

# All About Death Penalty 死刑知多少?

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**Editors 編輯**

Chow Chung Wah 鄒頌華

**Voluntary translators 義務翻譯**

Johnson Chen 陳永振  
Tang Shun Ting Seren  
Tse Woon Cheung 謝煥彰  
Brian Tsui

**Contact us 聯絡資料**

**Tel 電話:** +852 2300 1250

**Fax 傳真:** +852 2782 0583

**Email 電子郵件:** admin-hk@amnesty.org

**Web site 網址:** www.amnesty.org.hk

**Address:** Unit D, 3/F, Best-O-Best Commercial Centre,  
32-36 Ferry Street, Kowloon, Hong Kong

**地址:** 香港九龍渡船街32-36號富利來商業大廈3樓D室

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- \* A democratic, membership-based organisation that has been promoting human rights, as enshrined in the Universal Declaration of Human Rights and other international standards, for the past 40 years.
- \* A campaigning organisation which works to fight discrimination, free prisoners of conscience; ensure fair and prompt trials for political prisoners; abolish the death penalty, torture and other cruel treatment of prisoners; end political killings and "disappearances"; and oppose human rights abuses by opposition groups.

**國際特赦組是 .....**

- \* 全球最大的人權組織，現時共有超過一百萬名會員及支持者，分會遍佈一百四十個國家和地區。
- \* 一個民主及以會員為基礎的人權組織，過去四十年來，一直致力推廣《世界人權宣言》中的所有條款及其他人權標準。
- \* 一個運動組織，目標是對抗歧視；爭取釋放良心犯；確保政治犯迅速得到公平的審判；廢除死刑、酷刑和不人道的懲罰；終止司法外處決和「失蹤」，以及反對任何剝削人權的行為。

Amnesty International Hong Kong Section was founded in 1976. The Human Rights Education Charitable Trust was established with the Hong Kong Section and registered as a charity in Hong Kong in 1993. Our activities include:

Human Rights Education  
Lobbying Governments  
Campaigning  
Fundraising

國際特赦組織香港分會於一九七六年成立，而分會屬下的人權教育慈善基金於一九九三年成立並在香港註冊為慈善團體。活動包括：

HR stands for human rights, the protection of which is the core ideal that Amnesty International fights for. We have therefore decided to use it as the name of this bi-monthly newsletter of the Hong Kong Section. We hope the newsletter will be an effective means to communicate with our members and the public. You are most welcome to send any comments to us on its content or the work of Amnesty International at any time. Please email admin-hk@amnesty.org or write to us at the above address.

人權是國際特赦組織爭取的核心理想，我們現在以此作為香港分會的雙月通訊的名稱。我們同時期望它能夠成一個與會員及公眾溝通的有效方法。您對此刊物的內容甚至國際特赦組織的工作提出意見是無任歡迎的，請寄電子郵件致 admin-hk@amnesty.org 或致函上面的地址。



The death penalty is the ultimate cruel, inhuman and degrading punishment. It violates the right to life. It is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments.

死刑是極度殘忍、不人道及卑劣的懲罰手法。死刑剝奪了人生存的權利；執行死刑是無可挽回，極有可能禍及無辜的刑罰，死刑並不能證明比其他懲罰更有效阻止罪惡的發生。



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# From the Chair

## 主席話

Among the many controversies in Hong Kong recently, the decision by the Education and Manpower Bureau (EMB) in awarding the contract to educate school teachers on human rights to the Society for Truth and Light (the Society), a group which opposes anti-discrimination legislation on sexual orientation and apparently dislike legislation promoting the equal rights of all members in Hong Kong, has attracted protests from human rights groups and activists.

Amnesty International Hong Kong has written an open letter to Professor Arthur Li, Secretary for Education and Manpower, calling for an explanation for the decision-making process and inquiring the measures that EMB would take to ensure that the Society would deliver to the classroom the rights enshrined in international standards, covenants and norms. In EMB's reply, apart from addressing the questions we raised, the writer, representing EMB, said that she was "puzzled by Amnesty's concern over the awarding of the contract to a service provider, which has in the past called for the limiting of 'excessive' human rights in society" and further reiterated that she hoped this would not mean that "human rights should be absolute and not subject to any overriding consideration, such as social order."

I am puzzled, in return, by EMB's reply and am worried if it reflects the mentality of EMB and if it is the basis of EMB's decision to award the human rights education contract to the Society. Allow me to do a bit of lecturing here: Human Rights are inherent to human beings. They are inherent entitlements which come to every person as a consequence of being human. Human rights are universal, meaning that they are applied without discrimination to all people regardless of race, sex, religion, ethnicity, political or other opinion, national or social origin, or other status. Human rights are inalienable, in that they cannot be taken away, i.e. no one has the right to deprive another person of their rights. Human rights are indivisible, interrelated and interdependent, for the reason that it is insufficient to respect some human rights or not others. To live in dignity, human beings are entitled to freedom, security and decent standards of living. In practice, the violation of one right will often affect the respect of several other rights. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person. Even in time of public emergency which threatens the life of the nation - if this is what EMB referred to - there are restrictions to the power of the state outlined in the International Covenant on the Civil and Political Rights (ICCPR). Article 4 stipulates that state parties may derogate their obligations under ICCPR in time of officially proclaimed public emergency, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination on the ground of race, colour, sex, language, religion or social origin. Governments must not, in the name of emergency, derogate their obligations to protect its people their right to life, to be free from torture, slavery, and arbitrary detention, and to enjoy freedom of thought, conscience and religion.

If EMB staff will be present in every class to monitor and assess how the course has been delivered, I hope the EMB will make their assessment tool, indicators, and their comments transparent.

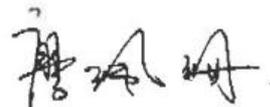
Si-si Liu

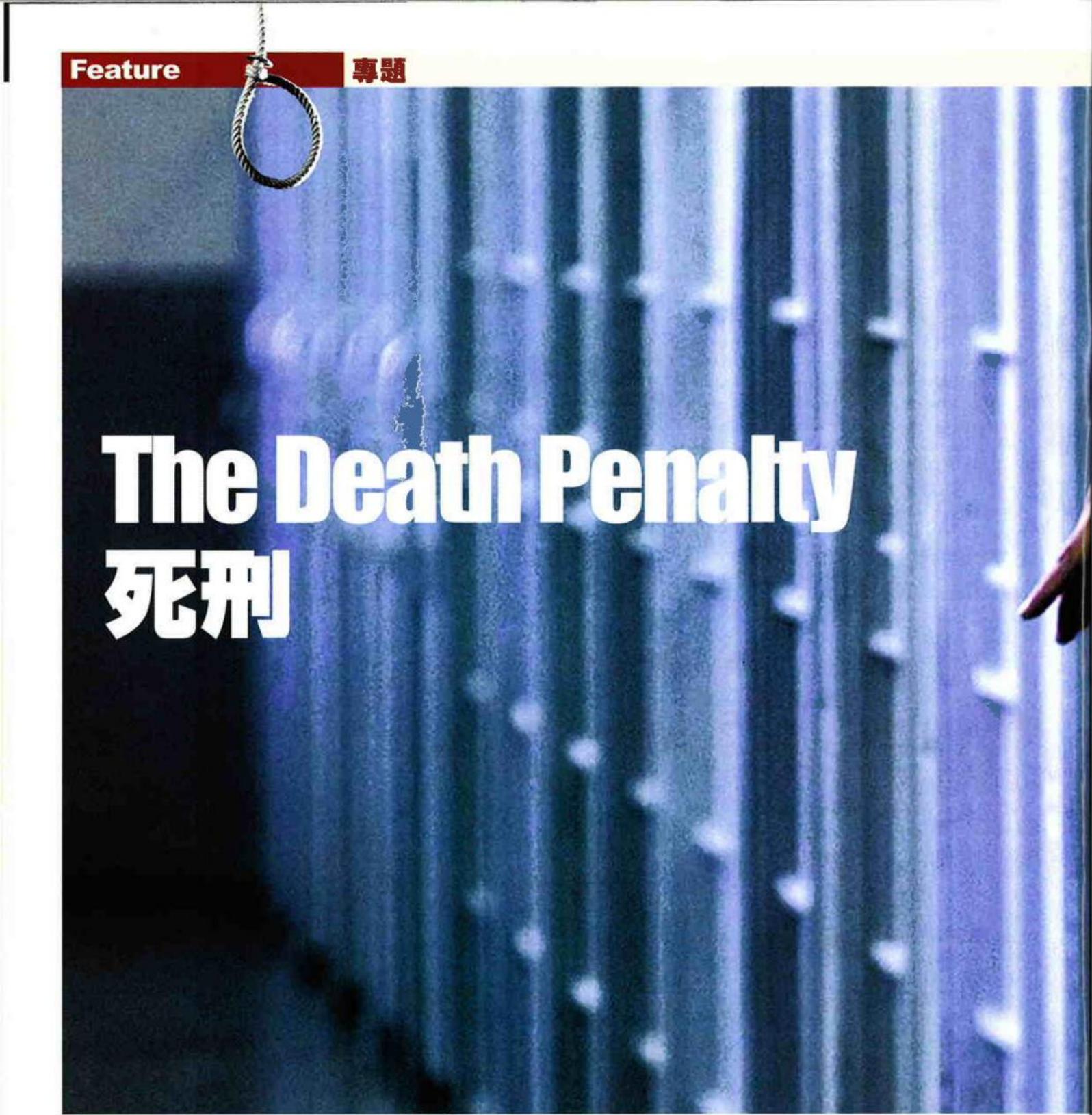
近期有很多具爭議性的議題中，有一個最引起人權組織激烈反對的，那就是教育統籌局把舉辦人權課程合約給予明光社，向中學教師灌輸人權知識。明光社最近就性傾向歧視立法持反對意見，他們亦明顯不支持可以保障香港所有市民擁有平等權利的法例。

國際特赦組織香港分會曾去信教統局局長李國章，要求當局解釋如何決定將該合約給予明光社，及有甚麼措施去確保明光社能向教師灌輸國際水平的人權知識。當局沒有正面回應本會所提出的問題，但當局的發言人則對本會所關心的問題表示懷疑，因為她說明光社於早前曾提出要限制社會上出現人權“過盛”的現象，她認為“人權不是一個絕對的概念、它不能凌駕於任何的東西，諸如社會秩序。”

我對教統局的回應感到很疑惑，亦很擔心該局的反應反映了決策層的價值觀。容我說得深入一些：人權是每個人與生俱來的，即如果你是一個人，你便會被賦予人權。人權是具普遍性的，無論你是何等人種、性別、宗教信仰、種族，有任何政治上的意見、不同國家、擁有不同地位，只要生為人就會有人權。人權與人是不可被分化的，即人權是不能被褫奪，沒有人有權去剝奪其他人的權利。人權是不可被分割、相互關連及依賴的。因人權擁有以上的特性，所以只尊重某些人權而不尊重其他就絕對不足夠。要有尊嚴地生活，人被賦予了自由、安全及不錯的生活水平，所有人也應被視為同等重要，亦同樣必要去尊重每一個人。甚至在國家危急存亡之際，也應該用平等的眼光去對待所有人。如果這是教統局所指的社會秩序的話，公民及政治權利國際公約也有明確的指引。公約的第四條指出，締約國在國家處於生死存亡之際，才能夠有限度減免履行公約所負之義務，而這種措施不得引起純粹以種族、膚色、性別、語言、宗教或社會背景為根據之歧視。政府也不得以處於危急狀態為由，去剝奪公民的生存權、不受虐待、不受奴役、不受無理拘留，以及享有思想及宗教等自由。

如果教統局能夠監察及評核人權教育課的進展情況，我們希望教統局可以使評核準則及他們的意見更具透明度。





# The Death Penalty

## 死刑

“ *The death penalty is the ultimate cruel, inhuman and degrading punishment. It violates the right to life. It is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments.*

死刑是極度殘忍、不人道及卑劣的懲罰手法。  
死刑剝奪了人生存的權利；執行死刑是無可挽回，  
極有可能禍及無辜的刑罰，死刑並不能證明比  
其他懲罰更有效阻止罪惡的發生。

”

As an organization dedicated to the protection and promotion of human rights, Amnesty International works for an end to executions and the abolition of the death penalty everywhere.

The progress has been dramatic. When AI convened an International Conference on the Death Penalty in Stockholm, Sweden, in 1977, just 16 countries had abolished capital punishment for all crimes. Today the figure stands at 80.

Each year since 1997 the United Nations Commission on Human Rights has passed a



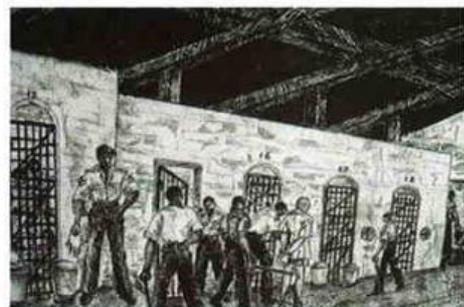
resolution calling on countries that have not abolished the death penalty to establish a moratorium on executions. The latest resolution, adopted in April 2005, was co-sponsored by 81 UN member states, five more than in 2004 and the highest number ever.

AI is currently conducting a Stop Child Executions! campaign, aimed at ending the use of the death penalty against child offenders by the end of 2005. AI is also campaigning to abolish the death penalty in West Africa, where only four out of 16 countries have carried out executions in the past 10 years.

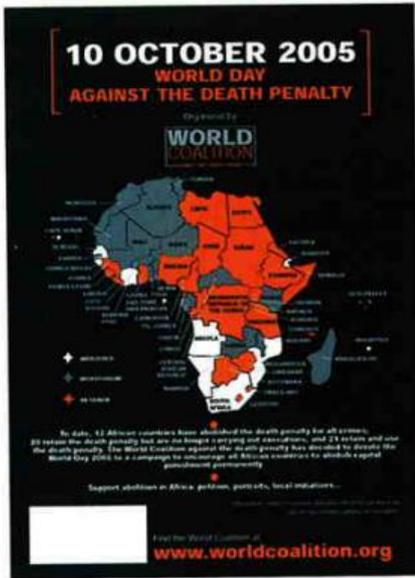
**作** 為一個捍衛及推廣人權的組織，國際特赦組織於停止執行及廢除死刑這項工作上不遺餘力。

這是一個具有戲劇性發展的項目，國際特赦組織於一九七七年於瑞典斯德哥爾摩召開關於死刑的國際會議，當時只有十六個國家完全廢除死刑；到了現在，完全廢除死刑的國家已有八十個。

自一九九七年聯合國委員會通過一個議案，要求還未廢除死刑的國家延遲執行死刑。最近期的一個議案於二零零五年四月正式通過，由八十一個聯合國的成員國倡議，這個數目是歷年來最高的。



本會現正籌辦一個名為停止對兒童執行死刑的運動，目的是要在二零零五年年底前完全廢除對兒童執行死刑。本會亦正舉辦停止死刑在西非之運動，在過去十年，在西非的十六個國家中只有四個還在執行死刑的。



# World Day against the 全球反對死刑日 2005

Amnesty International (AI) is a member of the World Coalition against the Death Penalty (WCADP) - a coalition of over 38 human rights organizations, bar associations, trade unions and local and regional authorities campaigning for the universal abolition of the death penalty.

the death penalty. This year, on 10 October, the day will be dedicated to abolition in Africa.

A majority of African countries are no longer using capital punishment, but the abolition must be extended to the whole continent.

The WCADP organizes the World Day against the Death Penalty annually to mobilize people around the world to take action against

**Take action !**

Support an immediate end to the death



## Child executions worldwide - a dwindling practice

### 停止處決兒童！

During the same period, several countries raised to 18 the minimum age for application of the death penalty, in accordance with international law. Yemen and Zimbabwe raised the minimum age to 18 in 1994, as did China in 1997 and Pakistan in 2000. A similar move is reportedly under way in Iran.

#### Abolitionist and Retentionist Countries

More than half the countries in the world have now abolished the death penalty in law or practice. The numbers are as follows:

- Abolitionist for all crimes: 85
- Abolitionist for ordinary crimes only: 11
- Abolitionist in practice: 24
- Total abolitionist in law or practice: 120
- Retentionist: 76

對兒童犯執行死刑 — 國際法清楚列明禁止對十八歲以下罪犯判處死刑，但仍然有一部分的國家堅持對兒童執行死刑。自一九九零年一月起，國際特赦組織紀錄了八個國家的四十二宗處決兒童案，包括：剛果民主共和國、伊朗、奈及利亞、巴基斯坦、沙地阿拉伯、美國、中國及也門。美國總共執行了十九宗，比其他國家為多。全球處決兒童的趨勢已逐漸減少。在差不多同一時期，有幾個國家將執行死刑的最低年齡提升至十八歲。根據國際法，也門及津巴布偉於一九九四年改法，中國於一九九七年，巴基斯坦於二零零零年亦相繼改法。據報導，伊朗亦有類似的改動。

#### 已廢除死刑之國家

全球已有超過一半的國家廢除死刑，數字如下：

- 完全廢除死刑：85
- 對普通罪案廢除：11
- 仍有死刑但實際上已停止執行：24
- 於法律上及實際上已廢除死刑：120
- 保留死刑：76

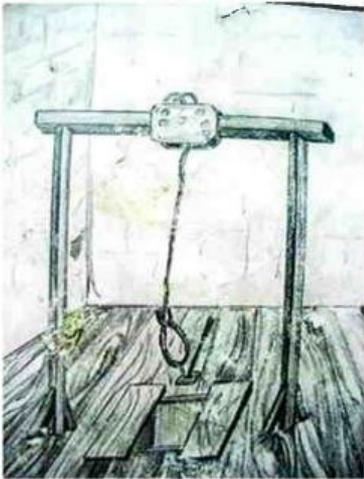
#### Latest news

Mexico abolished the death penalty for all crimes in April 2005

#### 最新消息：

墨西哥於今年四月已完全廢除死刑

# Death Penalty 2005



penalty, by signing the WCADP appeal addressed to African Heads of State and Government.

### The WCADP appeal calls for

- the abolition of the death penalty in national law
- the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights
- the support of the African Union and the United Nations Stop child executions! Ending the death penalty for child offenders

The use of the death penalty against child offenders - people under 18 at the time of the crime - is clearly prohibited under international law, yet a handful of countries persist with child executions.

Since January 1990 Amnesty International has documented 42 executions of child offenders in eight countries — the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, the USA, China and Yemen. The USA carried out 19 executions - more than any other country.

國際特赦組織是全球反對死刑聯盟的成員之一。該聯盟是一個超過三十八個人權組織、大律師公會、工會及地方政府組成的聯盟，專責倡議廢除死刑。

每年的全球反對死刑日都是由聯盟舉辦的，目的是動員於世界各地的人去反對死刑。今年這個日子在十月十日，而這日則會專注於反對非洲的死刑法。

雖然大部份的非洲國家已廢除了死刑，但是這個做法一定要推廣至整個非洲。

### 行動吧！

全球反對死刑聯盟正發出呼籲，要求各非洲政府廢除死刑，請簽署支持立即廢除死刑。

### 聯盟的呼籲要求：

- 將廢除死刑收歸國法
- 簽署國際公民及政治權利公約第二議定書
- 支持非洲聯盟及聯合國

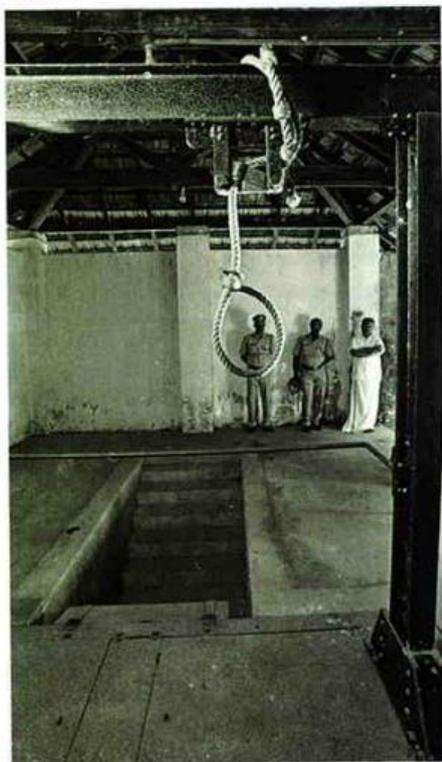


# Reversing the global trend: the death penalty in Indonesia

## 與全球趨勢背道而馳：印尼的死刑執行狀況

*Amnesty International opposes the death penalty unreservedly in all cases. Every death sentence is an affront to human dignity, every execution a symptom of a culture of violence, rather than a solution to it. Today, 120 countries are abolitionist in law or practice, and the global trend is towards abolition: over 40 countries have abolished the death penalty for all crimes since 1990.*

國際特赦組織堅決反對任何死刑。任何的死刑判決都是對人性尊嚴的藐視。任何死刑的處決都是暴力文化下的病症，而不是解決方案。今天，已經有120個國家廢止了死刑的法律或執行，而廢止死刑更已經明確是全球的趨勢。自從1990年起，超過40個國家已經廢止死刑用於任何型式的犯罪處罰。



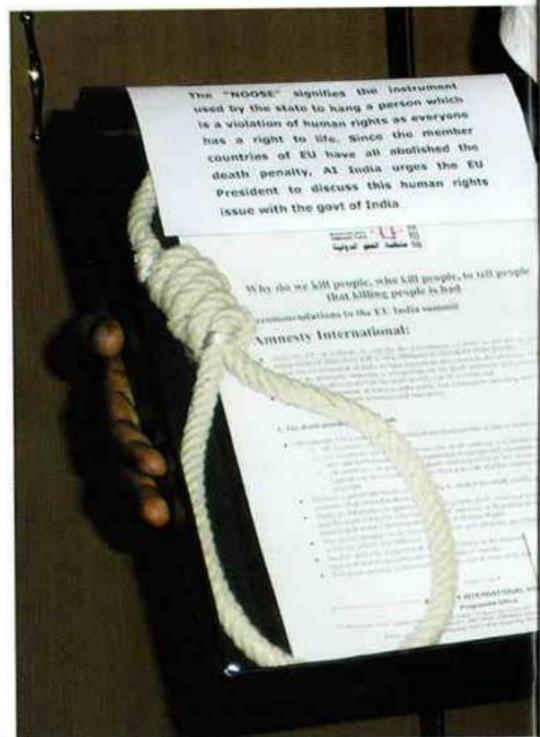
Indonesia has never abolished the death penalty, but death sentences have rarely been imposed. However there have been five executions since August 2004. Indian national Ayodhya Prasad Chaubey was executed on 5 August 2004, and Thai nationals Namsong Sirilak and Saelow Prasert were executed on 1 October 2004. All three had been sentenced to death for drug trafficking. Indonesian nationals Astini and Turmudi bin Kasturi were executed in March 2005 and in May 2005 respectively. Both were convicted of murder. At least 62 people are believed to be under sentence of death in Indonesia. Amnesty International believes there could be many more, but complete information on death penalty cases is very difficult to obtain. This increase in executions is extremely worrying.

When the death penalty is imposed, the risk of innocent people being executed is unavoidable. For example, in the USA, 119 prisoners have been released since 1973, after evidence emerged of their innocence of the crimes for which they were sentenced to death. International human rights standards set out the minimum requirements for a fair trial to protect those facing a possible death penalty. The United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty states that 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. The international standards constituting a fair trial are set out in the International Covenant on Civil and Political Rights. These include the entitlement to adequate legal assistance at all stages of the proceedings, and the entitlement to the free assistance of an interpreter if the defendant cannot understand or speak the language used in court. Without these standards in place the defendant cannot be considered to have received a fair trial.

In Indonesia defendants may not receive adequate legal representation and may not be made fully aware of their rights, including the right

to appeal their sentences. Many of those under sentence of death in Indonesia are foreign nationals, and in several of these cases there are concerns that defendants did not have access to translators for at least some stages of the investigations and prosecution processes. These concerns are exemplified in the case of the two Thai nationals who were executed in October 2004. Namsong Sirilak and Saelow Prasert did not have access to legal representation before their trial or to interpreters during the police investigation. The Indonesian judicial system is widely acknowledged to be in urgent need of reform, and AI has many concerns about its efficiency and fairness. In Indonesia, the risk of imposing the death penalty on the innocent is extreme.

Police misconduct is also a major problem. Sakak bin Jamak, who Amnesty International fears is at imminent risk of execution, was sentenced to death for murder in 1995. He claims that he is innocent of the murders, but confessed to them



after 10 days of torture at the hands of police forces. Sakak bin Jamak did not have access to legal representation during the police investigation or prior to his trial. He was given legal representation by the state only when the trial started, denying him the right to legal advice during questioning and to adequately prepare a defence.

In an investigation conducted in September 2000, Komnas HAM, the Indonesian National Human Rights Commission, expressed concerns that Sakak bin Jamak was not informed of his right to appeal the sentence, and there is concern that he may not have understood his right to do so. Following his visit to Indonesia in July 2002, the UN Special Rapporteur on the independence of judges and lawyers expressed concern regarding corruption within the judiciary. The Indonesian Commission on Human Rights (Komnas HAM) noted in 2001 that, "Aside from being internationally recognized as a human rights violation in itself, the death penalty administered by a corrupt judiciary is extremely dangerous."

Since 1998 a process of reform of key institutions including the police and the judiciary has been initiated in Indonesia. This process has involved the Indonesian authorities themselves acknowledging the limitations and serious problems inherent in these systems, including the fact that both the police and the judiciary are subject to widespread corruption. On this basis there can be no confidence in convictions made under the Indonesian judicial system. The risk of the execution of the innocent is severe, and convictions such as that of Sakak bin Jamak must be reviewed.



雖然印尼從未廢止死刑，但是死刑卻很少被執行。但是自2004年8月起，已經有了五宗的死刑處決。一名印度公民 Ayodhya Prasad Chaubey 在2004年8月5日被處決。兩名泰國公民 Namsong Sirlak 和 Saelow Prasert 也在2004年10月1日被處決，這三人皆因為運毒而被判處死刑。兩名印尼公民 Astini 和 Turmudi bin Kasturi，因為謀殺罪，也分別在2005年3月和5月被處決。在印尼，至少還有62位的罪犯被判處死刑。國際特赦組織相信這數字其實更多，但是完整的死刑判決消息卻很難取得。而不斷增加的處決趨勢令我們十分擔憂。

當決定執行死刑的時候，錯誤地處決無罪者的風險是無法避免的。舉例來說，在美國，自1973年以來，合計共有119位死刑犯，因為後來的無罪證據陸續出現而被獲釋放。國際人權標準對於可能面對死刑的嫌疑犯人制訂了一套最低的要求條件，來保證他們能夠獲得公平的審判。「聯合國關於保證面對死刑犯人的權利保障措施的聲明中指出，死刑必須是在一個有能力提供保證公平審判的安全保護下的司法系統內，才可以被執行。而對於公平審判的國際標準定義，早已被制訂於「公民權利與政治權利國際公約」裡。這些包括了能夠在審判過程中提供足夠的法律協助，或者假使被告人不能以法庭內所用的語言理解或陳述，法庭會提供免費的翻譯服務。如果被告沒能獲得這些協助，這個審判過程便不能被認定為公平。

在印尼，被告者往往不能獲得足夠的法律代表協助，同時也沒能夠意識到他們的權利，包括了要求上訴的權利。很多在印尼被判處死刑的是外國公民。而這些外國公民往往不能夠在調查或審判過程中獲得翻譯的協助。這些關切特別地展現現在2004年10月處決兩名泰國公民

的事件裡。Namsong Sirlak 和 Saelow Prasert 沒能夠在審判過程前有律師代表諮詢，也沒能在警察調查期間有翻譯協助。印尼的司法體制系統被認為是急需要改革的，而國際特赦組織更對於其效率和公平表示關切。在印尼，將無罪者誤判死刑的風險是極大的。

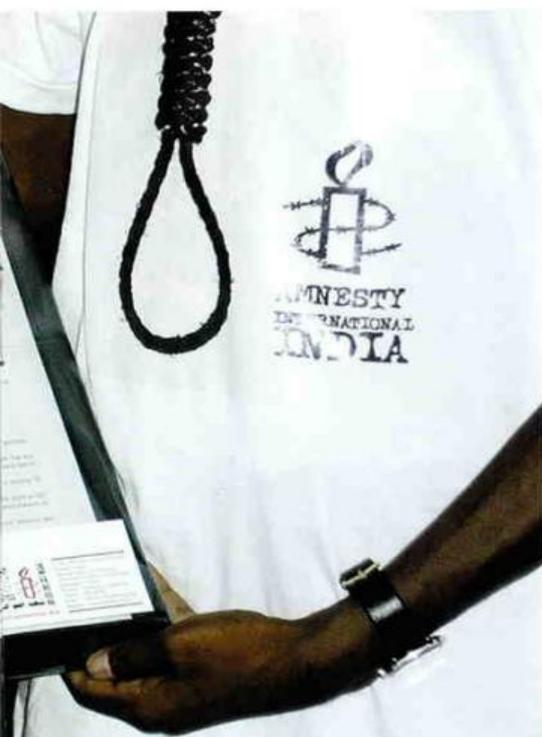
警察的胡作非為是一個主要的問題。例如國際特赦組織所一直擔心，也正面臨即時被處決危險的 Sakak bin Jamak，他在1995年因為謀殺罪嫌而被處死刑。雖然他一直主張他是無罪的，但是在經過警察酷刑拷問的10天後卻承認了。Sakak bin Jamak 在接受調查期間和審判前和並沒有能夠獲得法律代表協助。他的代表律師是在審判開始後才由政府指派，完全否定了他在審問期間的法律權利以及足夠時間準備他的辯護。

在2000年9月所展開的一次調查裡，印尼的國家人權委員會「Komnas HAM」對於 Sakak bin Jamak 沒能夠被告知他上訴的權利，以及他可能沒能夠理解他有這樣的權利的狀況表達了關切。聯合國特使在2002年七月探訪印尼後，對於印尼法官和律師的獨立性，以及司法系統內的腐敗問題表達了關切。印尼的國家人權委員會「Komnas Ham」在2001年所發表的報告裡指出，「死刑本身除了是違反人權的行為...由一個腐敗的司法系統來執行死刑更是危險。」

自從1998年，一連串包括警察與司法系統等主要機構的改革經已展開。這個過程迫使讓印尼執法單位承認他們本身系統內的嚴重缺陷，包括了警察與司法系統內嚴重的貪污與腐敗問題。在這個基礎上，沒人能夠對於印尼司法系統所做的有罪判定有任何信心。處決無罪的風險是嚴峻的。而 Sakak bin Jamak 的定罪過程更應該要被重新探討。

Amnesty International has launched a worldwide campaign against the death penalty in Indonesia. For more information about how you can help, please contact Sarah on 9048 1691 or via [admin-hk@amnesty.org](mailto:admin-hk@amnesty.org).

國際特赦組織已經啟動了一個全球反對印尼死刑的行動。若你想知道可以如何協助這個行動的詳情，請聯繫 Sarah, 9048 1691 或透過 [admin-hk@amnesty.org](mailto:admin-hk@amnesty.org)。



# Aceh post- tsunami: human rights defenders at risk

## 海嘯後的亞齊：人權捍衛者的危機



*Amnesty International has been extremely concerned about the safety of human rights defenders in Aceh for many years. Local activists, working to protect the human rights of others have long been at risk of intimidation, harassment, arbitrary arrest and detention, torture and extra-judicial execution. This situation has not changed since the tsunami, though widespread destruction of Aceh's infrastructure means that reports of intimidation of human rights defenders have been scarce. However, AI believes that many remain at risk of serious human rights violations, especially in areas where there is no international presence.*

國際特赦組織多年來一直關注捍衛人權者在亞齊省的人身安全。當地的活躍份子積極保護其他人的人權的同時，亦飽受被恐嚇、騷擾、無理的拘留、嚴刑拷問等危機。這些情況不但沒有因海嘯後而有所改變，卻因亞齊省的基建被這場海嘯徹底摧毀而導致這些個案甚少被提起或報告。國際特赦組織相信在那些沒有國際社會成員進駐的地方，人權被侵犯的情況仍然非常嚴重。其中一個例子就是 **Farid Faqih**，他是一個監察政府組織的主席，同時亦是聯合國糧食項目的承辦商。

One example of a tsunami-related attack on a human rights defender is the case of Farid Faqih, the chairman of Government Watch, a non-governmental corruption watchdog, and a contractor for the United Nations Food Program.

On 27 January 2005, Farid Faqih (m) was arrested by Indonesian air force officers and accused of having stolen aid relief for tsunami victims. According to a spokesman for the Indonesian military, Farid Faqih improperly removed medical supplies, hundreds of cooking stoves and other aid from the central depot of Banda Aceh airport in January 2005. Large quantities of aid related goods were found in three warehouses that he operated. Faqih denied the charges of theft and reportedly told his interrogators that he had kept the goods at a warehouse just outside Banda Aceh to prevent them from being soaked in the rain. Farid Faqih was severely beaten by soldiers before his arrest. On 23 March 2005, Captain Syaib, one of the soldiers, was sentenced to three months in jail by the Banda Aceh Military Court. He is currently appealing the Court's decision, saying he was just protecting property belonging to the state. Amnesty International remains unaware of any other soldiers being under investigation due to the beatings.

Farid Faqih was arrested just a few days after claiming that the number of Internally-Displaced Persons (IDPs) in the camps had been exaggerated in order to allow local officials to get more tsunami aid. He has claimed that he is innocent of the charges against him. Government Watch representatives assert that Farid Faqih had not stolen the aid but only wanted to remove it for safekeeping.

Farid Faqih has been sentenced to 1 year and 5 months imprisonment. He is currently free pending appeal.

Please write politely worded letters to the President and the Minister for Justice and Human Rights

- Expressing concern that Farid Faqih was beaten by a member of the Indonesian security forces before his arrest, and calling for the authorities to guarantee his safety;
- Expressing concerns that Farid Faqih may have been arrested, detained and tried solely on account of his peaceful campaigning activities against corruption, and calling on the authorities to carry out an independent investigation into the circumstances of his arrest;





於 今年的一月二十七日，Farid Faqih 被印尼空軍軍官以偷取海嘯災民的救援物資之名而拘捕。根據印尼軍方的發言人所言，Farid Faqih 於二零零五年一月期間，在班達亞齊機場的中央倉庫內偷取了藥物，以及逾百的煮食用具及其他救援物資，在他管理的三個貨倉內也搜出大批救援物資。Faqih 否認有關控罪及解釋他是因為避免雨水浸濕救援物資才將物品放置於離班達亞齊不遠的貨倉內。

Farid Faqih 於被捕前曾被士兵嚴重毆打。於本年的三月二十三日，其中一個軍人 Syuaib 上校被班達亞齊軍事法庭判了要服刑三個月。Faqih 正在上訴，辯稱他只是在保護國有財產。國際特赦組織仍然未清楚有多少士兵因為毆打他人而被調查。

Farid Faqih 曾批評當地官員把失蹤人數誇大，以獲取更多援助。他發表演論後不久就被捕。Faqih 認為自己是無辜的，而監察政府組織的代表則指出 Farid Faqih 只是想保護那些救援物資，他並沒有偷取的意圖。

Farid Faqih 已被判了一年零五個月的刑期，在等候上訴期間暫被釋放。

請寫信給印尼總統及公義及人權部長：

對 Farid Faqih 於被捕前被一眾印尼軍人毆打表示關注及要求有關方面保證他的人身安全；

- 對 Farid Faqih 可能因反對貪污而進行的和平活動再度被捕、扣留及要求有關方面對他  
被扣留時的情況進行獨立調查；
- 提醒有關方面保護人權捍衛者是他們的責任，令到他們不會在進行合法及和平的工作時  
人權受到侵犯；
- 要求有關當局如聯合國聲明一樣，認真處理及保證捍衛人權者的人身安全。這包括給予軍方成員適當的指示，保證捍衛人權者的人權不會被侵犯，即無理的拘捕及虐待，及邀請聯合國關於人權捍衛者的特別代表到印尼進行探訪。■

- Reminding the authorities of their obligation to protect human rights defenders so they can carry out their legitimate and peaceful work without fear of being subjected to human rights violations;
- Calling on the authorities to take concrete measures to guarantee the security of human rights defenders as guaranteed in the UN Declaration on Human Rights Defenders.

This would include issuing instructions to members of the security forces to ensure that human rights defenders are not subjected to human rights violations, including arbitrary arrest and torture, and inviting the UN Special Representative on Human Rights Defenders to visit Indonesia, including NAD. ■



**Addresses:**

*President*

*Mr Susilo Bambang Yudhoyono*

*Istana Merdeka*

*Jakarta 10110*

*Indonesia*

*Fax: + 62 21 345 2685/+ 62 21 52 68726/+ 62*

*21 380 5511*

*presiden@ri.go.id*

*Form of address: Dear President,*

*Minister for Justice and Human Rights*

*Mr Hamid Awaluddin*

*Jl. H.R. Rasuna Said Kav No. 4-5*

*Kuningan*

*Jakarta Selatan 12950*

*Indonesia*

*Fax: + 62 21 525 3095(w)/ + 62 21 310 4149/+*

*62 21 522 5036*

*Form of address: Mr-, /Dear Minister,*

**地址：**

*總統*

*Mr Susilo Bambang Yudhoyono*

*Istana Merdeka*

*Jakarta 10110*

*Indonesia*

*Fax: + 62 21 345 2685/+ 62 21*

*52 68726/+ 62 21 380 5511*

*presiden@ri.go.id*

*公義及人權部長*

*Mr Hamid Awaluddin*

*Jl. H.R. Rasuna Said Kav No. 4-5*

*Kuningan*

*Jakarta Selatan 12950*

*Indonesia*

*Fax: + 62 21 525 3095(w)/ + 62*

*21 310 4149/+ 62 21 522 5036*



Mikhailo Koval family: Mikhailo Koval and his family, Mikhailo Koval 一家合照

"If you don't fight the wrongdoing, it will just give rise to more." - Mikhailo Koval from Chernihiv, victim of alleged ill-treatment

“若果我們對罪惡不聞不問，這只會助長它的蔓延。”——Mikhailo Koval, 於烏克蘭曾受不人道對待的受害者

Law enforcement officers routinely extract confessions and testimonies from detainees through force, often resorting to torture. "A suspect, a witness or a bystander - all can be at risk of being tortured or otherwise ill-treated by police," Heather McGill, Amnesty International's researcher on Ukraine said.

"All forms of torture or other ill-treatment are unequivocally prohibited at all times and in all circumstances under international human rights law. However, in Ukraine allegations of torture are rarely investigated and if such investigations are carried out, most often they are flawed. As a result few police officers implicated in acts of torture and ill-treatment are punished and the victims rarely receive reparation."

Ukraine: Time for action: Torture and ill-treatment in police detention, Amnesty International's report highlights some of the weaknesses in the criminal justice system that give rise to torture and ill-treatment, including poor conditions in pre-trial detention centres and the lack of safeguards for detainees. One legacy of Soviet times is the emphasis in police work on very high targets for crime solving rather than on crime prevention. The Ukrainian authorities admit that police officers abuse their power because they try to achieve high crime disclosure by any means. As a result, police officers have resorted primarily on obtaining so-called "confessions" in order to achieve these targets, relying on the use of force to obtain the "confessions". Police ill-treatment is exacerbated by a high level

of corruption - police officers are known to beat detainees in order to extract money.

There is no comprehensive official information to give a clear picture of the extent of torture and ill-treatment in police custody in Ukraine. However, a study carried out by the Kharkiv Institute for Social Research found that 62.4 per cent of those interviewed who had been in police detention were subjected to ill-treatment on arrest: 44.6 per cent had their arms, legs or necks twisted; 32.8 per cent were punched or kicked; and 3.8 per cent claimed to have been tortured and ill-treated using special equipment.

The cases that have come to Amnesty International's attention in the period of 2001 to June 2005 contain allegations that detainees have been suspended from metal bars (a method known as "lom" or "the crowbar"), forced to wear gas masks so that they partially

suffocate (a very common form of torture in all countries of the former Soviet Union, known as "slonik" or "little elephant"), beaten with fists or kicked, or beaten with other items such as heavy books, for example, the Code of Criminal Procedure, or filled water bottles, that do not leave marks on the body. In other cases psychological pressure has reportedly been used, such as threats of rape, threats of convictions for other crimes, or, as in one case - separating a mother from her sick baby.

"Many victims do not lodge complaints because they are scared or don't trust the system. Those who are persistent and brave enough to seek justice may find themselves once more victims of intimidation and reprisals. They rarely receive compensation," Heather McGill said.

"Any government that wishes to fight torture and ill-treatment must ensure that

# Ukraine: Decisive action against torture

## 烏克蘭：伸張正義

# ive action e yet to be taken

## 刻不容緩

all allegations of such human rights violations are duly investigated according to international standards of promptness, thoroughness and objectivity, that the guilty are punished and the victims compensated."

President Viktor Yushchenko has made clear his desire to bring Ukraine closer to membership of the European Union. Government officials have made encouraging statements about changes in the criminal justice system that will bring it in line with international human rights standards. However, allegations of torture and ill-treatment in police detention persist.

"If the government of Ukraine is serious about reaching an associated agreement with the European Union by 2007, it must start immediately on reform in the criminal justice system, root out torture and ensure justice for the victims," Heather McGill said. ■

**執** 法人員為了在被拘留者身上套取證供，常使用暴力，甚至對被拘留者進行嚴刑拷打。國際特赦組織烏克蘭研究員 Heather McGill 分析：“不論是疑犯、證人、或者是旁觀者，他們都有被警察施以酷刑或不人道對待的危險。”

“據國際人權法規定，在任何時間或任何情況下使用酷刑或進行虐待行為，均一律被禁止。可是，在烏克蘭的有關部門很少調查關於使用酷刑的指控。即使著手調查，也往往錯漏百出。因此，涉及使用酷刑和進行虐待行為的執法人員很少受懲罰；受害者也得不到賠償。”

國際特赦組織發表了名為《烏克蘭：刻不容緩——拘留期間的嚴刑拷打和不人道對待》的報告。該報告指出，烏克蘭刑法制度的弱點，正是嚴刑拷打和不人道對待的源頭。其中包括審前拘留所的惡劣環境和被拘留者缺乏保護。在蘇維埃時期，警察工作著重達到破案目標，而非預防罪案發生。這方法一直影響著現今烏克蘭的執法機關。烏克蘭有關當局亦承認，執法人員求破案心切，不惜採取一切方法，即使那些方法是濫用警權。其中有不少情況是警務人員為了獲得“供詞”和達到破案目標而濫用暴力。此

外，貪污問題也很嚴重，警察為了金錢而毆打被拘留者已不是新鮮的事情。

現時烏克蘭的官方資料極為有限，並不能全面反映被拘留者所受的嚴刑和不人道對待的真實情況。不過，哈爾科夫社會研究所就曾對一些曾被拘留的人士進行了訪問。研究發現，百分之62.4受訪者曾在拘留期間受到虐待；百分之44.6受訪者的手、腳、或是頸部遭扭傷；百分之32.8曾遭拳打腳踢；百分之3.8聲稱遭到執法人員用刑具進行拷打和虐待。

國際特赦組織從2001年到2005年六月也接到不少有關個案。指控包括：被拘留者被懸掛在金屬條上（此方法又名作“lom”或“撬棍”），被迫戴上面罩而差點窒息（這方法在前蘇聯國家很常見，叫作“slonik”或“小象”），被拳打腳踢，或被硬物毆打。為求不留痕跡，執法人員常用厚重的書本（如《刑事訴訟法規》）和灌滿水的瓶子毒打被拘留者。向被拘留者施加心理壓力的個案也不少。被拘留者表示曾遭恐嚇強姦或者被加以其他罪名。其中有一個案，受害人甚至遭恐嚇要跟她生病的嬰兒分開。

Heather McGill 表示，受害人因為害怕或不信任現有的制度，很多時候都選擇忍氣吞聲。即使個別受害人有膽量和堅持去尋求公義，也會遭到恫嚇和報復。故此，受害人常得不到應有的補償。

他也指出，政府如要顯示打擊虐待和不人道對待的決心，便應處理所有違反人權的指控。調查過程須符合迅速、徹底和客觀的國際標準，以確保罪犯得到應得的懲罰，受害人得到適當的賠償。

烏克蘭總統尤申科自上任以來，一直希望烏克蘭能夠成為歐盟成員國之一。政府官員也願意配合，指出烏克蘭的刑法制度已改進不少，逐漸符合國際人權標準。但是，被拘留者受虐待和不人道對待的投訴卻從沒有間斷。

Heather McGill 認為，烏克蘭政府若要在2007年與歐盟達成合作協定，它必須立即著手改革其刑法制度。為了維護受害者的權益，嚴刑拷打的情況一定要根除。 ■

# Press Conference on the World Day Against the Death Penalty

## 國際反對死刑日新聞發佈會

The Death Penalty group held a press conference in collaboration with the Hong Kong Joint Coalition Against the Death Penalty to mark World Day Against the Death Penalty on Oct 10.

The relatives of a Hong Kong resident on death row in China were invited to speak. Also present were AIHK campaigner Ho Wu Tong who spoke for the coalition on issues surrounding Hong Kong residents facing the death penalty in China and the inadequacy of the Hong Kong government's procedure to monitor and inform on the cases. AIHK Death Penalty Group Coordinator Hugh Whitby spoke on general issues relating to the death penalty in Asia and called for more information and transparency from governments still applying it.

We are now making plans for an action on Nov 30 aimed at turning the "lights out" in recognition of all those who are being executed. This action is based on a similar one in Rome, Italy and we will hold a candlelit vigil as well as displaying exhibition materials.

All AIHK members are very welcome to get involved by making suggestions or helping in the planning of the event. If you would like to join us please feel free to contact Ho Wu Tong on 2155 2369 / hwu@amnesty.org or Hugh Whitby on 9836-4163 / elhugh@cityu.edu.hk

本會的死刑組聯同取消死刑聯合委員會於十月十日的國際反對死刑日舉行新聞發佈會。

一個在中國大陸的香港死刑犯家屬應邀出席演講，身為國際特赦組織成員的胡浩堂亦就港人面對中國的死刑法及港府在監察這類案件和資訊上的不足發表演說。國際特赦組織死刑組負責人Hugh Whitby則就死刑在亞洲的相關問題上促請仍使用死刑的國家增加對外的資訊及提高透明度。

本會現計劃於十一月三十日舉行活動，目的是悼念對已被處決的人。以前在意大利的羅馬舉行過類似的活動，當日我們會展出有關展品及燭光悼念晚會。

所有國際特赦組織的會員都歡迎參加該活動並提出意見，或可協助籌辦是次活動。有興趣者請聯絡胡浩堂(電話：2155 2369，電郵：hwu@amnesty.org)或Hugh Whitby(電話：9836 4163，電郵：elhugh@cityu.edu.hk)



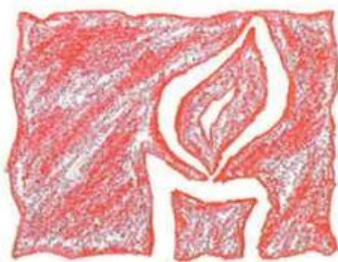
# We need your help for the Flag Day on 30 November!

# 11月30日 賣旗日 需要您的支持!

Amnesty International Hong Kong Section Human Rights Education Charitable Trust has been granted a fundraising flag day on Wed 30 November 2005. AIHK would very much appreciate it if you could volunteer for even two hours that morning from 7:00 am to 12:00 noon.

Duration: At least 2 hours from 7:00 am to 12:00 noon  
Venue: Kowloon district (excluding Tseung Kwan O)  
Criteria: Age above 14  
Donation bag collection centres: HSBC Kwun Tong, Mei Foo Sun Tsuen, Tai Yau Street & Tsim Sha Tsui Branches  
Inquiries: Tel: 2300 1250

Please act now! Fill out this online form [http://www.amnesty.org.hk/forms/flagday\\_reg.htm](http://www.amnesty.org.hk/forms/flagday_reg.htm) to register as a volunteer flag seller. Your support of our work can make a real difference.



國際特赦組織香港分會人權教育慈善基金成立於1993年，一直致力於香港推行人權教育活動。今年，獲社會福利署批准，於2005年11月30日(星期三)舉辦賣旗

日籌款，我們極需要您的支持。義工朋友們只需於當日上午7時至中午12時撥出兩小時協助便可。

時間：上午7時至中午12時中至少兩小時  
地點：九龍區(不包括將軍澳)  
資格：年滿14歲人士  
旗袋收集站：匯豐銀行官塘、美孚新村、旺角、大有街及尖沙咀分行  
查詢電話：2300 1250

請即填妥此網上表格 [http://www.amnesty.org.hk/forms/flagday\\_reg\\_chi.htm](http://www.amnesty.org.hk/forms/flagday_reg_chi.htm)，登記成為賣旗義工。您的參與，將為我們的人權教育工作帶來重大的貢獻。

# International Human Rights Day Carnival 2005

## 2005 國際人權日嘉年華

Since 1998, NGOs in Hong Kong had been organizing activities to celebrate the International Human Rights Day (10th December). This year, Amnesty International has joined hands with other local NGOs to organize the International Human Rights Day Carnival. The fair will be from 2pm to 5pm on 3rd December at Lee Garden Road Pedestrian Area, Causeway Bay. AIHK will also have a booth there to introduce our latest campaign. See you there!

自一九九八年起，香港的民間團體都會舉辦慶祝國際人權日（十二月十日）的活動。今年，國際特赦組織與本地一眾民間團體合作舉辦「國際人權日嘉年華」。嘉年華將於本年十二月三日下午二時至五時假銅鑼灣利園山道行人專用區舉行。我們到時亦會擺設攤位，介紹我們最近的人權運動資訊。到時見！



人權落實於法治、  
教育

### 人權日嘉年華

日期：12月3日（星期六）  
時間：下午2時至5時  
地點：銅鑼灣利園山道行人專用區  
內容：表演、攤位遊戲、表演、派發資料及免費午餐！

### 舉辦專題片及攝影創作比賽

對象：中學生  
組別：「社區科技計劃」及「啟發創作組」各組  
● 攝影組，由一至初三  
● 攝影組，中四至中七

### 比賽規則及報名表格：

<http://www.ahk.org.hk/social/hrd/2005.htm>

### 評語：

明光社設計局一個專業老師，全香港僅有，專予學生提供創作組、攝影組學生、攝影女工、攝影男工

獎項：各組別《評審大獎》、《最佳攝影》及《最佳表演獎項》獎項各一，另加頒發獎狀、證書及獎狀。

截止日期：2005年11月18日（星期五）

查詢：2780 7337 蔡煥堯先生（歡迎電）

2005 HUMAN RIGHTS DAY

國際特赦組織、香港人權監察、香港人權促進會、香港人權保障基金會、香港人權保障協會、香港人權保障聯盟、香港人權保障聯盟



## An Open Letter to Education and Manpower Bureau

### 致教統局的公開信

On 6 October 2005, AIHK addressed an open letter to Education and Manpower Bureau, expressing its sadness and surprise by the awarding of a government contract to educate teachers on human rights and anti-discrimination to the Society for Truth and Light, a body which is openly homophobic and which has in the past often called for the limiting of "excessive" human rights in modern society.

Proposals were rejected from more experienced human rights educators including University of Hong Kong law professor Benny Tai Yiu-ting, and a group headed by Hong Kong Institute of Education and Human Rights Monitor legal expert Leung Yan-wing.

AIHK believes that human rights education

is a fundamental part in the promotion and protection of basic human rights and as such the issue should be treated with respect and the utmost care. AIHK has grave concerns as to the content run by the Truth and Light Society to fully explain and uphold the rights enshrined in international standards and international law given the group's very public opposition to proposed anti sexual orientation discrimination legislation and its apparent dislike of legislation promoting equal rights for all members of society.

AIHK urges the HKSAR Government to take human rights education seriously and select an organization with a strong track record in the provision of human rights education and a known commitment to human rights.

今年 10 月 6 日，國際特赦組織香港分會向教育統籌局致公開信，對政府決定將中學老師人權教育培訓課程的合約授予明光社表示失望及驚訝。明光社一直以來都公開其反對同性戀的立場，過往亦主張在現代社會中限制“過份膨脹”的人權。

教統局拒絕了更富經驗的人權教育家的申請，包括香港大學法律系教授戴耀庭，以及由香港教育學院及人權監察的法律專家梁恩榮的標書。

國際特赦組織深信，人權教育是推廣及保障基本人權最重要的一環，所以我們必須極小心處理及以最大的尊重去處理人權教育的相關事宜。國際特赦組織促請政府必須認真處理人權教育，並選擇一個有良好人權教育經驗的團體去進行相關教育活動。

### Christmas Card 聖誕卡

Christmas is coming. Amnesty International has a series of new products and members enjoy special discount for all items. All money goes to the charity purpose of AI's human rights work.

聖誕佳節將至，國際特赦組織推出一系列的新產品供各位選購，會員更享折扣優惠。所有收益用作國際特赦組織人權工作慈善用途。

#### Christmas Card Dimensions

聖誕卡尺寸：  
19 cm x 8 cm

#### Price 價目：

A pack of 5 cards 一包五張  
HK\$50 / HK\$40 (member special 會員優惠)

#### Producer 生產商：

英國 Paperlink, UK



M020



M032



M033



M034



M035



M036



M037

### 2006 Calendar 年曆

Theme 主題：Women 婦女

Calendar Price 年曆價目：

HK\$130 / HK\$110 (member special 會員優惠)



It's a product of Amnesty International Spain  
這是國際特赦組織西班牙分會之產品

# Amnesty International Hong Kong 國際特赦組織香港分會

## Order Form for Christmas cards & 2006 calendar 聖誕卡 / 年曆訂購表格

Item 項目	Price 價目表		數量 Qty	Sub-total 小計 (HK\$)
	HK\$	Member special 會員優惠 HK\$		
聖誕卡 Christmas card M020	50	40		
聖誕卡 Christmas card M032	50	40		
聖誕卡 Christmas card M033	50	40		
聖誕卡 Christmas card M034	50	40		
聖誕卡 Christmas card M035	50	40		
聖誕卡 Christmas card M036	50	40		
聖誕卡 Christmas card M037	50	40		
年曆 2006 Calendar	130	110		
Delivery & handling charges 郵遞及手續費 * (If the delivery place is outside HK, please contact the office first.)				
I would like to make a donation to support AIHK's human rights work. 我欲捐款支持國際特赦組織香港分會之人權工作。				
			Total 合共 :	

### \* Delivery & handling charges 郵遞及手續費

Order up to HK\$200 貨品總值不超過 HK\$200	Charges 收費	HK\$10
Order up to HK\$450 貨品總值不超過 HK\$450	Charges 收費	HK\$20
Order up to HK\$900 貨品總值不超過 HK\$900	Charges 收費	HK\$30
Order up to HK\$1300 貨品總值不超過 HK\$1300	Charges 收費	HK\$50
Order up to HK\$1800 貨品總值不超過 HK\$1800	Charges 收費	HK\$60

### Payment Method 付款方法 :

- Cheque, payable to Amnesty International Hong Kong Section Ltd.  
支票·抬頭請付：國際特赦組織香港分會有限公司
- Credit Card 信用卡：  Visa   MasterCard

Please fill in your card number 信用卡號碼： \_\_\_\_\_ Expiry Date 有效期： \_\_\_\_\_

Cardholder's Name 持卡人姓名 (Please print 正楷)： \_\_\_\_\_

Cardholder's Signature 持卡人簽名： \_\_\_\_\_ Date 日期： \_\_\_\_\_

Purchaser's Name 訂購人姓名： \_\_\_\_\_

AI membership no. 會員編號 / Donor Ref. 捐款人編號 (if applicable 如適用)： \_\_\_\_\_

Delivery address 郵遞地址： \_\_\_\_\_

\_\_\_\_\_

Contact No. 聯絡電話： \_\_\_\_\_ Email 電子郵件： \_\_\_\_\_

Address: Unit D3, Best-O-Best Commercial Centre, 32-36 Ferry Street, Kowloon, Hong Kong  
地址：香港九龍渡船街 32-36 號富利來商業大廈 3D  
Tel 電話：(852) 2300 1250 Fax 傳真：(852) 2782 0583 Email 電郵：admin-hk@amnesty.org

Any personal data provided above will only be used for the purpose of organisation's communication and issuing receipts.  
你的個人資料只限用於本會作通訊及發收據之用。

# Malaysia: torture and detention without trial in the "war on terror"

## 馬來西亞：在反恐戰中侵犯人權

*Detention without trial and abuse of detainees by US authorities in Iraq and in Guantanamo Bay have been the focus of international attention, but there is little attention paid to human rights abuses in the "war on terror" in our regional neighbour, Malaysia.*

沒有經過審訊情況下遭到拘禁與及美軍在伊拉克和關塔那摩灣虐待拘留者的事件，一向成為國際關注焦點。但環顧區內，人們對於馬來西亞政府在反恐戰中侵犯人權的事例卻顯得不聞不問。



In countries such as the UK and the USA, new anti-terrorism laws have been introduced since September 11, 2001, and this new legislation has been widely criticized for its restriction of civil liberties and its potential to allow human rights abuses. However Malaysia already had numerous restrictive laws in place, notably the repressive Internal Security Act (ISA), in which an individual can be detained without charge or trial.

Thousands of people have been detained under the ISA, including opposition activists, academics, students and trade unionists. The Malaysian authorities have long faced domestic and international criticism of this law but since September 11, international criticism has been muted, as previously critical governments themselves passed laws accused of undermining human rights.

Many ISA detainees are suspected Islamist "terrorists". In June, The Malaysian Parliamentary Human Rights Caucus said that of 115 being held at Kamunting Detention Centre, 68 were alleged Jemaah Islamiah members, while nine were alleged Kumpulan Militan Malaysia members (an Islamic group). The caucus also said 64 had been detained for more than two years. None of them have had a trial and attempts to allow judicial scrutiny of the grounds for their detention, through periodic habeas corpus petitions, have been mostly ineffective.

The mental anguish of being detained without trial, for an unspecified period is in itself a form of torture. When a person is detained under the ISA, there is an initial 60-day "investigation" period in which detainees are interrogated by Special Branch police. After 60 days, an executive order for a two-year detention period can be issued and renewed indefinitely.

Amnesty International has long been extremely concerned about the treatment of detainees during the initial 60-day investigation period. Over four decades, AI has received reports of detainees being assaulted, forced to strip, deprived of sleep, food and water, told their families would be harmed, and subjected to prolonged, aggressive interrogation.

Last year, 31 ISA detainees lodged complaints with the Malaysian Human Rights Commission of ill-treatment during their initial 60-day detention. Abdul Razak bin Abdul Hamid (arrested in December 2002) said he had been stripped, beaten and forced to drink water poured onto the floor. Mohidin Shaari (also arrested in December 2002) and Azman Hashim (arrested in February 2003) also described how they were stripped naked, kicked and verbally abused. Sulaiman Suramin (arrested in June 2003) claimed he was stripped and sexually humiliated.

At a gathering in Kuala Lumpur on August 1 2005, to mark the ISA's 45th anniversary, SUARAM, a Malaysian human rights organisation said the perpetrators of the Abu Ghraib prisoner abuse in Iraq had at least been exposed and taken to court, while no abusers in the Malaysian Special Branch had been brought to justice. Amnesty International remains gravely concerned that the Malaysian authorities have repeatedly failed to effectively investigate reports of the torture or ill-treatment by police of ISA detainees. The Malaysian authorities should act now to end impunity for those who commit abuses.

像英國和美國等國家，自911事件發生後已通過新反恐法。這些新法由於限制公民自由和容易造就違反人權事件發生，受到猛烈抨擊。話雖如此，馬來西亞政府一早已實施數項限制人權的法例，尤其是內部安全法(ISA)，個人可以在沒有落案起訴和經過審訊的情況下而遭到拘禁。

根據這套內部安全法，已有成千上萬人遭到拘禁，包括反對派活躍分子、學者、學生和工會成員。對於實施這條條例，馬來西亞政府備受國內和國際社會輿論壓力。可是，自發生911事件後，國際間批評變得鴉雀無聲，情況就像那些愛管閒事的別國政府自行通過被認為削弱人權的法例一樣。

有不少根據內部安全法拘禁的人，被懷疑是伊斯蘭恐怖分子。6月，馬來西亞國會人權小組表示，115人拘禁於Kamunting拘留中心，其中68人懷疑是伊斯蘭祈禱團成員，9人懷疑是伊斯蘭組織Kumpulan Militan Malaysia的成員。小組又表示，64人拘禁超過兩年。沒有一人曾經過審訊，或是就拘禁期容許進行司法檢討，就算定期申請人身保護令，對這個情況也起不了什麼作用。

在沒有經過審訊下而無期拘禁，精神飽受折磨，本身已是一種虐待。任何人根據內部安全法拘禁，即進入初始為期60天的「調查」，政治部將對拘留者進行問話。經過這60天後，可發出行政命令，宣佈向拘留者判處兩年刑期，刑期更可不斷地延長。

國際特赦組織一直極度關注拘留者在60天調查期間內所得到的對待。在過去40年以來，國際特赦組織不斷收到有關拘留者遭到虐待的報告，包括強行脫光衣服、剝奪睡眠、不給予食物和水，警告傷害其家人及接受過長和粗暴的問話過程。

去年，共有31名拘留者向馬來西亞人權委員會作出投訴，指稱在60日拘留期間遭到不合理對待。於2002年12月拘捕的Abdul Razak bin Abdul Hamid稱，他被強行脫光衣服、毒打和強迫飲用灑在地上的食水。於同年同月拘捕的Mohidin Shaari和於2003年2月拘捕的Azman Hashim也同樣指稱說，強迫赤身露體、遭到拳打腳踢和忍受言語虐待。另外，Sulaiman Suramin(於2003年6月拘捕)指稱，也被強行脫光衣服和遭到性侵犯。

今年/2005年8月1日，在吉隆坡舉行的紀念內部安全法實施45周年集會上，馬來西亞人權組織人權之聲表示，伊拉克阿布格萊布(Abu Ghraib)監獄虐待囚犯事件至少遭到揭發，而干犯的美軍也帶上了法庭，然而，到目前為止沒有一名施虐的馬來西亞政治部人員曾接受司法制裁。國際特赦組織深切關注到馬來西亞當局屢次沒有對虐待指控和警方不當對待拘留者進行有效調查。馬來西亞政府應立即懲處施虐的人員。

# 2005 World Summit: a chance for UN to put human rights first

## 2005 高峰會——一個讓聯合國將人權列為優先的機會

During 14 to 16 September, heads of state and government gathered in New York for the 2005 World Summit, a high-level meeting at the 60th session of the UN General Assembly. The Summit reviewed progress made towards implementing the 2000 Millennium Declaration and addressed some of the most important issues before the international community. These include reducing poverty, strengthening collective security, and enhancing the protection of human rights. Underpinning the discussions was UN Secretary-General Kofi Annan's bold proposals to restructure the UN, including the recommendation, welcomed by AI, to replace the Commission on Human Rights with a Human Rights Council.

The aim of the Summit is the adoption of a document in which governments are expected to reiterate their pledge to implement the 2000 Millennium Declaration and to commit to specific actions to meet these goals.

The latest draft of the document, expected to be adopted at the Summit, was published in August. AI welcomed its commitment to establishing the proposed Human Rights Council within a strictly limited timescale. In the months leading up to the

Summit, AI has continued to work toward the overall strengthening of the human rights aspects of the document. It is lobbying government representatives to, among other things:

- establish a strong Human Rights Council as a principal organ of the UN within a specified timeframe
- immediately treble the resources of the Office of the High Commissioner for Human Rights from the UN regular budget and double the Office's overall resources within the next five years
- adopt the strongest possible text on human rights, including reaffirming the centrality of gender equality to human rights
- agree to develop an Arms Trade Treaty, consistent with international human rights and humanitarian law obligations.

The Summit presented governments with a unique opportunity. AI urges them to seize it to - as Kofi Annan wrote in March- "raise human rights to the priority accorded to it in the Charter of the United Nations".

今年9月14日至16日，世界各國的政要及領袖，聚集在美國紐約參加世界高峰會，一個於第60屆聯合國大會的主要高層活動。這個高峰會將會探討「2000新世紀宣言」的執行及進步狀況，並且將會在國際社會面前，討論一些重要議題，包括貧窮、共同安全，以及加強人權的保護。

這次討論的主要支柱將會環繞在聯合國秘書長安南所提出的組織改革意見，包括國際特赦組織所贊同的，將人權委員會由更高層次的人權議會來替代。

這個高峰會的主要目的是採納一個法案，讓各國政府再次為他們的「2000新世紀宣言」做出承諾，並致力個別行動計畫來達成這些目標。

在八月份所出版的會議提案最後草稿中，國際特赦組織歡迎聯合國承諾在一個很嚴謹的時間內，設立人權議會的提案。在會議前的幾個月裡，國際特赦組織不斷以遊說政府代表的方式，將這個提案內容，針對人權的部分予以加強，其中包括了：

- 於限定的時間內，設立一個強有力的人權議會組織，成為聯合國內主要的機構。
- 即將將聯合國高級人權總署的資源由目前的預算增加三倍，並在接下的五年內增加這個機構的可用資源兩倍。
- 接納最強硬的人權字眼，包括再次確認兩性平等與人權的平衡
- 同意發展一個符合國際人權及人道主義責任的武器貿易協議。

九月份的高峰會議為各國政府提供了一個獨特的機會。國際特赦組織呼籲各國政府能夠把握，正如安南秘書長在三月份所寫的：「把人權提升至符合聯合國憲章的標準」。

## I want to support human rights 我想支持人權

Name 姓名: \_\_\_\_\_ (Mr.先生 /Ms 女士 /Mrs.太太)

Tel 電話: \_\_\_\_\_ Email 電子郵件: \_\_\_\_\_

Profession 職業: \_\_\_\_\_ Year of birth 出生年份: \_\_\_\_\_ (optional 可以不填)

Mailing address 通訊地址: \_\_\_\_\_

Yes! I want to support Amnesty International's human rights work monthly  
我願意每月捐助國際特赦組織的人權工作  
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# Singapore: Stifling freedom of expression - Film Maker Martyn See Threatened With Prosecution

## 新加坡政府打壓言論自由 電影導演施忠明受調查

*Singaporean film maker Martyn See is under police investigation for making a short documentary film about an opposition politician in the city state. He has been threatened with prosecution under the Films Act, after a making of a 26-minute documentary on Dr Chee Soon Juan, the leader of the opposition Singapore Democratic Party (SDP), and could face up to two years in jail or a fine of up to S\$100,000 (approx. US\$59,000).*

新加坡導演施忠明因拍攝一部關於一名反對派領袖的紀錄片而受到警方調查。該片長26分鐘，題材環繞新加坡民主黨領袖徐順全博士。施忠明可能會被控違反電影法，最高刑罰為監禁兩年或罰款100,000新加坡幣(約59,000美元)。



In March 2005 government movie censors ordered the withdrawal of his documentary, entitled Singapore Rebel, from the country's annual international film festival on the grounds that it breached the Films Act. Subsequently, as police conducted a criminal investigation, Martyn See was called for questioning and compelled to surrender his video camera, existing tapes of the documentary and other related material.

The Films Act, just one of a wide range of restrictive laws that curtail freedom of expression in Singapore, prohibits "party political films". The Act broadly defines such films as those containing "...either partisan or biased references to or comments on any political matter".

The subject of the film, Dr Chee Soon Juan, is prominent among the limited number of Singaporeans who remain vocal and active in opposition politics despite the serious obstacles and personal pressures that such a role can entail.

Chee Soon Juan has been imprisoned for holding peaceful public meetings, and following civil defamation suits lodged by leaders of the ruling People's Action Party (PAP) now faces possible bankruptcy. As a bankrupt he would be barred from standing in parliamentary elections.

Martyn See denies making the film in support of any particular political belief or party, commenting that he sought to "find out Chee Soon Juan's motivation, as to why he does what he does." Although

banned in Singapore, the film has been screened at human rights festivals in the United States and New Zealand.

### PLEASE TAKE ACTION

1. Encourage the screening of Martyn See's film, Singapore Rebel.
2. Write a courteous letter:
  - Express concern about harassment of Martyn See, the threat of his prosecution under the Films Act, and restrictions on freedom of expression, including artistic freedom;
  - Call for an end to the misuse of restrictive laws, including the Films Act, which can serve to punish perceived government opponents and to deter Singaporeans from expressing dissenting political opinions and participating in public life;
  - State that freedom of expression is a fundamental right protected by international human rights instruments, including the Universal Declaration of Human Rights.

Appeal To:  
Dr LEE Boon Yang  
Salutation: Dear Minister  
Minister for Information, Communications and the Arts  
140 Hill Street, #02-02 MICA Building  
Singapore 179369  
Fax: +65 6837 9837  
E-mail: lee\_boon\_yang@mica.gov.sg

今年三月，由施忠明執導的「新加坡反叛者」紀錄片，本獲安排在新加坡一年一度的國際電影節上放映。可是新加坡電檢當局以違反電影法相關規定為由，要求從電影節中抽起該片。新加坡警方進而對施忠明進行調查審問。其間更沒收其攝影機、紀錄片影帶和其他相關資料。

電影法是新加坡眾多壓制言論自由的法律之一，其目標為禁止製作任何“政黨電影”。在條例限制下，電影內容不能偏袒某政黨，甚至不能包含任何對政治議題的評論。

在缺乏自由氣息的环境下，徐順全博士為新加坡少數敢言人士。徐博士曾因召開和平公眾集會而被監禁。他目前仍受一宗涉嫌誹謗新加坡執政黨人民共和黨領導人的案件困擾，因而面臨破產危機。若徐博士宣告破產，他將不能再參選國會議席。

施忠明否認拍攝該片是為了宣揚某黨派的政治理念。他認為拍攝該片只是為了對徐順全博士的參政動機及其工作有更深入的探討。

該片雖然在新加坡被禁，但在美國和紐西蘭的人權節中得以順利公開放映。

### 請即行動

1. 支援放映施忠明的電影「新加坡反叛者」
2. 寫請願信：
  - 關注施忠明受不合理對待和有可能被控以違反電影法罪名；
  - 關注是次事件對言論自由、藝術自由的打壓；
  - 要求廢除電影法及其他嚴苛的限制性法律。因為這些法律限制了新加坡人民表達不同政見和參與公眾生活的權利和自由，並成為政府打壓異見人士的工具；
  - 陳述言論自由乃人類基本權利，受《世界人權宣言》所保障。

郵寄、傳真或電郵至：  
Dr LEE Boon Yang  
稱謂：Dear Minister  
地址：Minister for Information, Communications and the Arts  
140 Hill Street, #02-02 MICA Building  
Singapore 179369  
傳真：+65 6837 9837  
電郵：lee\_boon\_yang@mica.gov.sg

If you want to know more about Martyn See, please visit his personal weblog: <http://singapore rebel.blogspot.com/>  
施忠明的個人網誌: <http://singapore rebel.blogspot.com/>