
AMNESTY INTERNATIONAL NEWS SERVICE 136/93

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AI INDEX: NWS 11/136/93
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NEWS SERVICE ITEMS: EXTERNAL - ALGERIA, INDIA, MALDIVES, CHINA

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

EJEs and "Disappearances" - 1100 hrs gmt, 20 October - SEE NEWS SERVICE 131
USA - 24 November - SEE NEWS SERVICE 132
India & Pakistan - 7 December - SEE NEWS SERVICE 126

TARGETED AND LIMITED NEWS RELEASES

Commonwealth Heads of Government Meeting - 18 October - SEE NS 131
Afghanistan - 26 October - SEE NEWS SERVICE 124/131/132
Algeria - 28 October - SEE NEWS SERVICE 127

FORTHCOMING NEWS INITIATIVES

Iran - 17 November (International)
Venezuela - 10 November - SEE NEWS SERVICE 121
Papua New Guinea - 19 November (targeted)
Colombia - 16 March 1993 - SEE NEWS SERVICE 123 + UAs AMR 23/56+57/93

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News Service 136/93

AI INDEX: MDE 28/WU 05/93
EMBARGOED FOR 28 OCTOBER 1993

ALGERIA: HUNDREDS SENTENCED TO DEATH AND MORE THAN 20 EXECUTED AFTER UNFAIR TRIALS

Hundreds of people have been sentenced to death this year in Algeria by special courts in trials which violate the most fundamental requirements of international law and where confessions extracted under torture are routinely used as evidence against the accused, said Amnesty International today.

Twenty-six people have been executed this year, the first executions to be carried out since 1989. Twenty of those killed had been sentenced by special courts; 13 of them were executed on 11 October. Families were not informed of the executions in advance and some parents only learned of their sons' executions from the national television news report later in the day. Lawyers were not in most cases informed in advance of the executions, nor allowed to visit their clients to record their last wishes.

"The death penalty violates the most fundamental human right of all - the right to life. Furthermore, these men have been executed after unfair trials; death is final and they will never again have a chance to prove their innocence," said Amnesty International.

Amnesty International is urging the Algerian authorities not to carry out further executions, to stop trials in the special courts and to give fair retrials to those currently in prison under sentence of death who were convicted by these courts. Amnesty International believes that executions after unfair trials are summary or arbitrary executions.

Over 300 people have been sentenced to death and thousands to heavy prison terms this year by three special courts set up under an anti-terrorist decree promulgated in September 1992. The decree broadens the definition of "terrorist offences", including the reproduction or distribution of "subversive" literature, and it is so vaguely worded that it does not make clear what is prohibited. Sentences for "terrorist offences" are doubled and death penalties may now be handed out for offences formerly carrying a maximum sentence of life imprisonment.

The trials in the special courts violate international standards for fair trial at every stage of the proceedings. Detainees are routinely tortured during illegally prolonged incommunicado detention, and judges have often accepted as evidence confessions which defendants have alleged in court were extracted through torture. Lawyers have received only limited and delayed access to their clients' files and their requests for investigations into torture allegations have been ignored. Detainees do not have full right to defence and appeal. The anti-terrorist decree is also retroactive, resulting in the imposition of increased penalties which did not apply at the time the offences were committed.

Those sentenced by the special courts have been members and suspected supporters of armed Islamist opposition groups who were accused of having planned and carried out murders and other acts of violence, or of having supported those who carried out such acts.

This renewed and escalating use of the death penalty has occurred in a context of heightened political violence: since the introduction of the state of emergency in February 1992, at least 700 alleged Islamist militants have been killed by government forces, some apparently the victims of extrajudicial executions, and over 140 civilians have been the victims of deliberate and arbitrary killings apparently carried out by armed Islamist opposition groups. Over 400 members of the security forces have been killed over the same period.

Amnesty International condemns all deliberate and arbitrary killings of civilians by armed opposition groups and calls for such killings to stop immediately. However, the present situation cannot be used to excuse unfair trials, torture and executions.

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AI INDEX: ASA 20/WU 07/93
19 OCTOBER 1993

INDIA: AMNESTY INTERNATIONAL CONCERNED ABOUT SIEGE OF MOSQUE IN JAMMU AND KASHMIR

Amnesty International is concerned about developments at the Hazratbal Mosque, Srinagar, and has called on both sides involved in the siege there to act with restraint and respect for human rights and basic humane standards.

The Indian Army surrounded the mosque in the troubled region of Jammu and Kashmir on 16 October. Inside the mosque - regarded as a deeply holy shrine by Muslims - are between 20 and 50 armed Kashmiri separatists and around 150 civilians.

Amnesty International is urging the Indian Government to ensure that the army use force only when strictly required and only to the minimum extent necessary under the circumstances - lethal force should not be used except when strictly unavoidable in order to protect life. The organization is also calling on the armed separatists to protect the lives and safety of the civilians trapped inside the mosque, in accordance with basic standards of humanitarian law, and to allow anyone who wishes to do so to leave.

The situation at the shrine is far from clear, but Amnesty International understands that Indian government officials are discussing demands made by the separatists, which reportedly include that Muslim clerics be allowed to inspect the shrine, and are considering allowing all those inside to leave peacefully, provided they do so without arms.

Amnesty International has repeatedly expressed concern about persistent violations of the human rights of detainees in Jammu and Kashmir by members of the Indian security forces and the army. Because of this, should any arrests be made in the aftermath of this siege, Amnesty International urges the government to publish immediately the names and details of those taken into custody, to ensure that no-one will be tortured or ill-treated and that all those detained will have full access to legal safeguards provided in international law. These include prompt judicial supervision of detention and guarantees that all those arrested be allowed immediate and regular access to lawyers, relatives and medical examinations. Any charges should be brought under ordinary criminal law.

Amnesty International regrets that a student at a theological college was killed on the night of 15-16 October 1993 after Indian troops raided the shrine. The circumstances of his death are unclear and the army has announced an inquiry. Amnesty International urges that the inquiry be carried out by an impartial and independent authority, that its findings be published in full and that, should the army be found responsible for his killing, the appropriate personnel be brought to justice.

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AI INDEX: ASA 29/WU 02/93
19 OCTOBER 1993

MALDIVES: TWENTY-TWO POSSIBLE PRISONERS OF CONSCIENCE ARRESTED FOLLOWING PRESIDENTIAL ELECTIONS

Amnesty International has written to the President of the Maldives seeking information on 22 people whom the organization believes may be prisoners of conscience, imprisoned for their support of a rival candidate in recent presidential elections.

In the Republic of Maldives, the parliament nominates the president by secret vote and then puts its choice to the people to ratify in a referendum. In the parliamentary vote on 23 August 1993, President Maumoon Abdul Gayoom was nominated for his fourth term in office. He received 28 votes while a former minister, Ilyas Ibrahim, received 18 votes. A third candidate, Education Minister Abdulla Hameed, received one vote. President Gayoom's nomination was accepted by 92 per cent of those who voted in the referendum held on 1 October.

Arrests of supporters of Ilyas Ibrahim reportedly started in June and 22 have been imprisoned, including Mohammed Saleem, a member of parliament. Ilyas Ibrahim was alleged to have used irregular means in his bid for power. He left the Maldives before the parliamentary vote and in early August was charged in his absence with violating the constitution and breaking his ministerial oath. On 9 September, he was reportedly sentenced in absentia to over 15 years' banishment, which he would have to serve if he returns to the Maldives.

Among those arrested was Don Didi, reportedly arrested on 8 June and charged with assisting Ilyas Ibrahim in his attempt to win the Presidency and for using black magic without authorization. She was sentenced to ten and a half years' banishment to a remote island. The keeper of the cemetery where she is alleged to have performed the black magic, Man Hokko Dohokko, was sentenced for assisting her and is now believed to be under house arrest.

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AI INDEX: ASA 17/WU 16/93
19 OCTOBER 1993

CHINA: PRISONER OF CONSCIENCE IMPRISONED IN PSYCHIATRIC HOSPITAL

Xing Jiandong, a 28-year-old man from Shanghai, China, is reported to have been forcibly confined since 13 September to a psychiatric ward of An Kang Public Security Bureau Hospital in Shanghai, run by the Shanghai Public Security Bureau (police). He was arrested on 7 September for demonstrating peacefully outside the Australian Consulate in Shanghai. Xing Jiandong's wife, who is eight months pregnant, was only told of her husband's arrest several days after he had been detained.

Amnesty International sent a telex to the Mayor of Shanghai on 13 October urging Xing Jiandong's immediate release from the hospital unless convincing evidence can be provided that he suffers from psychiatric problems requiring involuntary medical treatment.

The Public Security Bureau have reportedly informed Xing Jiandong's family that he is mentally ill, but the relatives have not been shown any documentation by doctors at the hospital to support this claim. It is further reported that the family were pressured by the Public Security Bureau to give their consent to Xing Jiandong's confinement in the psychiatric hospital and were told that Xing Jiandong would be sent to a labour camp for between one and three years if they did not give written agreement. After his transfer to the hospital Xing Jiandong was allegedly tied to a bed for three days and nights, then locked up with mentally disturbed patients.

In May, Xing Jiandong is believed to have sought permission from the Public Security Bureau of Shanghai's Xuhui district to demonstrate in front of the Australian Consulate in Shanghai. His request was refused and his subsequent appeals against this decision were apparently rejected by the district people's court. Xing Jiandong went ahead with his peaceful demonstrations, as a result of which he was arrested on 7 September and served with a seven-day administrative detention order. Instead of releasing him on 13 September 1993, the police reportedly transferred Xing Jiandong to An Kang Hospital.

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