Ekongo Odimba and Masudi Mongatende, both of whom had been imprisoned for political reasons on previous occasions – were detained because of their connections with an opposition political party, the *Mouvement national congolais/Lumumba* (MNC/L), Congolese National Movement/Lumumba. Amnesty International was concerned also because another of those still held, Tshishinga Kanyinda, was arrested in June in the neighbouring People's Republic of the Congo, and forcibly repatriated to Zaire without any legal proceedings. Amnesty International was investigating the cases of a number of these detainees.

Shortly before a congress of the ruling *Mouvement populaire de la revolution* (MPR), People's Movement for the Revolution, in May, Djelo Yempenge, a former government minister and law professor at Kinshasa University, was arrested apparently for refusing to address the congress on the theme of "Zaire as a state of law". He was reportedly questioned about the March bomb explosions but he appears

to have been suspected only because of his ethnic origin. Like many others arrested on suspicion of involvement in the bomb explosions, he was a member of the Batetela ethnic group. Amnesty International adopted Djelo Yempenge as a prisoner of conscience and appealed for his release. He was eventually freed uncharged after five months in custody.

The MPR Congress in May reselected President Mobutu Sese Seko as the only candidate for presidential elections in July. During the election a number of people were reported to have been briefly detained for insisting on receiving ballot cards to vote against him.

Amnesty International received details of more than 50 suspected government opponents arrested during 1984 and was informed that many others were detained. Many of the 50 were considered to be prisoners of conscience, detained for a variety of reasons: suspected support for opposition parties; possession of documents considered subversive; and links with government opponents living outside Zaire. Some were released after a few months but others were still detained at the end of 1984 or restricted to towns or villages under administrative banishment orders.

Prisoners of conscience were held in the capital, Kinshasa, in certain provincial towns and in rural areas. For example, Umba Kabulo, a secondary school teacher, was arrested in January at Likasi in Shaba region, after writing to the provincial governor criticizing the government for failing to implement stated policies. He was detained incommunicado for five months at the AND headquarters in Lubumbashi and reportedly badly beaten. He was released uncharged in May but "relegated" (banished) to a town over 200 kilometres from Likasi. He was still there at the end of 1984.

A number of teachers were arrested during a strike in February and March in Shaba region. Most were released after a short time, but a teacher named Kabeya who was accused of instigating the strike was held in custody in Lubumbashi for at least five months.

Several people were arrested apparently because they were relatives of suspected government opponents. In January, for example, the parents of some young people who had left Zaire for Burundi or Tanzania were arrested in Kivu region and apparently accused of encouraging their children to join opposition groups based outside Zaire. Most were reportedly released after paying sums of money. In August the wife and two children of a headmaster in Bas-Zaire region, who was apparently suspected of possessing MNC/L literature but who evaded arrest himself, were arrested and detained without charge for several months before being released.

Amnesty International continued throughout 1984 to press for the release of six former People's Commissioners (members of the

National Assembly) and others arrested for supporting an opposition party, the *Union pour la democratie et le progres social* (UDPS), Union for Democracy and Social Progress. The six former People's Commissioners, together with a former member of the MPR Central Committee, Kibassa Maliba, were among 13 people arrested in January 1981 who spent long periods in detention or in internal banishment until they were released under an amnesty in May 1983. They were arrested again in November 1983 and restricted, together with their wives and children, to isolated villages in Kasai Oriental and Shaba regions, although the restrictions on their families were reportedly lifted in July 1984.

One of the six former People's Commissioners, Lusanga Ngiele, was beaten and knocked unconscious at a public meeting in February after he refused to confirm his allegiance to the ruling MPR. The assault took place in Mwene Ditu, Kasai Oriental region, in front of the provincial governor. The following month, publicity outside Zaire suggested that he had died as a result. This led the authorities to return him to Kinshasa and present him to foreign journalists. He later said that the AND's Administrator General had apologized to him and told him that the provincial governor had not been acting under orders. However, no disciplinary action is known to have been taken against the governor. Lusanga Ngiele was reportedly kept under house arrest for the rest of the year in Kinshasa.

Four other suspected UDPS supporters arrested in 1983 were kept in internal banishment throughout the year. They included Birindwa ci Birkashirwa, a businessman, and Professor Lihau Ebua, former President of the Supreme Court. In addition, at the beginning of 1984, there were over 40 other suspected UDPS supporters detained without trial by the AND. Some were arrested in Kinshasa in October and November 1983, others in parts of Kasai Oriental region between August and December 1983. Many were adopted as prisoners of conscience by Amnesty International. Most were released uncharged during 1984, but some were reportedly then banished. Among those still detained without charge at the end of 1984 were Kyungu Mukange and Kitenge bin Kawengo, who were arrested in Shaba region in January and February on suspicion of having contacts with UDPS supporters who had been "relegated" within the region.

Amnesty International received reports from most parts of the country asserting that both political detainees and criminal suspects were tortured. The organization repeatedly appealed to the government to prevent the use of torture, but received no response. In an interview on Belgian television in April, First State Commissioner (Prime Minister) Kengo wa Dondo denied that torture ever took place in Zaire.

In early 1984 Amnesty International received allegations of the

torture of political detainees who included Ngwashi Chola and four others arrested in January in Lubumbashi and accused of planning to disrupt the presidential elections. They were said to have been detained for four months incommunicado in an unlit cell and repeatedly beaten and whipped. They were reportedly still detained incommunicado without charge or trial at the end of 1984. Other cases of torture were reported at the AND detention centre in Lubumbashi later in the year. Allegedly three of the victims were severely burnt, while two others were suspended upside down and beaten.

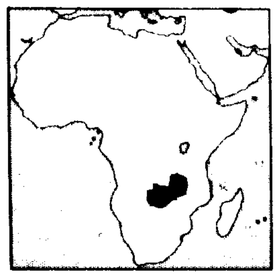
In July the government was urged to take steps against torture by the Human Rights Committee established under the International Covenant on Civil and Political Rights, which was acceded to by Zaire in 1976. The committee found that allegations by a former political prisoner, Muteba Tshitenge, that he had been tortured at the end of 1981, were true, and urged the government to pay him compensation. The authorities are not known to have responded to any of the Committee's recommendations.

In February Amnesty International expressed its concern to the government over reports that more than 100 people had been extrajudicially executed in custody during 1982 and 1983. Most of the victims had apparently been arrested on suspicion of complicity in violent crime. Some were allegedly strangled in 1982; others were reportedly tortured or starved to death in 1983. Several similar deaths were reported in January 1984, but measures then appear to have been taken to prevent further killings - at least at the detention centre in Kinshasa's Lingwala district where deaths were reported in late 1983. However, there were reports of similar extrajudicial executions from other parts of the country such as Bukavu where, in February, several young men detained in the town's Kadutu district were reportedly killed in custody. In its appeal to President Mobutu Amnesty International called on the authorities to prevent further killings and to issue orders stressing that extrajudicial executions were forbidden in all circumstances. The organization received no reply, but in November the President told foreign journalists that no prisoners had been killed or starved to death in Zaire. However in the same month, further extrajudicial executions were reported from Sange, a village in Kivu region, where soldiers were said to have carried out reprisals after a member of the armed forces had been robbed and murdered. Other extrajudicial executions were reported near Moba, in Shaba region, after the town was briefly occupied by armed opponents of the government in November.

Amnesty International learned of a number of death sentences imposed by military courts on members of the armed forces, some of which were believed to have been confirmed upon appeal. The total number of death sentences imposed by civilian and military courts was

not known. Neither was it known whether any executions took place; none were known to have been announced by the authorities.

In April Amnesty International submitted information on its concerns under the UN procedure for confidentially reviewing communications about human rights violations. The organization stated that the evidence revealed a "consistent pattern of gross violations" warranting UN investigation.



Zambia

Amnesty International was concerned about the detention without trial of alleged opponents of the government, including one prisoner of conscience and several possible prisoners of conscience. The organization was also concerned about what appeared to be extrajudicial executions by soldiers of alleged smugglers and about the continued use of the death penalty.

On 10 April Zambia acceded to the International Covenant on Civil and Political Rights and its Optional Protocol, as well as the International Covenant on Economic, Social and Cultural Rights.

The government continued to use the Preservation of Public Security Regulations to authorize the indefinite detention without trial of people considered a threat to public security. They included a number of people detained in 1981 who allegedly conspired to help several prisoners awaiting trial for treason to escape from custody. In October, to mark the 20th anniversary of Zambia's independence, President Kenneth Kaunda announced the release of 239 prisoners, including at least six political detainees, from the group detained since 1981. One of them - Nkaka Chisanga Puta - had been adopted by Amnesty International as a prisoner of conscience. However, two of this group - Faustino Lombe and Major Ronald Chansa - were still in detention at the end of 1984 and Amnesty International was investigating whether they might be prisoners of conscience. In November 1983 the High Court in Ndola had heard a *habeas corpus* application filed by Faustino Lombe, alleging that he had been detained only because he supported the late Simon Kapwepwe, a former Vice-President. Judgment was not given until August 1984, when the court rejected the application.

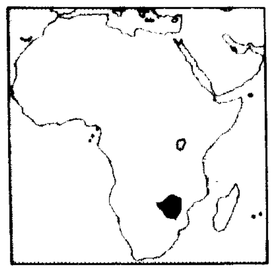
In August the Appeal Court in Lusaka began to hear the appeal of seven men sentenced to death in 1983 for treason (see *Amnesty International Report 1984*). At the end of 1984 the court had still not

reached a decision, but judgment was expected early in 1985. In 1983 six of this group, including Valentine Musakanya, a former Governor of the Bank of Zambia, and Edward Shamwana, a lawyer and former High Court Commissioner, had filed a petition against the prison authorities alleging torture, solitary confinement, degradation and discrimination. This was heard in the High Court in October. The state reportedly argued that the court should not hear such petitions since the Prisons Act provided full machinery for redressing prisoners' grievances. Judgment was reserved and had not been given by the end of 1984.

Amnesty International was also concerned about reports that a number of people in the Copperbelt area which borders Zaire were killed by Zambian soldiers deployed to prevent smuggling. The organization was concerned that some of these killings might have been extrajudicial executions of individuals detained by the army. Eleven alleged smugglers were killed in four separate incidents during September and October: at Chililabombwe on 9 September, 6 October and 11 October, and in Ndola on 14 October. In the last incident it was reported that the body of a woman shot as an alleged smuggler was found to have been disembowelled when it arrived at Ndola General Hospital. Amnesty International wrote to President Kaunda in November seeking an assurance that a police inquiry had been initiated to investigate these incidents and to determine whether there was any criminal responsibility attached to the suspects' deaths. The organization also called for formal inquests to be held at the earliest opportunity and sought an assurance that soldiers and other law enforcement personnel were under orders not to carry out summary execution of suspects.

In December 1983 two criminal suspects died in police custody in Ndola. Alfred Mailoni reportedly jumped to his death from the second floor of Ndola police station and Cornelius Musopelo died of brain damage after receiving multiple injuries. In March an Ndola coroner found that Alfred Mailoni had committed suicide. However, four police officers were charged with the murder of Cornelius Musopelo. In May they were discharged by a magistrate who said that although forensic evidence proved that Cornelius Musopelo "died in violent circumstances in police custody", there was no evidence to show who struck the fatal blow. In January, Jim Zulu, a bartender, died after three days of interrogation at Kitwe police station. Two police officers were found guilty of his manslaughter in November and each sentenced to 12 years' imprisonment.

Amnesty International was concerned about the widespread use of the death penalty in Zambia. At least 26 people were reported to have been sentenced to death in 1984, 13 for murder and 13 for armed robbery. At least 10 executions were reportedly carried out during the year.



Zimbabwe

Amnesty International was concerned about the detention without trial of suspected opponents of the government, including prisoners of conscience, and about renewed allegations of torture of prisoners and extrajudicial executions of civilians by government security forces engaged in counter-insurgency operations. Amnesty International was also concerned about the use of the death penalty.

There was a high level of political violence throughout 1984. Armed opponents of the government, commonly termed "dissidents", remained active in several areas and were alleged by the government to have been responsible for killings of supporters of the ruling Zimbabwe African National Union - Patriotic Front (ZANU-PF) party, particularly in Matabeleland and in Midlands province. The government mounted major security force operations in an apparent attempt to suppress the dissidents, who were alleged to include former supporters of the Zimbabwe People's Revolutionary Army (ZIPRA) - before independence the military wing of the opposition Zimbabwe African People's Union (ZAPU) party headed by Joshua Nkomo - and to receive support from South Africa. In the course of these anti-dissident operations, government troops were accused, as in 1983, of committing widespread violations of human rights against the civilian population of Matabeleland from which ZAPU has long drawn most of its support. Most allegations against the security forces in 1983 concerned events in Matabeleland North but in 1984 they related mostly to Matabeleland South. The government took a number of measures in this area, apparently in response to increased dissident activity. It was placed under a dusk-to-dawn curfew at the beginning of February. The authorities closed food stores and for a time withheld foodstuffs from the area - already badly affected by drought - and restricted travel both into and within Matabeleland South. There were also reports of a wave of beatings and killings of civilians by government security forces, particularly the army's Fifth Brigade, which was widely held to be responsible for most of the extrajudicial executions committed in Matabeleland North in 1983.

The first allegations of killings were made shortly after the curfew was imposed but they were denied by the authorities. In early April, however, the Roman Catholic Commission for Justice and Peace was reported to have submitted to the government a dossier which it had compiled detailing enforced starvation, widespread detentions, beatings,

torture and killings of civilians by security forces in Matabeleland South. The leaders of the Roman Catholic Church expressed their "very grave concern". Prime Minister Robert Mugabe responded by denying allegations of human rights violations by security forces and by accusing church leaders in Matabeleland of supporting ZAPU which, he alleged, was responsible for sustaining the dissidents. In early April restrictions were relaxed in Matabeleland South although the dusk-to-dawn curfew was not lifted until early August.

Further allegations of human rights violations by security forces were made by journalists who visited Matabeleland South after the restrictions were eased. They reported the existence of makeshift detention camps to which large numbers of civilians suspected of possessing information about dissidents had been taken for "screening" and interrogation. Some of those detained were allegedly tortured and others summarily killed and buried in "mass graves". The government countered these claims by arranging an official visit by journalists into Matabeleland and by challenging their accusers to point out any mass graves. Local church sources reportedly claimed that this challenge was issued only after the security forces had removed or destroyed evidence of political killings.

Amnesty International was concerned both by the new reports of detentions, torture and killings in Matabeleland and by the government's failure to publish the findings of a commission of inquiry established to investigate similar allegations relating to 1983. The four-member commission, whose establishment in June 1983 was only announced some three months later by the Minister of State for Defence, did not begin hearing evidence until January 1984. It was widely reported to have established a reputation for independence and, sitting in Bulawayo, was believed to have received considerable evidence from local people and the churches concerning security force abuses in 1983. By late June, the commission had apparently completed its investigations and was preparing its report. However, in early July the government indicated for the first time that the report might not be made public. It had not been released by the end of 1984. Nor was any similar inquiry established to investigate the killings and other abuses allegedly committed by the security forces in 1984.

The national state of emergency, in force continuously from 1965 until independence in 1980, has been reimposed at six-monthly intervals since then. In July 1984 its renewal was opposed for the first time by ZAPU members of parliament who alleged that the emergency powers had provided licence for abuses by the security forces.

Many suspected political opponents of the government were detained during 1984 under the Emergency Powers (Maintenance of Law and Order) Regulations. By far the majority - Amnesty International

was not able to estimate their number and no official figures were known to have been disclosed - were believed to have been held under a section of the Regulations which empowers the security forces to detain suspects without charge for an initial 30-day period which may then be extended for a further 30 days at the discretion of the Minister of Home Affairs. Other detainees were held indefinitely under Section 17 of the Regulations, which empowers the Minister of Home Affairs to authorize detention without trial if the Minister considers it "expedient in the interests of public safety or public order". Detainees held under this provision receive formal written notice of the reasons for their detention. Their detentions are required to be reviewed by a specially established Review Tribunal within 30 days and thereafter at six-monthly intervals, but the Tribunal meets *in camera* and its recommendations are not binding.

Those detained under Section 17 included several prominent political figures and long-standing opponents of the government. They included Bishop Abel Muzorewa, leader of the opposition United African National Council (UANC) party, who was arrested in late October 1983 shortly after returning from a visit to Israel. The government publicly accused him of subversive activities but brought no charge against him. He was held until early September 1984 when he was released unconditionally. Amnesty International considered that he was a prisoner of conscience detained on account of his non-violent opposition to the government.

Three leading ZAPU supporters were among those held throughout 1984. Vote Moyo, a member of parliament and former prisoner of conscience, was arrested in June 1982 allegedly on suspicion of involvement in an abortive attack on the home of the Prime Minister, which actually occurred after his arrest. Several ZAPU supporters were tried and convicted in 1984 in connection with this attack but Vote Moyo remained in detention without trial in Chikurubi Maximum Security Prison at the end of the year and was considered by Amnesty International to be a prisoner of conscience. Two former senior ZAPU military officials - Dumiso Dabengwa and Lookout Masuku - were held with him. They had been arrested in 1982 and brought to trial on treason charges in 1983. They were acquitted but immediately rearrested under detention orders which remained in force at the end of 1984. Those detained without trial after acquittal by the courts included Philip Hartlebury and Colin Evans, two former security police officers accused of espionage but acquitted when tried in 1983. Four of 10 former ZIPRA guerrilla fighters charged with the 1982 attack on the Prime Minister's residence were also detained for some time after they were acquitted by the High Court in March.

Like Vote Moyo, some of those arrested and held without trial in

1984 were former prisoners of conscience who had been detained under the same Emergency Powers Regulations for long periods during the former administration of Ian Smith. They included George Marange, the National Organizing Secretary of ZAPU, and the Reverend Elia Masiyane, a Lutheran Church minister in southern Matabeleland, both of whom were arrested in November. George Marange had earlier been detained without trial from October 1982 to July 1984. Their arrests, together with those of other ZAPU officials, occurred after inter-party fighting between supporters of ZAPU and ZANU-PF following the murder of a leading member of the ruling party at Beitbridge on 9 November. Similar serious inter-party fighting occurred in the Midlands area in June when many ZAPU supporters were killed apparently in retaliation for the murder of government supporters. Most of those arrested in connection with the disturbances at Beitbridge were released uncharged after a short time but other ZAPU officials who had gone to the area to investigate, as well as George Marange and the Reverend Masiyane who were arrested elsewhere, were placed in indefinite detention. The Reverend Masiyane, whose whereabouts were unknown and whose detention was not officially confirmed for some time after his arrest, was believed to have been tortured during his first weeks in custody. He and George Marange, whose health was reported to have been damaged by his many years in detention, were adopted as prisoners of conscience by Amnesty International. They were still held at the end of 1984.

Unofficial reports suggested that the Reverend Masiyane might have been held for a time at Stops Camp, an interrogation centre administered by the Central Intelligence Organization (CIO) within Mzilikazi Police Station in Bulawayo. Amnesty International received information that many people detained for political reasons were taken to Stops Camp for interrogation and tortured by CIO personnel. Amnesty International was concerned by these reports and by the lack of adequate safeguards to protect detainees from torture or ill-treatment. The organization was concerned too by the government's apparent failure to take action against police officers found by the High Court in 1983 to have been responsible for torturing six air force officers detained in 1982, and by the continued existence of provisions granting immunity to members of the security forces for actions committed "in good faith" for the purpose of preserving "the security of Zimbabwe".

Amnesty International remained concerned about the use of the death penalty. At least 12 people, including some alleged dissidents, were sentenced to death for murder during 1984 and in at least six cases the Supreme Court rejected appeals and confirmed death sentences imposed prior to 1984. There were at least two executions. In May, Prime Minister Mugabe reportedly stated that the government would

consider abolishing the death penalty once the dissident problem had ended. This was repeated in December by the Minister of Justice, only weeks after the provincial governor of Matabeleland South called for the public execution of dissidents by firing-squad.

The Americas

Argentina

Following the inauguration of the civilian government of President Raul Alfonsin in December 1983, Amnesty International was chiefly engaged in studying the wide-ranging program of legislation and other initiatives by the new administration to remedy past human rights violations, in particular "disappearances", and to prevent future abuses.

Amnesty International was concerned that there should be a prompt review of the cases of more than 100 prisoners, convicted over the previous 10 years of politically-motivated crimes, on the grounds that the proceedings had not conformed to internationally accepted standards for a fair trial. The organization believed that virtually all the prisoners had been tortured or ill-treated.

In April the Deputy Secretary General of Amnesty International and another staff member visited Argentina to discuss with the new government the measures it had adopted to protect and promote human rights. The delegation was received by the President, Dr Raúl Alfonsin, the Vice-President, the Foreign Minister, the Minister of the Interior, the Minister of Justice and Education and the President of the Supreme Court. The delegates also met members of the *Comision Nacional sobre la Desaparicion de Personas* (CONADEP), National Commission on Disappeared People, and representatives of the eight Argentine non-governmental human rights organizations.

Amnesty International, which had campaigned over the previous eight years for a full and impartial inquiry into "disappearances", was particularly interested in following the work of CONADEP, the government-appointed commission established in December 1983 "to clarify the tragic events in which thousands of people disappeared". On 20 September CONADEP presented its findings to President Alfonsin,

and on 28 November a two-volume report, titled *Nunca Mas* (Never Again), was made public. The report catalogued 8,960 unresolved "disappearances" but warned that the true figure might be higher. It also listed 340 clandestine detention centres throughout Argentina which, it said, were in use at the height of the repression. The CONADEP report concluded that human rights were violated in an organized way by the armed forces using state machinery. The report rebutted assertions that torture and enforced "disappearance" were exceptional excesses: "Such atrocities were widespread and daily occurrences; they were common practice, routinely carried out". CONADEP had interviewed thousands of witnesses including relatives of "disappeared prisoners, former prisoners and members of the police, army and security forces, and had examined numerous former torture centres. Over 1,080 cases of "disappearance" were submitted by CONADEP to civilian courts for a judicial investigation into *prima facie* evidence of human rights violations. Among the recommendations put forward by CONADEP was a call for legislation making responsibility for "disappearances" a crime against humanity.

In September CONADEP was dissolved and a new human rights bureau was created within the Ministry of the Interior to continue collecting evidence about "disappearances". In particular, the bureau was to search for the children of "disappeared" people. In 1977 the organization *Abuelas de Plaza de Mayo* was formed by grandmothers searching for about 145 children who had "disappeared" after the abduction of their parents. The majority had allegedly been born in clandestine detention centres. Since 1979 some 24 such children had been found alive, about half of whom were again living with their original families in 1984. In a few cases, investigations showed that children had died violently. In January the remains of the Lanuscou family were discovered in an unmarked grave in the Boulogne cemetery in Buenos Aires Province. Although death certificates signed by the medical officer of the Buenos Aires police force in September 1976 did not name the victims, the place and date of death, and the physical description given fitted the family: two adults and three children aged six, four and six months. The cause of death in each case was given as a single gunshot wound to the head. The Lanuscou family "disappeared" after security forces raided their home in September 1976. In January 1984 the grave was exhumed; in the smallest casket it was discovered that a baby's shawl and dummy had been placed beside bone fragments of an adult male. The remains were examined in June 1984 by a US forensic scientist who confirmed that the parents and the two older children had died from gunshot wounds, but failed to find any trace of the baby's remains. CONADEP subsequently received allegations that the Lanuscou baby, Matilde, was alive and had been illegally adopted by a naval officer after the 1976 raid.

Amnesty International monitored legal proceedings in six cases in which it was alleged that children had been illegally adopted by people connected with the police, military and security forces. On 13 December a Federal Court of Appeal ordered that Paula Eva Logares should be returned to the care of her grandmother. The child had "disappeared" in 1978 after she and her parents were abducted in Uruguay (where they had gone to avoid persecution) when she was 23 months old. She had been falsely registered as the natural daughter of a former police officer. The ruling came after complex genetic tests conclusively established Paula Eva Logares' true identity. Amnesty International groups continued to seek clarification of the whereabouts of more than 70 missing children.

Throughout 1984 the number of remaining prisoners convicted of politically motivated offences gradually decreased. Twenty prisoners who had been sentenced by military courts were provisionally released under a new mechanism permitting *habeas corpus* petitions to review their sentences. At the beginning of August a further 50 prisoners were freed after Congress approved a law reducing prison sentences. The law provided for the time spent in prison during the period of military rule to be counted as double its actual length. A similar provision led to the release of 500 ordinary criminal prisoners.

On 12 October Amnesty International asked President Alfonsin to clarify the legal status of 17 remaining political prisoners. They had gone on hunger-strike on 10 September when Congress failed to find time to consider a draft law which would have enabled them to be conditionally released while their cases were being reviewed. Their hunger-strike ended on 27 October after four prisoners had to be given medical treatment.

Amnesty International was concerned by renewed bombings and assaults on human rights activists, trade unionists, members of left-wing political parties and students during 1984. These attacks were attributed by the authorities to right-wing paramilitary groups linked to the security forces. Amnesty International was particularly disturbed because many of the attacks appeared to be designed to obstruct investigations into past human rights violations. Members of CONADEP were a major target. In three cities – Mar del Plata, Cordoba and Rosario – the homes and offices of CONADEP delegates were bombed. In October the main court building in Rosario was raided by a right-wing commando group allegedly linked to the army intelligence service. Documents and other evidence collected by a judge investigating the alleged involvement of a former chief of police in past "disappearances" and torture were seized.

The government took steps to investigate and bring to justice those responsible for past human rights violations: in December 1983 it

ordered that the nine members of the three juntas who had ruled Argentina between 1976 and 1981 should be court-martialled before the Supreme Council of the Armed Forces on charges of illegal privation of liberty, torture and homicide. In February 1984 Congress approved reforms to the Code of Military Justice (Law 23.049) which transferred jurisdiction over all criminal prosecutions involving military, police or security personnel accused of human rights violations to the Supreme Council of the Armed Forces. The new law stipulated that all decisions and sentences of the military court should be subject to automatic review by a civilian court of appeal. The Supreme Council of the Armed Forces was given 180 days to complete its proceedings against the former junta members. Preventive detention orders were issued against the three members of the first junta in August, after the Court of Appeal in Buenos Aires had criticized the Supreme Council for unnecessary delays. On 22 September the Supreme Council declared that it was unable to proceed with the court-martial and that the conduct of the nine former members of the juntas had been "irreproachable". Following this decision the trial of the former junta members passed to the jurisdiction of the Court of Appeal. The defendants applied to the Supreme Court to rule that the trial of military officers by a civilian court was unconstitutional, but the application was rejected on 27 December.

Despite the transfer of jurisdiction over cases of alleged human rights violations by police, military or security personnel to the Supreme Council of the Armed Forces, relatives of victims and CONADEP continued to file complaints before civilian judges, some of whom attempted to proceed with criminal investigations. In all cases, however, appeals courts ordered the civilian judges to transfer the complaints to the Supreme Council.

On 14 November 1984 all nine members of the Supreme Council resigned, saying that the court had been unfairly criticized. All further proceedings on several hundred cases were suspended and at the end of 1984 the government had still to designate new judges.

In October 1984 Congress amended Article 144 of the penal code increasing penalties for those found guilty of torturing detainees. Possible sentences now range from five years to life imprisonment, and similar penalties were introduced for those who fail to report torture.

On 5 September 1984 Argentina deposited the instrument of ratification of the American Convention on Human Rights and recognized the jurisdiction of the Inter-American Court of Human Rights.

Barbados

Three prisoners were hanged on 10 October, the first executions to be carried out for two years.

On 25 October Amnesty International wrote to the Prime Minister expressing its regret at the executions, emphasizing the inhumanity of the death penalty as punishment, its arbitrariness and its failure to deter crime. Amnesty International urged the government to put abolition of the death penalty before parliament. The Prime Minister replied in November stating that, although he personally opposed the death penalty, he could not initiate steps to abolish it at present because it had strong public support.

Bolivia

Amnesty International continued to follow the progress of administrative and judicial investigations into "disappearances" and extrajudicial executions which occurred under previous governments. It was concerned at the apparent failure of some sections of the armed forces to cooperate with the civilian authorities in these investigations. Amnesty International was similarly concerned by the open refusal of a military court, the *Tribunal Permanente de Justicia Militar* (TPJM), Permanent Tribunal of Military Justice, to implement an amnesty for seven political prisoners decreed by President Hernan Siles Zuazo in October 1984. The organization also called for an investigation into a death in military custody in December 1983 allegedly resulting from torture.

An Amnesty International delegation visited Bolivia between 25 February and 6 March to discuss the protection of human rights with members of the government and local human rights organizations. These included officials of the Ministry of Foreign Affairs, the Ministry of the Interior and the *Comision Nacional de Investigaciones de Desaparecidos*, National Commission of Inquiry into Disappearances, established by government decree in October 1982 to investigate "disappearances".

By the end of 1984 the National Commission of Inquiry into Disappearances had reportedly received information on 207 "disappearances"

since 1964: 96 of which took place in November 1979 (during the brief period of government of General Natusch Busch) and successive periods of military government between July 1980 and September 1982. By the end of the year the Commission had concluded its investigation into 52 cases. Some of the victims were found to have been released but the majority were found to have been killed and secretly buried by military personnel or civilians working with the security forces. The Commission's work was said to have been hampered by financial constraints and the failure of both military personnel and civilians to cooperate with its investigations. Key witnesses were said to have failed to answer summons to give evidence in court. Amnesty International was concerned at reports that members of the Commission had been threatened and intimidated in the course of their work by groups linked to the armed forces. In a letter to President Siles Zuazo on 15 August 1984 the organization asked what steps would be taken by the government to ensure that the Commission was able fully to carry out its investigations.

There continued to be delays in bringing military personnel and civilians accused of involvement in past human rights violations to trial. These arose largely because of legal disputes about which court had jurisdiction over these cases. Investigating judges almost invariably discharged themselves from these proceedings by invoking Article 274 of the Code of Penal Procedure. This stipulates that cases involving offences committed by the president, vice-president and ministers of state "in the exercise of their functions" should be heard before Congress, which – if it decided that there was a case to answer – would refer it to the Supreme Court. Local human rights organizations took the view that ordinary criminal offences had been committed and that cases should therefore be heard before ordinary courts. They further argued that the procedure should not apply to members of governments that had only *de facto* authority or to civilians who had no official position. This view was supported by the Attorney General, Dr Hernando Achá.

In February 1984, despite the debate about the applicability of the procedures, two political parties, the *Movimiento de Izquierda Revolucionario*, Movement of Revolutionary Left, and the *Partido Socialista 1*, Socialist Party No. 1, opened proceedings against former Minister of the Interior, Colonel Luis Arce Gómez and former President, General Luis García Meza on charges of assassination, genocide, organization of irregular armed groups and misappropriation of public funds.

The failure of the armed forces to cooperate with the civilian authorities was apparent also in the case of seven prisoners arrested in October 1983 by army personnel in the town of Luribay, La Paz department. Repeatedly in 1984 Amnesty International expressed concern at reports that the prisoners – two Chileans and five Bolivians – had been tortured in military custody following arrest, held in incommunicado detention and denied adequate medical attention. Moreover Amnesty International believed that the proceedings before the TPJM did not conform to international standards for a fair and impartial hearing. On 12 October the TPJM sentenced the prisoners to between two and six years' imprisonment for possessing military equipment. On 26 October President Siles declared an amnesty for the prisoners and ordered their immediate release. However, the military court refused to implement the presidential amnesty and although the prisoners were transferred from military barracks to a civilian prison in La Paz, they were still in detention at the end of 1984 awaiting a ruling by the Supreme Court.

Amnesty International pressed for an investigation into the death in military custody, reportedly as a result of torture, of Cadet Alfredo Ríos Saavedra. Cadet Ríos was reportedly detained by naval authorities on 7 December 1983 and he died later that month following his transfer from the *Escuela Naval Militar*, Military Naval Academy, to a COSSMIL (military) medical unit. An autopsy which found that cardiac arrest was the cause of death was questioned by local forensic experts and others in the light of evidence indicating that Cadet Ríos had been tortured in military custody.

Brazil

Amendments to the *Lei de Segurança Nacional* (LSN), Law of National Security, approved by Congress in December 1983 resulted in the release of all Amnesty International's adopted long-term prisoners of conscience by the middle of 1984. This legislation had been used frequently in the past to detain prisoners of conscience. The organization was concerned about continuing short-term arrests of members of banned political parties and of priests and lay workers living in the interior, apparently for the peaceful expression of their conscientiously held beliefs. During the year, Amnesty International received reports of torture and arbitrary killings carried out by local authorities or with their acquiescence. Particular targets were rural trade union leaders, peasants and Indians following disputes over land tenure.

On 6 April 1984 the last prisoner of conscience adopted by Amnesty International, Juvêncio Mazzarrollo, a newspaper editor, was released

after serving 18 months of a four-year prison sentence for writing articles critical of the government. This followed a review by the Superior Federal Tribunal which reduced his sentence to two months and 20 days.

Amnesty International was concerned about the arbitrary arrest of eight civilians and one military officer under emergency measures imposed on 18 April in Brasília and 10 surrounding cities. These permitted security forces to search and detain people without warrant, suspended the right to free assembly and subjected the press, television and radio to censorship. Amnesty International believed that the nine had been detained for supporting a campaign for direct elections to choose a successor to the outgoing President, General João Baptista Figueiredo. By 2 May all had been released after the emergency measures were lifted.

In October Amnesty International learned that alleged members of communist organizations had been arrested in cities throughout Brazil. Under the amended LSN, membership of the Brazilian Communist Party is an offence punishable by up to five years' imprisonment. None of those arrested were accused of acts of political violence but of infiltrating the campaign to elect the civilian presidential candidate, Tancredo Neves. All were released after questioning.

On 15 November Amnesty International called upon the authorities to investigate the killing of 31-year-old journalist Mario Eugênio de Oliveira, who worked for the *Correio Braziliense* newspaper and Radio *Planalto* in the capital Brasília. He was shot on 12 November in the Radio *Planalto* car park by three assailants allegedly driving police vehicles. The autopsy report concluded that the murder weapon was a shotgun of a type issued to the Brazilian police force. Before his death Mario Eugênio de Oliveira had been investigating police "death squads" in Brasília and had received numerous death threats. Such death squads, said to consist of members of urban police forces, were allegedly responsible for the extrajudicial executions of thousands of criminal suspects and vagrants since the 1970s. Further killings were reported during 1984 despite reported attempts by the authorities to curb the death squads' activities.

In July Amnesty International wrote to the Minister of Justice asking for a prompt investigation into allegations that on 19 May Raquel Cândido e Silva, an elected town councillor, had been tortured in the custody of the military police in Porto Velho. On 20 May a judge ordered her release and she was transferred to a hospital where tests showed she had a displaced kidney due to blows to the side of her body. Amnesty International was also concerned at reports of torture of common prisoners and criminal suspects.

During 1984 there was a marked increase in the number of disputes

over land, particularly in the states of Para, Goias and Bahia. While Amnesty International takes no position on conflicting claims about the possession of land, it continued to be concerned by allegations that rural trade union leaders, peasants and Indians were being arbitrarily detained, ill-treated and, in some instances, killed by local authorities or with their acquiescence. The *Comissão Pastoral da Terra* (CPT), the Catholic Church's Land Commission, estimated that 40 peasants linked to the rural trade union movement had been killed by gunmen in the pay of local ranchers in the first seven months of 1984 alone. Throughout the year complaints about the apparent failure of state and federal authorities to investigate such allegations reached Amnesty International.

Early on 9 September armed agents of the federal police and GETAT – a government land agency – raided union headquarters in Buriti, São Sebastião do Tocantins, and allegedly threatened and beat peasants attending a meeting. They then arrested 13 peasants without warrant and drove them to the military police headquarters in Augustinopolis where they reportedly threatened and interrogated them for several hours about their union activities. Four of the peasants were allegedly severely beaten. All were released the same day.

In December 1984 Amnesty International wrote to the government about reports that four peasants from Axixá, in Goiás state, had been beaten after their arrest on 11 November by police. Amnesty International was also informed that the men, who were accused of the murder of a rancher and his wife, had been coerced into implicating a local priest in the killing. Consequently, on 29 November Father Josimo Moraes Tavares and a lay worker, Lourdes Goi, were detained and accused of being behind the crime. Both were released after a week but the four peasants were kept in pre-trial detention.

Amnesty International sent appeals to the authorities after learning that a band of armed mercenaries had, on 2 November 1984, attacked members of the Pataxó Hã Hã Hãe tribe, seriously injuring one man, Antonio Julio da Silva. The mercenaries were allegedly employed by ranchers who, it was said, had illegally settled on the Paraguaçu-Caramaru reserve in the state of Bahia. Amnesty International was concerned that the lives of the Pataxó Hã Hã Hãe were at risk because of the failure of federal police and state authorities to disarm the mercenaries and arrest those responsible for the attack.

Canada

A report stating that there were reasonable grounds for believing that prisoners had been tortured or ill-treated by guards after a prison riot in 1982 was published by Amnesty International on 21 March 1984. It was based on a memorandum sent by the organization to the Canadian Government in June 1983 calling for a full inquiry into the charges. The *Amnesty International Report on Allegations of Ill-treatment of Prisoners at Archambault Institution, Quebec, Canada*, resulted from a fact finding mission in April 1983. It focused on the treatment of prisoners placed in the prison's segregation unit during a five-week period immediately after the riot. Amnesty International received full co-operation from the government and was given access to prison service employees, prisoners and records (see *Amnesty International Report 1984*).

The Correctional Investigator of Canada had been asked by the government to conduct an inquiry into allegations contained in Amnesty International's report, the results of which were made public in July. The inquiry examined all relevant prison records and heard testimonies from inmates, prison guards, administrators and health care officials, prisoners' relatives and lawyers. Although the inquiry found that some inmates had conspired to fabricate or exaggerate some of the allegations, it concluded that there was "reliable corroborative evidence" that ill-treatment had occurred. It was unable to judge the extent of ill-treatment or to identify conclusively specific guards as having been responsible. It found that this was largely due to the prison's failure to keep adequate records or to examine adequately complaints from inmates during the period in question.

In his report the Correctional Investigator made a number of recommendations for improving procedures to prevent future ill-treatment of prisoners, many of which were similar to recommendations made in Amnesty International's report.

The government wrote to Amnesty International on 9 July stating that it intended to implement the Correctional Investigator's recommendations, and invited Amnesty International to make representations to an Advisory Committee established for this purpose. Amnesty International sent the Committee the UN Code of Conduct for Law Enforcement Officials and other documents containing international standards for the treatment of prisoners. The *Report of the Advisory Committee to the Solicitor General of Canada on the Management of Correctional Institutions* was presented to the Solicitor General on 30 November, but had not been released publicly by the end of 1984.

Chile

Amnesty International was concerned that the long-standing pattern of human rights violations, including the detention of prisoners of conscience and the torture of detainees, continued throughout 1984. In March, the state of emergency which had been lifted in September 1983 was reimposed, and in November President Augusto Pinochet declared the country to be under a state of siege. Politically motivated arrests and short-term detentions, as well as imprisonment after trial, continued throughout 1984, and Amnesty International considered many of those held to be prisoners of conscience. Over 600 people were banished (*relegado*) without trial to remote areas of the country, including at least 200 suspected opponents of the government who Amnesty International believed were punished solely on account of their non-violent political activities. The systematic torture of political detainees continued throughout 1984 and at least two people reportedly died as a result. Several men and women died in incidents described by the government as armed confrontations between terrorists and security forces. However, evidence suggested that some of those killed might have been victims of extrajudicial executions. Although new evidence came to light about the approximately 650 people who had "disappeared" since 1973, no serious efforts appeared to have been made by the authorities either to clarify the fate of the "disappeared" or to bring those responsible to justice. Death sentences were passed on or requested for 17 people, 15 of whom were convicted of politically motivated offences.

Throughout 1984 Amnesty International launched appeals for people believed to be at risk of torture while being held incommunicado by security forces. Many detainees subsequently filed complaints alleging that they had been tortured in custody. For example, Ignacio Vidaurrazaga Manriquez described being arrested on 23 August by agents of the *Central Nacional de Informaciones* (CNI), Chilean secret police, who showed neither identification nor arrest warrant, and being tortured with electric shocks in CNI detention centres in Concepcion and Santiago. He stated that a doctor had examined him between torture sessions.

At least two people were reported to have died under torture in 1984. Juan Aguirre Ballesteros was said to have been arrested on 4 September and taken to a police station. A witness testified that he was present while *carabineros*, uniformed police, interrogated and tortured Juan Aguirre with electricity until he suddenly fell unconscious. However, the authorities denied that Juan Aguirre had been detained and he remained "disappeared" until 24 October, when his headless and mutilated corpse was found in Melipilla. An investigation was opened by a military judge but, by the end of 1984, nobody had been arrested and *carabineros* continued to deny that they had detained Juan Aguirre. The second reported death from torture was that of Mario Fernandez Lopez, a member of the Christian Democrat party, who died in hospital on 18 October from internal injuries after being transferred there from a CNI detention centre. He had been arrested the previous day in Ovalle. An investigation was undertaken by a civilian judge who concluded that there was *prima facie* evidence to commit two CNI agents for trial and ordered their detention. However, because CNI agents are considered military personnel, the case was handed over to a military judge who ordered their immediate release on the grounds of insufficient evidence. An appeal against this decision was lodged in the *Corte Marcial*, military court of appeal, but by the end of 1984 it had not yet ruled.

Throughout 1984 opposition leaders, trade unionists, journalists, students, peasants, shanty-town leaders and human rights activists were arrested and detained. Among them were a number of prisoners of conscience on whose behalf Amnesty International appealed. Detentions increased during 1984 at a time of growing public demonstrations for an early return to civilian rule and democracy. Some of those detained were charged with criminal offences and tried. For example, Dr Manuel Almeyda, leader of the *Movimiento Democratico Popular* (MDP), a coalition of left-wing political parties and groups, were arrested on 15 January and charged with violating the *Ley de Seguridad Interior del Estado* (LSIE), internal security law. He was eventually given two suspended sentences of two years and 200 days respectively for advocating the fall of the government and for inciting strike action. Amnesty International believed that Dr Almeyda was convicted because of his non-violent political activity. Juan Pablo Cardenas, editor of *Analisis*, a magazine critical of President Pinochet, was arrested on 10 April after all copies of the latest issue were impounded from his offices and from street kiosks. He was charged under Article 4A of the LSIE with inciting public unrest and the overthrow of the government after *Analisis* referred to an opinion poll said to have shown that a majority favoured President Pinochet's resignation. He was released on bail in May and acquitted of the charge by an Appeal Court in June. However, by the end of 1984 he faced new charges, this time for

alleged libel of the armed forces, arising from another article in *Analisis*. In November he was sentenced to one year's imprisonment by a military judge.

When the state of siege was declared in November the Minister of the Interior stated that "it would only affect terrorists". However, in the weeks that followed, thousands of people living in shanty towns were detained in operations which involved the armed forces and all branches of the security forces. Stadiums were used to hold and interrogate them. Most were released shortly afterwards but several hundred were banished (*relegado*) to remote parts of the country for three months without charge or right to appeal to the courts. They included dozens of community leaders, trade unionists, university teachers and students, peasant leaders, political leaders and human rights activists, among them many considered by Amnesty International to be prisoners of conscience. Among those banished in November and December were agricultural workers' leaders Carlos Opazo Bascuñan, Segundo Cancino Fernandez, Hernan Castañeda; Construction Workers' Confederation leader Valentin Osorno Padilla; three doctors known for their treatment and rehabilitation of torture victims and human rights work Dr Fanny Pollarolo, Dr Juan Restelli, and Dr Ricardo Godoy; and several lawyers who specialized in the defence of political prisoners, including Arturo Zegarra Williamson and Raul Iturriaga Rodriguez – both leading members of the Human Rights Commission in Arica.

During 1984 dozens of people, including a number of children, died as a result of political violence: among them were people taking part in political demonstrations, and several members of the security forces who were reportedly killed by opposition groups.

There were conflicting explanations for some deaths, which the authorities said resulted from armed confrontations with members of the security forces, and from people being blown up while planting bombs. Amnesty International believed that some of these deaths might have resulted from extrajudicial executions carried out by the security forces. The CNI claimed in an official statement in May that a woman terrorist had been blown up while planting a bomb under an electricity pylon. The woman was identified later as Maria Loreto Castillo Muñoz. However, on 4 June, at a news conference organized by the *Vicaria de la Solidaridad*, a Roman Catholic human rights organization, Hector Muñoz Morales, the husband of the dead woman, stated that he and Maria Loreto had been arrested by CNI agents, tortured, beaten unconscious and left for dead next to a stack of explosive devices. He said that he had regained consciousness in time to get clear of the explosive devices, and had eventually reached a road and assistance. A lawyer working with the *Vicaria de la Solidaridad* said that when Hector Muñoz Morales approached the organization for protection he

had stitched wounds on his head, his eyes were swollen and his right ear was badly mutilated, apparently as a result of beatings. Amnesty International called for all such incidents to be impartially investigated and the findings made public.

Amnesty International received eye-witness accounts of a number of incidents, in which several people were killed, which conflicted with the authorities' version of events. The victims included: Hector Patricio Sobarzo Nuñez and Enzo Muñoz Arevalo, both killed by the police on 2 July in Santiago; and Mario Octavio Lagos Rodriguez, Luciano Aedo Arias, and Nelson Herrera Riveros killed in Concepcion on 23 August. Amnesty International considered that in each of these cases there were grounds for believing that the death might have been an extrajudicial killing.

New information emerged on the fate of some 650 people who "disappeared" after arrest during the rule of President Pinochet. Andrés Valenzuela Morales, said to be a former member of the security forces, made specific allegations regarding the way several named individuals were made to "disappear" and named several army officers currently working in the security forces as responsible. He stated that some had been shot and buried in clandestine graves, and that others had been thrown from aircraft into the sea after their stomachs had been cut open so the bodies would not surface. This testimony was handed over in December to the Supreme Court by the *Vicaria de la Solidaridad* with a request for a special judge to investigate the allegations. Among the cases mentioned were those of several "disappeared" prisoners of conscience adopted by Amnesty International, including Humberto Fuentes, last seen in November 1975, Jose Weibel Navarrete, arrested in March 1976, and Carlos Contreras Maluje, who "disappeared" in November 1976. The Supreme Court rejected the request for a special investigating judge.

No judicial executions were carried out during 1984. However, Amnesty International was concerned that the death penalty had been recommended for 17 prisoners in the early stages of their trials, 15 of whom were accused of politically motivated crimes such as killing members of the security forces. It was further concerned that five people – Jorge Palma Donoso, Carlos Araneda Miranda, Hugo Marchant Moya, Susana Capriles Rojas and Marta Soto Gonzalez –were being tried under war time judicial procedures, and that the death penalty had been requested for three of them. The trial was suspended pending a Supreme Court decision on the constitutionality of such proceedings being used in peace time, but if the war tribunal was convoked and passed the death sentence, executions could take place within a few days.

Amnesty International believed that the proceedings followed by military tribunals would not have provided effective guarantees for a fair trial. The proceedings would have been summary, the right to defence would have been limited to reading out a written statement, and there would have been no right of appeal. Sentence would have been confirmed or modified by a military commander. Amnesty International therefore called for this case to be heard under peace time judicial procedures.

During 1984 Amnesty International submitted information on human rights abuses to the UN Special Rapporteur on the Situation of Human Rights in Chile, the UN Special Rapporteur on Summary or Arbitrary Executions, and the Inter-American Commission on Human Rights.

Colombia

Amnesty International's concerns included continued extrajudicial executions and "disappearances" by some sectors of the Colombian army and National Police, although the organization received substantially fewer reports of such abuses than in previous years. Over 300 "disappearance" cases from before 1984 remained unresolved. Amnesty International was also concerned about reports of torture and ill-treatment, and about short-term detention of prisoners of conscience, primarily Indian peasant farmers detained during land disputes.

A truce negotiated by President Belisario Betancur with most of the country's guerrilla groups led to a reduction in both guerrilla actions and army counter-insurgency operations affecting the civilian population. Measures were also taken by some officials — including the Attorney General — to investigate torture, "disappearances", and extrajudicial executions, and to bring to justice those responsible.

In early March a state of siege was imposed in Cauca, Caqueta, Huila and Meta departments following a series of major guerrilla actions there. It was extended throughout the country on 1 May after the assassination of the Justice Minister, which was attributed to drug-dealing criminals. The state of siege — which remained in force at the end of 1984 — established the military courts' jurisdiction over civilians for certain crimes, but did not lead to the large-scale detention of civilians characteristic of previous states of siege. Secret talks between the government and guerrilla leaders which were initiated in 1983

continued, despite guerrilla actions and the state of siege, and the government agreed cease-fires with most groups by 30 August. Only the *Ejercito de Liberacion Nacional* (ELN), National Liberation Army, refused to participate.

Reports of extrajudicial executions and "disappearances" by army and police counter-insurgency forces continued during 1984. The victims were primarily peasant farmers associated with lawful left-wing labour organizations and civic leaders belonging to rural community organizations or left-wing opposition parties.

On 6 February Amnesty International called for an inquiry into reports that an army patrol, accompanied by local civilian irregulars, had detained and killed eight people on 12 January 1984 at Vuelta Acuña, on the Magdalena River near Barrancabermeja, Santander department. Colonel Faruk Yanine Diaz, Commander of the XIVth Brigade, subsequently acknowledged army responsibility for the killings, but alleged that the eight were guerrillas who had attacked an army patrol. However, all the dead were apparently residents of the farm where they were shot. Farm owner Oscar Yepes, his employees Jesus Muños and Carlos Tobon, and Beatriz Urrego, aged 15, were reported to have been shot dead when they were detained. The other four victims, who included Beatriz Urrego's mother, were reportedly detained there overnight: their mutilated bodies were found the next day, after the troops left. Fifteen houses in and around the Yepes' farm were reportedly burned at the time of the killings.

Several civilians serving as irregular auxiliaries to the army patrol in the incident were named by witnesses as people locally known as members of the "death squad" *Muerte a Secuestradores* (MAS), Death to Kidnappers. Since 1982 army spokesmen had often attributed killings of alleged subversives to MAS, although an investigation by the Attorney General's office in 1983 concluded that MAS existed only as a "state of mind" among some sectors of the army and police. In numerous cases in 1982 and 1983 Amnesty International concluded that the attribution of killings to MAS had obscured army and police responsibility for extrajudicial executions. Some 800 extrajudicial executions, many of them attributed to MAS, had been reported from the Magdalena River area in 1983.

A special commission from the Attorney General's office, accompanied by a civil court judge, went to Vuelta Acuña, exhumed and examined four of the bodies, and found discarded army field rations. Forensic evidence revealed torture and execution-style killings. Detention orders on a charge of murder were subsequently issued against six civilian irregulars, three of whom were arrested in April and were still in detention at the end of 1984. Although the civil court did not attempt to serve detention orders on regular army personnel, the XIVth Brigade

challenged the court's jurisdiction over the civilian irregulars charged. On 10 August the *Tribunal Disciplinario*, the high court that rules on conflicts between the military and civil courts, decided that the civilians would be tried by civil courts.

Amnesty International also called for inquiries into reported killings by army and police forces in Punta de Piedra, in the Uraba region (Antioquia department) part of which was under military control for much of 1983 and 1984. The headquarters of the army's Voltigeros Battalion directed counter-insurgency operations against the guerrilla forces of the *Ejercito Popular de Liberacion* (EPL), Popular Liberation Army, as well as directing special anti-narcotics units of the National Police. On 24 March a leader of the *Asociacion Nacional de Usuarios Campesinos* (ANUC), National Association of Peasants, 54-year-old Isabel Caicedo, and her two sons, David and Gilfredo Palacios, were reportedly detained and killed by police. Witnesses maintained that her captors had accused Isabel Caicedo of being "a courier" for the EPL. Punta de Piedra residents occupied the municipal building in the neighbouring town of Turbo, demanding an inquiry into the killings, and told officials from the Attorney General's office that the anti-narcotics police were responsible. On 14 April, 11 peasant farmers were killed and seven injured during a raid on Punta de Piedra. Army spokesmen stated that the killings had been carried out by the EPL. Evidence available to Amnesty International however, indicated that about 30 men in narcotics police uniform passed through army check-points in three army trucks, entered the village by night and shot residents in cold blood with automatic weapons.

Reports of torture and ill-treatment of detainees were received from areas of intensive counter-insurgency activity, and from rural areas where detentions occurred during conflicts over land rights. Amnesty International called for inquiries into reports that 14 members of the Indian community *Resguardo Indigena Lomas de Hilarco*, in Coyaima Tolima, who were detained on 9 and 10 November were systematically ill-treated; it also asked the reason for their arrests. Three community leaders — Maximiliano Yara, the elected governor, Luis Loaiza, the senior mayor of the community council and Adolfo Poloche — remained in detention on a charge of land invasion at the end of 1984. The arrests occurred in the context of claims by private cattle ranchers to land worked by the Lomas de Hilarco community. They took place during a series of raids by police and civilian gunmen who reportedly burned houses, destroyed fences, drove cattle through crops, took away private and community property, shot and wounded residents and threatened to assassinate community leaders. Indian residents maintained that the land was part of the region's Indian reserve lands (*resguardos*) to which the community held title, and that arbitrary arrests and ill-

treatment were used to expel the community without due process of law.

While not taking any position on land disputes as such, Amnesty International was concerned that in this and other disputes over Indian land rights, Indian community members who were lawfully contesting what they maintained to be their land rights appeared to be arbitrarily arrested and ill-treated by security forces acting outside the law. Community members frequently faced violent eviction from land they occupied and imprisonment on charges of land invasion before the courts had ruled on rival property claims. In some cases, measures to force Indian communities from land they occupied involved killings that may have been extrajudicial executions.

A large force of National Police moved in on 25 January to evict some 300 members of the Paez Indian *resguardo* of Corinto, Cauca, from land on the "Lopez Adentro" estate which they maintained was *resguardo* property. When they refused to leave, the police opened fire; four were reportedly killed and 18 wounded. Fourteen were later arrested on a charge of land invasion, although a civil court judge ordered them to be released on 2 February. Amnesty International appealed on 15 February to the authorities for a full investigation and received detailed replies from the office of President Betancur in ensuing months, including copies of records of disciplinary hearings for abuse of authority. The Lieutenant Colonel who led the action was fined eight days' pay for directing the eviction without the required order from the civil or judicial authorities. The disciplinary hearing ruled that the arrests and evictions had been arbitrary: the "eviction of indigenous people from lands they, by tradition, consider their own" could not be ordered on a mere presumption of "land invasion" as "... the presentation of the denunciation or complaint is not enough to justify the intervention of the police forces". The records also traced a parallel inquiry within the military court system into whether the police officers should be prosecuted for homicide and wounding but indicated that the court responsible had failed seriously to pursue the investigation because of "a lack of staff".

Further killings in the same area, also subject to the military courts' jurisdiction, were met with similar inaction by these courts, despite efforts by civilian authorities to ensure their investigation. On 8 July Misael Conda, son of the elected governor of the Corinto *resguardo*, was reportedly seized by members of the army's Third Brigade, although military spokesmen denied that army personnel were involved. About a week later his body was found, reportedly with a bullet wound in the head, in cane fields near Corinto. The findings of the Cauca District Attorney's investigation into Misael Conda's killing, also made available to Amnesty International, showed that the civil court responsible for the case made every effort to ensure proper post mortem procedures were followed and to seek evidence of civilian criminal responsibility

for the crime. However, there was no indication that allegations of army responsibility had been examined and no progress in identifying Misael Conda's killers was shown. Similar killings of Indian leaders in the same area continued to be reported during 1984. The victims included Paez leader Father Alvaro Ulcue, a Catholic priest who had been closely associated with the Corinto *resguardo* in its claim to part of the "Lopez Adentro" estate. On 9 November over 100 Indian families who had returned to "Lopez Adentro" after the 25 January incident and had been farming there for 10 months were driven off the land by National Police from Corinto and Santander Quilichao. During the operation homes were burned and crops destroyed. On 10 November Father Ulcue was assassinated in the street in Santander Quilichao.

The Attorney General publicly criticized the legal doctrine by which the military courts retained exclusive jurisdiction over abuses by military and police personnel on the grounds that abuses were committed in the line of duty. In a press statement on 11 December, he stated that none of the officers against whom charges had been brought in 1983 and 1984 by the Attorney General's office in relation to extrajudicial executions and "disappearances" had been prosecuted. Citing the most recent cases, he said that 16 officers and men of National Police Intelligence (F-2) had been charged with the "disappearance" of 11 people in 1982, but that on 21 November all proceedings had been suspended when the cases were transferred to the military courts. The Attorney General concluded that "the country has not taken seriously the policy of defending human rights".

Costa Rica

Amnesty International remained concerned that by the end of 1984 several people originally detained in 1981 on politically related charges were still in custody awaiting final resolution of their cases. Amnesty International had previously expressed its concern that several stages of the proceedings had exceeded the periods established by law. It was also concerned that complaints of ill-treatment during arrest and interrogation lodged against officers of the *Organismo de Investigacion Judicial* (OIJ), the special police investigations unit of the judiciary, had never been satisfactorily investigated (see *Amnesty International Report 1983* and *1984*).

In August 1984 Amnesty International received reports that 14 members of the *Comite Patriotico Nacional* (COPAN), National

Patriotic Committee, of Alajuela, had been arrested during a demonstration protesting against municipal funds designated for housing being used for other purposes. The men were released, but several women remained in custody. The charges against them included illicit association, kidnapping and possession of explosives. Amnesty International was concerned that the detainees were allegedly ill-treated in custody and also that the real grounds for their detention may have been their non-violent campaigning activities for more low-cost housing.

Cuba

Amnesty International continued to be concerned about long-term political prisoners who were held after expiry of their sentences, and about the treatment which some allegedly received. The organization was also concerned about the imprisonment of actual or possible prisoners of conscience, including individuals reportedly detained for attempting to exercise their right to leave the country. It continued to investigate reports on the imposition of the death penalty.

In January Amnesty International wrote to Vice-President Carlos Rafael Rodriguez about the continuing detention of 19 long-term prisoners who had completed their sentences, in some cases two years previously, but who had not been released. Amnesty International was not aware of any new charges or any judicial action to justify their continued detention. The organization also expressed concern at reports of several executions in 1982 and 1983, and sought confirmation of them, but received no response.

The 19 prisoners held after expiry of their sentences were among a group of long-term political prisoners known as *plantados*, approximately 140 of whom Amnesty International believed to be held at the end of 1984. The *plantados* are known for their uncompromising opposition to the government, and refusal on political grounds to accept certain prison regulations, such as wearing prison uniforms worn by ordinary criminals. As a result the *plantados* were reportedly subjected to harsh prison conditions, particularly in Boniato prison in the east of the country. After a hunger-strike in 1982 in Boniato prison, it was alleged that the majority of *plantados* were refused visitors and correspondence (some had reportedly been denied these privileges since 1979); exercise and recreation periods were suspended; prisoners were confined most of the

day to their cells, and a high wall was said to have been constructed close to the maximum security wing where the *plantados* were being held, cutting out the light from their cells. This regime was reportedly eased towards the end of 1984 when some *plantados* were said to have been granted limited rights to visits and correspondence. Information from recently released prisoners was consistent with previous reports received by the organization in indicating a long-term pattern of harassment and ill-treatment of the *plantados*. This included occasional arbitrary denial of food and/or water for several days at a time and frequent searches. The extent of medical care seemed to vary with the conduct of the prisoners.

On 28 June, 26 *plantados*, including 17 of the 19 mentioned in the organization's January letter, were released during a visit by a US politician, the Reverend Jesse Jackson, and allowed to leave Cuba with him. Another *plantado*, Jorge Valls, who had completed his sentence on 8 May, was released on 21 June. Amnesty International had asked the government on 25 May for clarification of his situation.

On 3 July Amnesty International welcomed the releases but expressed concern that two long-term prisoners – Santos Mirabal Rodriguez and Fernando Villalon Moreira – had not been released despite having served their sentences. The organization later learned that Fernando Villalon was free, but, at the end of 1984, Santos Mirabal Rodriguez was believed to be still held in Boniato prison. He was said to have been arrested in 1966 when still in his early teens, and accused of anti-government activities. He was sentenced to imprisonment until his *mayoria de edad* (age of majority) but by the end of 1984 had spent approximately 18 years in prison. Several prisoners released on 28 June said that Santos Mirabal Rodriguez had been told he was to be freed with the others, but just before they were transported from Boniato to the airport the prison authorities recalled him, and the bus left without him.

Amnesty International believed that at least two other *plantados*, whose 20-year sentences expired during 1984, remained in detention at the end of the year. The two were: Jose Soca Dominguez, held in Combinado del Este prison in Havana, and Pastor Macuran Gonzalez, held in Boniato prison. There continued to be concern for three *plantados* – Silvino Rodriguez Barrientos, Guillermo Casasus Toledo and Ramon Guin Diaz – who, according to former prisoners, had not been seen since being taken from their cells in 1983. By the end of 1984 no news of them had been obtained by the organization.

Amnesty International continued to work for the release of prisoner of conscience Dr Ricardo Bofill Pages, who continued to be held in Combinado del Este prison. The organization believed that he was detained in September 1983 because of his contacts with foreign journalists and because of his known opposition to the government. It

was concerned by reports from former prisoners that he had been confined to a punishment cell for several weeks.

Amnesty International continued to investigate the case of Gustavo Arcos Bergnes. A former Cuban Ambassador to Belgium, Gustavo Arcos was reportedly arrested in 1981 and sentenced to 15 years' imprisonment for trying to leave Cuba illegally. He had apparently made repeated attempts to obtain permission to leave the country to join his family. One of these attempts was reportedly in 1981 when his son, then living in the USA, was in a coma after an accident.

Amnesty International was seeking confirmation of allegations that several other people were in prison after being convicted of trying to leave Cuba illegally.

The organization was investigating the cases of Elizardo Sanchez Santa Cruz, Edmigio Lopez Castillo, Luis Ruiz and Orestes Bautista Gonzalez, who were all reportedly imprisoned for voicing opposition to the government.

Amnesty International was unable to confirm reports of executions in 1984, and was concerned by the lack of response from the government to inquiries about the imposition of the death penalty in previous years.

Dominican Republic

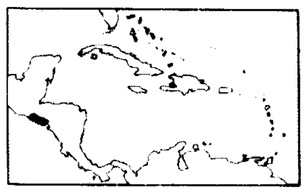
Amnesty International was concerned about numerous short-term arrests of individuals, some of whom it believed may have been held on suspicion of non-violent opposition to the government. The organization continued to investigate the cases of two men who "disappeared" following arrest in previous years.

Amnesty International issued urgent appeals following reports that more than 4,000 people had been detained and over 50 killed during demonstrations in various cities between 23 and 25 April in protest at government economic policy, particularly at sharp rises in food prices. The organization called for all those detained solely for exercising their right of peaceful assembly to be released and for the other prisoners to be charged and tried without delay, or released. Reports were subsequently received that all those detained had been released. In view of allegations that some of the deaths arose from deliberate, targeted killings of demonstrators by law enforcement officials, Amnesty International urged an immediate inquiry.

In June there was a series of arrests of trade union leaders and senior members of opposition political parties. Among them were Julio de Peña Valdez, General Secretary of the *Central General de Trabajadores* (CGT), General Union of Workers, and a former prisoner of conscience, and leading members of the Dominican Communist Party, including Narciso Isa Conde, its General Secretary, Juan Persia and Sully Suneaux. Amnesty International issued urgent appeals for them to be charged or released and for their protection in custody. The government replied that the trade unionists had been suspected of planning "an imminent attack against public order and security" and after investigation had been released. In August and November there were further reports of short-term arrests of trade unionists and opposition leaders.

Two trade union leaders detained on 8 May and held for some days – Jose Galvan Alcantara and Arsenio de la Rosa Garadino – alleged that prisoners were tortured in the custody of the national police. They asserted that more than half the 93 prisoners they saw in detention bore marks of beatings, whippings and other forms of torture. They also denounced the prison conditions in which they were held.

Amnesty International continued to investigate the case of Luis Samuel Roche, a Haitian citizen who had been living in the Dominican Republic since 1963 as a refugee recognized by the UN High Commissioner for Refugees, and who had "disappeared" following arrest on 4 June 1982 (see *Amnesty International Report 1983*). The authorities maintained that an investigation had been conducted which showed that Luis Samuel Roche had not been arrested but reports continued to be received contradicting this. Amnesty International called for the inquiry to be reopened. The organization also continued to investigate the case of a Dominican citizen, Pablo Liberato Rodriguez, who "disappeared" after arrest in 1974 in San Francisco de Macoris.



El Salvador

Amnesty International continued to be concerned about massive human rights violations, including arbitrary arrest and prolonged detention without trial, torture, "disappearances", and individual and mass extrajudicial executions. Victims of such abuses by government forces, sometimes in uniform, and sometimes in plain clothes in the guise of so-called "death squads", have included people suspected of opposition to the authorities from all sectors of Salvadorian society. Students, university staff, trade unionists, politicians, displaced

persons and those assisting them, as well as non-combatant civilians living in contested areas, appeared to have been targets during the year. Human rights workers were also subjected to arrest, short-term detention and harassment, in an apparent effort to obstruct their work and discredit their findings.

Amnesty International was also concerned about the continued apparent inability of the judicial system to investigate and punish violations of human rights. With only two known exceptions (one the case of four US church women killed in December 1980, in which five national guardsmen were eventually convicted in May 1984 after strong international pressure), the perpetrators of the many thousands of abuses which have occurred in recent years have not been brought to justice. In September President Napoleon Duarte - who took office in June - was quoted by the international press as acknowledging that "5,000 people who have disappeared in El Salvador are most probably dead", and that the murders of 40,000 others would go unsolved because "the state is incapable of prosecuting the criminals".

In the context of the continuing political strife and the state of emergency maintained in the country in recent years, Amnesty International has received reports of individual execution-style killings by opposition groups. As a matter of principle, the organization condemns the torture and execution of prisoners by anyone. However, after investigating thousands of killings of non-combatant civilians over the past five years, Amnesty International has concluded that most were extrajudicial executions committed by government forces.

On 5 January an Amnesty International press statement expressed concern at reports that the closing months of 1983 had seen a resurgence in the number of extrajudicial executions and "disappearances" carried out by regular military and security units, as well as by "death squads". Amnesty International believed that in most cases the "death squads" consisted of government security agents or members of the armed forces operating in plain clothes but under orders from their superiors. Amnesty International's statement drew special attention to the abuses directed in preceding months against academics. They included Dr Jose Guillermo Orellana Osorio, secretary of the Law Faculty of the National University, who was kidnapped from his workplace by men in plain clothes on 4 October 1983, and Dr Juan Francisco Aguirre, also of the Law Faculty, who was kidnapped as he left a class at the University on 23 November 1983. The body of Dr Orellana Osorio was found on 23 October 1983. He had been tortured and strangled. Dr Aguirre remained "disappeared" at the end of 1984. Amnesty International's press statement also reiterated its opposition to military aid which would be used in arbitrary arrests, torture, "disappearances" and extrajudicial executions.

In April Amnesty International submitted to the authorities its report *Extrajudicial Executions in El Salvador: Report of an Amnesty International Mission to Examine Post-mortem and Investigative Procedures in Political Killings.* The report was made public in May 1984. It found that many of the estimated 40,000 people killed in political violence in the preceding five years had been murdered by government forces who openly dumped mutilated corpses in an apparent effort to terrorize the population. The report included details of a number of reported extrajudicial executions where Amnesty International considered that sufficient information was already available for proceedings to be initiated against military and security force personnel believed to have been implicated, had the authorities the political will to do so. The organization considered that the "blatant failure" of the authorities to investigate these and other killings was one factor that suggested that it was: "the authorities themselves who lie behind the wholesale extrajudicial execution of people from all sectors of Salvadorian society." The report concluded with detailed recommendations regarding government responsibility for military, security and paramilitary units; judicial reform; forensic examinations; protection of independent human rights monitoring groups, and the functioning of the governmental Human Rights Commission. Amnesty International also presented its report and its conclusions to other governments and intergovernmental organizations, and to national and international medical and forensic pathology associations. They were asked to consider ways in which funding agencies might help provide facilities and improve the training of Salvadorian medical and forensic experts, to ensure adequate standards in the collection of data and the forensic examination of bodies after violent death.

In view of the May elections which led to a change of government in June, and as it had not received any response to its report, Amnesty International resubmitted the report to President Napoleon Duarte in November, together with a letter outlining Amnesty International's concerns under the new administration. The letter welcomed the new government's announcement that special investigative commissions were to be appointed to investigate human rights abuses in general, as well as a number of the more notorious cases of apparent extrajudicial execution. These included those of Archbishop Oscar Romero in March 1980, US journalist John Sullivan in December 1980, and 74 peasants reportedly killed by military personnel at Las Hojas, San Antonio del Monte, Sonsonate, in February 1983. However, the organization remained concerned that few details had been made public as to the terms of reference, powers and working methods of the commissions. Nor had information been made public about any findings, either in the specific cases announced by the President, or in

those of thousands of Salvadorians who "disappeared" or were apparently executed extrajudicially in recent years, despite assurances by the President to some families that their relatives' cases would be investigated.

Amnesty International's November letter welcomed the disbanding of the intelligence section of the Treasury Police, a unit consistently implicated in reports of the illegal detention, torture and murder of suspected opponents of the government. However, the organization considered that the mere dismissal or transfer to positions abroad of officers implicated in serious human rights violations was a totally inadequate response and unlikely to prevent further abuses. Abuses should be properly investigated and perpetrators brought to justice. The letter also stated that continued reports of individual "death-squad" style extrajudicial executions and "disappearances", as well as of large-scale killings of non-combatant civilians, clearly indicated that the measures taken to improve the human rights situation had not been adequate. Illustrative cases of this nature listed in Amnesty International's letter included the reported killing in July of approximately 70 civilian residents and displaced persons in small villages in Cabañas and Chalatenango by the Atlacatl Battalion and other army units. Some of the victims, half of whom were children, had allegedly been tortured; others were said to have been burned alive.

Attacks were also reported in 1984 on the offices of the firm which handles public relations for the Christian Democrat Party, and on displaced persons in conflict zones who had assembled to obtain medical attention from the International Committee of the Red Cross (ICRC). Although no casualties were reported in the incident at the offices of the public relations firm – allegedly the work of "death-squads" – a number of non-combatant civilians died in five such attacks on displaced persons reportedly carried out by the armed forces between January and June.

During 1984 Amnesty International called for investigations into numerous reported "disappearances" and apparent extrajudicial executions by the military and security forces. They included Reynaldo Echevarria, a lecturer at the *Universidad Catolica Salvadoreña*, Catholic University of El Salvador, and Reverend David Ernesto Fernández Espino, a Lutheran pastor working with displaced persons. Reynaldo Echevarria was reportedly shot dead as he arrived home on 3 October by a man in plain clothes who emerged from a vehicle of the type frequently used by some Salvadorian security units. Reverend Fernandez Espino was allegedly last seen alive in the company of two uniformed men before he was found dead on 22 November near San Miguel. Two men – one a former soldier from the third Army Battalion in San Miguel – have reportedly since been detained in connection with

the killing. Reverend Fernández Espino's face was reportedly almost unrecognizable, as he appeared to have been mutilated with a machete and shot in the head.

Amnesty International welcomed the release in October of 10 members of the *Sindicato de Trabajadores de Empresa Comision Ejecutiva Hidroelectrica del Rio Lempa* (STECEL), the union of electricity workers at the Rio Lempa power station. Amnesty International had taken up their cases for investigation because the legal time limits for hearing cases involving crimes against the state had been greatly exceeded. Although they had been held since 1980, they had never been tried or informed of the charges against them. Amnesty International called for an investigation of the prisoners' assertions that they had been tortured into making statements and signing confessions used as the basis of their detention. It also asked for those responsible to be brought to justice if the allegations were found to be true.

Amnesty International remained concerned at the continued detention of other prisoners without charge or trial under the terms of Decree 507 of December 1980 and Decree 50 of February 1984, both of which created a judicial framework, including a 15-day period of incommunicado detention, which facilitated human rights abuses such as "disappearance" and torture. Among the people held under the decrees for whom Amnesty International issued appeals during 1984 were 14 trade unionists arrested by the National Police at the January congress of a trade union confederation. A Mexican observer who was also arrested testified after her release that she had been blindfolded and subjected to intense psychological pressure during her three-day detention at National Police Headquarters. She said she could hear others being beaten, and that conditions at the unofficial detention centre were deplorable, with some 15 to 20 people packed into cells just 2m by 3m. Following international appeals the Salvadorians were all released by July. They stated that they had been subjected to mental and physical pressure, including torture, to make them confess to being members of an armed opposition group. In response to Amnesty International's initial expressions of concern regarding arrests, the Salvadorian Armed Forces Press Agency issued a news release accusing Amnesty International of conducting a campaign of disinformation against El Salvador. Amnesty International repeated its concerns regarding the arrests in a letter on 25 April to the then President Dr Alvaro Magaña, but received no reply.

In 1984 Amnesty International submitted information concerning reported human rights violations to international organizations, including the Inter-American Commission on Human Rights, the UN Working Group on Disappearances, the UN Special Rapporteur on Summary and Arbitrary Executions, the UN Educational, Scientific and Cultural

Organization (UNESCO) and to the UN Commission on Human Rights (UNCHR) Special Representative on El Salvador.

In its September 1984 report, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) stated that it had continued to receive complaints since President Duarte took office, although on a lesser scale, and that the Foreign Ministry had categorically rejected allegations that implicated the armed forces.

In his November 1984 report to the UN General Assembly, the UNCHR Special Representative urged the government to increase its control over the armed and security forces, including the "death-squads", in order to eradicate human rights abuses, and to take all necessary steps to prevent, investigate and punish such abuses.

In December 1984 the UN General Assembly deplored the "patently inadequate" capacity of the Salvadorian judicial system to investigate, prosecute and punish continuing serious violations of human rights.

Grenada

Amnesty International was concerned about the detention without charge of former members of the New Jewel Movement (NJM), the political party forming the People's Revolutionary Government (PRG) which governed the country from March 1979 until October 1983. Amnesty International also investigated the fairness of proceedings against 20 former PRG ministers and army officers charged with the murder of Prime Minister Maurice Bishop and others in October 1983. Some of the defendants alleged that they had been ill-treated in custody.

Maurice Bishop and five other PRG members were killed by members of the armed forces on 19 October 1983, following a dispute within the leadership of the NJM. The PRG was dissolved and a Revolutionary Military Council briefly assumed control of the government. This was overthrown after troops from the USA and six other Caribbean countries invaded Grenada on 25 October 1983 (see *Amnesty International Report 1984*).

By the end of December 1983 all foreign combat troops had been withdrawn from Grenada although some 300 US military personnel, including 150 military police, remained on the island. A Caribbean Peacekeeping Force (CPF) also remained with responsibility for

security and policing. The CPF was composed of some 400 soldiers and police from Jamaica and Barbados, with smaller contingents from Antigua, Dominica, St Vincent, St Kitts and St Lucia. The Advisory Council of Grenada, an interim civilian government appointed by the Governor-General in November 1983, stayed in office until elections were held on 3 December 1984. These were won by the New National Party, a coalition of three centre parties led by Herbert Blaize, who had formed a government by the end of the year.

On 6 February Amnesty International wrote to the Chairman of the Advisory Council about the continued detention without charge of some 30 people. The detainees were former NJM members, most of whom had been arrested by US troops shortly after the October 1983 invasion. They were held at Richmond Hill prison under a Preventive Detention Ordinance of November 1983 which gave the Advisory Council the power to detain without charge any person who appeared likely to act in a manner adverse to the interests of public safety, public order or defence. Amnesty International asked if their cases had been considered by the Advisory Tribunal established under the Preventive Detention Ordinance to review cases within one month of detention. This tribunal was empowered to make recommendations only, and its decisions were not binding on the government; in AmnestyInternational's view this did not meet the standards for an independent review of the lawfulness of a detention required under Article 7 of the American Convention on Human Rights. Amnesty International urged the government to ensure that all those in preventive detention were promptly charged with specific offences and brought before the courts, or released.

Amnesty International referred also in its letter to reports that three detainees had lodged an official complaint alleging that they had been beaten by members of the Barbadian police force during interrogation in November 1983; one of the three alleged that he had signed a confession under duress as a result of ill-treatment.

No reply to Amnesty International's letter was received. However, 20 of the detainees were later brought before a court to be charged (see below).

In April Amnesty International appealed on behalf of 18 people still held in preventive detention, calling for them to be promptly charged or released. The detainees included the former manager of Radio Free Grenada, the PRG Commissioner of Prisons and the former PRG Health Minister. Amnesty International expressed concern that their cases had not been reviewed by the Advisory Tribunal, that they reportedly had difficulty gaining access to lawyers and that applications for *habeas corpus* brought on their behalf had been repeatedly

adjourned. All those held in preventive detention in April, at the time of this appeal, had been released or charged by June 1984. Some had been held for more than seven and a half months before their release.

Twenty people were charged in February and March with the murder of former Prime Minister Maurice Bishop and seven others on 19 October 1983. The charges carried mandatory death sentences on conviction. On 6 June an Amnesty International observer attended a preliminary inquiry hearing.

Maurice Bishop was placed under house arrest on 13 October 1983 after a dispute within the NJM. On 19 October 1983 he was freed by several thousand supporters who accompanied him to the army headquarters at Fort Rupert. He and the seven other named victims were allegedly shot dead after entering the fort. A number of the accused were former officers in the People's Revolutionary Army (PRA) and the Revolutionary Military Council (RMC). Others were former PRG government ministers and leading NJM members. They included Bernard Coard, deputy leader of the PRG; his wife Phyllis Coard, head of the NJM National Women's Organization; Leon Cornwall, former PRG Ambassador to Cuba; John Ventour, Secretary of the Grenada Trades Union Council, and General Hudson Austin, former Commander-in-Chief of the PRA and head of the RMC.

Most of the accused had been held for several months in preventive detention before being charged on 22 February. Eleven were originally charged with conspiracy under the Terrorism (Prevention) Law, an emergency law providing for trial in a non-jury court, introduced by the PRG. However, all the accused were later jointly charged with murder, and the conspiracy charges (which had not carried a death sentence) were shelved.

Amnesty International's concerns in the case arose from: the circumstances of the pre-trial detention of the accused, who were first brought before a court more than three months after their arrest; allegations that some of the accused had signed confessions as a result of ill-treatment during interrogation by police; and reports that they had been denied adequate access to legal counsel, both before and after they had been charged.

The single lawyer defending the accused when they first appeared in court on 22 February later reported that she had been denied access to the prisoners for the next two weeks. When she visited the prison on 8 March three of the defendants had complained that they had been taken for further interrogation after their court appearance, and had been beaten or otherwise ill-treated. The lawyer said that she saw bruising and other signs of ill-treatment on two of them on 8 March, and that a doctor had earlier been called to the prison to examine three of the

defendants. The Chairman of the Advisory Council then stated that he had ordered an official inquiry into these allegations.

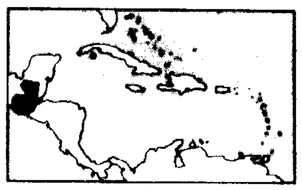
The preliminary inquiry, scheduled to begin on 6 June, was adjourned to allow the defendants more time to instruct a defence team. When the proceedings resumed on 27 June the defendants (by then represented by seven lawyers) went on hunger-strike in protest at their prison conditions, including continued restrictions on access to their lawyers. The defence lawyers complained to the court that they had been allowed only half an hour's consultation with each of their clients before the hearing, and that this had been in the presence of armed guards. Increased access was subsequently granted, and the preliminary inquiry lasted for six weeks. The defendants either refused to plead, or submitted pleas of "no case to answer", and witnesses only appeared for the prosecution. At the same time the defendants challenged the legality of the court, arguing that the independent court system established by the PRG (after it had suspended the 1974 Constitution and removed Grenada from the West Indies Associated Court System) was no longer constitutionally valid, since the 1974 Constitution had again come into effect after the US-led invasion.

While the motion challenging the legality of the court was still before the High Court, 19 of the defendants were committed to trial on the murder charges. Ian St Bernard, former Commissioner of Police under the PRG, was discharged on the grounds of insufficient evidence. However, he was remanded in custody on the original conspiracy charge. This charge was dismissed on 21 August and Ian St Bernard was released on bail, after being charged with another offence under common law.

The murder trial began on 16 October but was adjourned after the defendants told the court that they had insufficient funds to retain counsel. Legal aid was granted and the trial resumed in November. On 20 November it was adjourned indefinitely and had not recommenced by the end of the year.

On 17 October Amnesty International wrote to the Chairman of the Advisory Council about reports that Phyllis Coard had for several weeks been denied visits from relatives and friends and was being held in isolation, with no association with other prisoners or outdoor exercise. Shortly after the ending of the preliminary inquiry, all reading and writing materials had reportedly been removed from her cell, including notes she had taken in court to prepare her defence. Phyllis Coard reportedly went on hunger-strike on 27 August in protest and Amnesty International expressed concern that she had not received adequate medical treatment in prison and had been denied visits by a doctor of her choice. Amnesty International told the Chairman of the Advisory Council that her alleged treatment violated the UN Standard Minimum

Rules for the Treatment of Prisoners. The Chairman replied on 29 October that an investigation of Phyllis Coard's treatment in prison had been undertaken by his office and that she was now receiving medical treatment, visits and access to reading and writing materials. He also stated that an order made by the court on 16 October for her to be visited by a doctor of her choice had been complied with (she had reportedly fainted during her appearance in court). He told Amnesty International that the prisoners were being treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.



Guatemala

Amnesty International continued to be concerned that the regular security and military forces – as well as paramilitary groups acting under government orders or with official complicity (the so-called "death-squads") – were responsible for massive human rights violations, including arbitrary arrest, torture, "disappearance" and extrajudicial executions. The victims came from all sectors of Guatemalan society.

An Amnesty International mission which visited Guatemalan refugee camps in Mexico in May collected first-hand testimony concerning such abuses, which had occurred both under the government of General Efrain Rios Montt (March 1982 to August 1983) and after the coup which brought General Oscar Humberto Mejia Victores to power in August 1983. Recently arrived refugees testified that a number of people had been extrajudicially executed in the Santa Lucia del Quiché area in December 1983. Others reported "disappearances" and killings by security forces in Ilom, Quiche, in the period to January 1984, when they left the area.

The delegation also found convincing evidence that the Guatemalan army had been responsible for killings and abductions of Guatemalan refugees and Mexican citizens on Mexican territory (see entry on Mexico).

Amnesty International repeatedly called upon the Guatemalan authorities to investigate reported abuses as an indication of its commitment to preventing future violations. However, the government of General Oscar Humberto Mejia Victores followed the practice of previous administrations and maintained that abuses were perpetrated by extremist groups of the right and left which were out of the government's control. Referring to the current civil conflict, the

government also maintained that many peasants had died in guerrilla attacks and in armed confrontations with government forces. Amnesty International condemns the torture or execution of prisoners by anyone, including opposition groups. The organization believes, however, that the majority of killings and other abuses of non-combatant civilians were carried out by uniformed and plainclothed military and security agents acting under orders.

Amnesty International reiterated its concerns in letters to General Mejia Victores in January and April, but no substantive response was received. However, in May, Guatemala's Ambassador to France declared to representatives of Amnesty International's French Section his government's willingness to discuss human rights issues with Amnesty International. Amnesty International subsequently communicated with the Guatemalan authorities several times in an attempt to arrange a mission to Guatemala.

Amnesty International had expressed concern to General Rios Montt about Decree 46-82 of July 1982, which created Military Tribunals empowered to pass the death sentence for politically related offences following secret proceedings falling short of internationally accepted fair trial standards. Fifteen people were executed under this legislation. Amnesty International therefore welcomed the suspension of the Military Tribunals by General Mejia Victores from 1 September 1983, and the pardon – under Decree 74-84 of July 1984 – of some 60 people who had been convicted by them. However, it remained concerned about political detainees arrested while Decree 46-82 was still in force who had not been accounted for. Reports indicated that the number of such missing detainees exceeded 300, and that they included trade unionists, members of Indian leagues and other opponents of government policies. Some of them had originally had their detention acknowledged, others had been seen in custody by former detainees. Those who were not accounted for had to be considered as victims of "disappearance".

Amnesty International was concerned about the reported increase in individual "disappearances" and extrajudicial executions by the "death squads" in cities during 1984. Trade unionists and staff at the University of San Carlos (USAC) were particular targets. Between March and May 1984, for example, almost the entire executive committee of the USAC's student association was abducted. In March Amnesty International called for inquiries into human rights violations suffered by USAC staff and students, both before and since the incumbent government took office.

Among the trade unionists for whom Amnesty International issued appeals during 1984 was Amancio Samuel Villatoro, formerly Secretary General of the Adams Products' trade union. He was abducted and

"disappeared" on 30 January. Another trade unionist, Alvaro Rene Sosa Ramos – one of the few people known to Amnesty International to have survived detention and torture in recent years – testified that while detained in March he saw Amancio Samuel Villatoro at a government torture centre. Alvaro Rene Sosa Ramos escaped to a foreign embassy which took responsibility for his safety while he recovered in hospital from gunshot wounds and the effects of torture. (Several people were abducted from their hospital beds and murdered in 1984.) Later, in exile abroad, Alvaro Rene Sosa Ramos testified that he had been beaten, burned and given electric shocks while held for 52 hours by the *kaibiles*, the special army counter-insurgency unit. He reported hearing others being tortured and said that, as well as Amancio Samuel Villatoro, he had recognized trade unionist Silvio Matricardi Sala, whose tortured body was recovered on 14 March near Escuintla.

As it had repeatedly in the past, Amnesty International called for official investigations into reports that named military installations and private homes had been used as torture centres. To Amnesty International's knowledge such reports had never been systematically investigated. However, in an unprecedented move, the Head of Public Relations of the National Police acknowledged in February that 117 people who "disappeared" in 1983 were in fact in the custody of the National Police. Eighty-six were named; the majority of them reportedly common criminals. Similarly, in July, after three prisoners were reportedly killed by prison guards at Pavon prison, the Director General of Prisons declared that 18 prisoners had been found in secret cells in the prison basement and called for an investigation of all jails to determine if other clandestine cells existed. The Supreme Court President also called for a search of all prisons, where "clandestine cells may be used to hide prisoners, later making them 'disappear' ".

In June 1984 relatives of "disappeared" people formed the *Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares* (GAM), Mutual Support Group for the Appearance Alive of our Relatives. Responding to GAM's appeals, and hundreds of writs of *habeas corpus* filed on behalf of the "disappeared", government officials promised that inquiries would be initiated. However, no findings had been made public by the end of 1984.

One case of concern was that of Edgar Fernando Garcia, USAC student and trade unionist at *Industria Centroamericana de Vidrio, S.A.* (CAVISA), Central America Glass Industry. He was abducted in February by armed men believed to be members of the National Police. CAVISA manufactures bottles for *Embotelladora Guatemalteca S.A.* (EGSA), Guatemalan Bottlers, which bottles under franchise to Coca Cola and smaller soft drinks forms. Sources in Guatemala believed that Edgar Garcia and a number of other students and trade unionists who

"disappeared" in 1984 may have been abducted because they supported workers involved in a dispute at the EGSA plant. The plant was occupied by its workforce in February in protest at management's announced intention to close it, which was widely interpreted as an attempt to break the plant union. The occupation continued throughout 1984 and the plant became a gathering place for relatives of the "disappeared". The army placed EGSA under constant surveillance and, in March, shot and killed one man and injured two others who they said had failed to stop at a roadblock outside the plant. Amnesty International called on the authorities to investigate this shooting and previous abuses of EGSA workers and their supporters, including Edgar Garcia, and to take all necessary steps to prevent trade unionists from being subjected to further human rights violations. Amnesty International also appealed to the management of the Coca Cola Corporation to use its influence to those ends. The Corporation stated that it intended to ensure fair treatment for the EGSA workers, and to find new investors to continue the plant's operation.

In 1984 Amnesty International also communicated to the government its concern about large-scale arrests in Guatemala City of people who the police considered did not have adequate documentation. In September 1984 about 1,000 people were reportedly arrested in surprise raids, with displaced persons and returned refugees apparently being major targets. Some of them reportedly then "disappeared" or were extrajudicially executed: three catechists from El Quiche working with refugees in the capital were among those detained and their bound and tortured bodies were found some days later.

Some of the returned refugees and displaced persons who were subjected to arrest, torture and extrajudicial execution in 1984 had reportedly witnessed earlier massive extrajudicial executions of non-combatant civilians in the countryside by military personnel and civil defence squads under military command during a counter-insurgency campaign conducted by General Rios Montt. The aim of the counter-insurgency campaign was apparently to eliminate civilians in contested areas so that opposition groups would not get logistical support. While such killings reportedly decreased under the government of General Mejia Victores, individual "disappearances" and killings of people suspected of sympathizing with the armed opposition continued.

In 1984 Amnesty International submitted information to the UN Commission on Human Rights (UNCHR) which included details of the reported execution in October 1983 of 14 peasants by the civil patrol of Chijtinimit, Chichicastenango, El Quiche. It also submitted information to the UN Special Rapporteur on Guatemala; the UN High Commissioner for Refugees and the UN Special Rapporteur on Summary and Arbitrary Executions. The organization's submission to the UN

Working Group on Disappearances included information on the large-scale unacknowledged detention and torture of villagers by the army in the San Idelfonso Ixtahuacan area of Huehuetenango in December 1983 and January and February 1984.

The September 1984 Annual Report of the Inter-American Commission on Human Rights of the Organization of American States (OAS) stated that "illegal detentions occur on a daily basis, while the government evades the protection that petitions of *habeas corpus* should provide" by "denying responsibility for the detentions" while in fact holding prisoners in "clandestine jails where they are kept incommunicado and are subjected to torture".

In his November 1984 interim report on the situation of human rights in Guatemala, the UN Special Rapporteur on Guatemala noted that a Constituent Assembly with limited powers had been installed in August to prepare a new constitution and measures to protect human rights. He found, however, numerous "murders, disappearances and woundings" and also that the Commission for Peace established by the government in June 1984 to protect human rights and punish violations had thus far completely failed to function. Reacting to the Special Rapporteur's report the December UN General Assembly asked the Commission on Human Rights to study the human rights situation in Guatemala. It repeated the Commission's March call for effective measures to ensure that all authorities and agencies, including the security forces, fully respect human rights, and for the establishment of necessary conditions to enable the judiciary to uphold the rule of law.

Amnesty International continued work in 1984 for a number of prisoners of conscience and others whom it considered symbolic of the many thousands who have "disappeared" in recent years because of suspected non-violent opposition to the government. Among them were: 25 members of the *Central Nacional de Trabajadores* (CNT), National Workers Congress, abducted from CNT headquarters in June 1980 while National Police surrounded the area; Jorge Alberto Rosal Paz, abducted in August 1983; and Lucrecia Orellana Stormont, missing since her abduction in June 1983. Amnesty International believes that she was tortured to death shortly after her arrest.

Guyana

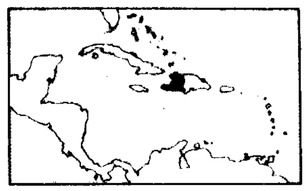
Amnesty International was concerned about allegations of ill-treatment of suspects in police custody and a number of deaths during, or shortly after, detention. Serious malnutrition among prisoners continued to be reported, and by the end of 1984 no reply had been received to Amnesty International's 1983 letter to the Minister of Home Affairs about this (see *Amnesty International Report 1984*).

In February Amnesty International wrote to President Burnham expressing concern at the reported incommunicado detention of Paul Tennassee, President of the Democratic Labour Movement, who was arrested on 9 February at Timehri Airport. No reply was received but he was released on 14 February.

In December Amnesty International wrote to the Minister of Home Affairs about the ill-treatment of detainees in police custody, stating that it had received reports that ill-treatment was occurring with increasing frequency. Most of the more recent complaints concerned criminal suspects. Although Amnesty International did not have sufficient information to assess the extent of ill-treatment, it said that it was concerned by the seriousness of some of the cases reported and noted that the allegations referred to police stations in different parts of the country. A number of suspects alleging ill-treatment had been held incommunicado for several days, in some cases without their relatives being informed of their whereabouts. Amnesty International asked if allegations of ill-treatment made by nine men arrested in the North West District in February had been investigated. The nine, who were later released without charge, alleged that they had been stripped naked after their arrest and beaten while being questioned about a theft. One of the nine further alleged that he had been subjected to electric shocks, by being made to hold a piece of iron above his head while kneeling on a car battery. Although the Commissioner of Police was reported to have stated that the allegations would be investigated, Amnesty International had received no information about this by the end of 1984.

Amnesty International referred also to three cases where prisoners had died after being held in police custody. In April Trevor Waterman died in the Georgetown Public Hospital the day after he had been held at Kitty Police Station for questioning. An autopsy report found the cause of death to be suffocation. Abrasions and internal bleeding were also noted. Two police officers have since been charged with manslaughter and released on bail. In May 1984 an inquest jury investigating the death of Cleveland Alexander in police custody at Brickdam Police

Station, Georgetown, found he had died from injuries inflicted by the police force. Amnesty International told the government that as far as it was aware, no law enforcement officers had been charged. Amnesty International referred also to a previous incident in 1982 when a suspect had reportedly been found dead in a police cell in Brickdam Police Station by relatives, after being held for four days on suspicion of theft. A subsequent post-mortem had found the cause of death to be internal bleeding from a punctured lung caused by broken ribs; no inquest had been held. Amnesty International called for a prompt and impartial investigation of these complaints. It urged the government to ensure that all those in police custody be allowed prompt access to relatives, lawyers and medical personnel; and that practical steps be taken to ensure implementation of the UN Code of Conduct for Law Enforcement Officials, including training of police officers in accordance with the Code.



Haiti

Amnesty International continued to be concerned about the imprisonment of prisoners of conscience. During 1984 the organization received reports of the arbitrary short-term detention of people who appeared to be held solely because of their suspected non-violent opposition activities. They included journalists, community development and social research workers, and members of the church. Long-term prisoners of conscience were among the many political prisoners who continued to be held - often in unacknowledged detention - without charge or trial. Reports of torture and ill-treatment of detainees continued to reach Amnesty International throughout 1984. Members of the security forces, among them the *Volontaires de la sécurité nationale* (VSN), National Security Volunteers, commonly known as *tontons macoutes* were implicated in many reports of human rights violations. Amnesty International also continued to be concerned about the fate of a number of "disappeared" political prisoners.

On 3 March the *President-a-vie* (President for Life) Jean-Claude Duvalier wrote to the Minister of Justice and to the Chief of Staff of the Haitian Armed Forces making detailed recommendations for the upholding of legal and constitutional provisions for the protection of human rights. The President instructed the Chief of Staff to "strictly prohibit members of the Armed Forces from attacking the physical or moral integrity of any individual, particularly using torture in any of its

forms", to produce a legal warrant at the time of arrest and to bring any detainee suspected of criminal acts before a judge within 48 hours of arrest. The letter to the Minister of Justice asked him to "work scrupulously for the respect of the principle of *habeas corpus* and of all other constitutional provisions concerning the rights of accused persons, questioning and interrogation procedures . . .". However, following publication of the letters in the Haitian press, Amnesty International continued to receive reports of violations of the principles referred to by the President. Indeed, it was reported that in May two priests were briefly detained for translating these letters from French into Creole and distributing them.

Many people were reportedly detained for short periods or placed under house arrest for the non-violent exercise of their human rights during 1984. In June, for example, several journalists were arrested, apparently because they had published material considered critical of the government. They included Gregoire Eugene, publisher of the magazine *Fraternite* and founder of the *Parti social chretien haitien* (PSCH), Haitian Christian Social Party, who was arrested by the police at his home and taken to the Casernes Dessalines (military barracks) in the capital, Port-au-Prince. Copies of *Fraternite* were confiscated, as were his car and printing equipment. He was released the following day, but placed under house arrest until September. Fifteen people who went to visit him were reportedly arrested and detained overnight before being released. Dieudonne Fardin, editor of the independent weekly *Petit Samedi Soir*, and Pierre Robert Auguste, publisher of the weekly independent magazine *L'Information*, were detained on 18 June and taken to the Casernes Dessalines. Dieudonne Fardin was released shortly afterwards. Pierre Robert Auguste was released without charge on 20 June, but he was said to have been beaten in detention. Although no official reason was given for his arrest, it was believed to have been in connection with articles published in his magazine about widespread anti-government protests which took place in May. Before these arrests, the Interior Minister issued two communiques, one ordering the suspension of all newspapers and periodicals not officially authorized and the other banning all political activities and groups until such time as a law governing political parties came into force. In October the President announced the formation of a commission to draft the law, but there was no indication of when it would be completed.

Among those Amnesty International believed to be short-term prisoners of conscience during the year was Dr Hubert de Ronceray, a professor and former government minister, who was arrested on 4 July without warrant. Dr de Ronceray was President of the Committee of Conventions and Recommendations of UNESCO (the United Nations

Educational, Scientific and Cultural Organization), a committee which investigates reports of human rights violations. He was also director of the private *Centre haitien d'investigation en sciences sociales* (CHISS), Haitian Social Science Research Centre. Dr de Ronceray was released without charge after three days, but placed under house arrest until September. His arrest was apparently motivated by the publication of two interviews in which he criticized injustice in the administration. Andre Laviolette, the CHISS administrator, was arrested on 26 June also without warrant and Dr de Ronceray's driver, Joseph Simon, was taken into custody on 5 July. They were not released until 3 October and had reportedly been held incommunicado without charge in the Casernes Dessalines. They were believed to have been arrested solely because of their links with Dr de Ronceray. Amnesty International appealed on behalf of the three and submitted information on their cases to UNESCO.

Amnesty International continued to be concerned that many political prisoners, including prisoners of conscience, continued to be held in unacknowledged or incommunicado detention for long periods, without charge or trial. However, several people who were believed to have been arrested between January and March 1983, and to have remained in unacknowledged and incommunicado detention since then, were finally brought to trial in September 1984 and sentenced to life imprisonment with hard labour for alleged offences against the security of the state. They were Schneider Merzier, Frantz Joachim, Frid Esper, Frantz Heraux and Eugene Nazon. For 18 months their families had been unable to obtain any information from the authorities about them, and the government had on several occasions denied that Schneider Merzier was in detention. Amnesty International had been investigating their cases.

The government persisted in its refusal to acknowledge that it was holding Bienvenu Theodore, Jocelyn Bochard, Eric Alcindor and Frank Maître, all of whom were arrested in 1979 and were believed to be held without charge or trial in the National Penitentiary in Port-au-Prince. Amnesty International had adopted them as prisoners of conscience.

Amnesty International continued to investigate the cases of other political prisoners detained without charge or trial for several years in the National Penitentiary - they were Vladimir Jeanty, Jean-Roland Denis, Jean-Claude Bastien and Roosevelt Blaise Moise, all of whom had been there since 1981.

Amnesty International continued to be concerned about several people who had "disappeared" following their detention by the security forces. For example, Joseph Pardovany, a 40-year-old mechanic, was

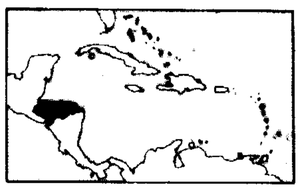
one of several people reportedly arrested in Bon Repos on the outskirts of Port-au-Prince, on 9 September 1983. They were arrested by police officers who were apparently trying to locate Sylvio Claude, the President of the *Parti democrate chretien haïtien*, (PDCH), Haitian Christian Democrat Party. Joseph Pardovany's arrest had never been acknowledged, and his whereabouts were still unknown at the end of 1984. Other missing prisoners included Labbe Remy, a lawyer detained in January 1982; Wilson Pierrelus, a language teacher arrested in April 1982; and William Josma, an engineer, whose detention was acknowledged, but who had not been seen since January 1982, when he was seen being taken away handcuffed from the National Penitentiary. Amnesty International had adopted William Josma as a prisoner of conscience.

Church workers, priests and those connected with development projects continued to be detained and harassed during 1984. In November some 30 people throughout the country were arrested, among them agronomists, community development organizers, a Protestant minister and a doctor. According to church reports, they were detained without warrant and were not presented before a judge within 48 hours, in violation of Articles 24 and 25 of the Constitution. Some of those detained were well-known for their work in local communities or educational projects, such as Pierre Andre Guerrier, who worked with the *Institut diocesain d'education de l'adulte*, Diocesan Institute of Adult Education, and Pasteur Antoine Leroy, an ordained minister from the *Mission la foi apostolique*, Apostolic Faith Mission. On 7 December the Minister of the Interior and National Defence issued a communique stating that the police had discovered a Marxist-Leninist plot against the internal security of the state. It said that the main instigators had been arrested, and that those suspected of collusion had been detained for questioning. It mentioned only five of those allegedly involved by name, two of whom were later found not to have been arrested. The accusations included involvement in a plot to murder the President for Life. The Minister also announced that those detained had been referred to the public prosecutor (*cabinet d'instruction*). However, in response to Amnesty International's appeals, the National Commission of Human Rights informed Amnesty International that it was not until 20 December that those detained had been referred to the public prosecutor, apparently contradicting the communique. The Commission also informed Amnesty International that on 22 November a law had been passed to create within the civil court of Port-au-Prince a Court of State Security, with authority to judge offences against state security in peace time, and that those arrested in November would be tried before it. Amnesty International was concerned that many of those detained may have been prisoners of conscience. By the end of 1984 at

least 16 people were still reportedly detained incommunicado and the organization feared they were at risk of being tortured or otherwise ill-treated in custody.

The *Conference episcopale d'Haiti*, Haitian Bishops' Conference, and the *Conference haitienne des religieux*, Haitian Conference of Religious Orders, publicly criticized the way in which the November arrests had been carried out and the lack of respect for constitutional safeguards. Subsequently, a number of incidents were reported of church activists and priests being harassed by *tontons macoutes*. Priests, including bishops, were also reported to have received threatening letters and telephone calls.

In April 1984 Amnesty International submitted information about its concerns under the UN procedure for reviewing communications about human rights violations. The organization reported a "consistent pattern of gross violations of human rights" warranting UN investigation.



Honduras

Amnesty International was concerned about the arrest without warrant of political detainees, their detention without trial in both unofficial and recognized detention centres, torture, "disappearances" and extrajudicial executions. Victims included university staff and students, opposition politicians, trade unionists, human rights workers, lay religious leaders and peasants, as well as Salvadorian and Nicaraguan refugees.

Amnesty International also received reports that Honduran forces had cooperated with their Salvadorian counterparts in carrying out such abuses on both Salvadorian and Honduran territory; the victims included Salvadorian and Honduran nationals. Among those cited as responsible for the abuses were military and security units acting in uniform and in plain clothes, as well as paramilitary groups, including the civilian *Comites de Defensa Civil*, Civil Defence Committees, formed while General Adolfo Alvarez Martinez was commander of the Honduran Armed Forces from January 1982 to March 1984.

Reports indicated also that Honduran forces had provided logistical support to irregular units opposed to the government in Nicaragua, known as the "contras" or counter-revolutionaries, who operated from Honduras. The "contras" were allegedly responsible in 1984 for "disappearances" and extrajudicial executions of Nicaraguans and Hondurans on both sides of the border. For example, in October six

members of the Nicaraguan *Brigada Educativa*, Education Brigade, were seized on the Nicaraguan side of the border by irregular soldiers believed to be "contras" and taken off towards Honduras. They remained "disappeared". (See also entry on Nicaragua.)

Such abuses occurred throughout 1984 both before and after the dismissal and expulsion from the country of General Alvarez Martinez in March. Following his expulsion President Roberto Suazo Cordova asserted that General Alvarez Martinez had been responsible for implementing the security policy which had led to increasing reports of human rights violations. The authorities promised the families of victims and human rights groups that complaints of past abuses would be investigated by a special investigatory commission. However, when the commission reported in December it failed to clarify alleged extrajudicial executions reported in 1984 and in previous years. No information was given, for example, about 14 Salvadorian refugees found dead on 3 February in San Marcos, Ocotepeque, although Honduran church sources had accused the army of responsibility.

The commission reported on only eight of the more than 100 "disappearances" reported in Honduras in recent years. They were all Salvadorians who, the inquiry said, were either living in Honduras or had been deported back to El Salvador. However, their families told Honduran human rights workers that the whereabouts of their relatives remained unknown. One of the missing Salvadorians was Santos Gilberta Iglesias, a Salvadorian refugee captured on 20 February near the Salvadorian border by armed men believed to be members of the Honduran Army. Foreign aid workers reported that she had left the refugee camp where she had been living, to avoid being moved further from the border under the Honduran Government's relocation plan for Salvadorian refugees. Honduran officials claimed, however, that she had been injured and arrested during a confrontation between the Honduran army and an armed Salvadorian guerrilla group operating in Honduras and handed over to the Salvadorian army 24 hours later. Amnesty International asked the Honduran authorities what guarantees had been received for her safety once she returned to El Salvador, and called for the rights of all refugees in Honduras to be respected.

Another of the "disappeared" about whom Amnesty International expressed concern during 1984, and whose case was not clarified by the investigatory commission, was Rolando Vindel Gonzalez, president of the *Sindicato de Trabajadores de la Empresa Nacional de Energia Electrica* (STENEE), the National Electricity Workers' Union. He was abducted in Tegucigalpa by men believed to be members of the Honduran security forces on 18 March, during a wage dispute between STENEE and the government. In response to widespread protests at this abduction, the army took over power plants and offices throughout

the country, evicting workers and arresting several hundred people. Most were released after a few hours; 15 were charged with sedition, but released by July. Rolando Vindel Gonzalez, however, remained missing at the end of 1984.

Also still missing at the end of the year was student leader Manfredo Velasquez, who "disappeared" on 12 September 1981. On 5 January 1984 Amnesty International launched international appeals after the arrest of his sister, Zenaida Velasquez, calling for her detention to be acknowledged and for humane treatment. As President of the *Comite de Familiares de Desaparecidos de Honduras* (COFADEH), Committee of Relatives of the Disappeared of Honduras, she was active in trying to find her brother and other "disappeared" prisoners. She was released after some seven hours in detention, during which she was reportedly verbally abused because she had publicized abroad the plight of the "disappeared".

Amnesty International was also concerned about death threats received by local representatives of the independent *Comite para la Defensa de los Derechos Humanos en Honduras* (CODEH), Committee for the Defence of Human Rights in Honduras, during 1984. According to reports, detainees were shown pictures of well-known human rights activists during interrogation and urged to identify them as subversives.

Amnesty International was concerned about the reported torture of detainees under interrogation. One of the detainees on whose behalf the organization appealed was Humberto Vasquez, arrested in February by soldiers at the *Centro Regional de Entrenamiento Militar* (CREM), Regional Military Training Centre, a military base at Puerto Castilla, near Trujillo, where US soldiers train Salvadorian and Honduran troops. Humberto Vasquez, a cleaner at the base, was reportedly detained because he had seen some maps which had been thrown away by soldiers. He was held in a number of places including the headquarters of the *Direccion Nacional de Investigaciones* (DNI), National Directorate of Investigations, in Trujillo, before being released without charge on 16 March. Relatives who saw him in custody stated that he appeared to have been tortured, and when released he reportedly showed marks of ill-treatment.

Similar allegations of torture were made in court by Osiris Villalobos and Ali Espino Sequeira – arrested by agents of the *Fuerza de Seguridad Pública* (FUSEP), Public Security Force, in San Pedro Sula on 30 June – and Cesar Amilcar Castellanos, detained two days later. When Osiris Villalobos was leaving the court where he had been charged he attempted to repeat his accusations to the press, but a heavily armed DNI agent clamped his hand over Villalobos' mouth. To Amnesty International's knowledge all three were still in custody at the end of 1984, reportedly suspected of involvement with armed opposition

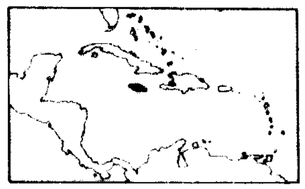
groups. Amnesty International asked for the allegations of torture to be investigated, and, if verified, for those responsible to be brought to justice; it also asked for details of the charges against the detainees.

Amnesty International made similar inquiries on behalf of 19 people arrested in September and October, who "disappeared" before being presented at a news conference in October by the armed forces, who also alleged that they had been tortured to make them say they were members of an armed opposition group. The 19 were believed to have been arrested under Decree 33 of May 1982, which defined a large number of acts such as occupying private or public property and distributing subversive propaganda as subversion against the state. Amnesty International interviewed people during 1984 who had been held in unacknowledged detention under this legislation for periods exceeding the legal limits and had been tortured to make them confess to being "subversives". One such released detainee appeared to have been detained and tortured because of her legal advice work for trade union and peasant organizations.

Testimony collected by Amnesty International from people held under Decree 33 also told of overcrowding, harassment and sub-standard food in detention centres including the men's prison in Tegucigalpa and the women's detention centre in Tamara.

In the course of 1984 Amnesty International presented its concerns in Honduras to various regional and international bodies including the UN Working Group on Disappearances and the UN Special Rapporteur on Summary and Arbitrary Executions.

The Committee on Freedom of Association of the International Labour Organisation (ILO) noted in 1984 that it had received no response to its November 1983 request to the Honduran Government for information on the death of several trade union leaders in the agricultural sector. On 28 March 1983 four leaders of the *Sindicato de Trabajadores de la Compañia Agricola y Ganadera de Sula* (SITRA-COAGS), Union of the Agricultural and Livestock Company of Sula, were killed and four other union members wounded by soldiers. The soldiers responsible were arrested after repeated expressions of concern by Amnesty International and other organizations regarding the killings, but then escaped, allegedly with the help of soldiers guarding them.



Jamaica

Amnesty International was concerned about the continued use of the death penalty. During 1984 eight prisoners were hanged, bringing the number of executions since 1980 to 29. An Amnesty International report, *Jamaica, the Death Penalty (Report of an Amnesty International Mission to Jamaica)*, was published on 21 November.

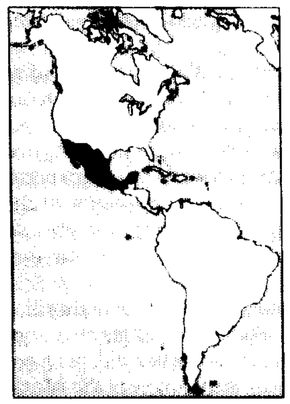
The report contained the text of a memorandum which was sent to the government on 24 July, based on the findings of an Amnesty International mission to Jamaica in November 1983. The main reason for sending the mission had been the increase in executions after 1980, after more than four years in which executions had been suspended while parliament considered whether to abolish the death penalty (see *Amnesty International Report 1984*). The report described parliamentary debates and inquiries into the death penalty in Jamaica in recent years. Despite a narrow vote in the House of Representatives to retain capital punishment in January 1979 many members of parliament and others favoured abolition or restrictions in its use. The report described also two other committees of inquiry into the death penalty in Jamaica, both of which had criticized its application. In 1975 the Barnett Commission had questioned the effectiveness of hanging as a deterrent to violent crime and criticized conditions on death row. The Fraser Committee, which submitted its report to the government in December 1981, recommended restricting the use of the death penalty and the commutation of all death sentences passed before 31 March 1981.

Amnesty International's report included studies of death row prisoners, who came overwhelmingly from the lower socio-economic classes; the majority had little or no education, most were first offenders and many may not have had adequate legal counsel. The report addressed questions of deterrence, mandatory sentences and executive clemency. Most of the prisoners hanged between August 1980 and July 1984 (the period covered by the report) had been sentenced to death before or during the time in which executions had been suspended. Most had consequently spent long periods – up to nine years – on death row, and were executed despite recommendations by various official or judicial bodies that their sentences be reviewed or commuted.

Amnesty International recommended that no further executions take place, that all existing death sentences be commuted and that the government introduce legislation abolishing the death penalty. No reply had been received from the government by the end of 1984.

Meanwhile, executions continued and Amnesty International

appealed for clemency in individual cases. Six of the eight prisoners executed during the year had been sentenced to death before 31 March 1981. More than 160 prisoners were under sentence of death at the end of the year.



Mexico

Amnesty International's concerns included reports that members of rural communities and indigenous groups involved in land conflicts with local authorities or landowners had been killed by armed civilians, who appeared in a number of cases to have acted in collaboration with official security forces, or with the tacit acquiescence of local authorities. The organization continued to be concerned about cases of unacknowledged detention, particularly of members of opposition political groups, and about reports of the use of torture or ill-treatment to obtain "confessions". Amnesty International believed that some prisoners were held because of non-violent political activities rather than because of the criminal charges on which they were arrested or convicted, and considered them to be prisoners of conscience.

In March an Amnesty International delegation visited the southern Mexican states of Chiapas and Oaxaca to investigate alleged human rights violations connected with land disputes and the growth of local opposition movements in rural areas. Meetings were held with local officials, academic researchers, lawyers and members of the church, rural trade unions, peasant organizations and political parties. The delegation also collected testimony from peasants, members of indigenous communities and political prisoners and their families. In October Amnesty International addressed a 45-page memorandum to President Miguel de la Madrid Hurtado summarizing the findings of the mission. It expressed concern about consistent reports of unjustified violence by the security forces against peasants engaged in land disputes. It also drew attention to the apparent acquiescence, and in some cases alleged complicity, of local authorities in killings of members of opposition peasant organizations by armed civilians. The memorandum referred also to unacknowledged arrests and allegations of torture in both states,

and detailed the cases of eight prisoners who Amnesty International believed to be prisoners of conscience. Amnesty International called for the release of prisoners of conscience, prompt and thorough investigations of reported political killings in rural areas, and effective measures against torture and unconstitutional detention practices. It also called for a review of the effectiveness of the existing legal and procedural guarantees available to prisoners in rural or indigenous areas. The government responded in December, inviting the organization to send a delegation to discuss its findings, and a mission was arranged for January 1985.

Amnesty International received reports of abuses — including politically motivated killings and torture — in rural areas in the states of Chiapas, Oaxaca, Puebla, and the Huasteca region of Hidalgo, Veracruz and San Luis Potosi Most of the victims were peasants and members of indigenous communities. Many belonged to independent regional peasant or Indian organizations formed in opposition to the bodies established under the auspices of the ruling party, the *Partido Revolucionario Institucional* (PRI), the Institutional Revolutionary Party.

In January Amnesty International appealed to the state authorities of Oaxaca for an investigation into the reported killing of seven Triqui Indians from the district of San Juan Copala in separate incidents from September to November 1983. The victims were members of the *Movimiento de Unificacion y Lucha Triqui* (MULT), Triqui Movement for Unity and Struggle, which since its formation in 1981 had campaigned for communal lands. Some of the killings were reportedly carried out by civilians but Amnesty International was concerned about repeated allegations that they had acted with the acquiescence of local authorities and with impunity from the law. In April Amnesty International asked the state authorities of Chiapas to investigate the deaths of Juan Lopez Hernandez and Fernando Sanchez Gutierrez from the Simojovel region who were reported to have been shot on 11 April by state security police. A further 30 peasants were reportedly wounded. In May Amnesty International sent urgent appeals to the state authorities of Hidalgo following reports that an 11-year-old boy, Benito Juarez Bautista, and one other peasant, Victor Bautista Hernandez, had been killed on 22 April by civilian gunmen accompanied by army troops, in the village of Techimal, Huasteca region. The gunmen allegedly opened fire when the villagers refused to identify leaders of their organization, the *Campesinos Unidos de la Sierra Oriental* (CUSO), United Peasants of the Eastern Sierra, an independent peasant organization pressing for recognition of communal lands. Since October 1983 Amnesty International had documented 12 cases in which peasants from the region were killed by armed civilians in politically motivated

attacks, in some of which official security forces were said to have participated.

In June Amnesty International wrote to the state authorities of Veracruz asking what had happened to 20 peasants from the village of Texomaxochitl, in the district of Chicontepec. They were reportedly abducted by state police on 16 May during an eviction in which their homes and possessions were destroyed. Later reports stated that they had been tortured in secret custody in Papantla. A detailed reply from a state government official stated that the lands had been illegally invaded, and the arrests made in accordance with the law. He denied that the peasants had been ill-treated or tortured, and stated that all of them had been freed under an official amnesty and that negotiations had started to find a solution to the dispute.

Of eight people whose whereabouts were unknown at the end of 1983 following their reported abduction by police agents during 1982 and 1983, three were released from police custody early in 1984, one was remanded to await trial and four remained "disappeared". In October 1984, the Mexican Government submitted information to the UN Working Group on Enforced or Involuntary Disappearances on two of these cases. Candelario Campos Ramirez, a student, was reported to have been abducted in Mexico City by men presumed to be police agents on 20 August 1983 (see *Amnesty International Report 1984*). The government denied that he had "disappeared", stating that he had been seen in perfect health in the neighbourhood of San Jose Ticoman. Amnesty International continued to investigate the case. During 1984 the organization took up for investigation the cases of a further 19 "disappeared" prisoners including those of 10 students and young people from the state of Sinaloa believed to have been detained by police in the late 1970s. The Mexican Government had replied to the Working Group with information on eight of these cases, but Amnesty International continued to investigate them in view of the discrepancies between the government information and details provided by the families. No new "disappearance" cases were reported during 1984.

Amnesty International remained concerned, however, about recurring instances of arrest without warrant and secret detention of political suspects. Rafael Ramirez Villanueva, a member of the *Organizacion Regional Campesina del Occidente* (ORCO), Western Regional Peasant Organization, was reportedly detained by judicial police in Guadalajara, Jalisco, on 15 September 1983, and at the end of 1983 he was one of those listed by Amnesty International as "disappeared". His detention was eventually acknowledged officially on 13 February 1984, after he had spent five months in secret detention, during which he alleged he was tortured.

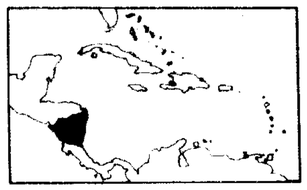
Frequent allegations of torture and ill-treatment of detainees were received during 1984. Beatings were reportedly common at the time of

arrest, particularly in rural areas, and a number of prisoners under police interrogation were allegedly tortured. On 12 July Amnesty International wrote to the Governor of the state of Sinaloa, calling for an investigation into reports of the torture by state police of a 21-year-old youth, Jose Antonio Nuñez Villarreal. He was arrested on 18 June without warrant at his home in Culiacan, blindfolded, and held incommunicado in a secret detention centre for three days. He alleged that he was tortured with repeated beatings, electric shocks, and by having mineral water forced up his nose. He was subsequently hospitalized with severe internal injuries and his life was reportedly saved only by immediate surgery. Although an investigation by the Public Prosecutor's Office was apparently started Amnesty International did not know what progress had been made and had received no reply to its letter by the end of 1984.

During 1984 Amnesty International adopted six prisoners as prisoners of conscience. Although criminal charges had been brought against the prisoners, Amnesty International believed that their political activities, which the organization believed to have been non-violent, were the real basis for their imprisonment. A further 29 cases were taken up for investigation. One of those adopted was Gustavo Zarate Vargas, a former economics lecturer at the Autonomous University of Chiapas, who was arrested without warrant on 24 July 1983 in San Cristobal de las Casas (see *Amnesty International Report 1984*). In December 1983 he was sentenced to eight years' imprisonment for possession of arms and marijuana, reduced on appeal to seven years three months, and further reduced by the Supreme Court of Justice to two years. Amnesty International also adopted as prisoners of conscience Jesus Vicente Vasquez, Carlos Sanchez Lopez, Leopoldo de Gyves Pineda and Manuel Vasquez Nicolas, all leaders of the *Coalicion Obrero Campesina Estudiantil del Istmo* (COCEI), Coalition of Workers, Peasants and Students of the Isthmus, a left-wing opposition movement. The last three were arrested on 13 December 1983 during protests over the disputed results of municipal elections the previous month (see *Amnesty International Report 1984*). They were charged with plunder, criminal association, obstruction, attacking officials and carrying prohibited weapons. At the end of 1984 they were still awaiting trial in a prison in Salina Cruz, Oaxaca. The sixth adopted prisoner of conscience was Jose Manuel Hernandez Martinez, a Tzotzil Indian peasant from the village of Venustiano Carranza, Chiapas. A member of the *Coordinadora Nacional Plan de Ayala* (CNPA), National Coordinating Committee of the Ayala Plan, and a community leader, he was arrested in March 1984 on charges of involvement in a murder in June 1980. At the end of 1984 he was still awaiting trial in the prison of Venustiano Carranza.

In May 1984 an Amnesty International delegation collected testimonies from Guatemalan refugees in southern Mexico about the human rights violations which had led them to flee Guatemala. Evidence was also collected regarding alleged incursions by the Guatemalan army and paramilitaries into refugee camps during which Guatemalan and Mexican citizens were killed. The Amnesty International delegation also discussed with Mexican officials its concern that no individuals should be forcibly repatriated to their country of origin if they faced danger to their lives and liberty there. Amnesty International later informed Mexican officials of its concern at reports that Guatemalan refugees and those assisting them had been arbitrarily arrested and tortured during relocation to states further from the Guatemalan border. It also raised concerns about the procedures by which individual Central Americans' claims for political exile were considered, and urged Mexico to become party to the UN Convention and Protocol relating to the Status of Refugees. Mexican officials replied that Mexico intended to provide its traditional protection and relief to refugees, and that international norms were being adhered to in all repatriations.

Information was submitted by Amnesty International to the UN Working Group on Enforced or Involuntary Disappearances.



Nicaragua

Amnesty International's concerns included the detention of prisoners of conscience, primarily trade union and political party activists; unfair trials of political prisoners; and incommunicado detention before political prisoners were brought before the courts. Amnesty International was also concerned about some reports of ill-treatment or torture, arbitrary killings and unacknowledged detention by government forces in the context of armed conflict in remote areas, although most such reported abuses led to the public trial and conviction of military personnel found responsible. A further concern was the frequently reported torture and execution-style killing of individuals captured by irregular forces opposing the Nicaraguan Government.

A state of emergency decreed in March 1982 which suspended some basic civil rights remained in force, with some modifications, throughout 1984. As justification for the continued state of emergency the government cited foreign armed aggression, including military operations by United States government personnel in border areas and against Nicaraguan harbour facilities. Decrees of 19 July and 6 August, in

preparation for elections for the legislature and the presidency on 4 November, restored the right to hold political assemblies and demonstrations and certain other rights. However the rights to *habeas corpus* and not to be arbitrarily detained remained suspended in cases involving state security, as defined in Articles 1 and 2 of the Law for the Maintenance of Public Order and Security (the Public Order Law), under which most political prisoners were held.

Under the state of emergency all cases under Articles 1 and 2 of the Public Order Law were heard by the *Tribunales Populares Anti-Somocistas* (TPA), Popular Anti-Somocist Tribunals. Special summary trial procedures limit the time for preparing a defence to two days after charging, and appeals against sentence are confined to the TPA system itself, which consists of one lower court and one appeal court in the capital, Managua. Members of the courts are appointed and may be removed at the discretion of the executive. There is one lawyer on each panel – in practice chosen from Ministry of Justice personnel – and two lay members nominated by organizations affiliated to the governing party, *Frente Sandinista de Liberacion Nacional* (FSLN), Sandinista National Liberation Front.

Leaders and members of some political opposition parties and their trade union affiliates continued to be subjected to frequent short-term detention without charge by the *Direccion General de Seguridad del Estado* (DGSE), the State Security Service. Most were released after questioning, although some were charged and tried under the Public Order Law. Those convicted of offences who Amnesty International believed were prisoners of conscience were, with few exceptions, released through pardons not long after sentencing. However, some trade union and political party leaders believed to be prisoners of conscience have been detained repeatedly, sometimes for a year or more. They reported that their interrogators had threatened them with further imprisonment if they continued their trade union or political party activities. Amnesty International acted on behalf of six prisoners of conscience or possible prisoners of conscience, three of whom were released during 1984 when charges were dropped or pardons granted.

Members of the *Central de Trabajadores de Nicaragua* (CTN), Nicaraguan Workers Confederation, were particular targets of arrest. CTN officials Benito Gomez Centeno and Numan Calderon Arauz were arrested at their homes on 2 June and held incommunicado for eight days at the DSGE headquarters and interrogation centre known as El Chipote, in Managua. DGSE officials stated that they had been involved in "counter-revolutionary" activities, but Amnesty International believed they were prisoners of conscience. Both were released, with 26 others, under a Council of State pardon in August.

Several journalists were detained during the year in circumstances

indicating that they might be prisoners of conscience. On 28 April Luis Mora was arrested and accused in a Ministry of Interior communique of disseminating "anti-national information" prejudicial to national security. His arrest followed a speech on 14 April by Daniel Ortega, then a junta member, denouncing Luis Mora's work as a correspondent for *Radio Impacto*, a Costa Rican station which he said was linked to the US Central Intelligence Agency (CIA). Luis Mora was also a journalist on the opposition newspaper *La Prensa* and head of its trade union. On 2 May Amnesty International informed the government of its concern that his arrest might have been motivated solely by his work as a journalist. Luis Mora was held incommunicado for 25 days in El Chipote, during which time he was shown in a video broadcast "confessing" to a series of offences, and implicating *La Prensa* photographer Jorge Ortega Rayo, who was subsequently detained. Amnesty International was concerned that Luis Mora may have been compelled to confess to offences and implicate others falsely. In June he and Jorge Ortega Rayo were convicted of Public Order Law violations by the lower court of the TPA and sentenced to nine and to five years' imprisonment respectively. The two men were pardoned in September.

Amnesty International was also concerned about reports of the DGSE fabricating evidence to denigrate and detain political opponents. One such case was that of Father Amado Peña, a priest known for criticizing the government, who was interviewed by Amnesty International delegates in July 1984 while under house arrest. On 22 June DGSE authorities had broadcast a video film which showed Father Peña leaving a car holding a bag, which, when opened by police officers, revealed a "terrorist kit" implicating the church in armed violence: several hand grenades, dynamite, and a white and yellow Vatican flag on which the letters FDN had been sewn (*Fuerza Democrática Nicaragüense*, Democratic Nicaraguan Force, the Honduras-based armed force opposing the Nicaraguan Government). According to Father Peña, however, after celebrating mass on 22 June, he had accepted a lift from a man at the service and, when the driver pulled up behind a parked car, was asked to hand a bag to a man in the other car. The video was recorded by the DGSE as he stepped out of the car holding the bag. The drivers of the two cars were apparently neither questioned, detained, nor publicly identified by the DGSE, and Father Peña was told he could go home. However, four days later, after the government news media denounced him as a terrorist accomplice, he was placed under house arrest. Although charges were brought before the TPA the case never went to trial, and proceedings were suspended by a legislative act in September.

In addition to the estimated 500 short-term detainees said to be held without charge at any one time in DGSE facilities, about 1,200 political

prisoners charged or sentenced under the Public Order Law were held at the end of 1984. About 800 were held in the *"Heroes y Martires de Nueva Guinea"* Rehabilitation Centre in Managua (the Zona Franca jail), about 200 in provincial jails and some 200 with sentences of 10 years or more in the top security prison near Managua, the *"Jorge Navarro"* Rehabilitation Centre (formerly the *Carcel Modelo de Tipitapa*).

Some 2,200 prisoners sentenced for crimes committed under the authority of the previous government, most of them former National Guards, were also held in the *"Jorge Navarro"* prison at the end of 1984. Amnesty International repeatedly expressed concern about procedures used in their trials in 1980 and 1981, and urged a review of their cases, but had not identified individuals as prisoners of conscience.

Most political detentions and interrogations other than in frontier war zones were carried out by the DGSE. Incommunicado detention was the norm under the state of emergency, with many prisoners held for 15 to 30 days and some for up to six months or more.

Amnesty International was concerned about allegations that convictions were sometimes based on confessions obtained by prolonged ill-treatment. One such case was that of optometrist Alejandro Pereira, who was detained on 6 June 1983 and taken to El Chipote where he was held incommunicado for 70 days. He was taken before a court and charged under the Public Order Law only in January 1984, after he had "confessed" to providing information to the FDN and CIA. The DGSE had refused to comply with Supreme Court *habeas corpus* orders in 1983 to establish the state of his health – he had previously had several operations for a duodenal ulcer. After a seven-year sentence was imposed by the TPA on 23 February, based exclusively on his signed "confession", Alejandro Pereira claimed on appeal that he had been both psychologically and physically tortured in El Chipote. The appeal court rejected his allegations and increased his sentence to 15 years. In October, however, he was released on health grounds by the Council of State.

Although there were few allegations of physical torture in urban detention centres, Amnesty International received allegations of torture, unacknowledged detention and arbitrary killing by the army in late 1983 in the Pantasma area in Jinotega department, following a series of attacks by the Honduran-based FDN. In January 1984 a special prosecutor was appointed to investigate the reports and 41 military personnel were detained. In March a widely publicized court martial sentenced the region's army commander to 44 years' imprisonment on two counts of murder, and for the torture of four captives; 12 subordinates received sentences of up to 14 years.

Allegations of ill-treatment, made after an army raid in March on the Miskito Indian hamlet of Lapan, near Puerto Cabezas on the Atlantic

Coast, also led to a court martial. A junior lieutenant was sentenced to 18 years' imprisonment for rape. Amnesty International did not learn, however, of any investigation by the authorities into allegations by Atlantic coast farmer Prudencio Baltodano that he had been detained in February by a unit of the Ministry of Interior's "Pablo Ubeda" Battalion, and that he had been tortured, had his ears cut off and had been left for dead.

Although most recent allegations of abuse of authority were investigated, some past reports of unacknowledged detention in the Atlantic Coast area remained unresolved. A list made public by Moravian church authorities late in 1983 named 71 Miskitos reportedly arrested between July and October 1982 in communities around Puerto Cabezas who they believed had never been accounted for. Of these, 27 were identified only by name, with no date or place of arrest given, but detailed information was provided in 44 cases, which included seven men reportedly detained by troops on 19 July 1982 in the hamlets Cru-Warvan and Yulo, and 12 detained six days later at Klingna Landing on the Karata lagoon. The authorities responded to inquiries by the Inter-American Commission on Human Rights on 28 cases. They stated that three men were killed in armed confrontations between 15 and 20 April 1982, that 11 were "not in jail", that eight prisoners had been released and that six were being held in Managua's Zona Franca prison (registered under slightly different names). To Amnesty International's knowledge no similar cases have been reported on the Atlantic Coast since October 1982, but the organization continued to seek information on the unresolved cases.

Reports were received throughout 1984 of detentions, torture and summary executions by armed opposition groups. Reported victims of the FDN included a Miskito Indian, Jose Cornejo, a former political prisoner released by the Nicaraguan authorities with some 340 others in a December 1983 amnesty who was later accused of collaboration with the authorities. He and his wife were reportedly captured and summarily executed in late January 1984 near Yulo.

Some prisoners were reportedly taken by opposition force to bases outside Nicaragua but FDN forces were more frequently reported to have killed captives on the spot or after brief field interrogations, sometimes in the presence of assembled local inhabitants. Amnesty International received a copy of a field manual issued to FDN forces which recommended the public "neutralization" of civilians believed to be collaborating with the Nicaraguan Government as well as the selective assassination of local government officials, police, and military personnel, as a model "use of violence for propagandistic effects". The US Government acknowledged that its CIA had issued the "Psychological Operations in Guerrilla Warfare" manual to FDN

forces, in order to exert greater control over irregular forces receiving US assistance in combating the Nicaraguan Government. It said the manual would be recalled and reissued without reference to "neutralizations". Amnesty International condemns the torture or killing of captives in all cases, whether by government forces in their own or other countries, or by non-governmental entities.

An Amnesty International delegation visited Nicaragua from 23 to 30 July, travelling to Managua and Puerto Cabezas and its environs. It met the President of the Supreme Court, the Vice Minister of Justice and the President of the TPA appeal court, who made available trial records for examination by the delegates. The delegates also discussed Amnesty International's concerns with other members of government, with former prisoners and with human rights organizations.

Paraguay

During 1984 Amnesty International worked on behalf of about 30 prisoners of conscience, most of whom faced charges under Law 209 (in Defence of Public Peace and Liberty of Persons) which has been used increasingly to prosecute people for the peaceful expression of their beliefs. The organization was also concerned about dozens of short-term arrests of members of opposition parties, journalists, lawyers, trade unionists and peasants under Article 79 of the Constitution, which provides for a state of siege. Another major concern was that legal proceedings in political trials did not appear to conform to internationally recognized standards.

In February 1984 Amnesty International published the *Briefing on Paraguay* describing a wide range of human rights violations, many of which resulted from abuse of the powers provided under the state of siege. The state of siege, which is now limited to the capital Asuncion, has been in force almost continuously for 30 years. The briefing documented more than 50 cases of torture and extrajudicial execution reported to have occurred since 1980. Following its publication, Amnesty International launched a worldwide campaign for the release of all prisoners of conscience and the lifting of state of siege provisions which have resulted in violations of human rights.

In the first half of 1984 Amnesty International learned of the release of 20 prisoners of conscience, including Sergeant Guillermo Escolastico Ovando who had been in detention for 21 years. Despite the fact that

Sergeant Ovando completed his sentence in 1977, he was kept in detention under state of siege provisions for a further seven years. He had been detained in December 1962 with Captain Modesto Napoleon Ortigoza. Both were convicted of the murder of a military cadet and of plotting to overthrow President Stroessner (see *Amnesty International Report 1984*).

Most of those released had been detained in 1982 and accused of membership of the "Chinese" wing of the banned Paraguayan Communist Party. In May 1984 a court sentenced 15 of them to two years four months' imprisonment, and so they were almost immediately freed. The remaining defendants, all of whom have been adopted as prisoners of conscience – Maria Margarita Baez Romero, Roque Ruiz Diaz, Emilio Asterio Lugo Valenzuela and Antonio Gonzalez Arce – were given sentences of four years eight months' imprisonment. Amnesty International believed that most of this group had been tortured during the four months after their arrest when they were held in unacknowledged detention. On 16 December an appeals court confirmed the sentences against the three men but acquitted Margarita Baez and ordered her release. She remained in prison at the end of 1984, however, pending an appeal by the prosecution to the Supreme Court.

Suspected critics of President Stroessner's government were repeatedly detained for short periods under Article 79 of the Constitution. On 16 March Aldo Zuccolillo, editor of the newspaper *ABC Color*, was detained for publishing interviews with an exiled leader of the *Movimiento Popular Colorado* (MOPOCO), Popular Colorado Movement, a dissident faction of the ruling Colorado Party. Aldo Zuccolillo and journalists working for his newspaper have been detained many times in recent years. Although he was released a week later, the authorities closed *ABC Color* on 22 March on the grounds that Articles 50 and 71 of the Constitution which prohibit the "preaching of hatred among Paraguayans" had been violated. The newspaper had regularly carried reports about human rights violations in Paraguay. On 29 November the home of the legal adviser of *ABC Color* was raided by the police who seized 20,000 copies of a report explaining the legal background to the newspaper's closure. Eight former employees were briefly detained.

In May Amnesty International appealed for the release of three leaders of the *Movimiento de Autenticidad Colorada* (MAC), Authentic Colorado Movement. Dr Mario Milciades Melgarejo, Ruben Dario Veron and Celso Castillo Gamarra were arrested in Asuncion on 11 May for allegedly writing a document proposing a dialogue with exiled Colorado Party dissidents. All three had been previously detained on several occasions. They were released on 7 June.

At the end of June Amnesty International sought clarification of the legal situation of over 80 peasants arrested in the eastern department of

Alto Parana, apparently after a dispute over land tenure. The arrests followed the eviction of some 135 families from their small holdings. During the police operation, peasants' homes were reportedly burned down and two women were allegedly raped. Most of the peasants were released after a few days, but 13 men were transferred to the *Penitenciaria Nacional de Tacumbu*, Tacumbu Prison, in Asuncion, where they were held for over two months. Although the authorities originally said that the peasants would face criminal charges for illegal occupation of land, it later appeared that the legal action had been dropped.

On 7 September Dr Heriberto Alegre Ortiz, a lawyer working for the *Programa de Ayuda Cristiana* (PAC), Christian Aid Program, a church organization which gives legal advice to peasants, was arrested. Dr Alegre was arrested at the police station in Puerto Presidente Stroessner where he was visiting a group of peasants from Reloj Cue, who had been detained on 4 September in connection with a land tenure dispute. On 11 September Dr Alegre was transferred to Tacumbu Prison in Asuncion. He was charged with inciting peasants to occupy land illegally. Amnesty International adopted Dr Alegre as a prisoner of conscience on the grounds that he had been arrested for legitimately defending the rights of peasants in the Alto Parana and Canindeyu departments.

On 13 December Amnesty International asked President Stroessner for clarification of the legal situation of six prisoners convicted in February 1983 of hijacking a bus in the Caaguazu department in March 1980. Their sentence of five years eight months' imprisonment was reduced on appeal to four years six months but the prosecution then appealed to the Supreme Court of Justice for their sentence to be increased to seven years' imprisonment. On 4 December the six prisoners went on hunger-strike complaining that the final appeal had been unduly delayed. Amnesty International reiterated its view that legal proceedings against the six prisoners had failed to conform to international standards for a fair trial (see *Amnesty International Report 1984*). The prisoners ended their hunger-strike on 24 December 1984 after the President of the Supreme Court promised to expedite the hearing.

Throughout 1984 Amnesty International received reports indicating that the torture and ill-treatment of prisoners and criminal suspects continued to be routine. On 10 January, for example, police officers in the town of San Antonio, near Asuncion, arrested Antonio Paez following a domestic quarrel. The next morning his wife was summoned to the police station and was informed that her husband had died from a heart attack. Three police officers were later formally accused of beating the prisoner to death.

While official inquiries into allegations of torture of criminal suspects

are rare, Amnesty International learned during the year that two deaths in police custody had been investigated, resulting in charges being brought against a number of police officers. By the end of 1984 the cases remained unresolved.

In January 1984 the Supreme Court dismissed a private action brought by Dr Joel Filartiga which sought to establish that his 17-year-old son, Hugo Joel Filartiga Speratti, had died under torture in police custody and was not the victim of a crime of passion as alleged by the government. The court awarded substantial damages to the former Inspector General of Police in Asuncion, Americo Peña Irala, and others. In the same month, however, a US Federal Court of Appeals ruled that the Filartiga family was entitled to $10.4 million in damages from Americo Peña Irala for the torture and murder of Hugo Joel Filartiga Speratti. The civil action had been filed by the Filartiga family in 1979, when Sr. Peña Irala was found to be living in the USA. A provision of a Federal Law, dating from 1789, gives US courts jurisdiction over "any civil action by an alien . . . committed in violation of the law of nations". In this case the court ruled "that deliberate torture perpetrated under colour of official authority violates universally accepted norms of the international law of human rights regardless of the nationality of the parties". However, since Sr. Peña Irala had left the USA, it was doubtful whether the family would be able to collect any damages.

In April Amnesty International submitted information to the UN under the procedure for confidentially reviewing reports of human rights violations. Amnesty International asserted that the evidence revealed a "consistent pattern of gross violations of human rights" warranting UN investigation. It described cases of arbitrary detention for long periods without trial under Article 79 and incidents of torture and extrajudicial execution. On 13 March the UN Commission on Human Rights called on the Paraguayan Government to consider ending the state of siege to encourage respect for human rights in the country. Amnesty International also submitted information to the Inter-American Commission on Human Rights.

Peru

Amnesty International was concerned about the detention of prisoners of conscience; the long delays in trials of political prisoners; poor prison conditions; evidence of the widespread use of torture; and, in an Emergency Zone under military control which covered 13 provinces, a pattern of unacknowledged detention, "disappearance", and extrajudicial execution of people suspected of sympathizing with the guerrilla group *Sendero Luminoso* (Shining Path).

Amnesty International was also concerned about frequent reports of torture and execution-style killings by Shining Path guerrillas. The victims included government officials, leaders of peasant communities and cooperatives, and leaders of the legal opposition political parties of the *Izquierda Unida* (IU), United Left, coalition who have condemned Shining Path's aims and methods and refused to collaborate with it.

An estimated 2,000 political prisoners were in detention at the end of 1984. Amnesty International had taken up the cases of 75 of them as prisoners of conscience or probable prisoners of conscience. Most political prisoners were held under Decree 046 of 10 March 1981, which defines a broad range of crimes related to public order and state security as terrorism. About 450 political prisoners were held at Lima's Lurigancho prison, including some 200 associated with political parties of the IU coalition, and with legal peasant and labour organizations. About 390 political prisoners — the majority avowed adherents of Shining Path, but also some 100 associated with IU — were held at El Fronton island prison, near Lima. About 100 women political prisoners were held at the *Carcel de Callao*, the major women's prison near the capital. Conditions in the three prisons remained poor, with fresh water supplied irregularly, food poor in quality, medical facilities inadequate, and tuberculosis, hepatitis, and intestinal illnesses endemic.

Most prisoners of conscience were leaders of peasant communities and organizations, trade union leaders and advisers, or members and officials of IU parties. Some prisoners of conscience were detained after private estate owners involved in land disputes with peasant communities filed complaints against the peasants' elected representatives. In one such case, Carlos Taype Campos, a leader of the peasant community of Colcabamba, in Tayacaja, Huancavelica, was arrested by the Civil Guard on 17 March while attending a rural confress of the *Confederacion Campesina del Peru* (CCP), Peruvian Confederation of Peasants. He was detained on five separate charges, including terrorism. All were reportedly filed by a small group of private estate owners with

long-standing grievances against the Colcabamba community and against the regional peasant organization of which he was a leader. Carlos Taype, who was said to have been repeatedly beaten during a two-day interrogation, was released unconditionally after 10 months' imprisonment when the court dismissed all charges against him. In 1983 similar charges had served as the basis for the detention of his brothers Milton and Godofredo, and of Colcabamba's then president, Juan Alonso Tunqui, all of whom were released within some months. Former Colcabamba president Clemente Quispe was held for almost two years in the Huancayo jail before he was cleared of all charges and released on 12 December 1984. In each case, the courts ruled that the charges on which rural magistrates had initiated proceedings and issued detention orders were groundless.

Juan Quispe Asto, a teacher and elected IU mayor of Carmen Alto, near Ayacucho, was detained on 26 February 1982. Amnesty International believed he was detained solely for his prominent role in Ayacucho local government and in lawful organizations: the left-wing teachers' union *Sindicato Unico de Trabajadores de la Educacion del Peru* (SUTEP); the Front for the Defence of the People of Ayacucho and the Federation of Ayacucho Neighbourhoods. Juan Quispe Asto was one of many prisoners of conscience charged with collaboration with the Shining Path who had in fact been threatened with death by that group for participating in electoral politics and "collaborating" with the government. He was sentenced to five years' imprisonment on a charge of terrorism; an appeal was pending at the end of 1984.

There were widespread reports during 1984 of torture of both political and non-political suspects by the *Policia de Investigaciones del Peru* (PIP), investigative police, and by the major uniformed force, the Civil Guard. The methods reported included beatings with sand-filled leather implements, suspension by the arms, near drowning, electric shocks and threats of summary execution. Reports of torture by army and marine infantry forces were also widespread in areas under military administration.

Torture of women political prisoners was said to frequently involve sexual abuse. One victim, Juana Lidia Argumedo, aged 26, was reportedly detained because she testified that regional military commanders were responsible for the seizure and killing on 26 January 1983 of eight journalists and the "disappearance" of their guide at the remote community of Uchuraccay (see *Amnesty International Report 1984*). The sister of Juan Argumedo, the guide, she was detained briefly in Uchuraccay on 27 January 1983. She became one of the key witnesses testifying that civilians who killed the journalists acted on the orders of military commanders. She was detained on 16 September 1984 without charge by officers of the navy's marine infantry detachment at Tambo,

La Mar, near Uchuraccay, and "disappeared" until the judge presiding over the Uchuraccay inquiry learned of her detention and ordered her to be brought to Ayacucho, seven days later. She subsequently told the court that in the presence of a navy physician she had been severely beaten, suspended by her wrists and nearly suffocated, and that she had been given electric shocks, and repeatedly raped by marines. The court ordered her to be hospitalized for urgent treatment and a full examination; medical findings were reportedly consistent with her allegations. She was subsequently released, but moved to Lima, the capital, after reportedly receiving death threats from Ayacucho military personnel.

Laura Zambrano Padilla, detained on 20 July, said she was tortured while under interrogation in incommunicado detention, first by the Civil Guard in Lima, and then at the headquarters of the special anti-terrorist unit of the *Direccion Contra el Terrorismo* (DIRCOTE), Peruvian Investigative Police. The findings of an examination ordered by a judge on 24 August, which were made public by the court, were consistent with her allegations of torture: she had a broken nose, bruises on her face and body, and injuries to the rectum and vagina.

Although civil courts recommended in several cases that medical evidence of the rape and other physical abuse of prisoners be considered grounds for criminal prosecution of police and military personnel, no such prosecutions were known to have been initiated.

Amnesty International made frequent appeals on behalf of people who "disappeared" after arrest in 13 provinces of the Ayacucho, Huancavelica and Apurimac departments under military control. This area was under a state of emergency and administered by an armed forces "political-military" command established in December 1982 at the army's "Los Cabitos" barracks (*Batallon de Infanteria Motorizada No. 51 "Los Cabitos"*) in Ayacucho city. Amnesty International recorded over 1,000 cases of "disappearance" from the Zone between January 1983 and the end of 1984, most of them involving young people. Victims of "disappearance" and extrajudicial execution were often tortured: evidence included the testimony of prisoners who "disappeared" for up to three months before being released and forensic examinations of the bodies of "disappearance" victims later found to have been extrajudicially executed.

Arrests in the Zone were not normally notified either to relatives of prisoners or to the courts or public prosecutors, despite a constitutional provision which states that even under a state of emergency arresting authorities "...are required to indicate without delay the place in which a person is detained" (Article 2). The Political-Military command refused to respond to persistent requests for information on prisoners from civil court judges and provincial and departmental public prosecutors, and to

deny these civilian authorities access to detention centres. The remedy of *habeas corpus* proved wholly ineffective in establishing the whereabouts of unacknowledged political prisoners in the Zone, because of the lack of cooperation by police and military arresting authorities. Public prosecutors, however, continued to assist relatives of the "disappeared" by entering into the public record sworn testimonies by witnesses to arrests, and some civil court judges sought to investigate abuses.

The principal detention centres to which "disappeared" prisoners were taken were the "Los Cabitos" barracks, in Ayacucho city, and the marine infantry headquarters for the provinces of Huanta and La Mar – a concrete sports stadium on the outskirts of the city of Huanta. Another was a rural camp at Luisiana, La Mar, in which prisoners were reportedly kept in holes in the ground. A modern three-storey house near the Ayacucho city airport known as the "Casa Rosada" (Pink House) was believed to be a secret interrogation centre where many of those detained were taken for questioning. After former prisoners claimed that they had been tortured there, and that other "disappeared" prisoners were held there, the Chief Prosecutor of Ayacucho obtained a court order to inspect it on 24 February. However, he was refused entry. At a subsequent news conference he said that over 1,500 "disappearances" had been formally reported to his office. He decried the military command's obstruction of efforts to clarify the cases and protested against telephoned death threats warning him to cease his investigations. On 28 February he was transferred to a post outside the Emergency Zone. His successor took office on 6 March, but resigned on 30 April, blaming military non-cooperation and reporting that his office had received 641 reports of "disappearances" in the province of Huamanga alone between 1 January and mid-April.

In the Emergency Zone "disappearance" was often a prelude to extrajudicial execution. Amnesty International compiled information on 420 individuals reportedly detained by the security forces and subsequently found dead since January 1983. The bodies of these and many other apparent victims of extrajudicial executions were found in mass graves and dumping grounds near main roads. They were generally naked and bore marks of torture; they were blindfolded, with hands bound behind their backs, and had single gunshot wounds to the head.

Amnesty International made frequent appeals to authorities for investigations into cases of "disappearance" and subsequent killing. Following the discovery on 22 August of the bodies of 49 men and one woman, each with a gunshot wound in the head, in several shallow graves at Pucayacu, Huanta, Amnesty International cabled President Fernando Belaunde to express concern at evidence that the victims had been in the custody of government forces before their execution, and

requesting a full investigation. As in other cases, there was evidence that the killers had tried to prevent identification of the victims: fingertips were severed, faces obliterated and clothes burned. Evidence that the victims were prisoners put to death by marines was made public unofficially by investigators of the Attorney General's office. They had found at the site an identity card belonging to Cirilo Sanchez Barboza, a peasant farmer last seen alive at marine headquarters in Huanta Stadium. Witnesses testified to the provincial public prosecutor that he was arrested on 15 August. One of the few bodies positively identified was that of 75-year-old Nemesio Fernandez Lapa, who was reportedly detained by marines on 15 July with his daughter Crista and her husband Juan Ramirez Hurtado (both of whom remained "disappeared"), and subsequently held at the Huanta Stadium.

The Attorney General's office was reported to have charged Huanta marine commanders before the civil courts with murder in the case of the Pucayacu killings. However, as in previous cases, it appeared likely that the military court system would have exclusive jurisdiction over the accused. To Amnesty International's knowledge the armed forces did not release any military personnel charged with crimes related to "disappearance" or extrajudicial execution to the jurisdiction of the civil courts, nor did they initiate proceedings before military courts on such charges.

Torture, "disappearance" and extrajudicial executions were reported in the Emergency Zone in the context of military operations to combat Shining Path. This group, in turn, continued to carry out frequent mock-trials, torture and execution-style killings – generally in the presence of the assembled families and neighbours of the victims. Amnesty International condemned the torture or killing of prisoners by Shining Path.

Amnesty International submitted cases of "disappearance" and extrajudicial executions to the Inter-American Commission on Human Rights, to the UN Working Group on Enforced and Involuntary Disappearances and to the UN Special Rapporteur on Summary or Arbitrary Executions.

Suriname

In January 1984 the Minister of Justice, Frank Leeflang, replied to an Amnesty International letter of December 1983 which expressed concern at the reported incommunicado detention and ill-treatment of 14 people held in military custody. Up to 90 people had been arrested in November 1983 following an alleged coup attempt and Amnesty International had asked the Minister for their names and places of detention. It had urged that they be promptly charged and brought before a court or released, and that they be granted access to relatives and lawyers. Amnesty International's concern was increased by previous reports of the torture and summary execution of a number of people held incommunicado in military custody following alleged coup attempts in 1982 (see *Amnesty International Report 1983* and *1984*).

In his reply the Minister confirmed that some of the 14 people named by Amnesty International were among those arrested in November 1983, but denied that as many as 90 people had been detained. He stated that seven of the detainees had since been transferred into civilian custody, and that two of these had been released after appearing in court. He said that those still in detention were being humanely treated and, "so far as the investigation permits", had been allowed access to lawyers and relatives. Five of the detainees were tried in a civilian court in June on charges of attempted arson or complicity in arson. One was acquitted and the others received sentences of between one and three years' imprisonment.

United States of America

A marked increase in the number of executions was Amnesty International's main concern. Twenty one prisoners were executed in 1984 – the highest figure in any one year since 1963 – bring- to 32 the number of executions since 1977. Amnesty International investigated the fairness of trials of members of political, ethnic and religious groups and allegations of ill-treatment of prisoners in a maximum security prison. It also expressed concern about procedures for Salvadorian asylum-seekers.

On 20 December, 1464 prisoners were awaiting execution in 33 states – the highest figure ever recorded. Many had exhausted their appeals and Amnesty International was concerned that executions would be carried out with increasing frequency. The 21 prisoners executed in 1984 were from the following southern states: Florida (8); Louisiana (5); Texas (3); Georgia (2); North Carolina (2); Virginia (1). The executions in North Carolina were the first there for 23 years. Executions were by lethal injection in Texas and North Carolina, and by electrocution in the other states. Amnesty International had appealed for clemency in every case.

James Autry was executed by lethal injection in Texas on 14 March. He had previously been scheduled for execution in November 1983 and was reportedly strapped down and undergoing the first stage of the lethal injection process when his execution was stayed (see *Amnesty International Report 1984*). According to press reports, at his execution in March he took at least 10 minutes to die and for much of that time appeared to be conscious, moving about and complaining of pain.

On 2 November Margie Velma Barfield, convicted in 1978 of poisoning her fiance, was executed in North Carolina. She was the first woman to be executed in the USA for 22 years and the first in North Carolina for more than 40.

Alpha Otis Stephens was executed in Georgia on 12 December. The first two-minute electrical charge reportedly failed to kill him and he "struggled for breath for eight minutes" before he was examined by a doctor and a second charge applied. He was pronounced dead 20 minutes after the execution began. Prison officials later disclosed that he had tried to commit suicide a few hours before his execution. Amnesty International wrote to the Georgia Board of Pardons and Paroles on

10 December about this case. At the time of his execution the Court of Appeals was reviewing three cases in which it was alleged that the application of the death penalty in Georgia discriminated against offenders on racial grounds, particularly those whose victims were white. Alpha Otis Stephens, who was black and had been convicted of murdering a white man in 1974, had been granted a last-minute stay of execution by the Supreme Court in December 1983 after lodging an appeal on the grounds of racial discrimination. However, the Supreme Court suddenly lifted the stay on 27 November, even though the Court of Appeals had not yet ruled on the three analogous cases before it. The Supreme Court rejected his appeal because he had not raised the issue at an earlier stage. Amnesty International stated that it was concerned that the stay of execution "was lifted on what appear to be essentially technical grounds, while the merits of a related issue have not yet been decided" and that it would be "contrary to the interests of justice to allow [the] execution to take place . . .".

Alpha Otis Stephens' case reflected a growing reluctance by the Supreme Court to allow late or prolonged appeals in death penalty cases, and an unwillingness by state authorities to intervene to delay executions.

In January the President promulgated new regulations to bring the Uniform Code of Military Justice into line with Supreme Court guidelines on the death penalty. This invalidated all existing death sentences imposed under military law, since the new regulations applied only to offences committed on or after 24 January. Seven members of the armed services sentenced previously had their sentences commuted to life imprisonment. In November Todd Andrew Dock, a US soldier serving in the Federal Republic of Germany (FRG), was sentenced to death for murder under the new regulations by a US military court in the FRG. Appeals were pending.

Amnesty International continued to investigate the cases of numerous Indians charged in the previous two years with violating fishing regulations along the Columbia river in the states of Oregon and Washington. Amnesty International was investigating allegations that the defendants were being unlawfully discriminated against on the grounds of their ethnic origin (see *Amnesty International Report 1984*). On 14 February an Amnesty International observer attended the trial in Wasco County, Oregon, of Howard Jim, an Indian fisherman charged with illegal sale of fish worth $160. He was acquitted by the jury after a four-day trial. In 15 other state prosecutions in Oregon the accused were also acquitted. Two defendants were convicted of fishing violations and received suspended sentences plus probation; one of the two, who had a prior conviction for fishing violations, also had to serve a 30-day jail sentence. Amnesty International did not find that the state

trials had been conducted unfairly, or that the state prosecutions had been racially selective. However, it continued to investigate allegations that some of the sentences passed on Indian fishermen for similar offences in the federal courts were excessive. The defendants, two of whom had been sentenced to five years' imprisonment, had been released pending appeals which had not been heard by the end of 1984.

On 4 September an Amnesty International observer attended a pre-trial hearing in Corpus Christi, Texas, in the case of Jack Elder, charged with transporting illegal aliens. The charges (which carry a maximum 15-year prison sentence) were based on his having driven three Salvadorians who had not reported to an Immigration Officer from a relief centre to a nearby bus station. The hearing was adjourned and had not reopened by the end of 1984. Amnesty International sent an observer to the hearing to assess whether Jack Elder would be a prisoner of conscience if he were imprisoned for breaching immigration regulations to assist Salvadorian asylum-seekers on humanitarian grounds.

In April the Court of Appeal in Missouri granted an evidentiary hearing to consider a retrial of Leonard Peltier, a leading member of the American Indian Movement (AIM) who had been convicted in 1977 of the murder of two Federal Bureau of Investigation (FBI) agents. The defence alleged that the FBI had suppressed evidence at the time of the trial (see *Amnesty International Report 1984*). An Amnesty International observer attended the hearing on 1 October before the District Court in Bismarck, North Dakota. The defence argued that an FBI document released under the Freedom of Information Act after the trial showed that tests matching Leonard Peltier's gun against bullet casings found at the murder scene were negative. The prosecution argued that the document in question was only a progress report on some of the bullet casings found and that the casing which did match positively with Peltier's gun (and was produced in evidence at the trial) had not been tested at that stage. Leonard Peltier alleged that he had been "targeted" for prosecution because of his activities in AIM. Amnesty International was concerned that evidence may have been deliberately withheld to secure a conviction. The hearing was adjourned, and had not resumed by the end of the year.

On 8 October an Amnesty International observer attended a hearing in the case of AIM leader Dennis Banks who had been convicted by a South Dakota court of assault and battery and of rioting with a dangerous weapon. He had fled from South Dakota before sentencing but in September 1984 gave himself up. In 1973 a delegation of AIM members and others went to the Custer County courthouse in South Dakota to see the county prosecutor about the leniency of the charges brought against a white who had killed an Indian. Only some of the delegates were allowed inside the courthouse and a riot developed,

during which 22 people were arrested. At the sentencing hearing in October 1984, nine years later, Dennis Banks was sentenced to three years' imprisonment on each of the charges, to run concurrently. Amnesty International had received allegations that he had been singled out for prosecution because of his AIM activities. He had been inside the courthouse when fighting started, and was not arrested at the time. He was charged several days later with burglary, arson and criminal damage, but was acquitted. The two charges on which he was convicted had reportedly not been laid until late 1974, when a police officer alleged that Dennis Banks had hit him with a piece of wood. Amnesty International was still investigating the case at the end of 1984.

On 22 March Amnesty International wrote to the Director of the Federal Bureau of Prisons (BOP) expressing concern at allegations that inmates of Marion penitentiary, a maximum security federal prison in Illinois, had been ill-treated by prison guards in November 1983. The ill-treatment allegedly occurred while the entire prison was being "locked down" (confined to cells); this followed the killing of two prison guards and a prisoner by inmates. Amnesty International referred to a report by a group of lawyers which described the cases of 37 prisoners who had testified to being severely beaten and otherwise ill-treated by groups of guards in separate incidents between 27 October and mid-November 1983. Amnesty International asked if an investigation had been carried out into the allegations. The Director of the BOP replied in April, stating that the lockdown operation had been monitored by senior staff and that, although force had been necessary at times, the prison guards had not acted improperly. He stated that the allegations would be investigated by a federal court, with which some of the inmates had filed complaints. In August inmates of Marion prison applied to a federal court for an injunction to restrain the prison administration from continuing certain practices, including alleged beatings and unwarranted strip searches. Amnesty International informed the inmates' lawyers that it intended sending an observer to the hearing, which had not been held by the end of 1984.

In April Amnesty International wrote to the Assistant Secretary of State for Human Rights and Humanitarian Affairs about Salvadorian asylum claims which the State Department had advised against accepting. A significant proportion appeared to demonstrate a well-founded fear of persecution, including possible danger to applicants' lives if returned to El Salvador. Amnesty International presented details of four rejected applications which it felt merited acceptance, in accordance with the UN Protocol relating to the Status of Refugees of 1967 and the US Immigration and Nationality Act of 1980.

Uruguay

Amnesty International's concerns included the large number of prisoners of conscience; the continuing use of military courts – whose procedures failed to meet internationally recognized standards – to try civilians on political charges; torture; and inhumane prison conditions. Amnesty International was concerned about deaths in custody which it believed might have been prevented had there been proper medical care. Numerous political prisoners were released during 1984 under a special measure introduced by the government but a few prisoners of conscience were arrested during the year.

On 25 November the first general elections were held since the armed forces took control and dissolved the elected legislature in June 1973. The *Colorado* Party won the election and its leader, Dr Julio Maria Sanguinetti, was to become President on 1 March 1985. The 1967 Constitution would then come back into force, annulling most of the Institutional Acts promulgated under the military government, many of which eroded constitutional guarantees.

The leader of the other main party, the *Blanco* (National) Party, Wilson Ferreira Aldunate, was arrested on 16 June on his return to Uruguay after 10 years in exile. His son, Juan Raul Ferreira Sienra, also a leading opposition politician who had just returned from exile, was arrested with him. Amnesty International issued urgent appeals on their behalf and adopted them as prisoners of conscience. They were accused of subversion, but Amnesty International believed they were held for being outspoken critics of the military government. They were held in separate military barracks in the interior of the country. Charges against Juan Raul Ferreira Sienra were dropped and he was released on 20 August. Wilson Ferreira Aldunate was released on 30 November, after the elections, but trial proceedings against him were continuing at the end of 1984.

In July political rights were restored to the Socialist and Christian Democratic parties, enabling them to participate in the elections. Both parties had been part of the left-wing coalition, *Frente Amplio*, Broad Front, which was banned in 1973. These two parties took part in negotiations between the military authorities and the legal political parties before the elections. These negotiations, which were boycotted by the National Party in protest at the imprisonment of Wilson Ferreira Aldunate, led in August to an agreement that the military courts would review the cases of all political prisoners who had completed half their sentences. Some 400 cases were then reviewed and 154 prisoners

released, including 62 who had been adopted as prisoners of conscience by Amnesty International or whose cases were being investigated. In December further reviews were announced.

Jose Luis Massera Lerena, a former mathematics professor and deputy in the Uruguayan parliament, was released on 3 March after nearly eight and a half years' imprisonment. He had been sentenced to 20 years' imprisonment, but in February the sentence was reviewed by the Supreme Military Tribunal and reduced to 14 years. This entitled him to apply for early release, having served over half the final sentence. On 19 March General Liber Seregni, a former presidential candidate for the *Frente Amplio*, was released after eight years' imprisonment, but not allowed to vote or stand for election for two years. He had been detained on a number of occasions and in January 1976 he was arrested again and sentenced to 14 years' imprisonment. Both men had been adopted by Amnesty International as prisoners of conscience. Also released during 1984 were a number of students and young people who had been detained in June 1983 (see *Amnesty International Report 1984*). They included Lucia Arzuaga Gilboa who was tortured in incommunicado detention. The release of 86 other prisoners for whom Amnesty International was working was confirmed in 1984. At the end of the year the organization was still working for the release of 149 adopted prisoners of conscience and investigating the cases of a further 63 prisoners, including 32 who had been kept in detention on new charges after their prison sentences expired. Ten of them had reportedly been convicted on the new charges and given fresh prison sentences of seven to 10 years. Amnesty International believed that the trial proceedings against them, conducted in military courts, failed to meet internationally recognized standards for a fair trial.

An autopsy performed on Vladimir Roslik in April confirmed reports received by Amnesty International that he had died in custody as a result of torture. A doctor, he was one of seven people from San Javier (a colony of former Russian immigrants) who were detained on 15 April on suspicion of belonging to the banned Communist Party of Uruguay (PCU). He died later that day. A death certificate signed by a military doctor gave the cause of death as heart failure. Amnesty International appealed for an inquiry into his treatment and for the release of the other six detainees, whom it believed to be prisoners of conscience. Following widespread publicity about the case both within Uruguay and abroad, an independent autopsy was carried out which concluded that Vladimir Roslik had died from massive internal bleeding, with signs of asphyxiation; there were also said to be large bruises on his body. Two high-level officials from the military barracks where he died were dismissed and were reported to have been tried in connection with the death, but the result of the trial was not published.

Four of the other six detainees were released shortly afterwards but two – Esteban Balachir and Roman Klivzov – were charged and transferred to Libertad Prison, *Establecimiento Militar de Reclusion No. 1* (EMR 1), the main military prison for men, where they were held for several months. Amnesty International adopted them as prisoners of conscience.

At the Seventh National Medical Convention held in Montevideo in July, a resolution was passed setting up an ethical tribunal to examine cases of doctors alleged to have been involved in torture or ill-treatment. In October this tribunal agreed to expel the doctor who signed the death certificate on Vladimir Roslik from the Medical Federation.

In April nine leaders of the *Movimiento de Liberacion Nacional - Tupamaros* (MLN), National Liberation Movement – Tupamaros, who had been held in separate military barracks for over 10 years, were returned to Libertad Prison. Amnesty International had issued numerous appeals calling for an end to their inhumane treatment (see *Amnesty International Report 1984*). The organization sent a message to President Gregorio Alvarez welcoming the move and expressing the hope that the transfer would mean an end to the solitary confinement they had suffered for a decade. However, Amnesty International continued to be concerned about the health of one of the men, Adolfo Wassen Alaniz, who had had cancer for several years. The organization had frequently called for specialized medical attention for him. Adolfo Wassen Alaniz died in the Military Hospital in Montevideo on 17 November – the fifth political prisoner to have died of a serious illness during the year.

On 8 October Amnesty International expressed its fears to the President about the health of 180 named political prisoners, six of whom it believed might die without prompt medical attention. It appealed for improved medical care in Libertad Prison and in Punta de Rieles, *Establecimiento Militar de Reclusion No. 2* (EMR 2) – the main military prison for women.

One of the six, Antonio Mas Mas, had a long history of mental problems since his detention in 1972 and was reported to have been subjected to almost continual harassment by prison guards in Libertad Prison. Appeals were issued in April when it was learned that he was being held in a punishment cell following a mental crisis. He had attempted suicide on several occasions.

Two prisoners of conscience adopted by Amnesty International committed suicide in Libertad Prison in 1984; Roberto Rivero in February and Ruben Martinez Addiego in August. Both had suffered from depression before their deaths. Rubén Martinez had signed the papers confirming his early release under the government review measure and would have been freed shortly afterwards. Amnesty International appealed on both occasions for a full investigation into their deaths and into the prison regime. The organization believed that

due attention had not been paid to the mental health of the prisoners and urged the authorities to take immediate measures to protect the lives of prisoners in their custody.

Amnesty International continued to be concerned at consistent allegations that prison conditions in Punta de Rieles women's prison did not meet internationally recognized standards. In July the organization issued a short report outlining its concerns. Testimonies suggested that prison life was organized in such a way as to contribute directly to the psychological destabilization of prisoners, and that punishments were used in a deliberately arbitrary manner to this end. Reports had been received that a group of women were isolated from the rest of the prisoners and subjected daily to psychological pressures including threats, insults and harassment. Some had been allowed only two family visits in six months; restrictions on visiting rights were reported to be continuing.

Amnesty International continued to appeal for information concerning the whereabouts or fate of three prisoners reported to have "disappeared" in 1981 and 1982, Omar Antonio Paita Cardozo, Felix Ortiz Piazoli and Miguel Angel Mato Fagiani (see *Amnesty International Report 1984*). The government had repeatedly stated that the men were not detained and Amnesty International was unable to elicit further information. The organization was also investigating the cases of 14 other prisoners reported to have "disappeared" following their detention between December 1974 and January 1978.

In April 1984 Amnesty International submitted information about its concerns in Uruguay under the UN procedure for confidentially reviewing reports of human rights violations. Amnesty International alleged that the communication revealed a "consistent pattern of gross violations of human rights" warranting UN investigation. Amnesty International also submitted information to the UN Working Group on Enforced or Involuntary Disappearances. During the year the Human Rights Committee, established under the International Covenant on Civil and Political Rights, published its views on four Uruguayan cases. In all four cases the Uruguayan Government was found responsible for violations of the Covenant, particularly of Article 10 referring to the ill-treatment of prisoners, and Article 14 referring to trial procedures. Rosario Pietrarroia Zapala, whose release the Committee had called for in 1981, was released in 1984.

Venezuela

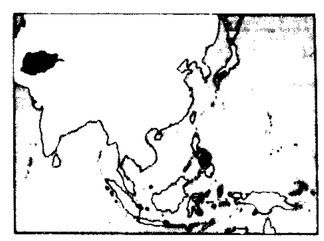
Amnesty International's concerns centred on the prolonged detention — for up to eight years — without judgment of civilian political prisoners under the military court system.

In 1984 over 80 political prisoners were held under military jurisdiction, most of them in the military prison of Cuartel San Carlos, in the capital, Caracas, and in the top security La Pica Prison (formerly the *Penitenciaria General del Oriente*), in La Pica, Monagas State. To Amnesty International's knowledge none had been tried and sentenced, although most had been held for two to eight years. The majority had been indicted by military courts, but their trials were as a rule postponed indefinitely, rarely proceeding beyond the initial investigative stage.

All political prisoners known to Amnesty International during 1984 were held on charges of military rebellion under the jurisdiction of the military courts; military rebellion is defined in Article 476 of the military code of justice to include any involvement in armed movements "in order to alter the internal peace of the Republic or to impede or obstruct the exercise of Government". Article 486 specifies the circumstances in which civilians are prosecuted by military courts, a provision frequently applied in the 1960s to combat guerrilla groups then active in Venezuela. In the 1980s it has been applied in a range of cases involving both violent and non-violent political activity.

At the end of 1984, President Jaime Lusinchi suspended some proceedings before military courts, which resulted in the release of 28 political prisoners on 21 December. However, 55 prisoners remained in custody on charges of military rebellion, none of whom had been sentenced to Amnesty International's knowledge. For example, Antonio Arias, detained at La Pica, had been in custody without judgment since 1978, and last appeared before the court responsible for his case, the *Consejo de Guerra de Maturin* (Court Martial), in 1979. Amnesty International was investigating the legal status of the remaining political prisoners in military custody.

Asia



Afghanistan

Amnesty International continued to be concerned about the imprisonment of prisoners of conscience, the detention of political prisoners without charge or trial and the use of the death penalty. The organization also continued to receive reports of torture and ill-treatment of prisoners and of extrajudicial executions. Amnesty International was concerned that the few political trials about which it learned appeared to fall short of internationally recognized standards and that some convictions reportedly relied on confessions extracted under duress.

Continued fighting between government forces supported by a Soviet military contingent and various Islamic insurgent groups was accompanied by allegations of human rights violations by both sides. The armed conflict and the continued government refusal to allow international observers access to the country made the collection and verification of information relating to human rights difficult. On 5 October Vitaly Smirnov, the Soviet Ambassador to Pakistan, told representatives of the French press that journalists accompanying rebel groups into Afghanistan would "from now on be eliminated". A French television journalist, Jacques Abouchar, had been captured by Soviet troops in September while making a film with rebel forces. On 20 October Radio Kabul announced that he had been sentenced to 18 years' imprisonment for entering Afghanistan "unlawfully and secretly and for carrying out prohibited activities and collecting information inconsistent with his profession and in collaboration with an exiled armed band". French legal and diplomatic representatives were refused permission to attend his trial, which lasted two hours. Jacques Abouchar was pardoned on 25 October and allowed to return to France.

The Afghan Government observer at the UN Commission on Human Rights stated that if a special rapporteur were appointed as the Commission had recommended on 15 March to "examine the human rights situation in Afghanistan", he or she would not be permitted to enter the country. In October Amnesty International submitted to both the rapporteur and to President Babrak Karmal a summary of its concerns in the country, inviting the President to respond. The organization received no answer to this communication which it later made public.

Amnesty International received information about some political detainees during 1984 but believed these were only a part of the total number held. The organization began investigating the case of Mohammed Nader Wardag, a 29-year-old archivist from Kabul, who was reportedly arrested in May 1983 and accused of being a member of the illegal Afghan Mellat political party. It also began investigating the case of Hamidullah Simab, a 30-year-old medical student arrested in August 1980 and reportedly sentenced the same year at a secret trial in the Sedarat detention centre to 16 years' imprisonment for "disturbing the public order". Both men had allegedly been tortured in prison and Amnesty International believed that they might be prisoners of conscience. Both were held in Pul-e Charkhi prison, Kabul, in December 1984.

Amnesty International continued to call for the unconditional release of prisoners of conscience Professor Hassan Kakar, Dr Osman Rustar, and Shukrullah Kohgadai. They had been sentenced to eight, 10 and seven-year prison terms respectively in 1983, reportedly for participating in a discussion group at Kabul University seeking peaceful solutions to the armed conflict. In addition, Amnesty International adopted as a prisoner of conscience Habiburahman Halah, a professor of journalism at Kabul University also alleged to have been a member of this group. He was arrested in December 1981 near the border with Pakistan and sentenced in 1983 to seven years' imprisonment for attempting to leave the country and for counter-revolutionary offences. Amnesty International was informed that at his trial Habiburahman Halah withdrew an earlier confession on the grounds that it had been extracted under torture.

On 20 December the official *Kabul New Times* announced that the government had declared its support for the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the United Nations General Assembly. Despite this, Amnesty International continued to receive persistent reports of torture and ill-treatment of people taken into custody by the *Khedamat-e Atla't Dawlati (Khad)*, State Information Service. The reports asserted that those tortured and ill-treated in custody by *Khad* agents included not only people accused of armed resistance to the

government but also people arrested on suspicion of non-violent political opposition, such as the distribution of illegal *shab nameh* ("night letters" – clandestinely circulated pamphlets criticizing the government). Torture was apparently most often used to extract information or confessions of guilt. Amnesty International received allegations that Soviet advisers attached to *Khad* units were present at detention centres where torture was reported.

On 23 May Kabul Radio announced that nuclear physicist Dr Mohammad Younis Akbari had been condemned to death by a Special Revolutionary Court for engaging in subversion and counter-revolutionary activities on behalf of the People's Republic of China (see *Amnesty International Report 1984*). Dr Akbari allegedly confessed to being a member of *Reha'i*, a Maoist political group, and to receiving money from China. On 25 May Amnesty International appealed for commutation of Dr Akbari's death sentence and asked for details of his trial. It was not known whether he had been executed by the end of 1984.

Amnesty International was concerned about the marked increase in the number of reported death sentences and executions in 1984. In a statement submitted on 29 May to the UN the government said that it was trying to reduce the number of executions and was working towards the abolition of capital punishment. Amnesty International welcomed this statement on 14 August but expressed concern at a recent Kabul Radio announcement that Abdul Kodous Kal and 14 other unnamed people had been sentenced to death for murder and anti-government activities. On several occasions Amnesty International called for the commutation of such sentences and in December launched a collective appeal for the 77 people reported in the official Afghan news media as having been condemned to death. Most of these were sentenced for murder and terrorism. In all, 68 people were officially reported executed during 1984 compared with 12 in 1983.

Amnesty International was concerned that all these death sentences had been handed down by Special Revolutionary Tribunals against whose decisions there was no right of appeal, in violation of Article 14(5) of the International Covenant on Civil and Political Rights, to which Afghanistan is party. In December in a speech to *Khad* investigators, Special Revolutionary Prosecutors and Special Revolutionary Tribunal officials, President Babrak Karmal declared that "false humanity . . . [towards] the counter-revolutionaries" should be avoided. He urged prosecutors to object if the court "unjustifiably determin[ed] a light punishment" and directed the courts to acquit defendants "only in the light of total and clear innocence of the accused". Amnesty International believed that these political directives, the absence of appeals procedures and the reported torture of political suspects during interrogation, could lead to death sentences being imposed arbitrarily. It

submitted all reported cases to the UN Special Rapporteur on Summary or Arbitrary Executions.

As in previous years Amnesty International received reports that Soviet and Afghan Government military units had committed extra-judicial executions but was unable to investigate these allegations in detail. One report received from mutually independent sources concerned the alleged summary execution by Soviet forces in August of several villagers from Bela and surrounding hamlets in Nangarhar province.

Amnesty International was also concerned about reports of executions by armed insurgent groups with effective control of territory. In January the insurgent radio station "Voice of the Islamic Revolution of Afghanistan" (VIRA) announced the trial before an "Islamic revolutionary court" and subsequent execution of two Afghan army officers in Kandahar province. On 4 May insurgent leaders claimed to have executed a captured Soviet general, and other reports alleged that insurgents in the Panjshir Valley had executed some 50 government agents in April. On 15 September VIRA announced the execution of two women accused of being "spies for the infernal *Khad* espionage organization" in Kandahar.

Bangladesh

Several hundred political prisoners were released during 1984. However, Amnesty International remained concerned that government opponents engaged in non-violent protests against martial law continued to face arrest and detention, generally for short periods. A few people were arrested during 1984 under legislation permitting detention without trial, apparently for political reasons. Summary military courts were abolished, but special military courts empowered to try civilian political prisoners continued to function. Reports of the torture of criminal suspects in police custody persisted and some allegations of ill-treatment of detained students were received. Reports continued to reach Amnesty International of extra-judicial executions by law enforcement personnel in the Chittagong Hill Tracts. Several people were sentenced to death on criminal charges but no executions were known to have taken place.

Martial law remained in force throughout the year, although with some modifications. The ban on political activities was lifted for indoor political meetings in January and for outdoor activities in mid-March.

Summary military courts were abolished from 1 August. As part of a package of measures to be introduced in the months leading up to the general elections planned for April 1985, President Ershad announced on 15 December that special military courts would be abolished within a month. He also stated that "fundamental rights" would be "restored by 15 January 1985" and the High Court given back jurisdiction over certain - unspecified - rights through "the partial revival of the suspended constitution".

Hundreds of political prisoners were freed in the first four months of 1984, beginning with the release of 215 on 25 March. Among these were six former government officials convicted by special military courts for offences including "abuse of official position" and "anti-state activity". Amnesty International had raised these prisoners' cases with the government several months earlier (see *Amnesty International Report 1984*). Some of the others released had been held only briefly after being arrested for political activities. By 8 April a further 224 prisoners had been freed. According to officials, the releases were intended to facilitate discussions between the opposition and the President. Amnesty International wrote to President Ershad in May welcoming the releases. Among those released were Sunil Kanti De, a correspondent for the newspaper *Sangbad* imprisoned since June 1981, and Golam Mazed, the editor of the *Dainik Runner*, arrested in early 1983. Both had been adopted by Amnesty International as prisoners of conscience. The organization urged President Ershad to release the remaining prisoners of conscience, of whom there were reportedly 70 on 8 April. Amnesty International concluded by urging the repeal of those provisions of the 1974 Special Powers Act (SPA) which permitted participants in non-violent political activities to be arrested and detained without trial. (Of those released by 8 April, 340 had been held under the SPA.) In June, 31 political prisoners held under the SPA were released, 36 SPA detainees were released in September and 92 in December.

Among the prisoners released in late March and April were opposition politicians, party workers, trade unionists and students arrested in late February before a national strike called by two coalitions made up of 22 opposition parties. This strike was the first of several major opposition protests held in 1984. During a 24-hour strike on 28 April called by the trade union federation *Sramik Karmachari Oikya Parishad* (SKOP), several labour leaders were again briefly arrested. Strikes were also called by the opposition on 27 August, 27 September and 8 December and by SKOP and opposition parties on 22 and 23 December. Mass rallies of the opposition parties were held throughout the country on 14 October. Several hundred people were arrested in connection with these protests, most of whom were released after a few days. While much protest activity was non-violent, six

people died in September in clashes between opposition groups and government supporters, during which the police used firearms reportedly to disperse the crowds. Two people died in December, reportedly shot by the police. Government officials stated during the strike on 22 and 23 December that those arrested would be released once the strike ended but Amnesty International received reports at the end of December that not all detainees had in fact been released then, and that some political and labour leaders had been arrested after the end of the strike. The organization asked the government whether all those taken into custody had subsequently been released.

There were a few other, apparently political, arrests during 1984. Local leaders of the Bangladesh Nationalist Party (BNP) Abu Sufian, of Noakhali district, and Rezaul Huq Sarkar, a lawyer from Rangpur were arrested in mid-September and mid-October respectively. Rezaul Huq Sarkar was detained under the SPA. By the end of 1984 no formal charges were known to have been brought against them. Amnesty International was also investigating the detention of Mohammad Munir, a student at the University of Dhaka and a leader of the *Jatiyatabadi Chhatra Dal*, a student organization affiliated to the BNP. He was arrested at his home on 24 July under the SPA, reportedly because of his political activities.

Amnesty International continued to appeal to the government for political prisoners to be tried in courts with full legal safeguards. The decisions of special military courts were not subject to judicial review and summary procedures applied. In August Oli Ahad, senior Vice-President of the Democratic League, a political party, and editor of *Ittehad* (Unity), a banned weekly journal, was brought to trial, with four students, before Special Military Court No. 7, Dhaka. Oli Ahad was arrested on 5 May and charged under Section 17 of Martial Law Regulation 1 with "prejudicial" activities, including damage to property. According to information received by Amnesty International these charges were politically motivated. Although Oli Ahad was released on bail by the High Court on 24 June, he was rearrested on 30 July. Judgment was due on 31 October, but on that day the court reportedly announced that proceedings had been stayed by order of the martial law authorities. A subsequent application for bail was refused. Amnesty International sought clarification of this case and urged its immediate transfer to a civil court.

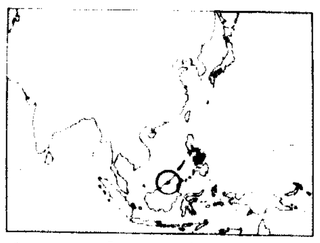
Allegations were received that members of student associations affiliated to opposition parties, in particular the BNP and *Jatiyo Samajtantric Dal* (JSD), were ill-treated while detained for a few days at times of increased opposition activity. Amnesty International received complaints that several students arrested in October and December by armed forces security personnel of the Defence Force Intelligence

(DFI) had been physically ill-treated and threatened, to coerce them into joining student groups supporting the government.

Several reports alleging torture of criminal suspects in police custody were published in the Bangladesh press. In June there was considerable news media coverage of the arrest and alleged torture of a student nurse, Mahmuda Begum, in connection with a murder case. The Inspector General of Police then issued an order which reportedly stated: ". . . It has come to the notice of the Inspector General of Police that accused persons in custody are sometimes being tortured by the police for extortion of confession. In the recent past such torture resulted in the death of some accused persons. . . ." Amnesty International wrote to the authorities in September welcoming all measures to protect prisoners and urging investigation by an independent body in all cases involving allegations of torture in police custody. In July a complaint was lodged by Mahmuda Begum against three police officers. After a magistrate's inquiry, proceedings were instituted against one of the three police officers while the other two were exonerated. According to the information available to Amnesty International, this was the first time that a magistrate's inquiry found against the police in a case of ill-treatment of a prisoner. In December an application was made to the High Court for the other two police officers to be prosecuted also.

Amnesty International continued to receive reports of human rights violations in the Chittagong Hill Tracts, an area in the southeast of the country to which access was severely restricted. Conflict between non-Bengali tribal inhabitants and Bengalis resettled there under government policy directives persisted, and there was fighting between the tribal *Shanti Bahini* (Peace Force) and the police and army. Amnesty International received information on arbitrary arrests and alleged extra-judicial executions committed by law enforcement personnel during 1984. Members of the *Shanti Bahini* were also reported to have killed civilians. On 31 May, *Shanti Bahini* units killed at least 77 Bengali settlers at Bhusanchara, near Barkal, an area close to the Indian border. The incident was widely covered by the Bangladesh news media. The following day tribal families living in six *mouzas* (an administrative unit comprising a few villages) in the Barkal area were reportedly attacked by army forces. At least 110 villagers were said to have been killed, and Amnesty International has received the names of the families reportedly killed. No coverage was given to the incident by the domestic news media. Amnesty International was also investigating the deaths of two villagers on 25 June at Santipur, near Khagrachari also in the Chittagong Hill Tracts. Soldiers reportedly fired on unarmed civilians, a few dozen of whom were gathered at one villager's home for a private celebration.

Thirteen people, all convicted of murder, were sentenced to death during the year, two of them by special military courts. Amnesty International appealed for clemency on behalf of Golam Mustafa, a former member of parliament, who was sentenced to death by special military court in January. Golam Mustafa was granted presidential clemency and his sentence commuted in July. At around the same time the death sentence on Biswajit Nandi was also commuted. He had been sentenced to death in 1977 by a special military court during an earlier period of martial law. Amnesty International did not learn of any executions during 1984.

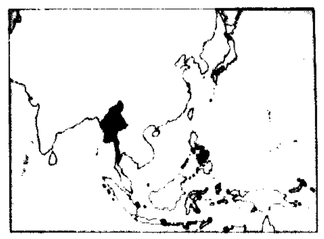


Brunei

Amnesty International was concerned about the continued detention of eight adopted prisoners of conscience held without trial for 14 to 21 years under Emergency Orders for alleged involvement in an armed revolt of December 1962 (see *Amnesty International Report 1984*). Several of them had reached advanced years and Amnesty International believed that their detention in virtual isolation without regular visits or correspondence was a danger to their well-being. Amnesty International submitted information on them under the UN procedure for confidentially reviewing communications about human rights violations, urging the UN to take steps to redress the violations. On 4 January and on 10 December Amnesty International appealed to the Sultan of Brunei for their release but received no reply.

Amnesty International was also concerned about the detention without trial of about 20 others arrested for political reasons, mostly between 1975 and 1978. Although the accusations against them were not made public, several had previously been imprisoned on charges of involvement in the 1962 revolt, and one prisoner was reportedly detained after sending letters to the Sultan complaining about corruption in the royal family. On 1 January, when Brunei became fully independent under the formal name Brunei Darussalam, three detainees who had been held under the Emergency Orders for up to eight years were released. According to a press report from Brunei, these were the first political prisoners to be released since 1978.

Although no death sentences or executions were reported during 1984, it was reported in December that the death penalty had been extended to certain drug-trafficking offences.



Burma

Amnesty International continued to be concerned about reports of human rights violations including arbitrary arrests and in some instances torture relating to members of ethnic minorities and the Muslim community. At least four people were sentenced to death during the year.

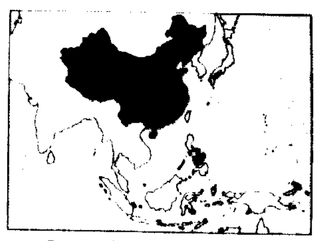
Fighting continued between the armed forces and ethnic groups seeking the overthrow of the government and greater autonomy in a federal structure. There was a marked increase in Burmese army operations in Karen state. Amnesty International was informed that it was established practice in areas of armed conflict for army personnel to abduct local civilians to serve as porters, carrying supplies. It was reported that these porters were often made to walk in front of army units to detect land mines. Unless wounded or killed, they were reportedly kept in conditions of detention until the conclusion of the military operation. Amnesty International obtained accounts of several villagers from the Ye and Kyaikmayaw areas of Mon state who said they were abducted in March and April to serve as porters during an offensive against Karen bases along the Thai border. All reportedly suffered serious injuries due to gunfire or exploding mines. Other villagers from the same area were reportedly arrested and detained without trial for periods of up to several months, accused of contact with anti-government groups. Amnesty International was informed that some of these prisoners were held in stocks for so long that they could not walk normally after release.

Amnesty International also received information on human rights violations in the Mong Pan/Mong Ton area of Shan state. On 22 April, the 18th batallion of the army's 55th division reportedly entered Tong Su village, rounded up 72 villagers, and kept them confined for two days for interrogation, during which some were said to have been kicked, beaten, and made to drink large quantities of water. Sixty-eight villagers were then released but the remaining four were said to have been taken away for interrogation for a further six days. The village headman reportedly died in Mong Pau township hospital as a result of injuries sustained during interrogation.

Arrests also occurred in Arakan state, bordering Bangladesh, an area with a substantial Muslim population. In August Amnesty International asked the Minister of Home and Religious Affairs for information about eight villagers from Nakora, Maungdaw township, who had been arrested on 22 and 23 April. On 20 April soldiers had

reportedly assaulted some of the villagers attending prayers at the principal mosque of Nakora. Thirty-four people were arrested of whom 26 were released by July. Of the eight remaining in Maungdaw township prison most were said to have been denied access to relatives and none had been charged. Amnesty International urged a prompt examination of the grounds of detention of these prisoners and their immediate release if no charges were to be brought against them. By September three more had been released, although one was said to have been arrested together with his wife and mother. Amnesty International was also informed that 15 of the 34 villagers arrested in April were again being sought by the police. By the end of 1984 Amnesty International had received no reply to its inquiry.

Four people were sentenced to death during 1984. Thein Myat was convicted of high treason in February, having been accused of causing an explosion which killed six people, allegedly on behalf of the Kachin Independence Army. In May, three people were sentenced to death in Rangoon. They were accused of belonging to the armed wing of the Karen National Union and of being behind an attack on the Burmese Broadcasting Service headquarters in September 1982. In February the Supreme Court rejected an appeal by two North Koreans sentenced to death for a bomb attack at the Aung San Mausoleum in Rangoon in October 1983; no decision was made known on their subsequent appeal for clemency to the Council of State. According to information available to Amnesty International, no executions took place during 1984.



China

Amnesty International's principal concerns were the extensive use of the death penalty and the continued imprisonment of prisoners of conscience. The organization was also investigating the imprisonment of other possible prisoners of conscience.

On 26 September Amnesty International published a report, *China: Violations of Human Rights*, and launched a campaign to publicize its concerns. The report contained detailed profiles of prisoners of conscience, an analysis of current death penalty legislation and its implementation, and the text of a memorandum sent by Amnesty International to the government on 28 February 1983. The government had been invited to respond to the memorandum but by the report

publication date no response had been received. Subsequently, on 10 October, a spokesperson of the information department of the Ministry of Foreign Affairs announced that the Chinese Government would respond to the report "at an appropriate time".

Amnesty International opposes the death penalty in all cases. During 1984 it documented 292 executions, 21 death sentences (some of which might have been carried out) and 13 cases in which the death sentence was suspended for two years. The majority of executions about which Amnesty International received information took place in urban areas, and it believed the total nationwide to be significantly higher. Throughout 1984 the government's declared campaign against crime continued, implementing decisions taken by the National People's Congress in 1983 to extend to 44 the offences carrying the death penalty and also to punish defendants in accordance with the "Decision on Severely Punishing Criminals who Gravely Endanger Public Security". People were sentenced to death in 1984 for a wide variety of offences including rape, theft, "counter-revolutionary sabotage", printing pornographic pictures, "hooliganism" and organizing a secret society.

Of concern to Amnesty International was the increased incidence of summary executions carried out on the same day as sentencing. It recorded 13 such cases during the year. For example, on the morning of 16 August Cheng Shenglan, a 42-year-old former purchasing agent for the civil engineering construction corporation in Dandong, Liaoning province, was found guilty of graft, fraud and bribery involving the sale of timber. She was executed later the same day. Many prosecutions for economic crimes not involving violence resulted in the death sentence and were given prominence in official newspapers as exemplary cases in the fight against corruption in the state bureaucracy.

On 28 December at a public rally in Beian, Heilongjiang province, 32 people – many of them sons of Communist Party officials – were sentenced. Five "main culprits" were sentenced to death and executed immediately afterwards, four others were given suspended death sentences. Commenting on the charges brought against the 32, the *People's Daily* reported that Beian had been terrorized by three gangs of "rapists and hoodlums" who had threatened "the mental and physical well-being of women, jeopardized social order and aroused the strong indignation of the people". The party committee of the province was reported to have paid special attention to the case and to have demanded severe punishment.

In accordance with Article 44 of the Criminal Law the death sentence continued to be imposed with a two-year suspension of sentence on defendants aged between 16 and 18 convicted of "particularly serious" offences. Xu Fandi, a middle-school pupil from Changsha, the provincial capital of Hunan, was sentenced to death suspended for

two years on 8 May for stealing 31 historical relics from a museum, and for striking a guard with an iron bar during a robbery.

Amnesty International also recorded a number of cases in which the death sentence was imposed for acts of violence against people implementing the government's recent economic reforms. Yao Jianjun, an apprentice printer in Shaoyang, Hunan province, was executed on 7 July after judgment by the Shaoyang Intermediate People's Court. He had been criticized by his factory authorities for breaches of labour discipline for which he was finally dismissed. Angry at the decision, he reportedly broke into the factory offices, stabbing and seriously wounding three factory leaders and a security guard. In an official commentary, the Hunan provincial radio service warned that: "If someone dares to defy the law and wilfully attack (economic) reformers, we will use our weapon of the law to punish the evildoer severely and promptly. Only thus can we . . . ensure the smooth development of the reforms". Under a decree adopted by the National People's Congress Standing Committee in June 1981 the Supreme Court no longer automatically reviewed all death sentences imposed by lower courts except in certain cases, including those involving "counter-revolutionary" offences.

On 14 November the Ministry of Public Security held an unprecedented press conference for Chinese and foreign journalists to discuss the effectiveness of the campaign against crime. In an interview published in the *Guangming Daily* on 7 August, the Minister of Public Security had said that the campaign would continue with "the objective of a fundamental improvement in public order towards the end of 1986". At the press conference in November a ministry spokesperson justified the extensive use of the death penalty during the campaign, and produced statistics to show a marked decrease in the level of crime. However, the spokesperson refused to give figures for the number of people arrested or executed, and added that it was "good to have some people executed so as to educate others". The spokesperson stated also that there were "no political prisoners or 'so-called' political dissidents in China".

Amnesty International continued to press for the unconditional release of prisoners of conscience. It received little new information on individual cases during the year and believed that the prisoners of conscience of whom it was aware represented only a small proportion of the total. The organization was concerned about new reports on the mental health of prisoner of conscience Wei Jingsheng, former editor of an unofficial journal, who had been sentenced in October 1979 to 15 years' imprisonment for "counter-revolutionary crimes". It was reported in May that Wei Jingsheng had twice been admitted to the prison wing of Fuxing Hospital in Beijing for psychiatric treatment, although the

precise dates were not given. According to Amnesty International's information, when admitted to hospital for the first time he was in poor condition, stared blankly and was unable to recognize people. By the time of his second admission a close friend reported that he believed Wei Jingsheng had had a nervous breakdown. Amnesty International appealed on his behalf, expressing fear that his reported continuous solitary confinement since 1979 in Beijing Prison No. 1 with exercise only once a month had produced the deterioration in his health. Amnesty International subsequently received unconfirmed reports that Wei Jingsheng had been transferred to a labour camp.

The continued detention and state of health of several elderly Roman Catholic priests and adopted prisoners of conscience who had remained loyal to the Vatican and refused to co-operate with the official Patriotic Catholic Association was of concern to Amnesty International. Following an official inquiry on religious policy in Beijing since 1978, the authorities announced in October that all prominent religious figures in the capital persecuted during the Cultural Revolution had been rehabilitated and arrangements made for compensation. This greater tolerance did not extend to those Christians who did not adhere either to the official Patriotic Catholic Association or to the Protestant Three-Self Patriotic Movement. Officials in the province of Henan, in particular, reportedly reacted strongly to unofficial religious activity which they referred to as "Christianity fever" and Amnesty International received reports of harassment, and sometimes arrest, of Protestants practising religion in "house-churches". There were also reports of the imprisonment of "house-church pastors" and "itinerant preachers".

Although new "flexible policies" towards the Tibet Autonomous Region were referred to by the Vice-Chairperson of the National People's Congress, himself a Tibetan, Amnesty International continued to be concerned about the detention of Tibetans in the Tibet Autonomous Region. The organization believed that they might be prisoners of conscience detained for their non-violent advocacy of Tibetan nationalism or the practice of their religiion. One case of concern was that of Geshe Lobsang Wangchuk, an eminent Buddhist scholar, who was arrested in 1982 and was reported to have been tried and sentenced to 18 years' imprisonment, accused of "nurturing ideas to separate Tibet from the motherland". It was reported that, when first detained in Drapchi prison, Lhasa, Geshe Lobsang Wangchuk had been ill-treated and kept in solitary confinement, shackled hand and foot. Amnesty International received information that he was transferred to a labour camp at Kongpo Nyitri, south of Lhasa, during 1984.

Amnesty International was investigating the cases of Tibetans detained in and around Lhasa following a series of apparently related arrests in August and September 1983. On 26 August 1983 Lobsang

Choephal was arrested at his office in the Department of Agriculture in Lhasa and reportedly charged with being a "counter-revolutionary element". He is reported to have had a recording of a sermon by the Dalai Lama and a Tibetan national flag confiscated during a search of his house. He was detained in Sangyip prison, Lhasa. Other Tibetans are reported to have been detained on the same day on similar charges.

Thirty-two people were reportedly arrested in September 1983 while rebuilding the Ganden monastery which had been destroyed during the Cultural Revolution. The monastery was a major religious institution established by the founder of the Gelugpa tradition of Tibetan Buddhism to which the Dalai Lama belongs. One of the 32, Tsering Drakpa, a monk, was reportedly accused of forming a "rebel group", and subsequently detained in Takse Dzong prison.

Fu Yuehua, a prisoner of conscience featured in the report *China: Violations of Human Rights*, was reported to have been released. She had been sentenced in December 1979 to two years' imprisonment for "disrupting public order" by participating in demonstrations by poor peasants in Beijing. Fu Yuehua had been released from Beijing Prison No. 1 in February 1981, but was later reported to be undergoing "re-education-through-labour" in a camp at Liang Xiang outside Beijing. According to information made available to Amnesty International after publication of its report, Fu Yuehua had been allowed to return to Beijing but was still required to report every week to the Public Security Bureau.

In August Amnesty International received information that another individual about whom it had been concerned – Liu Er'an – had not been arrested but was "employed and living well", according to a letter to an Amnesty International member from the office of the Provincial People's Procuratorate of Henan. Liu Er'an had been a chemical worker in Anyang and had edited the unofficial journal *Minzhu Zhuan* (Bricks of Democracy). He was named in a document published in Hong Kong in 1981, which is believed to be the text of the court judgment against another "democracy movement" activist, Xu Wenli, as one of several people involved in a "plot" to set up a "counter-revolutionary" organization. It was originally reported that Liu Er'an had been arrested in April 1981 along with the editors of other unofficial journals. Amnesty International was unable to obtain further information about his reported arrest and presumed detention.

India

Amnesty International was concerned about the detention of prisoners of conscience and about large numbers of other political detainees who were held without trial under preventive detention legislation or who were awaiting trial under special legislation permitting trial *in camera*. It was also concerned about allegations of torture, in several cases reportedly resulting in death in custody; and about reports that alleged extremists were shot dead by security forces personnel after capture. It was also concerned about a number of judicial executions.

Many of Amnesty International's concerns related to the state of Punjab which, since 6 October 1983, had been under direct (President's) rule by the central government. Members of the *Akali Dal*, Army of Immortals, the largest Sikh political party, continued to demand official recognition of the Sikh faith and identity and greater political autonomy. Other Sikh groups advocated a separate state and resorted increasingly to violence. Unarmed members of both the Hindu and Sikh communities as well as some police personnel were reportedly killed by Sikh extremists, and several Sikhs were also reportedly killed by members of the Hindu community in the neighbouring state of Haryana. Suspected Sikh extremists were reportedly killed by security forces personnel in fighting or "encounters". According to the government's 10 July 1984 "White Paper On The Punjab Agitation", there were 775 violent incidents in the Punjab between 1 January and 3 June, in which 298 people were killed.

On 10 April and 27 June Amnesty International wrote to Prime Minister Indira Gandhi about two amendments to the National Security Act (NSA), which could facilitate detention of peaceful opponents of the government. The first permitted individuals in the Punjab and in Chandigarh to be detained without trial for up to two years for acts alleged to be prejudicial to the defence or security of the state. During this time they can be held for six months without their detention being reviewed by the Advisory Board established under the NSA. The second amendment, applicable throughout India, provided that when releasing a detainee, courts must rule that all grounds for detention are invalid, rather than specific individual grounds, as previously. It also permitted fresh detention orders to be issued when a previous detention order had expired or been revoked, providing the basis for indefinite detention without trial.

Hundreds of individuals, including many prisoners of conscience, were arrested under the NSA during the first five months of 1984. According to official figures 398 were detained between 5 April and

31 July, and a total of 355 were in detention in mid-August. Earlier in the year, about 200 members of the *Akali Dal* were detained for up to two months for burning the constitution to draw attention to their demand that Article 25, which describes the Sikh religion as part of the Hindu religion, be amended.

Many others were arrested on suspicion of involvement in the violence in the Punjab. At least 100 members of the All India Sikh Students Federation (AISSF) were arrested in the two days after it was banned on 19 March 1984, and some 300 members of a militant Hindu group, the *Punjab Hindu Suraksha Samiti*, Hindu Safety Organization, were arrested in early February. Most were reportedly released the same month.

On 27 May the *Akali Dal* announced a program of civil disobedience to start on 3 June. On 2 June the army was called into the Punjab and a curfew imposed. On 5 June, the army moved into the Golden Temple at Amritsar, the main Sikh shrine, and heavy fighting ensued between the army and the followers of Sant Jarnail Singh Bhindranwale, the Sikh fundamentalist leader who had taken refuge in the temple and who the government blamed for directing much of the violence in the Punjab in recent years. The government stated on 10 July that 493 civilians or terrorists and 93 army personnel were killed in the confrontation. But on 27 October official sources quoted in the Indian press put the number of dead, including soldiers, at 1,000. There were reports that a number of Sikhs were killed by the army after capture: a deputy police superintendent reportedly said that 13 Sikhs had their hands tied and were shot by soldiers. On 25 September a released detainee claimed to have witnessed such killings.

On 14 June Amnesty International telexed the Prime Minister, acknowledging that the government had faced serious problems of internal security in the Punjab and asking whether the 6,500 people reportedly arrested would be charged with specific criminal offences or released. It urged the release of four *Akali Dal* leaders arrested under the NSA during or after the army action in the Golden Temple – including the party's president – who had apparently not been involved in violence. It also asked for the findings of inquests which the Home Secretary had announced would be held, especially those into the deaths of the 13 young Sikhs.

On 27 June Amnesty International welcomed reports that 800 detainees had been released but expressed concern that two *Akali Dal* leaders had been immediately rearrested on 22 June under the amended provisions of the NSA. On 30 June Amnesty International received a reply from the Foreign Secretary which emphasized that innocent people had been killed by terrorists in the Punjab and stated that these killings had not provoked any concern from Amnesty International. The

government's reply did not answer any of the specific queries put by Amnesty International in its communications of 14 and 27 June.

On 11 October Amnesty International wrote to the Prime Minister explaining that Amnesty International, as a matter of principle, condemns the killing or torture of individuals detained by anyone, including opposition groups, and recognizes that the government has a responsibility to bring to justice those responsible for violence. It expressed concern about reports of renewed arrests of peaceful political activists, welcoming the release of some and urging the early release of the others. It was concerned about reports that 28 children aged between four and 12, who had been arrested at the time of the June army action, were being detained in Ludhiana Jail. On 21 September the Supreme Court ordered the immediate release of four women and 22 children aged between one and 16, reportedly stating that it was obvious that the women and children must be devotees and pilgrims visiting the Golden Temple who had been caught in the action that took place on 5 June. Amnesty International said these reports confirmed its fears that innocent people, whom it considered to be prisoners of conscience, were among those arrested at the Golden Temple.

Amnesty International also asked for clarification of the 14 July 1984 Terrorist Affected Areas (Special Courts) Ordinance, (replaced in August by an Act of the same name). Amnesty International said it understood that the legislation aimed to provide speedy trials but noted that it suspended important legal safeguards normally applicable during trials, which might result in procedures incompatible with international standards. Under the Act, trials were to be held *in camera*, the burden of proof was shifted to the accused upon certain minimal findings and appeals were only possible to the Supreme Court within a reduced 30-day period. By the end of 1984 several thousand people were reportedly awaiting trial before three special courts. The government announced that 433 faced trial on charges of "waging war" against the state. According to reports lawyers encountered obstacles in establishing what charges had been laid, and relatives had difficulty in finding out the whereabouts of detainees.

Press reports alleged that people arrested in the Punjab on suspicion of extremist activities had been tortured by the army and police by being beaten, burned or having their fingernails torn out. A person arrested in December claimed he was hung upside-down for several hours and beaten. There were also press reports alleging that arrested persons were killed in staged "encounters" with the police, but Amnesty International did not receive details of individual cases.

On 31 October the Prime Minister was assassinated by two of her security guards, who were reportedly Sikhs. During subsequent rioting 2,987 Sikhs were officially stated to have been killed. Although the

newly appointed Prime Minister, Rajiv Gandhi, immediately called for a halt to the anti-Sikh violence and ordered the army to be deployed, a number of police officers allegedly failed to oppose the killings and even encouraged them. Several members of the ruling party allegedly instigated or furthered the violence. No information was available by the end of 1984 as to whether the government would investigate these allegations.

Amnesty International also received reports that people in other parts of India were detained without trial for expressing non-violently their views, mostly for short periods. These arrests were made both under criminal statutes and under the NSA. For example, two journalists – Itwari Lal and Bashir Mohammad – were reportedly arrested in Raipur on 20 February, under sections of the code of criminal procedure relating to measures for keeping the peace, immediately after their newspaper had carried a report on alleged police torture of tribal people in Balaghat district. In another case, the Supreme Court of India heard a petition on 20 March brought by two tribal lawyers from Bihar. They had been detained without trial since October 1981 on charges of sedition and criminal conspiracy and claimed that they were arrested for their involvement with tribal people whom they alleged were frequently arrested on false charges by the police.

In the state of Jammu and Kashmir many political activists were detained without trial under the Jammu and Kashmir Public Safety Act while Dr Farooq Abdullah was Chief Minister and, after his dismissal on 2 July, under his successor G.M. Shah. Members of the *Jamaat-e-Islami*, the *Jamaat-e-Tulba*, the People's League and the *Mahaz-e-azadi*, and several hundred National Conference supporters of the former Chief Minister were reportedly detained for several months without trial. Members of the Congress Party of India were also briefly detained in January in connection with violent demonstrations.

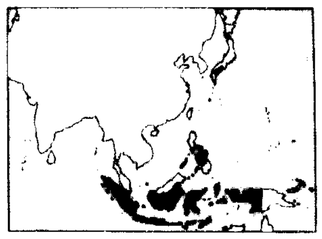
Amnesty International continued to receive reports from nearly all Indian states that criminal suspects and political prisoners were tortured especially in Andhra Pradesh and Punjab. Reports of deaths in police custody as a result of torture were frequent. Amnesty International wrote to the Chief Ministers of West Bengal, Rajasthan and Tamil Nadu calling for judicial inquiries into such cases. (The West Bengal Government set up a judicial inquiry in one case and in Tamil Nadu a judicial commission found that a Harijan girl had not committed suicide as the police had alleged, but that she was killed by officers at the police station.)

On 23 April the Supreme Court ruled that the State Government of Manipur had "misled the court by presenting a distorted version of facts" regarding two Naga civilians in Manipur who were reportedly taken away by the Sikh regiment on 10 March 1982 but who had not

been seen since. Army officials claimed that the two men were not in their custody but the Supreme Court ruled that they had not met "their tragic end in an encounter as is usually claimed" and appeared to have been murdered. It ordered compensation and police investigations. In a letter of 7 November to the Chief Minister of Manipur, Amnesty International expressed concern at the "disappearance" of four people who had reportedly been arrested in the state between 1981 and 1983 and called for an independent inquiry, and for the outcome of police inquiries into the two cases on which the Supreme Court had ruled to be made public.

On 11 February Maqbool Ahmed Butt, a former journalist and President of the Jammu and Kashmir National Liberation Front, was executed for murder. Amnesty International appealed for commutation on 9 February and reiterated its unconditional opposition to the death penalty.

On 9 April Amnesty International informed the Foreign Minister that it planned to send a delegate to India to meet professionals involved with the protection of human rights. In late May Amnesty International was informed that a visa had been refused but no reason was given.



Indonesia and East Timor

Amnesty International was concerned about continuing reports of extrajudicial executions, "disappearances", torture, and arbitrary arrests and detentions on political grounds by the security forces. The victims were mainly people suspected of supporting independence or resistance movements in Irian Jaya, Aceh, and Indonesian-occupied East Timor, and Muslim activists. Amnesty International continued to be concerned about the prolonged imprisonment of people sentenced in connection with a coup attempt in 1965 after trials which fell short of international standards. The organization was also disturbed at continuing reports of official complicity in the killings of criminal suspects. It remained concerned about the imposition of the death penalty and the rejection of appeals to commute death sentences.

Amnesty International received reports during 1984 of human rights violations in Irian Jaya including extrajudicial executions and torture of detainees held on suspicion of sympathizing with the

separatist movement, *Organisasi Papua Merdeka* (OPM), Free Papua Organization. The deaths under suspicious circumstances of two men – Arnold Ap, a museum curator and the leader of a cultural group *Mambesak*, and Edouard Mofu, a member of *Mambesak* – gave cause for concern. Both were found dead after escaping from the headquarters of the Jayapura police (KODAK XVII) on 21 April. Amnesty International received reports that they may have been extrajudicially executed by members of the regional military command (KODAM XVII), and urged President Suharto to order an immediate investigation and to ensure the safety of other prisoners in Irian Jaya.

The deaths of Arnold Ap and Edouard Mofu came at a time of increasing conflict between the Indonesian authorities and Irianese. Both the Indonesian army and the OPM intensified military operations in February, leading to the flight of some 10,000 Irianese across the border to Papua New Guinea. Shortly afterwards, Amnesty International began to receive reports of widespread arrests, torture and deaths in detention, and of massacres in Irian Jaya by soldiers of the Indonesian army. However, it was unable to verify these reports.

Amnesty International was investigating the cases of 12 Muslim activists and opposition figures arrested in connection with a riot on 12 September in Jakarta's port area, Tanjung Priok, and a related series of explosions on 4 October. On 8 September a police officer reportedly caused offence by entering a mosque in Tanjung Priok without removing his shoes. Reports of the incident spread quickly. Mosque officials demanded an apology, and an angry crowd reportedly assaulted him. Four men were arrested. Amnesty International was investigating the cases of three of them – Syarifuddin Rambe, Syafwan bin Solaeman and Achmad Sahi – who it believed may have been arrested because of their religious beliefs rather than involvement in the assault.

Four days later an Islamic preacher (*muballigh*), Amir Biki, urged a crowd estimated at 1,500 to march to the police station where the four men were being held. The crowd was met by troops who opened fire. Many protestors, including Amir Biki, were killed (the official total was 18, unofficial counts ranged between 40 and 100). Hundreds were arrested. Several leading *muballigh* who reportedly took no part in the march were also arrested, apparently for having criticized the government in the preceding months. They included Tony Ardie, Abdul Qadir Jaelani, Rani Yunsih, Mawardi Nur, Usman al-Hamidy and Marsahlin Dahlan. Amnesty International took up their cases for investigation. All were expected to be tried on subversion charges in early 1985.

On 4 October bombs exploded at branches of the Bank Central Asia, and a group of Muslim activists, reportedly angered by the deaths at Tanjung Priok, were held responsible. At the end of 1984 Amnesty International was investigating the cases of three people arrested in

connection with the bombings – Mohammed Sanusi, a former cabinet minister; retired Lieutenant General Dharsono, former Secretary-General of the Association of Southeast Asian Nations (ASEAN); and Haji Achmad Fatwa, a prominent Muslim activist. All three were closely identified with the moderate opposition group "Petition of 50" and Amnesty International believed they might have been arrested because of their political beliefs. Lieutenant General Dharsono and Haji Achmad Fatwa were said to be detained on suspicion of having attended a meeting where the bombings were planned, and Mohammed Sanusi on suspicion of having helped finance them.

Amnesty International received reports that several of those arrested in connection with the riots, the bombings, or the distribution of literature criticizing the government's explanation of the riots, were held in incommunicado detention and denied access to legal counsel. On 16 October it appealed to President Suharto to make public the names and whereabouts of all those arrested and urged that they either be charged or released.

Amnesty International was concerned about the continued detention of approximately 200 so-called "A-category" prisoners who had been arrested and tried in connection with the alleged communist coup of 1965, about 60 of whom the organization had taken up for investigation as possible prisoners of conscience. The organization was concerned that they did not receive a fair trial and that many would have been eligible for release if the rules on sentencing, remission and parole were applied consistently (see *Amnesty International Report 1984*).

Remission and parole were not possible for prisoners under sentence of death, and Amnesty International repeatedly urged President Suharto to commute all death sentences. The organization believed that approximately 35 people remained under sentence of death for alleged involvement in the 1965 coup, and although the government had given informal assurances that they would not be executed, it did not commute their sentences. During 1984 President Suharto rejected appeals for commutation for three "A-category" prisoners, former members of the *Partai Kommunist Indonesia* (PKI), Communist Party of Indonesia. On 24 October Amnesty International informed President Suharto of its concern at his rejection of the appeals of Gatot Lestario and Djoko Untung and urged him to commute their sentences. On 8 December it also appealed for commutation for Mohammed Munir, a former member of the Central Committee of the PKI.

Amnesty International continued to be concerned by reports of detention without trial and ill-treatment during detention. On 17 February the organization issued an appeal on behalf of 26 alleged sympathizers with the National Liberation Front of Aceh Sumatra. Most were arrested during the second half of 1983, along with 13 others

whose names Amnesty International had received earlier (see *Amnesty International Report 1984*). All but one were reported to be detained without charge in the Kedah military prison, Bandar Aceh, and to have been tortured after their arrest.

Amnesty International continued to investigate the cases of 10 villagers from Central Java who were detained in 1978 and 1979 on suspicion of belonging to an organization aimed at establishing an Islamic state. Six had still not been tried at the end of 1984. In July Amnesty International took up for investigation the cases of eight young men, all associated with the Muslim newsletters *ar-Risalah* and *al-Ikhwan*. They were detained without charge reportedly on suspicion of inciting Muslims to rebellion through articles printed in the newsletters. Amnesty International was concerned that they were detained for the non-violent expression of their political beliefs. By the end of 1984 all but one — Irfan Suryahardy, the editor of *ar-Risalah*, — had been released.

Amnesty International continued to receive sporadic reports of so-called "mysterious killings" of criminal suspects in what appeared to be the continuation of an officially sanctioned campaign against crime that reached its height in 1983. By early 1984 government officials were denying any responsibility for the deaths, attributing them to "gang warfare". However, Amnesty International believed that there was strong evidence of security personnel involvement and that at least some of the victims were in the custody of the security forces when they were killed. It reiterated its appeals to President Suharto to investigate the killings.

Amnesty International continued to be concerned about reports of human rights violations in the Indonesian-occupied territory of East Timor, including "disappearances", extrajudicial executions, arbitrary detention on political grounds without legal safeguards, and torture of individuals in the custody of the Indonesian armed forces.

On 20 February Amnesty International issued an urgent appeal on behalf of 23 people reportedly arrested by Indonesian troops between August 1983 and late January 1984, who then "disappeared". They included Father Domingos Soares, a priest from Ossu, Viqueque, East Timor. The whereabouts of most had been determined by the end of 1984; many had been sent to prisons outside East Timor.

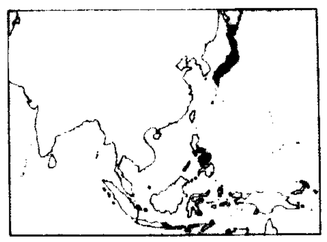
Amnesty International continued to receive reports of extrajudicial executions of non-combatants by Indonesian troops. In March approximately 100 men living near the village of Hauba, near Bobonaro in the west of the territory, were reportedly taken into custody and killed by Indonesian troops. In a statement to the UN Special Committee on Decolonization on 20 August Amnesty International noted that Indonesian forces had persistently resorted to arbitrary killings of

non-combatants in East Timor and urged that reports of such killings be fully investigated, and monitored by outside observers.

In February Amnesty International learned that a number of people associated with the *Frente Revolucionara de Timor Leste* (Fretilin), Revolutionary Front of East Timor, had been tried in Dili and that others were awaiting trial. Accordingly, on 12 March, Amnesty International wrote to the Minister of Justice asking to be allowed to send observers to the trials to assess their conduct in terms of international legal standards. On 20 April the request was turned down on the grounds that the trials were "essentially a matter of domestic jurisdiction". Amnesty International remained concerned, however, that defendants may not have been allowed legal counsel of their choice, and that there had been no public announcements about the trials in East Timor to its knowledge. It understood that by November 79 people had been tried.

Amnesty International continued to be concerned about the imposition of the death penalty in Indonesia. In addition to appeals made on behalf of the former PKI prisoners mentioned above, it appealed to President Suharto during 1984 to commute death sentences passed on several people, including Azhar bin Mohammed Syafar whose second appeal against his death sentence was rejected in September. He was a member of the so-called "Imron group" in West Java, whose leader was executed in 1983, and had been convicted of subversion after storming a police station, allegedly to obtain weapons for an Islamic revolutionary movement.

In April Amnesty International submitted information about its concerns in East Timor under the UN procedure for confidentially reviewing communications about human rights violations. Amnesty International asserted that the evidence revealed a "consistent pattern of gross violations of human rights" warranting UN investigation.



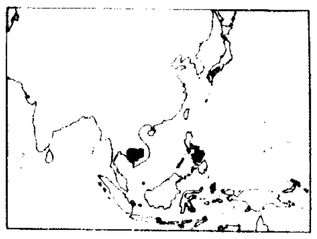
Japan

Amnesty International continued to urge the authorities to commute all death sentences and to abolish the death penalty. It investigated reports that some criminal suspects had been tortured to force them into making confessions.

According to a statement made in August by an official of the Ministry of Justice, there were 28 prisoners under sentence of death

who had exhausted all judicial appeals. On 31 October a prisoner sentenced to death in 1974 for murder was executed at Tokyo Detention Centre. As well as the remaining 27 prisoners whose death sentences had been confirmed on appeal, Amnesty International believed there were about 40 other prisoners under sentence of death at the end of 1984. Two prisoners who had been sentenced to death for murder were acquitted on appeal during the year after the judges declared that the evidence on which they had been convicted was invalid. It included confessions that the defendants claimed had been extracted by force. Shigeyoshi Taniguchi, sentenced to death in 1952, was acquitted on 12 March and Yukio Saito, sentenced to death in 1957, was acquitted on 11 July.

In a letter of 13 January to the Minister of Justice, Amnesty International asked whether there had been any government inquiry into claims made by Kazuo Nihei that he had been forced to confess to an attempted bombing offence, and if so, what the findings had been. In December 1983 Kazuo Nihei had been acquitted by a court which rejected his confession as not credible. During 1984 Amnesty International investigated other reports that in previous years criminal suspects had been tortured or otherwise ill-treated by police to force them to make false confessions.



Kampuchea (Cambodia)

Amnesty International's concerns in those areas of Kampuchea administered during 1984 by the People's Republic of Kampuchea (PRK) were: long-term detention of political prisoners, including prisoners of conscience, without charge or trial; the use of the death penalty; reports of systematic torture and ill-treatment; and reports of the death in custody of political detainees. Amnesty International's concerns in areas of Kampuchea administered during 1984 by the party of Democratic Kampuchea (pDK) were: long-term detention of political prisoners, including prisoners of conscience, without charge or trial, and reports of ill-treatment and deaths of political prisoners. Amnesty International's concerns in areas of Cambodia administered during 1984 by the Khmer People's National Liberation Front (KPNLF) were: long-term detention of political prisoners, including prisoners of conscience, without charge or trial; reports of random torture and ill-treatment of prisoners; and reported

extrajudicial executions. Amnesty International had no information about conditions in areas of Cambodia administered during 1984 by the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC).

Political and military strife continued in Kampuchea throughout 1984 and the level and extent of armed conflict was greater than in previous years. Vietnamese troops and advisory "experts" remained present in significant numbers in the PRK. The war intensified between the armed forces of the Viet Nam People's Army and the Phnom Penh-based PRK on the one side, and, on the other, the pDK, the KPNLF, and the FUNCINPEC. (The leaders of the pDK, KPNLF and FUNCINPEC were parties to the border-based Coalition Government of Democratic Kampuchea, which continued to be recognized by the United Nations as the country's representative.) The intensification of armed conflict was accompanied by a greater emphasis on uncovering and arresting suspected "enemy agents" and "opposition elements", and appeared to be a factor in many of the human rights violations reported during the year. Particularly heavy fighting towards the end of 1984 drove large numbers of people out of areas administered by the pDK and KPNLF into Thailand.

Amnesty International learned of the existence of several detention centres administered by the PRK in which large numbers of political prisoners were reportedly held. The two detention centres administered by PRK central authorities with the largest numbers of prisoners were reportedly "T-3" (in Phnom Penh) and "T-5" (in the province of Kompong Cham), each reportedly holding 400 to 500 inmates. Prisons administered by the PRK provincial authorities in Battambang and Posat – provinces where the level of armed conflict was high – reportedly held more than 800 and 1,800 people respectively. A prison administered by the PRK provincial authorities of Kandal – where there was relatively little fighting – reportedly held approximately 200 people. A special detention facility in Phnom Penh, reportedly jointly administered by the PRK and Vietnamese personnel, and three ordinary district prisons located in different provinces, each reportedly held from 50 to 90 people. While significant numbers of criminal suspects were apparently included in these figures, former prisoners and former PRK officials stated that most detainees were considered political offenders. On the basis of these incomplete but illustrative reports Amnesty International believed that during 1984 several thousand people were being held in the PRK for political reasons. Reports indicated that some of them may have been prisoners of conscience. Former PRK officials said that among those arrested were people "who speak out and say the wrong things" and people dubbed opposition elements "simply because they are dissatisfied and unhappy with the current regime". They may

also have included Buddhist clergy or teachers of Buddhism whom the PRK authorities termed "impure, defective elements" and a number of astrologers, fortune tellers, soothsayers and Christians whose views or practices were considered unacceptable.

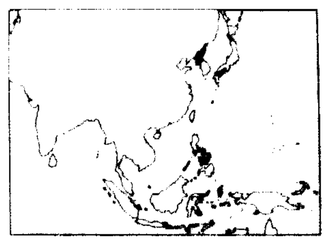
Amnesty International received reports that very few prisoners were brought to trial and statements by PRK officials in August 1984 seemed to confirm this. The Minister of Defence announced that "190 hidden enemy agents" had been taken into custody during the first quarter of 1984. The Vice Minister of Justice said that only 11 trials of all types had been conducted by PRK courts during the first six months of the year. It was not known whether any of these trials were of people charged with political offences. In contrast to earlier years, during 1984 the official PRK news media disseminated no information on political trials. Moreover, the PRK Vice Minister of Justice revealed that one of the 11 trials resulted in the execution of the defendant; according to reports received by Amnesty International, a number of other people accused of murder and armed robbery were executed without announcement during 1984.

Amnesty International received reports that people taken into custody in the PRK because they were suspected or accused of involvement with the armed oppositions were routinely tortured during interrogation by PRK and Vietnamese personnel in order to extract confessions and information or inflict punishment. Among the forms of torture said to be employed were severe beatings while the detainee was suspended, electric shocks, and near-suffocation with a plastic bag. Many political detainees in the PRK were also reportedly kept shackled for long periods in solitary confinement or in unlit cells in which it was impossible to sit up. Inadequate food and medical care reportedly resulted in the death of some detainees.

Amnesty International learned that in areas administered by the pDK during 1984, political prisoners were held without charge or trial in what were officially termed "instruction halls". Amnesty International estimated that the pDK was holding several hundred people for political reasons, among whom were apparently some prisoners of conscience suspected of making critical remarks about the pDK leadership or, more generally, of "speaking out" in "a way that adversely affects the government". Amnesty International received reports that some of the political detainees held during the year in pDK "instruction halls" had been beaten, and that others had died from lack of medical care or from injuries sustained when taken to work in areas where there were known to be mines.

Amnesty International learned that in areas administered by the KPNLF during 1984 it maintained stockades in which political detainees were held without charge or trial. Amnesty International

believed that there were several dozen political detainees in such stockades during the year. Some were accused of espionage, while others were apparently prisoners of conscience suspected of making critical remarks about the KPNLF leadership. It was reported that beatings and rapes were common in one of the stockades during much of 1984. Amnesty International also received information that KPNLF military personnel had killed people suspected of political dissidence or espionage.

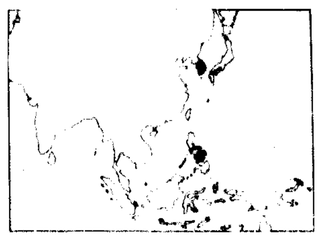


Korea (Democratic People's Republic of)

Amnesty International's work on the Democratic People's Republic of Korea (DPRK), North Korea, was seriously hampered by the fact that the authorities rarely divulge any information about arrests, trials or death sentences. To Amnesty International's knowledge, the only such information announced during 1984 was a report on 27 October from the Korean Central News Agency stating that a South Korean had been arrested for alleged espionage activities on behalf of the Republic of Korea (South Korea). No information was published by the international press.

The Japanese military research magazine *Gunji Kenkyu* published in November a report of a press conference given by a North Korean soldier who defected to the Republic of Korea in July 1984. His account of life in North Korea referred to public executions for robbery, rape, murder and sabotage. In addition, it stated that two people were sentenced to be shot in public for instigating violent disturbances at Um Dok mine in Hamkyung-namdo during November 1982. Others were said to have been imprisoned for participating in the disturbances. Other public executions were reportedly held after riots in Haeneung-gun, Hamkyung-namdo, also believed to have taken place during 1982. Amnesty International was unable to confirm these statements.

Amnesty International continued to investigate reports of the continued detention of four prominent political figures reportedly detained between 1967 and 1977 – Pak Kum-chol, Kim Chang-bong, Ryu Chang-shik and Li Yong-mu (see *Amnesty International Report 1984*) – but received no further information about them.



Korea (Republic of)

Amnesty International remained concerned about the imprisonment of people for the peaceful expression of their views. It welcomed the release, in the first five months of the year, of over 200 students serving prison terms of eight months to three years. Amnesty International was concerned, however, about an increase in the use of short-term detention, validated by the courts, of people participating in public protests, particularly in the second half of the year, and about several well-known critics of the government being placed under house arrest. Amnesty International received fewer reports of torture during interrogation than in previous years but there were numerous reports of police violence against demonstrators both before and after arrest. It had few details about the application of the death penalty.

An Amnesty International research mission visited South Korea from 3 to 14 October 1984. The delegates met a wide range of people, including former prisoners of conscience, relatives and friends of political prisoners, human rights activists, lawyers and members of various non-governmental organizations, and had talks with officials of the Ministries of Justice and Foreign Affairs. The mission enabled Amnesty International to obtain more detailed information on human rights violations and to explain its concerns to the authorities.

At the end of 1984 Amnesty International was working for the release of 24 adopted prisoners of conscience. They had been convicted of anti-state activities under the National Security Law (NSL) and two of them continued to be held in preventive detention under the Public Security Law after their sentences had expired. Among them were several Koreans normally resident in Japan, whom Amnesty International believed were falsely accused of carrying out espionage and anti-state activities under instructions from North Korea.

Amnesty International continued to appeal for the release of six prisoners serving sentences of two and a half to seven years who had been arrested in early November 1982 and convicted under the NSL of forming an anti-state organization, the "Five Pines Society", with the intent of establishing a pro-communist system (see *Amnesty International Report 1984*). All had been detained illegally for more than a month before a detention order was issued against them. At their trial in January 1983 they each alleged that they had been forced to sign false confessions under torture which included beatings, sleep deprivation, water torture and electric shocks. They admitted holding views critical of the government but denied forming an organization to overthrow it.

Amnesty International adopted as a prisoner of conscience Kim Hyon-jang who was serving a sentence of life imprisonment for alleged involvement in a March 1982 arson attack on the US Cultural Centre in Pusan. At the time of the attack Kim Hyon-jang had been hiding in a Catholic Education Centre in Wonju for almost two years to avoid arrest for circulating documents on the Kwangju disturbances of May 1980. After the attack, those responsible sought refuge at the centre where they were encouraged to surrender to the authorities. Kim Hyon-jang also surrendered. He was charged under the NSL with planning the arson attack and with carrying out other pro-communist activities. Kim Hyon-jang testified at his trial that he had been forced to make a false confession under torture. Amnesty International believed that he was in fact detained for his non-violent criticism of the government.

Amnesty International continued to appeal for the release of Soh Joon-shik and Kang Jong-kon who had been held under successive preventive detention orders issued under the Public Security Law (PSL) since their sentences for violation of the NSL expired in 1978 and 1981 respectively. Under the PSL, the Minister of Justice may order prisoners previously convicted of certain offences to be held in preventive custody after expiry of sentence if the Minister believes they may commit a similar offence again. Both prisoners appealed to the High Court against their detention orders. In May the preventive custody order against Soh Joon-shik was renewed for the third time. On 20 December a Seoul High Court invalidated the detention order on Kang Jong-kon but he was not released.

Amnesty International appealed for the release of Professor Kang Man-kil, Professor Lee Yong-hee and Reverend Cho Seung-hyuk who were taken into custody by the Anti-Communist Section of the National Police on 30 and 31 December 1983. They were reportedly interrogated about a research project sponsored by the Christian Institute for the Study of Justice and Development (of which Reverend Cho was the Director) on the presentation of the issue of Korean reunification in government text books. Amnesty International believed that they were detained for expressing non-violent political views and was concerned that detention orders were issued only after 11 days in detention when they were transferred to a regular police station. Amnesty International received reports that sleep deprivation and threats were used to obtain self-incriminating statements. They were released on 14 February with suspension of prosecution for two years. One of the conditions of their release was that they had to appear on television to admit mistakes and promise not to discuss Korean reunification.

Three prisoners of conscience held under the NSL were released.

They were: Lee Sun-keun, detained for alleged involvement in the National Federation of Democratic Students case of 1981, who was released in a presidential amnesty on 2 March; Kim Oh-ja, detained since 1975 for allegedly infiltrating student groups on behalf of North Korea, who was released in an amnesty on 15 August; and Choi Sok-jin, sentenced to life imprisonment as an alleged member of the South Korea National Liberation Front in 1979, who was released for medical treatment on 20 November. During 1984 Amnesty International had repeatedly appealed for their release and had called for Choi Sok-jin to be given adequate medical care for a chronic kidney disease.

In four amnesties between 8 February and 8 May the authorities released 229 students. Most had been sentenced under the Law on Assemblies and Demonstrations for participating in anti-government demonstrations or distributing anti-government leaflets; the others had been given short sentences under the NSL. Many of those released had been regarded as prisoners of conscience by Amnesty International.

From August onwards, as the number of protests by students, workers, farmers and other groups grew, the number of arrests increased. On many occasions violence erupted on both sides as police tried to contain demonstrations. There were allegations that the government used provocateurs to instigate violence. The majority of those taken into police custody were released without charge; others were given summary trials, usually under the Minor Offences Law, and sentenced to a maximum of 29 days in police detention, as provided by the Summary Proceedings Act.

Summary procedures were used to try a number of people who protested against the visit of President Chun Doo-hwan to Japan in early September. On 7 August the Secretary General of Ecumenical Youth Council (EYC), Kim Chol-ki, and EYC staff member Hwang In-ha were arrested after police seized an EYC leaflet opposing the visit. They were sentenced to 15 days' imprisonment but were released after lodging an appeal. On 15 August 90 participants in a peaceful demonstration organized by the National Youth Alliance for Democracy to protest against the presidential visit were taken into police custody. Fifteen were subsequently sentenced to 10 to 15 days' detention. Among them was Kim Keun-tae, the Chairman of the Alliance, who was detained several times during 1984 for non-violent political activities. In mid-March he was held for three days in a police station in connection with the Alliance's journal and reportedly beaten. In early November a summary court sentenced him to three days' detention for preparing and distributing leaflets.

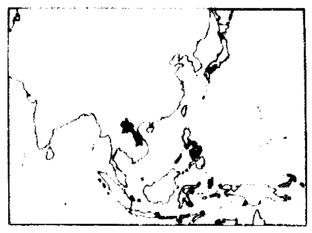
Throughout 1984 workers and supporters of the banned Peace Market (*Chonggye*) Garment Workers' Union in Seoul were held for short periods. On 12 April three union officials – Kim Young-dae, Park Kye-hyun and Ka Jung-oo – were detained and interrogated for two days about a document they had issued. Park Kye-hyun was again detained briefly at the end of October for distributing leaflets claiming that the union was legal.

On 2 September the Chairman of the Christian Farmers' Movement, Pae Chong-ril, and the Chunnam district secretary of the Catholic Farmers' Association, Noh Kum-no, were arrested together with 43 others after a farmers' protest in Hampyong, near Kwangju, against tax levels. While the others were released within a day, Pae Chong-ril and Noh Kum-no were sentenced to 25 days' detention.

Several well-known critics of the government were placed under house arrest to prevent them expressing their views publicly. Among them was Lee Soh-son, a supporter of the banned Peace Market Garment Workers' Union, who was held under house arrest on at least four occasions for one or two days. Paik Ki-wan, Director of the Unification Issue Study Centre, whom Amnesty International adopted as a prisoner of conscience during his detention in 1979, was also prevented by police from leaving his home at least four times between September and November 1984. On three of these occasions he was due to give public lectures.

The Amnesty International mission which visited South Korea in October interviewed several people who had been interrogated for periods ranging from a few days to several weeks in 1984 by the Anti-Communist Section of the National Police or by the National Security Planning Agency. From these and other reports received it appeared that few detainees had been physically ill-treated, but that several had agreed to make statements under pressure, threats or sleep deprivation. The Amnesty International mission also interviewed several people who testified to having been beaten in police custody after a demonstration. Eight taxi drivers who were tried after a mass demonstration over working conditions in Taegu on 25 May testified in court that they had been forced to sign false confessions by electric shocks and beatings. Investigations by church groups and the opposition Korea Democratic Party supported their allegations. In three separate incidents between September and November, female students in Seoul complained of ill-treatment by police who they said forced them to strip to the waist, humiliated them and in some cases beat them.

Amnesty International appealed for the commutation of seven death sentences imposed in criminal cases, but did not know whether they were later commuted or carried out.



Laos

Amnesty International's main concern remained the continued restriction in remote parts of northeast and southeast Laos of large numbers of people detained without trial since 1975 because of their alleged political positions or activities under the pre-1975 government. Amnesty International believed that as many as 6,000 such people remained in some form of internal exile in these areas, and that among them were many who could be considered prisoners of conscience. It was also concerned about the lack of legal safeguards for people arrested and tried on political grounds.

Amnesty International received reports that the system of "re-education" for alleged former civil servants, military personnel and political adherents of the pre-1975 government in the northeastern provinces of Houa Phan and Xieng Khouang had been restructured. In earlier years, detainees had been confined under strict surveillance in large camps – 03, 04, 05, 06 – for "re-education" through an intensive program of what were officially termed seminars. Officials emphasized during 1984 that the old system of restriction in Houa Phan and Xieng Khouang had been abolished. However, they seemed to confirm the institutionalization of a new one. Statements reportedly made in the latter part of the year by a Vice Minister of Foreign Affairs and another official indicated that most of the people detained under the old system were performing some kind of government service, but could not leave the northeast, while a few were still held in the original "re-education" centres, some of which had not been dismantled.

Amnesty International was informed that a number of the detainees previously held in camps in Houa Phan and Xieng Khouang had been sent to work on heavy labour projects at sites in the northeast. They were organized into groups of five to 60 and were under the surveillance of military personnel some or all of the time. Other detainees were said to have been settled in specified villages and towns in Houa Phan and Xieng Khouang and were often joined by their families. Some were reportedly allowed to take up jobs in local government but most were said to be under surveillance. They were reportedly informed that the intensive phase of their political re-education was considered essentially completed. Towards the end of 1984 Amnesty International received indications that some of this latter group were again being subjected to more stringent restrictions. According to information received by Amnesty International, some were sent to join heavy labour work

groups for no apparent reason, while others, who had expressed dissatisfaction at not being allowed to return to their original homes, were once again detained in "re-education" camps, which had been renamed.

Amnesty International received estimates from several sources of the number of such people still restricted in various parts of northeast Laos during 1984. On the basis of these estimates Amnesty International believed the total was more than 2,000.

Amnesty International received only limited information concerning the restriction of people associated with the pre-1975 government in remote areas of the southeastern provinces of Attopeu, Savannakhet, and Xekong during 1984. Indications were, however, that conditions may have generally been more severe than in the northeast, and that more than 3,500 people may have been restricted in these areas.

A number of reports were received of releases from restriction in the northeast. About 50 people were reportedly returned to Vientiane from Houa Phan during February and March, and further releases were reported during June and July. In the latter part of 1984 relatively few people seem to have been returned to Vientiane. This slow rate of release – following official remarks promising an acceleration – reportedly led to the manifestations of discontent among those restricted there for which some were returned to detention camps.

Among those released from restriction in the northeast were several political detainees who had been adopted as prisoners of conscience or whose cases had been under investigation by Amnesty International. These included Tiao Silolot Na Champassak, a former provincial governor; Boun Thanh and Phak Savanh, former ministerial officials; and Phouphet Phommachanh, Manh Opha, and Tiao Sinthanavong Kingdavong, former military officials.

Amnesty International continued to work on behalf of more than 40 political detainees who were adopted as prisoners of conscience or whose cases were being investigated. They included Tiao Souk Bouavong, a former Vice-President of the National Assembly; Khamphan Pradith, a former civil servant; Tiao Sisoumang Sisaleumsak, a doctor; and Khamking Souvanlasy, the former Secretary General of the Laos National Commission for UNESCO, all of whom were arrested in 1975 and were believed to be still under restriction in the northeast.

Amnesty International received no reports of releases from restriction in southeast Laos.

Amnesty International also remained concerned about the continuing absence of any published legal safeguards for people detained or restricted on political or other grounds. Despite reports in 1983 that the drafting of a constitution had neared completion, Laos remained

without a constitution, or any published penal code or procedural code throughout 1984. The only known guidelines for trial and sentencing were certain interim rules and regulations circulated on a limited basis in 1978.

The lack of normal legal safeguards heightened Amnesty International's concern about a number of people arrested and accused of corruption. They included civil servants and junior ministers: in April a number of people working in the Ministry of Agriculture, Irrigation and Cooperatives were arrested; in late November and early December so were a Vice Minister of Finance, Oudon Phonsena, and a Vice Minister of Commerce, Chanpheng Bounnaphon. Most of these government officials were reportedly accused of various forms of corruption, as were at least 40, and perhaps as many as 70, ministerial personnel, junior ministers and other government figures arrested in early 1983. Amnesty International was informed that at least some of those arrested in 1983 and 1984 and accused of corruption had been arrested for political reasons as a result of disagreements over socio-economic issues within the government leadership.

Amnesty International was concerned that those arrested in 1984, like some of those arrested in 1983, might never be charged or tried. It was also concerned that if they were tried, their trials might not be fair: at hearings convened in September 1983 to judge 42 people accused of corruption defence counsel were not allowed. On 19 December Amnesty International asked the head of state, Souphanouvong, for information on the charges against Oudon Phonsena and Chanpheng Bounnaphon and sought assurances that any trials would conform to internationally recognized norms.

Amnesty International welcomed reports that at least seven people sentenced by the September 1983 hearings to prison terms of several years were informally allowed to appeal against their convictions, and that they were released during the latter part of 1984. However, reports that the decision to release them was based on the emergence of evidence that government officials had conspired to denounce them reinforced Amnesty International's concern about the fairness of trials in Laos.

Malaysia

Amnesty International continued to be concerned about the long-term detention without trial of about 160 people under the Internal Security Act (ISA) 1960, including a number of prisoners of conscience, and the use of the death penalty.

On 13 September the Minister of Home Affairs announced that 168 people were then detained under the ISA, which allows for the detention without charge or trial of people who the government considers a threat to national security for renewable two-year periods. Some of these detainees had been held for over 10 years. According to another government statement in November 1984, 52 people had been arrested under the ISA in the previous year, but Amnesty International was not able to obtain full details of these arrests.

Amnesty International was working on behalf of about 50 prisoners whose cases it had taken up either for adoption as prisoners of conscience or for investigation. Many had been imprisoned without trial under the ISA for many years, such as Ma Hong Wan, formerly of the opposition Labour Party, who was arrested in August 1971 shortly after finishing his high school education, and Loo Ming Leong, a former rubber tapper, detained since October 1972. Both had been adopted by Amnesty International as prisoners of conscience, and were believed to be held at the Taiping detention camp in Perak state. Amnesty International also worked for the release of Wong Yong Huat, a former college student imprisoned since April 1972. His arrest was reportedly motivated by suspicion that he might engage in pro-Communist agitation because he had given up full-time studies to become a worker on a rubber plantation while studying Chinese in the evenings. He was reported to have been taken on a number of occasions from detention in Taiping to undisclosed police interrogation centres for up to a year at a time. Amnesty International took up for investigation the case of another detainee at Taiping - Ng Swee Khwan - detained without charge or trial since January 1976 after participating in a strike in the shoe factory where he worked.

All ISA detainees were transferred from Batu Gajah Special Detention Camp in March 1983, and most were believed to be held either at the Taiping detention camp or at police stations or "rehabilitation" centres throughout the country. Conditions in Taiping were reported to be poor, with detainees being confined to extremely hot and poorly ventilated cells. Prisoners were reportedly allowed few books and correspondence was restricted to immediate family members.

Medical care was also reported to be inadequate. According to reports received by Amnesty International some prisoners did not see their families when they visited because the prisoners were not told why they had been summoned to the prison office and, after frequent summonses for interrogation, many prisoners refused to leave their cells without knowing the reason. Amnesty International took up for investigation the cases of 31 prisoners held in *Kawasan 10*, a special section of the camp.

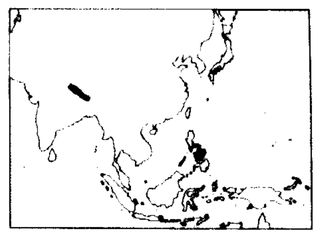
Amnesty International received reports over several years of prisoners being transferred from regular detention camps to interrogation centres including police stations and so-called "rehabilitation" centres. Most detainees in such centres were reportedly held in long-term solitary confinement and denied regular exercise and books. Sanitary facilities were reported to be inadequate and food meagre, in some cases leading to ill-health. The length of time spent in the centres varied, but some detainees were reported to have been held in solitary confinement for up to three years. Some were subsequently released – often with no explanation – while others were sent back to their original detention camps.

Among those detained in an interrogation centre during 1984 was Ng Teo Huan. A former shopkeeper, he had been detained without trial since 1972 and adopted by Amnesty International as a prisoner of conscience. Ng Teo Huan was transferred from Batu Gajah to the Johore Special Branch headquarters in September 1982, after which he was reportedly held continuously in solitary confinement. He had had tuberculosis in Batu Gajah and was reportedly still in poor health. On 18 June Amnesty International appealed for all necessary medical treatment and for his immediate release. On 11 October Ng Teo Huan was released, although like other released prisoners he had restrictions placed on his freedom of movement and association (see *Amnesty International Report 1984*).

On 10 July three leading members of the Pas (*Partai Islam se Malaysia*), a fundamentalist Muslim opposition party which appeared to be winning renewed support in the northern states of Malaysia, were arrested. At the time of their arrest an official alleged that their activities had been a threat to the nation and that they had been "inciting people to violence and other crimes". Mohamad Sabu and Buniyamin Haji Yaakob were released in September, but Amnesty International was concerned about the continued detention without charge or trial of Abu Bakar bin Chik, particularly as the accusations against him published by the government in November appeared to amount to no more than that he had criticized government policy.

The use of the death penalty remained a major concern. At least 13 people were executed and 24 sentenced to death in 1984. Five of those executed had been convicted of illegal possession of firearms under

Section 57(1) of the ISA, for which the death penalty is mandatory. People charged under the ISA were usually tried under special trial procedures known as the Essential (Security Cases) Amendment Regulations, which – contrary to ordinary procedures – place the burden of proof on the defence, allow prosecution witnesses to give evidence *in camera* and provide for trials without juries. Most of the death sentences imposed during 1984 followed convictions for drug trafficking. Amnesty International was concerned that large numbers of prisoners awaiting trial faced the imposition of death sentences if convicted. According to a statement in August by the Deputy Minister of Home Affairs, 458 people had been charged between April and July with drug trafficking, which carries a mandatory death sentence, under Section 39(B) of the Dangerous Drugs Act 1952. Amnesty International learned of only one case in which a death sentence was commuted: Datuk Mokhtar Hashim, a former government minister and member of parliament, who had been convicted of murdering a "political rival" and sentenced to death in March 1983, had his sentence commuted to life imprisonment on 2 March after review by a Pardons Board chaired by the King.



Nepal

Critics of the government and its policies – largely opposition politicians, political workers and students – continued to face arrest and detention without charge or trial for organizing or participating in meetings or demonstrations. Although for hundreds of prisoners detention lasted only a few days, dozens of prisoners were held for several months and a small number were reportedly held for between two and three years. Amnesty International was concerned that many of those arrested were prisoners of conscience.

Political parties were officially prohibited in Nepal and many people engaged in opposition activities were held in preventive detention under the Public Security Act (PSA) by nine-monthly detention orders renewable up to three years. Some were also arrested under the Treason (Crime and Punishment) Act, (known as the Raj Kaj Act), and the Organizations and Associations (Control) Act. Although Amnesty International learned of people charged under these acts during 1984, it received no reports of trials.

In February Amnesty International inquired about the grounds for detaining nine members of the All Nepal National Free Students Union (ANNFSU), five of whom had reportedly been detained without charge or trial since March 1982. By the end of 1984 no response had been received and no news obtained of the students' release. Dozens of other members of the ANNFSU, as well as of other student groups, were detained under the PSA at different periods during 1984.

Several hundred members of the Nepali Congress Party (NCP) were arrested in different parts of the country during November, when the NCP attempted to hold six regional conferences. Although the vast majority of those arrested were released after one to three days in police custody, Amnesty International received reports that at the end of November a small number of people were still in detention.

One political prisoner, Shiva Prasad Kangal, had been detained under the PSA for over three and a half years without charge or trial by the end of 1984. A political activist unaffiliated to any group, he was reportedly arrested on his return from a visit to India in mid-1981. Amnesty International regularly asked about the reasons for his continued detention – which appeared to breach the PSA's maximum three-year detention period – but received no response.

Prisoners charged under the Treason (Crime and Punishment) Act included four members of the NCP arrested in late March in Nawalparasi. Tillak Sapkota, Shakti Prasad Giri, Nand Lal Mishra and Indra Raj Jyoti were arrested in possession of leaflets criticizing the police after an attack by villagers on an NCP meeting at Surajpura in which one NCP member died. Amnesty International was investigating their cases. Three were released on bail in September but Indra Raj Jyoti remained in detention.

Amnesty International continued to receive reports of the arrest and prosecution of some members of Christian communities (see *Amnesty International Report 1984*). Amnesty International raised with the government the cases of 11 Christians arrested in May in Dandeldhura while participating in a Bible School, who were accused of having been converted and attempting to convert others. They were released on bail after 11 days in police custody, but by the end of 1984 the outcome of their cases was not known.

Amnesty International was concerned about an incident at Piskar on 14 January when police officers reportedly fired indiscriminately and apparently without provocation into a crowd watching a play. The play was said to have been insulting to the Nepalese monarchy. According to some reports between 30 and 40 people died. No official investigation is known to have been held.

Pakistan

Amnesty International continued to be concerned about the detention of prisoners of conscience. It was also concerned that hundreds of other political prisoners were tried before military courts whose procedures fell short of internationally accepted standards for a fair trial. The absence of legal safeguards to protect prisoners resulted in some being held incommunicado after their arrest for several weeks or longer, and Amnesty International continued to receive reports of prisoners being tortured during interrogation. The organization also received reports of the deaths of criminal suspects in police custody, allegedly due to torture. Prisoners continued to be held in bar fetters and shackles, contrary to international standards for the treatment of prisoners. Death sentences and floggings were frequently imposed.

Political parties and political activities continued to be banned under martial law regulations. Political activities were further restricted at the end of 1984 when the penal code was amended to provide three years' imprisonment for anyone advocating a boycott of elections or referendums. Although political parties continued to function the movement of political leaders was often restricted and protests against martial law resulted in frequent arrests.

Several hundred prisoners were held without charge or trial for participating in the 1983 demonstrations of the opposition alliance, the Movement for the Restoration of Democracy (MRD). Most were released by mid-1984. Many of these prisoners had protested non-violently and were considered prisoners of conscience by Amnesty International. Other prisoners of conscience released included three leading opposition politicians held under house arrest for at least three years, and a few people convicted by military courts in earlier years mainly for possessing printed material considered subversive. They were often freed before the expiry of their sentences.

At the end of 1984, a few hundred people arrested during the MRD's 1983 protests remained in detention, almost all in Sind province. The majority had been tried by summary military courts on criminal charges such as damage to property but some continued to be held without charge or trial. Moreover, a few dozen prisoners held in the Hyderabad area who had been tried and sentenced were reportedly kept in prison under detention orders following the expiry of their sentences. Amnesty International had adopted as prisoners of conscience many of the prisoners in the last two groups, including Mairaj Mohammad

Khan, leader of *Quomi Mahaz-i-Azadi* (QMA), the National Liberation Front, and Fazil Rahu, President of *Sind Awami Tehrik*, the Sind People's Movement, both of whom had been held under renewable detention orders since 15 August 1983.

A few hundred people were arrested around the time of the referendum held on 19 December to seek endorsement of President Zia-ul-Haq's Islamization policies. The President stated that the positive result of the referendum constituted a mandate to continue in office for a further five years. Political activists were arrested throughout the country, some of them taken from their homes, others arrested at meetings protesting against the referendum or in possession of pamphlets criticizing it. Some were detained for only a short time, others for an initial period of three months.

Among other prisoners of conscience arrested during 1984 were members of the Ahmadiyya sect. In April President Zia-ul-Haq promulgated an ordinance amending the penal code which banned Ahmadis from calling themselves Muslims, using Muslim practices in worship and "preaching or propagating their faith". Penalties included a three-year prison sentence. Particularly in the weeks following this announcement, Amnesty International received numerous reports of Ahmadis being arrested under these provisions. Amnesty International wrote to the government expressing concern that members of the Ahmadiyya community were reportedly imprisoned for their non-violent religious beliefs and activities, and asking for international standards for the freedom and tolerance of religion and religious practice to be guaranteed to all its citizens.

The year was marked by the increased use of military courts to try political prisoners, some of whom had already been held for one to three years. However, several dozen suspected political opponents, some detained since 1981, remained in Haripur Jail, North West Frontier Province, without trial at the year's end. Smaller numbers of untried political prisoners continued to be held elsewhere, especially in Kot Lakhpat Jail in Lahore and Karachi Central Jail.

In August two major trials before special military courts commenced in Rawalpindi and Lahore. Special military courts have three members, two of whom are military personnel who need not have had legal training. Amnesty International has long been concerned at the lack of independence of these courts from the executive; moreover there is no judicial appeal against their decisions. Both trials were held *in camera* under provisions of President's Order No. 4 of 1982. This permits special rules of evidence, shifts the burden of proof onto defendants to show innocence and removes the court's discretion in sentencing. Defendants and lawyers are also subject to prosecution under the Official Secrets Act if information is disclosed about the trial proceedings.

An Amnesty International delegate was sent to Pakistan to obtain information and to discuss with officials and others its concern over these trials, having earlier been refused permission to attend one of them. The Rawalpindi trial involved 18 prisoners accused of conspiracy to overthrow the government. Although most of the defendants had been arrested during 1981, they were not formally charged until July 1984. In Lahore 54 people were charged with criminal conspiracy and sedition for alleged involvement with *Al-Zulfikar*, a group considered by the authorities to be a terrorist organization committed to the overthrow of the government. Amnesty International has been concerned over the years that the blanket charge of association with *Al-Zulfikar* may be used to imprison some people involved in non-violent political dissent. Amnesty International received reports that in both cases the accused were held permanently in bar fetters and that some had been tortured when held incommunicado for interrogation after arrest. Amnesty International appealed for all civilian prisoners to be tried before ordinary courts with full legal safeguards, and for allegations of torture to be promptly investigated by an independent body. At the end of 1984 both trials were drawing to a close.

Amnesty International continued to receive complaints of the incommunicado detention and ill-treatment or torture of people arrested during 1984. It launched international appeals on behalf of Raza Kazim, a lawyer arrested from his home on 9 January. In spite of persistent inquiries his family had been unable to discover his whereabouts, and during the first six months of his detention their only access was four meetings at a private house to which the prisoner was brought by unidentified military personnel. Only when a *habeas corpus* petition was heard by the Lahore High Court in July did the authorities formally acknowledge his detention. Raza Kazim suffered from a heart complaint before his arrest and his health was reported to have deteriorated considerably through inadequate medical treatment. Arrested at the same time were a group of military personnel, at least 17 of whom were charged, with Raza Kazim, with sedition and waging or attempting to wage war against Pakistan. They were also held incommunicado in military custody and Amnesty International has received allegations that they were tortured by being beaten, deprived of food and sleep and in some cases given electric shocks. Amnesty International appealed for independent investigations into these allegations. Police officers as well as members of the armed forces' intelligence agencies were accused of torturing political prisoners. Following a ban on student unions in early 1984 large numbers of students were arrested throughout the country. In Lahore some 27 students were arrested in March and taken to various police stations in the city. While held in police custody for several days, some of the students were reported to have been beaten

with batons and pieces of leather, to have had hair pulled out and eyebrows and pubic hair burned. In October students were reportedly tortured at Hyderabad Central Jail by army personnel. They had been arrested when two buses in which they had been travelling were stopped by police and army units. Army personnel allegedly opened fire at the buses without warning and without due provocation. A judicial inquiry was ordered by the Sind authorities since at least five people were killed, including, apparently, one law enforcement officer. During subsequent interrogation some students were reportedly beaten, hung upside down and given electric shocks.

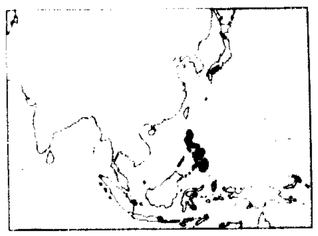
Deaths of criminal suspects in police custody, allegedly as a result of torture, were reported regularly in Pakistan's press. Although inquiries were sometimes ordered and two cases were reported during 1984 of police officers being tried and convicted of torturing prisoners, effective measures to prevent such treatment were not implemented.

Some prisoners continued to be held in bar fetters and shackles. Amnesty International urged the government to include the immediate abolition of bar fetters and shackles in the recommendations of the Commission on Jail Reforms, and called on the President to write it into law. At the end of 1984 the Commission had yet to complete its report. Petitions submitted to the High Court on behalf of prisoners held in fetters were dismissed because the judiciary had no jurisdiction over the martial law authorities' actions.

Amnesty International received reports of the execution of more than 70 prisoners during the year, more than two-thirds of whom had been tried by military courts. One prisoner hanged in August was believed to have been under 18 years old at the time of his arrest. Amnesty International also recorded more than 100 prisoners sentenced to death, at least half of whom were tried by special military courts. Amnesty International does not believe this record of executions and death sentences is complete. In November it sent urgent appeals seeking clemency for four prisoners sentenced to death by a special military court and urging their retrial before an ordinary court. The four had been convicted of abetting the hijack of an aircraft in 1981. The organization had received detailed documentation showing that three of these prisoners had originally been sentenced to imprisonment and were given death sentences only after the martial law authorities directed the court to reconvene and consider passing death sentences. At the end of 1984 no decision had been announced on the prisoners' clemency appeal to President Zia-ul-Haq. Their cases were among a number involving the imposition of the death penalty by special military courts submitted by Amnesty International during 1984 to the UN Special Rapporteur on Summary or Arbitrary Executions.

Sentences of flogging were routinely imposed with terms of imprison-

ment for a variety of criminal offences and offences under Islamic Ordinances governing breaches of morality such as adultery. Floggings were inflicted in public as well as in jails and Amnesty International continued to receive reports of prisoners losing consciousness as a result.



The Philippines

Amnesty International was concerned about continuing reports of human rights violations by members of the Armed Forces of the Philippines (AFP) and paramilitary units under their command. The government rarely initiated impartial investigations into such alleged violations which included extrajudicial executions, torture and ill-treatment of detainees, and "disappearances". Amnesty International was also concerned about long delays in trial proceedings and about the use of orders issued by the President under emergency powers to arrest and detain people - including prisoners of conscience - on political grounds without reference to the judiciary. It was also concerned by the continued imposition of death sentences.

During 1984 Amnesty International worked on behalf of about 50 prisoners whose cases it had taken up for adoption as prisoners of conscience or for investigation, including trade unionists, church workers and rural organizers. Among the adopted prisoners of conscience were several organizers for the independent trade union confederation *Kilusang Mayo Uno* (KMU), First of May Movement, who had been arrested with other trade unionists in August and September 1982. On 1 January 1984, 14 of these prisoners were released. Amnesty International called for the release of Crispin Beltran, Simplicio Anino, Jose Britanico, Lauro Pabit and Milleth Soriano who all remained in detention throughout 1984 except Crispin Beltran, who escaped on 21 November. Amnesty International took up for investigation the cases of nine other trade unionists arrested in 1984.

Amnesty International was concerned about the continued detention of a number of church workers. Carl Gaspar, a lay church worker arrested in March 1983 (see *Amnesty International Report 1984*), was still in detention in Davao City at the end of 1984. His trial had opened in July 1983 but proceeded only slowly. He was charged with incitement to rebellion and accused of having taught rebel groups. Bishops, members of religious orders, and church workers testified that he had been engaged in church work on the dates in question.

On 1 February, Amnesty International appealed for the release of

three priests – Fathers Brian Gore, Niall O'Brian, and Vicente Dangan – and six lay workers from Kabankalan, Negros Occidental. All had been held in Bacolod City Jail charged with murdering the former mayor of Kabankalan and other offences. The detainees had been active in Basic Christian Communities (*Kristianong Katilingban*), Catholic community organizations. The trial of the "Negros Nine", as the defendants came to be known, opened on 7 February. On 24 May, defence lawyers submitted affidavits which included testimonies that all nine were elsewhere at the time of the murder and on 3 July the charges were dismissed and the prisoners released.

On several occasions Amnesty International appealed to the authorities to initiate independent and impartial investigations into allegations of human rights abuses, particularly reports of extrajudicial executions of civilians by members of the armed forces and by paramilitary units reportedly under their command in areas where insurgent forces were active. In one incident on 17 March seven young farmers "disappeared" in Tungao, near Butuan City in northern Mindanao. Witnesses said they saw them in the custody of soldiers of the 36th Infantry Battalion, but relatives were unable to obtain any information. After the detachment moved camp some weeks later, seven headless bodies were exhumed from a shallow grave in the camp. Although the mutilation of the bodies made identification difficult, one of the "disappeared" was identified by his clothes. On 15 May Amnesty International appealed to the government to initiate an inquiry.

Conflict between the armed forces and the insurgent New People's Army (NPA) intensified in the period around the elections to the National Parliament (*Batasang Pambansa*) on 14 May. On election day 11 people from the hamlet of Langoni, Negros Occidental, were stopped by members of the Philippine Constabulary (PC) a few hours after voting, apparently on suspicion of being NPA members. They were marched, their hands bound, through the village of Inayawan to the headquarters of the 338th Company of the PC, where an eye-witness said they were beaten and kicked by officers. They were all reportedly then taken to a nearby field where nine of them were shot dead. The following day, the nine bodies were returned to Langoni by truck; several reportedly bore marks of torture. The fate of the two others arrested that day was still unknown at the end of 1984. On 31 May, one day after local residents testified before a military commission investigating the case, the eye-witness was charged with murder. Residents subsequently became unwilling to testify so that, although criminal proceedings were started, charges against the PC officers were later dropped because of lack of evidence.

In October 1983 Amnesty International set forth criteria for investigations of alleged human rights violations after the assassination

of opposition leader Benigno Aquino on 21 August 1983 (see *Amnesty International Report 1984*). An official commission of inquiry into his death led by former appellate judge Corazon Agrava finished in October 1984, with two separate reports leading to the indictment of 25 military personnel and one civilian. In a letter of 20 November Amnesty International welcomed the conclusion of this inquiry, which appeared to meet the criteria for impartiality and effectiveness, and urged the government to establish similar inquiries into other, less well-publicized, cases. The organization drew attention to several alleged extrajudicial executions in the province of Misamis Occidental. In one case a church worker from Lopez Jaena, Julian Bonane, his wife and three children were killed on 17 March, allegedly by a member of the PC and four members of a paramilitary organization known to have links with the AFP, the Integrated Civilian Home Defence Forces. A parish priest attempting to investigate the killings was reported to have been charged with interfering with witnesses.

Amnesty International continued to receive reports of people accused of subversive political activity being arrested and detained under emergency powers retained by President Marcos after the lifting of martial law in 1981. These arrests and detentions were usually validated either by a Presidential Committee Order (PCO) or by a Preventive Detention Action (PDA). PDAs replaced PCOs in August 1983. The PDA allows the detention without trial of alleged subversives for indefinitely renewable one-year periods. Some prisoners were detained under such orders after being acquitted, or gaining court orders allowing their release. One such case, which was taken up by Amnesty International for investigation, was that of Aristides Sarmiento, a researcher whose work was aimed at helping coconut farmers. He was arrested in October 1982 and on 15 March 1984 was acquitted of subversion. The judged ruled that Aristides Sarmiento and his wife, who had also been detained briefly, had been exercising their constitutional right of freedom of expression to criticize government policies. Nevertheless, Aristides Sarmiento continued to be detained under a PCO. A petition for ***habeas corpus*** was submitted on his behalf on 14 May, and he was released only on 11 July.

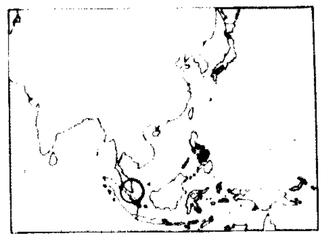
Fidel Agcaoili, detained since 12 May 1974 on charges of rebellion, was sentenced on 5 July 1984 by Special Military Commission No. 1 to a prison term of between eight and 10 years. The Commission decided that the time already spent in detention was to be deducted from his sentence, so he became eligible for release. However, he was not released and on 31 August Amnesty International asked the authorities to make public the reasons. Two days after a petition for ***habeas corpus*** was filed on Fidel Agcaoili's behalf on 22 October, President Marcos ordered his release.

Amnesty International received regular reports of the torture and ill-treatment of detainees who had been arrested on charges of subversion. Many detainees were reported to have been taken to undisclosed and unauthorized interrogation centres known as "safehouses" where interrogation by members of the armed forces intelligence agencies was reportedly accompanied by torture. In December Amnesty International called on the government to investigate a number of such allegations, among them the case of five trade unionists Cesar Bristol, Romeo Castillo, Danilo Garcia, Ms Herminia Ibarra and Fernando Reyes. All organizers with the KMU or its affiliates, they were arrested early on 22 July, the day before a planned mass rally in Manila. They were taken to the Military Intelligence and Security Group (MISG) headquarters in Camp Bagong Diwa, Taguig, Metro Manila, where they were reported to have been held incommunicado for interrogation. They later alleged that they were tortured there with beatings, cigarette burns and electric shocks. Evidence of injuries suffered during their detention was reportedly submitted at a subsequent court hearing.

Allegations of torture have most commonly involved suspected members of the NPA, the armed wing of the Communist Party of the Philippines. One such case was that of Ruben Alegre who was arrested on 26 August. A police statement accused him of being a commander of an NPA liquidation squad and responsible for the killing in May of Brigadier-General Tomas Karingal, commander of the Quezon City police. He was reportedly held incommunicado for several days at the MISG headquarters in Camp Bagong Diwa. He later alleged that during this time he was given electric shocks to his genitals, suspended by his arms and beaten and nearly drowned. A medical report submitted to the Supreme Court noted multiple healed cuts and bruises on his body.

Although judicial executions have been rare in recent years, death sentences continue to be reported. Several hundred prisoners remained under sentence of death pending a review of their sentences. On 4 December Eduardo Olaguer, Reynaldo Maclang, and Esther and Othoniel Jimenez, allegedly involved in a plot to assassinate members of the government in 1979, were sentenced to death by a military court. In appealing on 7 December for a commutation of these and all other outstanding death sentences, Amnesty International called on President Marcos to support a bill before the National Assembly to abolish the death penalty.

In April Amnesty International submitted information about its concerns in the Philippines to the UN under the procedure for confidentially reviewing communications about human rights violations. Amnesty International stated that the evidence revealed a "consistent pattern of gross violations" of human rights warranting UN investigation.



Singapore

Amnesty International continued to appeal for the release of one prisoner of conscience who had been detained without trial since 1966. It was concerned that two people were hanged in 1984 and that measures were under discussion to increase the imposition of mandatory sentences of caning for criminal offences.

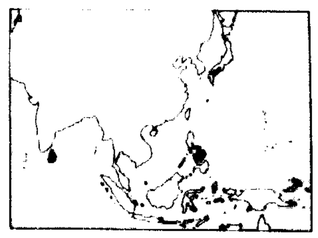
Chia Thye Poh, a former member of parliament for the *Barisan Sosialis*, Socialist Front, editor of the party's newspaper and assistant lecturer at Nanyang University, had been held in preventive detention under the Internal Security Act (ISA) since 26 October 1966. Under the ISA there is no judicial review of detention and the Minister of Home Affairs may renew detention orders every two years on the grounds of national security. The government has maintained that Chia Thye Poh might be released if he publicly abjured support for the Communist Party of Malaya (CPM) and its commitment to the forcible overthrow of the government. Amnesty International was concerned that the prisoner's alleged connection with the CPM had never been proved in court and that his continued detention without charge was contrary to the Universal Declaration of Human Rights. Amnesty International continued to call for his release as a prisoner of conscience.

Tan Chu Boon was sentenced to one year's imprisonment in November 1983 for having under his control a tombstone with an inscription which "tended to advocate acts prejudicial to the security of Singapore" and possessing a document containing the same inscription (see *Amnesty International Report 1984*). He lost his appeal to the High Court against conviction but his one-year sentence was reduced to one month.

Chia Beng Chye was executed in January and Murgaya Rajendra in September; both had been convicted of drug trafficking. Since the death penalty was made mandatory in 1975 for trafficking in a specified quantity of certain drugs, 16 people have been executed under this provision. Amnesty International expressed regret at these executions and appealed on behalf of another four prisoners whose petitions for clemency (the final appeal available to them) were before the President.

In July 1984 it was reported that stiffer sentences, including mandatory canings of six to 12 strokes, were to be introduced for a variety of offences. Four bills amending the penal code and related legislation were before parliament. Caning has been a mandatory

punishment, in most cases in addition to terms of imprisonment, for some 30 offences since 1973. Amnesty International opposes caning on the grounds that it constitutes cruel, inhuman and degrading punishment.



Sri Lanka

Amnesty International was concerned about reports of random killings of non-combatant Tamil civilians by members of the security forces. It also remained concerned about the detention of Tamils, members of left-wing opposition parties and students under legislation permitting long-term detention without charge or trial. It continued to receive reports of widespread torture of detainees. Several reports of deaths in custody, allegedly as a result of torture or shooting, were received. The alleged victims were criminal suspects from the Sinhalese community as well as Tamil political detainees in army and police custody.

Throughout 1984 a state of emergency remained in force with the stated purpose of combating violence by Tamil groups advocating a separate state for the minority. The government stated on 17 November that, between 1977 and 31 October 1984, 96 members of the armed services and 182 civilians had been killed by Tamil extremist groups. Dozens more such deaths were reported later in the year.

During 1984 there were increasing reports of unarmed Tamil civilians being deliberately shot dead in reprisal for attacks by Tamil extremist groups on security forces personnel. In June Amnesty International released *Sri Lanka: Current Human Rights Concerns and Evidence of Extrajudicial Killings by the Security Forces, July 1983 – April 1984.* The document included 43 eye-witness accounts of extrajudicial killings during 1983 and presented further reports of such killings during March and April 1984. It said there had been a clear failure by the government to investigate security force killings adequately. Only in one case was an inquest known to have been held and there were no prosecutions. The government responded in detail on 30 July and reiterated its "firm commitment to the principle that violation of human rights by any party, including the Armed Services, can never be justified. This applies particularly to the right of life". The government stated that the killings of July 1983 had been investigated but that there had not been sufficient evidence connecting any official with a specific

offence. It said that 149 servicemen had been discharged for breaches of discipline. The government noted that one of the 48 alleged victims of extrajudicial execution was in fact alive and it "categorically" denied "that it permits or condones the use of torture for any purpose whatsoever".

On 31 August Amnesty International wrote to the Minister of National Security about incidents in Mannar between 11 and 13 August during which at least five Tamil civilians were reportedly shot dead in reprisal for the killing of six soldiers in the area on 11 August. Amnesty International asked to be informed of the outcome of an investigation by a Cabinet Sub-Committee established on 15 August (which was not available by the end of 1984).

Amnesty International wrote on 21 December to President J.R. Jayewardene expressing its concern about allegations that at least 90 unarmed civilians were killed by members of the security forces in the Mannar area on 4 December, apparently in reprisal for the killing of a soldier. Amnesty International also cited accounts of earlier alleged extrajudicial executions by the security forces, including three in Point Pedro on 1 September and 16 in Vavuniya on 11 September. Amnesty International observed that a persistent pattern of extrajudicial executions by the security forces, in reprisal for the killing of their own men, appeared to be emerging. It noted that no members of the security forces had been brought to justice for involvement in any of the reported extrajudicial executions and that, in those few instances where official inquiries had been ordered, the outcome had not been made public.

Amnesty International was concerned that growing numbers of Tamils were arrested and held under the Prevention of Terrorism Act (PTA) which permits detainees to be held incommunicado for up to 18 months without trial. The Act also permits trial under special procedures which curtail normal legal safeguards. The majority of those arrested were people suspected of knowing about the activities of Tamil extremist groups. The PTA was also used to detain people participating in peaceful opposition activities.

By the second half of 1984 hundreds of arrests under the PTA were being reported each month from all over the north and on several occasions Amnesty International raised individual cases with the authorities. By the end of the year, Amnesty International was investigating the cases of 36 detainees held under the PTA as possible prisoners of conscience.

On 4 October the Minister of National Security announced that 350 detainees were in custody under the PTA and that 125 terrorist suspects would shortly be charged in the High Court. However, to Amnesty International's knowledge, by the end of 1984 none had been charged. On 20 December officials stated that in one week in December 1,000

arrests had been made under the PTA; unofficial reports put the figure higher.

Among those reportedly held under the PTA at the end of 1984 were 24 members of the *Janata Vimukhti Peramuna* (JVP), National Liberation Front, a left-wing party banned in mid-1983, who were arrested on 8 November. The police alleged that "subversive literature, guns and ammunition" had been discovered but Amnesty International was investigating reports that no arms had been found and that they were detained for listening to a political speech.

Amnesty International knew of only one case in which a person arrested under the PTA was tried. Father Aparanam Singarayer, a Roman Catholic priest, was arrested on 14 November 1982. After two years' detention his trial before the Colombo High Court started in November, when he was charged with failure to inform the police of the commission of an offence, and of the whereabouts of a wanted person. He was initially detained in Gurunagar Army Camp where he was allegedly ill-treated by two police officers of the Criminal Investigation Department. He was charged on the basis of statements made, reportedly under duress, while in army custody. These statements were admitted in evidence under the changed rules of evidence which apply under the PTA. At the end of 1984 the trial was still continuing.

Members of left-wing parties and students were detained without trial during 1984 under emergency regulations. During clashes between police and students at Peradeniya University on 19 June two students were killed and on 23 June, 100 students were detained for questioning. Eighteen members of left-wing parties were also reportedly arrested on 19 June. In a letter to the National Security Minister on 31 August, Amnesty International gave the names of 64 students and three JVP members known to have been arrested and urged the government to charge or release them. They were reportedly released after several weeks. The government announced that inquests would be held into the deaths of the two students and that there would be an impartial inquiry. In one case, that of Rohana Ratnayake, the magistrate returned a verdict of justifiable homicide, due to the police shooting in the performance of their duties.

Amnesty International received many reports of torture and ill-treatment of detainees in army custody or in police stations, the majority of whom had been arrested under the PTA. There were frequent reports of such detainees being beaten, in several instances with plastic pipes filled with sand. Released detainees stated that they had been beaten while hanging upside-down, had had needles inserted in various parts of the body and had been burned with cigarettes. One person reported witnessing soldiers shooting a fellow detainee through the hands; the victim subsequently died in army custody. Among the places where

torture reportedly occurred were Elephant Pass Army Camp, Palaly Army Camp, Vavuniya Army Camp and Jaffna Fort. There were also allegations of torture by special police interrogators at the newly established Boosa Army Camp in the south. Members of the Sri Lanka Freedom Party and a number of JVP members or suspects were also allegedly beaten and ill-treated after arrest.

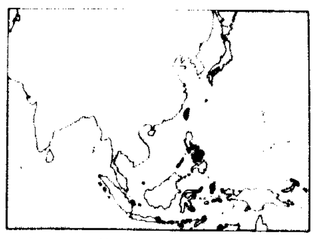
Amnesty International received reports of deaths in custody allegedly after torture of both criminal suspects and political detainees. During July it asked the government to inform it of the outcome of inquests into the deaths of four criminal suspects in the Kalutara, Koluwela, Ambalangoda and Kotahana police stations. Although some police officers were reportedly brought to court in connection with deaths in police custody, Amnesty International did not learn of any convictions.

Amnesty International was also investigating several reports that Tamil detainees died in custody during 1984 as a result of torture or shooting. Official statements said that they had committed suicide or had been shot while trying to escape. In July Amnesty International asked the government to hold inquests into the deaths of five Tamil detainees in police or army custody. During the first half of 1984 no such inquests were held. Following a number of allegations that suspects in the custody of the security forces had been extrajudicially executed, the Minister of National Security directed on 20 May that inquests be held under new emergency regulations into all deaths in custody. He ordered an inquest into the death of one detainee who officials said had taken poison after arrest at Valvettiturai. The outcome had not been published by the end of 1984, to Amnesty International's knowledge. On 3 December, 32 Tamil detainees arrested on suspicion of terrorist activities died at Vavuniya Army Camp. Amnesty International was investigating reports that several had been deliberately shot by army personnel. The government stated that they had died "trying to escape" while the camp was under attack. Amnesty International did not learn of any inquests into their deaths.

On 6 June the Minister of National Security announced that Emergency Regulation 15A – which had permitted the disposal of dead bodies in secret and without inquests – was repealed, a decision which Amnesty International welcomed. The new inquest procedures – laid down in Emergency Regulation 55 B-G promulgated on 14 June – were the subject of detailed discussions between Amnesty International and the Minister of National Security on 19 July. In a letter to the Minister on 31 August Amnesty International expressed concern that the legal safeguards provided by ordinary inquest procedures were substantially weakened. Among other things, Amnesty International expressed concern that initial investigation was conducted by the security forces

instead of independent magistrates, that the police still had (exceptional) powers to dispose of dead bodies without an inquest "in the interest of national security" and that an inquest would be held only if the police applied for one and not at the discretion of the magistrate.

Although the penal code still provided for the death penalty no judicial executions were known to have been carried out since the present government assumed office.



Taiwan

At the end of 1984 Amnesty International was continuing to appeal for the release of 23 prisoners of conscience serving sentences ranging from five years to life imprisonment on political charges, and was investigating the cases of about 70 other political prisoners. During the year 20 prisoners Amnesty International had adopted as prisoners of conscience were released on parole, 10 of whom had been in prison since 1950. Amnesty International was also concerned about reports of torture and ill-treatment of criminal prisoners. Four executions are known to have taken place.

On 22 January 1984 eight prisoners of conscience, who had been sentenced to life imprisonment in 1950 on charges of pro-communist activities, were released on parole. On 16 December the remaining two prisoners detained on similar charges were also released on parole. Also released in January 1984 was Lin Cheng-ting, a journalist arrested in 1957 for an article about a riot outside the US Embassy in Taipei.

Four prisoners of conscience were released on parole on 15 August: Lin Yi-hsiung, a lawyer and former member of the Taiwan Provincial Assembly, arrested in December 1979 after the Kaohsiung Incident (see *Amnesty International Report 1981*); and the Reverend Kao Chun-ming, Secretary General of the Presbyterian Church in Taiwan, and two other people detained for helping or failing to report to the authorities a fugitive wanted in connection with the Kaohsiung Incident.

During 1984, six prisoners of conscience convicted by civilian courts in connection with the Kaohsiung Incident were released on parole six to 15 months before completing their sentences of five to six years. However, one of them, Wei Ting-chao, was immediately transferred to the military detention centre in Hsin-tien, near Taipei, to serve the remainder of a previously suspended sentence for a political

offence. Amnesty International had adopted Wei Ting-chao as a prisoner of conscience during his imprisonment from 1971 to 1976 and continued to appeal for his release.

Seven other prisoners of conscience arrested after the Kaohsiung Incident and sentenced by a military court to terms of imprisonment of between 12 years and life remained in detention (see *Amnesty International Report 1981*). Amnesty International continued to appeal for their unconditional release. One, Shih Ming-teh, was of special concern to Amnesty International because of recurring reports that he was not being adequately treated for chronic back pain which he ascribed to ill-treatment during a previous detention from 1962 to 1977.

Amnesty International also continued to appeal for the release of Chen Ming-chong, Chen Chin-huo and Wang Nai-hsin, arrested in July and August 1976 on suspicion of being communist agents. They had previously been imprisoned in the 1950s for allegedly belonging to the Communist Party of Taiwan or its affiliates. They were rearrested in 1976 for exchanging banned books on the People's Republic of China and for supporting opposition politicians. Amnesty International was concerned about serious shortcomings in their trial in 1976, in particular, reports that they had been forced under torture to confess to violent offences. It adopted them as prisoners of conscience.

Amnesty International also expressed its concern about reports of the torture and ill-treatment of several prisoners detained on criminal charges and urged that these reports be fully investigated. One of the prisoners was Chang Ming-chuan who was arrested in 1982 and sentenced to death on charges of murder and robbery. He claimed that he had been tortured into admitting these charges by being beaten, and having chilli and water poured down his nose. Twice during 1983 the Supreme Court returned his case for review to the High Court and on 1 July 1984 the High Court acquitted him for lack of evidence. Amnesty International was also concerned about the death of Lai Wen-liang on 16 June, nine days after his detention following a conviction for theft. Photographs of his body showed marks of injuries. In an indictment brought against four guards of the Taipei detention centre and four detainees working as orderlies in the centre's infirmary, the prosecution charged that they had assaulted Lai Wen-liang, who was protesting at his detention, in order to calm him down. The court, however, did not find that the assault was the cause of the prisoner's death. On 23 November 1984 the Panchiao branch of Taipei District Court sentenced them to terms of imprisonment ranging from six months to three years and six months for assault.

Amnesty International was concerned that six prisoners convicted of homicide were executed. Twenty-one death sentences were reportedly passed by district courts and four by military courts. Under martial law

the Cabinet has the power to instruct military courts to try criminal cases that are considered seriously to affect social order. Amnesty International continued to appeal for the commutation of all death sentences and for the abolition of the death penalty.

Thailand

Amnesty International was concerned that people were imprisoned for expressing, non-violently, opinions deemed to be defamatory of or insulting to members of the royal family. It also investigated the reasons for the detention without charge or trial of more than 20 alleged members or supporters of the banned Communist Party of Thailand (CPT). Amnesty International was concerned that such detainees could be held incommunicado without charge for up to 480 days under the Royal Act on the Prevention of Communistic Activities (RAPCA), and could be tried by military tribunals using judicial procedures that did not conform to internationally recognized standards. Amnesty International was also concerned about the use of the death penalty.

Amnesty International continued to be concerned about the use of the charge of lese majesty (defaming or insulting members of the royal family or the regent) to imprison prisoners of conscience. Amnesty International continued to urge the release of prisoners of conscience Anan Seenaakhan and Samaan Khongsuphon, who had been convicted of lese majesty in 1983 (see *Amnesty International Report 1984*). It also adopted as prisoners of conscience Thawan Saeaengkanchon and Phongtheep Manoophiphatphong, who had been sentenced in 1983 to four years' imprisonment for helping Samaan Khongsuphon to publish a booklet deemed to constitute lese majesty, and Rattana Utthaphan, who had been sentenced to six years' imprisonment in 1983 for writing to the King asking him to abdicate in order to participate directly in governing the country. Amnesty International was also investigating the cases of two students arrested in Chiang Mai in July after being accused of possessing the booklet mentioned above.

In late July and early August police arrested Sulak Siwarak, a well-known social commentator and Buddhist scholar; Kitti Sitthichindachook, the owner of a printing firm; and Chitrakorn Tangkaseemsuk, a university lecturer. They were subsequently charged with lese majesty and released on bail. Amnesty International believed that the three

would, if convicted, be imprisoned for expressing non violently their political opinions and appealed for all charges against them to be dropped. Following preliminary hearings, all charges were withdrawn on 30 November.

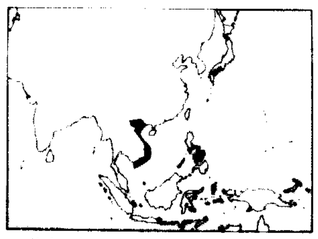
Amnesty International was also concerned that people charged with lese majesty, communist activities or offences against internal security were tried by military law courts or military tribunals that did not guarantee the right of appeal and that restricted the defendants' rights to cross-examine and call witnesses.

In a series of raids between 3 and 17 July, officers of the *Santibaan* (political police) and of the Internal Security Operations Command arrested 22 people and accused them of being members or supporters of the banned CPT. Among them were Chatcharin Chaiwat, editor of the daily newspaper *Maatuphuum*; Priichaa Piemphongsaan, a university lecturer; Phirun Chatwanitkun, a former student leader, and his wife Chonthiraa Sattayaawathanaa, a literary critic. The last two were among six of the arrested alleged to be members of the Central Committee of the CPT. All 22 were taken into custody under RAPCA provisions allowing up to 480 days' incommunicado detention without trial. Amnesty International appealed to the government to bring the detainees to open trial or release them. At the end of the year none had been formally charged, although four had been granted police bail and eight had been exempted from prosecution after agreeing to accept governmental political "instruction" and to report regularly to the authorities.

Since 1980 the government had implemented a program of general clemency for alleged CPT members or sympathizers who gave themselves up to the authorities and pledged loyalty to the monarchy, religion, and the Thai nation. This program, known as Policy 66/23 after a prime ministerial decree, promised those who surrendered and made the required pledges immunity from persecution for their "communistic activities". Amnesty International was concerned about reports that some people promised immunity had later been detained without charge, and about allegations that others had been threatened or killed by government paramilitary forces. Withit Chandawong, who had surrendered in 1983 and then stood for election to parliament, was reportedly detained in July 1984 and accused of politically-motivated crimes committed in 1982. He was reportedly held incommunicado and without formal charge at a military base together with five others accused of involvement in the same offence. Amnesty International urged that all six be transferred to the custody of the proper authorities and be charged or released. After reports that Withit Chandawong had been moved to "protective custody", Amnesty International continued to monitor his case. It was also investigating allegations that Thawatchai

Chantharadet, who had surrendered in 1982, was killed by local defence forces in October 1984.

Amnesty International received information that 76 people were sentenced to death during 1984, but was unable to obtain a complete list of executions. It learned that at least one person was executed, but that the death sentences on Chirawat Khienpanyaa (see *Amnesty International Report 1984*) and Lek Sukhen, another person on whose behalf Amnesty International had appealed in 1983, were commuted to life imprisonment.



Viet Nam

Amnesty International continued to be concerned about the long-term detention without trial of several thousand people allegedly associated with the government of the former Republic of (South) Vietnam. It was also concerned about other political prisoners arrested since 1975, many of whom were held without charge or trial and some of whom the organization believed to be prisoners of conscience. These included leading religious and intellectual figures arrested in 1984. The death penalty was also an Amnesty International concern.

Amnesty International welcomed the release of significant numbers of people from "re-education" camps during 1984. It remained concerned, however, that several thousand who had been interned in such camps since 1975 or 1976 under a collective administrative order continued to be held. The basis of their detention was said to be their position in pre-1975 southern Viet Nam, but they had been denied the opportunity to defend themselves against individual accusations. Amnesty International regarded their continued detention without charge or trial as a violation of the provisions of the International Covenant on Civil and Political Rights (to which Viet Nam became a party in 1982) relating to arbitrary detention, the right to fair trial and the right to be presumed innocent until proved guilty.

Amnesty International considered some of those held in the camps to be prisoners of conscience. They included Dr Truong van Quynh who had remained imprisoned in Nam Ha camp, Ha Nam Ninh province, since being required to register for "re-education" in 1975 apparently because he had been a member of a non-communist political

party. The organization was also concerned at the detention for "re-education" of several Roman Catholic priests and Protestant pastors among them military chaplains. A senior Vietnamese churchman stated in June 1984 that approximately 200 priests were detained in "re-education" camps or prisons. Amnesty International adopted as a prisoner of conscience Father Trinh Công Trong of the southern Vietnamese diocese of Vinh Long, a youth worker arrested in February 1976, reportedly while travelling to invite a North Vietnamese priest to address Vinh Long Catholics on the subject of the church in northern Viet Nam.

In June 1982 Foreign Minister Nguyen Co Thach had declared his country's willingness to release all those remaining in "re-education" camps on condition that the USA would accept them for resettlement. US Secretary of State George Shultz responded in September 1984 that his administration was prepared to establish an immigration program for 10,000 current and former "re-education" camp inmates. Despite meetings between representatives of the two governments, however, there was no significant progress reported by the end of 1984. In July Amnesty International repeated its June 1982 appeal for the unconditional release of all those remaining in "re-education" camps.

Amnesty International continued to be concerned about the imprisonment without trial of other individuals arrested since 1975 for political reasons, some of whom it believed to be prisoners of conscience. They included former lawyers Vu Ngoc Truy and Dao Van and former journalist and senator Pham van Tam (also known as Thai Lang Nghiem), all of whom had been imprisoned without charge or trial since mid-1978.

Amnesty International was investigating the case of Thai Nhu Sieu, an ethnic Chinese resident of Hanoi. Expelled from the ruling Lao Dong (labour) party in 1972, Thai Nhu Sieu was the former editor of *Tan Viet Hoa (Xin Yue Hua)*, the official journal of the Sino-Vietnamese Association in the Democratic Republic of (North) Viet Nam. He was arrested in 1978 at a time of tension between China and Viet Nam. Five years after his arrest, in June 1984, Thai Nhu Sieu was tried for subversion and spying for China and sentenced to 20 years' imprisonment.

The organization welcomed the release in January 1984 of 63-year-old poet Bui Hoang Cam, adopted as a prisoner of conscience after his arrest in Hanoi in August 1982 on a charge of "having cultural relations with foreigners". He had reportedly attempted to send some poems to his daughter in the USA.

Amnesty International remained concerned about the imprisonment of four Jesuit priests whom it considered to have been wrongly convicted of subversion in June 1983. In a letter to Prime Minister

Pham van Dong, it urged their release and that of Protestant pastor Hu Hieu Ha, detained since December 1983 when his church in Ho Chi Minh City was closed.

In a series of urgent appeals Amnesty International expressed its concern about the arrests of groups of religious and intellectual figures it believed had been imprisoned for the non-violent expression of their beliefs. It adopted as prisoners of conscience 12 Buddhist monks and nuns, including some of Viet Nam's foremost Buddhist scholars, who were arrested in April and were still in detention at the end of 1984. It also adopted three former writers arrested in May 1984 who remained in detention at the end of the year. They included the well-known novelist Doan Quoc Sy, who had spent four years in "re-education" between 1976 and 1980 when he had first been adopted by Amnesty International as a prisoner of conscience. All three had been forbidden to write since 1975. They were held incommunicado at Phan Dang Luu prison, Ho Chi Minh City, as of December 1984.

Amnesty International was concerned at reports that three influential religious figures had been restricted by internal exile or house arrest. The Buddhist monks Thich Quang Do and Thich Huyen Quang remained confined to the villages to which they had been sent in 1982 when the local authorities in Ho Chi Minh City decided that their presence was "dangerous for the well-being of the people". Monsignor Nguyen Kim Dien, Roman Catholic Archbishop of Hue, was reportedly confined to his palace in April and repeatedly interrogated by police after he had publicly expressed his opposition to the formation of a government-sponsored Catholic council. He was also reportedly accused of being an accomplice of Father Nguyen van Ly, a priest in his diocese who had been sentenced to 12 years' imprisonment in December 1983 for "opposing the Revolution and destroying the people's unity". Amnesty International adopted Father Ly as a prisoner of conscience.

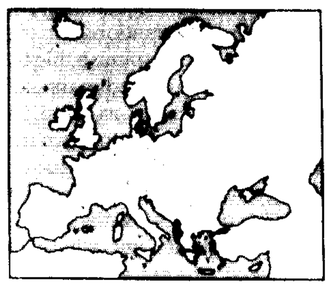
Amnesty International has received few reports of torture or other deliberate ill-treatment of prisoners since 1975. The organization welcomed reports received in 1984 that two "re-education" internees who had allegedly been shackled, placed in dark isolation cells and denied family visits in camp 1870, Xuan Phuoc, Phu Khanh, had been allowed to return to normal camp life.

Amnesty International was concerned that at least 13 people were condemned to death in 1984 for murder, corruption, subversion and espionage, and appealed for the commutation of all death sentences. It was particularly concerned that no judicial appeal was allowed against sentences imposed by the Supreme People's Tribunal, although those condemned to death had the right to ask the President of the State Council for clemency. The right of the defendant to appeal against

conviction and sentence is guaranteed by Article 14(5) of the International Covenant on Civil and Political Rights.

By the end of the year at least three of the 13 people known to have been sentenced to death in 1984 had been executed and a person sentenced to death in 1982 had also been executed. Two people sentenced to death in December for espionage and subversion had their sentences commuted to life imprisonment.

Europe



Albania

Amnesty International was concerned about the imprisonment of prisoners of conscience under legislation which severely restricted certain human rights; the lack of legal safeguards for people arrested and tried for political offences; allegations of ill-treatment of detainees; and harsh prison conditions. The organization remained concerned about the number of offences for which the death penalty could be imposed, but was not informed of any executions during the year.

In a report published in December 1984, *Albania: Political Imprisonment and the Law*, Amnesty International set out its concerns. The report stated that owing to official censorship and restrictions on freedom of movement, Amnesty International was unable to assess accurately the number of political prisoners detained in Albania. It had received in recent years the names of almost 400 political prisoners who were serving sentences in the 1970s and 1980s and the available information indicated that many were prisoners of conscience. However, the organization believed that this was only a fraction of the total number of political prisoners in Albania. According to reports by former political prisoners, approximately 1,200 political prisoners were detained in Ballsh labour camp before an amnesty in November 1982. Similar figures were given for Spac labour camp. In addition, some 300 political prisoners were reportedly held in Burrel prison in 1982 and political prisoners were reportedly also held in Tarovic, Kosove and Tirana prisons. After the 1982 amnesty the population of both labour camps was reportedly reduced although Amnesty International has received allegations that there have been further arrests since then of

those considered to be supporters of senior government officials disgraced and arrested in 1982.

Albania has not ratified the international human rights covenants and its constitution justifies the restriction of certain human rights on the grounds that "the rights of citizens are inseparable from the fulfilment of their duties and cannot be exercised in opposition to the socialist order". In practice many people have been imprisoned for the non-violent exercise of basic human rights under various loosely formulated charges such as "anti state agitation", "sabotage" and "treason".

The criminal code states that its aims are primarily political and ideological and the concept of impartial justice for individuals is expressly rejected in official texts. Article 55 on "anti-state agitation and propaganda" makes the expression of views critical of economic or political conditions, even if voiced in private conversations, or the possession of literature containing such views, an offence punishable by three to 10 years' imprisonment. If the offence is committed in time of war or has "especially grave consequences" the penalty is 10 to 25 years' imprisonment or death. People arrested while trying to leave the country illegally face conviction under Article 47 dealing with "treason", "flight from the state" and "refusal to return to the fatherland on the part of a person sent on service or allowed temporarily to leave the state". These offences are punishable by not less than 10 years' imprisonment or death. Amnesty International has received reports of prisoners serving sentences of up to 25 years for having exercised their right to freedom of expression or for having attempted to leave the country without official permission.

In addition to imprisonment, the criminal code provides for a supplementary penalty of banishment or internment (generally on a state farm or enterprise) for up to five years. This penalty may be imposed administratively, without trial, and for unspecified periods on people considered by the authorities to represent a danger to the country's social system and on "members of the family of fugitives living inside or outside the state". Amnesty International has learned of a number of such cases in recent years.

The Amnesty International report on Albania focused also on the lack of legal safeguards for political prisoners during investigation and trial proceedings and the absence of provisions entitling them to visits from relatives or defence counsel during investigation. Almost all former political prisoners who have given testimonies to Amnesty International asserted that during investigation they were held in small, dark basement cells. Many apparently had to sleep either on the cement cell floor or on boards with blankets but no mattress. They complained that they were given very little to eat and were allowed little or no exercise. Most said they had been denied access to their families and to

legal counsel. They said also that they were interrogated daily for long periods several that they were interrogated at night and deprived of sleep. Most alleged that they were beaten during investigation.

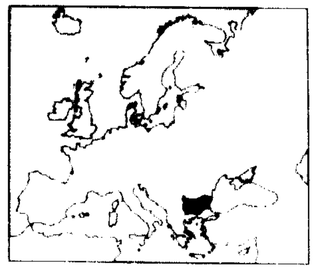
Since 1967 the institution of advocacy has been effectively abolished and reports of political trials in recent years indicate that most defendants were not allowed defence counsel and had to conduct their own defence. Amnesty International knows of only one case since 1967 in which a court granted an adult Albanian citizen accused of political offences the services of a legal adviser. It knows of no political trials in which the defendant was acquitted.

The publication included reports of conditions in Spac and Ballsh camps and Burrel prison, which were described as harsh, with poor food, hygiene and medical care. In addition, conditions under which copper and pyrite were mined by prisoners in Spac camp were said to be often dangerous.

In 1967 Albania was officially proclaimed an atheist state and all places of worship were closed. Several people reportedly interned or imprisoned on account of their religious activities were named in the Amnesty International report. Among them were Fran Mark Gjoni, said to have been sentenced to 12 years' imprisonment in 1977 for possessing Bibles, and the Jesuit priest Ndoc Luli from Mali Jushit near Shkoder, who was reported to have been imprisoned in 1980 after he had baptized a relative's children.

Amnesty International submitted the publication to the Albanian Government in December with a request for comments which it undertook to make public. There was no response to this request.

Under the criminal code, death sentences may be imposed for 34 offences, including 12 political and 11 military offences. The death penalty may be imposed in peacetime for a number of non-violent political offences, including "flight from the state" (Article 47); "anti-state agitation and propaganda", when this has "specially grave consequences" (Article 55); "creation of a counter-revolutionary organization or participation in it" (Article 57); and "concealment of a person who commits a crime against the state" in "specially grave circumstances" (Article 59). However, no official figures on death sentences have been made public and no reports of death sentences or executions reached Amnesty International during 1984.



Bulgaria

Amnesty International was concerned about the imprisonment of prisoners of conscience and restrictions on released prisoners of conscience. It was also concerned about allegations of ill-treatment of political prisoners and learned of the imposition of five death sentences and three executions.

The constitution does not guarantee freedom of movement and only rarely are citizens who seek to emigrate permitted to do so. Those who attempt to leave the country without permission may be punished by up to five years' imprisonment under Article 279 of the criminal code, or up to six years if the offence is repeated. People who express views not approved of by the authorities or who possess literature containing such views may be imprisoned for up to five years for "anti-state agitation and propaganda" under Article 108. Also, the People's Militia Law allows internal banishment for up to three years and other restrictions on freedom of movement for up to six months to be imposed administratively, that is without trial, on certain categories of people. These categories include former political prisoners and people who "carry out anti-social activities affecting the security of the country". These restrictions, which can be indefinitely renewed, have been imposed on released prisoners of conscience and in Amnesty International's view themselves constitute a form of detention.

For example, Ilija Minev, aged 68 from Septemvri, was sentenced in 1976 to five years' imprisonment under Article 108. He had reportedly sent letters alleging violations of constitutional rights and freedoms in Bulgaria to the President of the United States of America and to the UN Commission on Human Rights in Geneva. He was released in 1980 but in 1984 Amnesty International learned that he was obliged under the People's Militia Law to report to his local police station twice daily and that he was forbidden to leave Septemvri. These restrictions were such that Amnesty International considered him to be a prisoner of conscience.

Amnesty International continued to seek information about a number of political prisoners whose cases it was investigating. These included Nicolas Chamurlisky, a former clerk in a cooperative in Sofia who was sentenced to death (later commuted to 20 years' imprisonment) in 1975 on charges of espionage. He was arrested after his second request for a passport to visit his brother in the USA. At his trial he was accused of passing on information to Italy via a family friend in the Italian Embassy in Sofia. In another case, the organization continued to

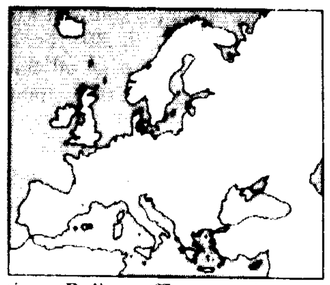
ask for details of the charges against and the current legal status of Mr Bunzev (given name unknown). He was sentenced to 20 years' imprisonment in 1973 after taking part in protests against an official ruling requiring Pomaks (Bulgarians of Muslim faith) to change their Muslim names to Bulgarian ones.

Information about political trials was severely restricted by official censorship and Amnesty International believed that the cases which came to its notice during 1984 represented only a fraction of the total. Several former prisoners of conscience have estimated that at the beginning of the 1980s there were about 250 political prisoners in Stara Zagora prison, where most political prisoners are held. The majority had been convicted of attempting to leave the country without permission. Amnesty International believed that these figures had not substantially changed by 1984.

On 31 May an amnesty was decreed to commemorate the 40th anniversary of the modern Bulgarian state. Under its terms, prisoners sentenced to up to three years' imprisonment for premeditated crimes and up to five years for unpremeditated crimes were to be released. To Amnesty International's knowledge no adopted prisoners of conscience benefited from this amnesty.

During 1984 Amnesty International received information alleging that in some cases political prisoners had been ill-treated. In September the Italian press carried reports by the Italian citizen Paolo Farsetti (see *Amnesty International Report 1983*), who was sentenced in Sofia to 10½ years' imprisonment for espionage in 1983 but released in September 1984, which alleged that he had been beaten, forced to take medication and denied adequate food during his imprisonment in Bulgaria.

Amnesty International learned of three executions and five death sentences imposed during 1984. On 25 September it was reported that Veselin Georgiev Slavchev and Stefan Ivanov Atanasov were executed after being convicted of attempted murder and armed robbery. On 6 July it was reported that Plamen Antonov Penchev had been sentenced to death after being convicted of killing a number of people with a parcel bomb on 6 April 1984. Amnesty International appealed to the Chairman of the State Council to commute his sentence, but on 4 October it was announced that he had been executed. Four other people were sentenced to death: two for murder, one for rape and murder, and one for drunken driving causing death.



Cyprus

Amnesty International was concerned that Jehovah's Witnesses were imprisoned for refusing on conscientious grounds to perform military service.

No right to conscientious objection to military service is recognized in Cypriot law and all men between the ages of 18 and 50 are liable to conscription. Police officers, priests and men of the Armenian Orthodox, Catholic and Maronite religions are, however, exempted. Those who do not respond to call-up are considered to be deserters and can be sentenced to up to two years' imprisonment.

In all cases known to Amnesty International conscientious objectors were granted some remission of sentence for good behaviour, but after release were again called up for military service and when they did not respond were again charged. Amnesty International was informed during 1984 of several Jehovah's Witnesses serving second and third sentences because of their continued refusal to respond.

During the year Amnesty International adopted as prisoners of conscience 60 Jehovah's Witnesses imprisoned for conscientious objection, nine of whom were still in prison at the end of 1984. Most of those who were released were again called up and charged when they did not comply.

On 31 May Amnesty International wrote to President Spyros Kyprianou welcoming the abolition of the death penalty in Cyprus for all but exceptional offences such as wartime crimes. The organization expressed the hope that this encouraging move would be a step towards the total abolition of the death penalty.

Czechoslovakia

Amnesty International's main concerns were the continued detention of prisoners of conscience and the imposition of the death penalty. Amnesty International was also concerned about the application of the Law on Protective Surveillance to some prisoners of conscience released during 1984. At the end of the year, there were 15 prisoners who had been adopted as prisoners of conscience or whose cases were being investigated by Amnesty International, although the total number of prisoners of conscience was believed to be higher. Amnesty International learned of fewer people sentenced to long prison terms for exercising their human rights than in previous years, but was informed that many such people were sentenced to short terms of imprisonment, given suspended sentences, charged without being remanded in custody or harassed in various ways.

Among those detained for expressing their opinions was Miklos Duray, a 39-year-old geologist from Bratislava and a leading spokesperson for the Hungarian minority in Czechoslovakia. He was arrested on 10 May 1984 for campaigning against laws to reduce the teaching of Hungarian in Slovak schools. He had previously been arrested for activities on behalf of the Hungarian minority in November 1982, but was later released without trial. In 1982 he had been charged with "subversion" (Article 98 of the penal code). Judicial proceedings on this charge were started again and he was reportedly charged also with "damaging the interests of the Republic abroad" (Article 112) and "spreading alarming news" (Article 199). A lawyer was nominated by Amnesty International to observe this trial but he was refused an entry visa. At the end of 1984 Miklos Duray was still in pre-trial detention in Bratislava.

Ten young Catholics were convicted in July 1984 of "incitement" (Article 100) by the District Court in Olomouc. They had been detained briefly in April 1983 after performing a play called "As You Don't Like It". They received suspended prison sentences ranging from six to 18 months. The play was alleged to be anti-socialist and liable to provoke a hostile attitude to the socialist and state order of the Republic.

Amnesty International learned of the arrests of a number of people for engaging in religious activities without official permission, in most cases for "obstructing the state supervision of churches and religious bodies" (Article 178). For example, on 17 and 18 July the District Court in Usti nad Orlici used this article to convict Ludmila Polakova, a

pensioner, and Josef Kajnek, a Catholic priest, who had been detained briefly in March 1984. Ludmila Polakova received a sentence of eight months' imprisonment suspended for one year. She was accused of deputizing for Josef Kajnek, teaching religion to children in the local school, giving religious instruction in her flat, and taking part in the preparation of children for Holy Communion in the church without official permission. Josef Kajnek, who was sentenced to six months' imprisonment, also suspended for one year, was charged with enabling her to carry out these activities.

On 20 November Jan Zar, Jan Burian and Jitka Danhelova were arrested in Liberec. They were charged under Article 178 with participating in the activities of the Franciscan Order. At the end of 1984 they were believed to be still in detention. Four other members of the Franciscan community which they had entered, who were detained and interrogated by the police the same day, were later released.

In April Amnesty International submitted information on its concerns in Czechoslovakia to the UN under the procedure for confidentially reviewing reports of human rights violations. As well as including information on the continuing detention of prisoners of conscience the submission described the restrictions imposed under the Law on Protective Surveillance on some released prisoners of conscience. Its provisions include restrictions on movement which Amnesty International believes are so severe in some cases that they constitute a form of detention. The law, which had previously been applied only to some common criminals and to certain mentally sick people, was first applied in a political case in 1981. Terms of protective surveillance were imposed on a number of released prisoners of conscience in 1984. Amnesty International was particularly concerned about prisoner of conscience Ladislav Lis. After his release in March 1984 on expiry of a 14-month prison sentence (see *Amnesty International Report 1981* and *1984*), he was subjected to three years' protective surveillance. He had to report daily to the police, ask permission to travel outside Prague two weeks in advance and he was also subjected to harassment by the police who visited his home at night and confiscated papers and other items. In May 1984 he was again taken into custody for leaving his permanent residence without obtaining official permission, and was sentenced to three months' imprisonment. In December 1984 Amnesty International learned that even more severe restrictions of movement had been imposed on Ladislav Lis.

Amnesty International remained concerned about the health of prisoner of conscience Jaromir Savrda, held in Ostrov Prison (see *Amnesty International Reports 1980* and *1984*). Jaromir Savrda, a 51-year-old writer, was reported to be suffering from many serious

complaints for which doctors recommended surgery. This was refused by the authorities. On 23 July Jaromir Savrda requested the District Court in Karlovy Vary to quash the remainder of his 25-month prison sentence on the grounds that to continue serving the sentence would endanger his life. His request was refused and he was released on expiry of his sentence on 24 October.

Amnesty International continued to be concerned about the imposition of the death penalty. It received reports of three death sentences, but did not learn of any executions during the year. In February 1984 Amnesty International launched an action calling for the abolition of the death penalty and appealed for the commutation of the death sentence in a number of specified cases.

Federal Republic of Germany

Amnesty International's main concerns were the imprisonment of conscientious objectors to military service, the prosecution of people in violation of their right to freedom of expression and alleged ill-treatment of prisoners held in special security cells in Nuremberg. Amnesty International also wrote to the authorities about a proposed amendment to the criminal code regarding the offence of breach of the public peace.

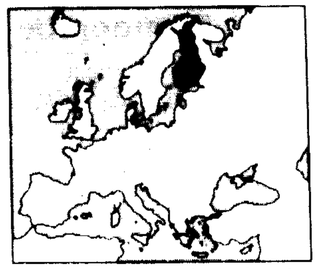
Amnesty International appealed for the release of eight people imprisoned for refusing on conscientious grounds to perform military service. Among them was Hubert Kappelhof who had previously been sentenced in 1982 to eight months' imprisonment, reduced to six months on appeal, on charges of "desertion" and "insubordination" after the rejection of his application for conscientious objector status on moral and political grounds (see *Amnesty International Report 1984*). At a second trial in 1983 on another charge of "desertion" he was sentenced to nine months' imprisonment, increased on appeal to one year without probation. He appealed against this sentence, but the appeal was rejected on 8 May 1984. At the end of the year Hubert Kappelhof had still not begun serving his 12-month sentence.

On 25 July an Amnesty International observer attended the appeal hearing at the *Bundesgerichtshof* (Federal Supreme Court) in Karlsruhe of Hildegard Haag, Arnulf Müller and Annette Schiffman who were

among 10 people charged with supporting a terrorist organization after spraying slogans on motorway signs. They had been acquitted by the *Oberlandesgericht* (regional supreme court) in Stuttgart on 14 October 1983 on charges of making propaganda for and supporting a terrorist organization (Article 129a of the criminal code) (see *Amnesty International Report 1984*), and were only fined for damaging property. The appeal, which had been lodged on points of law by the Prosecutor General, was rejected and the original verdict confirmed. Amnesty International's concern in this case was that the interpretation of Article 129a by judicial and prosecuting authorities might have resulted in the defendants being imprisoned for exercising their right to freedom of expression, without having used or advocated violence.

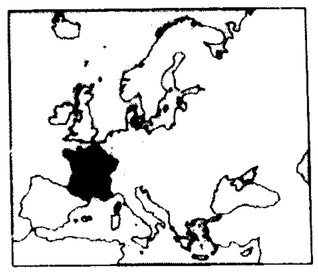
During 1984 Amnesty International corresponded with the authorities about a proposed amendment to the criminal code regarding the offence of *Landfriedensbruch*, breach of the public peace (Article 125, paragraphs 1-2). Amnesty International was concerned that the proposed law could result in individuals legitimately engaged in a peaceful assembly being imprisoned because of their non-violent activities.

In June 1984 Amnesty International wrote to the Minister of Justice of the State of Bavaria about security cells (so-called *Beruhigungszelle*) in a Nuremberg prison. Reportedly prisoners in investigative detention were sometimes kept naked for up to three days in solitary confinement in temperatures of up to 35°C. The Minister replied that the situation had changed since April 1984 when Amnesty International first received such reports. Dangerous prisoners or those who were likely to injure themselves were no longer kept naked but were dressed in clothing which could not be torn. The Minister said that the cell temperature had been set at 30°C for prisoners whose clothes had been removed. However, he justified solitary confinement, the removal of clothing and other forms of restraint by referring to national prison regulations. Amnesty International then wrote to the Federal Minister of Justice on 6 August to ask for the full text of the regulations, particularly regarding special security measures, solitary confinement, restraints and the removal of clothing. A copy of the current regulations was sent on 10 September and was being reviewed by the organization.



Finland

Amnesty International was concerned about the imprisonment of conscientious objectors who refused to perform unarmed military service and who had not been offered alternative civilian service. In January 1984 Amnesty International stated that it considered Pertti Haaparanta to be a prisoner of conscience when he refused unarmed military service for reasons of conscience and was sentenced to nine months' imprisonment. In March he was offered alternative civilian service and pardoned.



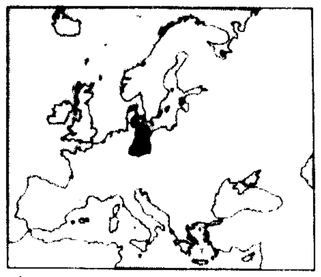
France

Amnesty International continued to be concerned about the prosecution and imprisonment of conscientious objectors who had refused to conform to the national service laws.

The number of newly imprisoned conscientious objectors declined in 1984, largely because of the application of Law 83-605, which modified the Code of National Service. It came into effect on 8 July 1983. The law allowed greater flexibility in granting conscientious objector status and improved the type of alternative civilian service objectors were allowed to perform. The duration of alternative service remained 24 months, however, double that of military service. Amnesty International believed this to be punitive and continued to work for the release of conscientious objectors who had refused both military and civilian service, whose refusal to perform civilian service was based on their objection to its duration, not to the principle of performing civilian service.

Amnesty International worked on behalf of 10 conscientious objectors, many of whom had begun their prison sentences in 1983.

On 17 May France became a party to the Optional Protocol to the International Covenant on Civil and Political Rights, thereby allowing individuals to submit complaints to the Human Rights Committee set up under the Covenant.



German Democratic Republic

Amnesty International continued to be concerned about the large number of prisoners of conscience, the majority of them imprisoned either for leaving the country without permission or for persisting in their efforts to obtain permission. Other prisoners of conscience included conscientious objectors to military service, peace campaigners and dissenting Marxists. Most were convicted under laws directly restricting the exercise of human rights. Amnesty International was further concerned that prisoners of conscience and other political prisoners were tried *in camera*, thus denying them one of the guarantees of a fair trial. During 1984 Amnesty International worked on behalf of over 250 prisoners of conscience or probable prisoners of conscience, but believed the actual number to be far higher.

Any comprehensive assessment of the number of cases of potential concern to Amnesty International was made impossible by the secrecy surrounding political imprisonment. The public, including in most instances close relatives of the accused, was excluded from all the political trials investigated by Amnesty International during 1984, most of which did not concern information classified as secret. International law requires that judgments be made public even when the trial has been held *in camera*. However, the laws of the German Democratic Republic (GDR) permit the public to be excluded when the reasoning for the judgment is read out and judgments are not otherwise made public. This often made it difficult to establish the precise activity for which a prisoner had been convicted.

Amnesty International considers that the systematic exclusion of the public from political trials violates Article 14 of the International Covenant on Civil and Political Rights to which the GDR is a party. It makes any assessment of whether such trials conform in other respects to internationally recognized standards for a fair trial very difficult.

The information that did reach Amnesty International about prisoners of conscience was further restricted by the fact that people sending such information out of the country could be prosecuted on charges such as "treasonable passing on of information" (Article 99 of the penal code). The organization worked on behalf of two prisoners of conscience whom it believed were imprisoned for this reason. Many families of prisoners of conscience also reported that they had been harassed or threatened by the authorities in this connection. Amnesty

International therefore believes that many cases of political imprisonment did not come to its attention and that the information received about individual prisoners was incomplete.

The majority of prisoners of conscience about whom the organization was informed during 1984 were would-be emigrants. Although more people were permitted to emigrate than in previous years, Amnesty International also learned of more arrests. However, the sentences imposed tended to be shorter. Those arrested for attempting to leave the country without permission were prosecuted for "illegal crossing of the border" (Article 213 of the penal code). Those who applied unsuccessfully for permission to leave and tried to persuade the authorities to change their decision were prosecuted on charges such as "impeding the activity of public bodies" (Article 214). Those who sent information about their efforts to foreigners, in the hope that support or publicity abroad would improve their chances of emigration, were prosecuted under a variety of articles of the penal code which restrict the right to freedom of expression and information.

Large numbers of would-be emigrants visited embassies, in particular those of the Federal Republic of Germany (FRG) in Warsaw Pact countries, to make known their wish to emigrate. While some were granted exit visas, others were prosecuted for this activity under Articles 99, 100 and 219. These articles proscribe contacting or passing information to foreign powers or organizations or their representatives if such activity is damaging to the interests of the GDR. They do not concern the transmission of information classified as secret, which is proscribed separately by Article 97 ("espionage"). Amnesty International considers that the texts of Articles 99, 100 and 219 are incompatible with the freedom "to seek, receive and impart information and ideas of all kinds regardless of frontiers" (Article 19 of the International Covenant on Civil and Political Rights). It adopted people imprisoned under these articles as prisoners of conscience.

One would-be emigrant – Rolf Schaelicke, a physicist from Dresden – received a seven-year sentence on 3 December for "incitement hostile to the state" (Article 106) and "public vilification" (Article 220). The latter charge was apparently brought because he was held to have "vilified" the GDR in stating his reasons for wishing to emigrate. Reportedly the charge of incitement was based partly on the fact that he had lent to friends books considered "hostile to the state", including works by Alexander Solzhenitsyn and Heinrich Böll.

Other would-be emigrants were prosecuted for "association for the pursuit of aims contrary to the law" (Article 218 of the penal code), apparently for gathering in groups to discuss joint initiatives. Any form of association requires state recognition in the GDR and one condition is that associations "correspond to the principles of the socialist order of

society in their character and aims". Even informal gatherings risk prosecution under Article 218.

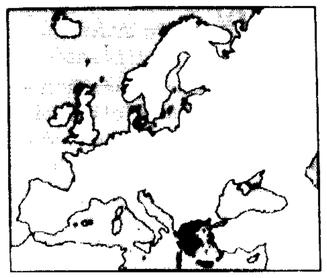
An example was Ramona Philipp, the wife of an imprisoned conscientious objector to military service who had himself been adopted by Amnesty International as a prisoner of conscience. On 8 March she and five friends, all of whom are understood to have submitted applications to emigrate, met in a café in Berlin. They went in turn to the Permanent Mission of the FRG, which was close by. Two were arrested that day, and the remaining four shortly afterwards. They were subsequently sentenced to prison terms ranging from 16 to 20 months under Article 218.

Article 218 was also applied to a number of peace activists one of whom was Tim Petersdorf, from Jena, who was arrested at the beginning of the year. He was sentenced in May to 20 months' imprisonment under Articles 218 and 220 ("public vilification"). The charges were apparently brought because he and a number of others had distributed leaflets through letter-boxes criticizing official policies.

The Human Rights Committee in Geneva, set up to monitor compliance with the International Covenant on Civil and Political Rights, considered in July the second periodic report by the GDR on its observance of the Covenant. Questions were asked by members of the Committee on a number of issues of concern to Amnesty International including the holding of trials *in camera* and the practice of imprisoning people for the peaceful exercise of their rights to freedom of expression and to leave their country. With very few exceptions the GDR delegation did not respond to questions on these issues.

Prisoners of conscience released during the year complained about a number of aspects of their imprisonment: in particular overcrowding in cells and pressure to achieve high work norms with old-fashioned machinery in unhealthy conditions. Amnesty International was also concerned at a number of reports during the year of prisoners being chained to beds or bars in special punishment cells. One former prisoner of conscience reported being punished in this way for 72 hours after disrupting a lecture on current affairs.

As in previous years, political prisoners – including many prisoners of conscience – were released to the FRG in exchange for payment by the FRG Government. Press reports indicated that in 1984 the number exceeded 2,000, considerably more than in previous years. While welcoming the release of prisoners of conscience Amnesty International sought to remind the GDR of its obligations under international law to release such prisoners without conditions.

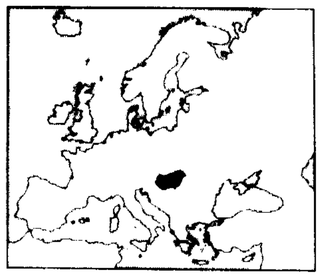


Greece

Amnesty International's main concern was the continued imprisonment of large numbers of Jehovah's Witnesses for refusing on conscientious grounds to perform military service. Since 1977 unarmed military service for four years has been offered to Jehovah's Witnesses, but Amnesty International did not consider this a satisfactory alternative because it was twice the duration of armed military service and because there was no alternative civilian service outside the military system. At the end of 1984 Amnesty International knew of approximately 300 Jehovah's Witnesses imprisoned for conscientious objection to military service.

Amnesty International learned that Jehovah's Witnesses had also been arrested and prosecuted for "proselytism" (trying to convert others) under Compulsory Law No. 1672/1939 (amending Compulsory Law No. 1363/1938). In 1984, 285 such arrests were reported. Of those arrested, 81 people were brought to trial, of whom 14 were sentenced to between four and seven months' imprisonment, suspended for three years, and six months' police surveillance; 58 were acquitted and nine had their cases postponed until 1985. Amnesty International knew of no Jehovah's Witnesses imprisoned for proselytism at the end of 1984, but was concerned that the prosecutions violated their right to freedom of religion, including the right to "manifest [their] religion or belief in worship, teaching, practice and observance", as laid down in Article 9 of the European Convention on Human Rights, to which Greece is a State Party.

In October the Secretary General of Amnesty International, accompanied by a staff member, had meetings in Athens with the Prime Minister, Andreas Papandreou, the Minister of Justice, George Mangakis, and the Foreign Minister, Ioannis Charalambopoulos. Among the issues raised were the continued imprisonment of conscientious objectors to military service; allegations that some criminal suspects had been ill-treated; and the retention of the death penalty in law. The Amnesty International delegates welcomed a new draft law on torture, which was subsequently passed by the Greek parliament in November: public officials – civil or military – convicted of inflicting physical or psychological torture face prison terms of from two years to life.



Hungary

Amnesty International was concerned about the imprisonment of conscientious objectors to military service and about short-term arrests and administrative measures such as fines and curfews imposed on people for the non-violent exercise of their right to freedom of expression. Amnesty International also learned of the imposition of one death sentence and one execution.

Under Article 148 of the criminal code people who incite hatred of Hungary's constitutional order or allies, or national, racial or religious hatred, may be imprisoned for one to five years. Amnesty International believes that most people imprisoned for political offences were charged with "incitement" under this article. If they commit the offence before a "large public" or as members of a group, the punishment is two to eight years' imprisonment.

Military service is compulsory in Hungary and the law does not provide for alternative civilian service outside the military system. Article 336 allows the courts to impose sentences on those who refuse military service of up to five years' imprisonment (five to 15 years in time of war). Since 1977 members of some small Christian sects, including the Nazarenes and the Jehovah's Witnesses, have been allowed to do unarmed military service, but the authorities have refused to extend this to Roman Catholics. According to unofficial reports, there were approximately 130 conscientious objectors in mid-1983 serving sentences in Baracska prison where conscientious objectors are generally sent. Most of them were Jehovah's Witnesses who had refused to do any form of military service. Amnesty International could not obtain details on these cases but it worked for the release of five Roman Catholic conscientious objectors, all of whom, according to Amnesty International's information, belonged to small pacifist "basic communities" which advocate strict adherence to the teachings of the Bible. Two were adopted during 1984 – László Habos, aged 22 from Erd near Budapest, and József Ujvári, aged 20 from Tökö – who were serving sentences of 30 and 33 months' imprisonment respectively for refusing conscription on the grounds of conscience. They were both sentenced under Article 336.

Amnesty International was concerned about the continuing practice of arresting people for short periods and imposing administrative penalties on them for the non-violent exercise of their right to freedom of

expression. Most of those involved were connected with the publishing and distribution of unofficial publications. On 8 June György Krassó, a 52-year-old Budapest economist, was detained by the police because of an interview he had given to an unofficial publication about the imprisonment, trial and execution of Imre Nagy and other leaders of the 1956 Hungarian revolution. On 18 October he was again detained by the police who reportedly confiscated large numbers of unofficial publications from his flat. He was subsequently fined 10,000 forints (about two months' average wage) under a press law passed in August 1983. This allows for fines of up to 10,000 forints to be levied without trial for possessing or distributing unofficial publications. Five others including Gabor Bouquet, a 35-year-old steel worker, were also fined between 5,000 and 9,000 forints. On 12 November György Krassó was placed under curfew by the local district police, reportedly on account of his continued activity in unofficial publishing. He had to report to the police once a week and they could enter and search his flat at any time. He was not allowed to leave his flat between 8pm and 6am, and to leave Budapest or change his address he had to get police permission. He was told that he could not keep a telephone, although as far as Amnesty International knows, this was not enforced. In November Amnesty International learned that Pal Szalai, a political essayist, was detained by the police after planning a visit to Poland. His passport was reportedly taken away.

There is no right of appeal to the courts against these restrictions which can reportedly be imposed for up to one year and can then be renewed. To Amnesty International's knowledge there are no Hungarian laws which provide for such restrictions on freedom of movement. Amnesty International had not heard of such measures being applied to a resident of Budapest since the 1960s, although they had reportedly been used in other parts of Hungary.

In September Amnesty International appealed to the Hungarian authorities on behalf of Wolde Selassie Kefela, an Ethiopian student who was reportedly due to be sent back to Ethiopia where it was believed he could face imprisonment on account of his political opinions. Amnesty International subsequently learned that he had been permitted to go to another country of his choice.

Amnesty International learned of the imposition of one death sentence and of one execution; in both cases the accused had been convicted of murder.

Ireland

Amnesty International continued to follow the case of Eamonn ("Nicky") Kelly and was concerned about allegations of physical ill-treatment of prisoners.

On 17 July Eamonn Kelly was released "on humanitarian grounds" from Portlaoise Prison. He had served just over four years of a 12-year prison sentence passed when he was convicted in 1978 of taking part in a train robbery. At his trial, he claimed he had been subjected to ill-treatment and prolonged, exhaustive questioning and that the resulting confession was the sole basis for his conviction. Shortly before his release the European Commission on Human Rights had ruled that an application to have his trial declared unfair was inadmissible because it had not been lodged in time. The Commission did not rule on the merits of the case. Amnesty International had on several occasions expressed concern to the authorities about the fairness of his trial, specifically as regards the standards used to admit his confession in evidence (see *Amnesty International Reports 1981* to *1984*).

On 9 August Amnesty International wrote to the Minister of Justice urging him to establish an independent inquiry into reports alleging a consistent pattern of ill-treatment of prisoners in Portlaoise Prison and make the findings public. On 30 October 1983 prison warders allegedly beat approximately 80 prisoners, some of whom were so badly injured that they required hospitalization. In 1984 minor breaches of prison rules allegedly continued to be punished by beatings. Two prisoners – Dessie O'Hare and Eddie Hogan – were reportedly beaten unconscious in May. It was also alleged that *gardai* (police officers) were often on the landings while the beatings took place and in some cases even took part. Amnesty International was also concerned about the reported use of solitary confinement for up to two months as punishment. An inquiry was held into the allegations of beatings in prison and Amnesty International wrote to the Minister again, on 30 November, requesting the findings, but it had not received a reply at the end of 1984. However, in a written reply to Dail Eireann (House of Representatives), the Minister said that neither the investigation by the *gardai* nor a separate internal investigation had provided grounds for disciplinary proceedings.

Italy

Amnesty International's principal concern continued to be the excessive length of judicial proceedings in political cases. Amnesty International continued to work for the release of imprisoned conscientious objectors.

Amnesty International has consistently criticized the length of preventive detention allowed by Italian law, specifically the Urgent Measures for the Protection of the Democratic Order and Public Security of February 1980 (see *Amnesty International Reports 1980* to *1984*). Under this law, defendants accused of offences carrying prison sentences of 20 years or more could spend up to 10 years and eight months in preventive detention before the final verdict. This period could be extended still further by filing multiple charges or by reclassifying the gravity of the circumstances in which the alleged offence took place.

The Italian Central Institute of Statistics (ISTAT) estimated that 67.3 per cent of a prison population of 40,225 were awaiting final verdicts at the beginning of 1984.

Legal measures to reduce the length of preventive detention, already acknowledged by the Minister of Justice as "excessive", were promulgated in July 1984. A new law, No. 398 (on New Measures Relating to the Reduction in the Terms of Preventive Detention and the Granting of Provisional Liberty), reduced the maximum permitted length of preventive detention from 10 years eight months to six years, which Amnesty International still considered to be excessive. The law also sought to provide provisional liberty to people in preventive detention.

However, because of disagreements among public prosecutors, investigating magistrates and investigating judges of the courts of appeal regarding the interpretation of certain key articles, the law was not applied consistently. It was apparently not clear which prisoners were eligible for release under the provisions which took effect from 16 August 1984, and which prisoners were not eligible until the remaining provisions came into force. The Supreme Court ruled on the disputed articles in October. The remaining provisions were due to come into force on 1 February 1985 but on 27 November the Council of Ministers approved a draft law postponing their introduction for people accused of more serious crimes for a further nine months.

In June 1984, after two years, the trial known as "7 April" finally closed before the First Court of Assizes in Rome. Many of the defendants had been in custody since 1979. This case was of concern to

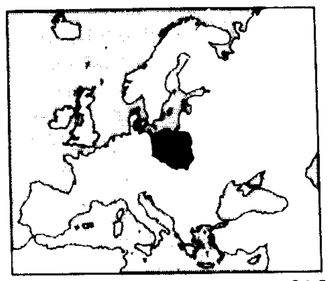
Amnesty International both because of the length of preventive detention and because of the legal procedures adopted during the investigation and hearing (see *Amnesty International Reports 1980* to *1984*). Fifty-five defendants were sentenced to a total of nearly 500 years' imprisonment. Most were convicted of participation in an armed band and subversive association. The Motivation for Judgment and Sentence had not been published by the end of 1984, nor had any date been set for appeal hearings. After conflicting rulings by the courts, all those "7 April" defendants whose cases had been taken up for investigation by Amnesty International were released from prison under the new law on preventive detention, including Professor Luciano Ferrari-Bravo and Emilio Vesce (see *Amnesty International Report 1984*). They were released on 12 September and, although first ordered to a designated place of residence, were allowed to return home on 2 November.

On 8 June Amnesty International wrote to the Minister of Justice about Giovanni Mulinaris who was on hunger-strike in protest at being held in preventive detention for over two years awaiting trial, and at the apparent failure of the investigating magistrate to allow him to question people who had made allegations against him. He had been arrested on 2 February 1982 and the charges against him included belonging to an armed band. On 6 April 1984 he was charged in addition with "armed insurrection against the powers of the state" and provoking "civil war", for which life imprisonment is mandatory. On 6 June he was transferred to hospital on the recommendation of a prison doctor who feared he would suffer brain damage if his hunger-strike continued. Amnesty International asked the Minister to take every possible step to prevent a further deterioration in the prisoner's health. It drew attention to its concern that excessive periods of preventive detention could be extended still further by filing fresh charges. No reply was received. Giovanni Mulinaris ended his hunger-strike on 22 June in anticipation of being placed under house arrest, but this was not granted until 12 November and he spent the intervening time in hospital.

On 18 May Amnesty International wrote to the President of the Second Court of Assizes in Rome, the supervisory judicial authority, about the health of Giuliano Naria in Rebibbia prison, Rome. Specialist medical evidence indicated that he might suffer irreparable damage to his health if he were not given specialist treatment, as provided for by the UN Standard Minimum Rules for the Treatment of Prisoners. No reply was received. Giuliano Naria was first arrested in July 1976 on suspicion of kidnapping a Genoese industrialist. After investigation the case was dropped. Since then he has remained in prison, for part of the time in preventive detention in connection with a series of fresh charges, and, for part of the time simultaneously serving a sentence for

participation in an armed band. At the end of 1984 he was awaiting trial on a charge of armed insurrection against the state and charges in connection with a prison riot in December 1980. In October he was too weak to stand trial on these last charges. On 1 August 1984, following the news that Giuliano Naria had been transferred to the prison wing of the Molinette hospital, Turin, where his condition was reportedly "extremely grave", Amnesty International again wrote to the Minister of Justice, reiterating its concerns. Again, no reply was received. On 20 October Trani tribunal rejected his request for house arrest but allowed him to go to Parma hospital as a prisoner under permanent police guard.

Amnesty International worked on the cases of eight imprisoned conscientious objectors to military service, all of whom had applied for conscientious objector status and were willing to perform alternative civilian service eight months longer than military service. They were refused on the grounds that their ethical, philosophical or religious objections to military service had not been sufficiently proved.



Poland

Amnesty International was concerned about the arrest and detention of hundreds of prisoners of conscience, allegations of ill-treatment and torture of political prisoners, unexplained deaths of political activists and the use of the death penalty.

According to official sources, on 10 January 1984 there were 215 political prisoners; by 14 July this had risen to 660. Amnesty International believed that most of them were prisoners of conscience. At the end of 1984, following an amnesty on 21 July, there remained at least 45 political prisoners, most of whom Amnesty International considered to be prisoners of conscience. Most of the people arrested and detained in early 1984 on political grounds were charged with disseminating and printing illegal publications, participating in the underground Radio Solidarity, engaging in banned trade union activities, or membership of an illegal organization. Provisions decreed on 6 January by the Minister of the Interior enabled the detention of any person whose behaviour justified the suspicion of an intended offence threatening public order or security. The police were also given new powers to search people and their luggage.

Police operations were stepped up in March, with houses and

factories raided and searched, and large numbers of people who had been active in the trade union Solidarity when it was legal detained in at least 15 major towns. There were also large-scale arrests of people accused of carrying out "destabilizing activities" on certain anniversaries. On 1 May, 686 people were detained during unofficial demonstrations all over Poland, most of whom received fines or short-term prison sentences.

In June Amnesty International appealed to the authorities to release all prisoners of conscience, including 268 named prisoners.

Amnesty International received reports that defence lawyers in political trials had been intimidated, interrogated and arrested, and that police had raided their apartments and seized confidential files. Lawyers often had difficulty in gaining access to their clients in prison; letters from prisoners were often censored or held back.

Numerous allegations of physical and mental ill-treatment of detainees by police during interrogation reached the organization. For example, Marek Wieczorek, a worker from Wroclaw, who was detained by the police on 14 March, was reportedly badly beaten. He was subsequently taken to hospital with a fractured skull.

Amnesty International was also concerned about allegations of prisoners of conscience being ill-treated, and of harsh conditions and inadequate medical treatment resulting in deterioration of prisoners' health.

A series of hunger-strikes by political prisoners, including prisoners of conscience, took place in 1984. One, in Strzelin prison, started at the end of 1983 in protest, among other things, at the food-poisoning of several prisoners, harsh prison conditions and lack of medical attention. Amnesty International issued an urgent appeal on behalf of one hunger-striker, Janusz Palubicki, a former Solidarity leader in Poznan. On 24 January 1984 he was transferred to a prison hospital because of heart trouble and repeated loss of consciousness and had a heart operation in March. Hunger-strikes also took place in Braniewo, Barczewo and Leczyca prisons in protest at a deterioration in prison conditions and harassment of prisoners. It was reported that protesters at Barczewo were beaten by the militia (for example, prisoner of conscience Edmund Baluka is said to have suffered broken ribs and kidney damage) and that several were placed in solitary confinement and deprived of warm clothing. It was further alleged that some political prisoners had been confined in straitjackets, handcuffed at night and had their mouths sealed with plaster to prevent them from shouting protests. Romuald Szeremetiew, a former leader of the Confederation for an Independent Poland, who had a heart condition, was reportedly placed in a "tiger-cage" cell (an open, single cell with bars for walls and ceiling) as punishment at Barczewo on 10 April. He collapsed and on return to his cell he

was allegedly put in a straitjacket. Two days later he is said to have been again taken to the cage where he had a heart attack.

Amnesty International issued an urgent appeal on behalf of Andrzej Slowik, a Solidarity leader from Lodz, who had been imprisoned since 13 December 1981 and who was reportedly ill-treated on 11, 12 and 13 April 1984 while being forcibly fed in Barczewo.

On 21 July 1984 the *Sejm* (parliament) passed an amnesty law in commemoration of the 40th anniversary of the Polish People's Republic. This law, as applied to political prisoners, provided for the conditional remission of all prison sentences and the conditional discontinuation of proceedings in all cases except those of high treason, violence against party or state officials, sabotage, espionage and defection by diplomats. Official sources stated that by 31 December the amnesty had benefited 1,212 political offenders: 632 prisoners (both convicted and under arrest) had been released and charges against others dropped. The amnesty also provided for the conditional pardon of active Solidarity supporters, underground political activists and Polish activists abroad, provided they reported to the Polish authorities by 31 December, giving a detailed account of their activities. The authorities stated that by 31 December, 398 people had taken advantage of these amnesty provisions. Amnesty International wrote to the government in August welcoming the amnesty but expressing concern that it was conditional until 31 December 1986: anyone who committed a similar offence before that date could be rearrested and the previous charges or sentence added to the new penalties.

Amnesty International was concerned about six people from Huta Katowice not released under the amnesty: Michal Luty, Jerzy Milanowicz, Leszek Lorek, Andrzej Kisielinski, Andrzej Niewiara and Andrzej Stolarczyk. They were arrested in December 1983 and early January 1984 and accused of having distributed illegal leaflets (an offence covered by the amnesty law of July 1984) and of having stolen state printing machines (not covered by the amnesty). The latter charge related to equipment from Solidarity's local office which was apparently hidden by the accused when martial law was introduced. Under the Trade Union Law of 8 October 1982 all property belonging to Solidarity became the property of the new, official trade unions. The accused faced sentences of five to 25 years' imprisonment. Their trial was still in progress at the end of 1984.

Among the prisoners released under the amnesty were four members of the former *Komitet Obrony Robotnikow* (KOR), the Workers' Defence Committee: Jacek Kuron, Adam Michnik, Henryk Wujec and Zbigniew Romaszewski (see *Amnesty International Report 1984*), whose trial opened on 13 July. Amnesty International's request to send observers to the trial was denied. Also released were the seven

Solidarity leaders who had been imprisoned since the imposition of martial law – Jan Rulewski, Seweryn Jaworski, Karol Modzelewski, Grzegorz Palka, Andrzej Rozplochowski, Andrzej Gwiazda and Marian Jurczyk – as well as underground Solidarity leaders who had been arrested for their union activity – Wladyslaw Frasyniuk, Andrzej Slowik, Piotr Bednarz, Jozef Pinior and Bogdan Lis.

The amnesty law of July did not put an end to people being arrested for the non-violent exercise of fundamental human rights and Amnesty International urged the authorities to release them. A number of people received two or three-month prison sentences for participating in demonstrations or laying wreaths in various commemorations. They included former Solidarity leaders Wladyslaw Frasyniuk, Jozef Pinior and Andrzej Gwiazda. People were also arrested for producing and distributing independent literature or taking part in Radio Solidarity. For example, Stanislaw Kotowski, Tadeusz Wypych, Krzysztof Gos, Zdzislaw and Jacek Krol and Teresa Piechocka were still in investigative detention at the end of 1984.

Following the murder on 19 October of Father Jerzy Popieluszko, an outspoken and active supporter of Solidarity, six public human rights groups were formed by former Solidarity and KOR activists, as well as intellectuals, students and workers in Wroclaw, Krakow, Warsaw, Walbrzych, Szczecin and Torun. These committees were immediately denounced by Jerzy Urban, the government spokesperson, as illegal, and warnings were issued that members would be open to prosecution under Article 278 of the penal code (participation in or leading illegal organizations), which carries a maximum sentence of five years' imprisonment. Amnesty International received reports that in Szczecin, Edmund Baluka and Jan Kostecki, both former prisoners of conscience, were informed on 7 December that the authorities had opened investigations on them for their activities in such a committee.

The trial of four security police officers for the kidnap and murder of Father Popieluszko began in a civil court in Torun on 27 December but had not been completed by the end of the year. Security police captain Grzegorz Piotrowski and lieutenants Leszek Pekala and Waldemar Chmielewski were charged with the kidnap and murder; their superior, Colonel Adam Pietruszka, was accused of aiding and abetting them. All four faced possible death sentences.

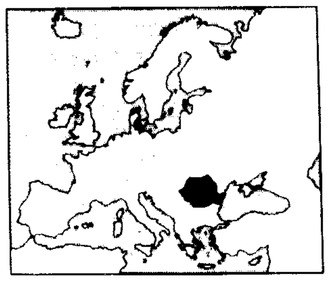
Father Popieluszko's murder drew attention to repeated allegations that other kidnappings, beatings and deaths of Solidarity activists since martial law was imposed had not been fully investigated. One widely discussed case was the death of 19-year-old Warsaw student, Grzegorz Przemyk, son of Barbara Sadowska, a prominent Solidarity activist (see *Amnesty International Report 1984*). Two police officers, two ambulancemen and two doctors went on trial on 31 May 1984 charged

with involvement in his death. After a six-week trial, the police officers were acquitted, the doctors were released under the terms of an amnesty of July 1983, and the ambulancemen received prison sentences of two and one and a half years for endangering Grzegorz Przemyk's life by mistreating him. They were subsequently released under the July 1984 amnesty. The chief prosecution witness, Cezary Filozof, a friend of the deceased, was reportedly badly beaten by unknown assailants on 10 February, as a result of which he suffered a spinal injury. Maciej Bednarkiewicz, the lawyer engaged by Grzegorz Przemyk's mother, was unable to carry out his duties because he was arrested in January.

Amnesty International received reports of several other unexplained deaths of political activists in 1984, including those of Piotr Bartoszcze, a member of Rural Solidarity in Inowroclaw, found dead at the bottom of a drainage pit near his home on 9 February; Boleslaw Walczak, aged 57, a worker, found dead eight days after reportedly having been detained by a militia patrol in Wroclaw on 8 March; and Andrzej Gebosz, a lecturer, who died on 26 October, the day after he had reportedly been brutally beaten during interrogation at a police station.

Amnesty International wrote several times to Henryk Jablonski, Chairman of the State Council, urging the government to abolish the death penalty and to carry out no further executions. No reply was received. Amnesty International also appealed for clemency for two prisoners. During 1984 it learned of 13 death sentences and four executions, all for murder.

Poland gave notice of withdrawal from the International Labour Organisation (ILO) in a letter on 15 November 1984 because the agency had formally noted a report confirming violations of trade union rights by the authorities after martial law was imposed and Solidarity banned in December 1981.



Romania

Amnesty International was concerned about the imprisonment of prisoners of conscience and about reports which indicated that defendants in political cases did not receive fair trials. The organization also received allegations that political prisoners had been ill- that political prisoners had been ill-treated. Amnesty International learned of the imposition of two death sentences during 1984.

Amnesty International continued to receive reports of people

imprisoned for having applied to emigrate. For example, Ion Olteanu, a 35-year-old railway worker from Dobreta-Turnu Severin, was reportedly arrested in September 1983. Shortly after he had applied to emigrate to the USA in August 1983 he received a call-up order obliging him to work on the Danube – Black Sea Canal. He reportedly refused to sign it believing that it had been issued to prevent him emigrating and then refused to appear before the military prosecutor. The police then allegedly threatened to assault Ion Olteanu and his wife. His wife sent letters of complaint to a number of officials and tried to send a telegram to the Military Procurator General, which the local post office reportedly refused to send. On 19 September the police allegedly broke into his flat, beat him severely and arrested him. Amnesty International sought information as to his legal status.

Unauthorized crossing of the frontier is an offence punishable under Article 245 of the criminal code by up to three years' imprisonment and during 1984 Amnesty International took up the cases of a number of people imprisoned under this article. For example, Annemarie Ebinger, aged 27, from Timisoara, and her brother Walter, aged 25, from Nerau, both members of the German ethnic minority, were arrested in late 1983 after trying to cross from Romania into Yugoslavia. They were both subsequently sentenced by the Court of Timisoara to nine months' imprisonment.

On 10 August an amnesty was decreed to mark the 40th anniversary of Romania's liberation in the Second World War. People sentenced to up to five years' imprisonment or corrective labour were pardoned and released, sentences of between five and eight years were reduced by one third and between eight and 10 years by a fifth. The amnesty excluded recidivists and people convicted of violent crimes, bribery, corruption or escaping from prison. Amnesty International welcomed the release of many prisoners of conscience under this amnesty. It also welcomed the release on 20 August of Father Calciu-Dumitreasa, a Romanian Orthodox priest who was sentenced in 1979 to 10 years' imprisonment (see *Amnesty International Report 1980*). However, it received reports that he was subsequently kept under close police supervision at his home in Bucharest.

Amnesty International continued to receive reports of people who were imprisoned or harassed for the non-violent exercise of their right to freedom of expression. In May Amnesty International adopted Radu Filipescu, a 28-year-old electronics engineer from Bucharest. He had been arrested in May 1983 after posting leaflets through letter-boxes in Bucharest. These leaflets reportedly called on the citizens of Bucharest to assemble in one of the city's main squares on a certain date and demand the replacement of Nicolae Ceausescu as President and party leader. In September 1983 the military court of Bucharest found him

guilty under Article 166 – "propaganda or the undertaking of any action in order to change the socialist order or from which danger to the security of the state may result" – and sentenced him to 10 years' imprisonment.

Individuals may also be imprisoned for the non-violent exercise of their human rights on charges of "parasitical" or "anarchic" conduct under decree 153/1970. This provides for summary trial without the right to legal defence and prescribes sentences of up to six months' imprisonment or "corrective labour without deprivation of liberty".

Amnesty International was concerned by reports that some defendants charged with political offences were not accorded a fair trial. One case was that of Bela Pal, a 55-year-old teacher from Ditrau and a member of the Hungarian ethnic minority. On 25 May 1983 he was arrested at his home and for two months his wife reportedly received no information as to his whereabouts. A bill of indictment was drawn up but reportedly neither his wife nor his defence lawyer were allowed to see it and they were informed only that he was charged with "wanting to overthrow the socialist order". Full details of the charges were allegedly not given at the trial nor at the appeal hearing, and at the final hearing, where his original sentence of six years' imprisonment was confirmed, the defence lawyer was reportedly not allowed to enter the courtroom.

Amnesty International received allegations that Bela Pal was convicted because he had written a letter to Romanian radio and television asking for more programs in Hungarian, and because in early 1983 he had attended the funeral of Gyula Illyes, a famous Hungarian poet who had protested just before his death at the plight of the Hungarian minority in Romania. Amnesty International sought further information about the charges against Bela Pal and continued to ask for details of the charges against two other ethnic Hungarians: Laszlo Buzas, an economist, and Ernö Borbély, a high school teacher, who were reportedly arrested in November 1982 (see *Amnesty International Report 1984*).

Amnesty International continued to receive reports of the arrest of religious believers, in most cases members of Protestant evangelical sects. It adopted as a prisoner of conscience Dorel Catarama, from Bacau county, who was a prominent Seventh Day Adventist. He was sentenced in August 1982 to 10 years' imprisonment and forced to pay a large sum of money to his former employers after being convicted of embezzlement and illegal possession of foreign currency. He was found guilty almost solely on the basis of statements which he had allegedly signed under duress and which he later retracted. The only evidence produced to show that he possessed illegal foreign currency was a cheque for $3,000 sent by a Chicago bank on 27 April 1982, when he was already in custody, which was returned to the same bank on 11 June

1982 through official channels. Amnesty International received allegations that the police had previously told Dorel Catarama's family that to procure his release they should raise this sum, which they did with the help of Seventh Day Adventist communities in the USA. Amnesty International received copies of two signed affidavits from companies from which he was accused of embezzling money stating that he had no debts to them and that they had no complaints against him. On appeal his sentence was increased to 14 years' imprisonment and at a retrial on 25 October 1984 it was increased to 15½ years. However, under the amnesty (see above) his sentence was reduced again to 14 years. The major inconsistencies between the charges brought against him and the evidence produced led Amnesty International to believe that the real reason for his imprisonment was his religious activities as a Seventh Day Adventist and his father's and brother's refusal to return to Romania after a visit to the USA in February 1982.

Amnesty International continued to receive allegations of ill-treatment of political detainees. In May it received reports that Geza Palfi, a Roman Catholic priest from Odorheiu Secuiesc and a member of the Hungarian minority from Transylvania, had been arrested after preaching a sermon on Christmas Day 1983 protesting at that day being designated an ordinary working day. He was reportedly beaten so badly by the police while in custody that he was taken to the Tirgu Mures hospital in a critical condition and subsequently died of liver failure, officially diagnosed as liver cancer.

Prison conditions under which prisoners of conscience were held were reported to be harsh, with poor food, hygiene and medical care. An account received by Amnesty International of Calea Rahovei prison in Bucharest, written by a former prisoner of conscience, stated that as a punishment prisoners were placed in solitary confinement for up to 15 days and shackled with handcuffs and leg-irons to a ring fixed into a concrete pyramid, approximately 40 centimetres high, in such a way that it was only possible for the prisoner to squat.

Amnesty International was also concerned about the use of the death penalty. In February it wrote to the President of Romania urging the abolition of the death penalty in all cases and the cessation of executions, and asking for information about 12 people sentenced to death in 1983 (six of whom were sentenced for economic offences). Amnesty International did not receive a reply. It learned of the imposition of two death sentences during 1984, both for murder. In March Amnesty International appealed to the authorities to commute the death sentence passed in 1983 on Ion Ionescu, reportedly for the theft of meat, which was confirmed by the Supreme Court in March. Amnesty International subsequently learned that his sentence was commuted to 25 years' imprisonment.

Spain

Torture and ill-treatment of detainees continued to be Amnesty International's major concern. The organization was also concerned about the imprisonment of a journalist whom it considered to be a prisoner of conscience.

There were important legislative changes in 1984; in particular, the passing of a new anti-terrorist law and the introduction of *habeas corpus* as a safeguard for detainees. The introduction of *habeas corpus* and the law on legal assistance of December 1983 offered an improvement in the situation of ordinary criminal offenders but largely failed to protect the rights of detainees held incommunicado under the anti-terrorist law. Incommunicado detention continued to be widely used and Amnesty International concluded that, even with the new safeguards, it facilitated torture and ill-treatment. The year saw significant developments in legal proceedings against police officers and Civil Guards for torture and ill-treatment.

In May 1984 Amnesty International sent a *Memorandum on Allegations of Torture and Ill-treatment in Spain* to the Prime Minister, Felipe Gonzalez. This included, as examples, allegations of torture and ill-treatment in nine different cases in Barcelona, Madrid and the Basque country, involving 11 detainees. Seven of the detainees were held under the anti-terrorist law and four on suspicion of ordinary criminal offences. There were, therefore, significant differences between the two types of case as to the laws regulating their detention, the legal assistance available while in custody, and overall judicial supervision of the cases. The memorandum concluded that in all these cases judicial supervision had failed, whether it was exercised centrally through the National Court in Madrid or through the judges in the regions where the detainees were held. It concluded also that the 1981 regulations of the Ministry of the Interior on medical treatment for detainees were widely ignored by the police and Civil Guard. It noted that the law on access to legal assistance differentiated between detainees held incommunicado under the anti-terrorist law and others. This meant that ordinary criminal suspects were released or brought before a court within 72 hours and had, in theory, reasonable access to legal assistance. However, detainees held under the anti-terrorist law could be held incommunicado for up to 10 days before release or appearance in court and effectively received no legal assistance while in police custody. The memorandum further concluded that the laws passed to safeguard the rights of detainees in accordance with the 1978 Constitution were, in

practice, of only limited value in preventing abuses, especially for detainees held incommunicado under the anti-terrorist law. Their position was significantly worse than that of ordinary criminal suspects, because of the discriminatory provisions in the laws on detention allowing the continued use of prolonged incommunicado detention. The new anti-terrorist law (Organic Law 8/1984 of 26 December) made no changes to this. The new law of *habeas corpus* (Organic Law 6/1984 of 24 May) perpetuated discrimination by stipulating that petitions on behalf of detainees held under the anti-terrorist law should be heard by judges of the National Court in Madrid, and not judges in the area where they were detained. Amnesty International considered this an important limitation on the applicability of the new law and a reduction in judicial supervision of these detainees. Incommunicado detainees' rights to choose and communicate with a lawyer continued to be restricted, which also significantly reduced the effectiveness of legal assistance as a safeguard against torture or ill-treatment.

On 31 October 1984 Amnesty International's Secretary General and two staff members visited Madrid at the invitation of the Spanish Government to discuss the concerns in its memorandum. Lengthy and detailed talks were held individually with the Prime Minister, the Minister of the Interior and the Minister of Justice. The government did not deny that there were occasional breaches of the regulations, but maintained that the legislative changes introduced over the previous two years would serve to safeguard the rights of all detainees. Special emphasis was placed by the government on the beneficial and, in the continental European context, innovatory nature of the law of *habeas corpus*. The government stressed as well the need for states to protect themselves from terrorism through the adoption of special measures, provided these were administered within a framework of legal safeguards.

A written reply to Amnesty International's concerns from the Minister of the Interior was received in December 1984. It focused exclusively on the situation of detainees under the anti-terrorist law and made no reference to the other cases raised in the memorandum. The Minister pointed out that the police had a different version of events in two of the cases cited and that the decision lay with the courts. Both cases were *sub judice* at the end of 1984. The government rejected Amnesty International's conclusion that incommunicado detention, even with safeguards, facilitates the use of torture and ill-treatment. It referred to the constitutional endorsement of special powers and to the existence of such powers in other comparable legal systems.

The government stated in its reply that since taking office in December 1982 it had received 111 allegations of torture or ill-treatment involving 327 members of the state security forces. Eighty-eight of these cases were still at the stage of preliminary investigation.

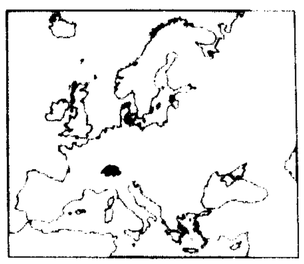
The latest statistics available to Amnesty International showed that 673 people were detained in 1984 under the anti-terrorist law up to 13 November. There were 691 such detentions in 1983.

One of the cases referred to in the memorandum was the subject of Amnesty International action during 1984. Joaquin Olano Balda was arrested in July 1983 and was taken to the Red Cross Hospital in San Sebastian after scarcely 24 hours in custody. According to the Civil Guards, his injuries – concussion, cuts on the head, multiple grazes and bruising of the back, abdomen and arms – were sustained "purely as a result of his resisting arrest and because of his violent behaviour while being arrested". A preliminary judicial investigation into his allegations of torture had not been completed by the court in San Sebastian by the end of 1984.

The Territorial Court of Bilbao committed three police officers for trial in July 1984 after investigating allegations of torture and ill-treatment made by Angel Bengoechea Cuellar and Jesus Antonio de Blas Lana. They were arrested in April 1979 and their cases were described in Amnesty International's *Report of a Mission to Spain* in October 1979.

In October 1984 four Civil Guards were committed for trial after investigation of allegations of torture and ill-treatment in October 1983 made by José Maria, Lucio and Victor Olarra, on whose behalf Amnesty International had made inquiries during 1984 (see *Amnesty International Report 1984*).

Xavier Vinader, a well-known investigative journalist on the best-selling magazine *Interviu*, was arrested on 8 February at Madrid airport. He had been living abroad for a year pending appeals to the Supreme Court and Constitutional Tribunal against a sentence of seven years' imprisonment for "professional negligence". This related to an article he wrote describing the activities of extreme right-wing groups in the Basque country. Both appeals were rejected. Amnesty International considered Xavier Vinader to be a prisoner of conscience and his imprisonment a violation of his right to freedom of expression. It appealed for his release. This was granted on 21 March.



Switzerland

Amnesty International remained concerned about the imprisonment of conscientious objectors to military service and the lack of any alternative civilian service.

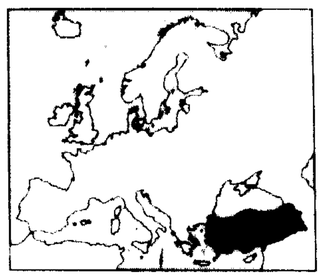
Under Article 81 of the military penal code all conscientious objectors were sentenced to imprisonment, even when the military tribunal recognized a "severe conflict of conscience" on religious or ethical grounds. If the objection to military service was considered to be primarily political, a longer prison sentence was imposed. Any major alteration to this would require an amendment to Article 18 of the Swiss Constitution (see *Amnesty International Report 1984*). In a public referendum on 26 February 1984 a large majority voted against introducing a civilian alternative to military service. Before the referendum Amnesty International distributed literature explaining its position on conscientious objection, the history of efforts to introduce a civilian service and the situation in Switzerland and other West European countries.

In letters to Amnesty International the government stated that the Swiss Parliament had asked the Federal Council to find "a solution on the legal level which would allow for the decriminalization of conscientious objection". A study commission appointed in January completed a preliminary report in June which proposed, *inter alia*, changes to the Military Penal Code (rather than the constitution) to allow those objecting to military service on religious or ethical grounds an alternative service one and a half times as long as military service. A new commission was then appointed which was to submit final detailed proposals by the end of May 1985.

Amnesty International worked on the cases of six imprisoned conscientious objectors during the year. Two – Stephane Bender and Jean-Luc Ferriere – objected to military service on the grounds of their avowed belief in non-violence.

Stephane Bender, a philosophy student, entered Crêtelongue prison (Sion) on 16 July 1984 to begin an eight-month sentence, passed by a military tribunal at Martigny and confirmed by a military tribunal of appeal at Cully on 31 January 1984. Jean Luc Ferriere, also a student, was ordered to enter Bellechasse prison on 2 April 1985. He was originally sentenced to eight months' imprisonment by a military tribunal at La Tour de Peilz but on 1 September 1983 this was reduced by one month by a military tribunal of appeal at Aubonne. The tribunals in both cases referred to the fact that they had called for the introduction of an

alternative civilian service, which meant that they had objected to military service in moral terms not recognized by the law and had expressed political aims.



Turkey

Amnesty International continued to be concerned about the imprisonment of a considerable number of prisoners of conscience, widespread and systematic torture and ill-treatment of political prisoners and the use of the death penalty. The organization was also concerned about the effects of inadequate access to lawyers and the use of confessions allegedly induced by torture on the fairness of trials before military courts.

At the end of 1984 martial law was still in force in 34 of Turkey's 67 provinces and a state of emergency existed in a further nine provinces. The exact number of prisoners of conscience in Turkey was not known. On 1 August a government spokesman was reported by *Agence France Presse* to have stated that 7,500 "extremist militants" were held in military prisons, but this figure did not include political prisoners serving sentences in civilian prisons, or detainees held under martial law for up to 45 days before being charged or released. Amnesty International knew of several hundred prisoners of conscience who had been charged or convicted on account of their non-violent political or religious beliefs or activities, but believed that the actual number might be much higher. Many new prosecutions for non-violent political offences were initiated during 1984, but in some cases the defendants were allowed to remain free while their trials continued. One such was that of 59 intellectuals charged with violating Martial Law Decree 1402 by signing a petition which called for greater freedom and an end to human rights violations, including torture. The petition had been signed by 1,383 people.

Prisoners of conscience known to Amnesty International included members of political parties and groups, trade unionists, journalists, publishers, writers, translators, academics, members of the Kurdish ethnic minority and members of religious groups, both Islamic and Christian. Left-wing political activists and those imprisoned in connection with published material were usually charged under Articles 141 and 142 of the penal code which respectively prohibit "membership of an illegal organization" and "making communist propaganda". They

included hundreds of alleged members of the illegal Turkish Communist Party as well as members of parties which had been legal before they were banned after the September 1980 military coup. In one such trial, 102 members of the Turkish Workers' Party (TIP) were sentenced on 26 January to from five to 12 years' imprisonment under Article 141. On 14 November the Military Supreme Court ratified 13 sentences and quashed 15 others which had been passed on the leaders of the Turkish Workers' and Peasants' Party (TIKP) in May 1983. They had also received sentences of five to 12 years' imprisonment under Article 141. Those whose sentences were quashed were ordered to be retried. The trial of 42 members of the Turkish Socialist Workers' Party (TSIP) under Articles 141, 142 and 159 ("insulting the authorities") was still in progress at the end of the year. In October, 18 members of the Progressive Youth Association (IGD) were sentenced to from four to 21 years' imprisonment under Articles 141 and 142.

On 29 August a military court of appeal ruled on the appeal of 23 members of the Turkish Peace Association (TPA) sentenced in November 1983 to five or eight years' imprisonment under Article 141 (see *Amnesty International Report 1983* and *1984*). The case was referred back to the court of first instance for further investigation on the grounds of procedural flaws. The defence lawyers' application for the release of all imprisoned defendants was rejected. On 8 November the court of first instance upheld its original verdict, but ordered the provisional release of those defendants who had five-year sentences, and of Mahmut Dikerdem, the President of the TPA, who had cancer. On 21 November the trial of a further 48 members of the TPA under Article 141 opened, but the defendants remained free.

Prosecutions under Article 142 and the Press Law of writers, translators, journalists and publishers continued throughout the year. Many remained free pending the completion of legal proceedings; others were detained or imprisoned for short periods or were permitted to convert their prison sentences to fines. Recep Marasli, the director and editor of Komal Publishing House in Istanbul (see *Amnesty International Report 1984*), in prison since January 1982 and already sentenced to a total of 19 years' imprisonment in three separate trials, received two further prison sentences in 1984 of eight years one month and of two years. The first sentence, passed in May, was in connection with the alleged separatist activities of an illegal Kurdish organization known as *Rizgari* (Liberation), which was not known to have engaged in violent activities. The second sentence, passed in the latter half of the year, was under Article 159 ("insulting the authorities") and referred to statements he had made in court as part of his defence.

Trials of Kurds, charged with separatist activities under Articles 125 and 171 of the penal code, continued throughout 1984. Among

those considered by Amnesty International to be prisoners of conscience were Mehdi Zana, former Mayor of Diyarbakir, and Mümtaz Kotan, a lawyer. In May Mehdi Zana, already serving a sentence of 24 years one month (see *Amnesty International Report 1984*), was sentenced to a further seven years eight months for shouting separatist slogans and insulting the court during his trial in October 1983. Amnesty International was also informed of another trial in progress against Mehdi Zana on charges that he misused his authority as Mayor. Mümtaz Kotan, who had been imprisoned previously on political charges, was arrested in April 1980 and sentenced in July 1982 to eight years' imprisonment for belonging to *Rizgari* and for alleged separatist activities. On 4 September 1984 a military court of appeal quashed the sentence and ruled that he should be retried. An Amnesty International observer attended a hearing of the retrial in Diyarbakir on 3 December.

The trial of leaders, officials and advisers of the Confederation of Progressive Trade Unions (DISK), which started in December 1981, continued throughout the year (see *Amnesty International Report 1983* and *1984*). All the defendants were granted provisional release during 1984, with the exception of four who were held in connection with other trials. The trial of members of 30 DISK affiliated unions was added to the main DISK trial, bringing the total number of defendants to 1,474. The prosecution demanded the death penalty for 78 of them.

In May 1984 a military court of appeal overturned prison sentences passed in February 1983 on leading members of the National Salvation Party under Article 163 of the penal code for intending to adapt "the basic social, economic, political or judicial orders of the State to religious principles and beliefs" (see *Amnesty International Report 1984*). The trial reopened before the court of first instance and in December it confirmed the appeal court decision, but ordered a retrial. The defendants remained free.

Also prosecuted under Article 163 were 23 Jehovah's Witnesses who were detained in June and July and sentenced on 12 December to prison terms of between four and six years. On 10 July, 2 August and 5 September Amnesty International appealed to the Minister of Justice, Necat Eldem, for the release of all the imprisoned Jehovah's Witnesses, as prisoners of conscience, and for an investigation into allegations that they had been ill-treated in detention. No response was received. Later in December eight Jehovah's Witnesses were detained in Izmir during a meeting and subsequently charged under Articles 142, 143 and 163 of the penal code.

Political offences continued to be tried by military courts, but on 1 May eight newly established State Security Courts began to function in Ankara, Diyarbakir, Erzincan, Istanbul, Izmir, Kayseri, Konya and Malatya. These courts are to deal with offences committed after 1 May

1984 relating to state security and breaches of the firearms and smuggling laws. The case of the 23 Jehovah's Witnesses referred to above was heard before the Ankara State Security Court.

Amnesty International continued to receive reports that lawyers acting in political cases had insufficient access to their clients and no private consultations. Conversations between lawyers and clients were reportedly stopped by the prison authorities when any mention of ill-treatment was made by the prisoner. Amnesty International also received reports of increasing pressure put on lawyers acting in political cases: in June five lawyers acting in a trial of alleged members of the Turkish Communist Party (TKP) in Diyarbakir were charged with insulting the court under Articles 64 and 268 of the penal code, and Martial Law 1402. Their trial had not finished by the end of 1984.

Amnesty International continued to be concerned about the length of time - 45 days - a political detainee might be held incommunicado before being brought before a court. In many cases families were unable to discover the whereabouts of detainees. Information received by Amnesty International strongly suggested that all but a few political detainees were ill-treated during this period and in some cases tortured to death. On 10 October Amnesty International asked the authorities about Hakki Erdogan who died in custody after being detained in September: the organization received allegations that he had died as a result of torture. On 17 December the Turkish Ambassador in London, Rahmi Gümrukçüoglu, replied that Hakki Erdogan had been detained in Istanbul on 18 September and transferred to a military hospital on 29 September. After diagnosis of kidney and heart failure he had been sent to a civilian hospital, but had died the next day. The Martial Law Command was said to have initiated an investigation which was continuing.

During the year political prisoners went on hunger-strike in several military prisons in protest *inter alia* at alleged ill-treatment. In January Amnesty International urged the authorities to investigate reports that hunger-striking prisoners in Diyarbakir Military Prison had been tortured. Following further reports that three prisoners had died in the prison, an Amnesty International delegate visited Diyarbakir from 27 to 31 January to seek information on the cause of these deaths. The martial law authorities informed the delegate that Yilmaz Demir had committed suicide and that Necmettin Buyukkaya had died of a brain tumour. They denied any knowledge of the third person. After the visit Amnesty International received further reports of deaths and upon inquiry was informed by the authorities that Remzi Aytul had committed suicide and Ismet Karak had died of cancer of the pancreas. The authorities subsequently acknowledged that two other prisoners - Cemal Arat and Orhan Keskin - had died as a result of the hunger-

strike. Four prisoners died in hunger-strikes in Metris and Sagmalcilar prisons in Istanbul between April and June.

There were two executions in October 1984, both in connection with politically-motivated killings. Over 400 people were under sentence of death at the end of 1984, including more than 30 whose sentences were before parliament for ratification. Amnesty International appealed throughout 1984 for a halt to executions and for the abolition of the death penalty.

In April 1984 Amnesty International submitted information about its concerns in Turkey under the UN procedure for confidentially reviewing reports of human rights violations. Amnesty International asserted that the evidence revealed a "consistent pattern of gross violations of human rights" warranting UN investigation.

Union of Soviet Socialist Republics

Amnesty International was concerned that many Soviet citizens were imprisoned or confined in mental hospitals solely for the non-violent exercise of their human rights. It received reports of ill-treatment from prisons, corrective labour colonies and psychiatric institutions. During 1984 it learned of 53 death sentences and 16 executions. Amnesty International had adopted as prisoners of conscience or was investigating the cases of more than 560 individuals, but believed the total number of prisoners of conscience to be much higher. Official sources rarely reported on cases of concern to Amnesty International, while individuals who tried to gather such information independently themselves risked imprisonment.

In April Konstantin Chernenko was elected Chairman of the Presidium of the USSR Supreme Soviet in place of Yury Andropov, who died in February. Amnesty International wrote to the new President asking to meet representatives of his government to discuss its concerns in the USSR, but received no reply. In October the USSR presented its second periodic report to the Human Rights Committee set up to monitor compliance with the International Covenant on Civil

and Political Rights, in which it said that the USSR Constitution and Soviet legislation guaranteed the rights enshrined in the Covenant.

Throughout the year Amnesty International received evidence to the contrary. At least 132 Soviet citizens were imprisoned under laws specifically restricting freedom of religion and expression. Some individuals, previously persecuted for their exercise of human rights, were imprisoned on criminal charges which Amnesty International believed to be false.

Soviet law required religious believers to register their congregations with the authorities and to give up their right to evangelize, do charitable work and teach religion to children. Around 70 religious believers who rejected these restrictions on their religious freedom were sentenced to imprisonment and internal exile of up to 10 years for "violating the laws separating church from state" and "engaging in anti-social religious activity". They were mostly unregistered Seventh Day Adventists, Pentecostalists and Baptists. Five Hare Krishna devotees in Moscow who had been denied permission to register as a group were also imprisoned for "engaging in anti-social religious activity". Amnesty International adopted as prisoners of conscience five young men arrested for refusing to do military service on religious grounds. All were ruled unfit to stand trial and confined in psychiatric hospitals.

In a paper issued in September Amnesty International described the imprisonment in 1983 of two Lithuanian Roman Catholic priests, and drew attention to the persecution of active Ukrainian Greek Catholics (or Uniates) whose church had been banned in 1946. In 1984 it learned of the arrest of another Uniate and four officials of the Roman Catholic Church whom it believed to be imprisoned for their religious activities.

Some of those imprisoned for exercising their freedom of expression were convicted – often in closed trials – of "anti-Soviet agitation and propaganda" and given sentences of up to 15 years' imprisonment and internal exile. However, imprisonment of up to three years for "circulating anti-Soviet slander" was more common. Amnesty International learned of no instances in which a prisoner tried on these charges was acquitted. People were imprisoned for: remarks allegedly made to other prisoners (Nikolai Baturin, Mykola Horbal); private letters to the authorities or personal friends (Mustafa Dzhemilev, Adam Zarivny, Zakhar Zunshain); taping foreign broadcasts of religious music (Gennady Bedarev, Aleksandr Semchenko); photocopying foreign literature (Vitaly Cheverev and five library employees); researching controversial literary or historical themes (Aleksandr Bogoslovsky, Liudas Dambrauskas); and associating in unofficial groups to preserve Jewish culture (Yakov Levin, Mark Nyepomnyashchy, Leonid Shrayer, Yakov Rosenberg and Iosif Zisels).

Most of those imprisoned under these laws, however, were convicted

of systematically preparing *samizdat*, that is literature which bypassed official censors. They included two advocates of independent trade unions as well as Roman Catholics, Pentecostalists, Seventh Day Adventists and Baptists.

Individuals suspected of documenting official abuses of human rights were also targets for prosecution. In January Yelena Sannikova, a kindergarten teacher, was arrested after a *samizdat* bulletin called *The Chronicle of the Human Rights Movement* had been confiscated from her home. She was sentenced to one year's imprisonment and four years' internal exile for "anti-Soviet agitation and propaganda". In September a Moscow mathematician, Yury Shikhanovich, was sentenced to 10 years' imprisonment and internal exile on the same charge for editing 30 issues of the *samizdat* human rights journal *A Chronicle of Current Events*.

In February an amendment came into force which increased the penalties for first-time offenders convicted of "anti-Soviet agitation and propaganda" using money or other material aid from foreign organizations. The penalty rose from 12 to 15 years' imprisonment and internal exile. To Amnesty International's knowledge no one was sentenced under this section of the law in 1984.

In May the prisoner of conscience Academician Andrei Sakharov went on hunger-strike to demand that his wife, Yelena Bonner, be allowed abroad for surgery. Amid international protest, permission was refused and Yelena Bonner was sentenced in August to five years' internal exile for "circulating anti-Soviet slander". Dr Sakharov was reportedly hospitalized and forcibly fed, and returned to his place of exile in September. Amnesty International learned of other individuals and an entire Pentecostal community on hunger-strike because they were refused permission to leave the country. At least four people were imprisoned for up to eight years for allegedly trying to emigrate without permission. They were convicted of "illegal exit abroad" or "treason – in the form of flight abroad". Amnesty International also adopted as prisoners of conscience numerous individuals imprisoned on charges not directly related to their attempts to leave the country. For example, Aleksandr Yakir, a Jewish would-be emigrant of long standing, was imprisoned for refusing military call-up. Twenty-three would-be emigrants were imprisoned for "violating the passport regulations", since they had returned their identity papers to speed their visa applications. They were mostly Pentecostalists and citizens of German origin. In May Amnesty International issued a paper analyzing the use of the law against "parasitism" to imprison would-be emigrants and other prisoners of conscience for the exercise of human rights. In 1984 at least four people who had lost their jobs after applying to emigrate were imprisoned as "parasites". Amnesty International also investigated the

cases of 11 Jews imprisoned on criminal charges, all of whom had a history of harassment for their attempts to leave the USSR.

The Soviet authorities continued to use forcible psychiatric confinement as a means of punishing known dissenters. In 20 reported cases individuals were said to have been put in mental hospitals against their will for indefinite periods following conflict with officials that centred on their exercise of human rights. Amnesty International believed they were confined for political, rather than medical, reasons, and that they had neither used nor advocated violence. Most of the cases involved religious believers and would-be emigrants, committed without criminal charges to ordinary psychiatric hospitals and released after a few months. Some reported that they had been forcibly treated with drugs which caused them intense physical discomfort. Amnesty International also learned of one Roman Catholic confined to a special psychiatric hospital under the criminal procedure: Sandr Riga was arrested in February and charged with "circulating anti-Soviet slander" and "engaging in anti-social religious activity". He was accused of printing an unofficial ecumenical journal called *Prizyv* (Summons) and of holding prayer meetings in Moscow without permission. Ruled unaccountable for his actions, he was tried in his absence and confined to a maximum-security psychiatric hospital in Blagoveshchensk, 9,000 kilometres from his only relative. In January it was reported that Aleksei Nikitin, a miner, had died only weeks after he had been released from three years' psychiatric confinement as a prisoner of conscience. Valentin Sokolov, a poet, also died, in Chernyakhovsk special psychiatric hospital in September, after more than 24 years as a prisoner of conscience.

Most prisoners of conscience served sentences in corrective labour colonies. According to reports reaching Amnesty International they suffered from persistent hunger and medical neglect and were forced to do taxing compulsory labour. Officials often punished prisoners arbitrarily, cutting their already limited food rations and cancelling their rights to letters and visits. Although entitled to complain to the procuracy, prisoners were commonly powerless to obtain redress when their rights were violated: often their letters were censored, or their complaints were sent for investigation by the very officials complained of. As a protest many prisoners went on hunger-strike, itself a punishable offence.

Amnesty International was concerned by the deaths of three prisoners of conscience imprisoned in special regime institution Perm 36-1. All were serving 15-year terms of imprisonment and internal exile for "anti-Soviet agitation and propaganda". It is not known what medical treatment they had received before their deaths. Oleksa Tykhy, a member of the unofficial Ukrainian Helsinki monitoring group set up

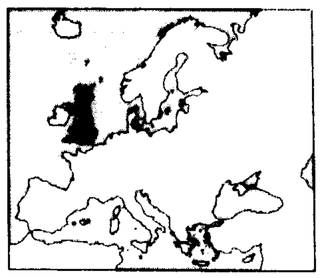
in 1977 to document human rights violations, died of stomach cancer in May, at the age of 57. In 1979 doctors had recommended his release on grounds of ill-health, but their recommendation was rejected. In August the death was reported of another Ukrainian Helsinki monitor, Yury Lytvyn. Aged 50, he had previously spent 18 years as a prisoner of conscience. The cause of his death was not known. Amnesty International appealed to the Soviet authorities to release a third inmate of Perm 36-1 on grounds of ill-health. At his trial in March Valery Marchenko, a Ukrainian journalist, was reported to be suffering from chronic nephritis and acute hypertension. Six months into his sentence, he died of kidney failure, aged 37.

Amnesty International received disturbing allegations that some prisoners of conscience had been systematically beaten, either by officials or with official consent. In 1984 eight such cases of systematic official brutality were alleged. Although Amnesty International was unable to verify all these allegations, it was concerned that not one had apparently been thoroughly investigated by the competent authorities. In August it appealed for an urgent inquiry into the case of Anatoly Marchenko, who was reported to have been handcuffed and beaten unconscious by officials at his corrective labour colony in Perm region after submitting a formal complaint about conditions in the colony to the procuracy.

One prisoner of conscience had his term extended under Article 188-3 of the Russian Criminal Code which forbids "wilful disobedience" in a corrective labour institution. Vladimir Poresh, a young Russian Orthodox believer from Leningrad, had been sentenced in 1980 to eight years' imprisonment and internal exile for "anti-Soviet agitation and propaganda" in connection with his religious activities. In October he was retried in Chistopol prison and sentenced to a further three years' imprisonment for sending a complaint to the procuracy alleging that prisoners had been beaten and that officials had broken the arm of another prisoner of conscience, Sergei Grigoryants. To Amnesty International's knowledge this was the first time Article 188-3 had been applied to a prisoner of conscience since it was introduced in 1983.

Amnesty International learned of 53 death sentences and 16 executions during the year, but believed the total number of death sentences passed to be much higher. It appealed for the commutation of every death sentence of which it learned. Yermak Lukyanov, a 70-year-old Belgian citizen of Kalmyk origin, against whose death sentence Amnesty International had protested in 1983 (see *Amnesty International Report 1984*), was reportedly executed on 14 May. In December Amnesty International publicized information about an unofficial petition in the Georgian republic, protesting against death sentences passed on four convicted hijackers. Three thousand Georgians were

said to have signed the petition, among them two deputies of the republic's Supreme Soviet. It was not known if the hijackers had been executed.



United Kingdom

Amnesty International was concerned about allegations of torture and ill-treatment during interrogation of political suspects in Northern Ireland. The organization continued to be concerned about judicial procedures in political cases in Northern Ireland, and continued to investigate a number of shootings by security forces there. Amnesty International was concerned about arrests of miners reportedly for exercising their freedom of expression and about allegations of ill-treatment of arrested miners by the police.

At the beginning of September Amnesty International received reports that 23-year-old Paul Caruana had been ill-treated during his interrogation by the Royal Ulster Constabulary (RUC) in Castlereagh Holding Centre, Belfast, between 11 and 16 August 1984. He had been arrested under the Prevention of Terrorism Act (PTA) after being stopped at a police checkpoint in Londonderry. He alleged that he had been punched, slapped, kicked and spat on and that black plastic bags had been repeatedly pulled over his head and moulded to his face so that he could not breathe. He was allowed access to his solicitor only after 72 hours, when the ill-treatment was said to have stopped. On 17 and 18 September two Amnesty International delegates, a doctor and a lawyer, went to Northern Ireland to interview Paul Caruana, his lawyer and medical personnel. On the basis of a detailed medical examination and the interviews the delegates concluded that Paul Caruana's account of ill-treatment and torture was consistent with the signs and symptoms they observed. In view of this Amnesty International wrote to the Secretary of State for Northern Ireland, on 14 December, urging him to investigate the allegations fully and promptly.

Amnesty International received several reports about the ill-treatment of Jacqueline Moore, a pregnant woman, and her mother, Anna Moore, in November 1983 at the Castlereagh interrogation centre. They were arrested on 14 November under anti-terrorist legislation, in

connection with a bombing two years earlier in which 17 people were killed. Both women alleged that they had signed confessions after ill-treatment, which they withdrew as soon as they saw a solicitor. On 9 August 1984 the organization wrote to the government about the allegations, asking whether an inquiry had been carried out. On 30 August it was informed that an investigation had been carried out and that the report was being considered by the Director of Public Prosecutions and the Police Complaints Board. No further information was available at the end of 1984.

The report of an official inquiry into the workings of the Emergency Provisions (Northern Ireland) Act 1978 was published in April 1984 (see *Amnesty International Report 1984*). Written by a senior English judge, the report did not respond to criticisms that Amnesty International had submitted regarding proceedings in the so-called "Diplock Courts" in Northern Ireland. These differ from normal courts in several respects, notably in that they have no jury and only a single judge. Amnesty International was concerned that the report's recommendations were not sufficient to remove the risks of unfair trial in that it did not propose adequate safeguards to ensure that statements obtained through interrogation were voluntary, such as a legally enforceable code governing interrogation and other aspects of the treatment of detainees. Nor did it recommend safeguards against the risk of involuntary or unreliable confessions – uncorroborated by any other evidence – becoming the sole basis for conviction.

In late 1984 the courts threw out two cases based entirely on the testimony of former accomplices of those accused ("supergrasses") (see *Amnesty International Report 1984*). On 18 December Lord Chief Justice Lowry dismissed the case against 35 people on trial in Belfast on a total of 180 charges, on the grounds that the testimony of Raymond Gilmour, a former accomplice and the chief witness, was "entirely unworthy of belief". Many of the defendants had been held in custody for over two years. On 24 December, 14 people jailed in April 1983 on the basis of the testimony of Joe Bennett, a former Ulster Volunteer Force (UVF) accomplice, won their appeal against conviction. The judge said the sentences and convictions were "unsafe and unsatisfactory".

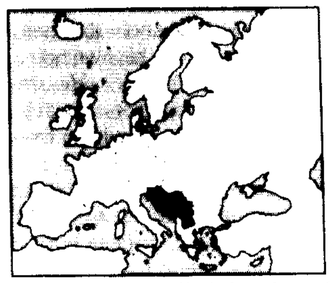
In 1984, as in previous years, there were incidents in which members of the security forces shot people dead in circumstances that gave rise to accusations that the killings were premeditated (see *Amnesty International Report 1983* and *1984*). Amnesty International sent a mission to Northern Ireland to meet lawyers acting for the families of some of those killed, and others, to investigate whether any of the killings by security forces resulted from a deliberate government policy to eliminate its opponents or whether they resulted from the necessary use of force in

law enforcement and self-defence. The killings were difficult to investigate partly because they took place in a context of violence against the security forces by Republican paramilitary organizations. However, investigation was also hindered by the inadequacy of official information on suspicious killings. Inquests were held only after long delays, and in the cases of particular interest to Amnesty International, they still had not been held after 26 months. There were also accusations by one coroner that the police had supplied his office with incomplete and misleading information on some of the more suspicious killings. Official investigations were also carried out by the police, who are required to investigate all killings, including those by the police or army. Their findings are given to the prosecuting authorities to determine whether anyone should be prosecuted for a criminal offence, and to a police complaints body to decide on disciplinary proceedings. However, unless there is a trial, the findings of the police investigation are not usually made public. In 1984 there were three trials of members of the police or army for killings while on duty. In one a soldier was convicted of murder; in this case there were no grounds to suspect that the killing resulted from official policy or decision. In the two others police officers were acquitted on the grounds that their use of lethal force had been reasonable in the circumstances. Although criminal trials made more information public on the killings than other official investigation methods, they did not address wider questions such as indirect official involvement in killings or the appropriateness of legal and administrative norms for the use of lethal force in law enforcement. Because of this, and the standard of proof required by criminal justice, Amnesty International believed that acquittals in criminal trials did not resolve doubts about official involvement in the killings. The organization was continuing to investigate the killings at the end of 1984.

Amnesty International was investigating allegations arising from the miners' strike in Great Britain which began on 6 March 1984 and continued into 1985. These included allegations that detained miners were ill-treated in police custody; Amnesty International was informed of a number of civil cases initiated against the police for alleged ill-treatment. Amnesty International also investigated allegations that miners were arrested for exercising their right to freedom of expression through lawful picketing. By 11 December there had been 8,830 arrests in England and Wales, and by the end of December there had been 1,419 arrests in Scotland. Well over half were charged with "breach of the peace" and "obstructing the police". By 7 December, 104 had been sentenced and imprisoned in England and Wales. Amnesty International received reports that many miners were arrested for participating or attempting to participate in peaceful pickets under circumstances not prohibited by law. Most miners were provisionally released from

custody on condition that they agreed not to picket or demonstrate in connection with the current dispute except to peacefully picket at their place of work. Some miners had greater restrictions imposed on their freedom of movement, for example, curfews or a total ban on travelling to complete counties. Many lawyers stated that such restrictive bail conditions were unusual for offences of this nature. A number of miners were imprisoned for breaching their bail conditions.

Amnesty International remained concerned about allegations of ill-treatment in police custody made by Derek Treadaway and three other prisoners from Birmingham (see *Amnesty International Report 1984*). Derek Treadaway alleged that in April 1982 he had made a confession as a result of plastic bags being placed over his head and tightened around his neck. Towards the end of December 1984 Derek Treadaway's solicitors received a letter from the police stating that the Police Complaints Board had investigated the complaint and did not consider the evidence sufficient to initiate criminal proceedings. Derek Treadaway was continuing to pursue his case through civil action.



Yugoslavia

Amnesty International was concerned about the imprisonment of over 200 prisoners of conscience. It received allegations of ill-treatment during investigation from several political prisoners and was also concerned about ill-treatment and conditions in some prisons where political prisoners were held. It called for the release of two prisoners of conscience forcibly confined to psychiatric institutions. Amnesty International learned of allegations that the government had been involved in assassination attempts on Yugoslav emigres. It also learned of the imposition of three death sentences and one execution.

In June 1984 the Federal Public Prosecutor stated that 545 people had been charged with political offences during 1983, of which 76 per cent were "verbal". In 1984 Amnesty International learned of 60 political trials involving more than 210 people. Most were ethnic Albanians from Kosovo province, where calls continued for the province – which is part of the republic of Serbia – to be granted republican status within the Yugoslav federation. In the first seven months of 1984 the official Yugoslav press reported the trials of at least

139 ethnic Albanians (including 12 minors) for "nationalist" activity. All but one were found guilty and sentenced to up to 15 years' imprisonment. In many cases the charges were unrelated to the use or advocacy of violence.

During 1984 Amnesty International took up the cases of 88 ethnic Albanians, making a total of over 150 ethnic Albanians adopted as prisoners of conscience. Among them were Asllan Ramadani and 10 others, mostly fellow high-school pupils or students (including two minors), who were sentenced to between one and five years' imprisonment by the district court of Prizren on 16 July. They were accused of having written "hostile" pamphlets and slogans, of organizing nationalist demonstrations and of organizing help for poor relatives of Albanians imprisoned because of nationalist activity.

Amnesty International continued to be concerned about people convicted for the non-violent expression of dissenting views under Article 133 of the federal criminal code, dealing with "hostile propaganda". It learned of 11 sentences of up to seven years' imprisonment on charges based solely on the contents of private conversations. All but one were imposed in Bosnia-Hercegovina. For example, Amnesty International adopted Dr Ivan Zografski, a 70-year-old Bulgarian citizen residing in Yugoslavia who was sentenced by the district court of Sarajevo on 17 January 1984 for allegedly making "hostile" remarks about the socio-political situation and about the Yugoslav leadership in "his own home, the homes of his friends and in cafes and restaurants". He was sentenced to six and a half years' imprisonment (reduced on appeal by one year), confiscation of his property and permanent expulsion from Yugoslavia on expiry of his sentence.

Amnesty International adopted other people convicted of "hostile propaganda" on charges relating to the possession of published material or recordings. For example, Muharrem Zamaku, a US citizen born in Albania, was sentenced to three years' imprisonment by the district court of Bjelo Polje reportedly for possessing "propaganda materials" and a tape-recording of a speech calling for the secession of the Albanian-inhabited territories of Yugoslavia and their incorporation into Albania.

Amnesty International continued to call for the release of Radomir Veljković, forcibly detained in Belgrade Prison Psychiatric Hospital since 1973 on account of the non-violent exercise of his right to freedom of expression (see *Amnesty International Report 1984*), and it adopted as a prisoner of conscience Milisav Zivanovic who had similarly been confined in psychiatric institutions since 1976. In June 1976 he was charged with "damaging the reputation of the state" after writing to leading officials in Macedonia allegedly accusing the Federal Public Prosecutor and other senior officials of corruption. At his trial by

the district court of Pancevo neither Milisav Zivanovic nor his family were allowed to be present and he was defended by a court-appointed lawyer. The court found him guilty but ruled that he was not accountable for his actions and that he should be confined to a psychiatric institution.

Amnesty International was concerned about allegations of ill-treatment and torture during investigation. In June it wrote to the Federal Secretary of the Interior about detailed allegations it had received following a raid by the state security police on an apartment in Belgrade in April when 28 people were taken into custody. Jovica Mihailovic alleged that he was repeatedly beaten and a medical certificate of 24 April, the day he was released, recorded injuries to his head and body. Tomislav Jeremic alleged that he was beaten on the sole of his bare foot and hit 20 times on the back of the head. Dragisa Paunic alleged that he was kicked in the abdomen and hit on the back of the neck. Amnesty International also received reports that Zoran Matic had been beaten by four officials with rubber truncheons. Amnesty International also expressed its concern about the death of Radomir Radovic, one of the 28 detained, whose body was found in mysterious circumstances. He had disappeared a week previously, shortly after his release from custody. The official verdict of suicide was contested by his lawyer, family and friends.

In December Amnesty International wrote to the Federal Secretary of Justice about allegations it had received concerning the treatment of Ivo Tubanovic, Stjepan and Filip Baglic and a number of other Croats arrested during August. Reports received by Amnesty International alleged that they had been indiscriminately beaten and that Filip Baglic had been beaten with a sock filled with either salt or sand. Amnesty International was informed that one of those arrested, Ante Davidovic, died in custody and that his family were first informed that his death was due to a heart-attack, but later told that he had committed suicide. No reply was received to either of Amnesty International's letters.

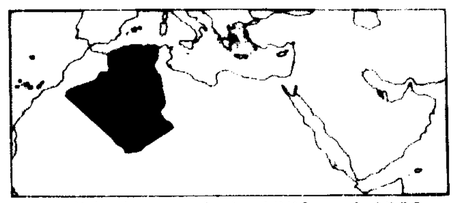
Amnesty International was concerned also about reports of poor conditions in certain prisons where political prisoners were held, in particular the alleged ill-treatment of prisoners. One account concerned Croatian political prisoners in Lepoglava prison who had signed a petition addressed to the presidency protesting at the detention and interrogation of the 28 intellectuals in Belgrade in April. One of the signatories, Tonci Marinković, was reportedly beaten so badly that he had to be taken by ambulance to Varazdin hospital. All the signatories, who included two adopted prisoners of conscience, were given terms of solitary confinement of between 15 and 30 days. In a subsequent petition to the UN Secretary-General the same prisoners alleged that

prison warders in Lepoglava were encouraged by their superiors to ill-treat prisoners.

Amnesty International was concerned about reports alleging that agents of the *Sluzba drzavne sigurnosti* (SDS), the Yugoslav state security police, were involved in attempted assassinations of Yugoslav emigres. In July the trial of Josip Majerski ended in Munich in the Federal Republic of Germany (FRG). He reportedly admitted to being a long-time employee of the SDS and implicated prominent members of the Yugoslav diplomatic corps in SDS activities. He reportedly stated that he had been given the task of infiltrating various emigre organizations as an *agent provocateur* to encourage the use of violence and that he had been ordered by the SDS to kill the Croat emigre Bruno Busic (who was murdered in Paris in 1978) but had refused to do so. Also in July, the trial of three people accused of the attempted assassination of the Yugoslav emigre Rasim Zenelaj in May 1981 (see *Amnesty International Report 1984*) ended in Frankfurt in the FRG. The court reportedly implicated the SDS and Yugoslav consular officials in the attempted murder, and the presiding judge referred after the trial to ". . . a secret service using murder to accomplish its goals".

Amnesty International learned of the imposition of two death sentences and one execution, all for murder.

The Middle East and North Africa



Algeria

During 1984 Amnesty International was concerned about the long-term detention without trial of people arrested on political grounds in 1982 and 1983, prolonged incommunicado detention and reports of ill-treatment of detainees. After a presidential pardon in May, 13 prisoners accused of opposition activities – whose cases Amnesty International was investigating – were released, as were a number of others whose cases were of concern. At least four executions were carried out during the year.

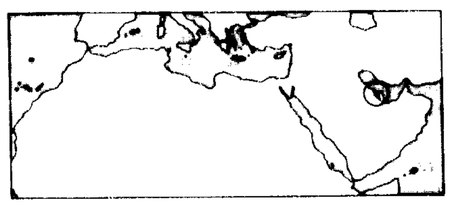
On 8 May a presidential pardon led to the release of 92 political prisoners from various political groups who were to be tried by the State Security Court at Medea. Thirteen of them had been arrested in December 1983 and were first accused of belonging to an illegal organization, the *Organisation socialiste des travailleurs* (OST), Socialist Workers Organization. However, after they went on hunger-strike early in 1984 to demand political prisoner status, the authorities altered the charge. They were then accused of collaborating with previously arrested individuals suspected of trafficking in arms and of threatening the security of the state. Amnesty International was concerned that they were held in *garde a vue* (incommunicado detention) for longer than the law allowed, that by mid-April the judicial investigation necessary before the trial had not begun, that the president of the State Security Court – who must approve lawyers pleading before the court – had not yet done so, and that the prisoners had been denied access to their lawyers since March. The organization believed that they were probably prisoners of conscience but was still carrying out its investigations when the prisoners were released.

The presidential pardon also covered 23 leading members of the

Islamic movements and a number of people, including former officials in the governments of the early 1960s, who were arrested in October 1983 and subsequently held in Berrouaghia Prison (see *Amnesty International Report 1983* and *1984*). Before the pardon, in February, the Minister of Justice replied to earlier inquiries by Amnesty International on the legal basis of the arrests, and particularly the role of military personnel in carrying out the arrests. He cited a presidential decree of November 1982 under which military security personnel assume the powers of the judiciary police in matters of army security, attempted subversion of the state, plots against the national economy and espionage. On 4 May, before learning of the presidential pardon, Amnesty International wrote to the Minister of Justice expressing concern that those arrested in October 1983 had been held in *garde à vue* by the police for longer than the law allowed, that several of them claimed to have been ill-treated, immediately after their arrest and during their *garde à vue* detention, and that pre-trial investigations were progressing only very slowly. Amnesty International also raised the cases of the various prisoners on whose behalf it was working and called for detainees held without trial to either receive a prompt and fair trial or be released.

According to unconfirmed reports, after the May presidential pardon a number of prisoners from different groups, including Muslim fundamentalists and a number arrested on suspicion of arms trafficking, were still being held in detention without trial.

At least four executions were carried out in 1984 and Amnesty International learned of one death sentence. Those known to have been executed were: Toufik Bensaadi, sentenced in 1982 for rape and attempted murder; Abdeslam Madani, sentenced in 1981 for murder; and Miloud Belhachemi and Mohamed Lakari, both sentenced in 1982 for murder. The death sentence was passed in May 1984 on Ahmed Bendhouma, who was convicted of rape and murder, and on 8 June Amnesty International called for it to be commuted. It also wrote to the President on 10 December expressing its regret at the executions which had taken place during 1984 and reiterating its opposition to the death penalty.



Bahrain

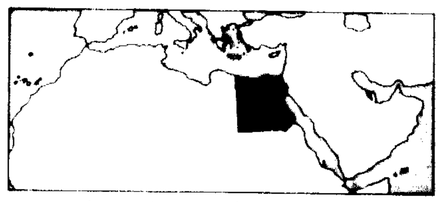
Amnesty International continued to be concerned about the detention of political prisoners who may have been prisoners of conscience, some of whom have been detained for long periods without charge or trial. The organization sought information on the reported arrest and incommunicado detention in 1984 of suspected political opponents of the government who might also be prisoners of conscience. Allegations of torture and ill-treatment of political detainees were received during the year.

Amnesty International investigated the cases of 17 political prisoners, 11 of them serving sentences ranging between one and seven years' imprisonment for belonging to or forming unlawful organizations. The other six – Abdullah Rashid Mutaiw'a, Ahmed Ibrahim Makki, 'Abd Ali Al-Khayyat, Nader Abdullah Abu Drees, Salman Abdul Aziz Ali and Sayed Hashim Al-Musawi – had been held without charge or trial for between three and eight years, under the Decree Law on State Security Measures of 1974 (see *Amnesty International Report 1983*). On 27 March Amnesty International wrote to the authorities requesting information on their continued detention. In April the Minister of the Interior replied that each of them "...was personally and directly implicated in planning or perpetrating serious acts of violence or sabotage and that each is detained in custody strictly in accordance with the laws of the State". However, he did not explain why six of the prisoners had not been charged and tried. On 7 June Amnesty International wrote again explaining that, irrespective of the accusations against them, detainees should either be tried, in accordance with Articles 10 and 11 (1) of the Universal Declaration of Human Rights, or released. The organization again called for the release of Ahmad Ibrahim Makki who, according to its information, had been detained since his trial and acquittal in 1977 and learned later that he and Abdullah Rashid Mutaiw'a had been released.

During 1984 Amnesty International received reports of about 30 arrests on political grounds. Most were thought to be of members of the *Jam'iyat At-Taw'iya Al-Islamiya*, Islamic Enlightenment Society – reportedly banned in February – and included its head, Sheikh Ibrahim Mansur Al-Jufairi. The arrests reportedly took place both before and after the ban. Their trial was reportedly scheduled to begin on 12 September, and some defendants were thought to be facing charges which included "membership of an unlawful organization". In September

Amnesty International asked the Minister of Justice for information on the detainees' whereabouts, the precise charges against them, and which court was trying their case. It also sought assurances that defendants' rights to be defended by a lawyer of their own choice and to appeal would be guaranteed, but had received no information by the end of 1984.

Amnesty International received reports that many of the prisoners arrested in 1984 had been tortured and ill-treated. However, it was not able to substantiate these assertions.



Egypt

Amnesty International was concerned about legislation which the organization considered was being applied in a manner inconsistent with the International Covenant on Civil and Political Rights, such as the lack of the right to appeal against judgments of state security courts, prolonged pre-trial detention of political detainees and inadequate safeguards against torture and ill-treatment. Amnesty International continued to work on behalf of one prisoner of conscience, but had insufficient information to determine whether other political prisoners were prisoners of conscience. Amnesty International appealed for the commutation of six death sentences during the year.

In January 1984 Amnesty International published *Egypt: Update to 1983 Report* (see *Amnesty International Report 1984*). This consisted of an exchange of memoranda and letters with the Ministry of Justice, dealing with Amnesty International's concerns in Egypt: legislation relating to arrest and detention procedures, lack of the right of appeal against conviction by state security courts, prisoners of conscience, allegations of torture and ill-treatment and the application of the death penalty. In August, Amnesty International delegates observed part of the trial before the (Emergency) Supreme State Security Court of 176 people in connection with the banned Islamic *Jihad* organization. The delegates held talks with the President and Counsellors of the Court, a representative of the prosecution and defence lawyers. The trial has since been postponed indefinitely, and all defendants released.

On 7 December Amnesty International submitted a document entitled *Egypt: Evidence of Torture 1981-1983* to the government for comment and planned to make it public in early 1985. It referred to

testimonies of torture given to Amnesty International by former political detainees, and to more than 90 forensic medical reports relating to the period October 1981 to August 1983. Amnesty International drew attention to the large number of allegations and to the high degree of consistency between them, and said that it feared that torture and ill-treatment of detainees could continue unless immediate steps were taken. In a covering letter to the government Amnesty International welcomed the statement by the Minister for People's Assembly and Consultative Assembly Affairs, as reported by the daily newspaper *Al-Ahram* on 19 November, that an investigation into torture was nearing completion. Amnesty International urged the government to make public both the procedures and the results of the investigation and recommended that those responsible for torture be brought to justice, and compensation awarded to the victims. Amnesty International proposed a study of all legislation governing arrest and detention procedures including state of emergency provisions (in September 1984 the state of emergency was further extended to April 1986) with a view to introducing further safeguards for detainees.

Amnesty International continued to call on the authorities to lift all physical restrictions on the Coptic Pope, Shenouda III, an adopted prisoner of conscience who has been confined to a monastery in Wadi Natroun since September 1981. Reports indicated that the Pope would be released in time to celebrate the Coptic Christmas on 7 January 1985, but he was still confined in December.

Amnesty International was concerned about the prolonged pre-trial detention of many political detainees. For example, some defendants in three *Jihad*-related cases spent up to three years in detention before their trial was either concluded or indefinitely postponed, when they were released. Amnesty International received reports that some were rearrested and detained after being released. It was also informed that other detainees, alleged to be members of a banned communist group, had remained in detention despite court orders for their release. On 20 February Amnesty International asked the government for clarification of these cases and for information on the status of a number of juveniles detained in connection with the *Jihad* organization, but no response was received.

Several political trials continued during 1984, including two *Jihad*-related cases, both of which were postponed indefinitely, and several trials relating to banned communist groups, which were still in progress in December. Only one major political trial was concluded. This concerned 302 defendants charged in connection with the *Jihad* organization who were tried by the (Emergency) Supreme State Security Court on charges which included murder and attempting to overthrow the government. The prosecution had demanded the death

penalty for 299 of the 302 defendants. The trial ended on 30 September when the court acquitted 175 of the 302 defendants. Sixteen were sentenced to life imprisonment, 90 received sentences of between two and 15 years' imprisonment, 19 who had escaped arrest were not sentenced, and two had reportedly died in detention. Amnesty International was concerned that in this case, as in other trials before state security courts during a state of emergency, defendants were denied the right of appeal. Their convictions and sentences were instead subject to ratification by the President. Amnesty International considers this denial of the right to appeal to a higher tribunal to be at variance with Article 14(5) of the International Covenant on Civil and Political Rights which Egypt ratified in 1982.

The (Emergency) Supreme State Security Court - having directed that defendants who claimed to have been tortured should be examined by forensic doctors - found that a large number had been tortured after arrest, and that many had been held in police custody for longer than necessary. The court rejected as evidence all those confessions which had been obtained by coercion, and called for responsibility for the physical abuse of the detainees to be established without delay.

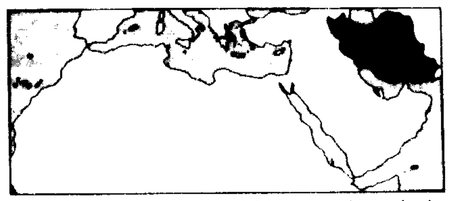
No substantiated reports of torture in 1984 reached Amnesty International. Nevertheless, it believed that safeguards against such treatment were still inadequate.

Mass arrests took place in Kafr Ad-Dawwar and other towns at the end of September and October in connection with factory protests against the introduction of stringent economic measures. Arrests also followed disturbances at Al Azhar University at the end of November. After both these events Amnesty International sought assurances from the government that certain basic safeguards against torture or ill-treatment had been observed. Amnesty International urged that all those arrested be given prompt and regular access to a lawyer of their own choosing, that their families be told their whereabouts without delay and that they be given adequate medical treatment whenever necessary.

During 1984 Amnesty International appealed to President Mulhammad Hosni Mubarak to commute six death sentences. Five of those sentenced had been convicted of murder, some with additional charges, and one of rape. Amnesty International learned of no executions.

Egypt ratified the International Covenant on Civil and Political Rights in 1982, and in compliance with Article 40 submitted a report to the UN Secretary-General on the measures adopted to implement the Covenant. Its report was subsequently examined by the Human Rights Committee at its 21st session between 2 and 5 April. Members of the committee raised questions concerning the state of emergency and related legislation. Particular reference was made to the powers of the

executive to order that a person already convicted or acquitted should be tried again for the same offence, which the committee considered to constitute double jeopardy and therefore to be contrary to Article 14(7) of the Covenant. Questions were also asked about measures to abolish capital punishment and steps to prevent ill-treatment in police and military custody. In response, Egypt's representative stated, among other things, that the state of emergency was introduced to ensure stability, that Egypt considered that retaining capital punishment was a safeguard to society, and that prisoners received normal and humane treatment. The representative said that Egypt would submit a supplementary report to supply further information in response to the committee's questions.



Iran

Amnesty International was concerned about continuing large-scale executions, often after summary trials. The organization learned of 661 executions during the year, but believed the actual figure to be considerably higher. Thousands of political prisoners remained in prison, in many cases untried, or following summary trials, or even after their sentences had expired. They included many who were imprisoned for the non-violent exercise of their conscientiously-held beliefs. Allegations of torture and ill-treatment of detainees continued to be received and some victims of such treatment were examined by Amnesty International doctors.

During 1984 Amnesty International continued to raise its concerns with the authorities and, in September, renewed its proposal to send a delegation to Iran for talks.

In 1984 Amnesty International learned of 661 executions. This brought the number of executions of which it was aware to 6,108 since the 1979 revolution. Amnesty International believed the true figures were much higher, as former prisoners and relatives of prisoners consistently testified that large numbers of political prisoners were executed in secret. Amnesty International continued to receive reports of executions after summary trials, with no right of appeal. It also learned of cases in which prisoners were executed after being sentenced to relatively short terms of imprisonment, when both the prisoner and the family had been given to believe that release was imminent. Families were generally not informed until after the executions.

Amnesty International learned of the execution of members of various political movements, such as *Rah-e Kargar*, Worker's Way, the Kurdish Democratic Party, the *Tudeh* (Communist) Party, the People's *Mojahedine* Organization, and the People's *Fedayan* Organization, as well as members of the Baha'i faith. There were also many executions reported for drug related offences.

Amnesty International repeatedly called on the authorities to end the large number of executions and urged that all defendants be granted the right to a fair trial, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights, ratified by Iran in 1975.

Amnesty International continued to receive reports of political arrests in 1984, but it remained impossible for it to estimate the number of prisoners of conscience among the thousands of political prisoners held in Iran, because of the difficulty in obtaining and checking information. In particular, the fear of reprisals by the authorities prevented relatives and friends of prisoners from seeking publicity. Amnesty International knew of imprisoned members of various political opposition groups as well as members of the Baha'i faith. Amnesty International also learned of cases in which relatives were imprisoned as hostages when a political suspect could not be found.

The unpredictable and often arbitrary nature of judicial proceedings continued to be manifested throughout 1984. Some political detainees were released after several weeks or months, others held without charge or trial for prolonged periods with no opportunity to challenge their detention in a court of law. Some were sentenced to long terms of imprisonment after summary trials, but were reportedly released before the expiry of their sentence; others, sentenced to relatively short prison terms, were executed or kept in prison after their sentence had expired.

Amnesty International remained concerned about the conduct of political trials which it believed fell far short of internationally accepted standards for fair trial. Former prisoners have consistently testified that they were not informed of the precise charges against them, or that the charges were vaguely worded, that they were denied access to a defence lawyer, and that their trial – usually conducted by a religious judge in the presence of guards – lasted a matter of minutes with no right of appeal. Some former prisoners were not officially informed of the outcome of their trial for some time, while others were told by their families. The majority of political trials were held in secret, with no opportunity for the defendants' relatives to attend, and judgments were not made public. However, in February it was officially announced that 10 leading members of the military wing of the banned *Tudeh* Party had been executed, and that 87 others had received prison sentences of between several months and life, after trial by the Revolutionary Military Tribunal. Four were reportedly acquitted. The charges against them

were reported to include espionage, "misappropriation of arms and ammunition" and "storing them to confront the Islamic Government of Iran."

According to official reports the trial of some eight members of the Central Committee of the *Tudeh* Party was scheduled to begin on 12 November. However the trial was postponed and no new date had been decided by the end of December. Amnesty International asked the authorities when the trial would take place, and urged that all defendants be granted a fair trial, including the right to be defended by a lawyer of their choice and the right to appeal.

The official Iranian press announced several amnesties and reductions of sentence during the year, apparently conditional on the prisoner repenting. On 13 June Amnesty International wrote to the authorities about two such clemency measures, asking for further details including the names of those who had benefited. No response was received.

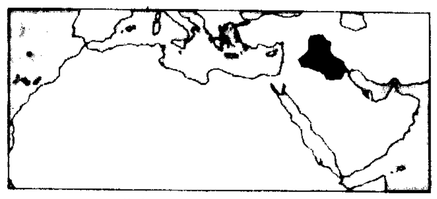
Amnesty International continued to receive numerous and consistent allegations of torture and ill-treatment of detainees, despite constitutional provisions forbidding the use of torture to extract confessions or information. In a document entitled ***Evidence of Torture in Iran***, issued on 17 August, Amnesty International summarized four testimonies of torture and ill-treatment, two of which related to periods of imprisonment between late 1983 and early 1984. The testimonies were representative of many collected by Amnesty International. Some of those interviewed by the organization were also examined by Amnesty International doctors in Europe who concluded that the physical scars and symptoms were consistent with both the kind of torture alleged and the reported date when it took place. The method of torture most commonly reported by former prisoners was beating with whips and cables, sometimes all over the body, but frequently concentrating on the soles of the feet, the back, or other particularly sensitive parts of the body, for prolonged periods. Prisoners were usually blindfolded, with hands and sometimes ankles bound. Physical torture was frequently accompanied by mental torture such as mock executions and threats to relatives.

During 1984 Amnesty International also expressed concern at the use of flogging and amputation as forms of judicial punishment, which Amnesty International considered to constitute cruel, inhuman and degrading punishment. In December, following reports that a machine had been produced in Tehran for carrying out amputations, Amnesty International expressed its concern to the authorities, and explained its opposition to such sentences.

On 3 December the Iranian representative introduced a draft resolution to the Third Committee of the UN General Assembly. The draft resolution reaffirmed the importance of the UN Declaration

Against Torture, recognized that new techniques and machinery for torture "are detrimental to the fate of the individual and of the society as a whole", and condemned all acts of torture. This draft resolution was subsequently withdrawn, but Amnesty International hoped that the initiative indicated the government's reaffirmation of its international legal obligation to prevent torture, and that this would be reflected in practical steps to end its use.

In January Amnesty International submitted a statement to the UN Commission on Human Rights describing its concern about large-scale human rights violations in Iran, in particular the imprisonment of prisoners of conscience; unfair trial procedures or lack of trials for political prisoners; the imposition and infliction of death sentences and other cruel, inhuman and degrading treatment or punishment of prisoners. On 14 March the UN Commission on Human Rights adopted a resolution expressing "deep concern at the continuing serious violations of human rights and fundamental freedoms" in Iran and regret at the Iranian Government's refusal to receive a mission arranged by the UN Secretary-General with the government's agreement. The resolution urged the Iranian Government, as a State Party to the International Covenant on Civil and Political Rights, to ensure the rights recognized in the Covenant and asked the Chairman of the Commission "to appoint . . . a special representative of the Commission, whose mandate will be to establish contacts with the Government of the Islamic Republic of Iran and to make a thorough study of the human rights situation in that country". Andres Aguilar, a Venezuelan jurist, was appointed as the special representative for Iran in October 1984.



Iraq

The main concerns of Amnesty International continued to be the widespread arbitrary arrests of suspected opponents of the government, some of whom might have been prisoners of conscience, and their prolonged detention without charge or trial in the custody of the security forces; the routine torture and ill-treatment of detainees; the increase in the number of offences punishable by death, and the large number of executions, including executions for political offences.

Amnesty International did not have sufficient information to gauge the full extent of political imprisonment in Iraq. However, reports

received during 1984 indicated that at least several hundred people were detained for political reasons. They included members of the Kurdish Democratic Party, the Patriotic Union of Kurdistan and *al-Da'wa al-Islamiyya*, Islamic Call; other critics of the government; conscientious objectors to military service; relatives of army deserters allegedly taken as hostages; and individuals refusing to collaborate with the secret service, among whom were said to be a number of foreign workers and refugees.

In one case, over 150 Assyrians were reported to have been arrested in mid-August by security forces and detained in prisons in Baghdad. They were allegedly arrested for demanding "national and equal rights" and for urging the government to cease "its policy of wiping out the Assyrian community in Iraq". At the end of October Amnesty International received the names of 48 individuals said to be among those arrested, including soldiers, engineers, university students and technicians. None had reportedly been charged or tried by the end of 1984 and Amnesty International was seeking further information.

In 1984, as in previous years, Amnesty International was concerned about allegations of torture and ill-treatment of detainees by the security forces. Political suspects were alleged to be tortured routinely, most often immediately after arrest and during interrogation in the pre-trial period, when they were held incommunicado. Many detainees were apparently tortured to extract confessions and information, others were tortured to force them to renounce their political affiliations.

Amnesty International repeatedly expressed its concern to the authorities about the torture and ill-treatment of detainees, and drew attention to the recommendations in its May 1983 memorandum (see *Amnesty International Report 1984*). To Amnesty International's knowledge, none of these recommendations was implemented. In June it received a letter from the President of the Revolutionary Court stating: "The Constitution and Iraqi legislation contain provisions and guarantees ensuring the dignity and freedom of man and preventing all kinds of torture. Legal application and established practice confirm the observation of these principles." Despite these assurances, however, Amnesty International continued to receive testimonies from former torture victims.

In February the organization sent urgent appeals on behalf of a Tunisian national, Neji Bennour, and in March reiterated its concerns about him to the Ministers of the Interior and Foreign Affairs, after receiving reports that his health had deteriorated as a result of torture. Neji Bennour was arrested on 2 June 1983 by a plain-clothes security agent outside the Novotel hotel in Baghdad, where he worked. He was held at the security forces headquarters in Baghdad and interrogated about the activities of three colleagues at the hotel. He was arrested

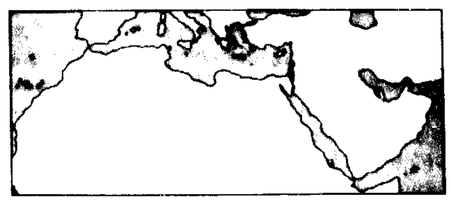
without warrant and denied access to a lawyer, his family, consular officials and a doctor. According to his subsequent testimony, he was interrogated on several occasions in an effort to force him to denounce his colleagues and to collaborate with the secret service. During interrogation he was reportedly beaten with fists and rubber truncheons, flogged with electric cables and kicked and trampled on. He was also reportedly hit on the spine with the edge of the hand for prolonged periods, was beaten on the soles of the feet and given electric shocks. He was released on 2 April after being held without charge or trial for 10 months, having reportedly been forced to sign a "confession" admitting espionage and rape. The conclusions of a medical examination carried out in France 17 days after his release read: "The clinical examination of Mr Neji Bennour and the radiological and biological examinations made by the doctor consulted and the various specialists lead to a very high degree of accord between the symptoms described and the torture alleged." Amnesty International received no response to its call for an impartial inquiry into these allegations and for the results to be made public.

A former prisoner who had been held in Baghdad's Abu Ghraib and Central prisons between May 1982 and March 1984 submitted a testimony to Amnesty International in July. He was one of 114 people who "disappeared" after reportedly being arrested by Iraqi security forces between 1979 and 1982. When approached by Amnesty International the government claimed that the names submitted were fictitious. However, this former prisoner said he had been arrested after refusing to collaborate with the secret service, and the report he submitted to Amnesty International detailing places of detention, conditions of imprisonment and torture was consistent with previous reports received by the organization. Part of his testimony read: "At the entrance to the torture chamber [in the Central prison] there is a doormat with 'Welcome' written on it in English. Torture takes the form of electric shocks; gas and cigarette burns; electric hot plates; hanging from the ceiling – handcuffed; being stretched on a special machine with hands and feet bound; beatings with a heavy cable or high pressure hose . . .. Medical treatment is very poor. Sick prisoners only receive medical treatment when they have reached a critical point. I have heard of many cases of death as a result of torture or of appalling living conditions. In the large cell No. 62 where I spent several months, we actually saw a man die in front of our eyes."

Amnesty International was concerned about the large number of executions reported in 1984. It did not have sufficient information to ascertain the exact number, but believed there were hundreds of executions during the year. A large number of those executed were said to be military personnel: army deserters, soldiers refusing to fight in the

war against Iran and officers accused of plotting against the government. Others reportedly executed included school and university students, Kurds – some of whom were said to be members of the Patriotic Union of Kurdistan – alleged members of *al-Da'wa al-Islamiyya* and individuals convicted of criminal offences.

In June and July Amnesty International sent urgent appeals on behalf of seven people sentenced to death whose sentences had been ratified by President Hussain. Amnesty International urged the government to commute the death sentences. In response, the organization received in early November a letter from the Deputy Prime Minister and Minister of Foreign Affairs. Referring to five people found guilty of burglary and theft, and one convicted of desertion, it stated that "the exigencies of protecting the security and safety of our society do not permit the abolition or commutation of these sentences". The seventh person, who had been convicted of murder, "was sentenced to death in accordance with the laws in force in Iraq for murdering with premeditation . . . in compliance with Article 406/1/C of the Penal Code." Amnesty International reiterated its unconditional opposition to the death penalty in its reply at the end of December. It expressed its continuing concern about the long list of criminal and political offences carrying the death penalty in Iraq, and about the continued enactment of legislation increasing the number of capital offences. This included Law No. 32 of 1984 (Penal Code of the Popular Army), which made several offences by soldiers volunteering for military service punishable by death. The organization also noted with concern Revolutionary Command Council Resolution No. 1370, which reaffirmed the death penalty for various offences, including fleeing or defaulting from military service, conspiring against the state, espionage and joining *al-Da'wa al-Islamiya*.



Israel and the Occupied Territories

Amnesty International's concerns were the imprisonment of prisoners of conscience; the continued use of administrative measures, with no judicial involvement, to physically restrict individuals without charge or trial; arbitrary arrest and short-term detention without charge or trial; and the denial of

internationally accepted rights to prisoners captured by the Israeli Defence Force (IDF) in south Lebanon. Amnesty International was also concerned about allegations of ill-treatment and torture of detainees in Israel, the Occupied Territories and south Lebanon.

During 1984 Amnesty International adopted five prisoners of conscience, three of whom were released during the year, and investigated the cases of 32 possible prisoners of conscience, nine of whom were released. Eighteen of the 37 prisoners were convicted of security offences and two were conscientious objectors to military service in Lebanon. Sixteen of them were under restriction orders.

One of the adopted prisoners of conscience was Mahmud Muhammad Al Gharbawi, a bookshop owner from Gaza. He was charged with possessing inciting material, namely copies of a poster depicting three Arabs in front of the walls of Jerusalem, with the colours of the Palestinian flag in the sky. In the opinion of the judge the poster was designed to incite. He was also charged with possessing certain banned books by Palestinian poets and writers. In his defence, Mahmud Muhammad Al Gharbawi said that he had asked the authorities for a list of books banned in Gaza but was told no published list existed. He was sentenced on 16 January to one year's imprisonment, six months of which resulted from a previous suspended sentence passed in 1982 on similar charges. He was released on 24 December. Amnesty International has received many reports of journalists, students and bookshop owners in the Occupied Territories who have been arrested, and in some cases convicted, for similar reasons.

Amnesty International was concerned that some selective conscientious objectors in Israel faced imprisonment for refusing to serve in Lebanon. According to Amnesty International's information, 24 reservists and regulars were sentenced to between 14 and 35 days' imprisonment during 1984, at least four of whom had been given repeated prison terms. Amnesty International considered them to be prisoners of conscience and appealed for their unconditional release.

Amnesty International investigated the cases of 16 people imprisoned for belonging to, or associating with, the Palestine Liberation Organization (PLO). One such was Siham Abd al-Salam al-Barghouti, a teacher from Al Bireh in the West Bank, arrested in February 1982 and sentenced to two and a half years' imprisonment with two and a half years suspended. She was charged with being a member of the Democratic Front for the Liberation of Palestine (DFLP), a faction of the PLO, and actively assisting it. The Israeli authorities, in a letter to Amnesty International on 24 July, said that Siham al-Barghouti held a senior position in the DFLP and quoted from the court decision:

> "This is not a case of a one-time activity but a complex network of contacts, the transmittal of messages, the giving and receipt of information, etc., that are likely to create a serious security danger. . . Anyone who is a member of the DFLP automatically subscribes to its policy of using ruthless terrorism as a political tool . . . (therefore) persons such as Siham must be seen to have advocated violence".

Amnesty International, however, reiterated its view that membership of an organization engaged in violent activities does not of itself necessarily demonstrate the use or advocacy of violence. While Amnesty International recognized that military wings of various PLO factions carried out acts of violence, some individuals in, or associated with, the PLO were engaged in exclusively political and diplomatic activity and did not themselves necessarily advocate the use of violence. Nothing in the charge-sheet or in the letter from the authorities showed that Siham al-Barghouti had advocated violence, and Amnesty International considered that she may have been a prisoner of conscience.

Detentions by the IDF in south Lebanon continued to be a cause of concern. Al Ansar detention camp was reopened on 12 December 1983, having been closed on 24 November 1983 following a prisoner exchange (see *Amnesty International Report 1984*). The number of new detainees rose steadily, and by the end of 1984 there were over a thousand inmates including Palestinians and Lebanese Shi'a Muslims suspected of opposition to the IDF. The detainees held in Al Ansar camp were accorded neither the status of prisoners of war under the Third Geneva Convention, nor the right to be confronted with, and refute, any evidence against them. The International Committee of the Red Cross (ICRC) has been given regular access to Al Ansar since 27 December 1983, and family visits were allowed during 1984, but no visits by lawyers were known to have taken place.

Amnesty International was also concerned that people arrested in south Lebanon were held incommunicado for long periods during interrogation by the Shin Beth (the Israeli security forces). Neither families nor humanitarian organizations such as the ICRC had access to interrogation centres in south Lebanon, which were situated in the military barracks at Mar Elias, in the former tobacco warehouse in Nabatiyeh, the Israeli Intelligence Headquarters in Tyre, and the Israeli Army Headquarters in Sidon and in Kfarfalous. The ICRC was permitted to meet detainees 30 days after arrest but not in the interrogation centres themselves.

About 140 Lebanese and Palestinians, almost all of whom had earlier been held in Al Ansar, were transferred in November 1983 to the military prison of Atlit in Israel, in accordance with a 1983 law for the extension of Emergency Regulations. This provided for the arrest and detention of people who were not Israeli citizens or inhabitants of Israel "if there is good reason to presume that considerations of state security or

public safety require it". On 18 April Amnesty International expressed its concern about the incommunicado detention of those in Atlit, saying that they had been denied communication with their families or organizations such as the ICRC and that only two had been allowed to see a lawyer. The organization was further concerned that they had been denied the right to respond to the evidence being used as the basis for their detention, and that the appeal procedures did not provide adequate opportunity to challenge the legality of detention.

The authorities replied to Amnesty International on 23 December stating that "after some delays, ICRC delegates now conduct visits to the detainees on a regular basis, and talk to them freely and without witnesses. The ICRC has a list of all persons being held" but that "to date, security difficulties have prevented actual family visits from taking place". The authorities assured Amnesty International that since the appeals committee started its hearings "every detainee has appeared before it and a number of detainees have been released, either for lack of evidence or for medical reasons", that several lawyers had met and represented detainees, and that some detainees had made use of the right to petition the High Court. Amnesty International noted, however, that the ICRC's first visit to Atlit took place only on 9 July, after seven months' incommunicado detention. The organization remained concerned about reports that only a very few detainees had been able to meet a lawyer, that lawyers had difficulty obtaining permission to visit their clients and that detainees were still denied the right to answer the evidence against them. At the end of 1984 there were still 121 of this group in Atlit prison. There were also three women similarly detained in Neve Tirze prison in Israel who had been arrested in south Lebanon in June.

In November Amnesty International issued a document "*Town Arrest Orders in Israel and the Occupied Territories*" setting out its concerns about the use of administrative measures, with no judicial involvement, to confine people to their towns or villages by day and their homes by night, usually for six-month renewable periods (see *Amnesty International Report 1981* to *1984*). The authorities subsequently informed the organization that a new directive had been issued in September ordering the police to use "every possible means of reducing the damage" to the restricted individual's personal life and livelihood, and that more detailed information was being provided to those restricted regarding the reasons for the orders. During 1984 Amnesty International received details of 70 people under restriction orders, 25 of whom had their orders lifted during the year. They included students, journalists, lawyers and teachers.

Amnesty International continued to be concerned about the widespread practice of arbitrary arrest and short-term detention without charge or trial. It received a number of reports of schoolchildren and

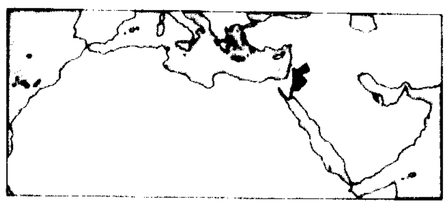
students being kept in incommunicado detention for up to 18 days - most often in Al Fara'a detention centre - frequently without being interrogated or informed of the reasons for their arrest. Some people have been arrested repeatedly in this way.

During 1984 Amnesty International received an increasing number of reports of ill-treatment and torture of detainees in the custody of the police or security forces in Israel, the Occupied Territories and south Lebanon. In Israel proper, dozens of regular, border and military police were charged during 1984 with beating or assaulting criminal or security suspects, on arrest or during questioning at the police station. Seventeen were given suspended sentences of between two weeks' and one year's imprisonment, or prison sentences of one to three months. In the Occupied Territories allegations included the routine use of prolonged periods of hooding and enforced standing, beatings, sleep deprivation and subjection to hot and cold showers, as well as insults, threats to and humiliation of detainees and members of their families. There have also been reports of medical treatment being delayed or denied. Al Fara'a detention and interrogation centre near Nablus, where most of the inmates were young people, was frequently cited. Moshe Biton, one of two police officers convicted in 1984 for ill-treating dtainees in Al Fara'a, was sentenced in September by Tel Aviv district court to four months' imprisonment plus eight months suspended for causing grievous bodily harm to a Jenin schoolteacher in 1983 (see *Amnesty International Report 1984*). He was appealing against sentence.

Amnesty International continued to be concerned that arrest and detention procedures in the Occupied Territories still failed to provide the safeguards necessary to prevent the ill-treatment of prisoners. In particular it noted that any soldier had the power to arrest without a warrant; that security suspects could be held for up to 18 days without legal access before being brought before a court; and that existing safeguards such as ***habeas corpus***, trial within a trial (at which the admissibility of a confession is decided), as well as the machinery for investigating complaints of ill-treatment were, for a number of reasons, largely ineffective and unsatisfactory.

In south Lebanon there were reports of the ill-treatment and torture of Palestinian and Lebanese detainees at interrogation centres run by the Shin Beth. The interrogation techniques described were similar to those reported in the Occupied Territories, although there were reports of some instances of harsher treatment.

Two death sentences for murder passed in 1983 (see *Amnesty International Report 1984*) were commuted on 8 August to life imprisonment following an appeal to the military appeals court.



Jordan

Amnesty International's concerns during the year included the imprisonment of prisoners of conscience and possible prisoners of conscience; the prolonged detention without trial of political prisoners; allegations of ill-treatment of prisoners; and the death penalty.

Martial law, proclaimed in 1967, continued to be in force in Jordan during 1984, and under its provisions political prisoners could be held for long periods without trial or be tried by military courts. On 15 May Prime Minister Ahmad Obeidat reportedly stated before the House of Representatives that "... the competent body has been instructed not to detain anyone longer than is absolutely necessary." Nevertheless, Amnesty International had information about a number of individuals who had been held without trial for long periods – more than four years in some cases. The Prime Minister also denied that detainees held in Jordan could be termed political prisoners:

> "The issue is related to national security . . .. Any detainee is detained for security reasons . . .. He is not detained just because he has a certain ideology. He is detained because he transforms this ideology into action . . .".

During 1984, however, Amnesty International knew of two prisoners of conscience, and was investigating the cases of 16 possible prisoners of conscience. The two prisoners of conscience – Imad Milhelm and Hashim Gharaibeh – had each been sentenced to 10 years' imprisonment for belonging to the Jordanian Communist Party, under the anti-Communist law of 1953. Article 3 of this law punishes any communist activity, including the possession of communist literature, by imprisonment with hard labour for up to 15 years. Imad Milhelm was a student at the University of Jordan in Amman when he was sentenced by a military court in Amman in September 1978. Amnesty International learned of his release in November 1984. Hashim Gharaibeh, a student from Yarmuk, had reportedly been freed in a royal amnesty in August 1980, but in 1984 Amnesty International learned that he had not been released.

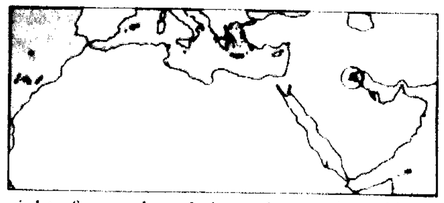
Of the 16 prisoners whose cases Amnesty International was investigating, 15 were sentenced by a military court to 10 years' imprisonment for belonging to the prohibited Palestine Communist Workers' Party. One was Muhammad Omar al-Mallah, a medical student at the University of Jordan who was arrested in July 1980. He was among

several dozen political prisoners in al-Mahatta Central Prison in Amman who went on hunger-strike at least twice during 1984 to protest against detention without trial and trials by military courts.

Amnesty International continued to be concerned about the detention without trial of political prisoners for long periods, frequently over 12 months. Untried detainees were reportedly held in a number of prisons, including al-Mahatta, Zerqa Military Prison and the General Intelligence (*Mukhabarat*) Building in Amman. In reply to Amnesty International's inquiries regarding 50 of these detainees, the government indicated in October that they had all been detained at various times on charges of "having joined armed factions": 21 of them were still held in untried detention, four had been sentenced, and 25 had been released. In November Amnesty International learned that of the 21 still not tried a further five had been released. On 4 December Amnesty International wrote to the Prime Minister expressing concern about the long periods – from 17 months to more than four years – for which the remaining 16 detainees had been held without trial, and urged that they be brought to trial quickly or released.

During 1984 Amnesty International received reports of torture and ill-treatment of prisoners. Methods allegedly used included beatings on all parts of the body – particularly on the soles of the feet – with sticks, leather straps and electric cables; hanging upside down from an iron bar inserted between the knees with hands and feet bound (*farruj*), and sleep deprivation. Although Amnesty International was unable to confirm specific instances of torture, the extent, consistency and detail of these allegations suggested that it was frequently inflicted during interrogation in the General Intelligence Building to extract confessions and as a punishment.

Jordan retains the death penalty under both the penal code and martial law regulations. As in past years, death sentences were passed *in absentia* for the sale of property in territory now occupied by Israel. Jordanian law forbids the sale of such property to Israelis, and such action is considered high treason and punishable by death. On 13 February the Jordanian Cabinet ratified the death sentences passed *in absentia* by the Military Court on 20 people convicted of selling land on the Israeli Occupied West Bank to Israelis and on 27 December it approved a further 15 such death sentences.



Kuwait

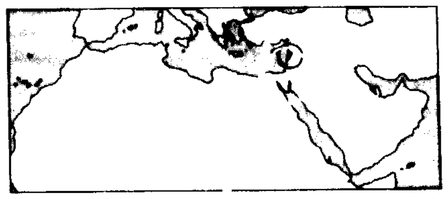
Amnesty International was concerned that political prisoners were tried *in camera* by the State Security Court, with no right of appeal, and about the continued imposition of the death penalty, although it learned of no executions during 1984. Amnesty International was also concerned that some of the hundreds of people reportedly deported from Kuwait during the year could become prisoners of conscience, or face torture or execution, if returned to their own countries.

Following a series of bomb attacks in December 1983 (see *Amnesty International Report 1984*) and related large-scale arrests, Amnesty International wrote to Prime Minister Sheikh Sa'ad Abdullah Al-Salem Al-Sabah seeking assurances that all those arrested, detained and tried would be given their full legal rights. In particular it urged the authorities not to hold anyone in incommunicado detention, especially during interrogation, as a minimum safeguard against torture and ill-treatment. Amnesty International called for detainees to have prompt access to a lawyer of their own choosing, and to be brought before a court as soon as possible after arrest. Amnesty International also said that prisoners should have access to a doctor at regular intervals, and medical treatment when necessary. On 26 March Amnesty International received a response from Kuwait's Ambassador in London referring to articles of the country's criminal procedure and penal codes which limit the period of preventive detention, guarantee defendants' right to representation by counsel, prohibit torture and provide for trials to be held *in camera* in exceptional circumstances. The Ambassador added: "We share with Amnesty International the general concern for the rights of all accused to a fair treatment and a fair trial. We feel however that concern for the rights of a few accused individuals should not overshadow a more serious threat to the rights of millions . . .". In its reply on 27 July Amnesty International drew attention to Article 14 of the International Covenant on Civil and Political Rights, which sets down the principles for fair trial, including the right of appeal.

On 11 February the trial began before the State Security Court of 25 people charged with murder, arson and possession of explosives and firearms in connection with the December 1983 explosions. Amnesty International was concerned that proceedings were held *in camera* and that the defendants had no right of appeal. On 27 March the court sentenced six people to death, including three *in absentia*; 14 received

sentences ranging between two years and life imprisonment and five were acquitted. Death sentences in Kuwait may not be carried out until they have been confirmed by the Emir, Sheikh Jaber Al-Ahmad Al-Sabah. Amnesty International appealed to the Emir on 28 March to commute the six death sentences. During 1984 it learned of three others passed by criminal courts for murder and appealed to the Emir to commute them. Amnesty International learned of no executions in 1984.

During the year Amnesty International received reports that between 250 and 300 individuals were deported from Kuwait following the bomb attacks of December 1983. Amnesty International was concerned that they could include Iranian and Iraqi citizens who, because of their political affiliations, could face imprisonment as prisoners of conscience, torture or execution if returned there. Amnesty International raised this concern in a letter to Kuwait's Prime Minister on 18 January and reiterated its concern in a letter to Kuwait's Ambassador in London on 27 July. Amnesty International noted the Ambassador's explanation that "deportation is a corollary punishment prescribed for certain crimes, it is a compulsory expulsion of the convict . . ." but drew attention to a reported statement on 27 April by the Under-Secretary at the Ministry of the Interior that among the reasons for the deportations were the deportees' "political beliefs". Amnesty International sought assurances that such individuals would not be forcibly returned to countries where they could become prisoners of conscience, or face torture or execution.



Lebanon

During 1984 Amnesty International was concerned about continuing reports of arbitrary arrests, abductions, detention without charge or trial, prolonged periods of incommunicado detention, the ill-treatment and torture of detainees, and executions of prisoners. Amnesty International was concerned about reports of such violations committed by governments, and by certain independent militias linked with governments and exercising effective control in certain regions of Lebanon.

Amnesty International was concerned about human rights violations carried out by the Lebanese Government and by the three main independent militias whose leaders were included in the Lebanese

Government of National Unity set up in June 1984: Amal (which is Shi'a based), the Popular Socialist Party (Druze based) and the Lebanese Forces (a coalition of mainly Maronite Christian militias of which the Phalangists are the largest). Following approval by the Lebanese Government of National Unity of a Syrian-mediated security plan for extending government authority in the country, the Lebanese (government) Army succeeded in deploying its forces throughout Beirut in November, and in the northern city of Tripoli in December. However, effective control of East Beirut largely remained with the Phalangists, and that of West Beirut with Amal. At the end of 1984 the Lebanese authorities were still seeking agreement from Christian and Muslim militias on deploying the Lebanese Army along the coastal roads north and south of Beirut. The Popular Socialist Party continued to control the Shuf mountains, having set up its own civilian administration there in September 1983.

Amnesty International was also concerned about violations of human rights by the Israeli Defence Forces (IDF) who occupied south Lebanon, from the Awali river south to the Israeli border, and east across the Beka'a valley towards Syria; and about violations by the South Lebanon Army (predominantly Christian but including some Shi'a and Druze recruits) which was armed, trained and partly financed by the Israeli authorities. By the end of 1984 the Israeli and Lebanese authorities were still negotiating terms for an Israeli withdrawal from the south. The rest of the country, from the Beka'a valley and the 'Akkar plain to the north, continued to be under Syria's sphere of influence.

Owing to the continuing complex military and political situation in Lebanon and to continued sectarian fighting, Amnesty International was unable to investigate many of its concerns in Lebanon.

On 12 August, for the first time, a list of those held by the Lebanese authorities was made public. The list of 764 names was published in the press by a special committee set up by the Lebanese Government of National Unity in July to look into the question of "disappeared" people and to determine which were still alive. Most of the 764 were reported to be Muslim, and 183 non-Lebanese. Although no charges were published, the press reported that some were accused of violent criminal offences such as murder. Amnesty International believed that there might be political prisoners among them, but did not have information about numbers. The organization was concerned about such prisoners being held for long periods without charge or trial, in incommunicado detention in some cases, since no visits by the International Committee of the Red Cross (ICRC) had taken place since February 1984 and visits by lawyers and families were not often permitted. A number of releases were reported to have taken place by the end of the year.

Most arrests in Beirut were carried out by the Phalangists and Amal, who in mid-1984 admitted to holding 150 prisoners between them

(although there were reports that the true figure was higher). It was reported that these included prisoners taken as hostages, people accused of criminal offences and some of their own members held for disciplinary reasons. Amnesty International was concerned that some of them were political prisoners held outside any legal framework who may have been held for prolonged periods in incommunicado detention. During 1984 the ICRC was permitted to visit prisoners held by Amal and the Phalangists, although Amnesty International does not know whether all such prisoners were seen. The Druze have stated that they hold no political prisoners, but unconfirmed reports dispute this.

In south Lebanon Amnesty International continued to be concerned that detainees held by the IDF were still being denied the protection accorded them under internationally accepted standards. In Al Ansar detention camp up to a thousand Lebanese and Palestinian detainees were denied the right to refute any evidence against them; in a number of interrogation centres run by the Shin Beth (Israeli security forces) detainees were held incommunicado for up to a month; and 121 detainees arrested in south Lebanon, but transferred to Atlit military prison in Israel in November 1983, were subjected to extended incommunicado detention. (See also entry on Israel and the Occupied Territories.) Amnesty International was also concerned about reports that the Israeli-supported South Lebanon Army (SLA) held political detainees in incommunicado detention for long periods.

Amnesty International received some reports of prisoners held by the Syrian forces in Lebanon, but was unable to obtain details.

Amnesty International viewed with concern the widespread practice of prolonged incommunicado detention; in its experience this facilitates ill-treatment. Amnesty International received a number of allegations of ill-treatment and torture, but in many cases found it difficult to confirm these. (See also entry on Israel and the Occupied Territories.)

Abductions by rival militias continued throughout 1984, but it was not always clear who was responsible for an abduction, or whether it was politically motivated. Nor were precise figures known for the number of abductions and releases during the year; internal and external sources estimated that between four and six thousand had been abducted since civil war broke out in 1975 and between two and three thousand since June 1982. Muslim militias listed 2,111 abductions by the Phalangists and Lebanese Army since 1982, including 860 Palestinians, and the Lebanese Army named 1,500 abducted by Muslims in the same period.

Relatives of missing abduction victims continued to press the Lebanese authorities for information, although there was growing concern that many of the "disappeared" might no longer be alive. The special committee set up by the Lebanese Government of National Unity in July to determine the fate of the "disappeared" tried, as a first step, to arrange for the

release of hostages held by rival militias. The committee – which included representatives of the Druze, Amal and Lebanese Forces and the Ministers of the Interior and of Education – was assisted by the army and police. Although the militias agreed to exchange the 150 or so hostages they admitted to holding, only about 80, held mostly by the Phalangists, and some by Amal, had been released by the end of 1984.

During 1984 Amnesty International received reports of executions by non-governmental forces. Amnesty International, as a matter of principle, condemns the execution of prisoners by anyone, including opposition groups. The Druze Popular Socialist Party announced in July that it had executed by firing-squad two men for murder, and two men for embezzling party funds and for participating in the Sabra and Chatilla massacres. These verdicts were reportedly passed by special tribunals, and the death warrants signed by the party leader, Walid Jumblatt. Details of the tribunals and their procedures were not known. In October the Arab Democratic Party (a pro-Syrian party of Lebanese Alawites based in Tripoli) publicly executed by firing-squad two members of its own party accused of murdering six people. The Amal party executed at least one of its own members who disobeyed orders in 1984. There were also unsubstantiated reports that the Hizballah party (a fundamentalist Shi'a party based in Baalbek in the Beka'a valley) was responsible for executing by hanging 15 people accused of planting a car bomb in the town.

In south Lebanon there were many reports that gunmen believed to belong to the Israeli-supported SLA or the National Guard (a small Palestinian militia) executed dozens of suspected leading members of the National Resistance Front (a general term for several groups carrying out armed attacks on the IDF and the SLA). Amnesty International received similar reports of the National Resistance Front executing dozens of Palestinians and Lebanese suspected of collaborating with the Israeli forces.

On 1 October Amnesty International sent a cable to Lebanese President Amin Gemayel expressing concern that on 2 September the Council of Supreme Justice had ratified the death sentences passed on Nazih Sami Shaya and Joseph George Kazazian. They had been sentenced to death on 26 November 1983 on charges of murder and attempted murder. The *Amnesty International Report 1984* reported that they had been executed in November 1983 but the organization later learned that this was incorrect. The Office of the President replied on 13 November that "the President will reach the decision that combines justice and charity and that best serves the interest of the Lebanese people." No information was available regarding their fate at the end of 1984.

Libya

Amnesty International was concerned about renewed official calls for "physical liquidation of enemies of the revolution" and the subsequent killings of 10 Libyan citizens, eight in Libya and two abroad (see *Amnesty International Report 1980* to *1984*). It was also concerned about the continued imprisonment of 79 prisoners of conscience; the detention without trial of political suspects; proceedings in trials before Basic People's Congresses which lacked fundamental legal safeguards and which resulted in executions; the systematic torture and ill-treatment of political and other suspects by the intelligence services and by revolutionary committees during interrogation; and the death penalty. These concerns were detailed in the document *Violations of Human Rights in the Libyan Arab Jamahiriya* published in November

After a reported attack on the headquarters of Colonel Mu'ammar Gaddafi at Bab Al Azizya Barracks in Tripoli on 8 May, official calls for the physical liquidation of "enemies of the revolution" were renewed. These calls, by Colonel Gaddafi and popular bodies including Revolutionary People's Committees and Basic People's Congresses, were relayed by Tripoli radio and the Libyan news agency, JANA, and were published in the official newspaper, *Al Zahaf Al Akhdar* (The Green March). Following the 8 May attack hundreds of people were arrested on suspicion of opposition to the government, and eight people were publicly hanged between 3 and 10 June. They were found guilty of being members of the Muslim Brotherhood and "agents of America". Several were shown making confessions and then being hanged on Libyan television. Two prisoners – al-Assadeq Hamed Shuweihdi and Othman Ali al-Zarti – were alleged to have been executed within an hour of their arrest.

Amnesty International was concerned about the proceedings of the Basic People's Congresses which condemned the eight prisoners to death and carried out their executions. Although the circumstances of sentencing remained unclear, it appeared that, in at least some cases during emergency sessions of the Basic People's Congresses, a confession was read out, the death sentence confirmed, and execution carried out immediately. Amnesty International was concerned at the summary nature of the proceedings; that, as far as was known, the tribunals were composed of members of the revolutionary committees rather than the judiciary; that defendants were not represented by

defence lawyers; and that there was no possibility of appeal. On 13 June Amnesty International expressed its concern to Colonel Gaddafi about the summary executions and the apparent implementation of a policy of political killings. No reply was received.

The program of physical liquidation extended beyond Libya itself. On 13 June a Libyan-born shopkeeper, Manolis Hiladakis, was shot and wounded in Athens, reportedly by a Libyan. Manolis Hiladakis had left Libya in 1970 and was apparently seen distributing copies of an anti-Gaddafi magazine before the attempt on his life. On 4 July two Libyan students alleged to be opponents of Colonel Gadaffi were found murdered in their apartment in Athens. The body of Abdul Moneim al-Zawi, aged 21, was reported to have been found with bullet wounds and strangulation marks. The other student, Attia al-Fartas, aged 20, had been shot in the chest. On 16 November Tripoli radio announced that the former Libyan Prime Minister, Abdul-Hamid al-Bakkush, who had been living in exile in Egypt and who led an opposition group, had been killed. The broadcast reportedly stated that: "in implementation of the resolution of the Basic Peoples' Congresses which formed suicide squads to liquidate the enemies of the revolution . . . internally and externally, the revolutionary force has carried out the sentence of execution . . .". However, the next day the Egyptian authorities announced that the planned execution had been foiled and that four men had been detained in connection with the incident. Abdul-Hamid al-Bakkush subsequently appeared at a news conference.

During 1984 Amnesty International continued to work for the release of 79 adopted prisoners of conscience and learned of the release of two of them. Dr Muhammad al-Mufti, who was released from prison in February, had been arrested in 1973 and sentenced to life imprisonment in 1977 for belonging to an illegal political party. Amnesty International also learned, in August, of the release of Muhammad al-Ghandur, who was one of 11 Libyans arrested in February 1973 following demonstrations in Benghazi. He had been released on bail three months later but rearrested in April 1976.

Many adopted prisoners of conscience were under sentence of death or serving life sentences, and many were said to be suffering from ill health and severe depression. They included people charged with membership of illegal political parties (the Islamic Liberation Party, the Marxist Party and the Muslim Brotherhood), as well as 17 writers and journalists accused of participating in illegal political activities under Law 71 of 1972.

Amnesty International received reports of hundreds of arrests in a clampdown on government opponents after the reported attack of 8 May on the Bab al-Aziziya Barracks. Although many were reportedly

released, by the end of 1984 the organization had the names of 150 people arrested in the wake of the attack who were said to be still held. Amnesty International was unable to obtain detailed information about the grounds for their detention, but many were held because of their alleged connections with "enemies of the revolution". Amnesty International received reports that some of these prisoners were tried in November and was seeking further information.

As in previous years Amnesty International received frequent and consistent allegations of torture and ill-treatment. Reported methods of torture included beating and assaults on all parts of the body — in particular *falaka*, beating on the soles of the feet — electric shocks and suspension from the ceiling by hands or feet. Torture was said to be inflicted mainly to obtain confessions and information from political detainees. However, Amnesty International also received allegations that prisoners charged with ordinary criminal offences had been tortured. Reports frequently referred to torture during incommunicado detention; this often lasted for long periods in centres administered by the revolutionary committees and the intelligence services in Tripoli and Benghazi.

Amnesty International received information that many of those arrested after the reported attack in May were tortured during interrogation. Several were said to have been shown on Libyan television making confessions, their faces and hands bearing marks of torture, including Abdulmoneim Qasim al-Najjar from Tripoli. He reportedly died under torture in the last week of May and his body was said to have been returned to his family. He had recently completed a doctorate in the USA before returning to Libya in January 1984.

A 52-year-old Norwegian seafarer, Bjorn Pedersen, was also said to have died under torture in the custody of a revolutionary committee between 13 and 16 May. He had been taken to a Tripoli customs house for interrogation while the Norwegian cargo ship was held in Tripoli harbour on suspicion that crew members were spying and drug-trafficking. The ship was only allowed to leave on 17 July after a representative of the shipping company signed a document saying that Bjorn Pedersen had committed suicide and that the company had paid costs of about US $277,000. According to crew members of the ship who were interviewed by Amnesty International in Norway in December 1984, and to statements made by them to a Norwegian court of inquiry in August, Bjorn Pedersen had been beaten to death. On 16 May the ship's captain was informed by Libyan authorities that he had died from injuries sustained after jumping from a car but five days later the captain was told by a Libyan official that he had died after jumping into the ship's hold. The ship's first mate said that he had also been severely beaten about the head, stomach and kidneys during interrogation, and

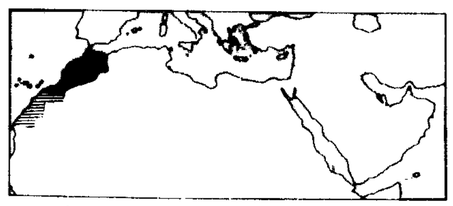
was threatened with the same treatment as Bjorn Pedersen unless he cooperated.

Libya signed a treaty of federation with Morocco on 13 August and a subsequent agreement on security and free movement. Amnesty International wrote to both governments expressing concern about two provisions of the agreement. In the letter to Colonel Gaddafi on 29 October, Amnesty International noted that under Article 6 the Moroccans in Libya could be forcibly repatriated to Morocco, where they could be persecuted for their political beliefs, and Article 8 banned all political activity "against the other side". Amnesty International expressed the fear that both articles might lead to the persecution of individuals for legitimate and non-violent political activity. No reply had been received from the Libyan authorities by the end of the year.

Libya retained the death penalty for numerous offences, many of a political nature not involving the use or advocacy of violence. During the last 10 years, the number of offences punishable by death has increased dramatically.

In addition to the eight executions in June, Amnesty International learned of two further executions. On 16 April two students in their twenties, Salim al-Madani and Rashid Mansur al-Ka'abar, were reportedly hanged in public at al-Fatah University before thousands of students. The exact nature of the charges against them, and whether or not they were tried before they were executed, was not known.

In April Amnesty International submitted information about its concerns under the UN procedure for confidentially reviewing communications about human rights violations. Amnesty International stated that the evidence revealed "a consistent pattern of gross violations of human rights" warranting UN investigation.



Morocco

During 1984 Amnesty International continued working on behalf of more than 200 actual or possible prisoners of conscience and monitored thousands of arrests arising from country-wide disturbances early in the year. The organization was also concerned about extended periods of incommunicado detention *(garde à vue)*; ill-treatment of detainees during interrogation; "disappearances"; and the imposition of death sentences.

In 1984 Amnesty International worked for the release of 105 prisoners of conscience, and investigated the cases of 124 possible prisoners of conscience. All the adopted prisoners of conscience had been tried and sentenced to long prison terms in 1973 and 1977 for alleged membership of various Marxist-Leninist groups. Six were serving sentences of life imprisonment. No charges involving the use or advocacy of violence were ever brought against them. In the course of the year 39 of the adopted prisoners were released, some of them upon expiry of their sentences and others under measures of clemency granted by King Hassan in August. Three others – Mohamed Belmejdoub, Ali Fkir and Driss Ould El Kabla – were assumed to have been released as their prison terms expired.

During 1984 Amnesty International continued to investigate the cases of: four imprisoned members of the *Union socialiste des forces populaires* (USFP), Socialist Union of Popular Forces, the major opposition party in Morocco (see *Amnesty International Report 1984*); 31 students arrested and tried in Marrakech in 1984; and over 80 people, believed to be Saharans, who "disappeared" in 1976 after being taken into custody by Moroccan security forces.

In late December 1983 and throughout January 1984 there was serious unrest, including strikes, demonstrations and riots, in many Moroccan cities. The riots apparently arose from secondary school students' dissatisfaction with the imposition of an examination fee and popular discontent with price rises for basic foodstuffs. There were many confrontations between demonstrators and the police in the course of which about 2,000 people were arrested and, according to official figures, 29 demonstrators were killed and hundreds injured. Hundreds of individuals who had not been directly involved in demonstrations, but who held political views opposed to government policies, were also reportedly arrested, among them former Amnesty International adopted prisoners of conscience. In February Amnesty International wrote to the Prime Minister expressing concern at the deaths and arrests and asking for elucidation of the circumstances under which they had occurred. The organization also raised a number of legal concerns and requested that the names and whereabouts of all those arrested be made known to their families and access allowed to relatives and lawyers.

Many trials took place in connection with the riots and, according to official figures, over 1,500 individuals had received prison sentences by the end of the year, reportedly ranging from a few months to 30 years. At the end of 1984, Amnesty International was still evaluating information on many of these individuals whom it believed might be prisoners of conscience.

In another trial sentences passed on 71 alleged Muslim fundamentalists by the Criminal Court of Appeal in Casablanca included 13 death sentences – seven *in absentia* – and 34 of life imprisonment – 13 *in absentia*. According to some reports several of those sentenced were arrested between June and August 1983 in connection with the distribution of documents considered subversive. They were kept for long periods in incommunicado detention, allegedly ill-treated and kept in solitary confinement. The rest were arrested in January, some allegedly in connection with the riots. All were reportedly charged with, *inter alia*, plotting against the monarchy, planning to set up an Islamic republic and threatening state security.

In May, 31 Moroccans, mostly university or secondary school students, were sentenced by the Criminal Court of Appeal in Marrakesh. They were arrested in January and February also allegedly in connection with the January riots, in Marrakesh, and held for up to two months in incommunicado police detention in Casablanca. Twenty were sentenced to between eight and 15 years' imprisonment on charges including conspiracy to overthrow the government. The other 11 prisoners, who received sentences of between three and five years' imprisonment, were charged with incitement. According to reports received by Amnesty International the charges were based on the prisoners' possession of literature indicating links with a banned Marxist-Leninist organization, *Ila-Alamam*. The prisoners admitted possessing the literature but claimed that it was already being sold publicly and, in the case of their own writing, contained ideas that were common knowledge and not banned by law. They said that they belonged to the *Qa'idiyin* Movement, which defended students' interests within the framework of the legal *Union nationale des etudiants marocains* (UNEM), the National Union of Moroccan Students. At this trial many of the prisoners reportedly challenged the accuracy of the police records of their interrogation which they said they had been forced to sign, and complained that they had been tortured and kept blindfolded for most of their detention. The court, however, reportedly ignored these complaints. In August Amnesty International took up for investigation the cases of the 31 prisoners as it believed that they might have been imprisoned for the non-violent expression of their beliefs.

Amnesty International continued to be concerned about the fate of 12 students who had been held in incommunicado detention, without charge or trial, since January and February 1983. There were fears that they were being ill-treated and their fate remained unknown despite inquiries to the authorities in Casablanca from Amnesty International and from the detainees' families. An appeal was issued by Amnesty International on their behalf in April and at least some were released

during the year, but by December Amnesty International was unable to confirm how many.

Throughout 1984 many political prisoners went on hunger strike in different prisons, protesting about issues such as prison conditions and medical care. Amnesty International was concerned about reports that 27 prisoners imprisoned in Marrakesh for alleged involvement in the January demonstrations had gone on hunger strike at the beginning of July over such issues. The cases of 16 of them were being investigated by Amnesty International. The hunger strikers' demands included adequate medical care (many were said to have been suffering from injuries incurred during *garde a vue* detention) and regular visits from their families. At the end of August two of the hunger strikers died and the rest were taken to hospital in a critical condition. Earlier, a prisoner allegedly taking part in a hunger-strike in Beni Mellal Prison, died of a heart attack. According to his fellow prisoners, he had been denied necessary medical treatment. Amnesty International informed King Hassan II and the government of its concern about the health of the hunger strikers, and urged them to provide necessary medical care and to take all appropriate measures to prevent further loss of life.

Amnesty International continued to be concerned about the refusal of the authorities to clarify the fate or whereabouts of approximately 100 military personnel arrested following attempts to assassinate the King in 1971 and 1972. There have been reports that many of these prisoners have died as a result of the conditions in which they were held and that many who had served their sentences had not been released (see *Amnesty International Report 1984*).

Following the signature of a treaty of union between Morocco and Libya in August, a subsequent agreement on security and freedom of movement was signed between the two countries in September. Under Articles 6 and 8 of this agreement the two parties would have the right, among others, to expel each other's citizens for security reasons, whether internal or external, and to forbid these citizens to carry out any political activities against the other country. Amnesty International feared that these two articles could be applied in such a way as to lead to the forcible repatriation (*refoulement*) of opponents of the government living in either country or to their imprisonment as prisoners of conscience in Morocco. Amnesty International sent letters to both King Hassan II and to Colonel Mu'ammar Gaddafi outlining this concern. The letter to the King urged him not to use the agreement in such a way as to permit individuals to be arrested or imprisoned for the peaceful exercise of their right to freedom of expression, or to return to Libya individuals with a well-founded fear of being persecuted. By the end of 1984, the organization had received no reply from the Moroccan authorities.

Amnesty International did not learn of any executions during 1984, but was concerned about the imposition of the 13 death sentences mentioned above. Amnesty International had appealed urgently for these sentences to be commuted but at the time of writing had received no further information.

Saudi Arabia

Amnesty International was concerned about the detention of prisoners who may have been prisoners of conscience; inadequate detention and trial procedures in political cases characterized by lengthy pre-trial detention; allegations of torture and ill-treatment; and the imposition of floggings, amputations and the death penalty as judicial punishments.

In December 1984 Amnesty International wrote to the Minister of the Interior about reports that between August and December 62 people had been detained in connection with an attempt to organize a political party. Amnesty International was concerned that as political parties are banned, those arrested were being prevented from exercising their fundamental rights to freedom of expression and assembly as guaranteed by international human rights standards. Amnesty International was also concerned because the whereabouts and legal status of the detainees remained unknown.

Amnesty International also requested information about a further 19 people reportedly detained at various times since 1981, possibly on political grounds, whose whereabouts were also unknown.

Amnesty International remained concerned about procedures which led to long delays before those detained on political grounds were charged and tried. Saudi Arabia has no ***habeas corpus*** provision and as a result detainees were often held – sometimes incommunicado and in solitary confinement – for periods of a few months to over a year, while the police or government prosecutors carried out their investigations and prepared the case for trial. During this period the detainees were often unaware of the charges against them and were not informed of their status nor of pending trial procedures. In addition, notification of arrest was not automatically given to the prisoner's family, or, in the case of foreign nationals, to the employer or embassy.

During 1984, as in previous years, Amnesty International received a number of allegations of torture and ill-treatment of detainees. Most of

the allegations related to people detained for ordinary criminal offences and suggested that ill-treatment generally occurred immediately after arrest. Several first-hand accounts named the Drug Detention Centre (DDC) in Dammam as an interrogation centre where torture or ill-treatment frequently took place. Detainees alleged that common practices included being forced to stand for hours at a time, and being beaten on the soles of the feet or all over the body with sticks, rubber hoses, wire clothes hangers, knotted rope or electric cables.

One detainee released from Dammam central prison in February 1984 testified that in a room on the second floor of the DDC, detainees were bound and hung upside down from a hook in the ceiling and then beaten while being interrogated. In another room detainees were allegedly tied to a table and beaten with sticks.

Allegations of torture or ill-treatment at Dhahran police station also reached Amnesty International. One detainee alleged that his arms were tied to chains which were pulled when he refused to answer questions, thereby dislocating his shoulder joints; that he was shackled, hung upside down and beaten with wooden sticks; that cigarettes were put out on his arms and genitals and that he was submerged in a large oil drum full of cold water.

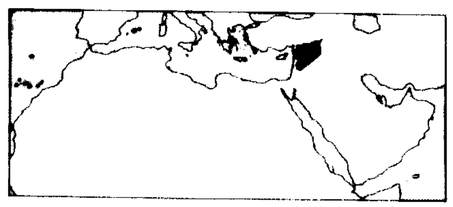
Amnesty International was also concerned that cruel, inhuman and degrading punishment was judicially imposed in the form of flogging. In one case which came to its attention four Danish citizens were each caned 75 times in Najran prison on 9 October. They were detained in May after their Yemeni cook died of internal bleeding. They reportedly denied any connection with his death initially, but after 51 days in detention confessed that they had accidentally knocked him down with a van. They were convicted by the criminal court of Najran of "lying to Allah", sentenced to flogging and also ordered to pay 100,000 Riyals (over £21,000) compensation to the cook's wife. According to officials, flogging is designed to humiliate and rehabilitate rather than cause pain. The strokes to the clothed back and buttocks are reportedly not allowed to draw blood, however, an official from the Danish company employing the four stated that these canings did draw blood. Amnesty International appealed on 25 September to the Minister of the Interior to commute the sentences of flogging on humanitarian grounds.

On 6 December the Bangkok newspaper ***Thai Rath*** reported that Said Kamolman Chiangpien, a 27-year-old Thai woman working in Riyadh, had been sentenced to 150 strokes of the cane and one year's imprisonment for adultery with another Thai national. Amnesty International appealed for this sentence also to be commuted on humanitarian grounds.

Islamic law ***(al-Shari'a)*** as practised in Saudi Arabia prescribes amputation as the punishment for repeated theft when there are no

mitigating circumstances. During 1984 Amnesty International learned of three amputations. On 3 February in the town of Tabruk, two Thai nationals Wishay Witrun and Yarjit Yumant had their right hands severed after being convicted of robbery. On 9 March in the town of Jizan, a Yemeni national, Ahmad Rajihi, had his left hand and the fingers of his right hand amputated. He had been convicted of attacking his wife with a sword, severing her left hand at the wrist and amputating the fingers of her right hand. On both occasions Amnesty International issued urgent appeals stating that amputations were cruel, inhuman and degrading punishments which violated internationally agreed human rights standards and urging the authorities to stop this form of punishment.

During 1984 Amnesty International learned of 23 executions. In all cases the prisoners had been convicted of murder and the sentences were carried out in public. In at least two cases the executions were carried out many years after sentencing. Thamer al Shihri was executed on 17 February in Asir, 17 years after the murder of Taff ibn Gharib; on the same day, in the town of Sirat, 'Ali al-Bishri was executed for the murder, 13 years earlier, of Thamer al Bishri. Under Islamic law the relatives of a murder victim may demand retribution *(Qisas)* in the form of the death of the murderer, or they may waive such a claim freely or by settlement. In both the above cases the sentences could not be carried out until the heirs of the deceased had reached the age of majority and had all agreed on the form of retribution. During 1984 Amnesty International addressed the Minister of the Interior several times, expressing regret that executions had been carried out and reiterating its unconditional opposition to the death penalty. On 17 August Amnesty International told King Fahd bin 'Abd al-'Aziz al-Sa'ud that it was continuing to monitor with concern the use of the death penalty.



Syria

The main concerns of Amnesty International continue to be: wide powers of arrest and detention used by the security forces under Syria's 22-year-old state of emergency to detain thousands of political prisoners; the imprisonment of over 260 prisoners of conscience; long-term detention without trial of most political detainees; the routine use of torture by the security forces; "disappearances"; extrajudicial executions; and the death penalty.

During 1984 no response was received from the government to Amnesty International's repeated proposal to send a delegation to Damascus to discuss the issues and recommendations raised in its *Report from Amnesty International to the Government of the Syrian Arab Republic*, published in November 1983 (see *Amnesty International Report 1984*). To Amnesty International's knowledge, none of the recommendations put forward in the report were implemented.

Amnesty International worked for the release during 1984 of 262 adopted prisoners of conscience and was investigating the cases of 234 possible prisoners of conscience. Among them were officials of previous governments, members of the professions, including lawyers, doctors and engineers, and members of banned political parties. Amnesty International learned of the release of 63 prisoners on whose behalf it was working, including 53 adopted prisoners of conscience. It also received reports of the extrajudicial killing in 1980 and 1981 of 39 prisoners whose cases it was investigating.

In March Amnesty International learned of the release of three adopted prisoners of conscience, who were among a number of lawyers arrested in April and May 1980 after a one-day strike by the Syrian Bar Association on 31 March 1980 (see *Amnesty International Report 1984*). However, the organization remained concerned about 13 lawyers from this group who continued to be held without charge or trial, and launched an appeal on their behalf in mid-October.

Amnesty International continued to investigate the cases of 94 doctors and 68 engineers who were also believed to have been detained in April and May 1980 because of their support for the one-day strike. The organization learned of the release of two doctors from this group during the year, Ma'mun al-'Adhma and Mustafa Mujawaz. Amnesty International continued to seek the release of 146 adopted prisoners of conscience who were members of the banned Communist Party Political Bureau (CPPB) and had not been charged or tried. During 1984 Amnesty International learned of the release of 43 of them. Among those still detained was Ahmad Fa'iz al-Fawwaz, a 51-year-old doctor and member of the CPPB's Central Committee who had been detained since 6 October 1980.

In October Amnesty International learned of the arrest between June and August of 32 members of another banned party, the Party for Communist Action (PCA). According to reports, they were arrested on the orders of President Assad following the publication by the PCA of articles about divisions within the Syrian leadership. Two members of this group, both women, were released in November. At the end of the year, Amnesty International was seeking further information on the 30 members still in detention. The organization also sought the release of 69 other PCA members whom it had adopted as prisoners of conscience

in 1982 and 1983, none of whom has been charged or tried. However, it learned of the release in November of one of this group: Fatima al-Lazkani, a 27 year-old former medical student and novelist who had been held in Kafr Sousseh Prison since September 1981. Her husband, Wa'il Sawwah, a 30-year old writer and party member, was arrested in August 1981 and continued to be held in a Damascus prison.

Amnesty International continued to seek the release of 18 people who had served in or were connected with the pre-1970 government (see *Amnesty International Report 1984*). The group included a former President, five former cabinet ministers and a former ambassador, all of whom have been held without charge or trial for over 14 years in al-Mezze military prison in Damascus.

As in previous years Amnesty International was concerned about allegations of torture and ill-treatment of prisoners by the security forces. In July the organization published a four-page *File On Torture*, in which it cited several torture testimonies from former detainees. One was that of a doctor from Damascus arrested because of his connections with the banned Muslim Brotherhood who was tortured during two and a half years in detention. His last place of detention was Tadmur Prison, where inmates were reported to have been beaten, whipped and otherwise ill-treated daily. A number were said to have died as a result, and also because of the appalling conditions in which they were held. The testimony also stated that official medical care in Tadmur was virtually non-existent, and that it was left to imprisoned doctors to try to cope with sick prisoners and to treat the after-effects of torture.

During 1984 Amnesty International made a number of urgent appeals on behalf of detainees who had reportedly been tortured while undergoing interrogation by the security forces. In January the organization appealed on behalf of Riad al-Turk, First Secretary of the CPPB, after receiving reports that his life was in great danger following torture in the military intelligence headquarters in Damascus in December 1983. The organization had received a series of similar reports since his arrest in October 1980.

In April Amnesty International appealed on behalf of one member of the PCA, and in August on behalf of three others, who were reportedly seriously ill as a result of torture during interrogation. Among them was Khadija Dib who was arrested on 29 July, allegedly as a hostage, while the authorities searched for her husband. Reports indicated that in August she had been tortured in an attempt to force her to reveal her husband's whereabouts and that she had been hospitalized several times as a result, on one occasion having suffered from a haemorrhage of the womb. The organization subsequently learned that she was released in early November.

At the end of July Amnesty International appealed on behalf of

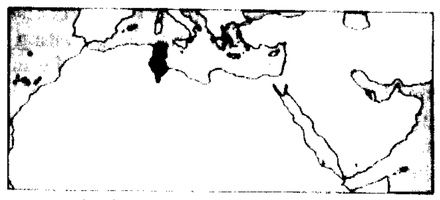
Ghassan Najjar, a mechanical engineer from Aleppo and one of the group of 68 engineers whose cases the organization was investigating. Reports indicated that Ghassan Najjar had gone on hunger strike in June in protest at his continued detention without charge or trial, and was subsequently beaten by prison guards in an attempt to force him to abandon his hunger strike. As a result of this treatment he was hospitalized in mid July, apparently with a spinal injury and possible paralysis.

At the beginning of 1984 Amnesty International received reports that 39 prisoners whose cases it was investigating had been extrajudicially executed. They included 38 youths who had been arrested in March 1980 and detained in the town of Deir al Zor following an anti-government demonstration. They were transferred to an unknown destination three months later, and in early 1984 Amnesty International received reports indicating that they were among the prisoners killed in a massacre at Tadmur Prison on 27 June 1980 (see *Amnesty International Report 1981*). Also reportedly killed in the massacre was Dr Tawfiq Draq al-Siba'i, a 37-year-old neurologist who "disappeared" in June 1980. Amnesty International sought official confirmation of these reports but received no response.

Amnesty International learned of 16 officially confirmed executions in 1984. Fifteen were civilians convicted of murder of whom nine had also been convicted of robbery, and three had been convicted of abduction and sexual assault. The other execution was of a soldier convicted of desertion from military service, drug trafficking and the murder of a police officer. During the year Amnesty International expressed its concern to the President about executions which had taken place and reiterated its unconditional opposition to the death penalty.

Amnesty International also received unconfirmed reports that one doctor and one engineer whose cases it was investigating – Muhammad Khadr 'Ajjaj and Bassam Najm al-Din Siba'i – were executed in Tadmur Prison after being summarily tried and sentenced to death. In previous years the organization had received numerous unconfirmed reports of executions inside prisons after trials by military courts with summary rules of procedure (see *Amnesty International Report 1983*). Another doctor from this group, Muhammad Fattahi, was said to have been killed outside Tadmur Prison by members of the security forces. The organization was not able to obtain further information on the circumstances surrounding his death.

In April Amnesty International submitted information about its concerns in Syria under the UN procedure for confidentially reviewing communications about human rights violations. Amnesty International stated that the evidence revealed a "consistent pattern of gross violations of human rights" warranting UN investigation.



Tunisia

Amnesty International was concerned about the imprisonment of prisoners of conscience; the torture and ill treatment of prisoners, particularly of some of those arrested in connection with disturbances in December 1983 and January 1984; and the death penalty.

During 1984 Amnesty International continued to work for the release of 25 adopted prisoners of conscience and investigated the cases of a further 30 prisoners. The 25 adopted prisoners of conscience were all released during the year: eight were among 366 prisoners released under an amnesty on 9 June and the remaining 17 were amnestied on 2 August, to mark President Habib Bourguiba's birthday. All were members of the *Mouvement de la tendance islamique* (MTI), Islamic Tendency Movement, who were sentenced to up to 11 years' imprisonment in September 1981 on charges including membership of an unauthorized organization, defamation of the head of state and disseminating false information (see *Amnesty International Report 1982*). Those released included Rached El Ghannouchi, the MTI President, and Abdelfattah Mourrou, the MTI Secretary General (who had been under house arrest since his release from prison in 1983).

Amnesty International continued to investigate the cases of 29 members of the Islamic Liberation Party (ILP), tried and sentenced in August 1983 to prison terms ranging from two to eight years in proceedings which Amnesty International considered to fall short of international standards for a fair trial (see *Amnesty International Report 1984*).

Following the government's decision to cut subsidies on bread and other staple foods from 1 January 1984, disturbances broke out as thousands of people in towns and cities demonstrated in the streets. The government declared a state of emergency on 3 January, which remained in force until 3 February. According to a government commission of inquiry, published on 13 March, 89 people were killed in the disturbances and 938 injured, including 348 members of the security forces. Opposition sources put the casualty figure higher. The security forces and the army eventually restored order after the government reversed its decision. Approximately 1,000 people were reportedly arrested in connection with the disturbances, many of whom were released soon afterwards.

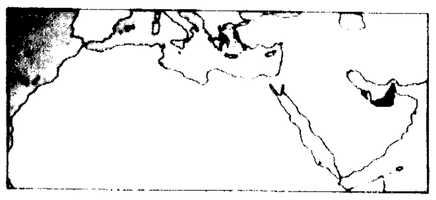
Amnesty International was concerned that people tried and sentenced during the January 1984 riots may have included individuals who were

being punished for non violently expressing their opinions. One of the cases about which Amnesty International was informed was that of Bechir Essid, a lawyer and the Secretary General of the *Mouvement du rassamblement nationaliste arabe*, Arab Nationalist Assembly Movement, an unauthorized opposition group. He was sentenced on 22 March by the *tribunal correctionnel*, criminal court, in Tunis to two years' imprisonment for defaming the President and members of the government. The charges reportedly stemmed from his criticism of the government's handling of the January riots. An appeal hearing began before the Tunis Court of Appeal on 7 July but was postponed until 16 January 1985. Bechir Essid remained at liberty pending the appeal's outcome.

During 1984 Amnesty International received reports that several detainees were tortured and ill-treated during questioning in at least two interrogation centres. Most such reports concerned people detained after the disturbances in January. One report cited the building of the *Caisse de la soliarite sociale*, frequently referred to as "Attadhamon" (Solidarity), in the Douali district of Gafsa in southern Tunisia, which was said to have been used by police for interrogations following the riots. Both men and women detainees reportedly had their hands and feet bound, were suspended upside down, and beaten with sticks or cables on various parts of the body, particularly the feet. Cigarette burns and sexual assaults were also reported. Amnesty International also received a number of reports alleging torture and ill-treatment of detainees during interrogation in the Ministry of Interior headquarters in Tunis.

On 20 January Amnesty International wrote to Prime Minister Mohammed Mzali urging that detainees be allowed access to lawyers and that their relatives be promptly informed of their whereabouts and allowed visits, as safeguards against torture and ill-treatment. No response was received.

During 1984 Amnesty International learned of 15 people sentenced to death, four of whom were executed - two for treason, on 14 January, and two for murder and attempted murder, on 28 May. Amnesty International appealed for commutation of the death sentences on both occasions. On 26 May 10 youths were sentenced to death, after being convicted of killing two motorists during the food riots. On 14 June the Tunis Supreme Court of Appeal confirmed the sentences on eight of them, but ordered the remaining two to be retried. On 19 June President Bourguiba commuted the eight confirmed death sentences to life imprisonment.



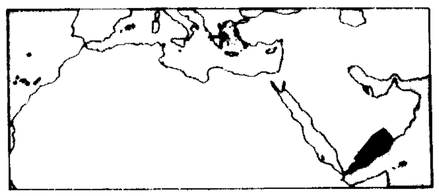
United Arab Emirates

Amnesty International was concerned about the use of forms of judicial punishment which it believed constituted cruel, inhuman and degrading punishment. It was also concerned about the continued imposition of the death penalty, but welcomed the commutation of such sentences. Amnesty International had insufficient information to assess whether it had other concerns in the United Arab Emirates.

On 7 March Amnesty International sent a telex to the President of the United Arab Emirates and Ruler of Abu Dhabi, Sheikh Zayed Bin Sultan Al-Nahayyan, concerning reports that in February an Indian man, B. K. Kondila, and a Sri Lankan woman, Shahal Hameed Azeeza, had been sentenced to death by stoning by a court in Al Ain for adultery. Amnesty International requested clarification of the reports, explained its unconditional opposition to the death penalty and urged that the death sentences be commuted. On 3 April Amnesty International wrote to the Ambassador of the United Arab Emirates in London, asking him to convey to the Abu Dhabi authorities its request for information about the precise charges against the two people and the outcome of any appeal. The sentences were subsequently reported to have been commuted to two years' imprisonment, 70 lashes and deportation for the man and one year's imprisonment, 35 lashes and deportation for the woman. Amnesty International wrote again to the Ruler of Abu Dhabi and the Minister of Justice, welcoming reports that the two death sentences had been commuted and seeking confirmation. However, it also expressed concern at the sentences of flogging and urged that they too be commuted. In December Amnesty International learned that Shahal Hameed Azeeza had been deported to Sri Lanka, having served between six and eight months of her sentence. She reportedly gave birth while in prison, but her baby was taken from her at birth and apparently died. She had not been flogged but Amnesty International had no further information on whether B. K. Kondila was flogged.

In October an Islamic court in the Emirate of Ajman was reported to have sentenced a man to have his hand amputated after convicting him of theft. He had reportedly been convicted on similar charges on previous occasions. Amnesty International sent telexes to the President of the United Arab Emirates and to the Ruler of Ajman, Sheikh Humaid Bin Rashid Al-Nuaimi, explaining that Amnesty International considered

amputation to be a cruel, inhuman and degrading punishment, which contravenes Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, and urging that the sentence be commuted. On 12 November Amnesty International received a response from the Ruler of Ajman, which stated that ". . . we have resolved the matter in question by pardoning the offender subject of your communication, due to the fact that we hold so high the human ideals to which you have referred. . .". In its reply, on 23 November, Amnesty International welcomed the news that the sentence of amputation had been commuted, and requested information concerning the number of similar sentences passed and carried out during 1984.



Yemen (People's Democratic Republic of)

Amnesty International continued to seek the release of 20 prisoners of conscience and to investigate the cases of nine possible prisoners of conscience. All 29 prisoners were arrested between 1967 and 1977. Some were reportedly tried and sentenced to long prison terms, others were said to be held without charge or trial. The whereabouts of several of the prisoners remained unknown and they were possibly no longer alive. Little information on these cases was made available in 1984 and, as in previous years, no response was received from the authorities to Amnesty International's inquiries.

Amnesty International continued to appeal for the release of all the prisoners of conscience, a number of whose sentences might have expired but whose release had not been officially confirmed. In November 1983, Amnesty International wrote to the Ambassador in London enclosing a list of all 29 prisoners and asking for clarification of their situation. By the end of 1984 Amnesty International had received no reply to its letter.

MISSIONS: JANUARY – DECEMBER 1984

Date	Country	Delegate(s)	Purpose
January	Lesotho	David Soggot (South Africa)	Observe inquest proceedings
January	Turkey	Staff member of International Secretariat	Research
February	USA	Stephen Owen (Canada)	Observe trial
February/March	Bolivia	Dr Jorge Baños (Argentina) Staff member of International Secretariat	Research
March	South Africa (Venda)	Geoffrey Robertson (Australia)	Observe trial and civil action
March	Israel/Occupied Territories	Paul McDermott (Ireland) Staff member of International Secretariat	Research
March/April	Mexico	Roger Plant (United Kingdom) Staff member of International Secretariat	Research
March/April	Argentina	Deputy Secretary General of Amnesty International Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
April	South Africa	Kevin Boyle (United Kingdom) Staff member of International Secretariat	Research/Observe Pass Law Courts
April/May	Pakistan	Staff member of International Secretariat	Research
April/May	Nepal	Staff member of International Secretariat	Research
April/May	Israel/Occupied Territories	Staff member of International Secretariat	Research
May	Mexico	Yvon Le Bot (France) Staff member of International Secretariat	Research
May	Yugoslavia	Peter Duffy (United Kingdom)	Observe trial
June	Grenada	Lawrence Kershen (United Kingdom)	Observe trial
July	Nicaragua	Maitre David Lachat (Switzerland) Staff member of International Secretariat	Research
July	Indonesia	Staff member of International Secretariat	Research
July	FRG	Douwe Korff (Netherlands)	Observe appeal
August	Egypt	Amand d'Hondt (Belgium) Staff member of International Secretariat	Observe trial
September	USA	Renate Krause (Canada)	Observe trial
September	United Kingdom (N. Ireland)	Stephen Neff (USA)	Research
September	United Kingdom (N. Ireland)	Jorgen Kelstrup (Denmark) Dick Oosting (Netherlands)	Research
September	South Africa	Douglas Lukhele (Swaziland)	Observe legal proceedings
September/October	Guinea	Deputy Secretary General of Amnesty International and two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities
October	Mauritania	Staff member of International Secretariat	Research
October	Senegal	Staff member of International Secretariat	Research

Date	*Country*	*Delegate(s)*	*Purpose*
October	USA	Brian Wrobel (United Kingdom)	Observe court hearing
October	South Korea	Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities; Research
October	Japan	Staff member of International Secretariat	Research
October	USA	David Matas (Canada)	Observe court proceedings
October	Greece	Secretary General of Amnesty International Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
October	Senegal	Maitre Robert Durst (France)	Observe trial
October	Spain	Secretary General of Amnesty International Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
November	Yugoslavia	Dr Frits Ruter (Netherlands) Dr Marius Broekmeijer (Netherlands)	Observe trial
November	Argentina	Marta Fotsch (Switzerland) Staff member of International Secretariat	Research
November	Brazil	Staff member of International Secretariat	Research
November	Pakistan	Peter Duffy (United Kingdom)	Observe trial
November	Uruguay	Professor Heleno Fragoso (Brazil)	Observe trial
December	Turkey	Nicholas Ulmer (USA, Switzerland)	Observe trial
December	United Kingdom (N. Ireland)	Jorgen Thomsen (Denmark) Staff member of International Secretariat	Research
December	Lesotho	David Soggot (South Africa)	Observe inquest

Appendices

APPENDIX I

Statute of Amnesty International
Articles 1 and 2

As amended by the 16th International Council, meeting in Jouy en Josas, near Paris, France, 31 August – 4 September 1983.

OBJECT

1. CONSIDERING that every person has the right freely to hold and to express his or her convictions and the obligation to extend a like freedom to others, the object of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:

   a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or otherwise physically restricted 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 (hereinafter referred to as "Prisoners of Conscience");

   b) opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;

   c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

METHODS

2. In order to achieve the aforesaid object, AMNESTY INTERNATIONAL shall:

   a) at all times maintain an overall balance between its activities in relation to 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 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, and to the dependants of such persons;

g) work for the improvement of conditions for Prisoners of Conscience and political prisoners;

h) 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;

i) publicize the cases of Prisoners of Conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;

j) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;

k) 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;

l) promote and support the granting of general amnesties of which the beneficiaries will include Prisoners of Conscience;

m) adopt any other appropriate methods for the securing of its object.

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.

APPENDIX II

Amnesty International News Releases 1984

24 January	AI fears political detainee died after torture in *South Africa's Venda* "homeland".
16 February	AI calls on *Turkey* to account for deaths in prison.
22 February	*Paraguayans* jailed, tortured for exercising basic rights, AI reports.
4 April	State torture and cruelty systematic in 1980s says new AI report.
26 April	AI appeals to *Soviet* leader to spare life of elderly Belgian citizen facing execution.
9 May	Women and men detained in *Turkey* are systematically tortured, AI report says.
21 May	AI accuses government forces in *El Salvador* of wholesale civilian murders.
14 June	Executions in *Libya* alarm AI.
18 June	AI calls for moves to prevent security force killings of civilians in *Sri Lanka* and to restrict arrest powers.
19 June	AI adopts detained *Uruguayan* opposition leaders as prisoners of conscience.
26 June	AI appeals for end to death penalty which claimed at least 1,699 lives in 1983.
1 August	Secret executions reported in *Cameroon*, says AI.
26 September	AI calls for reforms to protect human rights in *China*.
24 October	Human rights defenders attacked by governments, says *AI annual report 1984*.
27 November	Political prisoners face execution after unfair trial in *Pakistan* says AI.
12 December	Fair trial denied to political prisoners, says AI report on *Albania*.

Regional News Releases 1984

21 March	AI publishes report on *Canadian* prison riot allegations.
8 November	Hundreds summarily executed by troops in *Chad* AI reports.
17 November	Human rights awareness in Africa increasing, says AI (Africa Regional Conference, Arusha).
21 November	A new publication from AI, *Jamaica: The Death Penalty*.
19 December	Court document shows Chirwas were denied fair trial says AI (*Malawi*).

APPENDIX III

Amnesty International around the world

There are over 3,400 local Amnesty International groups in 55 countries around the world. In 45 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 100 other countries and territories.

Section addresses

Australia: Amnesty International, Australian Section, PO Box No. A159, Sydney South, New South Wales 2000

Austria: Amnesty International, Austrian Section, Esslinggasse 15/4, A-1010 Wien

Bangladesh: c/o Amnesty International, CMD, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

Barbados: Amnesty International, Barbados Section, PO Box 65B, Brittons Hill, Bridgetown

Belgium: Amnesty International, Belgian Section (*Flemish branch*), Ruelensvest 127, 3030 Leuven
Amnesty International, Belgian Section (*francophone branch*), 9 rue Berckmans, 1060 Brussels

Brazil: Anistia Internacional Brasil, R. Harmonia 899, CEP 05435, Sao Paulo, SP

Canada: Amnesty International, Canadian Section (*English-speaking branch*), 294 Albert Street, Suite 204, Ottawa, Ontario K1P 6E6
Amnistie Internationale, Section canadienne (*francophone branch*), 1800 Boulevard Dorchester ouest, Suite 127, Montreal, Quebec H3H 2H2

Chile: Señores, Casilla 4062, Santiago

Denmark: Amnesty International, Danish Section, Frederiksborggade 1, 1360 Copenhagen K

Ecuador: Senores, Casilla 8069, Sucursal 8, Quito

Faroe Islands: Amnesty International, Faroe Islands, PO Box 1075, 3800 Torshavn

Finland: Amnesty International, Finnish Section, Munkkisaarenkatu 12 A 51, 00150 Helsinki 15

France: Amnesty International, Section française, 18 rue Théodore Deck, 75015 Paris

Germany, Federal Republic of: Amnesty International, Section of the FRG, Heerstrasse 178, 5300 Bonn 1

Ghana: Amnesty International, Ghanaian Section, PO Box 9852, Kotoka Airport, Accra

Greece: Amnesty International, Greek Section, 20 Mavromihali Street, Athens 106 80

Hong Kong: Amnesty International, Hong Kong Section, Room 435, Beverley Commercial Centre, 87-105 Chatham Road, Kowloon

Iceland: Amnesty International, Icelandic Section, PO Box 618, 121 Reykjavik

India: Amnesty International, Indian Section, c/o Dateline Delhi, 21 North End Complex, Panchkuin Road, New Delhi 10001

Ireland: Amnesty International, Irish Section, 8 Shaw Street, Dublin 2

Israel: Amnesty International, Israeli Section, PO Box 39032, 69103 Tel Aviv

Italy: Amnesty International, Italian Section, viale Mazzini 146, 00195 Rome

Ivory Coast: Amnesty International, Section Ivoirienne, 04 BP 895, Abidjan 04

Japan: Amnesty International, Japanese Section, Daisan-Sanbu Building 3F, 2-3-22 Nishi-Waseda, Shinjuku-ku, Tokyo 160

Korea, Republic of: c/o Amnesty International, CMD, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

Luxembourg: Amnesty International, Luxembourg, Boite Postale 1914, 1019 Luxembourg

Mexico: Seccion Mexicana de Amnistia Internacional, Apartado Postal No. 20-217, San Angel del Alvaro Obregon, 01000 Mexico DF

Nepal: c/o Amnesty International, CMD, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

Netherlands: Amnesty International, Dutch Section, Keizersgracht 620, 1017 ER Amsterdam

New Zealand: Amnesty International, New Zealand Section, PO Box 6647, Wellington 1

Nigeria: Amnesty International, Nigerian Section, 15 Onayade Street, Fadeyi-Yaba, Lagos

Norway: Amnesty International, Norwegian Section, Niels Juelsgt. 39, Oslo 2

Peru: Señores, Casilla 581, Lima 18

Portugal: Secção Portuguesa AI, Apartado 1642, 1016 Lisboa Codex

Puerto Rico: Amnesty International, Puerto Rican Section, Calle Belaval 614, Santurce, San Juan, Puerto Rico 00909

Senegal: Amnesty International, Section senegalaise, 126 rue de Bayeux BP 3813, Dakar

Spain: Amnesty International, Spanish Section, Paseo de Recoletos 18, Piso 6, Madrid 28001

Sri Lanka: Amnesty International, Sri Lanka Section, c/o E.A.G. de Silva, 79/15 Dr C.W.W. Kannangara Mawatha, Colombo 7

Sweden: Amnesty International, Swedish Section, Surbrunnsgatan 44, S-113 48 Stockholm

Switzerland: Amnesty International, Swiss Section, PO Box 1051, CH-3001 Bern

Trinidad and Tobago: Amnesty International, Trinidad and Tobago Section, PO Bag 248, San Fernando, Trinidad, West Indies

Turkey: c/o Amnesty International, CMD, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

United Kingdom: Amnesty International, British Section, 5 Roberts Place, off Bowling Green Lane, London EC1 0EJ

United States of America: Amnesty International of the USA, 322 Eighth Avenue, New York, NY 10001

Venezuela: Señores, Apartado 5110, Caracas 1010

Countries with local Amnesty International groups, but no section

Netherlands Antilles	Guyana	Sierra Leone
Belize	Mauritius	Tanzania
Colombia	Papua New Guinea	Tunisia
Costa Rica	Philippines	USSR

APPENDIX IV

International Executive Committee

Jan Egeland (Vice-Chairperson)	Norway
Whitney Ellsworth	United States of America
Georges le Guevel	France
Wolfgang Heinz	Federal Republic of Germany
Jan Willem den Herder	Netherlands
Edy Kaufman	Israel
Franca Sciuto	Italy
Françoise Vandale	International Secretariat
Suriya Wickremasinghe (Chairperson)	Sri Lanka

APPENDIX V

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Part I)

Annex to Resolution 39/46 adopted by the United Nations General Assembly on 10 December 1984.

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

Part I

Article 1

1. For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or aquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return (*"refouler"*) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State:

(b) When the alleged offender is a national of that State:

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, to the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connnection with

any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is a reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

The above is the text of the preamble and Part I of the Convention against Torture which contains the substantive legal obligations undertaken by states party to the Convention. Part II, which provides for the establishment of a Committee against Torture, is omitted. A brief description of the Committee's functions is to be found in "Amnesty International – a worldwide movement" at the start of this report. Part III is also omitted; this contains the "final clauses", for example, specifying that the Convention does not enter into force until 20 states adhere to it. The full text of the Convention and of the General Assembly Resolution by which it was adopted is available from United Nations offices.

APPENDIX VI

Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty

Annex to Resolution 1984/50, adopted by the United Nations Economic and Social Council on 25 May 1984

1. In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences.

2. Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

3. Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers or on persons who have become insane.

4. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.

5. Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.

6. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.

7. Anyone sentenced to death shall have the right to seek pardon, or commutation of sentence; pardon or commutation of sentence may be granted in all cases of capital punishment.

8. Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.

9. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

APPENDIX VII

Selected Statistics

By the beginning of 1985 there were 3,430 Amnesty International groups in 55 countries – almost 200 more groups than the year before. There were over 500,000 members, supporters and subscribers with sections in 45 countries.

A total of 4,668 prisoners were adopted as prisoners of conscience or were being investigated as possible prisoners of conscience. During 1984, 1,655 new cases were taken up and 1,516 prisoners released.

Amnesty International issued 319 urgent action appeals on behalf of individuals or groups of prisoners in 67 countries. Of these, 104 were prompted by reports of torture, 22 were made on medical grounds, 67 were issued because of legal concerns, 57 related to extrajudicial executions or "disappearances" and 58 were on behalf of people under sentence of death.

Thousands of people have been killed by the state authorities in their countries in the past year. Many were executed – often after being denied a fair trial. Others were the victims of political killings by soldiers, police, "death squads" and government agents. Prisoners have been tortured to death or allowed to die from deliberate ill treatment and neglect.

Torture is used as an instrument of state policy in many nations. Political prisoners are incarcerated without charge or trial and so denied the chance to answer any accusations against them. In almost half the countries of the world "prisoners of conscience" are unjustly held behind bars – jailed solely for their beliefs or origins.

These are the disturbing facts that emerge from the pages of Amnesty International's 1985 report. Covering 123 countries of widely differing ideologies, it records the efforts made by the world-wide human rights movement to investigate abuses, take action to halt them, prevent their recurrence and help the victims.