

HUMAN RIGHTS

Newsletter of the Salisbury group of Amnesty International

In this issue:

Secrets and lies, how
human rights are in-
fringed by the NSA

The slow death of the
death penalty

The limits of rights

What's wrong with Fiji?

July 2013



Secrets and lies

Revelations over the past few weeks by Edward Snowden have shown the widespread and largely uncontrolled level of interception by the National Security Agency (NSA) in the USA and by GCHQ in the UK. Our right to privacy enshrined in the European convention on human rights, has been seriously eroded.

The NSA in America has a programme called 'Prism' and a similar programme called 'Operation Tempera' is run in the UK and both involve the routine interception of billions of emails, tweets and Facebook postings and involves companies such as Google, Apple; Microsoft; Skype; Yahoo; Facebook and Verizon. It was further revealed that all fibre-optic cables are intercepted. Under a sharing arrangement going back to the war, the NSA and GCHQ exchange information gleaned from these intercepts. The sheer scope of this interception is difficult to grasp measured as it is in petabytes. It is made possible by advances in technology and our use of the internet and mobile phones which makes the task of interception now a matter of technology and computing power. What the allegations show is that essentially all messages are capable of being intercepted.

In a statement, Amnesty International said 'It appears [Edward Snowden] is being charged by the US government primarily for revealing its – and other governments' – unlawful actions that violate human rights ... No one should be charged under any law for disclosing information of human rights violations ... Snowden

is a whistleblower. He has disclosed issues of enormous public interest in the US and around the world.'

Blanket interception infringes our right to privacy

The revelations, if true, have caused considerable alarm in the intelligence

and political community and sheds light on the proposals – called the 'snoopers' charter' – to pass more legislation to increase even further the level of surveillance. Proponents of this legislation claim that these powers are needed to combat terrorism and certain forms of crime. They also claim that it is tightly controlled and only done on a case by case basis. Indeed, John Glen MP, in a letter to the *Salisbury Journal* wrote 'where this data is looked at, it will be by designated senior officers on a regulated case by case basis' (Access to data is needed to help law enforcement, 20 June 2013). In the same letter he said 'there is no vast, centralised database.' William Hague the Foreign Secretary, has also repeated this argument and contrasted the use in this country of intercepts to protect our citizens in contrast with the use by some states to coerce or control them.

And then along came the Stephen Lawrence scandal which revealed that the Metropolitan Police (MPS) were seeking to smear the Lawrence family following the murder of their son. Their motive was because the case revealed the racist nature of the MPS at that time.

The Leveson enquiry revealed the unholy alliance between some sections of the press and the MPS. Information acquired by the

police was sold or given to the media for various reasons, among which was to destroy the reputation of someone who was being troublesome.

Asked whether the system amounts to 'a secret snoopers' charter' Vince Cable MP said 'it may well have been.' He referred to the sharing arrangement between GCHQ and the NSA who have access to data in other countries 'with or without our knowledge' he said. Over the past few weeks we have heard interviewed a trail of past home secretaries saying they knew nothing of this, how shocked they are to hear of the revelations and calling for a full investigation. Whither 'tight control'?

POWERS ARE NEEDED

There are many people who agree that the police and security services need the requisite powers to tackle some forms of serious crime and terrorism. There also some nasty anarchist groups and some of those involved in animal rights for example who need careful monitoring. There seem to be many who are quite relaxed about the loss of some liberty if it means we can sleep more easily in our beds. The 'I've got nothing to hide' argument has been heard often recently.

The essential point however is that we live in a free society. Where liberties are given up it must be for specific reasons and be tightly controlled by parliament and be proportionate. Manifestly it has not been. David Davies MP put it well when he said 'nobody will argue against target surveillance of individuals but there are problems with mass sweeps for information, it invades people's privacy and you lose support.'

Cont'd overleaf

Cont'd from p2

What the revelations of the past month have shown is that the ability of the intelligence agencies to intercept the billions of messages in cyberspace has increased enormously. Legislation devised at a time when interception meant attaching crocodile clips to telephone wires in an exchange is now well out of date. The revelations appear to show that the NSA and FBI are hoovering up vast



NSA data centre in Utah

quantities of information and sharing some of this with their British colleagues, with precious little political oversight or knowledge. The existing act, known as RIPA, is clearly inadequate.

Article 8 of the much derided European Convention of Human Rights provides a right to respect for one's 'private and family life, his home and his correspondence' subject to various safeguards. These revelations show that this right has been infringed.

Peter Curbishley

Group activity—North Korea

The group has been quite active over the last few months with signings in the market square, a fund raising stall, and a coffee morning.

The stall signing in the market place was part of our campaign to highlight conditions in North Korea. In the early summer there was a lot of news about this country and fears of a conflict were

widespread. Well, that seems to have diminished somewhat and

the industrial zone across the border has recently been reopened. N Korea has slipped from the news pages. Most, indeed nearly all the comment was of a military nature and the plight of people who live in that country has largely been forgotten.



We have been trying to focus peoples' minds on the life of the people who live there. And it is pretty dire. Most live in acute poverty and under an extremely oppressive regime. North Koreans can be arrested for any reason—including not keeping the obligatory photo of Kim Jung Il properly clean.

Or because a family member has committed some crime. They will not know who or what the crime was. Listening to South Korean radio or watching its TV can result in arrest and being sent to a labour camp.

At the signing, featured above, we asked people to place a strip of cloth on barbed wire over the map of N Korea. This was to symbolize the struggles of its citizens and in particular the risks involved in trying to escape. The idea was developed by one of our members, Karen who prepared the board itself.

The response was gratifying and we collected 200 signatures. In view of the absence of coverage



Board showing barbed wire with pieces of cloth attached. Idea by Karen

that this aspect of life in N Korea this is a good result and further signatures were obtained in the following days.

Summer BBQ

We shall be holding our annual BBQ as usual this year and the date is **Saturday 3 August** starting around 6pm.

The invitation is open to members and supporters of the local group only.

Please bring a contribution (not rice dishes please because of the health risk) and you need to keep and eye on the weather. If it turns



Summer BBQ 2012

nasty then we may have to cry off.

If in doubt please phone 01722 782382 or email welland2@btinternet.com and we will be looking at messages up to 3pm.

We will post something on the web site if need be.

Slow death of the death penalty

Amnesty International's report into the use of the death penalty [DP] around the world says there are grounds for some cautious optimism. There is a continuing, if slight, decline in the number of countries using it and a decline in the number death sentences imposed worldwide.

One problem with a report of this kind is obtaining accurate information. AI goes to great lengths to get this information but China – which executes more people than the rest of the world put together – keeps the number of executions a state secret. The number in Iran is also uncertain.

So what are some of the key facts in the use of DP around the world? The bad news is that there was a resumption in the use of executions in several countries which had not used it for some time. These included India; Japan; Pakistan and Gambia. Japan also holds the record for the longest time a convicted prisoner has been on death row – 47 years. There was also an alarming increase in executions in Iraq, where 129 people were put to death in 2012 compared with 68 in the previous year. In Iran, which is second only to China in the number it executes, the acknowledged figure is 314, but there are known to be scores more than officially acknowledged.

AMERICAS

In the Americas, the USA remains, surprisingly, the only country to carry out executions: 43 in 2012 the same number as in 2011. Nine states carried out executions in 2012 compared to 11 in 2011. Connecticut became the

latest state to go abolitionist and a vote in California was narrowly defeated.

On June 26th, Texas marked a grisly milestone: the 500th execution since executions resumed



there in 1982. Texas is bucking a national trend towards the decline of the death penalty – it has been abolished in several states over the last decade, juries meting out death sentences have dropped sharply and support for the death penalty has steadily decreased.

In that state, over 400 people have been executed since 1995 under two governors alone: with former governor George W. Bush overseeing 152, and Rick Perry 260. Meanwhile, Texas continues to be rocked by scandals regarding the flaws in their system, starting with the wrongful executions of people who were likely to be innocent such as Cameron Todd Willingham, Ruben Cantu, Shaka Sankofa and Carlos De Luna. Added to that are cases of racial bias and ineffective assistance of counsel, prosecutorial misconduct and botched forensic investigations.

In the rest of the world the good news is that the number of countries still using the DP is down from 28 in 2003 to 21 in 2012.

In Europe, Belarus remains the only country still to carry out executions doing so under conditions of strict secrecy and cruelty. Family members do not know of an

execution until after the event and they are not told where the body of their loved one is buried.

Is the death penalty ever justified? One of the arguments frequently employed is that it is a deterrent. If this were so then those countries or states deploying it would expect to see a decline in the number of crimes subject to the penalty. This does not seem to happen as the case of Texas at least seems to show. That such a huge number of people have been executed in Texas in 20 years indicates a rather low deterrent level.

In some countries, people are executed for crimes that are not really 'crimes' at all. Examples include 'apostasy', 'blasphemy' or 'adultery'. They seem to be used for political purposes – either as a populist measure or as an outright tool of oppression.

Those readers who have read the detail behind Amnesty's urgent action appeals to stop an execution would have found a familiar story behind many of the cases. Police coercion, including torture, is a common factor. Denying access to a lawyer is usual and when a lawyer is appointed, he or she is unfamiliar with defending an alleged murderer. Overall, the quality of the justice administered is frequently of a low standard. And someone ends up on death row or dead.

Of course mistakes cannot be undone and this must be one of the major factors in ending this practice. Amnesty is opposed to the death penalty in all cases without exception. It violates the right to life and is the ultimate cruel, inhuman and degrading punishment.

Lesley Curbishley (and see over)

If you would like to join a small group who write on behalf of people condemned to death, we would be pleased to welcome you.

REGGIE CLEMONS

Among others, the group has campaigned on behalf of Reggie Clemons who, as Amnesty International USA says: 'Reggie Clemons was sentenced to death in St. Louis as an accomplice to a 1991 murder of two young white women. Since his conviction allegations have arisen of police coercion, prosecutorial misconduct, and a 'stacked' jury in the Clemons case. Yet inadequate legal representation at trial hampered appeal efforts, and a ruling overturning his death sentence was reversed on technical grounds. From the investigation through the appeals process, his case illustrates many of the flaws in the U.S. death penalty system.'

Joining

It is encouraging to report that we have welcomed several new members since last time and the numbers at our meetings is slowly swelling.

New members are always welcome but some people remain puzzled by quite what 'joining' means.

The local group is free to join and you can do as

much or as little as you wish.

Some join Amnesty International and that requires an annual fee. So we have people who are local members who are not members of AI and some who are. It depends on how much time you have and the degree of involvement you want. If you join AI you get their newsletter and other materials.

We have sub-groups, one for example on the death penalty, and they meet occasionally and plan individual actions.

Amnesty sends out urgent actions as they are called and these are circulated via email. They are detailed cases concerning individuals who are at risk of execution. They explain the background to the case and provide addresses to whom to write. Writing letters remains a core activity for members (emails are often blocked by governments).

ACTIVITIES

Group activities tend to be of two main types—campaigns on a particular topic or fund raising. These are coffee mornings at St Thomas's church; an annual bric-a-brac stall in the market square and an annual carol singing around some streets in Salisbury.

People join because they have a belief in human rights and that these are central to how individuals live their lives and underpins civilised conduct between nations.

Coming to one of our meetings (details of when and where on the web site) is usually the easiest way to start. We look forward to seeing you.

Documentary film

The group—in partnership with the Salisbury Arts Centre—is showing a documentary film called *Yadok Stories*. It will be shown on Saturday **10 August at 7.30** and is FREE.

It is set in North Korea and concerns the making of an extraordinary musical about life in the camps. The film will be preceded by a brief talk from a Korean: Joo Il Kim, a former N Korean army captain who fled across the Chinese border in 2005. He will speak about some of the suffering he witnessed during his time with the army.

He will also talk about the North Koreans who are returned by the Chinese and suffer harsh reprisals in one of the camps.

TICKETS

The event is free and tickets are available at the desk. However, it is important to note that the showing is not in the main theatre so spaces are limited. It is suggested therefore if you are keen to come, you phone the Arts Centre or 01722 322791 or 01722 782382 where tickets are available and will be posted to you.

Film: Wadjda

We have another film showing also at the Arts Centre and it is the award winning feature film set in Saudi Arabia called *Wadjda*. This will be on **5 December**. Details on our web site and in the next newsletter nearer the time.

amnesty.org.uk/salisbury

THE LIMITS OF RIGHTS

It is one of the odd aspects of rights that both those that support them and those that oppose them tend to give them too much credence. Is one of the reasons that they get such a bad press?

Let's be quite clear about this – I think that the Universal Declaration of Human Rights is one of the most important documents in human history, right up there with Magna Carta. Rights create an objective framework against which we can judge the way humans treat each other. So why do I think that both defenders and opponents imbue them with too much significance and why does that matter?

The answer to the first question is simply that rights do not map the entire ethical hinterland. Indeed, some argue that we have yet to settle on an agreed definition of what a 'right' is. And there are some philosophical traditions that deny the concept of rights altogether. Nietzsche regarded them as being part of the slave-herd-morality he so despised; Marx saw them as a tool to ameliorate the worst aspects of Capitalism, which would not be necessary under generic communism. Some conservatives meanwhile, tend towards scepticism of what they perceive to be all-encompassing moral rationalism.

There are also times when rights have a shaky grasp on human relations, others when they are centre stage and still others when they conflict with different moral principles. A classic example is the way they weave in and out of the criminal justice system. When, for example, a crime is committed then – except for victimless crimes like

speeding – it is legitimate to say that someone's rights have been breached. It may be the right to freedom, property rights or, of course, in extreme cases the right to life itself. But it is interesting to note that all these wrongs can also be expressed in non-rights language. It does not reduce the seriousness of kidnapping, being burgled or murdered if we do not express them in rights language. In fact, in some sense, our moral sensibilities would be impoverished if we could only use rights language to express the wrongness of crime.

On the other hand rights come into full force during the investigation and judicial stage. In other words it is the suspect/defendant's rights that have to be protected when they are being arrested, interviewed, charged, tried and convicted or acquitted. And it is much harder to speak of the defendant's position in non-rights terms. That someone has a *right* to a fair trial is simply more imperative than saying that they *should* or even *must* have a fair trial. I think it is somewhere in this imbalance in the rights language relating to the victim and the defendant that resentment against rights can be stoked. At the heart of the resentment is a misunderstanding about the role of rights in the two cases.

CONVICTION

When someone is convicted of a crime, however, and it comes to sentencing then rights actually come into conflict with the principles of justice. The emphasis switches from the rights of the convicted towards different principles relating to justifications for breaching their rights. How can we justify inflicting hard treatment on a convicted person such that life are breached?

Of course there are different justifying principles and Amnesty International argues that there can be no justification for breaching someone's right to life. Even so, if we are to inflict any hard treatment on a convicted person then we still have to justify breaching that individual's rights, if we are not to beg the question against those who argue that there should be no hard treatment at all. But the central point for our purposes here is that rights have banged up against different moral principles. So, far from being all encompassing, rights are not always appropriate in our moral thinking and they are often in conflict with other areas in the ethical sphere.

I was once deeply engaged in a community rights campaign and attended a meeting in London that was part of an attempt to coordinate a national network. Needless to say rights were centre stage but as the day wore on I began to feel oppressed. So much so that I felt the need to break out and began pointing out some of the issues I have raised in this article. In response someone declared that everyone had the right to opt out of having rights. At which point I started looking round for the exit. In this article I have tried to show that there is a danger in over-estimating the importance and of rights and doing so can lead to misunderstanding, resentment and even downright hostility.

Rights become trivialised to the extent that any minor infringement becomes a breach of rights expressed in the 'I know my rights' mantra. Rights are important but it also important that we get the language of rights – right.

Dick Bellringer

47

... the number of years Hakamada Iwao has been on death row in Japan. This is believed to be the longest anyone in the world has been kept waiting to be executed.

The Cathedral service

The Reverend Nicholas Mercer will give the sermon at this year's Cathedral service which takes place on **17 October** starting at 5.30. In case you do not know who Nicholas is, he was Lt Col Mercer before being ordained and became well known for challenging the treatment of prisoners by British forces in Iraq.

This challenge was the start of a protracted battle with the Ministry of Defence concerning how prisoners were conditioned ahead of interrogation. The fundamental issue at stake was the application of the Human Rights Act on the battlefield. In 2006 the government finally conceded that the use of stress positions, hooding, white noise and food and sleep deprivation should end and that the HRA did apply to prisoners held overseas.

The use of torture by British forces has a long history and were refined in the decades following 1950. This became known as the assault on the mind and what were called the 'five techniques' referred to above.

AGM

We shall be holding our agm this year on **Thursday 19 August** at the White Hart in Salisbury. This will be an opportunity to take stock and to elect officers for the coming three years or so. Tony has decided to step down as chair after an excellent three years during which he led the reinvogoration of the group.

It will be at the White Hart in Salisbury which is well known to most. There is car parking at the rear and you get a token to exit. The hotel has kindly let us have the room for free but we are expected to pay for refreshments. We may indeed hold our meetings there in future—we shall see.

These were applied during the troubles in Northern Ireland and were supposed to be banned following a court case then. They weren't and reappeared in Iraq at the time of the second Iraq war.

Recent revelations concerning the treatment of prisoners in Kenya at the time of the Mau Mau have shocked many and one policeman who was a prisoner of the Japanese said it was 'far worse' than anything he had experienced under them.

Nicholas's brave stand resulted in Liberty awarding him the Human Rights Lawyer of the year award in 2011 - 2012.



The Bishop of Salisbury Nicholas Holtam said 'I add my own congratulations to those of many who are delighted that Nicholas Mercer has been recognised in this way. Speaking truth to power takes courage and spiritual discipline, especially when under the many pressures of war. Nicholas stands in the long Christian tradition of treating the enemy honourably, caring for prisoners and defending the weak.'

OPPORTUNITY TO SIGN

This year we hope to give celebrants the opportunity to sign a petition or cards in support of a campaign. We will not know until nearer the time what this will be so if you are planning on coming, keep an eye on our web site to see what is planned. Our web site can be found at amnesty.org.uk/salisbury.

We look forward to his sermon in October.



Text source: Dorset Eye, the Law Gazette

What's wrong with Fiji?

At the end of May we woke to a brief scandal concerning Patrick Mercer MP who had been caught by reporters from the Sunday Times and filmed by BBC's Panorama programme accepting £4000 to represent Fiji. He was lobbied to act on behalf of unnamed business people who wanted to overturn sanctions imposed on Fiji as a result of its human rights record. They also wanted to get the country readmitted to the Commonwealth.

The scandal received comprehensive coverage in the press and on television and reawakened fears of 'sleaze' in parliament once again. The coverage focused however on the fact that Mr Mercer allegedly failed to declare £2000 of the fee in the register of members' interests (which he has now done) and that he submitted five questions in parliament. Very little was actually said about Fiji itself however, and some readers of the reports may have been a bit puzzled about what that aspect of the fuss was about. Mr Mercer will leave parliament at the next election.

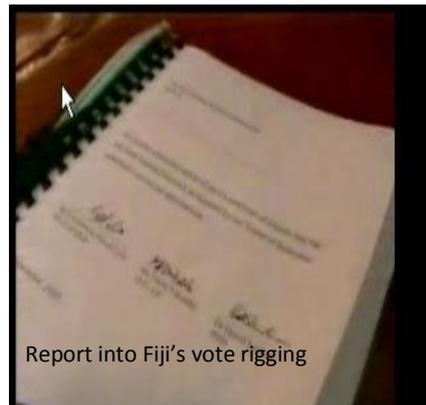
SO WHAT IS HAPPENING IN FIJI?

People's rights to freedom of expression, association and peaceful assembly continued to be restricted under military rule. Political leaders and human rights defenders were arrested and charged with serious offences, in some cases leading to imprisonment. Concerns remained about the rule of law and independence of the judiciary.

In July 2012, a process for reviewing the Constitution was established by decree. Under the process, participants in the 2006 coup were given full immunity from prosecution. The Constitutional Commission, established in April 2012, and others ex-

pressed concern about the review process. Despite earlier public consultations, the process was amended in November to prevent public consultation on a draft Constitution before it could go before the Constituent Assembly.

Freedoms of expression, association and assembly is curtailed and in January, the Public Order (Amendment) Decree replaced the



Public Emergency Regulations, but retained similar restrictions on freedoms of expression and peaceful assembly. A number of decrees passed since 2009 have been used to stifle government critics, prevent peaceful protests and disperse meetings.

Former political leaders and human rights advocates were prosecuted in cases which appeared to be politically motivated, undermining freedom of expression.

Government remained critical of external institutions reviewing human rights in Fiji and In September, an International Labour Organization delegation was expelled from Fiji.

Police and security forces faced allegations of torture and other ill-treatment, including beating, threatening and intimidating people, particularly government critics. In September, five men who escaped from prison were recaptured by security forces and were reportedly tortured. All five were hospitalized as a result of their

injuries and one had his leg amputated.

The rule of law and access to justice were undermined by an absence of judicial review of government decisions and security of tenure for judges. Impunity prevailed in cases of past human rights violations.

The Mercer case provided a small insight for a day or two concerning the ability of lobbying organisations to get their point across and to persuade MPs to ask questions or otherwise act for commercial interests. Little regard was paid to the people of Fiji who suffer under this regime.

Photo—Bing

The arms trade—again

Just as we were finishing this newsletter there were reports of the sale of arms to countries who's human rights record is to say the least, dubious. 3000 export licences were issued to such countries.

Countries include Zimbabwe, China, Israel, Bahrain and Saudi Arabia. Those of you sign up for urgent actions will recall the recent case of beheadings in Saudi and the display of the severed heads on public view.

The former chairman of the arms export committee, the former Conservative defence minister Sir John Stanley said: 'the scale of the extant strategic licences to the FCO's 27 countries of human rights concern puts into stark relief the inherent conflict between the government's arms exports and human rights policies.'

The government insists that it will 'not grant licences where there is a clear risk of the proposed export ... might be used to facilitate internal repression'. British equipment was used to quell mostly peaceful demonstrations in Bahrain.

Sources: Guardian, The Independent