AMNESTY INTERNATIONAL REPORT 1978

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The following survey covers the period 1 July 1977 to 30 June 1978.

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

- It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have neither used nor advocated violence. These are termed *'prisoners of conscience'*.
- It advocates *fair and early trials* for *all political prisoners* and works on behalf of such persons detained without charge or without trial.
- It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

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

AMNESTY INTERNATIONAL has over 2,000 adoption groups and national sections in 35 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members in a further 74 countries. Each adoption group works for at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

AMNESTY INTERNATIONAL has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and has observer status with the Organization of African Unity (Bureau for the Placement and Education of African Refugees).

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

AMNESTY INTERNATIONAL REPORT 1978

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Preface

by Thomas Hammarberg, Chairman, International Executive Committee

Amnesty International is a dynamic movement. Within less than two decades it has grown into a worldwide organization with members in more than a hundred countries. During the last two to three years especially there has been considerable growth, both in membership and activities. The movement meets with great sympathy from the public in many countries; it has been honoured by awards and prizes of high reputation.

This fame has created problems. There is a tendency to weave a myth around Amnesty International. The organization is expected to act in almost all countries on almost all violations. We are sometimes treated with a respect which we do not deserve and are faced with expectations which we cannot fulfil. It is now more important than ever for us to explain who we are and what we do: not because we want to defend ourselves, but to ensure results in our future work.

Amnesty International is not a do-gooder for all possible causes; it has a restricted mandate. It works for the release of prisoners of conscience and against torture and executions, but is not involved in work against unemployment, starvation or other social diseases. Our platform is the Universal Declaration of Human Rights, adopted thirty years ago by the nations of the world. Within that frame Amnesty International concentrates its resources on particular basic civil and political rights.

We do not cover a broader spectrum. This is not because we ignore the importance of all the other rights, but because we recognize that we can only achieve concrete results within set limits.

In fact, we believe that there is a close relation between different rights. When exploited people cannot make their voices heard, both political and socio-economic rights are violated. Very often there is an inter-relationship between the two--the most obvious example being when trade unionists are imprisoned. Amnesty International neither understands nor accepts the attempts sometimes made to create a conflict or a contradiction between these two sets of rights.

Nor do we accept a contradiction between the rights of peoples or nations on the one hand and the human rights of individuals on the other. Human rights have many times been violated in the name of so-called higher interests, such as the "nation", the "party" or the "struggle". But experience shows that these causes undermine themselves if they need the support of terror. Basic human rights must stand above all other political ambitions and should be respected under all circumstances and in all situations. And again, in the long run, civil and political rights are the basis of the other rights, and also of those of a collective nature.

This is how Amnesty International understands its role in the field of human

rights: a limited mandate but an appreciation of the close relationship between the rights it defends and all other human rights.

Another of our characteristics is impartiality. Amnesty International does not take a stand for or against any religion, political party, ideology or economic system. Here again, we restrict ourselves to the narrow scope of political life which deals with specific basic rights. Of course we realize that there is a link between general politics and the rights we try to defend; changes of government often result in arrests or releases. But this fact does not make us change our approach. We simply take facts into account, without hiding some of them or emphasizing others, according to régime or ideology.

Our impartiality is not always appreciated or even understood by governments. This is not surprising: the questions Amnesty International deals with are highly sensitive "political dynamite" in several countries. The very rights we defend are often one of the main issues in national political battles. Therefore, our reports are sometimes seen as support for the opposition. We are criticized for "interference", branded as "agents" for particular nefarious interests. Our purpose, of course, is not to help any side in political power struggles, but we cannot be silent about grave violations just because the facts we know could influence the reputation of certain politicians, for better or worse. Our impartiality could never mean neutrality on human rights, not even in the most politically tense moments.

Our basic approach to governments is always the same: we seek a dialogue. We are willing to talk as long as this might help our aims. We are not negotiating—we have nothing to "sell"—but we want discussions within our mandate and opportunities to present our facts and recommendations. This means that we do not fight governments as such. Neither do we propose boycotts or cuts in aid. That kind of economic pressure is not within our mandate and is not our way of working.

Even non-governmental organizations and individuals sometimes have difficulty in understanding our efforts to safeguard impartiality and independence. We are restricted when it comes to co-operation with other organizations and we scrutinize each proposed donation according to rigid rules before accepting it. This, again, is for the sake of maintaining independence and being seen to do so.

To be impartial it is important to be correct. Amnesty International spends much of its limited resources on checking facts, to make sure that its reports do not contain distortions, false information or misunderstandings. Mistakes have been made—fortunately, very seldom—but they have been corrected. Amnesty International is always willing to put right errors of fact.

In fact, Amnesty International is less often attacked for what it publishes than for what it does not report. We are sometimes criticized for being unbalanced, for reporting too little or too much on a certain country or group of countries.

Balance for the sake of balance would be artificial. We work with realities. If there were gross violations of human rights in one group of countries and only minor infringements in another, we would *not* spend fifty per cent of our resources on each. But as the world is today, a human rights organization with an impartial and serious approach must work on all continents and in countries with the most differing political systems. This, too, is a reality and has created a need for work that is geographically "balanced".

That balance is not easy to establish. There are still some few countries where the authorities refuse to have any communication with Amnesty International: they will not admit observers or representatives and our letters and cables receive no reply. These same régimes have a restrictive approach to the international media and little, if any, detailed information on the human rights situation in their countries therefore exists. Our movement has made great efforts to break through such situations; the result for the past year can be seen in this *Report*.

During the past year human rights have been a major issue in international politics within United Nations bodies and regional organizations such as the European Conference for Security and Cooperation and the Organization for American States as well as in bilateral relations between governments.

This increasing interest in human rights is welcome, even if the declarations from some quarters have not always sounded genuine. It is important that so many governments now accept that human rights are an international concern. Formally, this has been so ever since the Universal Declaration was adopted. Still, many governments have for years talked about "interference" when human rights violations have been observed. The new awareness should give bodies such as the UN Commission on Human Rights more room for forceful action. In fact, during its recent sessions, the Commission has already taken steps in that direction.

This *Amnesty International Report 1978* mentions no less than 111 countries. But they should not be seen as forming a "black list". Some countries are mentioned because they have taken important steps for the future protection of human rights. Still, the *Report* does give a depressing picture of systematic violations of basic human rights in most of the countries of the world. People are imprisoned because of their opinions, prisoners are tortured and even executed.

The *Report* also shows that there are new trends in repression. Dissidents are now confined in mental asylums in more countries in Eastern Europe. This is alarming as such a system of detention gives few opportunities for the prisoners to appeal, defend themselves or take any legal action. They suffer the strain of not knowing how long they will be held; they may even be subjected to drugs as "treatment". It is extremely difficult to establish in individual cases whether someone is wrongfully brought to a psychiatric institution; but when it is evident that this method is systematically used against political dissenters, it is necessary to react.

In Western Europe there has been a tendency to meet terrorism with harsh anti-terrorist laws which in themselves may open the door to violations of human rights. Prisoners have been isolated in solitary confinement or in special "maximum security" cells. Amnesty International has expressed concern about this trend during the year. The movement has also taken strong actions against kidnappings and executions committed by private groups.

In some Latin American and African countries terrorist acts have been given authorization by governments. Kidnapping, torture and killing have been developed into a systematic method of wiping out opposition. Para-military groups or security forces have acted as death squads in Argentina, Chile and Guatemala. The governments there decline responsibility. The leaders in Uganda and Ethiopia act more openly when exterminating opposition. In South Africa there have been new cases of deaths in police custody.

In several Asian countries the rulers make use of emergency laws to "legalize"

the preventive detention of political opponents: by this technique, governments detain people without trial for long periods. Other régimes make arrests and take years to prepare a trial, if they ever do so. Examples are Singapore, Malaysia, Brunei, Indonesia and the Philippines.

Besides these new tendencies, old-type violations continue in many countries. We are not publishing any list of the worst violators, any "ranking list"—Amnesty International does not work in that way—but this *Report* gives a horrifying account of how the leaders of too many nations continue to condone or instigate terrorist methods against their own citizens. And remember: all governments in the United Nations have pledged their respect for the principles dealt with in this *Report*.

To keep them to their pledge is one reason why an organization such as Amnesty International is needed.

Introduction to Amnesty International

by Martin Ennals, Secretary General

Amnesty International is a human rights organization concerned with prisoners. The limitations of its mandate are essential to an understanding of the way in which Amnesty International functions, of the selective nature of its activities and the self-imposed confines of its work. The public reports which it publishes annually are not meant to present a panorama of the world human rights scene and it would be incorrect for them to be looked at or used in that way. In this present report we describe the basic work of the organization during a 12-month period from 1 July 1977 to 30 June 1978, including a country-by-country survey. The number of pages or lines given to any one country is in no way at all a qualitative or quantitative assessment of human rights violations in that area. It may reflect the amount of time spent or the complexities of a situation posing particular problems for Amnesty International itself. Where a report on a country has been published during the period under review, it is hoped that those wishing to know more will read it (see Appendix VI).

In the period 1977-78 Amnesty International has continued to grow rapidly in terms of membership and number of groups. The award of the Nobel Peace Prize for 1977 came at the close of Prisoner of Conscience Year (seen as a broadly based promotion and educational campaign to increase awareness of Amnesty International and its work for prisoners). One immediate effect of the award was the rapid increase of interest in the work of the organization and in demands upon the movement at all levels, in the form of requests for help, information, representation and action. This increase in demand came at a time when the resources of the London-based International Secretariat were stretched beyond capacity and before agreed increases in staff had taken effect. National sections have similar growth problems, and the funds from the Peace Prize are being used for the strengthening and development of the new and small national sections of Amnesty International.

The membership of the organization spread during 1977-78 into new countries and communities across the world: the new group in Hong Kong; the new committees in Turkey, Ivory Coast and Costa Rica; the new group recognized in Swaziland and the new sections in Venezuela and Spain. Individual membership also grew, not only in national sections but also in areas where no formal Amnesty International structure exists, such as the southern part of Latin America or in individual countries in Asia.

More effort is needed to construct a balanced and truly universal movement with efficient and well-organized national sections, able to make use of the information produced by the International Secretariat in London. In September 1977 the International Council, the organization's governing body, directed that a

number of tasks hitherto carried out by the International Secretariat should be gradually but steadily decentralized. Decentralization calls for a careful assessment of the capacities of the national sections of Amnesty International, and an extensive review of resources within the movement has already taken place.

The movement has an immediate need for training. In some sections training of groups and staff is far advanced. In others—and in the International Secretariat itself—training programs have still to be put into effect. The increasing range of Amnesty International techniques and methods means that a high level of professional skill is needed not only in research and administration but also in information handling, closer coordination on action relating to individual countries and the editing the producing of publications. The move toward genuine multilingulaism is slow and costly but the improved quality and quantity of the translations of Amnesty International publications through volunteer teams within the national sections is striking. This involvement of volunteers with professional skills in work for Amnesty International is important to the movement. There is scope in it for a very broad range of skills and interests. Doctors, teachers, translators, interpreters, trade union organizers, students, secretaries, members of older and younger generations have all found specific roles in groups, sections, specialized committees and at the International Secretariat. The growing need for professionalism does not exclude the volunteer: on the contrary, as we found in the past year. All workers, however, need training if maximum use is to be made of Amnesty International resources.

A careful analysis of the problems of the movement was undertaken by a special committee in the summer of 1977. This has led to recognition that, for long-term planning, what is needed is not only that the growth at the center of the organization be stabilized, but also an acceptance that Amnesty International cannot hope to deal equally or on a worldwide scale with all the problems in all geographical areas which fall within its mandate. No voluntary movement could support the size of expert staff needed to research adequately throughout the world the problems of prisoners of conscience, of torture, disappearances, detention without trial, refugees, executions, relief needs and fair trial without delay. There have to be priorities. Amnesty International is not an organization to solve or even research adequately the human rights of prisoners in a time of civil war or the aftermath of a revolution. It would be a waste of resources and irresponsible to make statements "for the record" about conditions which are not documented or understood. Apparent inactivity in certain well-publicized areas inevitably causes disappointment and criticism. However, Amnesty International must prepare, recognize and respect its organizational priorities, limitations and standards.

Increased international recognition of this organization has not necessarily been accompanied by a clearer public understanding of its nature and limitations. Wherever prison conditions are bad or pre-trial detention is prolonged, Amnesty International is expected by the public and the press to make a pronouncement. In fact, Amnesty International's mandate is restricted and its interpretation is a subject of debate within the movement itself. An extension of Amnesty International's work to cover all the prison conditions of all prisoners everywhere would spread the resources of the organization so thinly that its efforts would be ineffective. Within national sections there are discussions about the extent to

which members can become involved in problems of prison reform in their own country. Many or most of the prisoners involved are criminal or violent prisoners who would not fall into Amnesty International's categories of prisoner of conscience or even of political prisoners. Amnesty International cannot and should not become a generalized civil liberties movement. This is a separate area of work for which other organizations already exist in some countries. However, in the absence of a worldwide civil liberties movement, there is a tendency to think that Amnesty International can provide the substitute and the information. For Amnesty International to become a prison reform movement would change its nature considerably. The UN Standard Minimum Rules for the Treatment of Prisoners are recognized by governments; they are important; they are an instrument in protecting prisoners against torture and maltreatment. Amnesty International works for the implementation of these internationally recognized standards. But there are and must be limits to the research and campaign work of the organization.

Amnesty International is a participatory organization: members throughout the world unite in agreement on the aims and objectives of the movement's international Statute. The work of the International Secretariat and the national sections is coordinated and international meetings are held periodically on specific topics or on particular geographical regions, to plan new activities. The involvement of members in decision- and policy-making is not always easy and there is a tendency for the larger and nearer sections to be in closer contact with the London headquarters and therefore to be more involved in the planning and criticism of programs. A satisfactory system has not yet been evolved which takes fully into account effectively views of the membership and, indeed, it may be difficult ever to combine the wishes of all members with the administrative needs of the movement as a whole in an entirely workable and satisfactory way.

Some governments may intend, and try, to be friendly to the organization and its activities. The need, however, to remain strictly independent of all governments, even those who support publicly the aims and work of Amnesty International, is imperative. Such issues as relations with the United Nations, the Organization of American States, the Council of Europe and the European Economic Community have therefore occupied a certain amount of time during the year and will continue to be discussed in the future.

The effectiveness of Amnesty International depends upon the accuracy and availability of its information. The human rights material gathered by the Research Department—the largest within the International Secretariat—has to be translated into case histories about individuals, reports about countries or dossiers about prisoners. In Amnesty International, research is linked in an essential way to action; and accordingly, there has been a systematic attempt, during 1977-78, to form a Program Department within the International Secretariat which links campaigning with publications and helps to ensure international coordination of the work in the national sections and groups.

There has been development, too, in making the storage and retrieval of information more systematic, so that it can be more readily used within the International Secretariat and more effectively passed to the membership and to those who need it outside this organization. Information is the core of the work of the movement, and so there is need for a flexible and international system for information handling

through which information can be given to the groups, the sections and to external bodies whenever appropriate. There is a constant need to maintain security of confidential material and sources and to distinguish within a common system between external and other documents.

The character of the movement as an international network has to be reflected in the structure of such an information system. Within the movement and the International Secretariat there needs to be standardization of existing techniques for the responsible handling of information, so that this can be put to full use as quickly as possible by those who are able to take action on behalf of prisoners of conscience.

The need to extend Amnesty International work for prisoners continues to be a major organizational consideration. The successful functioning of the Amnesty International South Asia Publications Service, working from Sri Lanka, and the development of a similar service for Latin America from Costa Rica, both indicate the direction which Amnesty International is taking. The existence of the three Regional Liaison Officers for Asia, Africa and Latin America indicates the pressure within the movement for development of work among all countries and regions.

The international conference on the death penalty held in Stockholm in December 1977 (see p.22) laid the groundwork for a continuing national and international program against capital punishment. Opposition to capital punishment is one of the statutory objectives of Amnesty International and national sections and groups are planning their own activities to express it. This–like prison reform–is an area in which national sections in retentionist countries will be involved in work to change their own national laws. Other sections may feel bound to work only on the international program but all members share the commitment of the organization to the total abolition of the death penalty.

New programs in human rights education and awareness are being prepared, based particularly on the recommendation of the UN General Assembly in regard to the 30th Anniversary of the Universal Declaration of Human Rights. Amnesty International's cooperation with other specialist bodies interested in human rights enables its information about prisoners to be made available to those organizations, some of whose members may themselves be victims of violations of human rights. The educational process is bi-lateral and Amnesty International benefits from the new contacts and information which result from such collaboration.

Amnesty International is not an isolated body, working on its own. It is part of a worldwide human rights movement which exists in different shapes and sizes in all countries of the world. The universality of human rights is now widely recognized. Human rights–economic, social and cultural or civil and political–are all covered by the UN international human rights covenants in western Europe and the Americas. There is no doubt about the *theory* of human rights applying to all human beings. It is the role of Amnesty International, as part of a mass movement, to make its own specialized contribution, within the limitations of its resources and its mandate, to turn theory into practice. This report reflects some of the major activities undertaken during the year in the effort to fulfil that role.

International Law and Relations with International Organizations

United Nations (UN)

During the period 1977–78, its consultative status (category II) with the Economic and Social Council (ECOSOC) of the United Nations has enabled Amnesty International, as in other years, to submit information concerning violations of human rights within its mandate to the UN; to express its views on matters within its range of concern to the appropriate UN organs; and to be officially represented at meetings which deal with human rights issues. Representatives of Amnesty International have attended sessions of the following UN bodies:

- the 30th session of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (Sub-Commission), August 1977
- the 32nd regular session of the General Assembly, September–December 1977
- the ECOSOC Committee on Non-Governmental Organizations (NGOs), January 1978
- the 34th session of the Commission on Human Rights, February–March 1978
- the Human Rights Committee, 2nd and 3rd sessions, August 1977 and January 1978
- the 5th session of the Committee on Crime Prevention and Control, June 1978

The activities of all these bodies were of particular interest when they touched upon matters closely related to Amnesty International's mandate–above all, torture, capital punishment and the human rights of detainees and prisoners.

Torture: the 32nd session of the General Assembly took significant steps towards securing greater international protection against the use of torture and towards encouraging the putting into effect of existing standards. The Commission on Human Rights was asked to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the Declaration on the Protection of All Persons Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of December 1975. The Commission began work on the draft at its 34th session (February–March 1978). A special working group has been authorized to meet for one week before the 35th session of the Commission in February 1979, in order to prepare draft proposals for the Commission's consideration.

In a separate resolution, the Assembly asked the Secretary General of the UN to send a questionnaire to member states on the measures they have taken to put into practice the principles of the Declaration. Among the areas emphasized were: publicity given to the Declaration; training of law enforcement personnel and

other public officials responsible for detainees and prisoners; effective legal remedies for victims of torture. The reports of torture which Amnesty International continues to receive show that there is urgent need for the Declaration's principles to be incorporated into national law and practice. During 1977–78, Amnesty International has repeatedly called upon governments to put the Declaration into effect.

At its 30th and 31st sessions, the General Assembly had called for the development of other important international standards relevant to torture. These were: a code of conduct for law enforcement personnel; a code of medical ethics; and a body of principles for the protection of all people subjected to any form of detention or imprisonment. At its 32nd session, the General Assembly voted to postpone consideration of the draft code of conduct for law enforcement officials which was before it, pending comments from member states. It will be considered at the 33rd session.

Little headway has been made in the past year on the development of the other two standards, but decisions were taken which should lead to considerable progress in the coming year. The Executive Committee of the World Health Organization (WHO) decided that it was feasible to develop a code of medical ethics and has asked the Council for International Organizations of Medical Science (CIOMS), in conjunction with the World Medical Association (WMA) to present it with a draft; and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities has been authorized to establish a special working group before its 31st session in August 1978 to continue work on the draft body of principles in order to enable the Sub-Commission to present the 35th session of the Commission on Human Rights with the draft it requested (see p.9). Amnesty International has continued to urge the need for the rapid development and adoption of the standards mentioned above.

Capital punishment: it is especially welcome that the 32nd session of the General Assembly reaffirmed the desirability of abolishing the death penalty, noting, among other things, that it is still widely used. It called upon the 6th UN Congress on the Prevention of Crime and the Treatment of Offenders–to be held in Australia in 1980–to discuss various aspects of the use of capital punishment and its possible restriction. Amnesty International representatives who attended the European and Asian preparatory meetings for the 6th Congress, held in October 1977 and May 1978 in Bonn and in Manila respectively, expressed the views of the organization on capital punishment and on other matters which will be on the Congress's agenda. At the regional preparatory meetings and in a written statement to the 5th session of the Committee on Crime Prevention and Control, held in June 1978, Amnesty International drew attention to that part of the Declaration of Stockholm (see p.306) calling upon the UN "unambiguously to declare that the death penalty is contrary to international law", constituting as it does the ultimate form of cruel, inhuman and degrading treatment. The Committee gave the matter of capital punishment a prominent place on the agenda of the 6th Congress and made provision for the preparation of appropriate documents.

On 7th December 1977, Amnesty International presented a petition to Kurt Waldheim, the Secretary General of the UN, and to Lazar Mojsov, President of the 32nd General Assembly, signed by 1,121,609 individuals, on behalf of 84 million people in 133 countries. The petition urged the General Assembly to take

"swift and concrete steps" to ensure strict observance in all countries of the Universal Declaration of Human Rights and expressed "outrage that in many parts of the world men and women who have neither used nor advocated violence suffer imprisonment solely because of their political or religious beliefs, their race, colour or language". The petition was subsequently circulated as an official document of the General Assembly at the request of the Permanent Representatives of Fiji, Singapore and New Zealand.

The General Assembly invited member states, non-governmental organizations, the UN specialized agencies and regional inter-governmental organizations to observe the 30th Anniversary of the Universal Declaration of Human Rights appropriately during 1978. Various recommendations and suggestions were made to member states: special consideration by states that they become party to the international human rights instruments; the establishment of national or local institutions for the promotion and protection of human rights; the encouragement of teaching programs at various levels of education. In Amnesty International's view, the 30th Anniversary was not a matter for celebration; from January 1978 the organization began to issue a series of special public appeals for the release of prisoners of conscience, all of whom are detained in violation of the Declaration and are adopted by Amnesty International.

Increased–and welcome–concern on the part of the UN member states at the 32nd General Assembly about seeking a more effective system within the UN for the promotion and protection of human rights and fundamental freedoms was reflected in the General Assembly's debate under the item "alternative approaches and ways and means within the UN system for imposing the effective enjoyment of human rights and fundamental freedoms". A number of ideas were discussed, including the proposal to establish a post of High Commissioner for Human Rights. Without reaching conclusions on any specific proposal, the debate went on in the 34th session of the Commission on Human Rights, where it was decided to set up, before its 35th session in February 1979, a working group to continue an over-all analysis. This will be made in the light of the concepts laid down in General Assembly Resolution 32/130, the only one adopted by the Assembly under this item. Amnesty International attaches considerable importance to the first concept, which states that "All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political and economic, social and cultural rights."

In May and June 1978, Amnesty International again submitted a number of communications on countries where, in its view, there was a "consistent pattern of gross violations of human rights". Consideration of such material takes place in accordance with ECOSOC Resolution 1503 (XLVIII) under the agenda item: "Study of Situations which Reveal a Consistent Pattern of Gross Violations of Human Rights", in closed meetings of first the Sub-Commission and then the Commission on Human Rights. For the first time since this procedure was established in 1971, the Chairman of the 34th session of the Commission on Human Rights named the countries under consideration in a public statement. This contained the information that the Commission had taken decisions concerning Bolivia, Equatorial Guinea, Malawi, the Republic of Korea (South Korea), Uganda, Ethiopia, Indonesia, Paraguay and Uruguay, but the nature and extent of those

decisions were not described. Amnesty International had submitted information on a number of countries named in the statement but has no official knowledge that this was relevant to the Commission's studies. (For details of the communications on specific countries, see the sections on Argentina, Ethiopia, Indonesia, Paraguay, Uganda and Uruguay later in this *Report*.)

In February 1978, at the beginning of the Commission's 34th Session, the Secretary General of Amnesty International delivered the *Amnesty International Report 1977* to each of the 32 governments represented on the Commission. Amnesty International felt that it was essential for Commission members to be aware of the violations of human rights and fundamental freedoms taking place in the world.

The human rights of prisoners and detainees: the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities at its 30th Session made its annual review of developments in the field of the human rights of all people subjected to any form of detention or imprisonment, a process which it began in 1974. It expressed grave concern over reports brought to its attention by non-governmental organizations, from which it appeared that in some countries arbitrary arrest, indefinite detention without trial, disappearances and summary executions were systematically taking place. The Sub-Commission expressed its conviction that a link exists between the application of States of Siege and violations of human rights and it instructed two of its members to prepare a study specifically of this question for its next session. In order to assist the Sub-Commission in this important task, Amnesty International has continued to submit information relevant to the annual review.

Amnesty International representatives were sent to observe the 2nd and 3rd sessions of the Human Rights Committee, established under the International Covenant on Civil and Political Rights. Having drawn up its rules of procedure, the Committee embarked on an examination of the reports submitted by states parties on the measures they had taken to give effect to the rights set forth in the Covenant. Preliminary consideration was given to reports from the Syrian Arab Republic, Cyrpus, Tunisia, Finland, Ecuador, Hungary, Czechoslovakia, Denmark, the German Democratic Republic, Libya and Sweden. The Committee has expressed its determination to develop a dialogue with each state party, to help it to give effect to the rights recognized in the Covenant. The Committee also considered, in closed meetings, complaints concerning victims whose rights, it is claimed, have been violated and who have been unable to find domestic redress in their own countries. The Committee's rules of procedure permit a representative of the victim, or someone on his or her behalf, in addition to the actual victim, to communicate with the Committee. However, the Committee can only consider complaints concerning victims from countries that have ratified the Optional Protocol to the Covenant, and there are, at present, only 19 of them. Although the Committee has declared a number of cases admissible and has asked for the views of the states parties concerned, its deliberations are still in an early stage and it has yet to publish comments on any one case.

At the time of writing, 49 countries have ratified the Covenant and six have accepted its Article 41, which provides for state to state complaints, but will not come into force until it has been accepted by a further four countries. Accordingly, Amnesty International has continued to give the highest priority to

promoting further ratification of the Covenant and the Optional Protocol, as well as declarations under Article 41.

The preamble to both the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights recognizes that "the ideal of a free human being enjoying freedom from fear and from want" can only be achieved if conditions are created in which everyone may enjoy the rights set forth in both the Covenants. Amnesty International fully supports this view, and has consequently urged ratification of the Covenant on Economic, Social and Cultural Rights (to date ratified by 50 states) as another matter of the highest priority.

In October 1977, in accordance with the ECOSOC resolution which governs the consultative relations of NGOs with ECOSOC, Amnesty International submitted a report on its activities over the previous four-year period, specifically as they related to the UN. In January 1978, the ECOSOC Committee on NGOs reviewed the reports of all organizations in consultative status categories I and II. The decision recommended by the Committee was adopted by ECOSOC in May 1977: among other things, this expressed appreciation of the valuable work being done by so many organizations in the promotion of the UN's objectives.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

At the 16th Conference of International Non-Governmental Organizations having consultative status with UNESCO, in Paris in November 1977, Amnesty International was re-elected to the NGO Standing Committee. The Conference adopted the organization's suggestion that the Standing Committee consider the possibility of holding a seminar of non-governmental organizations on the subject of education in human rights, in preparation for the International Congress on the Teaching of Human Rights (at the time of writing planned for Vienna in September 1978).

This NGO seminar, convened by Amnesty International, was, in fact, held in Paris in April 1978. The subject for discussion was "Content and Methods of Education for Human Rights". The seminar adopted a number of conclusions and recommendations on the subjects of the role of non-governmental organizations, education for the exercise of and respect for human rights, the role and structure of the Vienna Congress and suggestions for activities to mark the 30th Anniversary of the Universal Declaration of Human Rights.

Another development that is potentially of great significance for the work of Amnesty International is the adoption by the UNESCO Executive Board of a new procedure for dealing with complaints of human rights violations submitted to the organization. These new rules empower UNESCO to examine both individual cases and questions of "massive, systematic or flagrant" violations of human rights which come within its competence. Under the earlier rules, Amnesty International had, in September 1977, submitted information to UNESCO on the situation in Argentina regarding human rights within UNESCO's field of competence (see section on Argentina later in this *Report*).

In March 1978 Amnesty International attended a UNESCO-sponsored meeting of government representatives to prepare a draft Declaration on Race and Racial Prejudice. In June, it was present at a Paris meeting of experts, also sponsored by UNESCO, on "Human Rights and the Establishment of a New International Economic Order".

Council of Europe

The NGO seminar on "Torture and Human Rights", financed by the Council of Europe, was organized by Amnesty International on behalf of those NGOs, in consultative status with the Council, interested in human rights questions. It is dealt with in the section of this *Report* on the Campaign for the Abolition of Torture.

During 1977 and 1978 Amnesty International continued its legal representation of the former United Kingdom prisoner of conscience Pat Arrowsmith: see the section on the United Kingdom later in this *Report*.

In June 1978, the Legal Affairs Committee of the Council of Europe's Parliamentary Assembly considered a draft European Declaration on the police. Amnesty International was represented at the meeting which was developing the Declaration on the basis of a number of draft codes of conduct for the police, including Amnesty International's Declaration of the Hague. (The draft Declaration also covers matters outside Amnesty International's competence.) Amnesty International expressed the hope that a Declaration containing principles comparable to those in the Declaration of the Hague would soon be adopted.

Organization of the American States (OAS)

Amnesty International has continued to follow with interest the work of the OAS and to make to the Inter-American Commission on Human Rights (IACHR) submissions related to prisoners of conscience, cases of torture, the lack of legal safeguards and the failure to bring political prisoners to trial.

To cope with hundreds of individual complaints, more staff and financial facilities have been made available to the IACHR, whose activities in the past year also included visits to El Salvador and Panama. (Reports on those two countries, as well as on Paraguay and Uruguay, are available from the IACHR.)

Ratifications by American states of international instruments for the protection of human rights during the past year have been very encouraging. Until mid 1977 only Costa Rica and Colombia had ratified the American Convention on Human Rights, but this Convention has now come into force, thanks to the ratifications (or adherences) of Venezuela, Honduras, Haiti, Ecuador, Dominican Republic, Guatemala, Panama, El Salvador and Grenada.

The decision to hold the 8th General Assembly of the OAS in Washington rather than Montevideo was significant, in view of the criticism of Uruguay in the IACHR report. An Amnesty International delegation attended the General Assembly at the invitation of the Permanent Council of the OAS, and submitted a statement on the occasion of the Assembly which, in its conclusion, urged the OAS and its member states:

- "to take the necessary steps to ensure that the American Convention on Human Rights becomes an effective and binding instrument to promote respect for and to protect life, liberty and welfare and to safeguard against arbitrary imprisonment, torture, disappearances and killing;
- to take steps towards the total abolition of the death penalty;
- to ensure that all persons are informed of and educated in their rights under the American Convention and Universal Declaration of Human Rights;

- to establish consultative machinery within the OAS and the Inter-American Commission on Human Rights whereby full benefit can be taken of knowledge, experience and commitment of non-governmental organizations".

Organization of African Unity (OAU)

During 1977–78 Amnesty International continued to be a member of the Co-ordinating Committee of the OAU's Bureau of Placement and Education of African Refugees.

Non-Governmental Organizations (NGOs)

Amnesty International maintained close cooperation with other non-governmental organizations on matters of mutual concern. It went on with its work as a member of the Bureau of the Conference of Non-Governmental Organizations in Consultative Status with the UN, the Secretary General of Amnesty International being a Vice-President of the Bureau. It also continued to be a member of the special Non-Governmental Organization Committee on Human Rights in Geneva and New York, and of the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice in New York, of which the Amnesty International representative is Secretary.

In the past year Amnesty International has strengthened its contacts with the International Association of Penal Law (IAPL). Its Legal Adviser took part in his personal capacity in a conference held in December 1977 in Syracusa (Italy) which produced a draft convention against torture. There was also an IAPL conference in Vienna in March 1978 on human rights in criminal proceedings, which Amnesty International attended.

The procedure established by the Inter-Parliamentary Union for a period of one year for dealing with violations of the human rights of members of parliament had its mandate extended indefinitely. Amnesty International maintained a keen interest in the operation of this procedure and submitted a number of cases.

For some years now, Amnesty International has enjoyed a working relationship in areas of mutual concern with a number of international trade union organizations. Since the beginning of 1978, the International Secretariat has been directing certain types of information more systematically towards a wider range of such organizations, including many of the international trade secretariats and regional union confederations, as well as the "umbrella" international bodies, the International Confederation of Free Trade Unions, the World Confederation of Labour and World Federation of Trade Unions. This is part of a program to expand existing working relations, on an international level and also–through Amnesty International's national sections–with national unions, with the aim of increasing the effectiveness of the organization's work for thousands of unknown worker or peasant prisoners and victims of torture or execution committed or acquiesced in by governments.

Campaign for the Abolition of Torture

Amnesty International's work to expose the use of torture and to press for its abolition continues to be one of the central objectives of the organization. When the Campaign for the Abolition of Torture was launched six years ago, few individuals or organizations seemed to be aware that torture was widespread and that in some regions of the world its use was actually on the increase. The Campaign was founded on the belief that individuals acting together internationally can be a powerful force against torture. This belief has been reinforced by certain achievements in these six years of work: public awareness has been increased, individual victims have been helped, and numerous governmental and non-governmental organizations have adopted or proposed standards and machinery to combat torture.

However, there is little room for satisfaction. Torture in its cruellest forms continues to be a systematic practice in many countries. Furthermore, in some parts of the world, new, more sophisticated methods of torture are being developed for the interrogation of political suspects or for deterring opposition to the régime. And torture is also being used by anti-government and opposition groups.

So long as the inhuman practice of torture continues, so will this Campaign.

Urgent Action Network

One of the main tasks undertaken by the Amnesty International Campaign for the Abolition of Torture (CAT) is rapid international intervention in all cases of individuals, known by name, who are under threat of torture. Between 1 June 1977 and 31 May 1978 thousands of Amnesty International members and supporters in about 30 countries participated in Urgent Action appeals on behalf of 362 individual victims and 22 large groups. Although it is difficult to obtain detailed information about the effectiveness of this technique in all cases, a study of new information available on cases taken up during 1976 indicated that in at least half of them, the situation had improved. A similar evaluation was made of cases taken up during 1977. New information was available on 73 per cent of them, showing positive developments in more than half: torture had stopped, the prisoner had been released or officially recognized as being in detention, visits by family or lawyers had been allowed, or medical treatment had been provided.

Country-related Campaigns

In addition to interventions in individual cases, Amnesty International carries out, from time to time, worldwide campaigns to expose systematic abuses of human rights in countries in different regions of the world and with differing ideologies. In many of these campaigns, torture has been a central concern.

During 1977–78, Paraguay, South Africa and Argentina were among the countries where Amnesty International carried out intensive campaigning activities on the use of torture and other violations of human rights. Attention continued to be paid in this past year to the abuse of psychiatry and misuse of drugs in the USSR.

Activities on Paraguay were aimed at calling attention to deaths under torture and disappearances, which, due to the isolation of Paraguay's largely rural population, had often passed unnoticed by the international public. In late 1977, Amnesty International published a pamphlet, documenting 13 cases of death under torture and 20 cases of people who had "gone missing" after arrest. The cases were publicized in the international news media, and thousands of individuals throughout the world signed a petition to President Alfredo Stroessner, asking for a full public inquiry into them to be carried out. (For details see the section on Paraguay, p.133.)

In South Africa there has been a pattern of tacit government approval for continued use of torture by the security police, which has been responsible for the death of dozens of detainees in custody. This situation worsened after the outbreak of disturbances in Soweto in 1976 and, in January 1978, Amnesty International launched an international campaign, backed by extensive documentation about political imprisonment, torture and other violations of human rights inflicted under the apartheid system of "separate development" enforced by South African law to maintain white political supremacy, economic and social privilege. (See the section on South Africa, p.76.)

In Argentina, where the human rights situation has gradually deteriorated over the past decade, the military *coup* on 24 March 1976 marked the beginning of a fresh wave of repression against all forms of opposition. By the end of 1977, there were an estimated 15,000 disappearances, 8,000 prisoners in official custody and mounting evidence of the routine practice of torture. In early 1978, apparently in preparation for the 1978 World Football Championship in Argentina, the Government intensified its publicity campaign to counter international criticism about the abuse of fundamental human rights. In April 1978 Amnesty International launched its own international campaign to urge an immediate investigation into the whereabouts of the disappeared, to appeal for the release of political prisoners and to press for effective measures to stop the use of torture. (See the section on Argentina, p.97.)

The continuance during the past year of the abuse of psychiatry and the misuse of drugs in the USSR prompted two Amnesty International information campaigns. One took place in August 1977, after the release of *Punitive Medicine*, a *samizdat* book on abuses of psychiatry for political purposes in the USSR, and the other in March 1978. This second campaign centered upon important documents about these practices in the USSR, compiled by a group of workers, some of whom were themselves subjected to confinement in psychiatric hospitals. (See section on the USSR, p.237.)

International Standards against Torture

Amnesty International seeks the prevention of torture through the improvement of international law and the machinery for its effective implementation. In this field Amnesty International has worked in close collaboration with other specialized

organizations and in cooperation with inter-governmental bodies such as the United Nations, the Council of Europe and the Organization of American States.

Amnesty International organized an international seminar on Torture and Human Rights in Strasbourg (France) from 3 to 5 October 1977, on behalf of those non-governmental organizations in consultative status with the Council of Europe that are interested in questions of human rights. The seminar was attended by 92 people, representing 20 governments, three inter-governmental organizations and certain specialized fields. They recommended that "the repeated and systematic use of torture in any state should be recognized as a situation of gross violation of human rights and a proper matter of international concern". With a view to putting this principle into effect, the seminar rejected the notion of "non-intervention in the internal affairs of a state" in cases of torture and recommended that it should be considered an international crime of the same gravity as war crimes, genocide and apartheid. The participants also discussed mechanisms for ensuring more rapid investigation and action when allegations of torture are reliably attested and recommended "that torture should be specifically prohibited in all national consitutions, should be included as a grave penal offence in all civil and penal codes, and that civil remedies for compensation should be made available for victims of torture".

One of the seminar's working parties considered the application of professional codes of conduct for the protection of individuals against torture. A wide range of recommendations was drawn up regarding codes of conduct for medical, police, military and legal personnel.

Amnesty International believes that professional codes of ethics can help to prevent the perversion of professional skills in the service of torture, as well as to protect individuals who refuse to become silent accomplices. Amnesty International works with the United Nations, the Council of Europe and other bodies to help draft and implement such codes.

A draft Code of Conduct for Law Enforcement Officials was before the 32nd session of the UN General Assembly (September-December 1977) and has been sent to all governments for comment. A similar code is under consideration by the Parliamentary Assembly of the Council of Europe. (For details see sections on the United Nations, p.9, and the Council of Europe, p.14.)

In the field of medical ethics, an important step was taken by the World Psychiatric Association at its 6th Congress (Honolulu, Hawaii, September 1977), when it adopted the Declaration of Hawaii, a code of conduct for psychiatrists which prohibits internment in psychiatric hospitals for political reasons. The USSR was specifically mentioned in another resolution about the abuse of psychiatry. In addition, the Association decided to establish a committee to examine complaints of politically motivated abuses of psychiatry. In a separate development, the Executive Board of the World Health Organization (WHO) decided in January 1978 to draft a code of ethics for all medical personnel, relevant to the protection of detainees against torture. The WHO invited the Council for International Organizations of Medical Scienses (CIOMS) and the World Medical Association to prepare the draft code, which will be submitted to the UN General Assembly.

Amnesty International is working also for the adoption of an international code of ethics for lawyers, a professional group which bears special responsibility

for the protection of prisoners from torture and for ensuring that victims have access to legal means of redress. A draft code will be submitted to the 6th UN Congress on the Prevention of Crime and the Treatment of Offenders, due to take place in Sydney (Australia) in 1980.

With regard to governmental action against torture, the United Nations General Assembly at its 32nd session resolved to draft an international convention against torture. The convention, if adopted and brought into force, would be binding upon all member states. (See the section on the United Nations, p.9.)

Another aspect of Amnesty International concern is the *implementation* of international standards which are already in force. In January 1978, Amnesty International voiced its disappointment at the restrictive standards set by the European Court of Human Rights in its ruling on the methods of interrogation used by the United Kingdom in Northern Ireland in 1971 in breach of the European Convention on Human Rights. The Court judged that the five techniques used constitute "inhuman and degrading treatment" but not "torture". Amnesty International had condemned the techniques as torture as early as 1971, and said in a public statement after the Court's ruling that it will continue to condemn as torture the use by any government anywhere of these interrogation practices.

Amnesty International Medical Seminar in Athens

In March 1978 about a hundred Amnesty International doctors and other medical personnel met in Athens for a two-day seminar on "Violations of Human Rights: Torture and the Medical Profession". The seminar reviewed Amnesty International's medical program in the fields of research, ethics and work for individual cases. More than a dozen research projects were discussed, including research into the specific effects of electrical torture on victims, where the researchers hope to improve the techniques for detecting one type of torture that often leaves no visible marks. Reports were given by Amnesty International doctors from Denmark on their research in Greece into the effects of *falanga* (beating on the soles of the feet) on victims tortured during the years of the *Junta*. Dentists from Denmark have examined the effects of torture and insanitary prison conditions on the teeth and gums of 33 former prisoners from five countries.

Dutch doctors spoke at the seminar on systematic work begun with refugees in Holland who have been victims of torture. By March 1978, 25 individuals had been examined with a view to improving techniques for detecting torture and to offering treatment where possible. In Sweden similar work has begun among refugees. A Canadian doctor described his medical work on behalf of 11 Chilean refugees applying to live in Canada: extensive examinations were carried out, and reports made to support their entry into the country in accordance with Canadian immigration statutes. This work in Canada benefited particularly from the work done earlier by the Amnesty International Danish Medical Group and the examination procedures which they had developed.

Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

adopted unanimously by United Nations General Assembly resolution 3452 (XXX) of 9 December 1975.

Article 1

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.
2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

Article 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their

liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

Article 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

Death Penalty Program

An international conference, convened by Amnesty International in Stockholm on 10 and 11 December 1977, marked the beginning of work on a worldwide scale for the abolition of the death penalty. A report on the conference was issued in 1978 and this will be followed by a detailed report on the death penalty itself, to be published early in 1979.

The Stockholm Conference

The Stockholm Conference challenged the proposition that differences in cultural values and traditions were an obstacle to worldwide opposition to the death penalty. Participants came from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region, and included lawyers, judges, politicians, political scientists, psychologists, police officials, penologists, theologians, journalists and trade unionists. In all, there were representatives from some 50 countries.

The Conference, chaired by Garfield Todd of Rhodesia/Zimbabwe, was opened by the Prime Minister of Sweden, Thorbjörn Fälldin; the rapporteur was Olle Dahlen, Swedish Ambassador to non-governmental organizations. Preparatory seminars were held in Colombo, Hamburg, New York and Paris; another meeting, in Port-of-Spain (Trinidad) was sponsored jointly by Amnesty International, the Caribbean Human Rights and Legal Aid Company and the Trinidad and Tobago Committee for the abolition of the death penalty; and Amnesty International took part in a seminar held in Ibadan, Nigeria, organized by the All-Africa Conference of Churches.

In accordance with the intention that the Conference should be international in scope, the main speakers on the first day came from four countries: they were the Austrian Federal Minister of Justice, Dr Christian Broda, the Honourable Mr Justice Krishna Iyer of the Supreme Court of India, the Honourable Warren Allmand, a former Canadian Solicitor General and the present Minister of Consumer and Corporate Affairs, Canon Burgess Carr, General Secretary of the All-Africa Conference of Churches, and the exiled Senator Hipolito Solari Yrigoyen of Argentina.

The work of the Conference was done in plenary session and in six working parties:

Working Party A:	The Death Penalty and Public Opinion
Working Party B:	Alternatives to the Death Penalty
Working Party C:	Individual Involvement in the Death Penalty
Working Party D:	The Death Penalty and Discrimination

Working Party E:	The Death Penalty in International Law and Organization
Working Party F:	Murder Committed or Acquiesced in by Government

Reports drafted by these working parties were submitted to the plenary session for approval. At the end of the Conference the plenary session adopted the Declaration of Stockholm, which was endorsed by the International Executive Committee of Amnesty International in March 1978 (see Appendix II, page 306).

Amnesty International Report on the Death Penalty

This *Report* draws attention to the main points at issue in the debate over whether the death penalty should be abolished or retained, and gives detailed information about the extent to which it was used in the period 1973–77. The *Report* also makes detailed reference to national and international law on the subject.

It considers both the judicial death penalty, decided upon and enforced according to law, and murder committed or acquiesced in by government—that is, the death penalty imposed without the decision of a court of law. Although there are differences between the two, both, of course, involve the decision to deprive an individual of life.

Research for the *Report*, needing work on both official and unofficial sources of information, met with inescapable difficulties. The official information which governments give to international organizations such as the United Nations is not always accurate or comprehensive. The International Secretariat of Amnesty International therefore wrote to embassies in London, asking if governments would provide information on the law and practice of the death penalty in their own jurisdiction. Not all of them replied. Among those who did, some stressed legal provisions, others actual applications of the death penalty or the granting of clemency, and still others outlined the context in which the death penalty should be seen in the country in question.

In short, information available to Amnesty International was neither complete nor consistent in emphasis. However, despite its shortcomings, it is hoped that the *Report*, covering the situation in more than 135 states and territories, will form an original and substantial contribution to the debate on the death penalty. It is to be published early in 1979.

Documentation on the Death Penalty

It is only in a minority of countries that there is any debate on the rights and wrongs of the death penalty. Moreover, most of the published studies on it seem to have taken their data and viewpoint from the developed world. The result has been to create the misleading impression that certain values, theories or practices are universal when they are, in fact, held mainly in the West. Considerable documentation has been prepared by and for Amnesty International in an attempt to put the death penalty controversy into a wider perspective.

Amnesty International's future program against the death penalty

The 1977 seminars and the Stockholm Conference marked the beginning of Amnesty International's systematic work against the death penalty. A first discussion on how to shape the program, taking into account the results of the seminars and the Conference and held immediately after the Conference, on

12 December, was attended by members of all the Amnesty International national sections who were represented in Stockholm. As with the Campaign for the Abolition of Torture five years ago, it has taken time to transform the first stage of theorectical analysis, debate, statements of principle, recommendations and initial publicity into a comprehensive and viable action program. This is particularly so because the death penalty raises a number of complex issues and problems for a broadly-based movement such as Amnesty International seeking its total abolition. Also, new and challenging questions have been posed by the link established at Stockholm between judicial death penalty and extra-judicial executions. Amnesty International policy will have to be evolved further, and the death penalty program shaped accordingly.

Apart from action in individual cases, and general campaigning and educational activities, an important part of this program will be to promote further steps toward abolition on the inter-governmental level. The United Nations General Assembly in December 1977 called upon the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Sydney in 1980, to "discuss the various aspects of the use of capital punishment and the possible restrictions thereof . . ." (see Appendix III, page 307). The UN Committee on Crime Prevention and Control has consequently placed the matter on the agenda for the 1980 congress.

Another remarkable development was the unanimous adoption by the 11th Conference of European Ministers of Justice in June 1978 in Copenhagen of a resolution requesting the Committee of Ministers of the Council of Europe to "refer questions concerning the death penalty to the appropriate Council of Europe bodies for study as part of the Council's work programme . . ." (see Appendix IV, page 309). The resolution was the result of an initiative by the Austrian Minister of Justice, Dr Christian Broda, one of the main speakers at Amnesty International's Stockholm Conference.

Relief Program

During the period 1977-78 the relief program administered by the International Secretariat has expanded steadily: the amount of money flowing through the relief fund was £190,000, compared to £125,000 in the previous 12 months.

This growth has made possible an expansion of financial and legal aid to adopted and former prisoners of conscience and their families. Well-established relief projects in Southern Africa, which the International Secretariat has administered for a number of years, are still a major part of the flow of relief. There has been an increase in support for long-term projects in Latin America and Asia, and new channels for relief have been opened in Tanzania, Chile, Argentina and Morocco. Although travel and currency regulations restrict the scale of relief programs for prisoners in the USSR and Eastern Europe, Amnesty International does provide material relief to prisoners and their families in these countries, both directly, from the International Secretariat, and through adoption groups.

It has also been possible to develop new areas and new forms of relief. With the help of the Spanish Section, a special fund was set up for the travel expenses of people in imminent danger of imprisonment in Latin America. Financial assistance has been given also to South African, Ugandan and Ethiopian refugees, including former prisoners of conscience, people who might have become prisoners of conscience had they stayed in those countries and emigrant prisoners of conscience from the USSR and some countries in Eastern Europe. Money was sent to help families of disappeared prisoners and victims of political killings in Latin America: in an attempt to help some of them in Chile to become self-supporting, Amnesty International assisted them to set up a small bakery, buy fishing boats and start a nursery school. It has also increased its long-term support to organizations in several countries in Asia that attempt to rehabilitate and retrain destitute ex-detainees, and provide capital loans for the families of prisoners of conscience and former prisoners of conscience themselves to set up cottage industries and other self-help projects. In the past year the International Secretariat has been able to send financial aid to Peru and Honduras, and although the Middle East is a difficult area in which to distribute relief, aid has been given to the family of a man abducted from the Lebanon and imprisoned in Syria.

Much of the growth has been made possible by the increase in 1977/78 in relief funds—not earmarked—made available by national sections for allocation by the International Secretariat Relief Committee. The allocation from the British *Prisoners of Conscience Fund* was £11,650, £10,000 was offered by the Swiss Section, £10,000 by the Norwegian Section, £464 by the Australian Section, £650 by the Canadian Section, £35,000 by the German Section and £17,600 by the Dutch Section. The Relief Committee has been able to allocate all this money

to relief projects suggested by the Research Department in the International Secretariat. Apart from such donations, the extent of the whole Amnesty International relief program, administered by the national sections, is impossible to estimate. The one exception is the Swedish Section which reports regularly to the International Secretariat on the allocations made from its own relief fund.

The expansion in the relief program has caused the International Secretariat to try to monitor internal relief procedures more closely than ever before, so as to ensure that relief money is transmitted rapidly with the correct authorization, and to supervise the collection and storage of receipts for relief transactions. In December 1977 an Administrative Assistant attached to the Research Department was appointed to carry out these duties and others. The Assistant also acts as Secretary to the International Secretariat Relief Committee.

Prisoners and Human Rights Country by Country

Introduction

by John Humphreys, Head of Research, International Secretariat

For the Research Department, as for other departments and units in the International Secretariat of Amnesty International, 1977–78 has been a time of consolidation and of continuing efforts to cope with the problems of growth and of increased international attention to the organization's reporting of human rights violations.

During the year, a large part of the Department's resources was devoted to realizing projects which had been in preparation during the previous year. The Department completed its contribution to Amnesty International's *Report on the Death Penalty*—a worldwide survey which was brought up to date early in 1978 for publication early in 1979. During 1977 Amnesty International published a comprehensive report on political imprisonment in Indonesia, and years of Amnesty International work on imprisoned victims of apartheid in South Africa was reflected in a major report and in the launching in January 1978, of a worldwide campaign. Almost a quarter of the Asia region's researcher capacity was devoted throughout the year to the research program begun in 1976 on China. In other areas the Department continued to produce Briefing Papers: papers on the *German Democratic Republic, Morocco, Singapore* and the *Republic of Guinea* were produced in the period 1977–78. It also provided material for campaign and adoption work by the membership of Amnesty International.

In this connection, the techniques of prison adoption, Country Action dossiers and group adoption were put to increased use. On the whole, the year has seen a diversification of techniques that has permitted the Research Department to involve groups in combatting human rights violations where the traditional adoption technique is not useful or possible—violations such as short-term arrests and detentions, chronically bad prison conditions and treatment of prisoners, and massive imprisonments with few details on individual cases. In addition, the Department continued to produce prisoner dossiers for investigation and adoption (2,248 between 1 June 1977 and 1 June 1978) and Urgent Actions in cases of torture, disappearance or precarious health (230 during the same period). At the end of May 1978, 4,611 prisoners were being handled as adoption or investigation cases by Amnesty International groups, an increase of 600 over the previous year. The International Secretariat Relief Program—which is largely administered by the Research Department—increased from £125,000 to £190,000 during the year.

Another challenge has been that of working with other departments within the International Secretariat, and with national sections, to arrive at an integrated system of planning and using the whole range of Amnesty International techniques. As in the period 1976–77, an attempt was made within the Department to set

priorities for country work within each region, for approval by the International Executive Committee. In each case, this priority planning was intended to allow for work on previously neglected areas of serious human rights concern, while maintaining a normal level of activity on countries where Amnesty International already has a developed program of work by the membership.

In Africa, the adoption program went on expanding. Rhodesia (Zimbabwe) now has the highest case-load (approximately 550 cases on 1 June 1978). Some Rhodesian detainees were released after agreement was reached on an internal settlement in March 1978. There was an increase in the number of adoption and investigation cases from other African states, particularly Cameroun, Zaire, Ghana, South Africa, Sudan, Somalia and Tanzania. In addition, a new technique, using Country Action dossiers, was put into use for work on Uganda and Ethiopia—40 such dossiers had been allocated to Amnesty International groups by June 1978. Similarly, Prison Adoption dossiers were prepared for use in conjunction with the *Guinea* Briefing Paper, scheduled for June 1978. Campaigns were organized for the release of prisoners in Mali, the Republic of Guinea, Tanzania, South Africa and Rhodesia (Zimbabwe). Comprehensive work on the Portuguese-speaking areas of Africa has had to be deferred until a suitably-qualified researcher is recruited during—it is hoped—the latter half of 1978.

In the Americas, the areas presenting the most acute human rights problems during 1977–78 were Central America (particularly Nicaragua, El Salvador and Guatemala) and the Southern Cone of South America (particularly Argentina and Uruguay). Individual prisoners in the Southern Cone countries were adopted or investigated, as were prisoners in Peru, Brazil and Columbia, where adoption of groups of prisoners was a technique used too. New techniques were introduced to try to meet the problems posed by disappearances in Latin America. Missions were sent to Cuba, Peru, Bolivia and Brazil, and submissions to various international organizations, including the Inter-American Commission on Human Rights of the Organization of American States, were an important part of the year's work. A major campaign on Paraguay took place at the end of 1977 and in early 1978, and a second focused on Argentina, in the period up to June 1978.

In the northern half of the hemisphere, a research mission to the Caribbean took place in connection with Amnesty International's program for the abolition of the death penalty. In 1978 Amnesty International began to re-examine its approach to human rights problems in the USA, with a view to identifying more clearly its concerns and priorities there.

A major Amnesty International report on political imprisonment in Indonesia was published in November 1977, and was made the focus of the continuing campaign for the release of upwards of 50,000 prisoners held in that country. Missions visited Thailand, India and Pakistan during the year; after missions to Pakistan and Bangladesh reports were issued. A Briefing Paper on *Singapore* (a second edition of the paper first published in February 1976) was published in January 1978, and Prisoner dossiers were produced to intensify work on Vietnam, Pakistan, Indonesia, Thailand and the Philippines. Work on Vietnam, Democratic Kampuchea (Cambodia) and North Korea is seen as a high priority for 1978–79.

The Research Department produced a Briefing Paper on the *German Democratic Republic* (GDR) in October 1977, and during the year flexible, group-level campaigns were organized on Yugoslavia, Romania, Czechoslovakia (CSSR) and

the USSR. In Amnesty International's work on Eastern Europe, as on Western Europe, it was found useful during the past year to keep strictly to a system of priorities, concentrating on one country at a time as a focus for research work. In Eastern Europe, the countries so dealt with have been Romania and Yugoslavia, while Northern Ireland, Turkey and the Federal Republic of Germany (FRG) were the subjects of research missions. Missions were also sent to France, the CSSR and Spain (to observe trials) and to the Republic of Ireland. Most Prisoner dossiers produced in the past year concerned cases in the USSR and the countries of Eastern Europe.

The Middle East region of the Research Department managed, during the course of the year, a high rate of Prisoner dossier production, and Amnesty International sent missions to Egypt, Syria and Jordan. In November 1977 a Briefing Paper on *Morocco* was published and became the focus of an Amnesty International campaign. In February 1978, Amnesty International testimony on Iran was presented to a human rights committee of the US Congress, based on a trial-observation mission during 1977. In May 1978 a campaign for detainees in Israel was launched to coincide with the 30th Anniversary of the founding of the State of Israel. During the year, the Middle East region of the Research Department assumed responsibility for work on the Maghreb countries of North Africa, taking over this area from the Africa region of the Department.

Africa

International conflicts and internal disputes continued to dominate events in Africa during 1977-78; to a certain extent they obscured the sometimes significant improvements as regards human rights made in several countries. In Tanzania, the release of Abdulrahman Babu, a former Cabinet Minister, detained since 1972, and Andreas Shipanga, a prominent Namibian nationalist, signified a general improvement of the human rights situation in the country. In West Africa, it was reported in May 1978 that Guinea's most prominent political prisoner, the Roman Catholic Archbishop Raymond Marie Tchidimbo, would probably be released in the near future, together with more than a hundred other political prisoners. In Rhodesia, the white minority régime released some 700 political detainees as part of the internal settlement agreed with the nationalist political organizations led by Bishop Abel Muzorewa and the Reverend Ndabaningi Sithole. Another 250 detainees, regarded as firm opponents of the internal settlement and supporters of the Patriotic Front, had still not been freed at the end of May 1978, nor had any moves been made by then to secure the release of the country's convicted political prisoners, now estimated to number more than a thousand. In Mali and Sudan also, political prisoners were freed under amnesties granted by governments keen to promote national reconciliation. Those released in Mali at the end of 1977 included several former Ministers detained without trial since the overthrow of President Modito Keita's Government in 1968. In early May 1978, following the dismissal and arrest of several of his Ministers, President Moussa Traouré ordered the release of 11 other political prisoners held since 1974. In July 1977, President Nimeiri's Government in Sudan freed more than a thousand prisoners, detained or sentenced in connection with various attempts to overthrow the Government. The following month, it was announced that 110 prisoners, mainly southerners, had been freed. The only group of prisoners not released by that time – some 130 trade unionists and supporters of the clandestine Communist Party – were freed in May 1978.

Botswana, Lesotho and Zambia continued to accept and assist refugees fleeing repression in Rhodesia and South Africa, while Kenya gave similar help to Ugandan and Ethiopian refugees. In West Africa, many refugees fled to Cameroun and Gabon from the régime of President Macias Nguema in Equatorial Guinea. Progress from military to civilian rule continued to be made in both Burundi and Nigeria, although in Ghana the military Government led by President Acheampong detained many of its political opponents after a referendum in March 1978 to decide on the form of the proposed new government. Most of the detainees were freed immediately after President Acheampong resigned on 5 July 1978.

There was also a series of crises in Africa during 1977-78, which had a profound

effect on human rights. In Ethiopia, the conflict with Somalia and with secessionist forces in the Ogaden and Eritrea resulted in large-scale killings, and those who died were not only combatants but also civilians in the war zones. At the same time, the struggle for power between the *Derg* (the Provisional Military Administrative Council) and its political and ideological opponents resulted in political assassinations, mass arrests and executions, particularly in Addis Ababa, the capital. In southern Africa, the conflict in Rhodesia and Namibia continued to mount, with cross-border raids being made by Rhodesian security forces into Mozambique and Zambia, and by South African forces into Angola. Within Rhodesia, increased guerilla activity led the white minority régime to adopt even more repressive methods to combat the guerillas and attempt to isolate them from the local population. The system of so-called "protected villages", whereby rural inhabitants are forcibly removed into fenced and fortified encampments, was extended in Rhodesia and more African civilians became subject to severely restrictive curfews. Such were conditions in the country areas that most of the detainees released in early 1978 did not return home but preferred to stay instead in the relative security of the main towns.

Zaire faced internal difficulties throughout the year after the invasion of Shaba province in May 1977 by exiles opposed to President Mobutu. In February 1978, the Government announced that it had uncovered a conspiracy, and in March, the people suspected of complicity were put on trial in Kinshasa. Thirteen of those convicted were executed almost immediately after they had been sentenced to death. President Mobutu indicated that he would no longer be influenced by international appeals for clemency. In January 1978, even before this trial took place, it was reported that large numbers of the supporters of the former rebel leader, Pierre Mulele, had been killed by the President's troops in Bandundu region. Subsequently, in May 1978, Shaba province was once again invaded by rebel forces and, although they were driven back, several hundred Zairois citizens and European expatriate workers were killed, either by the rebels or during the fighting.

Other countries where human rights violations occurred on a large scale were Equatorial Guinea and Uganda, in both of which Amnesty International was unable to work for individual prisoners for the simple but horrifying reason that real or suspected opponents of the Government are killed or forced into exile. In South Africa, the death in detention of the Black Consciousness leader Steve Biko in September 1977, and the banning of the Black Consciousness movement five weeks later, focused international attention on the repressive policies of the Pretoria Government. Biko's death again drew attention to the general problem of detention without trial, which affects not only South Africa but many other countries in Africa. In fact, this was one of the main issues of concern to Amnesty International during 1977-78.

In Kenya, the Government again resorted to the use of its powers of detention without charge or trial to silence vocal critics, including the internationally-known writer Ngugi wa Thiongo (who was arrested in December 1977); four Members of Parliament also are still detained. In Namibia, the Administrator-General appointed by the South African Government in November 1977 revoked one piece of legislation providing for indefinite detention without trial, but the Terrorism Act continued to be used for this purpose, and in April 1978, new

legislation was brought in to provide for the use of indefinite preventive detention. Similarly, in the Seychelles, the Government of President René also rushed through a law providing for indefinite preventive detention when the High Court seemed about to grant writs of *habeas corpus* to 20 people detained on suspicion of being involved in a plot to overthrow the Government. The *habeas corpus* application made in November 1977 on behalf of more than 170 detainees in Ghana was also unsuccessful. In a number of other countries – for example Swaziland – even existing detention laws were abused by the authorities. There, Dr Ambrose Zwane, leader of the main opposition party until the Constitution was suspended and Parliament dissolved in April 1973, was one of several people detained continuously for more than six months under a succession of 60-day detention orders.

Many detainees have been held for very much longer periods. Several of those freed in Rhodesia in early 1978 had been continuously detained without charge for more than 14 years by the time of their release. In Guinea, several hundred detainees have now been held for more than seven years, while in Mozambique, individuals such as Paulo Gumane, formerly prominent in the nationalist movement but opposed to FRELIMO (Front for the Liberation of Mozambique) have been held continuously since early 1975. For them, and for many detainees in other African countries, 1977-78 brought few changes.

In South Africa, the Government not only made use of detention without trial to suppress and intimidate opponents of apartheid, but also staged a series of political trials involving alleged supporters of banned African nationalist political organizations and Blacks arrested during the civil disturbances in Soweto and elsewhere. As a result, the number of convicted political prisoners serving sentences on Robben Island and in other maximum security prisons increased substantially. The Rhodesian régime also continued to put on trial not only captured nationalist guerillas but also African civilians alleged to have given them assistance in the form of food or shelter. Other major political trials were held in Congo and Zaire.

During the year, Amnesty International received reports of torture from a number of countries. These included South Africa and Namibia, where reports of detainees being tortured by security policy were extremely common, and where even a number of state witnesses in political trials alleged in court that they had agreed to testify only after being subjected to electric shocks and physical assault by members of the security police. In Rhodesia also, torture was used by the security forces as a means of obtaining alleged confession statements which could be used in political trials, and in order generally to intimidate the African civilian population living in the war zone. Torture allegations were received, too, from Zaire, Uganda, Ethiopia, Tanzania and the Comoros. The Tanzanian Government, however, prosecuted four members of the security police who were alleged to have tortured a detainee.

The use of the death penalty in Africa also gave serious cause for concern. South Africa maintained a very high rate of judicial executions: according to the Justice Minister, James Kruger, 151 executions were carried out in the two-year period ending on 31 May 1978. In March 1978, the first death sentence to be passed for a political offence since the mid 1960s was imposed on twenty-one-year-old Solomon Mahlangu, who was involved in the shooting of two Whites

in June 1977. Executions were carried out also in Congo and Zaire in January and March 1978 after political trials. In several other countries, including Ethiopia, Uganda, Equatorial Guinea and perhaps Angola, suspected opponents of government were summarily executed.

Throughout the period 1977-78 Amnesty International continued to maintain and expand its activities on behalf of prisoners of conscience, victims of torture and those threatened with the death penalty in African countries. In doing so, the organization had to confront a variety of complex situations and to adapt the techniques it uses in such a way that they would be of most benefit to the prisoners concerned. Thus, in some countries Amnesty International used its extensive network of groups to assist prisoners on an individual basis so that, at the end of June 1978, the organization was working on behalf of 1,103 individual prisoners of conscience in Africa. However, for dealing with countries such as Uganda and Equatorial Guinea, where prisoners are often killed shortly after arrest, and Ethiopia, where prisoners might suffer if they were identified by name, Amnesty International developed a new technique – the use of Country Action dossiers – as a means of campaigning generally against violations of human rights. These dossiers were compiled in such a way that Amnesty International groups were able to campaign continuously for all prisoners of conscience in the countries concerned, rather than on behalf of individual prisoners.

Amnesty International published several reports on Africa during the year, including a report on *Political Imprisonment in South Africa*, published in January 1978, and an Amnesty International Briefing Paper on *Guinea*, which was released the following June. The organization also issued reports on *Uganda* in June 1978 and *Ethiopia* in December 1977. Several submissions were made to the United Nations Commission on Human Rights concerning gross human rights violations in southern Africa, in Uganda and Ethiopia.

Angola (the People's Republic of)

In the period 1977-78 President Agostinho Neto's Government was confronted with problems on a number of fronts as it persisted in its efforts to assert effective control over the country as a whole. In the south, the Government had to cope with a continuing high level of guerilla activity on the part of Jonas Savimbi's UNITA (National Union for the Total Independence of Angola), one of the nationalist organizations defeated by President Neto's MPLA (People's Movement for the Liberation of Angola) in the civil war which followed independence in November 1975. The situation was aggravated by the cross-border conflict between the Namibian nationalist movement, SWAPO (South West Africa People's Organization), which is allowed to operate from southern Angola, and the South African Defence Force occupying northern Namibia. This conflict went on simultaneously with that between UNITA and MPLA, with the result that throughout the year there was a two-way flow of refugees across the Namibia/Angola border.

In the north of the country, the Neto Government had also to contend with sporadic attacks by guerillas of the FNLA (National Front for the Liberation of Angola), based in Zaire, and in the Cabinda enclave with FLEC (Front for the Liberation of the Enclave of Cabinda) guerillas. Relations with Zaire were also

severely strained because of attacks into Shaba province in May 1977 and May 1978 by General Mbumba's FLNC (Front for the Liberation of the National Congo), which is allowed to operate from north-eastern Angola.

It was difficult to tell how far these developments affected the human rights situation in Angola. No details were forthcoming about prisoners captured by the opposing sides in the conflict – neither how many were held nor under what conditions. However, the pressure exerted by continuing guerilla activity and militant opposition clearly affected the Neto Government's response to the internal crises which occurred as a result of the attempted *coup d'état* of 27 May 1977.

Although the *coup* attempt, led by a former Interior Minister, Nito Alves, and a former political prisoner under the Portuguese, José van Dunem, was unsuccessful, it was a major crisis for the ruling MPLA. According to an official report issued in July 1977, Alves' supporters included individuals who held key positions throughout the party structure, in the military wing, FAPLA, and in the trade union organization, UNITA. The attempted *coup* had also revealed considerable popular discontent, particularly in the Luanda area, with the Government's economic performance and with the presence of many *mesticos* (people of racially mixed parentage) in the MPLA administrative structure.

Both Nito Alves and José van Dunem had been arrested by mid July 1977, at which time the political bureau of the MPLA announced that a special military tribunal would be set up to try the conspirators. However, by the end of May 1978 there had been no public trials and Amnesty International had no information about the situation of the two *coup* leaders and of the several hundred other Angolans believed to have been arrested in the weeks immediately after the *coup* attempt. A number of Portuguese expatriates allegedly involved in the conspiracy are known to have been deported to Portugal, but these did not include Sita Valles, also a Portuguese citizen, the wife of José van Dunem and one of the alleged ringleaders of the conspiracy. According to persistent but unconfirmed rumours, she, her husband, Nito Alves and other leading supporters of the conspiracy were summarily executed some time in late 1977.

Amnesty International continued to collect data on political prisoners in Angola throughout 1977-78, being particularly concerned with the situation of Gentil Viana and other supporters of the Active Revolt faction of the MPLA who were detained without trial in April 1976. They are reportedly held at São Paulo Prison in Luanda and at the São Nicolau detention camp near Moçamedes.

Benin (the People's Republic of)

In August 1977, Benin adopted a new Constitution and plan for the future development of political life in the country. This "Fundamental Law" was adopted by the political party created by the present military Government – *le Parti de la Révolution Populaire du Bénin* – which is led by the President, Colonel Matthieu Kérékou. The Fundamental Law is intended to replace the present military Government by civilian rule based on the single political party, which has a Marxist-Leninist ideology. Although the new Constitution was adopted in August 1977, there have been some delays in actually putting it into effect, by, for example,

replacing the ruling military Government by a National Assembly consisting of elected representatives. The Fundamental Law proposes that the Party should choose candidates, who will then be elected by the population as a whole. The elected representatives will themselves elect the President, who is nevertheless to be nominated by the central committee of the Party.

In the period 1977-78 Amnesty International continued to work on behalf of five prisoners whose cases were adopted in February 1976 after they were convicted of engaging in subversive activities against the Government. In November 1977, nine new cases were taken up for investigation. These were of students who had been arrested in September 1976 and detained in connection with the possession of anti-Government leaflets. At least one of the detainees was believed to be a member of the banned Communist Party, the *Union des Communistes du Dahomey* (Benin was previously known as Dahomey). The nine students are all believed to have been released early in 1978, although these releases have not been confirmed by the Benin authorities.

In November 1977, Amnesty International also took up the case of a French national, married to a Benin citizen, Yvette Adjovi, who had been detained by the Benin authorities. Her only crime appears to have been to accompany to Cotonou Airport a student who, when he later arrived in France, denounced the repressive policies of the Benin Government. She was released later in November after appeals from friends and relatives in France. In February 1978, Amnesty International took up also the case of a Benin army officer, Lieutenant Marcellin Adjanohoun, who was arrested in 1975, accused of complicity in a plot to overthrow the Government and then, after a summary court martial in March 1975, sentenced to life imprisonment with hard labour.

Cameroun (the United Republic of)

In February 1978, President Ahmadou Ahidjo celebrated his twentieth anniversary as Cameroun's leader: he became Prime Minister of Cameroun in February 1958, and then President at the time of independence in 1961. Throughout his 20 years in power, President Ahidjo has faced continued opposition from the banned political party, *Union des Populations du Cameroun* (UPC), but only members of the country's ruling political party, *Union Nationale Camerounaise* (UNC), were permitted to stand for election to Cameroun's National Assembly at the elections in May 1978. Deputies were first elected to the National Assembly in May 1972 when Cameroun became a unitary state (which replaced the former federation of French-speaking and English-speaking Cameroun). The Parliament elected in 1972 was dissolved in 1977 at the end of its five-year term. The 120 candidates for election in May 1978 were selected by a special commission of the UNC's central committee, but on the actual polling day, 28 May, they were returned unopposed.

In 1977 Amnesty International groups took up for investigation the cases of 120 Camerounians who had been arrested in July 1976. These detainees were never formally charged or tried, although the Camerounian Constitution guarantees that detainees be brought to trial. Although no official reason for the arrests in July 1976 has ever been made public, it is believed that the detainees were suspected of association with the banned UPC and of helping to produce and distribute pamphlets criticizing President Ahidjo's Government. Most of those arrested

were young people, many of them students at university or school, and some were professionals, such as doctors or engineers, who had studied in France and been associated with the Camerounian Students' Union in France (*Union Nationale des Etudiants du Kamerun* – UNEK), which was also critical of President Ahidjo and was banned in France in 1977.

In addition to the large number of detainees arrested in July 1976, Amnesty International has taken up the cases of several others who have been detained without trial for long periods. Samuel Essoungou, for example, was arrested in January 1977, shortly before he was due to return to France, where he had lived for some years, and was accused of having contacts with subversive elements and of giving money to the families of prisoners in Cameroun. However, at the time of writing, he has not been formally charged or brought to trial.

Most political detainees appear to be held at two so-called "re-education centers" at Tcholliré in northern Cameroun and at Yoko, near Yaoundé. Most women detainees are believed to be held at Yoko. Tcholliré, where male detainees are held, is reported to be the harshest of Cameroun's prison camps. Detainees held there are completely isolated from the outside world. They are not permitted to write or receive letters nor are they allowed any visits, even from close relatives. They are said to be poorly fed and many are alleged to have been ill-treated by prison guards.

Little response has been forthcoming from the Camerounian authorities to representations from Amnesty International, both about long-term detention without trial and about the generally unsatisfactory conditions of imprisonment. On various occasions, the Camerounian authorities have denied that individual detainees are held for political reasons, and even that they are imprisoned at all. Nevertheless, some releases were reported during the past year. In May 1977, the Camerounian authorities are reported to have released 42 detainees, although many of these are believed to have been subsequently re-arrested and only 10 releases were subsequently confirmed. Those who were set free are believed to have remained under police surveillance to discourage them from publicizing their experiences in detention or from reporting details of their prison conditions. In February 1978, Amnesty International appealed to President Ahidjo to grant an amnesty on the twentieth anniversary of his accession to power. Several detainees were released. However, a further Amnesty International appeal in May 1978, on the sixth anniversary of Cameroun's change from a federal to a unitary state, evoked no response.

During 1977–78, Amnesty International became increasingly concerned by the apparently frequent imposition of the death penalty in Cameroun. Common-law prisoners may be sentenced to death for a wide range of offences, including any theft in which a weapon or tool (even one for picking a lock) is used, as well as for aiding and abetting a thief. A large number of prisoners are believed to be awaiting execution at Yaoundé Prison, but Amnesty International has no information on the actual rate of judicial executions.

Central African Empire (the)

In December 1977, a year after changing the status of his country from Republic to Empire, Marshal Jean Bedel Bokassa crowned himself Emperor of Central Africa. During the intervening year, a new Constitution was introduced, and the

Emperor declared that it was an offence to refer to the Constitution of the former Republic, or even to refer to the Empire by its former name, the "Central African Republic". In theory the Central African Empire is ruled by the Emperor together with his ministers through the only existing political party, *Mouvement d'Evolution Sociale de l'Afrique Noire* (MESAN), and Marshal Bokassa hinted that once he was crowned Emperor he would spend most of his time at his palace in his home village, and leave affairs of state to his ministers to deal with. However, in practice, this does not appear to have been the case, and all important decisions continue to be taken by Emperor Bokassa himself: even a foreigner suspected of spying was brought before him personally.

The new Constitution, adopted when Central Africa was declared an Empire, in December 1976, in theory gives assurance that the basic human rights of individual citizens will be safeguarded. Article 48, for example, states that no one shall be arbitrarily detained, and that anyone who is detained should be given a fair trial and adequate opportunity to defend him or herself. However, in practice, these basic rights have been ignored. In December 1976, the Emperor announced a general amnesty for all prisoners, and said that another would be granted at the time of his coronation. When ordering the release of some common-law prisoners in December 1977 he nevertheless decided not to release any political prisoners or anyone who had been imprisoned for "embezzling public funds" – several political prisoners in Central Africa have been charged with embezzlement.

In August 1977, Amnesty International learnt of the cases of four students and one *lycée* (school) teacher who had been arrested for using the country's former name: Central African "Republic". The four students had only just arrived from France, and the *lycée* teacher's only apparent offence was to give accommodation to them the night after they arrived. Three of the students and the teacher were all sentenced to 10 years' imprisonment, after being charged with crimes against the internal security of the state and with offending Emperor Bokassa. The trial proceedings are believed to have been the same as those usually used in Central Africa in political cases: the trial was *in camera*, the defendants had no access to lawyers and no opportunity to appeal against their sentences. In ensuing weeks, reports circulating in Europe suggested that the four prisoners had been beaten in prison and that they might, perhaps, have died from the injuries which they had sustained. In order to discredit these reports, in October 1977, shortly before his coronation, Emperor Bokassa ordered the release of the four prisoners. (The fourth student, a pregnant woman, could not be actually imprisoned under Central African law, but was kept under house arrest until October).

One month before the four students and *lycée* teacher were arrested, a British journalist, Michael Goldsmith, was arrested in Bangui and personally assaulted by the Emperor. He was suspected by the authorities of being a South African spy, after he had sent a telex message about Emperor Bokassa's future coronation. Soon after he was arrested he was taken to see Emperor Bokassa, who beat and kicked him. Michael Goldsmith was subsequently kept in detention for almost a month in Bangui Prison, where conditions are reported to be extremely harsh. He was lucky to be treated better than most other prisoners, for he was given food from a nearby hotel and was eventually attended by the

Emperor's own doctor, who treated his wounds. Most of the other prisoners in Bangui Prison spend their days doing forced labour, and many, it is said, die from disease or lack of food and medical attention. The families of political prisoners are unable to obtain any information about them and often do not know whether they are dead or alive. Michael Goldsmith was released in August 1977 after international pressure and appeals from his family for his release.

In December 1976, Amnesty International was informed that two trade unionists, both of them adopted prisoners, Jean Richard Sandos and J.B. Malikanga, had been released under the amnesty granted by Emperor Bokassa. However, in early 1978, Amnesty International heard that both these prisoners were still in prison. It has been investigating these reports before taking up the cases for re-adoption. It is investigating also the cases of other Central Africans who are reported to have disappeared in recent years, and who, if alive, may still be in detention.

Chad (the Republic of)

The political situation in Chad was dominated throughout 1977 and the first half of 1978 by the continuing war between the central Government, led by President Félix Malloum, and the *Front de Libération Nationale du Tchad* (FROLINAT). The conflict, which began in 1966, intensified considerably during the past year, especially after the reintegration of FROLINAT's various factions into a more unified force under the leadership of Goukouni Oueddei, who had formerly been the leader only of FROLINAT's Second Army in northern Chad. One of FROLINAT's factions, led by Hissène Habré, came to an independent agreement with President Malloum in early February 1978.

By early 1978, Government troops were losing control of many important towns in northern and eastern Chad. In early February FROLINAT forces captured Fada, and on the 17 February 1978 they occupied Faya Largeau, the capital of Chad's northern region (Borkou-Ennedi-Tibesti). More than 1,500 Government soldiers are reported to have been captured when Faya Largeau fell. In February 1978 President Malloum's Government made several attempts to come to terms with the rebels. The first move was to make peace with Hissène Habré. After this, the military Government agreed to an amnesty, announced on 7 February, under which 147 political detainees were released. At the end of February, shortly after the fall of Faya Largeau, the heads of state of Chad, Libya and Niger, together with the Vice-President of Sudan, met at the southern Libyan oasis of Sebha to discuss a possible settlement in Chad and to try to bring about a cease-fire. Following this meeting, a cease-fire was announced in March. However, under the terms of the Sebha agreement, both sides in the conflict were to expel any foreign military personnel working for them, and the cease-fire soon broke down when the Chad Government refused to order the French troops which were supporting it to leave the country. In April, FROLINAT troops resumed their advance into southern Chad and towards the capital, N'Djamena, and by the end of April a considerable French military presence had built up in Chad in support of the central Government.

Preventive detention has been widely used by the central Government to suppress political opposition, and although 147 detainees were released in

February 1978, at least 1,000 other prisoners are reported to be still in detention. Some of the detainees released in February had been in prison since the former Government of President Tombalbaye was overthrown in 1975. Among those still detained are believed to be many FROLINAT supporters, but it is difficult to determine how many of these are prisoners of war captured by Government forces, and how many were detained because they were thought to be supporters of FROLINAT.

In October 1977, Amnesty International took up the case of Robert Kadjangaba, a known critic of the military Government, who, until 1975, had agitated for the release of political prisoners held by President Tombalbaye's administration (among whom was General Malloum himself). Robert Kadjangaba was arrested in June 1977 and charged with using false documents. He was released in March 1978.

Comoros (the Republic of)

In the Republic of Comoros under the régime of President Ali Soilih, Amnesty International found a number of causes for concern: the continuing detention without trial under harsh conditions of 18 people accused of attempting to murder the President and overthrow the régime in April 1976; the extensive ill-treatment or torture of opponents of Government policies; further arrests of numerous political opponents of the régime; the shooting and killing of civilians who opposed the régime's policies by the security forces.

On 12 May 1978 President Ali Soilih was overthrown and put under house arrest, as a result of a *coup d'état* led by foreign mercenaries in which five soldiers died. The new Government repealed various laws and abandoned policies of the Comorian "Revolution", freed all political prisoners and promised to restore fundamental liberties.

As part of its policy of implementing revolutionary changes in Comoros, the pre-*coup* Government had, since January 1976, reorganized the administration, given the "revolutionary youth" (*jeunesse révolutionaire*) and the army considerable power, and taken several radical measures to destroy "feudalism". Opposition had been strongest on Anjouan Island (the home of the ousted President Ahmed Abdallah, who returned to Comoros after the *coup*), and a large number of Comorians suffered arbitrary arrest and ill-treatment for a short time, or long-term detention without trial, at the instigation of the youth forces, the army or the President.

In early 1978, many others attempted to flee to Mayotte (the Comorian island which remains under French administration). There were also incidents in which villagers or would-be refugees were shot and killed by soldiers, notably the massacre of 15 people in a mosque in Iconi in March 1978. Many arrests were made after anti-Government demonstrations or after what the Government described as plots to overthrow it and murder the President. Whether such plots were a reality is difficult to determine, since the Government did not formally charge or try any of the accused, even though the statements of those arrested in April 1976 were published by the Government for use by a proposed special tribunal.

Amnesty International made its first approach to the Comorian Government

in May 1977 about allegations of ill-treatment by the security forces. No reply was received, and so a further letter was sent in August. It referred to the UN Declaration against Torture and urged the President to investigate the persistent reports of ill-treatment and torture which were reaching Amnesty International from sources believed to be reliable and not politically biased. Amnesty International also asked that political detainees (especially those arrested in April 1976) should be treated in accordance with the standards set out by the United Nations.

In October 1977, Amnesty International wrote to the Minister of the Interior, expressing concern about the proposed trial of some 30 Comorians by a "special tribunal" on charges of attempting to murder the President and overthrow the Government. Amnesty International asked for information about the nature of this tribunal and the proposed judicial process, and reiterated its concern about reports that those detained had been tortured or ill-treated so as to obtain "confessions" for use in court. The organization requested that an international humanitarian body be permitted to investigate their conditions of detention.

On 13 December Amnesty International received a reply from the Comorian Presidency, denying allegations of torture and ill-treatment, affirming that the April 1976 detainees were not political prisoners and stating that they would be tried in open court on criminal charges of attempted assassination. On 9 January 1978 Amnesty International cabled President Soilih, conveying its concern at reports that one detainee, Mohamed Taki, had died in custody. It asked for confirmation of this information, an examination of the conditions of detention, and the provisional release of all detainees pending trial. In their reply, the Comorian authorities denied that Mohamed Taki had died and this was later confirmed. Amnesty International subsequently learned that the detainee who had died in November was, in fact, Youssouf Mlamali. It again cabled the President, requesting information about the health and safety of all other detainees, but received no reply. Amnesty International then proceeded to take up for investigation the cases of 18 prisoners who had been in detention since the alleged April 1976 plot, believing that they could be considered prisoners of conscience. They included the former Government Ministers, Ali Mroudjae, Mohamed Taki and Omar Tamu, the former Deputies, Mohamed Said Mkandzile and Abderamane Mohamed, a former presidential political adviser, Abdou Mdahoma, businessmen, police and army officers. Amnesty International made preliminary arrangements for an international observer to attend their trial, if it took place.

Amnesty International also took up for investigation the cases of four other prisoners: those of Sheikh Ahmed, a lecturer in Arabic and Religious Studies, Ali Mohamedali Nabwa, a journalist, Abasse Youssouf, an engineer and former Deputy, and Akbar Ali Saleh, the Chief Documentalist. They had been arrested in January 1978 after another alleged plot, and publicly humiliated in Moroni, the capital. They were paraded through the town, wearing women's wraps, covered in filth, and constantly insulted and abused. However, before Amnesty International groups could begin working for these prisoners (all of whom could, the organization believed, be considered prisoners of conscience), all detainees, including these, were freed by the new Government, formed after the *coup*. Amnesty International immediately cabled it, asking for confirmation

of the releases. This was received, and Amnesty International wrote to congratulate the Government on this humanitarian measure.

In June, a member of Amnesty International's International Executive Committee met the new Joint-President, Ahmed Abdallah, to inform him of Amnesty International's concerns and of the actions it had taken over human rights violations under the Government which had been overthrown, and to discuss the new Government's attitude to human rights. Amnesty International asked for information about the death of the former President, Ali Soilih, and about the detention of some 150 people, some of whom had reportedly been ill-treated. President Abdallah upheld the Government's earlier statement that the former President had been shot dead while attempting to escape from house arrest and denied that any detainees were being ill-treated. He stated that all those held would receive a fair trial in open court, and that international observers would be permitted to attend. Amnesty International is investigating this matter further.

Neither of the Comoros Governments has ratified the International Covenant on Civil and Political Rights.

Congo (the People's Republic of)

The aftermath of the assassination of President Marien Ngouabi on 18 March 1977 has continued to influence events in the Congo, and in early 1978 a further group of people were tried and convicted for complicity in his assassination. Soon after the death of President Ngouabi, the governing central committee of the country's only legal political party, the Congolese Workers' Party (*Parti Congolais du Travail* – PCT) handed over power to a special Military Committee of the Party, which since then has been the main decision-making body in the Government. In April 1977 the Military Committee appointed Colonel (now General) Joachim Yhombi Opango as the new Head of State. He announced that he would continue to pursue the objectives of the Congolese revolution and the policies of the late President Ngouabi, but in practice President Yhombi Opango has used institutions such as the Party, the militia and the army to impose his own brand of firm military rule on the country. As well as establishing close ties with Cuba, he has maintained Congo's traditional links with France.

In late 1977 Amnesty International groups took up for investigation the cases of a number of prisoners who had been accused of complicity in the assassination of President Ngouabi. In the aftermath of the assassination, more than 20 people are known to have appeared before a court martial, and at least 30 others were detained without trial. Among those brought before the court martial was a former head of state, Alphonse Massamba-Debat, who was found guilty and immediately executed. Several members of the security forces also were immediately executed; others were sentenced to terms of imprisonment.

Detainees brought before the military tribunal were not given any chance to defend themselves, nor were they allowed to appeal against their sentences. On 28 March 1977, four civilians received life sentences from the tribunal for their alleged complicity in President Ngouabi's assassination. They included Professor Pascal Lissouba, former Prime Minister of the Congo (from 1963 until 1966), and Claude-Ernest Ndalla, former First Secretary of the PCT. In the ensuing months, Professor Lissouba, who is a well-known geneticist, is reported to have been subjected to particularly harsh treatment, and although he suffers from a kidney

ailment he has been refused all medical treatment. In May 1977, Amnesty International appealed to the authorities to treat Professor Lissouba more humanely.

In December 1977 Amnesty International took up for investigation the cases of three people sentenced to life imprisonment in March 1977, as well as nine others believed to have been detained continuously without trial since March 1977. Pascal Lissouba and Claude-Ernest Ndalla were later adopted as prisoners of conscience.

In January 1978, six of the detainees whose cases were being investigated, together with almost 40 others, were put on trial in Brazzaville, accused of complicity in the assassination of President Ngouabi the previous March. At least five people had already been executed immediately after the assassination and others had been imprisoned. However, there were persistent rumours suggesting that it was not these who were executed but members of the governing Military Committee who had really been responsible for the former President's assassination.

In January and February 1978, 45 defendants appeared before a special Revolutionary Court at which the President of the Supreme Court presided. The prosecution case was put by a Government commissar, Jacques Okoko, and although the defendants were nominally given eight defence lawyers, the latter were not permitted to intervene freely on behalf of their clients, and were apparently only informed of the official charges against the defendants on the third day of the trial. A representative of the International Association of Democratic Jurists who attended the trial stated later that he regretted the restrictions which had been placed on the defendants' right to a legal defence. The prosecution, on the other hand, was able to state its case fully. The proceedings of the month-long trial were broadcast live on Congolese television and radio, and shortly before the end of the trial, President Yhombi Opango made a broadcast in which he stated that he renounced his right as head of state to grant clemency to those condemned by the Court. Sentences were passed on 6 February 1978. Eleven men were condemned to death, one *in absentia*. The remaining ten were all executed by firing squad the following morning, without having any opportunity to appeal against their sentences. Prison sentences were passed on 18 other defendants: three prisoners were sentenced to life imprisonment, three to 20 years', one to 10 years' and the remaining 11 received suspended sentences. Fourteen others were acquitted. Amnesty International has taken up as investigation cases all those imprisoned as a result of this trial.

Neither the prisoners sentenced in March 1977 by a court martial, nor those convicted by the special Revolutionary Court in February 1978 were given fair trial and an adequate opportunity to defend themselves. None of those sentenced to death or to terms of imprisonment were permitted to appeal against their sentences. In addition, prisoners who had already been convicted of complicity in the assassination in March 1977 were not asked to give evidence at the 1978 trial, and the person allegedly at the heart of the whole plot, Alphonse Massamba-Debat, was executed before he could make any public statement about the case. Finally, Capitaine Kikadidi, who allegedly led the three-man assassination squad, was not present at the 1978 trial, but only one week after it ended the Congolese Government announced that he had been shot dead on 12 February while trying to evade arrest in Brazzaville.

On 7 February, when the prison sentences were announced, Amnesty International's Secretary General cabled President Yhombi Opango, asking him to commute the death sentences. After the news of the 10 executions, the Secretary General again wrote to the President, deploring the executions, and regretting particularly that the sentences had been carried out before the prisoners had had an opportunity to appeal against them.

In April 1978 Amnesty International made inquiries of the Congolese authorities about the situation of 300 people from the Angolan enclave of Cabinda who were reportedly detained in Congo in January 1977. No further information about these people was available at the time of writing.

Equatorial Guinea (the Republic of)

Ten years after independence, Equatorial Guinea continues to present major human rights problems. President Macias Nguema's period of rule has been characterized by arbitrary imprisonment and summary killings. The President himself is reported to spend most of his time in a heavily guarded compound at his home town, Mongomo, in the eastern part of mainland Equatorial Guinea (the province of Rio Muni). He rarely leaves this base, although in September 1977 he went abroad on an official visit to the People's Republic of China. Both mainland Rio Muni and the island of Macias Nguema (formerly Fernando Poo) are terrorized by members of the militia known as "Youth Marching with Macias". Throughout 1977 and the first half of 1978, President Macias has continued to persecute former members of the Government and intellectuals who might form a movement in opposition to his rule. Many of them have been killed, particularly members of the Bubi ethnic group from the island of Fernando Poo, whom President Macias has deprived of power in favour of his own ethnic group, the Fang.

Amnesty International received reports of both arbitrary detentions and summary executions in Equatorial Guinea during 1977. Prisoners in the country are divided into three categories: "Brigade A" consists of political opponents (or suspected opponents) of the President, and although they receive no trials, they are all considered to be under sentence of death. "Brigade B" prisoners have committed no major offences against the President, but are considered a threat and detained indefinitely. "Brigade C" prisoners are common-law criminals, many of whom are persuaded to help the prison guards beat and maltreat the Brigade A and B prisoners. One former detainee at Blabich Prison in Malabo (formerly Santa Isabel) reported that, during his four years in prison (1971–1975), he counted 157 prisoners beaten to death in the yard outside his cell. Other former Bata Prison inmates have claimed that all prisoners are severely assaulted when they first arrive and that they are beaten regularly during their detention. Beatings are inflicted by criminal prisoners. Amnesty International has been given the names of numerous Equatorial Guineans who have been killed while in detention, but has refrained from making them public for fear that the authorities might retaliate against their families. The total number of detainees in Equatorial Guinea's two main prisons, Bata Prison and Blabich Prison in Malabo, is not known, but despite the high death rate among prisoners, who spend their days doing forced labour, the number of Brigade A and Brigade B prisoners is believed to be very high.

As the rule of law appears to have become defunct in Equatorial Guinea, it is impossible to differentiate between "judicial" executions and murders carried out by the National Guard, by members of the "Youth Marching with Macias" movement and by prison guards acting on the order of President Macias. For example, in June 1977, Amnesty International received reports that the populations of two villages, Mbe and Ekokete (both in the Micomeseng region) had been murdered on 4 March 1977, and that the massacre had followed a battle between soldiers and some local people in which two soldiers had been killed.

Between August 1976 and June 1977, ten former members of the Equatorial Guinean Government are reported to have been killed – either by the harshness of prison conditions or by order of the President. At least two of those who died were former Ministers who had been arrested in November 1976 and accused of plotting to overthrow the President. On 21 May 1977, 28 people are reported to have been executed at the prison camp of Bindung, 18 kilometres inland from Bata. Those executed included Jesus Buendi Egli, a former Governor of the Central Bank of Equatorial Guinea, who was arrested during 1976, and, it is believed, Nkoo Ivasa, a former Minister of Finance and Senor Nnangale, a former Chargé d'Affaires at Equatorial Guinea's Embassy in Madrid.

Amnesty International has received other reports of summary executions and murders, although these are often several months, or even years, old: news from Equatorial Guinea takes a long time to filter out via refugees fleeing abroad to neighbouring Cameroun and Gabon. No foreign journalists have been allowed into Equatorial Guinea in recent years. According to some estimates, there are now as many as 150,000 Equatorial Guinean refugees – that is, between one-third and one-half of the country's population at independence in 1968. It is clear that a large proportion of Equatorial Guinea's population has preferred exile to remaining in their own country under the rule of President Macias Nguema. The refugees have not yet been granted official refugee status by either the Camerounian or Gabonese Governments, and sources in Cameroun and Gabon suggest that some refugees in both countries have been harassed, particularly by being prevented from finding jobs or from sending their children to school.

Ethiopia

Ethiopia is ruled by the Provisional Military Administrative Council (*Derg*) which assumed power in September 1974. Consistent gross violations of fundamental human rights in Ethiopia continued during the period 1977-78, particularly from November 1977 to February 1978, as a result of the Government's "Red Terror" campaign against its suspected opponents. Of concern to Amnesty International were: widespread and arbitrary arrests, detention on political grounds, mass killings of alleged political opponents by Government security forces, systematic use of torture, and harsh detention conditions for both the long-term detainees arrested between 1974 and 1975 and those arrested more recently.

Amnesty International made several appeals and protests to the Ethiopian military Government, without any response except accusations that it had failed to recognize the benefits of the Revolution, failed to campaign for basic human rights during the rule of Emperor Haile Selassie, distorted facts and made "counter-revolutionary" propaganda against the Revolution. Amnesty International replied

to each of these attacks, giving details of its actions on the numerous human rights violations under the Government of Emperor Haile Selassie and reiterating its concern over violations of the right to life, the right to freedom from arbitrary detention and the right to freedom from torture or ill-treatment.

These issues frequently received less publicity and international attention than the major armed conflicts in the Ogaden and Eritrea. The Western Somali Liberation Front, backed by Somalia and later supported by Somali troops, intensified its struggle for Somali-populated areas of south-eastern Ethiopia, but, after successes at first, was heavily defeated in March 1978.

The Eritrean Liberation Front and Eritrean People's Liberation Front fought separately for the autonomy of Eritrea and, by mid 1978, held all Eritrea except for the four main towns. Smaller armed opposition movements, such as those among the Oromo and Afar peoples, and other armed groups such as the Ethiopian Democratic Union and Ethiopian People's Revolutionary Army, presented less of a military problem to the régime, but were indicative of an unrest which spread far beyond the main area of opposition (both violent and non-violent) in the capital, Addis Ababa. Amnesty International continued to campaign for the protection of human rights in areas of Eritrea under Ethiopian Government control, as well as in the rest of the country.

Amnesty International took various forms of action in connection with Ethiopia: the publications (mentioned below) were widely distributed; Amnesty International groups in several countries started working on Ethiopia Country Action dossiers (see the Introduction to this section on Africa), making appeals to the Ethiopian authorities, contacting public figures in their own countries, and giving up-to-date information from the Research Department in the International Secretariat of Amnesty International to the press, to their own Governments, and to interested individuals. Special appeals were made to the *Derg* on 12 September 1977, the occasion of the third anniversary of military rule. Amnesty International cabled the *Derg* Chairman, Lieutenant Colonel Mengistu Haile Mariam, appealing for an amnesty for all political prisoners, immediate improvement in the conditions of political detainees, and the restoration of the rule of law. The following month Amnesty International groups protested about renewed political killings, including the deaths of 300 youths in detention. As many as 700 people may have been killed during early October.

The gravest human rights violations occurred, however, after 11 November, when the *Derg* Vice-Chairman, Lieutenant Colonel Atnafu Abate, was, according to an official announcement, "subjected to a revolutionary measure". He was killed without trial and later accused of various counter-revolutionary offences.

The policy of "revolutionary justice" (political killings by civilian and uniformed Government officials) had been started by the *Derg* in February 1977 after the execution without trial of the former *Derg* Chairman and Head of State, Brigadier Teferi Bante. The worst incident reported in early 1977 had been the killing of over 500 youths on 29 and 30 April. However, after the killing of Lieutenant Colonel Atnafu Abate, a new campaign of political killing was launched under the name of "Red Revolutionary Terror". This campaign of Government-initiated terror spread to all urban and rural areas of Ethiopia but was at first concentrated in Addis Ababa. The "Red Terror" was not concerned with the armed conflicts in Eritrea or the Ogaden. It was directed against internal civilian political opposition,

and mainly the alleged sympathizers with or members of the clandestine opposition Ethiopian People's Revolutionary Party (EPRP), which was accused of responsibility for the assassination of over 150 Government officials the previous year. This policy was implemented in an extreme and arbitrary manner, especially against children and young people of both sexes, whose ages ranged from eight to twenty. Government officials constantly justified the campaign activities as necessary "to protect the Revolution", but their claim that emphasis was on "rehabilitation" rather than "liquidation" was not borne out by the constant official reports of the "liquidation" of "counter-revolutionaries" and the constant unofficial reports of widespread political killings by Government officials, which often amounted to massacres.

The *Derg*'s "Red Terror" campaign consisted of:

(i) summary killing without legal process of those suspected of an actual counter-revolutionary offence – for instance, alleged implication in political assassination, possession of EPRP literature, participation in anti-Government demonstrations, or contact with imperialists;

(ii) mass detention of those suspected of counter-revolutionary sympathies, in order to put them through harsh political instruction;

(iii) the systematic use of torture against most of those detained in this way, in order to obtain information about other alleged counter-revolutionaries.

The number of people killed during this process, particularly by *kebelle* (urban neighbourhood association) guards, is very difficult to estimate. Political killings reached a peak during December 1977 and January 1978, when killings of up to a hundred were common in Addis Ababa each night, bodies were exposed in public and a reasonable estimate of deaths would be in the region of 2,500 to 3,000. The campaign extended to the rest of the country but without such large-scale killings as in Addis Ababa. By about June, the Government stopped referring to "Red Terror", but the practices associated with the campaign appeared to be continuing on a much smaller scale and without publicity.

"Red Terror" was applied at compulsory public meetings of *kebelle* associations or at places of study or work (factories, businesses, offices, Government departments, etc.). Confessions of counter-revolutionary sympathy were demanded, and refusal to confess was often taken as evidence of guilt. Thus, confession was preferable to further interrogation. It was much more serious for one person to be denounced by another – which could lead to interrogation and torture – than to confess "voluntarily" and undergo the rehabilitation process. Confessions and denunciations of this kind led to instances of children denouncing their parents, who were consequently killed.

The forms of torture inflicted on those thought to have counter-revolutionary (that is, EPRP) contacts reportedly included electric shocks; severe beatings on the head, shoulders, buttocks, or the soles of the feet while the prisoner was suspended from an iron bar; having a heavy weight tied to the male genital organs; rape of girls – even of girls of nine; the insertion of red-hot iron bars or bottles into girls' vaginas, causing permanent mutilation.

Amnesty International published reports on Ethiopia during this period. The principal document, *Human Rights Violations in Ethiopia*, released on 14 December

1977, is a lengthy report, describing the destruction of the rule of law, extra-judicial killings, large-scale and arbitrary arrests and detention, harsh conditions of detention, and the common use of torture under the military régime. This document was circulated widely among Amnesty International groups and contacts, academics, members of legislatures, and others concerned about human rights in Ethiopia. Another shorter account of the military Government's "Red Terror" campaign was produced at the end of March 1978. The Research Department in the International Secretariat of Amnesty International produced also short briefings on Amnesty International's work on human rights violations under the Government of Emperor Haile Selassie (August 1977), and the organization's reply to the *Derg*'s allegations against it (August 1977). In addition, Amnesty International's *Newsletter* for June 1978 publicized first-hand testimony about detention and torture by a seventeen-year-old student in Addis Ababa.

Amnesty International made a submission to the United Nations Commission on Human Rights (UNCHR) in May 1978 about human rights violations in Ethiopia. It had made an earlier submission on the same subject in 1977. At the end of the UNCHR session in March 1978, the Commission's Chairman, Keba M'Baye, announced that the situation in Ethiopia had been studied and that the Commission had decided to take (unspecified) "measures" on Ethiopia. The Commission's proceedings and decisions were confidential.

On 20 January 1978, Amnesty International conducted an Urgent Action campaign to protest at mass political killings in the "Red Terror" campaign. Since this was apparently ineffective, a group campaign was launched in April against torture and political killings. A separate campaign by Amnesty International groups on the occasion of International Women's Day (8 March) to appeal for the release of women and girls held as political detainees merely elicited a reply from the *Derg*, denying that prison conditions were harsh, and repeating its previous accusations.

In some Ethiopian refugee cases, Amnesty International appealed to governments not to subject certain individuals to *refoulement*: the appeal applied to certain refugees in Czechoslovakia and Israel, who were subsequently allowed to go to other countries.

Ghana (the Republic of)

During the twelve months covered by this report (July 1977–June 1978), Ghana continued to be ruled by the military Government which came to power in 1972, when the civilian régime was overthrown by a *coup*. However, the military authorities, and particularly the head of state, General Ignatius K. Acheampong, faced increasing unrest in student and professional circles, aggravated by the deepening economic crisis. Following student riots in May 1977, demands by professional groups, such as lawyers, doctors and accountants, for a return to civilian rule increased during the next two months. They culminated in a strike by the professional bodies, which secured a promise from the military Government that it would stand down in July 1979. In the interim, a referendum on the form of government to succeed the military régime would be held in March 1978.

The choice to be put to the Ghanaian voters at that time was between "Union Government" (which prohibited the formation of political parties, and provided

for the continuance of some form of participation in government by the military) and a return to multi-party democracy. There were clashes during the period preceding the referendum between supporters and opponents of Union Government. A number of people died, and there were accusations by Union Government opponents that the military were conducting a campaign of thuggery and intimidation in order to ensure victory for the Union Government concept at the referendum. The voting was eventually held in an atmosphere of confusion on 30 March 1978. The electoral Commissioner, Justice Isaac Abban, disappeared temporarily. The result of the referendum showed a narrow majority in favour of Union Government, but this was immediately challenged by the opponents of the plan, who alleged that the whole referendum had been invalidated by grossly biased actions on the part of the Government – a view shared by many objective observers. Following the referendum, the Government forcibly dissolved the organizations opposing Union Government and arrested their leaders.

During the past year, Amnesty International continued to work for three adopted prisoners of conscience first assigned to groups in 1975. Of prime importance, however, was the expansion of the organization's investigation case program to cover a considerable number of prisoners, some held without trial and some sentenced by military tribunals during 1976.

Amnesty International groups continued to work on behalf of J.H. Mensah, Minister of Finance in Ghana's last civilian government, and two of his colleagues, who received prison sentences of up to eight years' hard labour on sedition charges in November 1975. The three were charged in connection with the production and circulation in September 1975 of a pamphlet critical of the military Government's economic policies. All three were released on appeal in June 1978.

The year saw a significant expansion in Amnesty International's investigation case program on Ghana: at the end of June 1978, 80 cases were being handled by Amnesty International groups. The bulk of these cases were from two major categories of prisoners.

The first category consists of individuals detained without trial under the provisions of the Preventive Custody Decree (1972), which was introduced by the military Government shortly after it came to power. The Decree provides for the indefinite detention "of any person in respect of whom the government is satisfied that it is in the interest of national security or in the interest of the safety of the person so to do." The use of this decree by the Ghanaian authorities to detain large numbers of people without charge or trial for long periods of time was challenged in November 1977, when the Human Rights Committee of the Ghana Bar Association applied for *habeas corpus* on behalf of 451 such detainees held at Nsawam Medium Security Prison – more than 40 of whom had been held without charge or trial since 1972. On 13 December 1977 the Accra High Court ordered the release of 175 detainees whose detentions were not covered by an executive instrument, but only 19 were released, and these were subsequently re-arrested and detained. By February 1978 unconfirmed reports stated that approximately half the 175 had been released.

Meanwhile, after this action by the courts, in December 1977 the ruling Supreme Military Council issued a decree which justified, *post facto*, the detention of 224 people, many of whom appeared on the original list of 451 detainees on whose behalf the *habeas corpus* application was made. In January 1978,

General Acheampong denounced the Ghana Bar Association's campaign for the freeing of the detainees, alleging that the prisoners involved were criminals. However, considering that none of them had been charged with any crime, and in view of the specifically political purpose of the Preventive Custody Decree, and the use to which it had previously been put, Amnesty International began a group-work program in late 1977 which led to the assignment of 60 cases from this category (see paragraph 5) to Amnesty International groups as investigation cases by the end of January 1978. The organization subsequently learned of the release of several of these detainees in March 1978, but in the same month the Accra High Court dismissed the application for *habeas corpus* made on behalf of the original list of 451 detainees, on the grounds that the various executive instruments covering their detention had not been challenged in any critical way. Amnesty International group work continues on the cases of the remaining detainees who have not yet been released or charged.

The second major category of Amnesty International investigation cases stemmed from the wave of arrests which immediately followed the referendum of 30 March 1978.

On 13 April, in a news release, Amnesty International expressed concern at reports of up to 50 arrests since the referendum. Among those said to have been detained in early April 1978 were members and leaders of three movements opposed to Union Government, all of which were banned on 4 April: the People's Movement for Freedom and Justice, the Front for the Prevention of Dictatorship, and the Third Force. Those arrested included William Ofori Atta, Minister of Education in Ghana's last civilian Government; Victor Owusu, Minister of Foreign Affairs in the same Government; Komla Gbedemah, Minister of Finance in the Government of Dr Kwame Nkrumah; and Dr John Bilson, leader of the Third Force. The following day, the Ghanaian authorities acknowledged the arrest of 17 leading politicians involved in the anti-Union Government campaign; later it was stated by official sources that 35 people who had "plotted to throw Ghana into chaos" had been arrested. On 5 July General Ignatius K. Acheampong resigned as head of state, and power was assumed by Lieutenant-General Frederick W.K. Akuffo, Chief of Defence Staff, who the following day ordered the release of the group of politicians imprisoned in April.

A number of other cases were taken up by Amnesty International groups for investigation. Some were people tried and convicted of subversion and related crimes by military tribunals during 1976 (see *Amnesty International Report 1977*); a second group, including Colonel George Minyila, former Commissioner for Industries, were arrested on suspicion of plotting a *coup* in May 1977 but have yet to be brought to trial.

It was alleged that some of the prisoners tried for subversion in 1976 had been tortured, and there were unconfirmed reports of torture concerning the group arrested in May 1977, too. Amnesty International groups were asked to stress this in their approaches to the authorities. In mid 1977 Amnesty International asked the Ghanaian High Commission in London for details of the cases of two political prisoners who are reported to have died in custody: David Afful Bimpong, said to have died in prison at Yondi in October or November 1976, and Ebenezer Allotey, who reportedly died in March that year. The High Commission was not able to give any more information on these cases.

In January 1978, Amnesty International asked General Acheampong to consider an amnesty for political prisoners and a commutation of death sentences to mark the anniversary of the accession to power of the military Government. Subsequently, it appealed for "a general amnesty which would embrace not only the detainees held without trial but also individuals convicted under the Subversion Decree". Following the news of further arrests in April 1978, the organization once more called for the release of untried detainees and prisoners of conscience in Ghana. None of these appeals has met with a direct response from the Ghanaian authorities.

Guinea (the Republic of)

During 1977 and the first half of 1978, relations between Guinea and other countries towards whom Guinea has been hostile for most of the 20 years since independence improved considerably. In particular, Guinea drew closer to France, with French firms playing an increasing part in the Guinean economy, and with a possible state visit by the President of France, Giscard d'Estaing, scheduled to take place in the latter part of 1978. In March 1978, a summit conference in Monrovia, the capital of Liberia, brought together six West African heads of state to mark Guinea's reconciliation with its neighbours, particularly Ivory Coast and Senegal. In the past, President Sékou Touré of Guinea has directed insults against both President Houphouet-Boigny of Ivory Coast and President Senghor of Senegal, accusing them of plotting to invade Guinea and to overthrow him. The meeting between President Sékou Touré, so long an enemy of France, with Presidents Houphouet-Boigny and Senghor, both known to support France, has been the clearest sign so far of Guinea's *rapprochement* with France.

As well as making peace with former enemies abroad, the Guinean Government made several attempts to appease critics of the human rights situation in Guinea during 1977 and 1978. Severe criticism was directed at Guinea by, in particular, the International League for Human Rights which published a report about human rights violations in Guinea in June 1977. In late 1977, a United States aid agreement was delayed for three months until December, when Guinea agreed to accept a new human rights clause in the US Food for Peace program. This amendment was applied to Guinea and four other countries receiving US aid, all of which the United States considered to be responsible for consistent violations of human rights. These countries may receive United States food aid only if they agree to its distribution to poor people who would be seriously short of food without it. Guinea has become increasingly dependent upon food imports to feed the population, and the United States has been the main supplier of rice in recent years. In February 1978, Guinea ratified the International Covenant on Civil and Political Rights (a treaty legally binding under international law) which it had originally signed in 1967. By ratifying this Covenant, Guinea committed itself to guaranteeing a number of basic human rights, many of which have been violated in recent years.

Guinea's realignment with Western countries and their supporters in Africa came at a time when, despite growing Western involvement in the country, the plight of Guinea's economy, and particularly food shortages, were causing increasing unrest within the country. During 1977, there were a number of demonstrations against the Government's economic policies. The most serious of them took

place in four towns at the end of August 1977. In Conakry a crowd of women marched on President Sékou Touré's palace, protesting at market regulations and the activities of the "economic police" who enforced them. Soldiers are reported to have been called in to restore order and eventually ordered to open fire. An unknown number of women are reported to have been killed, although President Sékou Touré later denied that there had been any deaths. He denied also reports that a number of soldiers had been executed for refusing to open fire on the unarmed women demonstrators. After this incident, President Sékou Touré is reported to have offered to resign his post as President of Guinea and Secretary-General of the country's only legal political party, the Guinea Democratic Party (*Parti Démocratique de Guinée* – PDG), if the people no longer wanted him as leader. He also accused "counter-revolutionary elements" of being behind the demonstrations which occurred in Conakry and the three other towns in August. However, shortly afterwards, in early October, another series of protests were reported in six different towns, and more people are said to have been killed.

As a result of the anti-Government demonstrations in August and October, the Guinean authorities arrested a number of people who were alleged to have been behind the protests. Just as after previous crises the President had ordered the arrest of members of his own Government, so, in October 1977, at least two ministers were arrested – the Minister of Transport, Sékou Thiam and the Minister of Rural Development for the Kindia Region, Kouramadou Doumbouya. A number of other people connected with the transport business were arrested also.

The Guinean authorities have continued to refuse to answer questions about the fate of particular political prisoners in Guinea. In June 1977, for example, the Guinean Minister of Foreign Affairs, Fily Cissoko, declined to say what had happened to Diallo Telli, the former Secretary-General of the Organization of African Unity (OAU), who was arrested in July 1976. He was answering questions at an OAU meeting in Libreville, in Gabon, but he refused to say whether Diallo Telli was alive or dead: in his words, "Those who wish to think he is dead are free to do so, and those who want to think he is alive are free to do so." When the report on Guinea by the International League for Human Rights was published in June 1977, Guinea's Ambassador to the United Nations condemned it and suggested that it was part of a campaign to assist "stateless Guineans who have been paid to do some dirty jobs" to overthrow Guinea's revolutionary Government. When a member of the French Socialist Party (who also belongs to a Guinean opposition organization in exile) condemned the situation in Guinea at a party congress in Nantes in June 1977, President Sékou Touré responded by accusing the French Socialist Party of fascism and comparing its leader, François Mitterand, a former ally, to Hitler. The Guinean Government also continued to press for the extradition of Jean-Paul Alata, a former political prisoner in Guinea, who, after being released from prison and sent to France, wrote a book about his experiences in Camp Boiro entitled *Prison d'Afrique*. The book was seized by the French Government when it appeared in November 1976.

Throughout 1977 and the first half of 1978 Amnesty International continued to express its concern about the large number of political prisoners in Guinea. It is impossible to estimate accurately how many of them there are as so little information about arrests, detentions and trials is made available by the

authorities. However, unofficial estimates in early 1978 suggested there were probably between 2,000 and 4,000. The Government has not officially denied these figures, although it has continued to abuse human rights organizations which have publicized political imprisonment in Guinea. Amnesty International has decided against adopting individual prisoners in Guinea because, although there are many prisoners of conscience there, the Guinean authorities seemed unlikely to respond favourably to appeals on behalf of individual prisoners from international organizations such as Amnesty International. Consequently, in April 1978, Amnesty International launched a program of "Prison Adoption" whereby, instead of adopting individuals, Amnesty International groups adopted two entire prisons, believed to contain the majority of Guinea's political prisoners: Camp Boiro in Conakry, which holds about 1,500 prisoners, and the Kémé Boureima prison camp at Kindia, which probably holds more than 1,000. Conditions are reported to be extremely harsh in both these prison camps. There is serious overcrowding, prisoners receive inadequate food and water, are allowed no exercise, given almost no medical attention and permitted no contact with their families or the outside world. In addition, many of them have been tortured or ill-treated in other ways. As a result, the death rate among prisoners is reported to be very high: many of those who were arrested and imprisoned in 1971, for example, following an attack on Conakry by Portuguese colonial forces and some Guinean exiles in November 1970, are believed to have died while in detention.

The program of "prison adoption" is intended, in the first place, to achieve far-reaching improvements in prison conditions by pressing for the implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners. Adoption groups working on the prison cases have also been attempting to publicize the conditions in the two prison camps and bring to international attention the human rights situation in Guinea.

In December 1977, Conakry Radio announced the release of 300 political prisoners. Three of them, all of Lebanese origin, had French nationality and were immediately flown to France. Informed sources suggested that the actual number of prisoners freed was nearer 40 or 50, although some criminal prisoners may have been released in the amnesty to boost the figures. After the meeting in March 1978 between President Sékou Touré and other West African leaders, it was reported that Guinea's most prominent political prisoner, the Roman Catholic Archbishop of Conakry, Raymond Marie Tchidimbo, was about to be set free. Monseigneur Tchidimbo had been sentenced to life imprisonment with hard labour in January 1971, together with 67 others convicted of complicity in the raid on Conakry in November 1970. However, although a number of political prisoners and long-term detainees were released on 14 May 1978, the anniversary of the founding of the PDG, Archbishop Tchidimbo was not released; together with most other long-term prisoners, he remained in prison. Among those who were set free was the former Minister of Transport, Sékou Thiam, who had been arrested in October 1977.

In June 1978, Amnesty International published a *Guinea* Briefing Paper. It described the political situation in the country which has led to the present scale of political imprisonment and human rights violations there. In particular it concentrated on five different human rights issues:

(i) the widespread use of prolonged detention, incommunicado and without trial, of suspected opponents of President Sékou Touré's Government;
(ii) the inadequacy of judicial procedures and the use of summary and often secret courts to try political prisoners;
(iii) the harsh conditions of imprisonment and starvation of political prisoners;
(iv) the torture of political detainees both to extract "confessions" and generally to intimidate Government opponents;
(v) the use of the death penalty.

These issues were also at the centre of a campaign launched by Amnesty International to coincide with the publication of the Briefing Paper. In a letter to President Sékou Touré in June 1978 Amnesty International's Secretary General explained the aims of the organization's actions as regards Guinea and appealed to the President to grant an immediate amnesty to political prisoners and to release all long-term detainees. He suggested also that there should be an official public inquiry into reports of torture and the maltreatment of prisoners in Guinea.

Kenya (the Republic of)

Amnesty International concern in Kenya has continued during 1977-78 to center on the indefinite detention without trial of a few prominent Kenyans who have made outspoken criticisms of Government policy and on the frequent use of the death penalty in criminal cases. Amnesty International twice during the year came under attack by Kenya's Attorney General, Charles Njonjo, after it had appealed for the release of prisoners of conscience and expressed concern about the use of administrative detention orders. Under the 1966 Preservation of Public Security Act, people served with a detention order may be detained indefinitely without charge or trial on the grounds of public security. No court may challenge a detention order, and it is thought that detainees are not given specific details of the grounds for their detention. A secret Government-appointed tribunal reviews detention cases every six months, but its confidential recommendations are not binding on the Government. Detainees have the right to appear before this tribunal, with legal representation. They rarely receive family visits, they are forbidden correspondence, and their place of detention is secret. Medical treatment appears to be inadequate, judging from the frequent reliable reports of the chronic ill-health of one detainee, Martin Shikuku.

Prisoners of conscience in Kenya include four elected Members of Parliament, whose cases have been investigated by the Inter-Parliamentary Union also. They are Wasonga Sijeyo, detained since 1969, the only former Kenya People's Union leader still held, John Marie Seroney, former Deputy Speaker, and Martin Shikuku (both arrested in 1975), and George Anyona (arrested 4 May 1977). George Anyona, one of Kenya's most active Members of Parliament, was presumably arrested because of his comments about corruption among senior Government officials, his appeals for the release of political detainees, and other vigorous criticism on controversial political issues. He was Amnesty International's Prisoner of the Month in September 1977.

On 31 December 1977, the internationally-known novelist and playwright, Ngugi wa Thiong'o, was arrested; his detention was announced on 6 January 1978. Police arresting him confiscated books but there is no evidence that he was in possession of literature officially banned. He was probably arrested not so much because of radical ideas expressed in his latest novel *Petals of Blood*, but because of his activities in association with a village Community Center in Limuru, where he was co-author of a recent (unpublished) Kikuyu-language play containing many outspoken comments on national and local socio-political issues. The play's performance licence was withdrawn by the Government.

Ngugi wa Thiong'o, who was Professor of Literature at the University of Nairobi, was adopted by Amnesty International as a prisoner of conscience. Appeals for his release have also been made by several other organizations in Africa and elsewhere, and on 16 March Amnesty International launched a UN 30th Anniversary Appeal for his release. The following week Charles Njonjo, the Attorney General, reaffirmed the right to freedom of expression in Kenya but warned Kenyan authors "not to write about things which might embarrass the Government in the eyes of the public" (Kenya *Nation*, 22 March 1978).

Amnesty International continues to investigate two other cases of detention without trial: that of an air force officer, Larry Mwanzia, held since 1971 but not tried in the sedition case with which he was allegedly associated, and Michael Koigi Wamwere, a Nakuru journalist and prospective parliamentary candidate, held since 1975; and the case of Ms Chelagat Mutai, a Member of Parliament imprisoned for a criminal offence in 1975. The number of people held in detention during the year was variously said by the Attorney General to be 14 (October 1977) or 11 (November 1977), and some Kenyan Somalis were detained later when there were renewed fears of conflict with Somalia. The former Vice-President, Odinga Oginga, was arrested in January 1978 but released conditionally three days later.

Amnesty International received information considered to be reliable concerning the severe ill-health of the detained Member of Parliament Martin Shikuku in early 1978; it also heard unverifiable rumours about ill-treatment of Ngugi wa Thiong'o shortly after his arrest. Amnesty International is convinced that there is no Government policy of torturing political prisoners, although on at least eight occasions between August 1977 and March 1978, the Kenya press reported complaints in criminal cases of torture or ill-treatment in police stations, resulting in one instance in the victim's death. The Government has prosecuted some police officers alleged to have caused ill-treatment.

Amnesty International remained concerned at the frequent use of the death penalty for robbery with violence – although information on the actual number of those executed after they have exhausted all appeal procedures and their right to petition the President for clemency is not published by the Government and is not known to Amnesty International.

Amnesty International group appeals for the trial or release of detainees were criticized by the Kenyan Attorney General, Charles Njonjo. On 6 October 1977 the Kenya *Standard* reported that he ". . . warned the London-based Amnesty International to stop criticizing Kenya's detention law, which he described as legal and constitutional' ". This followed his criticism of a Kenyan Member of Parliament who had urged the Government to repeal the Preservation of Public Security Act and instead to bring to trial those who were alleged to have committed a political offence. The Attorney General later said: "Those people in

detention have been locked up because their conduct was intended to undermine peace and stability in this country" (*Sunday Nation*, 18 September 1977). On November 13, in reply to an Amnesty International group's appeal on behalf of George Anyona, Mr Njonjo warned Amnesty International to "keep off Kenya's internal affairs". The organization replied that "Kenya has a human rights record that is much better than that of many countries in Africa, and indeed the rest of the world", but repeated its concern over these human rights issues in Kenya.

The Kenya Government has ratified the International Covenant on Civil and Political Rights.

Lesotho (the Kingdom of)

During the past year (July 1977–June 1978), the number of political prisoners in Lesotho continued to diminish. Fourteen supporters of the opposition Basutoland Congress Party (BCP), most of whose cases had been taken up for investigation by Amnesty International, were released. They had been jailed in 1975, following an abortive insurrection at the beginning of 1974. Most of those freed received up to one-third remission and had therefore completed their sentences. Nine other BCP supporters are still held in Maseru Central Prison. It is expected that they, too, will receive full remission and be released when their sentences are completed in 1979.

Malawi (the Republic of)

Several long-term detainees were freed from Malawi's main Mikuyu Detention Center in July 1977, thus continuing a process begun at the end of 1976 and in the first months of 1977, when an estimated 2,000 political detainees were released. Among those freed in mid 1977 were Arthur Chipembere, brother of the late Henry Chipembere, once President Banda's main political rival. Also released were a number of journalists who had been detained without trial since early 1973, when they were arrested for reporting a clash between the Malawi military forces and FRELIMO (Front for the Liberation of Mozambique) guerillas, operating in the Tete province of neighbouring Mozambique, then under Portuguese colonial rule. Many former members of the academic staff at the University of Malawi and former civil servants, most of whom had been detained in 1975 or 1976, were also released. Several former detainees left Malawi almost immediately to seek political asylum in Zambia and other countries, because of the widely-held belief that the improvements in the human rights situation in Malawi that took place during 1976 and early 1977 would be short-lived.

The release of political detainees in Malawi began almost immediately after the arrest, in October 1976, of the Cabinet Minister Albert Muwalo Nqumayo and the head of the security police, Focus Martin Gwede. Both men were convicted of treason and sentenced to death by a traditional court in February 1977. Despite Amnesty International appeals for clemency, Muwalo Nqumayo was executed in early September 1977. However, Gwede's death sentence is believed to have been commuted to life imprisonment by President Banda.

Amnesty International continued throughout the year to collect information about prison conditions and to research the cases of those detainees – estimated to number some 50 or 60 – who are still held. They are believed to include at least two former Government ministers and relatives of certain political prisoners and refugees. The organization also attempted to monitor the situation of former detainees, many of whom appear to have been unable to find employment again in Malawi; it has given assistance to a number of political refugees who left Malawi soon after their release in 1977.

Mali (the Republic of)

Mali is still ruled by the military Government which first came to power in 1968, when the civilian Government of President Modibo Keita was overthrown and many of its members imprisoned. The leader of the military *coup*, Colonel Moussa Traouré, has been head of state since 1968, and has survived several attempts to oust him from within the military Government (the *Comité Militaire de Libération Nationale* – CMLN). In 1974, the Government introduced a new Constitution, allowing for a return to civilian rule, and in 1976, a new political party, the *Union Démocratique du Peuple Malien* (UDPM), was founded to provide support for the Government. Nothing further has been done to restore civilian rule.

The year 1977 was marked by a large number of arrests, following demonstrations which took place at the funeral of former President Modibo Keita, who died while still in detention on 16 May 1977. The arrests in May and June 1977 are reported to have been ordered mainly by the Director of the Security Forces, Lieutenant-Colonel Tiécoro Bagayoko, who is believed to have favoured particularly repressive measures against supporters of the former civilian régime. However, only a year later, by May 1978, all the prisoners of conscience adopted by Amnesty International in Mali had been released, and the former Director of the Security Forces was himself in detention.

At the end of February 1978, there were important changes in the composition of the CMLN. On 28 February 1978, President Moussa Traouré ordered the arrest of three leading members of the CMLN, all of whom were generally regarded as advocates of continuing military rule – the Director of the Security Forces, Tiécoro Bagayoko, the Minister of Defence, Interior and Security, Lieutenant-Colonel Kissima Doukara, and the Minister of Transport and Public Works, Lieutenant-Colonel Karim Dembele. The President made allegations of corruption against them, but a more serious reason given for their arrest was that they were planning a military *coup* within the CMLN for early March, to assassinate President Moussa Traouré and other members of the CMLN who supported the return to civilian rule. They are reported to have planned to replace Moussa Traouré as head of state with the Minister of Foreign Affairs, Colonel Samba Cissoko. After the arrests, crowds in the capital, Bamako, demonstrated in support of Moussa Traouré and against, in particular, Tiécoro Bagayoko, who was popularly regarded as responsible for the cruel way in which the security forces treated detainees and political prisoners.

In early March 1978, there were further arrests. The Minister of Foreign Affairs was arrested when he returned to Mali from a visit abroad, and so were more than 30 leading members of the armed forces and the police. President Moussa Traouré continued to stress the charges of corruption against those arrested, and stated that if evidence were found to support the charges, the detainees would be brought to trial.

While Tiécoro Bagayoko was Director of the Security Forces in 1977, several hundred people are reported to have been detained – mostly in June 1977. Among them were a Malian lawyer of international reputation, Demba Diallo, and several former members of Modibo Keita's Government – Attaher Maiga and Moussa Drame, both of whom had previously been imprisoned between 1968 and 1974. During that time they were adopted by Amnesty International, which took up their cases again in 1977. Most of the detainees were released during July and August 1977; a group of 33, including Demba Diallo and Attaher Maiga, were released in November 1977 in an amnesty to mark the ninth anniversary of the *coup* which had overthrown Modibo Keita and brought the CMLN to power on 19 November 1968. None of the detainees had been brought to trial.

During 1977, Amnesty International had some 28 adopted prisoners in Mali. Approximately half of these were former colleagues of Modibo Keita who had been detained without trial since November 1968. They included the widow of the former President. The remaining prisoners were all arrested in 1974 and accused of producing and distributing a tract entitled "La farce électorale du 2 juin 1974", criticizing a referendum which the CMLN organized to approve a proposed new Constitution. These prisoners were tried in 1975 and sentenced to varying terms of imprisonment. They were mostly due to be released in 1978.

Most of Mali's political prisoners were held in prison and military camps in the country's northern Saharan region. Many former colleagues of Modibo Keita were held at Kidal Prison, north of Gao, but some prisoners were held in Taoudenni, a salt mine in the far north of Mali. Taoudenni is reported to be the harshest of Mali's detention camps, and many prisoners die within a few months of arriving there. The majority of political prisoners reported still to be held at Taoudenni are believed to be members of the Tuareg ethnic group who were originally detained by order of President Modibo Keita after a Tuareg rebellion against the central Government in 1964.

By late 1977, most of the prisoners detained since 1968 and several of those held since 1974 were known to be seriously ill and in need of urgent medical attention. After asking the Malian authorities to grant an amnesty on 19 November 1977 (only a partial amnesty was granted), Amnesty International's Secretary General appealed to President Moussa Traouré in December 1977 to release all long-term detainees who were seriously ill, or at least to give them access to proper medical facilities. He also requested the Malian head of state to consider asking an international organization to conduct a thorough study of conditions in Malian prisons.

Amnesty International adoption groups with Malian prisoners also made special appeals to the Malian authorities in December 1977. In his New Year message to the nation at the end of 1977, President Moussa Traouré announced the release of all political detainees, including Mariam Keita, the widow of former President Modibo Keita, and at least 11 members of the former Government who had been detained since 1968. Amnesty International congratulated the President on these releases and later encouraged him to free all Mali's remaining sentenced political prisoners. After the arrest in February and March 1978 of those members of the CMLN who were opposed to releasing the remaining political prisoners, President Moussa Traouré ordered an amnesty on 1 May 1978 for the 11 prisoners who had been imprisoned since 1974.

By May 1978, all Amnesty International's adopted prisoners of conscience in Mali had been released, although the organization continued to investigate the case of one former member of the CMLN who, after assisting in the *coup* which overthrew President Modibo Keita, was himself arrested in 1971 and accused of conspiring against the military Government. Several of his alleged accomplices have died while in detention, but after a secret trial in 1973, former Capitaine Malick Diallo was sentenced to life imprisonment with hard labour. Amnesty International has not been able to ascertain whether Tuareg political prisoners are still being held in Taoudenni prison camp or whether they benefited from the amnesties at the New Year and on 1 May 1978.

Mozambique (the People's Republic of)

Amnesty International continued throughout the past year (July 1977–June 1978) to compile information about the use of detention without trial in Mozambique and the conditions under which political detainees are held. Among those detained are several former prominent nationalists who founded rival political organizations to FRELIMO (Front for the Liberation of Mozambique) during the struggle for independence from Portugal. They include Paulo Gumane, the leader of the Mozambique Revolutionary Commission and several other members of the party's executive who were either arrested in Mozambique itself, or forcibly returned to Mozambique from Zambia and Tanzania, during the period between the Portuguese transfer of power to FRELIMO in late 1974 and independence in June 1975. They have not been charged or brought to trial, and remain detained either in prisons such as Machava or the Cadeia Civil in Maputo or in so-called re-education camps in Cabo Delgado province.

Re-education camps situated in several other provinces, particularly Niassa, Nampula and Zambezia, are also used as detention centers for the several thousand people – mainly alleged prostitutes and vagrants – deported from the cities soon after FRELIMO took power. Certain religious groups have also been targets for Government disapproval, particularly the Jehovah's Witnesses, most of whom are now believed to be detained at re-education camps in Zambezia province. Those held at re-education camps are reportedly made to do heavy manual labour but are poorly fed and subject to random brutality by camp guards.

In May 1978, the Mozambique authorities released Miron Markus, an Israeli national who had been detained since the light aircraft in which he was travelling crashed or was shot down in Mozambique in September 1976. After his release, Markus reported that he had spent most of the time in detention at Machava Prison, where many political prisoners had been held during the period of Portuguese rule. He alleged that, while he was there, a number of prisoners had been removed from Machava and secretly killed by members of the security police.

The conflict in Rhodesia continued to have a significant effect on the situation in Mozambique during the period 1977-78. There were persistent raids into Mozambique by Rhodesian security forces, the most notable of which was an attack on a Zimbabwe African National Union (ZANU) camp at Chimoio, 50 miles inside Mozambique, which resulted in the killing of an estimated 1,200 men, women and children. Rhodesian claims that all those killed were nationalist

guerillas were refuted by eyewitnesses and other observers who visited Chimoio shortly after the Rhodesian forces withdrew.

In March 1978, a dispute within the leadership of ZANU led to the dismissal and arrest of several prominent members of the party. They included Henry Hamadziripi and ZANU's information secretary, Rugare Gumbo. According to unconfirmed reports, Hamadziripi, Gumbo and at least eight others were tried before a so-called People's Tribunal at Chimoio camp during April 1978. They were alleged to have been planning to overthrow the existing leadership of ZANU, including the organization's President, Robert Mugabe. Those arrested are all said to have been found guilty, expelled from ZANU and put "under party discipline" for an indefinite period at a ZANU training camp. In April, Amnesty International expressed its concern to the Mozambique Government about the ZANU detentions and asked that the personal safety of those arrested should be guaranteed by the Mozambique authorities.

The ZANU "dissidents" detained in March 1978 were not the only Zimbabweans held in Mozambique during the past year. Some 80 other members of the Zimbabwe People's Army (ZIPA), arrested in early 1977, are also believed to be detained, this time by the Mozambique Government, in the north of the country. They include Dr Sam Geza, a prominent ZANU theorist and Robert Mugabe's brother-in-law, and Dzinashe Machingura, one of the most prominent ZIPA leaders. In May 1978, Amnesty International received information also about the detention without trial of several supporters of the section of ZANU led by the Reverend Ndabaningi Sithole (one of the participants in the internal settlement agreement in Rhodesia), and followers of Bishop Abel Muzorewa's United African National Council. They, too, are held in re-education camps.

Namibia

Namibia experienced a further upsurge of political violence during the period 1977-78 as negotiations over the country's independence continued throughout the year between the South African Government and the South West Africa People's Organization (SWAPO), with the five Western member-nations of the United Nations Security Council acting as intermediaries. These Western countries – Canada, France, the United Kingdom, the United States of America and the Federal Republic of Germany – intervened in earnest in April 1977 after the conclusion of the Turnehalle Conference in Windhoek.

This Conference, attended by representatives of each of Namibia's ethnic groups, but not by political organizations such as SWAPO, had agreed that Namibia should become independent at the end of 1978 and had prepared a draft constitution. The Western countries attempted to find a compromise between the positions taken by South Africa and SWAPO, which the United Nations regards as the sole legitimate representative of the Namibian people. They pressed South Africa to withdraw its political administration and most of its military forces from Namibia, to repeal discriminatory laws and release political prisoners in preparation for free elections to determine the future government of Namibia. These proposals, slightly amended, were conditionally accepted by South Africa in April 1978. However, following a major attack on a SWAPO base at Cassinga in southern Angola a few days later, in which several hundred SWAPO supporters

and Namibian refugees were killed, SWAPO temporarily broke off negotiations. It had still not agreed to the Western proposals by the end of June 1978.

While negotiations continued at an international level, a number of significant developments occurred within Namibia itself. Two political coalitions were formed to rival SWAPO's influence, the generally pro-South African Democratic Turnehalle Alliance (DTA), made up of several Turnehalle delegations and led by Chief Clemens Kapuuo, and the more independent Namibia National Front (NNF), consisting of a number of small political organizations. In August, the South African Government appointed an Administrator-General, the former Orange Free State Supreme Court Judge, Marthinus Steyn, to administer Namibia until free elections could be held for a constituent assembly which would draw up an independence constitution. Before the appointment of Judge Steyn, the South African Parliament passed the South West Africa Constitution Amendment Act, which empowers the State President of South Africa to make laws by proclamation or repeal existing legislation in Namibia. At the end of August, Proclamation 202 was issued to provide for the Walvis Bay enclave to once again be administered as an integral part of South Africa, rather than from Windhoek. Subsequently, the status of Walvis Bay became a major stumbling-block in the international negotiations about Namibia's future. SWAPO claims that Walvis Bay, the only deep-water port along Namibia's coastline, should still be a part of the country at independence.

Shortly after he took office on 1 September 1977, Administrator-General Steyn took action to repeal several South African laws which were applicable in Namibia. The Immorality and Mixed Marriages Act was abolished on 14 October. A week later, the notorious pass laws were withdrawn, except in the diamond control area along Namibia's southern coast, the curfew zone along the Angolan border, and other areas where military operations are in progress. At the end of the month, authority over Namibia's prisons was transferred from South Africa's Minister of Prisons to Administrator-General Steyn. However, the State President of South Africa retained control over the granting of pardons and reprieves. Then, on 11 November, the Administrator-General repealed the emergency regulations which had been in force in Ovamboland under the provisions of Proclamation R.17 since February 1972, and in Kavango and Eastern Caprivi under the provisions of Proclamation R.89 since May 1976. As a result, the authorities' powers of detention without trial appeared, on the surface at least, to have been drastically curtailed. Whereas Proclamation R.17 of 1972 had provided for the detention incommunicado without trial of anyone for an indefinite period, the law which replaced it, known as AG.9, set a limit of 96 hours for the period during which anyone might be detained incommunicado and without charge. However, events soon showed that the repeal of Proclamation R.17 had little more than a cosmetic effect, as the security police made increased use of Section 6 of South Africa's Terrorism Act, which continues to be applied in Namibia and which, like Proclamation R.17 of 1972, provides for indefinite detention incommunicado without trial.

The way in which the detention laws are used was clearly illustrated in early December 1977, when several SWAPO officials, including the organization's Chairman in Namibia, Daniel Tjongarero, were arrested while travelling from Windhoek to attend a church seminar in Ovamboland. All but one of those

arrested were held under the provisions of AG.9 and were released before the end of the 96-hour period of detention permitted under this law. However, one of those held, Bernardus Petrus, was detained under Section 6 of the Terrorism Act and was not released until mid February. He was not charged with an offence. While he was in detention in December, Bernardus Petrus's father brought an action in the Windhoek Supreme Court in an attempt to obtain an injunction to prevent the security police at Oshakati, where Bernardus Petrus was held, from interrogating him unlawfully or from torturing him. In support of his case, Franciscus Petrus produced in court sworn statements made by ten people who claimed to have been tortured by South African security policy at Oshakati detention center and an affidavit signed by one person who had seen Bernardus Petrus in detention and who alleged that he showed signs of assault. Despite this weight of evidence, the judge refused to grant the injunction, on the grounds that the case was not an urgent one. Bernardus Petrus could not be brought before the court to speak for himself because the courts have no jurisdiction over Section 6 of the Terrorism Act.

The affidavits used in the Petrus case were published in booklet form in January 1978 by two White members of the clergy in Namibia, Heinz Hunke and Justin Ellis. In an introduction to the report, which was entitled *Torture – A Cancer in our Society*, Father Bunke described attempts by the churches in Namibia to persuade the South African authorities to take effective action against those in the security police responsible for the torture of Namibian detainees. He referred to a series of representations made by the churches to the Prime Minister, John Vorster, and other South African officials in 1966, 1971, 1973, 1974 and 1976, all of which had evoked no significant response. He then went on to describe how, in 1977, he had personally taken up the question of torture in Namibia with the newly-appointed Administrator-General, Marthinus Steyn, only to receive the reply that there was no substance to any of the allegations which he mentioned. The South African Government's response to the report was to ban it actually before publication, even though the torture affidavits contained in it had already been used in open court. No investigation appears to have taken place to gauge the authenticity of the allegations, nor does any action appear to have been taken against those members of the security police named in the report as having been personally involved in the torture of detainees. Indeed, recent information from former detainees indicates that the security police officers concerned are still actively employed in Namibia.

On 26 January, shortly after the banning of the report by Hunke and Ellis, Amnesty International appealed to Administrator-General Steyn to establish an urgent and independent inquiry into the use of torture in Namibia. It said that the statements contained in the report were fully consistent with other information about the use of torture in Namibia which had been received over a period of years and which was still being received. The evidence suggested that the use of torture had become more widespread and systematic than ever before. Amnesty International also urged the Foreign Ministers of the five Western nations involved in negotiations about Namibia's future to endorse the call for an inquiry, and said that there could be little hope of reconciliation and peaceful settlement in Namibia unless some way could be found of curbing the excesses committed daily by the South African security police and military forces against

the country's inhabitants. Subsequently, it was reported in the Windhoek press that Judge Steyn had declined to initiate an inquiry into the use of torture.

Torture allegations were also made during the course of a number of political trials. In August 1977, Naboth Imene, a Lutheran Church pastor from Ovamboland, was convicted under the Terrorism Act and sentenced to 5 years' imprisonment by the Windhoek Supreme Court on charges of providing material assistance to SWAPO guerillas. At his trial, he alleged that he had been severely tortured during interrogation at Oshakati in January 1977 and forced to sign a false confession. He alleged that he had been blindfolded and subjected to electric shocks for two days before he agreed to sign the statement.

During the trial of Victor Nkandi in November 1977, two state witnesses called to give evidence against him testified in court that they too had been tortured during interrogation and forced to sign false statements implicating the defendant. Probably as a result of these testimonies, the state decided not to introduce as evidence an alleged confession signed by Victor Nkandi, which would also have been challenged on the grounds that it had been made under extreme duress. When the case came to trial in November 1977, Nkandi had already been in prison continuously for more than two years. He had been arrested in August 1975 after the assassination of Chief Filemon Elifas, the Chief Minister of the Ovamboland "bantustan", and had been detained without trial until the end of February 1976. He was then called as a state witness in the Swakopmund Terrorism Act trial. He refused to testify, claiming that he had been ill-treated in detention. He was treated as a recalcitrant witness by the trial judge, and sentenced to one year's imprisonment for contempt of court. After serving this sentence in Windhoek Prison, he was immediately re-detained by the security police and taken to Oshakati interrogation center in Ovamboland. He was again held without charge or trial for several months before being charged with participation in the killing of Chief Elifas. Nkandi's trial began in November 1977 and was adjourned in mid December. When the trial resumed at the beginning of May 1978, he was acquitted on all charges and finally released. He had by then been in prison continuously for more than two and a half years. He had been adopted as a prisoner of conscience by Amnesty International. An Amnesty International observer, Gregory J. Wallance of the New York State Bar, attended part of the trial proceedings in early December. While in Namibia, Gregory Wallance also discussed the situation of several political detainees with officials from the Administrator-General's office.

Axel Johannes, SWAPO's Administrative Secretary in Namibia, was imprisoned for a lengthy period with Nkandi. Like Nkandi, he had been detained in August 1975 and jailed for one year in March 1976 when he refused to testify at the Swakopmund trial. He, too, was re-detained under Section 6 of the Terrorism Act in April 1978. He was still detained incommunicado and without charge at the end of May 1978.

Further action was taken against SWAPO's internal organization in Namibia in January 1978, when Peter Manning, a white South African working in SWAPO's publicity department, was first detained incommunicado for several weeks and then charged with offences under the South African Official Secrets Act and Terrorism Act. He had been engaged in compiling information about military interrogation centers and the treatment of Namibian civilians by the

South African Defence Force based in northern Namibia. However, all charges against Manning were dropped when his case was due to come to trial in April 1978. He was immediately deported on a South African exit permit.

At the end of March 1978, almost the entire internal leadership of SWAPO was detained following the assassination, in Windhoek's Katutura township on 27 March, of Chief Clemens Kapuuo, President of the DTA and the most prominent Black political opponent of SWAPO in Namibia. After the killing, and after clashes between Kapuuo's adherents and SWAPO supporters in Katutura, Administrator-General Steyn introduced Law AG.26 on 18 April to provide for the use of preventive detention. Almost immediately, this law was used to detain at least 10 SWAPO leaders, including Festus Naholo, the organization's Foreign Relations Secretary, and Skinny Hilundwa, SWAPO Regional Chairman. Subsequently, in May, two supporters of the DTA were also put in preventive detention. Under the provisions of Law AG.26, the Administrator-General is empowered to order the detention without charge of anyone he considers to be involved in committing or promoting any act of violence or intimidation. Detainees held under this Law are held incommunicado and denied access to their families or to legal representatives. Detainees must be visited by a medical practitioner at least once every three days and by a magistrate at least once a fortnight. No limit is placed upon the length of time a person may be detained. Provision was made for the establishment of a review committee to consider the grounds for the imposition of each detention order. However, this committee meets *in camera* and the identities of its members have not been disclosed. The Administrator-General is in no way bound to give effect to the committee's recommendations, and therefore has absolute discretion over deciding how long an individual detainee may be held.

Amnesty International expressed concern to Administrator-General Steyn about his assumption of new emergency powers providing for arbitrary arrest and preventive detention, and urged him, as an immediate measure, to publish a full list of those detained and to permit them to have visits from their families and lawyers. Following his reply, in which he claimed that the emergency powers had been made necessary by a "grave threat" to the peaceful political process, which could not be countered by "normal legal procedures", Amnesty International reiterated its view that the introduction of such legislation would increase the difficulties of achieving peace and reconciliation in Namibia. The organization also told the Administrator-General that, with so many South African security laws such as the Terrorism Act still applicable in Namibia, it was difficult to understand how the normal legal procedures he described could be inadequate. The new emergency-style powers would generally be seen internationally as an attempt by the South African administration in Namibia to undermine and discredit the internal SWAPO organization and to hold SWAPO leaders responsible for political violence in Namibia while simultaneously denying them an opportunity to refute such allegations. Amnesty International called once again for the repeal of Law AG.26 and the release of those detained.

Niger (the Republic of)

The political situation in Niger was relatively stable during 1977 and early 1978.

However, the military Government led by President Seyni Kountché continued to detain without trial the former President of Niger, Hamani Diori, and members of his Government, which was overthrown by Lieutenant-Colonel Kountché himself in a military *coup* in 1974. Also detained were Djibo Bakary, Hamani Diori's main political rival from pre-independence days, and a number of his supporters.

In early 1976 Amnesty International first took up the cases of 18 people who were arrested in August and October 1975. Most of these detainees were alleged to be supporters of Djibo Bakary, the former leader of the *Sawaba* ("Freedom") Party which was banned by Hamani Diori shortly before independence in 1960. Djibo Bakary lived in exile throughout the period of Hamani Diori's rule, but after the army overthrew the civilian Government of Hamani Diori in April 1974, he was allowed to return home to Niger, on condition that he took no part in politics. However, he was arrested in August 1975 after the Vice-President in the military Government had attempted to take control of it. Djibo Bakary was accused of complicity in the attempted *coup* and of attempting to re-establish the banned *Sawaba* Party. A number of Djibo Bakary's associates were arrested in October 1975. They have neither been charged nor brought to trial, but were still detained in June 1978.

Several political detainees were freed in a partial amnesty announced in April 1977, the third anniversary of the military *coup* which overthrew Hamani Diori. They included Boubou Hama, the former President of the National Assembly, and four of the prisoners taken up by Amnesty International, although one of these, Dodo Hambali, was put under house arrest. President Kountché granted a further amnesty in April 1978. Among those released on this occasion were four former ministers in the Government of Hamani Diori and two detainees who have been adopted by Amnesty International as prisoners of conscience. They were Ibrahim Issa, once President of Niger's National Union of Writers, and Ahmed Garba, the former Secretary General of Niger's most important trade union, *Union Nationale des Travailleurs du Niger* (UNTN). Dodo Hambali was also released from house arrest.

Nigeria (the Federal Republic of)

The Nigerian Federal Military Government moved towards the planned second stage of its gradual handover to civilian rule, due in October 1979, by holding elections to the Constituent Assembly and discussions about a new Constitution. The ban on political activities and associations is due to be lifted in October 1978 for the final stage of this process.

After the student riots, which began on 10 April 1978 over a large increase in student fees and led to the deaths of about six students, a number of student leaders were detained by national security officers. Numerous appeals for their release were made within Nigeria, and Amnesty International cabled the Nigerian Federal Attorney General on 30 April, expressing concern at the continuing detention without charge of Segun Okeowo, a student representative in the National Assembly. Amnesty International asked for information about why he was being detained, about the terms of the detention order, and about others also being held following the student disturbances. No reply was received, but Segun Okeowo was released from Ikoyi prison on 13 June as a result of a High

Court order. His lawyer, Chief Gani Fewehinmi, had been arrested on other charges, but was acquitted in court.

Amnesty International wrote to the Nigerian Head of State, Lieutenant-General Olusegun Obasanjo, on 30 January 1978 about reported ill-treatment by national security officers of some people arrested on currency charges in the first half of 1977 and later held under the Exchange Control (Anti-Sabotage) Decree of 5 August 1977. Some of those held were said to be ill and not receiving adequate medical treatment. Access was also generally denied to family, lawyers and foreign diplomatic representatives. The Decree, which was retroactive, increased penalties and established special tribunals to try exchange control offences. Amnesty International urged the Head of State to establish an independent inquiry into the treatment of such people, and asked that review of sentence should await the result of such an inquiry. No reply was received.

In August 1977, it was announced that 608 people were under sentence of death (mostly for armed robbery), although the hearing of judicial appeals and clemency appeals could take up to two years. There were a number of public executions during 1977 and the first half of 1978.

In October 1977, Amnesty International attended a seminar organized by the All Africa Conference of Churches in Ibadan, Nigeria, on "The Death Penalty in Africa". It was attended by delegates from a number of African countries and affirmed "the desirability of the total abolition of capital punishment". During the seminar, the Amnesty International delegate learnt of an imminent public execution, due to take place on the final day of the seminar. The Chairman of Amnesty International, Thomas Hammarberg, cabled the Minister of Foreign Affairs, Brigadier Joseph Garba, requesting that the person to be executed be granted clemency. Amnesty International later learnt from the Nigerian press that the execution did not take place.

The Nigerian Government has not signed the International Convention on Civil and Political Rights.

Rhodesia/Zimbabwe

Despite the release of some 700 political detainees in April and May 1978, there were increasingly ominous signs throughout the year that progress towards African majority rule and an independent Zimbabwe would not be achieved without further bloodshed and perhaps even a civil war between rival nationalist organizations. After the internal settlement agreement between the White minority Government and three Black political leaders – Bishop Abel Muzorewa, the Reverend Ndabaningi Sithole and Chief Jeremiah Chirau – in March 1978, the split within the nationalist movement deepened. From then on, Bishop Muzorewa's United African National Council (UANC) and the Reverend Ndabaningi Sithole's section of the Zimbabwe African National Union (ZANU) were aligned with Ian Smith's Rhodesian Front (RF) in trying to obtain acceptance, both within Rhodesia and internationally, for progress towards majority rule within the framework of the internal settlement proposals. In contrast, the Patriotic Front (PF) led by Joshua Nkomo and Robert Mugabe, which was not a party to the internal settlement agreement, continued to increase its armed struggle, not only against the Smith régime, but also against those Black political organizations that had become associated with it.

Following the conclusion of the internal settlement agreement, an interim Government was established under an Executive Council consisting of four members – the Prime Minister, Ian Smith, Bishop Muzorewa, the Reverend Ndabaningi Sithole and Chief Chirau. An 18-member Council of Ministers was also established, comprising nine Whites appointed by Ian Smith and nine Blacks appointed, three each, by the three black members of the Executive Council. Two ministers – one Black and one White – were appointed with joint responsibility for each of the nine ministries.

The internal settlement agreement was concluded in Salisbury only after a series of protracted negotiations involving the British and American Governments, the five "Front-line" states and the South African Government, as well as the Rhodesian Front and African nationalist organizations. In September 1977, the British and American Governments put forward joint proposals for a settlement in Rhodesia which, if accepted, would have led to the formation of a transitional Government under British administration to take Rhodesia to independence at the end of 1978. However, the proposals were not acceptable either to the Prime Minister or to the Patriotic Front.

One of the first actions of the interim Government was to announce the release of political detainees as an attempt to win popular support within Rhodesia and to convince the African population that real progress to majority rule could be made under the internal settlement. During April and May 1978, some 700 political detainees were released out of a total of 950, on condition that they agreed not to engage in activities described as unlawful or subversive, but which were not actually defined. In addition, the new Government revoked more than 250 restriction orders which had been issued against former detainees, but no moves had been made by the end of June 1978 to release the country's convicted political prisoners, then estimated to number more than a thousand. Bishop Muzorewa and the Reverend Ndabaningi Sithole also let it be known that they would refuse to sign warrants for the execution of prisoners sentenced to death for political offences. However, it was not made clear whether such political prisoners were to be granted an indefinite stay of execution or whether their sentences had been formally commuted to terms of imprisonment. Certainly, death sentences were still being passed by Rhodesia's courts on individuals convicted of political offences involving violence even after the formation of the interim Government.

Most of the detainees who were released in April and May 1978 had been adopted as prisoners of conscience by Amnesty International. Those freed included many long-term detainees – people such as Boniface Mhaurwa Gumbo and Amos Mkwananzi, both of whom had been detained without trial continuously for more than 14 years. The 250 or so detainees who were not released at that time were transferred from various prisons throughout Rhodesia to Wha Wha Detention Camp, near Gwelo. Among them were the Reverend Canaan Banana, Vice-President of the African National Council at the time of the Pearce Commission's visit to Rhodesia in 1971-72, who, in early 1977, founded the People's Movement, a political organization aligned with the Patriotic Front. Those still in detention also include many long-standing supporters of the Zimbabwe African People's Union (ZAPU) – one of the organizations making up the Patriotic Front – who had been detained for several years in the 1960s and

early 1970s, released at the end of 1974, and then re-detained during a wave of arrests of ZAPU supporters in July 1977.

Although no new restriction orders were issued against the detainees who had been released, many of them were sent to live in the so-called "protected villages" scattered throughout north-eastern, eastern and south-eastern areas of Rhodesia. Information reaching Amnesty International indicated that the situation of such ex-detainees was a perilous one. Many claim that they were effectively confined within individual "protected villages", where they could find no employment and had to rely on relatives for their subsistence. Many allege also that they were subject to threats and intimidation by Rhodesian security forces and it was commonly reported that ex-detainees arrived home to find that their property had been destroyed, their cattle killed and crops burnt, yet they received no compensation. Wherever possible, ex-detainees stayed in or tried to return to the towns where they were not so obviously at risk from the security forces or from nationalist guerillas from rival political organizations.

Conditions generally in the "protected villages" and "consolidated villages" were reported to be unsatisfactory by both African and expatriate European sources. At the end of May 1978, there were an estimated 500,000 African civilians living in such villages in the so-called "operational" areas, where Rhodesian security forces have powers analogous to martial law. In these areas, most aspects of daily life are controlled by the Rhodesian authorities, who may, at their discretion, impose collective punishments, impound all foodstuffs, crops and cattle and limit all movement. Typical of the conditions experienced by African civilians in the operational areas were those imposed in the Maranke Tribal Trust Land (TTL) and the Mukuni African Purchase Area (APA), south-west of Umtali, in January 1978. In a document issued in both English and Shona, the local inhabitants were warned that from dawn on 20 January 1978 they and their livestock would be subject to an 18-hour curfew each day, while children under 16 could not leave the kraal area at any time. Those who broke the curfew, they were warned, like anyone who went to or near high ground, would be shot on sight. All schools, stores and grinding mills were closed, and the use of vehicles within the TTL and APA was prohibited. The authorities stated that these conditions were being imposed because the people of Maranke and Mukuni had continued to feed, shelter and assist nationalist guerillas, and had disregarded previous Government warnings "of the bitter times" that they would suffer as a result. The document concluded: "Only if you co-operate and assist the security forces in eliminating the communist terrorists will any consideration be given to lifting some or all of the above restrictions."

When these conditions were imposed in Maranke and Mukuni, the negotiations which led to the internal settlement agreement were also in progress in Salisbury. The conclusion of that agreement in March appears to have done nothing to alleviate the situation in Maranke and other operational areas. Indeed, information reaching Amnesty International indicated that new "protected villages" were being constructed, and similar punitive actions were being taken against African civilians by Rhodesian security forces, even after Bishop Muzorewa and the Reverend Ndabaningi Sithole joined the Government. Likewise, by the end of May 1978, there was no sign of a reduction in the number of people shot dead by the security forces, allegedly because they were "curfew breakers" or had helped or accompanied

nationalist guerillas. In May 1978, for example, the Rhodesian authorities announced that 50 African civilians had been killed in "cross-fire" between security forces and guerillas in the Gutu area, north-east of Fort Victoria. According to eyewitness accounts, however, at least 94 people were killed when security forces opened fire on a crowd of African civilians who were listening to a speech by one nationalist guerilla. Bishop Muzorewa claimed that the number killed was at least 105. The Reverend Ndabaningi Sithole called for an immediate commission of inquiry into the incident. This call was endorsed by Amnesty International but no such action was taken by the Executive Council, of which Ndabaningi Sithole is, of course, a member.

Throughout the year, there have been many reports of killings of African and White civilians, including a number of foreign missionaries and two Red Cross representatives, by nationalist guerillas belonging to the Patriotic Front.

During the year, the Rhodesian Government took measures to prevent detailed information about the situation in the operational areas reaching the outside world. A number of press correspondents were summarily deported because of their reporting of events, and stricter censorship was introduced to ensure that all journalists' reports about the war situation were first submitted for approval to the Rhodesian Department of Information before publication. Severe action was taken also against the Catholic Commission for Justice and Peace in Rhodesia, a church organization which in previous years had gained a reputation for investigating and publicizing alleged torture, atrocities and killings by the security forces. An American nun, Sister Janice McLaughlin, who worked in the Commission's Salisbury headquarters, was arrested and charged with compiling and disseminating reports about the activities of the security forces. She was charged under the Law and Order (Maintenance) Act but, shortly before her trial was due to begin, was declared a prohibited immigrant and immediately deported.

Three other members of the Commission, including its Chairman, John Deary, were charged under the Official Secrets Act and with contravening financial control regulations when bringing funds into Rhodesia for the work of the Commission. After a short time in detention, they were each granted bail. However, before their cases could come to court, the charges against them were dropped in May 1978. The files of the Commission, which are reported to contain detailed complaints from African civilians concerning ill-treatment by security forces, were impounded by the security police.

In September 1977, Amnesty International made public three detailed statements by political detainees alleging torture by Rhodesian security police. In all three cases, the detainees claimed that they had been subjected to severe beatings and electric shock torture, and that they had signed false confessions under duress, in which they admitted recruiting nationalist guerillas. This offence, under the notorious Law and Order (Maintenance) Act has, since November 1974, carried a mandatory death penalty. In all three cases, the individuals concerned had been discharged before their cases came to court because of the lack of evidence against them, but they had not been released. Instead, they had been served with detention orders of indefinite duration, signed by the Minister for Law and Order.

More information about torture and ill-treatment was published in November

1977 by Ross Baughman, a photographer working for the Associated Press news agency, who accompanied a Greys Scouts unit of the security forces on a three-day operation in the Lupane area of south-west Rhodesia. Ross Baughman claimed to have witnessed the torture during interrogation of a number of African civilians who were suspected of possessing information about the movements of nationalist guerillas. He produced photographs which showed Africans being interrogated at gun-point, with nooses tied around their necks. He alleged that at least one civilian died under interrogation. In response to the international publicity surrounding Ross Baughman's revelations, the Rhodesian authorities announced that there would be an official inquiry and that until it had completed its work the matter would remain *sub judice*. Subsequently, they claimed that Baughman had misrepresented the facts and exaggerated reports, and stated that it would be necessary for him to return to Rhodesia to attend a court martial of those members of the security forces involved. He refused to return on the grounds that his safety could not be guaranteed, with the result that no court martial took place.

During the year, Amnesty International groups helped some 600 prisoners of conscience in Rhodesia. In addition, substantial relief was made available by the organization, both to the families of political prisoners and for legal assistance.

Seychelles (the Republic of)

The Republic of Seychelles has been ruled by presidential decree since the overthrow of President James Mancham's coalition Government on 5 June 1977, and the suspension of Parliament and the Constitution. The new President, Albert René, has promised elections to a new one-party Parliament for 1979.

New detention legislation was introduced on 3 May 1978 to deal with 20 people arrested the previous weekend. They were initially accused of treason by the Government, which stated that large caches of arms had been found, and that there had been a plot for mercenaries to invade Seychelles to overthrow the régime, in collaboration with the former President, some former members of the Government and others. Those arrested included three women, three former Members of Parliament, a senior civil servant and several businessmen. Some were former members of or supposed sympathizers with the Seychelles Democratic Party, which had led the Government from the time of independence from Britain in June 1976 until the *coup* and is now effectively banned. However, the treason charges brought against them in court were withdrawn when they were detained under a new emergency detention decree on 3 May, the day before a *habeas corpus* order by the Supreme Court judge was due to take effect. The Government did not display the weapons allegedly found, and there were no further court proceedings against the detainees.

Their lawyers later brought an action against the Government in the Supreme Court on the grounds that the detainees were being ill-treated. The complaints were concerned with poor diet and the almost total ban on family visits but not with any physical ill-treatment. Three detainees received medical treatment in hospital.

On 9 June Amnesty International cabled President René, expressing concern at the use of new indefinite detention legislation and requesting a guarantee that detainees would receive an early trial in open court with proper legal representation. The organization appealed for the provisional release of all detainees

(especially women and those who were ill) pending trial. The Minister of State for Internal Affairs, Ogilvy Berlouis, replied that the release of the detainees would be prejudicial to internal security, and said that they had been arrested to avoid bloodshed, if the invasion plot had gone ahead. He denied that detainees were being ill-treated and invited Amnesty International to investigate their conditions. Amnesty International replied on 26 June, reiterating its belief that detainees should be either tried or released and requesting the Government to consider setting them free as a humanitarian gesture to mark the second anniversary of Seychelles' independence. It urged that Ms Tall, Mr Payet, and Mr Bonte be released immediately on medical grounds. When it learnt that all the detainees had finally been set free on 5 July, Amnesty International cabled President René, welcoming this humanitarian action.

Sierra Leone (the Republic of)

The State of Emergency declared on 1 February 1977 remained in force throughout 1977, and in March 1978 President Siaka Stevens signed an order extending the Public Emergency Regulations for a further year. These regulations give the Government in the person of the Minister of Defence (who throughout the period under consideration was President Stevens himself), the power to detain people without trial "in order to prevent such persons from acting in any manner prejudicial to public safety". The regulations also permit the authorities to censor newspapers and to interfere with private letters, to expel people from Sierra Leone, to ban public processions and meetings and to stop and search people and vehicles.

In the aftermath of the general election of May 1977, supporters of the rival political parties, the ruling All People's Congress (APC) and the opposition Sierra Leone People's Party (SLPP) continued to clash; this created an atmosphere of violence almost unprecedented in Sierra Leone. During this period there were reports that members of the Internal Security Unit had subjected members of the SLPP to brutal treatment and had several times assaulted people. At the election on 6 May, the SLPP won 15 seats and the APC 62 seats out of the total of 85 election seats. The elections for the remaining eight seats in Bo district were postponed until September, when eight APC representatives were returned unopposed. Following the APC's election victory, which was bolstered by the appointment of 12 APC-supporting Paramount Chiefs and three members nominated by the President to give the APC a total of 82 seats in the 97-member House of Representatives, President Siaka Stevens suggested that Sierra Leone should become an official one-party state.

The creation of a one-party state was announced in May 1978, when a Bill changing the Constitution was brought before the House of Representatives. Under the new Constitution, the ruling APC became the only legal political party in Sierra Leone, and all opposition Members of Parliament had to join it within 24 days of the enactment of the new Constitution or else lose their seats. The Bill introducing the new Constitution was passed by the necessary two-thirds majority in the House of Representatives, and was approved only a few weeks later in a national referendum. All the SLPP Members of Parliament eventually declared for the APC in order to retain their seats, and President Stevens was sworn in for a new seven-year term as the first President under

the new one-party Constitution. The office of Prime Minister was abolished, and the former Prime Minister, C.A. Kamara-Taylor, became Second Vice-President, while the former Vice-President, S.I. Koroma, became First Vice-President.

Throughout 1977, the Government continued to detain members of the opposition and others it claimed to suspect of violent activities. Detention orders for a total of 662 people were signed during 1977, and in the early months of 1978 more than 50 people were officially detained. Some former detainees alleged that they were subjected to cruel and degrading treatment, especially by members of the Internal Security Unit, and that they were beaten during interrogations. Conditions at the headquarters of the Criminal Investigation Department near Makeni were reported to be particularly harsh – cells were allegedly so crowded that detainees had to remain standing all the time, and there were no toilet facilities. Most detainees who were formally held under the Public Emergency Regulations were transferred to Pademba Road Prison in Freetown, where conditions are reported to be cramped and overcrowded. Here some cells are too small to stand up in, and detainees have no facilities for washing. Only small amounts of food are supplied, consequently most detainees are underweight and suffering from various illnesses by the time they are released. By March 1978 the Government of Sierra Leone had still not announced the release of over 200 people detained during 1977, in addition to more than 50 whose detention was announced in 1978.

Many of those detained during 1977 were leading members of the SLPP. The most prominent detainees were three SLPP Members of Parliament who had been elected in the May 1977 elections – Charles Margai (nephew of Sierra Leone's first Prime Minister in 1961, Sir Milton Margai, and son of former SLPP Prime Minister, Sir Albert Margai), Dominic Ngombu, and Dauda Sandy. Charles Margai was charged with riotous conduct and arson when his case was brought before a Freetown magistrate's court in July 1977, but he was first discharged for "want of prosecution" and later for lack of evidence and the case was dismissed. However, he was not released, but remained in detention at Pademba Road Prison. The other two Members of Parliament were not brought before the courts, although Dominic Ngombu, for example, had originally been accused of attempted murder and had voluntarily given himself up to the police. In January 1978, after the three had been in detention for more than seven months, they were deprived of their seats by the Speaker of the House of Representatives for having not attended the sittings of the House for 30 consecutive days. A fourth SLPP Member of Parliament, Mana Kpaka, narrowly missed losing his seat under the same 30 Days Rule, but he was released from detention in January 1978.

In February 1978, the "vacant" seats thus created were filled by APC members who were elected unopposed. In early March, the three former SLPP Members were released. Apparently, the only reason for their continued detention had been to deprive them of their parliamentary seats. All three had been taken up by Amnesty International as investigation cases. Charles Margai was the subject of urgent appeals from Amnesty International to members of the Sierra Leone Government in August 1977, when he was reported to be seriously ill. Appeals were also sent concerning two other prominent members of the SLPP, Dr Hadj Conteh, who, although suffering from high blood pressure, had been removed from the prison hospital to solitary confinement, and Mrs Regina James, who after being assaulted at Bonthe and taken to hospital, was also removed to prison and placed in solitary confinement. Dr Conteh and Mrs James were both released soon afterwards. By May 1978, when the Government had still not announced the release of more than a hundred detainees in its official Gazette, Amnesty International undertook a number of group investigation cases. These concerned people who had been detained from four to fourteen months. Later in May, the Sierra Leone authorities announced that there were in fact only 12 people still in detention: this claim could not immediately be confirmed since the Government had not officially published details of the releases.

Amnesty International addressed several appeals to the President, Dr Siaka Stevens, and to the Minister of Justice (who was also the Attorney General), Francis Mischek Minah, concerning detentions and allegations of the maltreatment of detainees. At the end of April 1978, when Sierra Leone was celebrating three different anniversaries – the 17th anniversary of independence in 1961, the 7th anniversary of Sierra Leone's becoming a Republic in 1971, and the 10th anniversary of APC rule and the leadership of the country by Dr Siaka Stevens – Amnesty International addressed a letter to the President expressing its concern about the continuing State of Emergency in Sierra Leone, and the large number of people detained without trial. The Secretary General of Amnesty International asked the President to order the release of all political detainees.

Somalia (the Somali Democratic Republic)

Amnesty International's concerns in Somalia are the indefinite detention without trial under harsh conditions of opponents of the Government's policies, unfair trials by the National Security Court for offences which are, in some cases, political, and the use of the death penalty.

Somalia is ruled by the Somali Revolutionary Socialist Party, which was established by President Siyad Barre in 1976 to replace the predominantly military Revolutionary Council. During 1977, the country gave increased support to the Western Somalia Liberation Front, fighting for control of the Somali-populated areas of the Ogaden in Ethiopia, and in February 1978 officially committed regular troops to the fight. The expulsion of Soviet and Cuban military officials from Somalia and the renunciation in November 1977 of the USSR-Somalia Declaration of Friendship, did not lead to these ties being replaced by similar ones with the West. Somali army and guerilla forces suffered a major defeat in the Ogaden by the Cuban-reinforced Ethiopian army, although the feared invasion of Somalia by Ethiopian troops did not take place.

On 9 April 1978 there was an unsuccessful *coup* attempt by a section of the armed forces. The Somali Government stated that 20 people were killed and 24 others wounded. The alleged plotters were arrested and President Barre said that they would be brought to trial. An unknown number of arrests took place immediately after this incident.

Amnesty International groups went on working on behalf of 22 prisoners in Somalia about whom there was information. Most of them had been held in Lanta Bur prison but in mid 1977 were transferred to Labatan Jirow military camp

near Baidowa, where conditions were slightly better. They are reported to be still incommunicado and family visits are forbidden. Medical treatment appears to have improved, and some correspondence may be permitted. They have been held for periods ranging from one to five years. Amnesty International is not able to estimate the total number of political prisoners in Somalia, but there are said to be at least several hundred. Amnesty International received an unconfirmed report that many political prisoners who were members of the armed forces had been freed on condition that they fought in the Ogaden conflict, but otherwise Amnesty International has heard of the release of only two of its adopted prisoners in 1977-78, Yusuf Hersi, a medical doctor who was detained in May 1976 and freed in April 1978, and Abdulghani Sheikh Ahmed, former Minister of Justice and Religious Affairs, detained for the second time in 1975 and freed in May 1978.

Amnesty International's 13 adopted prisoners of conscience in Somalia include: Mohamed Abshir Musse, former Police General, Amnesty International prisoner of the month in August 1977, detained since 1973 and previously under house arrest; Mohamed Ibrahim Egal, former Prime Minister, detained in 1976, a few months after he had been released after six years' imprisonment; Mohamed Farah Bashane, former Attorney General, also previously detained from 1971 to 1973; Abdallahi Farah Holif, former Police General and Ambassador to Sudan, detained in 1975; Hassan Aden Wadadin, former Ambassador to Saudi Arabia, detained from 1970 to 1973 and again since 1973; Farah Musse Matan, a United Nations employee detained in 1976. Amnesty International is still investigating nine other cases of people detained or sentenced by security courts, who may be political prisoners.

The Government of Somalia has not signed the International Covenant on Civil and Political Rights.

South Africa (the Republic of)

International attention was focused on violations of human rights in South Africa throughout the past year (July 1977-June 1978), both as a result of developments within the country itself and because of the action taken by the United Nations in declaring 1978 International Anti-Apartheid Year. Amnesty International published a major 108-page report on *Political Imprisonment in South Africa* and launched a worldwide campaign for the release of prisoners of conscience, the repeal of discriminatory and repressive legislation and an end to the use of torture in South Africa. The report, released on 18 January 1978, was banned in South Africa eight days later, but no official response was forthcoming from the South African authorities until June 1978, when an officially-sponsored report entitled *Amnesty for Terrorism*, ostensibly published on 15 March, was distributed widely by South African embassies in Europe and North America. This report sought to discredit Amnesty International and its work for prisoners of conscience in South Africa but did not attempt to refute in detail the organization's criticism of the treatment of political prisoners. It was compiled by the South African Department of Information, which was disbanded in June 1978 after being involved in a major scandal over the misuse of funds for propaganda purposes.

In September 1977, the Black Consciousness leader Steve Biko died in security police detention. At first, the Minister of Justice, James Kruger, suggested that he had died in detention as a result of a five-day hunger strike, but he subsequently denied that he had ever mentioned a hunger strike and stated instead that Steve Biko might have been injured in a scuffle with security police. As events were later to show, this was precisely the explanation for Steve Biko's death given by the six-member security police interrogation team who questioned him while he was being detained incommunicado.

At the inquest into Steve Biko's death, held in Pretoria in December 1977, Major Harold Snyman and other security police officers testified that he must have suffered the head injuries from which he died when he apparently had to be restrained by his interrogators. It was also revealed during the inquest that Steve Biko, who had been detained without charge on 18 August, had been kept naked for much of his time in detention and was chained hand and foot when taken to security police headquarters for interrogation. Three medical doctors who had examined him in detention admitted at the inquest that they had subordinated his interests to those of the security police by submitting false and incorrect reports about his state of health. It was only when he became partially comatose that Steve Biko was transferred to hospital, but instead of being given treatment in Port Elizabeth, he was driven more than 700 miles in the back of a Land Rover to Pretoria, where he died a few hours after arrival.

Although so many questions were raised at the inquest about the way in which Steve Biko had been ill-treated by the security police, the presiding magistrate ruled on 2 December that his death was probably caused by injuries received during the alleged scuffle with security police officers. However, the magistrate said that his death could not be attributed to any one person, and the South African authorities subsequently made it very clear that they would not institute criminal proceedings against any of the security police officers involved.

Steve Biko's death, coming after so many other deaths in detention in recent years, had a very great effect on South Africa's Black majority population and led to outbursts of popular protest, particularly in Steve Biko's home area, the Eastern Cape. His funeral was attended by more than 15,000 people, although the authorities put difficulties in the way of many people who wished to attend, and two Black police officers were killed when they were attacked by an angry crowd returning from the funeral. Shortly afterwards, emergency regulations were introduced in the Ciskei "homeland" area of the Eastern Cape, empowering the authorities to detain any individual incommunicado and without charge or trial for 90 days. Similar emergency regulations were introduced in the Venda "homeland" in northern Transvaal in October 1977.

Five weeks after Steve Biko's death, and while the manner of his death was still unexplained, the South African Government banned the entire Black Consciousness movement. All together 17 Black Consciousness organizations were banned on 19 October, including the South African Students' Organization (SASO) and the Black People's Covention (BPC), both of which had been founded by Steve Biko. The Government also declared the anti-apartheid Christian Institute an unlawful organization and restricted under five-year banning orders its Director, Dr Beyers Naude, and four other White clergy. Two newspapers, *The World* and *Weekend World* were banned too on 19 October. The Editor of

The World, Percy Qoboza, and its Features Editor, Aggrey Klaaste were among some 50 or more Black South Africans detained under Section 10 of the Internal Security Act, which provides for indefinite preventive detention. Among those detained were members of the Soweto Committee of Ten, including its Chairman, Dr Nthatho Motlana, and such other Black community leaders as Kenneth Rachidi, President of the BPC, and Aubrey Mokoena, Director of the Black Community Programmes (BCP). Peter Jones, who was detained on 18 August with Steve Biko and held incommunicado under Section 6 of the Terrorism Act until after the completion of the Biko inquest in December, was subsequently transferred to Modder B Prison in Benoni and detained under the provisions of the Internal Security Act. Most of the detainees were still held at the end of May 1978, although no charges of any sort had been brought against them. However, the South African Government had made some concessions as a result of international protest and expressions of concern by allowing the detainees to be visited by representatives of the International Committee of the Red Cross, by publishing the names of those held in preventive detention and by releasing, in March, a number of the best-known detainees. Those freed included Percy Qoboza and Dr Motlana.

On 15 June 1978, the South African Government took action against another newspaper, a religious weekly called *Voice*. Shortly before it was banned, several Black journalists on its staff were arrested and although most were soon released, one, Juby Mayet, was also put in preventive detention under the Internal Security Act. She had earlier been charged together with another *Voice* journalist, Philip Mthimkulu, with theft, following their attempt to withdraw funds from the Union of Black Journalists' (UBJ) bank account on the morning of 19 October 1977. The UBJ was one of the Black Consciousness organizations banned by the Government on that day and, like the other organizations involved, had its assets seized by the Government. They were acquitted because their attempt to withdraw UBJ funds was made before the publication in the *Government Gazette* of the order banning the UBJ and other Black Consciousness organizations.

In a general election at the end of November, the ruling National Party was returned to power with an unprecedented majority in Parliament. After the election, the Progressive Federal Party became the main parliamentary opposition party. The general election was, of course, contested only by White political parties and only White adults, who comprise little more than 10 per cent of the total population of South Africa, were eligible to vote.

In November 1977, the pass laws were amended. The Government announced that, in future, Africans would not have to carry the notorious reference books, commonly known as passes, while they were in the 87 per cent of South Africa officially designated as the White area of residence. However, Africans would still be obliged to carry official passbooks or travel documents issued by their respective African homeland authorities. The Government's aim was clearly to make it appear that very many Africans support its "homelands" policy by forcing those who wish to live or work in the "White" areas of the country to apply to, and hence appear to recognize the legitimacy of, the homeland authorities from whom the necessary travel documents are available. Despite the apparent relaxation of the pass laws, Africans who continue to live or work in the designated "White" area of South Africa – that is, approximately half the African population – are still subject to the same restrictions on residence, movement and employment as they faced before November 1977. There has been no reduction in the numbers of Africans prosecuted for so-called pass law offences.

Various other legislative changes were introduced during the parliamentary session which commenced in early 1978. The Criminal Procedure Matters Amendment Act, passed in May 1978, removed the six-month limit on the length of time during which potential witnesses at Terrorism Act trials could be detained without charge by the security police, and stipulated instead that such witnesses could be held until the conclusion of the trials at which they were expected to testify. In other words, had this provision been enforced at the time, say, of the SASO/BPC Terrorism Act trial in 1975-76, individuals regarded as potential state witnesses might have been continuously detained for more than two years, even though the authorities did not intend to bring charges against them. Thus, the new provision increased significantly the already considerable extent to which the security police can exert pressure on potential witnesses, by using the threat of almost indefinite detention, to obtain the statements they require to secure successful prosecutions.

Three other bills introduced in March 1978 appeared to be designed to place all organized forms of social and welfare work under effective Government control. Taken together, the National Welfare Bill, the Social Workers and Associated Professions Bill, and the Fund-Raising Bill provided for the Government registration of all relief organizations and made it an offence for any person to engage in social work or relief work without official approval. All fund-raising for relief purposes will in future have to be authorized by a state-appointed Director of Donation Funds, who has discretion to refuse permission for such activities and who is empowered also to investigate the financial operations of relief organizations, search their premises, and subpoena witnesses. Individuals who contravene the new regulations will be subject to substantial fines and up to three years' imprisonment, and are denied the right to appeal to the courts. The introduction of these new laws has generally been seen as an attempt by the Government to check the flow of funds into South Africa from abroad, through church and community relief agencies (such as those run by the Black Consciousness movement until it was banned) to provide legal and financial assistance to people imprisoned for political reasons.

Amnesty International's report, *Political Imprisonment in South Africa*, documents Amnesty International's concerns up to the end of 1977. The report describes a legal system under which detention without trial, political imprisonment and "banning" – restriction on an individual's freedom of movement, expression and association – have become commonplace. It also examines the nature of the Terrorism Act and other security laws which are used to suppress all forms of Black opposition and thus maintain White political control and social and economic privilege. Within such a legal system, Amnesty International maintains in the introduction to the report, it is inevitable that individuals will be imprisoned for exercising their freedom of conscience.

The report states that the use of torture by security police during the interrogation of political detainees has become routine and appears to have tacit approval from the Government. Although many consistent and substantial allegations of torture have been made by political detainees, defendants, and even,

under cross-examination, by state witnesses in political trials, the South African Government has repeatedly refused to institute a thorough and independent inquiry or to repeal laws such as the Terrorism Act which provide for indefinite detention incommunicado.

In addition to Steve Biko, at least 10 other political detainees died in detention in 1977 alone. Five of those who died were alleged by security police to have hanged themselves; two were killed by falls from upper-storey windows in security police buildings; three were said to have died from natural causes. In several of these cases, notably those of Dr Nanaoth Ntshuntsha and Dr Hoosen Haffejee, pathological and other evidence produced at the inquests suggested that the deceased might have been subject to physical assault and ill-treatment by security police before their deaths. For example, at the inquest into Dr Haffejee's death, which was observed on Amnesty International's behalf by Lord Avebury (a member of the British House of Lords) the pathologist who carried out the post-mortem examination stated that he had found between 40 and 50 "abraded bruises" and other marks on the head, body, elbows, knees, ankles and feet, which had been inflicted some 4 to 12 hours before death. Dr Haffejee, who was slightly built, had been in custody for about 16 hours before he died. The two security police officers who had interrogated Dr Haffejee denied assaulting him and claimed that the injuries might have been caused when they had to force him into a police car. Photographs of Dr Haffejee's body, which showed extensive injuries, were published by Amnesty International in November 1977, three months after his death occurred. The inquest was held in March 1978.

Apart from the evidence produced at inquests, much other information concerning the use of torture was forthcoming throughout the year, both from former detainees and those involved in a series of major trials. At the trial in Pretoria of 12 alleged members of the banned African National Congress (ANC), many detainees called to testify as state witnesses claimed in court that they had been subjected to electric shocks, physical assaults and long periods of solitary confinement before they agreed to sign statements required by the security police. Six of the accused were ultimately acquitted; the others received prison sentences ranging from 7 to 18 years. In June 1978, it was announced that 13 of the 18 alleged members of the banned Pan-Africanist Congress (PAC) on trial under the Terrorism Act in Bethal were seeking damages against the Government on the grounds that they had been beaten, kicked and subjected to electric shocks while under interrogation. Earlier, in March, the South African press reported that at least 18 separate actions for damages had been initiated against the Minister of Justice, as Minister responsible for the security police, on behalf of detainees who had alleged that they had been tortured or who had died in detention.

Perhaps as a result of the frequency with which allegations of torture have been made against the South African police in recent years, the Minister of Justice, James Kruger, announced in May that two former Supreme Court judges, whom he named, were to be appointed to monitor the treatment of detainees by carrying out spot checks to investigate the conditions in which they were being held in detention. The judges are to make a confidential report of their findings to the Minister of Justice. However, the Minister declined to agree to an International Committee of the Red Cross (ICRC) request for access to detainees held incommunicado for interrogation, although ICRC delegates have been permitted

to visit those held in preventive detention under Section 10 of the Internal Security Act. Critics of the new system have referred to the fact that, in the past, such detainees have not infrequently been visited by magistrates. Many claim that the latter were not regarded as independent observers to whom the detainees might speak frankly, but merely as Government-appointed officials whose role was mainly to give a stamp of respectability to the use of detention without trial. Another criticism is that the two former judges who were appointed will have difficulty in acting effectively while the South African authorities make such extensive use of their detention powers.

During the year, a number of changes were made in the conditions under which convicted political prisoners were held. In November 1977, the Department of Prisons announced that political prisoners would, in general, no longer be permitted to study beyond matriculation level, although those at present following educational courses would be allowed to complete them. It was stated also that, in future, political prisoners would be allowed to listen to certain radio bulletins, whereas in the past an attempt had been made to isolate them from all news, and that they would be entitled to receive more family visits. However, it appears that the news they may receive will be severely censored. It is also doubtful whether many families will be able to make use of the additional facilities for visiting as, according to statistics released in April 1977, there were no more than 240 individual visits to Robben Island prisoners during 1976, at a time when there were at least 370 inmates. In March 1978, the Prisons Amendment Bill was introduced to empower the Commissioner of Prisons to withdraw arbitrarily any so-called "privileges" that are accorded to convicted prisoners. This followed a court action taken in August 1977 by Dennis Goldberg and eight other White convicted political prisoners in Pretoria local prison: they tried to force the prison authorities to allow them greater access to news, claiming that this deprivation was a "cruel, inhumane and unnecessarily harsh punishment". They asked to be treated in the same way as the convicted criminals, who form the majority of the population in Pretoria Prison. Their application was rejected but was referred to the Appeal Court in May 1978.

In another court action in August 1977, it was revealed by nine Robben Island prisoners that they had been denied access to their legal representatives by the Commissioner of Prisons when they wished to take advice following alleged assault on them earlier in the year by prison warders using guard-dogs. On that occasion, the Cape Town Supreme Court ruled that the Commissioner of Prisons had acted incorrectly, but in May 1978 the Minister of Justice took action to prohibit five well-known defence lawyers from making any further visits to Robben Island or Pretoria local prison.

The number of convicted political prisoners in South African jails increased significantly during the period 1977-78. Many of those convicted of political offences were students and young people who had been caught up in the civil disturbances which have affected South Africa since mid 1976. Those convicted of offences under the Sabotage Act and similar legislation included a number of minors, and, in June 1978, the Minister of Justice admitted in Parliament that among the prisoners on Robben Island were one boy of fourteen and five aged fifteen. Many other people of about the same age are believed to have been

detained incommunicado, often in solitary confinement, for many months before being charged or released by the security police.

Some convicted political prisoners were released during the year but, as in previous years, the majority were immediately restricted under banning orders of two or five years' duration. In April 1978, for example, five-year banning orders were imposed on three prisoners, Sonny Venkatrathnam, Robert Wilcox and Frank Anthony, when they were released after serving six-year sentences on Robben Island. Under the terms of their banning orders, they were prohibited from any contact with one another, even though they had been in close contact throughout their time on Robben Island. Mohamed Essop and Amina Desai, both of whom were released in January 1978 after completing five-year sentences, were also banned for five years. A new five-year banning order was also imposed on Mary Moodley at the end of March 1978 when her third successive five-year banning order expired. Banning orders were also issued against a number of other individuals well known either for their opposition to apartheid or for their work in the social and educational field. They included not only the White clergy associated with the Christian Institute who were banned on 19 October 1977, but also the Editor of the East London *Daily Dispatch*, Donald Woods, who subsequently left South Africa, and two officials of the SACHED educational trust in Johannesburg, which organized literacy courses for Black people.

The state took action also against a number of banned people who were alleged to have contravened the terms of their banning orders. Winnie Mandela was accused of receiving visitors at the house in Brandfort to which she was banished from her Soweto home in May 1977. She was convicted in February and sentenced to six months' imprisonment on two counts, but the sentence was suspended for four years. During the course of the proceedings against her, four women called as witnesses refused to answer questions about alleged visits to her. All four were then sentenced to jail terms ranging from four to 12 months' imprisonment. All four appealed, two successfully, but seventy-two-year old Helen Joseph, a veteran anti-apartheid campaigner and former banned person, was eventually imprisoned for 14 days. Barbara Waite went to jail for two months. Ilona Kleinschmidt, one of the two women whose sentence was quashed on appeal, was then again subpoenaed and, when she refused to give evidence, was again sentenced to three months' imprisonment.

Of the many political trials that took place during the year, one of the most notable was the so-called Goch Street trial which followed the killing of two Whites in Johannesburg in June 1977 by two alleged members of the ANC. One of the accused, Mondy Motloung, was declared unfit to stand trial due to injuries received at the time of his arrest, but the other, Solomon Mahlangu, was convicted and sentenced to death in March 1978. In June, he was refused leave to appeal. This is the first time a death sentence has been passed for a political offence in South Africa since the mid 1960s. Although the death penalty has been little used for political offences in recent years, it has continued to be imposed frequently for criminal offences. According to figures officially released in June 1978, a total of 151 executions was carried out during the previous two years. Three of those executed were White people.

Amnesty International continued its activities on behalf of prisoners of conscience and torture victims in South Africa during 1977-78, and, at the end of June 1978, Amnesty International groups were working on the cases of some 150 prisoners. There was, in addition, a major international campaign from January to March 1978, following the publication of the report on *Political Imprisonment in South Africa*. An Amnesty International submission on the situation of political prisoners in South Africa, presented to the United Nations Commission on Human Rights in August 1977, was subsequently published by the UN Center against Apartheid.

Sudan (Sudan Democratic Republic)

Until the national reconciliation policy in Sudan (see below), Amnesty International's concerns in the country were: long-term detention without trial of political prisoners; the unfair trial by state security courts of some political prisoners; the use of torture after the July 1976 *coup* attempt; poor conditions of detention; the use of the death penalty. However, the Sudan Government completed the release of all political detainees and all sentenced political prisoners in April 1978.

The major political events of 1977-78 in Sudan were President Nimeiri's reconciliation with the opposition and the elections in February 1978 to the National Assembly and Southern Regional Assembly. In July 1977, the President met secretly in Port Sudan with Sadiq el-Mahdi, leader of the clandestine Sudanese National Front opposition coalition, who had been given safe-conduct, despite the death penalty imposed on him *in absentia* in 1976 for his admitted part in the July 1976 *coup* attempt. The meeting led to a program of national reconciliation announced on 18 July, "in the interests of national unity", and including an amnesty for all political prisoners and exiles, and talks on a political settlement with opposition groups. The General Amnesty Law was promulgated on 7 August 1977, allowing the President to grant an amnesty to all political detainees or those sentenced or on trial in connection with political activities or mutiny since 1969. The Law also allowed those prisoners to apply to the President for release. The provision was that such people had to agree to abide by the Constitution, to work for national unity and the solidarity of the "popular forces".

The first releases under the amnesty took place in July 1977, when some of those sentenced *in absentia* or living in voluntary exile returned to Sudan without reprisal. However, a few days before the amnesty, death penalties were imposed by a state security court and carried out on six people connected with the July 1976 *coup* attempt. They had not been tried earlier because they were recovering from wounds sustained in the fighting at the time of the attempted *coup*. Fourteen other defendants were sentenced to long-term imprisonment at the same trial. An Amnesty International Urgent Action campaign appealed unsuccessfully for the commutation of the death penalties on humanitarian grounds. Ninety-eight people (unnamed) had been executed after trials before military tribunals in August 1976, but it is claimed that other unannounced executions also took place about that time.

The number of prisoners benefiting from the amnesty is not certain: Government press reports mentioned "over 1,000", but no names were published. However, the Government figure is generally regarded as reasonably correct.

The total included people detained and people sentenced to prison terms, principally in connection with the July 1976 *coup* attempt, but the amnesty was, in fact, retroactive to the beginning of the military régime in 1969; it applied, for example, to people detained or sentenced in connection with earlier *coup* attempts or mutinies by the armed forces. Those released or allowed to return safely from voluntary exile were almost exclusively members of the Sudan National Front opposition coalition of the Umma Party (the Ansari sect or Mahdists), the Islamic Charter Front (Muslim Brotherhood) and the National Unionist Party. Among those freed were Mudawi Muhammad Ahmed, the sixty-year-old National Unionist Party leader, sentenced to eight years' imprisonment by a national security court for his political activities, and his colleague, Hassan Hamed, both of them former members of parliament; Farouq Al-Berair, a lawyer, and Al-Haj Nuqdallah, a civil servant, both prominent Umma Party members, and both detained without trial since July 1976 in connection with the distribution of some political pamphlets criticizing Government policy; Dr Hassan Al-Tourabi, a former professor of law and the leader of the Islamic Charter Front, detained without trial in 1975 for the third time, and a political colleague, Abdullah Badri, an accountant, who was tortured and sentenced to two years' imprisonment in October 1976.

The Sudan Communist Party claimed that some 130 communists and trade unionists had not benefited from the amnesty. Two such detainees were, in fact, reported to have died in detention in the period after the amnesty announcement: Abdul Majeed el-Nur Shakkak reportedly died in prison on 8 September 1977; Hassan Gasmalla, an Agricultural Bank official, died in prison in December 1977. Both were reported to have received inadequate medical treatment for illnesses which had been exacerbated by the conditions in which they were detained. Amnesty International cabled President Nimeiri, expressing concern about these deaths and urging that proper medical attention be provided for all detainees to prevent similar occurrences in the future.

In April 1978, the Government decided to release all remaining detainees, some of whom had been held since 1974. They included Gasim Amin, a trade unionist, detained in 1974 and Amnesty International Prisoner of the Month in February 1978, and Dr Muhammad Suleman, a lecturer at the Institute of Higher Education, also detained since 1974.

A case which was also of concern to Amnesty International was that of a number of Southerners arrested at various times during 1976-77 and put on trial in mid 1977. Charges included "causing disaffection in the South". Some leading Southern politicians, such as Clement Mboro, Benjamin Bol, and Joseph Oduho, had been detained in October 1976; others were arrested just before or immediately after a mutiny in Juba on 2 February 1977, while others were accused of seeking to disrupt the anniversary celebrations on 23 February. It is not clear whether the trial was completed, but on 25 August 1977 it was announced that all 110 defendants in this trial, of whom about 100 were Southerners, had been freed under the amnesty measure.

The reconciliation thus finally embraced all political opposition groups. Political discussions following this key preliminary measure continued, and several released detainees took part in the elections as Sudan Socialist Union candidates. Some were elected and given office in the National Assembly and the ruling Sudanese

Socialist Union. An indication of the degree of reconciliation achieved may be found in the appointment of Clement Mboro to be Speaker of the Southern Regional Assembly, and of Dr Hassan Al-Tourabi to the political bureau of the Sudan Socialist Union.

After each phase of releases, Amnesty International cabled President Nimeiri, congratulating his Government on the amnesty measure. Until the final group of releases, Amnesty International also added an appeal for the extension of the amnesty to all political prisoners, and asked for assurances from the Government that all those still in prison were receiving adequate medical treatment. Prison conditions in Sudan are poor: family visits are rarely allowed or else they are made difficult by the frequent transfer of prisoners to remote areas. Allegations of ill-treatment and torture relate to periods of intense political crisis, such as that immediately following the July 1976 *coup* attempt, when torture was extensively used.

The Sudan Government has not signed the International Covenant on Civil and Political Rights.

Swaziland (the Kingdom of)

Amnesty International was principally concerned, in 1977-78, with the situation of several Swazi nationals detained for political reasons, and with that of some 20 members of the Pan Africanist Congress of Azania (PAC), a South African liberation movement, who were detained and declared prohibited immigrants in April 1978. The Swazi citizens were all held under the provisions of a King's Order in Council of April 1973, which provides for detention without charge or trial for a maximum of 60 days. In almost all cases, however, those detained were held for more than 60 days since, upon expiry of their first detention order, they were immediately re-detained under new orders. This happened also to the most prominent political prisoner, Dr Ambrose Zwane, who was first detained in February 1978. He was the former leader of the main opposition party--*Ngwane* National Liberatory Congress (NNLC), which was banned in April 1973 when King Sobhuza II suspended the Constitution and dissolved Parliament. He was served with a new detention order in April 1978, having already spent 60 days in detention. He went on hunger strike in protest against this treatment and had to be moved from Matsapa Central Prison to hospital in Manzini at the end of April. No reasons were given by the Swaziland Government for his detention, although he was at first charged with using a false travel document to go to Mozambique during January 1978. However, this charge was dropped before the case could be brought to court and he was instead served with a detention order. A third successive 60-day detention order was imposed on him in June 1977, by which time he had ended his hunger strike.

Dr Zwane, who was adopted by Amnesty International when he was detained without trial on at least three previous occasions between 1973 and 1976, was not the only NNLC leader to be detained in the past year. The Party's former Secretary-General, Clemens Dumsia Dlamini, was also put under a 60-day detention order in mid 1977 and then continuously imprisoned under successive detention orders for more than nine months. He was still in detention at the end of May 1978. His case has been taken up by Amnesty International.

A new wave of arrests took place in Swaziland during April 1978, when the authorities detained some 20 members of the PAC. Although the Deputy Prime Minister, Zonke Khumalo, claimed that they had been abusing their refugee status in Swaziland by attempting to establish military training bases for South African nationalist guerillas, no charges were brought against them but they were declared to be prohibited immigrants. On 10 April, Amnesty International urged Zonke Khumalo to ensure that none of those arrested would be repatriated against their wishes to South Africa, their country of origin, where they would be liable to imprisonment for political reasons. Later, the Swaziland press reported his assertion that the PAC members would be detained until they were granted political asylum in other African countries.

Shortly after the arrest of the PAC members, other South African refugees in Swaziland, including many former Soweto students, demonstrated in support of the PAC and against the detentions. More than 50 students were arrested as a result of the disturbances, but were subsequently released after being warned as to their future conduct. The Swaziland Government then introduced a new refugee law, empowering it to repatriate forcibly any refugee who, in the opinion of the Swazi authorities, would not be liable to detention or imprisonment when returned to his or her country of origin. The introduction of this law was widely regarded as an attempt to intimidate those refugees from South Africa who have become increasingly critical of the restrictions placed on their activities by the Swaziland Government.

Tanzania (the Union Republic of)

There were considerable improvements in the Tanzanian human rights situation in 1977-78. The Government was preoccupied in late 1977 with efforts to control a severe cholera epidemic, and with the completion of elections at all levels of the new political party (*Chama cha Mapinduzi* [CCM] –"Revolutionary Party"). The formation of this joint mainland-island party on 5 February 1977 led directly to the holding of the first parliamentary elections in Zanzibar since independence, although of the new Zanzibari Members of Parliament to sit in the Tanzanian Parliament, only 15 were elected: 30 were nominated by the Zanzibar Revolutionary Council and others were to be nominated by President Nyerere. The gradual political integration of Zanzibar with the mainland continued – which has meant a degree of liberalization.

Amnesty International's concern as regards Zanzibar has focused on the 1973-74 treason trial (see *Amnesty International Reports* for 1974-77) – and on the use of torture to obtain "confessions" which were the basis of the evidence on which defendants were convicted of conspiring to assassinate Vice-President Abeid Karume and overthrow the Zanzibar Revolutionary Council; the denial of legal representation except by the prosecuting Attorney General; the imposition of 34 death penalties; the passing of harsh prison sentences of up to 35 years; the detention of 13 people on the mainland, sentenced in Zanzibar *in absentia*; the unsatisfactory nature of judicial procedures through the political party council and harsh prison conditions.

In August 1977, 12 prisoners were freed after serving their sentences, with remission. On 30 March 1978, the Chairman of the Zanzibar Revolutionary

Council, Aboud Jumbe, commuted the three remaining death sentences in Zanzibar. The 13 Zanzibaris held in administrative detention on the mainland since 1972, in connection with the same treason trial, were freed by President Nyerere on 26 April to mark the 14th anniversary of the Union of Tanganyika and Zanzibar into the Union Republic of Tanzania. (Their sentences *in absentia* in Zanzibar, which included four death sentences, were not, however, lifted.) On Labour Day, 1 May, eight prisoners in Zanzibar, serving sentences of up to 15 years were freed (two others had been freed a little earlier), and 14 others serving sentences of from 30 years to life had their sentences cut to 10 years, starting from the date on which they were arrested in 1972. An amnesty for other prisoners was announced in Zanzibar at the same time, under which 154 criminal prisoners were released.

A number of detainees on the Tanzanian mainland were set free during 1977-78. On 5 February 1978, the first anniversary of the foundation of the CCM, President Nyerere ordered the release of 7,000 petty criminals and 22 detainees. The latter included two prisoners of conscience adopted by Amnesty International – Otini and Mattiya Kambona – who had been held almost continuously since 1967, and two Amnesty International investigation cases.

Among the Zanzibari detainees freed on 26 April was Abdulrahman Mohamed Babu, who had been Amnesty International's prisoner of the month in October 1977. His adoption group in the United Kingdom had organized a petition for his release among academics and prominent Britons, who had earlier appealed to the Tanzanian Government to release him so that he could take up the offer of a university fellowship in the United Kingdom.

The Government also appeared to be taking steps to abolish the use of torture on the mainland by, in November 1976, bringing to trial four "railway detectives" on charges of torturing James Magoti (a bank manager accused of fraud but detained instead of being charged and tried in court). Evidence was given in court by police officers, and corroborated by Mr Magoti himself (who was brought from detention in Ukonga prison to give evidence in this case), that he had been taken from Ilala police station in Dar es Salaam and severely beaten on the legs, ankles and genital organs by these officers. This trial, which has not yet ended at the time of writing, is the first torture trial in Tanzania. Amnesty International believes that the torture suffered by James Magoti and other detainees (one of whom gave evidence to Amnesty International) is inflicted by security officers as a fairly routine measure against those suspected of a serious criminal offence. Political detainees, however, are not, to Amnesty International's knowledge, subjected to this treatment.

Amnesty International groups campaigned from November to January to free political prisoners in Tanzania, especially the Zanzibari cases. Some groups had worked on these cases for several years without any response from the Tanzanian Government, although some received a circular letter from the Minister of Health, dated 25 February 1978, stating that all detainees had an adequate diet and regular visits from doctors, with specialists brought in to deal with any illness. The Minister criticized Amnesty International which, he said, had been "supplied with false and malicious information by persons whose aim is to damage our country in any way possible". According to Amnesty International's information, prison diet and medical attention are far from satisfactory.

Amnesty International cabled President Nyerere and Vice-President Jumbe, welcoming the releases and the steps taken by the Government to improve the human rights situation.

Amnesty International is still concerned about the Zanzibar treason trial prisoners still in prison, and about the use of administrative detention. Of the small number of detainees known to Amnesty International, only Gray Mattaka (cousin of Otini and Mattiya Kambona) and Kasella Bantu (a former Member of Parliament, detained for the fourth time in December 1976) – both cases adopted by Amnesty International – can be categorized as political prisoners. Most of the others have been detained for alleged criminal offences but not charged or tried. They are held in harsh conditions and several have allegedly been tortured. Amnesty International is investigating a number of these cases. Indefinite detention without trial continues to be the means favoured by the Government to deal with any alleged offence (including corruption) when it fears that it has insufficient evidence for a trial, although some such people are, in fact, charged and tried in court. Tanzania's Preventive Detention Act does not incorporate in the detention orders the legal safeguards which are included in the International Covenant on Civil and Political Rights (which Tanzania has ratified). The number of detainees in Tanzania (mostly alleged criminal offenders) probably runs to some hundreds, but because the Government does not publish information on detentions, a reliable estimate cannot be made.

On 25 May (African Liberation Day – the 15th anniversary of the foundation of the Organization of African Unity), President Nyerere released 20 members of various southern African liberation movements detained in Tanzania under the Refugee Control Act, on behalf of their respective movements. They included Andreas Shipanga, former Information Secretary of SWAPO (South West African People's Organization), Andreas Nuukwawo, former SWAPO Youth League activist, who had earlier been detained and flogged in Namibia, and nine other SWAPO members arrested in Zambia in April 1976 and later transferred to detention in Tanzania. Others released were members of the African National Council (ANC of South Africa), the Zimbabwe African National Union (ZANU), the Pan Africanist Council of Azania (PAC), and SWAPO who had been in detention in Tanzania for periods ranging from one to seven years. On 26 May Amnesty International cabled President Nyerere, congratulating him on his important step. It also cabled the South African Prime Minister, John Vorster, reminding him of his undertaking after the Vienna talks with the United States Vice-President, Walter Mondale, in May 1977, that if SWAPO detainees in Tanzania were freed, he would seriously consider releasing Namibian political prisoners. Amnesty International urged him to fulfil this undertaking and free all Namibian political prisoners in Robben Island maximum security prison in South Africa, and in Namibia itself. No reply was received.

Togo (the Togolese Republic)

The Government of Togo has continued to be headed by President Gnassingbe Eyadéma, who has ruled the country for more than 11 years, since he led a military *coup* against the former civilian Government. President Eyadéma rules the country with the aid of his ministers and members of the political bureau

of his political party (the only one permitted in Togo), the *Rassemblement du Peuple Togalais* (RPT). His control of the country was only briefly shaken in 1977 when a group of foreign mercenaries made attempts to assassinate him. Their first attempt failed, and they were prevented from entering Togo for a second attempt in October 1977.

Following claims in the British press in February 1977 by Togo's Minister of Information, Monsieur Kwaovi Benyi Johnson, that there were no political prisoners in Togo, Amnesty International was invited to send an official mission to the country. Although a number of prisoners whose cases had been adopted by Amnesty International were released in April 1977, before the mission to Togo took place, Amnesty International learnt of the arrest of some 20 academics who were believed to be detained for producing tracts criticizing the Government. Amnesty International also knew of the cases of a number of longer-term detainees, none of whom had received any kind of trial. Amnesty International's representative, Maître Marie-Claire Picard, visited Togo at the end of September 1977 and held discussions with the Togolese authorities.

Maître Picard met members of the Togolese Government, including the Minister of Information and the Minister of the Interior, M. Kpotivi Laclé, and discussed with the President of the Supreme Court the laws under which political prisoners may be convicted. It appears that political prisoners can be charged with the common law offence of "propagation of false news", and that a special Court of State Security exists to try offences against the state, although this has not been used recently. However, most political prisoners are never brought before the courts but are detained indefinitely without trial by the security forces. This practice was justified to Maître Picard by the fact that Togo is a developing country whose difficulties are different from those of a developed country. Maître Picard met the President also and explained to him the aims and objectives of Amnesty International.

In October 1977, shortly after the mission to Togo, the Togolese authorities announced the release of 12 of the academics detained the previous April. Several months later, in January 1978, Amnesty International learnt of the release of one of Togo's longest held political prisoners, Abou Boukari Karim, who had been detained continuously without trial since 1971, reportedly for refusing to join the RPT. At the same time, Amnesty International also learnt that a student, whose case it was investigating, had been released in September 1977. He was Paul Kokou Kaledzi, who had been detained in September 1976 after the discovery of a letter which he had written to his brother, in which he criticized the Government. However, by June 1978, Amnesty International had still not heard whether another student, Tcharié Kpemsi, arrested in April 1976 and detained without trial ever since, had been released. His case was taken up for investigation in November 1977.

During the first half of 1978 Amnesty International learnt of the cases of a number of people in Togo who had been detained without charge or trial, apparently for political reasons. In June 1978 the organization was once more in contact with the Togolese authorities about these reports.

Uganda (the Republic of)

Since 1971 there has been in Uganda, under President Idi Amin's military

Government, a consistent pattern of gross human rights violations. Amnesty International's concerns in Uganda during 1977-78 were: the systematic use of torture, large-scale arrests and killings by the security forces, indefinite detention without trial, unfair trial of prisoners of conscience, and the use of the death penalty. The mass killings of early 1977 which followed the murder of Archbishop Janani Luwum were not repeated, but gross violations of basic human rights persisted. In January 1978, on the 7th anniversary of his *coup d'état*, President Idi Amin declared 1978 a year of "peace, love and reconciliation". This did not, however, benefit the hundreds of unknown victims of the security forces who have "disappeared" or been openly killed since then. Killing and looting by the security forces continued.

In March 1978 the United Nations Commission on Human Rights, which had had confidential discussions on human rights in Uganda, announced that it would take "measures" on human rights violations there and in eight other countries. (In May 1977 Amnesty International had submitted a communication to the Commission concerning Uganda.) On 3 April 1978 President Amin announced that he was establishing a Human Rights Committee inside Uganda, whose task it would be to "monitor all contacts between the UN Commission and the people of Uganda". The Committee would consist of "officials from the Ministry of Justice, Defence and Internal Affairs, Foreign Affairs and security organizations like the police, special branch and the State Research Bureau". Such a committee, however, could not possibly act impartially, if it included representatives of bodies alleged to have committed these violations, notably the State Research Bureau and police Public Safety Unit. The killing in March 1978 of the Chairman of the Industrial Court (see below), also indicates that Ministry of Justice officials cannot take measures to protect human rights without fear of reprisal.

As in previous years, adoption of individual prisoners has not been possible in Uganda because of fears of reprisals and also because the number of prisoners who are not murdered in detention is small and information about them difficult to obtain. Amnesty International groups in several countries began, however, to work on Uganda Country Action dossiers in July 1977 (see the Introduction to this section on Africa). Special campaigns were undertaken in connection with several incidents in 1977-78, in which groups protested to the Uganda authorities, distributed information in their own countries and sought to involve other concerned individuals and organizations in their appeals and publicity. These incidents were: the secret execution of the playwright John Male, the National Theatre Director Dan Kintu and the Ministry of Culture Under-Secretary John Sebuliba on 23 July 1977; the reported killing, on 14 September, of Robert Scanlon, a Ugandan citizen of British origin, who had been held since the time of the Commonwealth Conference; the massacre of about 350 Roman Catholics in Masaka in November 1977 – which the Government attempted to connect with the murder of a Muslim businessman; and the killing of the Chairman of the Industrial Court, Raphael Sebugwaawo Amooti, on 13 March 1978, reportedly after he had given a judgment unfavourable to an army officer.

An Urgent Action was also undertaken on 6 September 1977, appealing for the commutation of death sentences on 12 Ugandans alleged to have plotted to overthrow the régime in February of that year in collaboration with Archbishop

Luwum, who was murdered in February. They were tried by secret tribunal, denied legal representation and later executed in public, despite appeals from the Chairman of the Organization of African Unity, the President of Liberia, and other African leaders, as well as from Amnesty International. Those executed included Abdalla Anyuru, retired Chairman of the Uganda Public Service Commission, John Olobo, Assistant Commissioner of Labour, a businessman, Ben Ongom (known to have been severely tortured), the Chief Schools Inspector, Y. Y. Okot, five senior police and army officers, and two school headmasters. They were among the victims of the massive elimination of suspected opponents of the régime, beginning in February 1977, which led to the massacre also of several thousand members of the Acholi and Langi ethnic groups during the ensuing four months.

Also imprisoned were a number of Kenyans (most of whom were later freed, after an agreement with Kenya on the establishment of diplomatic relations following the collapse of the East African Community), some foreigners (such as Mark Elias, a Briton arrested in March 1977, and Solly May, arrested in July 1976 and freed in June 1978) and an unknown number of Ugandans, most of whom were killed. Some Kenyans who escaped from a secret detention house on Kololo Hill in September 1977 stated that 186 Ugandans were killed with hammers at the same time as Robert Scanlon.

More recently, a hundred or more Acholi and Langi were reported to have been massacred in the north in reprisal for a British Broadcasting Corporation broadcast by former President Milton Obote on a visit to London in February 1978, and in April 1978 some 54 Roman Catholics in Masaka were arrested and subsequently disappeared. The names of Ugandans killed in custody are rarely known – one exception is Siriyo Nyeko, once Uganda's representative at the now defunct East African Legislative Assembly, who was murdered shortly after arrest in July 1977. Arbitrary arrests and killings are common throughout Uganda; in Kampala dead bodies are often seen in the streets. In April 1978, numerous people in the area of the military barracks in Kampala were arrested after the officers' mess had been broken into and property damaged. Young and old people of both sexes were arrested and released only on payment of large sums of money in supposed compensation for the damage. The security forces frequently break into homes, demand alcohol and other goods, rape women and kill those who resist. There is little evidence that any serious attempt is made to discipline the security forces or bring to justice any officers alleged to have ill-treated or killed civilians. In April and May 1978, there were several transfers and demotions of senior officials on the grounds that they had committed criminal offences or mistreated civilians, but no prosecutions before any independent judicial body are expected to take place. Similar arrests followed an inquiry in 1975 into cases of disappearances, but the report was suppressed and the officers who were tried by a military tribunal (consisting of their colleagues) were all acquitted.

Amnesty International also took action in 1977-78 to assist some Ugandan refugees, in Kenya in particular. Following rumours that some Ugandans might be subject to *refoulement* (repatriation) against their will, the organization asked the Kenya Government not to force any Ugandan refugee to return to Uganda. The Government gave an assurance that no *bona fide* refugee would be repatriated.

The situation of some 10,000 or more Ugandan refugees in Kenya continued to give cause for concern.

On 16 June 1978, the United States Section of Amnesty International presented a testimony on human rights violations in Uganda to the United States House of Representatives International Committee on Trade and Economic Policy. The report, prepared by the Research Department in the International Secretariat of Amnesty International and released internationally, describes in detail the overthrow of the rule of law in Uganda, widespread murder by the security forces, the institutionalized use of torture, and the régime's constant disregard for the extreme concern expressed internationally. It concluded that "there is good reason to fear that unless international pressure about the human rights situation in Uganda increases, human rights violations of this nature and on this scale could continue in Uganda for a long time to come."

Zaire (the Republic of)

The year under review (July 1977–June 1978) began and ended with fighting in Zaire's southern province of Shaba (formerly known as Katanga). The first invasion of Shaba began in March 1977, when the forces of the *Front de Libération Nationale Congolaise* (FLNC), led by General Nathaniel Mbumba, occupied several towns in the province. The FLNC received its support mainly from the Lunda ethnic group, and has sometimes been described erroneously as the same force of "Katangan Gendarmes" as those who had supported the secession of Katanga in the early 1960s and who then sought refuge in neighbouring Angola. The invasion was only repulsed after Morocco sent a detachment of 1,500 troops to assist the Zaire army. By the end of May 1977, the Zaire forces were once more reported to be in control of Shaba Province, and the FLNC troops to have retreated to Angola. However, in early 1978, it was again reported that the FLNC were preparing an attack on Shaba. The actual invasion began in May 1978, when the FLNC suddenly occupied the mining town of Kolwezi. Once again the invaders were driven out after foreign intervention: this time Belgian and French paratroops were sent in to evacuate European expatriate workers trapped in the area of fighting. However, the French force also took part in military actions against the rebels.

Although the fighting in Shaba Province, and particularly the massacre there of several hundred Europeans, was the central point in international reports on Zaire, political unrest was also widespread in other regions of the country. Nevertheless, the crises in Shaba were important in influencing events generally throughout Zaire.

President Mobutu Sese Seko's position as Head of State, which he has held since he seized power in a military *coup* in 1965, was confirmed when he was re-elected for a further seven-year term as President in December 1977. He was the only candidate and was returned to office with – according to official figures – more than 98 per cent of the votes cast. As President, he heads both the ruling National Executive Council and the National Legislative Council, to which members were elected in November 1977. In July 1977, Kasenda Mpinga was appointed "First State Commissioner", or Prime Minister, and he retained this post when the Government was re-shuffled after the Presidential elections in December 1977.

In the aftermath of the Shaba conflict, from March to May 1977, several Zaire army commanders and leading political figures were dismissed from office, accused of treason and, upon conviction by court martial, sentenced to death. They included Mampa Ngankwe Salamayi, former commander of military operations in Shaba Province, who was found guilty of treason, endangering state security and misappropriation of public funds. He was sentenced to death in August 1977, but it is not known whether he has been executed. In the same month, Monguya Mbenge, former Governor of Shaba Province, was sentenced to death *in absentia* by the Lwalaba operational war council. He was condemned to death for inciting military personnel to disaffection. He was charged after publishing a book favourable to General Mbumba and the FLNC, while living in exile in Belgium.

In August 1977, the arrest was announced of the Minister of Foreign Affairs, Karl I. Bond, who had previously been regarded as the second most powerful figure in the Government. Karl I. Bond was arrested at the same time as his uncle, the *Mwata Yamvo* or Paramount Chief of the Lunda ethnic group in Shaba Province. They were both accused of treason. Both men belonged to the same ethnic group as the FLNC invaders, and Karl I. Bond in particular was suspected of having prior knowledge of the March 1977 invasion of Shaba Province. In addition to being Paramount Chief of the Lunda, the present *Mwato Yamvo* is also the brother of the late Moise Tshombé, leader of the secessionist movement in Katanga in the early 1960s and later Prime Minister of the Congo before President Mobutu came to power.

In September 1977, Karl I. Bond was tried by the Court of State Security and convicted of undermining Zaire's external security, failing to reveal his knowledge of rebel (FLNC) plans to invade Shaba Province, and offending the Head of State. He was condemned to death, but two days later, after President Mobuto had received appeals from a number of international sources, including Amnesty International, requesting him to commute the death sentence, it was commuted to life imprisonment. Since September 1977, Karl I. Bond is reported to have been held at Kotakoli military camp in the Gemena District of Equateur Province. In May and June 1978, reports circulating in Europe suggested that he was severely ill with diabetes, and that he had been denied adequate medical treatment while in prison. Other reports, alleging that he had died in detention, were denied by the Zairean authorities.

Within a few months of Karl I. Bond's trial, the Zaire Government was once more facing internal rebellion, this time in Bundundu Province, only a few hundred kilometres east of Kinshasa. Although the cause of the rebellion was not clear, in early January 1978 members of the Babunda ethnic group joined a movement opposed to the Zaire central Government. The movement was reported to be a revival of the Mulele rebellion of the mid-1960s. Later in January, members of the Zaire army were sent in to put down the rebellion, and large numbers of people are reported to have been summarily executed. In Idiofa, the main town in the district, 14 people were hanged in public. Reports of the total number of people murdered in the area vary, but suggest that at least 500 were killed by the Zaire security forces, and that hundreds more were detained.

In February 1978, President Mobutu announced that he had discovered a plot to disrupt Zaire's economy, kill several members of his family, and force

him to resign from the Presidency. Initially, some 250 members of the armed forces are believed to have been detained in connection with the plot. In early March 1978, 79 people went on trial in Kinshasa, and the cases of five others were heard *in absentia*. The defendants included 62 members of the armed forces and 17 civilians, but all of them were tried together before a military War Council. The prosecution's case appears to have been based almost entirely on the evidence of one alleged conspirator, Major Kalume Amba, who had accused most of the others of complicity. Despite objections by their lawyers, the civilian defendants were tried by the military court. Defence lawyers pointed out that the sentences demanded by the prosecution, including 28 death sentences, were harsher than those permitted under the Zaire military code. However, the military judges, led by the army's Auditor-General, over-ruled such objections and most of the defendants were convicted, largely on the evidence given by Major Kalume Amba. At the end of the eight-day trial, the court passed 19 death sentences (five of them *in absentia*) and sentenced 51 other defendants to prison terms ranging from one to 20 years. The next day – 17 March 1978 – 13 of those sentenced to death were executed by firing squad. The one woman who had been sentenced to death was not executed: her sentence was commuted to life imprisonment. President Mobutu stated in a national broadcast: "I will no longer tolerate actions to stop Zaire punishing criminals in the way they deserve under the pretext of safeguarding human rights." Amnesty International had appealed to the President to prevent any executions from taking place.

Between the two Shaba crises of May 1977 and May 1978, the Zaire authorities detained a large number of people for long periods without trial. They came from all ranks of society and from different parts of Zaire, although many people in Shaba and Bandundu Provinces in particular were detained. Amnesty International was informed of the detention without charge or trial of a number of students from the university campus at Lumumbashi, who were arrested for producing tracts against President Mobutu and were held at Kasapa central prison. Amnesty International learnt also of the cases of former Government ministers and officials who have been detained for as long as two years without trial.

More than 30 soldiers are still in prison, accused of having taken part in an attempt to overthrow President Mobutu in June 1975. They were convicted by a military court which sat *in camera* in September 1975, and seven of those convicted were sentenced to death: their executions are not yet reported to have taken place. Amnesty International does not believe that these soldiers were given a fair trial. They are reported to be held in Angenga military prison in Lisala District.

In December 1977, Amnesty International received reports that a former member of the political bureau of the MPR was being tortured at Binza, near Kinshasa. Amnesty International appealed on behalf of the victim, Mwami Ndatabaye, who is a Kivu traditional chief, and asked President Mobutu to prevent any further ill-treatment of him. He was eventually released. Amnesty International also received other reports of ill-treatment, particularly after the end of the first Shaba war in May 1977 and after the end of the rebellion in Bandundu Province in January 1978.

The Americas

Amnesty International work on the Americas has continued, during 1977–78, to emphasize the defence of the right to life (Article 3 of the Universal Declaration of Human Rights) both in the English-speaking Americas, where the judicial death penalty still exists, and in Latin America, where political abductions followed by torture and murder are common.

In accordance with its work for the total abolition of the death penalty, Amnesty International has made a number of appeals to State Governors in the United States and to the governments of the English-speaking Caribbean countries on behalf of criminal prisoners who have been sentenced to death. Whereas in Latin America the judicial death penalty has been either abolished or strictly limited in its application, throughout the region there continues to be a high level of political violence: abductions, disappearances, torture and extra-legal executions or assassinations. The incidence of these violations of human rights ranges from an estimated 15,000 dead or disappeared in Argentina since 1976 to an estimated 1,500 disappeared in Chile since 1973, and more limited numbers in rural parts of Mexico. Guatemala was the first Latin American country where, in recent times, political killings of this type have occurred on a large scale (an estimated 20,000 victims since 1966). In the past year, in both El Salvador and Nicaragua, there have been numerous disappearances and assassinations. Of concern to Amnesty International are not only extra-judicial executions by government agencies but those carried out by armed opposition groups as well.

One of the ways in which Amnesty International has dealt with these urgent problems is by organizing the sending of numerous telegrams. Throughout the region, traditional Amnesty International group work has been supplemented by systematic Urgent Actions and, in some cases, these appear to have succeeded in saving lives.

The torture of political prisoners in Paraguay and Uruguay has been drawn to public attention by Amnesty International in the past year. It has urged the establishment of independent inquiries into reports of torture, as well as into cases where people have disappeared after arrest. Leaflets presenting case histories of individuals who have died under torture in both Paraguay and Uruguay were produced by Amnesty International for publicity purposes and as a basis for campaigns. The organization also used the occasion of the World Cup Football competition in Argentina in June 1978 to bring attention to bear on the grave human rights situation in that country–in particular on the problem of disappearances and torture.

In order to stop torture, it is necessary to take legal action against officials who abuse their authority by inflicting it. Regrettably, this is rarely done unless

there is a change of government. Two such trials, however, did occur during the past year in Honduras and Peru: they are referred to later in this *Report*. In Chile, the amnesty proclaimed in May 1978 freed police and military officials from responsibility for the arrest, maltreatment and murder of political prisoners. In other countries–for example, El Salvador and Uruguay–people making complaints or reporting abuses by the authorities are liable to criminal prosecution and imprisonment for up to five years.

In some countries, torture, secret detention ("disappearance") and long-term imprisonment without trial have occurred in the context of various forms of the State of Siege or State of Emergency. In the past year, the governments which have had recourse to such emergency legislation are those of Argentina, Bolivia, Chile, Colombia, Nicaragua, Paraguay, Peru and Uruguay. Such legislation has led to indefinite detention without trial (particularly in Paraguay), long pre-trial detention, often incommunicado, without intervention by the courts and continued detention after expiry of sentence (notably in Uruguay). While the option of exchanging imprisonment for exile is included in some such emergency legislation, the right to the option can be suspended or withheld from certain prisoners (this has happened in Argentina and Uruguay, for example). Many of Amnesty International's adopted prisoners in Latin America are held in such preventive detention.

Political imprisonment continues to be widespread in Latin America. Its causes include the banning of political parties (as in Chile and Uruguay), censorship of the media, restrictions on trade union movements and prohibition of strikes (as in Argentina, Bolivia, Colombia, Ecuador and Peru) and similar government measures that contravene the Universal Declaration of Human Rights. Cuba holds a large number of political prisoners as counter-revolutionary offenders, a substantial number of whom are now among the longest-term political prisoners to be found anywhere in the world.

In the period under review, Amnesty International took up, for investigation or adoption, 468 new cases in Latin America, most of them in Argentina, Nicaragua, Peru and Uruguay. It welcomed the amnesties announced in Bolivia, Chile and Haiti in the past year, each of which led to the release of the organization's adopted prisoners.

During the past year also, Amnesty International sent missions to Bolivia, Brazil, Cuba, Mexico and Peru, where talks were held with the political and judicial authorities on human rights issues in these countries. In the same period, in order to bring to public attention throughout the world flagrant violations of human rights, Amnesty International launched campaigns on Argentina, the Dominican Republic and Paraguay and issued a major report on Nicaragua.

Although Amnesty International is not a refugee organization it is concerned that political refugees in Brazil, Argentina, Uruguay and Paraguay are threatened with arbitrary imprisonment or abduction. It is also concerned that the only possibility of release for some political prisoners in Argentina, Chile and Uruguay, under emergency legislation, is to ask for their imprisonment to be commuted to exile. Amnesty International has tried to help these potential refugees by obtaining visas for them and their families. Most of those assisted in this way were Argentinians, Chileans and Uruguayans.

Amnesty International has continued to cooperate with the Inter-American Commission on Human Rights of the Organization of American States and several of its submissions to the United Nations Commission on Human Rights during the past year have been on the Americas.

Ratification by American states of international instruments for the protection of human rights during the past year has been very encouraging. Until mid–1977 only Costa Rica and Colombia had ratified the American Convention on Human Rights, but this Convention has now come into force through the ratification (or adherence) of Venezuela, Honduras, Haiti, Ecuador, the Dominican Republic, Guatemala, Panama, El Salvador and Grenada. During the period covered by this *Report* (July 1977–June 1978), the International Covenant on Civil and Political Rights was signed by the United States and acceded to by the Dominican Republic. The following 14 states are now legally bound by the Covenant: Barbados, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Honduras, Jamaica, Panama, Peru, Surinam, Uruguay and Venezuela.

Argentina (the Republic of)

Since March 1976, Argentina has been ruled by the armed forces. The first act of the military *junta* headed by General Jorge Rafael Videla was to dissolve Congress and suspend all political and trade union activity. The State of Siege, introduced by the former Government in November 1974, has been maintained. There have been few indications that the *junta* intends either to relax any of the exceptional legislation now in force or to take any immediate steps to return to constitutional rule.

The economic policies adopted by the Argentinian Government have succeeded in reducing the level of inflation, but the country continues to have a high rate of inflation (the annual rate in 1977 was 170%). The wage freeze imposed on public sector workers led to a number of strikes at the end of 1977; strikes have been illegal since March 1976 and anyone participating in them faces as much as 10 years' imprisonment. On 2 November 1977, a military patrol shot and killed a trade unionist while he was addressing a crowd near one of the central railway stations, calling for strike action. A subsequent army communiqué stated that "the legal forces acted in accordance with orders designed to guarantee freedom of employment."

The security forces have, however, publicly announced their success in putting an end to guerilla violence–a success achieved largely by resort to mass arrests, torture and political murder. On 11 April 1978, Miguel Tobías Padilla, Under Secretary for Coordination at the Ministry of Economy, was shot dead near his home. But the official Government figures for political killings in Argentina for a nine-month period between January and September 1977 show that the number of deaths attributed to left-wing violence has sharply decreased. (Of 560 people killed, 476 were alleged to be guerillas, 26 police officers and 9 members of the armed forces.)

Nevertheless, the *junta* continues to speak of a "war" against terrorism as a justification of its retention of unlimited powers and of the scale of its repression. Recently, however, it has no longer cited "subversive acts" but a "subversive mentality" as the reason for its continuing repressive measures. As General Videla has put it: "A terrorist is not just someone with a gun or a bomb but also someone who spreads ideas that are contrary to Western and Christian civilization"

(*The Times*, London, 4 January 1978). The military rulers thus forcibly oppose not only guerillas, but also those who promote, without violence, ideas different from their own.

On 1 September 1977, the military *junta* established a new legal instrument (Decree 21.650) governing the right of option of prisoners held at the disposal of the Executive Power to leave the country. The new law did not reintroduce the Right of Option as embodied in Article 23 of the Argentine Constitution, which was suspended on 24 March 1976 and retroactively annulled on 29 March 1976. Instead, it instituted a lengthy and difficult procedure whereby prisoners may apply to go into exile but do not automatically have their applications granted. By May 1978, fewer than 25 prisoners had been able to leave the country under the Right of Option. Decree 21.650 also instituted new forms of detention for people held under the State of Siege: internal exile, house arrest and incarceration in the camps or bases of the military or security forces. The conditions of detention in these are determined by the local commander. This clause apparently merely "legitimizes" what has been common practice ever since the *coup*.

According to Decree 21.475 of 13 February 1978, all non-Roman Catholic religious organizations must be recognized and registered before they can undertake any activity. An organization is not registered if its constitution or activities are considered detrimental to public order, national security, morals or ethics. So far, the International Society of Hare Krishna, the Divine Light Mission and the Jehovah's Witnesses have all been banned. On 16 February 1978, six members of the Center of Inner Religion (Siloists) were arrested in Resistencia, Chaco province. They were taken to a military detention center where they were subjected to ill-treatment. They were released some six weeks later.

In December 1977, the Argentine Government admitted to holding 3,607 people in official detention and, in the first quarter of 1978, official lists of people held at the disposal of the Executive Power were published. The majority of these people are detained without charge or trial. However, the Government has not admitted that these are political prisoners, but has described them as "criminals who call themselves 'political prisoners' " (*"señores criminales que se autodenominan 'presos políticos' "*). It is impossible to estimate the number of people whom the authorities are holding unofficially in both official and unofficial prisons, but Amnesty International believes that the total number of political prisoners is larger than the number indicated in published Government figures.

For all those political prisoners held in official prisons, conditions remain poor. There have been numerous allegations of arbitrary punishments and even of physical attacks on prisoners. An Amnesty International adoptee, Adolfo Pérez Esquivel, Coordinator of the Service for Justice and Peace in Latin America and a nominee for the 1978 Nobel Peace Prize, was, on 21 April 1978, severely beaten, locked in a punishment cell in La Plata Prison and given no water for five days. He was punished for laughing at a joke made by a fellow prisoner. (He was released into *libertad vigilada*, [restricted liberty] on 22 June 1978.)

Amnesty International is also concerned at the reported lack of medical attention for prisoners. In October 1977, Alicia País de Juárez died in *Pavilion* (cell block) 41 of Villa Devoto Prison. During her year of imprisonment, she is reported to have had frequent asthma attacks. When fellow prisoners asked for an investigation into her death, they were locked in punishment cells for 20 days.

The kidnappings by self-proclaimed members of the police and security forces continue. The victims are not only suspected guerillas: in December 1977, two French nuns, Alicia Domón and Léonie Duquet, together with a Paraguayan refugee, Esther Balestrino de Careaga, and several women who belonged to the *Comité de Familiares de Desaparecidos y Detenidos por Razones Políticas*, were abducted in Buenos Aires. They had organized a number of public demonstrations in the hope of obtaining information about those who had disappeared and this, apparently, had been a source of embarrassment to the Government. Since their abduction there have been conflicting reports about their fate, but in spite of personal inquiries from the President of France, M. Giscard d'Estaing, protests from M. François de la Gorce, the French Ambassador to Argentina, and the visit to Argentina of the Bishop of Annecy (in France), there has been no news of what has happened to them.

The total number of disappearances attributable to the security forces over the past two years has been put at 15,000 by human rights groups within Argentina; many of the victims are now presumed to be dead. These same groups claim that there are about 60 secret camps throughout the country in which torture is routine. Over the past year, Amnesty International has received at first-hand testimonies from prisoners who have been held in these unofficial camps; nearly all describe the lives of people who have disappeared into these camps as subject to systematic brutality; sometimes they are even murdered. Amnesty International has intervened urgently over the past year on behalf of 114 individuals whose disappearance came to the attention of the International Secretariat.

In April 1978 the *junta* published a list of 232 people, confirming that they were being held in detention, although it had been reported that they had disappeared. None of the names published were those of disappeared people whose cases are in Amnesty International's file.

In early 1978, disturbing incidents involving the disappearance and killing of prisoners were reported: *La Nación* of 12 February 1978 stated that Sra. Sara Muñiz de Carranza had approached the judicial authorities in an attempt to locate her son, Gonzalo Abel Carranza. Having served a sentence of three-and-a-half years' imprisonment for possession of subversive literature, he had been released from La Plata Prison, together with three other prisoners, at ten minutes past midnight on 3 February. They did not arrive home and have not been seen since. In March, a fifth person disappeared shortly after his release from La Plata Prison: Dr Juan Carlos Deghi, a labour lawyer who had been abducted from his home in Zárate, Buenos Aires province and who was traced to La Plata Prison where he was detained at the disposal of the Executive Power, was released from prison at 22.00 hours on 21 March. Dr Deghi and his wife—who had been waiting for him—were set upon near the prison entrance and abducted. Sra. de Deghi was left handcuffed and hooded in a nearby street. Three days later she was summoned to a police station in the city of La Plata to identify her husband's body and take it away for burial. She was given a death certificate which stated that the date of death was 21 March. One source reported that the body had bullet wounds.

During the period 1977-78, the situation of Latin American exiles living in Argentina has continued to be unstable. Under the terms of Decree-Law 1383 of July 1977, some 2,000 of them will have to find another country of asylum in the immediate future.

Although recently there has been a decrease in the number of abductions or detentions of refugees, for many exiles the risk of abduction or forced repatriation is still there. In December 1977 11 Uruguayans were kidnapped in Buenos Aires. One of them, Yolanda d'Elia, was eight months' pregnant at the time. At least six of the group were officially registered as refugees with the United Nations High Commission for Refugees. They were not involved in Argentine political activities. There are fears that they may have been forcibly returned to Uruguay, as happened in 1976 with a group of more than 60 exiles, who disappeared in Buenos Aires.

During 1978, Amnesty International has continued to receive testimonies of torture from released prisoners. Torture in Argentina is closely associated with disappearances, since it is apparently most likely to be inflicted on people secretly detained in military barracks, local police stations and disused buildings; it is, however, also carried out in official prisons.

Veronica Handl-Alvarez, aged 24 and of dual Argentine-Austrian nationality, disappeared in Buenos Aires on 5 September 1976. She was pregnant at the time. Despite her family's efforts to trace her, there was no news of her whereabouts until nearly two months later. They were informed that she was being held in Villa Devoto–an official prison in the center of Buenos Aires. During her period of detention, she was subjected to various forms of torture, including blows with fists and an iron rod, kicking, electric shocks, sexual abuse, deprivation of sleep and sham executions. She was unexpectedly released in October 1977 after the Austrian Government had granted her a visa.

Dr Estela Cornalea de Falicoff was arrested on 24 November 1976, together with her husband, Dr Alberto Falicoff, and held in an unofficial detention center. After one month she was released; her husband is still missing. The following is an extract from her testimony: "I heard there had been three deaths through torture that day. Later I saw a man beaten to death. Once, while I was hearing the screams of Alberto, the loudspeakers called for a doctor. Then I heard the doctor say, 'That is all, if you still want him alive . . .' There was scarcely one inch of skin without injury. He was sweating profusely and crying, 'water, water', but his voice was weak and he could hardly speak. A guard told him they could not give him water because he would die. He was not allowed to drink any liquid for at least five days, and he was not able to eat, so his condition was worse every day."

During the period 1977-78 Amnesty International heard of the releases of 80 prisoners adopted by the organization, the majority of whom went into exile almost immediately after their liberation. At the time of writing, Amnesty International is working on behalf of 258 individuals who are either detained or have disappeared in Argentina.

In spring 1978 a major campaign was launched by Amnesty International in order to inform public opinion about the serious violations of human rights in Argentina and to call on the Government there to acknowledge the detention of the people who have disappeared. National sections of Amnesty International prepared special material for sports journalists who were going to Argentina to cover the World Cup football matches to encourage them to report on political prisoners and disappearances as well. Background papers were produced on journalists, academics, trade unionists, lawyers and doctors who are detained or have disappeared; as a result many professional organizations were prompted to make representations to the Argentine authorities about the cases described in the reports.

In June 1978, Amnesty International sent a communication to the United Nations documenting the consistent pattern of gross violations of human rights in Argentina. It included material from a substantial dossier sent to the UN Commission on Human Rights in 1977.

Bermuda

Following reports on 26 November 1977 that Erskine Durrant Burrows and Larry Winfield Tacklyn were to be executed on 2 December (see *Amnesty International Report 1977*) Amnesty International appealed to the Governor, Sir Peter Ramsbotham, to commute the sentences and to the Prime Minister, Mr David Gibbons, to do everything possible to prevent the executions taking place. Because Bermuda is a British colony, an appeal was also made to Dr David Owen, the British Secretary of State for Foreign and Commonwealth Affairs. Erskine Durrant Burrows had been convicted in 1976 of the murders of Police Commissioner George Duckett and the island's Governor, Sir Richard Sharples. He was also convicted, with Larry Winfield Tacklyn, of the murder of two supermarket owners. The two men were executed on 2 December, the first executions to take place in Bermuda for 34 years.

Both the executed men were Black, and the murders for which they were convicted appear to have been politically motivated. The executions brought to the surface racial tension which had been latent in Bermuda and were followed by riots; these in turn led to the declaration by the Governor of a State of Emergency and the dispatch to the island of British troops.

Bolivia

For seven years the military Government that took power in a violent *coup* in 1971 has been headed by General Hugo Banzer Suarez. In late 1977 he announced a program for return to democratic constitutional rule. Throughout 1977, however, all public and private meetings "with a political content" were banned, and all trade union and political organizations suspended.

In preparation for presidential elections in July 1978, an amnesty of political prisoners and exiles was declared on 21 December 1977. Only 33 of the 52 political prisoners were released, however, and the Government published a list of 348 political exiles who were not amnestied. The 348 were said by Government spokesmen to be guilty of acts of political terrorism. Most were former trade union and political party leaders, and their wives, many of them previously adopted by Amnesty International as prisoners of conscience. Two of those named were children under 12 years of age, and several had been dead for a number of years.

There were vigorous protests about the limited nature of the Christmas amnesty, and, on 29 December 1977, wives and children of mineworkers and others who were still in exile or detention occupied the Archbishop's palace in the capital, La Paz, and began a hunger strike. Within days, hunger strikers had occupied churches in provincial towns, the national university in La Paz, and the offices of the newspaper *Presencia*. They called for an unrestricted amnesty,

restoration of their jobs to dismissed trade unionists and the lifting of measures prohibiting trade union activities. Twenty days later, security forces broke into churches and arrested at least 100 strikers. The Roman Catholic church hierarchy threatened to excommunicate those on whose responsibility the security forces had forced entry into the churches and carried out the arrests.

On 30 January the Government yielded to the demands of the hunger strikers and ordered the extension of the amnesty to all political exiles–an estimated 19,000. Nineteen remaining political prisoners, most of them held for over two years without charge or trial, were turned over to the civil courts, which promptly ordered their release.

Amnesty International groups worked for a total of 28 individual prisoners during the period covered by this report (1 July 1977 to 30 June 1978), all of them now released, and several interventions were made on behalf of unacknowledged prisoners, who, it was feared, might be tortured. At the time of writing, there are no adopted prisoners of conscience in Bolivia.

An official Amnesty International mission was in Bolivia from 14 to 21 April 1978, headed by a specialist in Latin American law, Senator Hans Rau of the Federal Republic of Germany, who was accompanied by a member of the Research Department in the International Secretariat of Amnesty International. The mission met the Under Secretary of Justice and other officials, and visited the National Penitentiary of San Carlos in La Paz. It was not permitted to visit the cells in the Ministry of the Interior or the Department of Political Order, or to speak with responsible officials of the latter body.

Extensive talks were held with Father Julio Tumiri and Dr Luis Adolfo Siles Salinas, Secretary General and President respectively of the Bolivian Permanent Assembly for Human Rights, and other members of its National Executive Board and of its provincial branches. The Permanent Assembly is a non-partisan group dedicated to monitoring and reporting on human rights questions; it includes members from most religious denominations, from trade unions, and from political parties covering most of the Bolivian political spectrum. Meetings were held also with former prisoners.

Special emphasis in government talks was laid on the situation of several prisoners who were summarily expelled to Argentina and Chile and who subsequently "disappeared" and are presumed dead. Similarly, concern was expressed at the continued application of the *Ley de Seguridad del Estado*, the law under which all political prisoners detained within the past four years have been held without trial (no political prisoners were brought to trial during this period). The *Ley de Seguridad del Estado* provides for prisoners to remain at the disposition of the Department of Political Order "as long as proves necessary".

***Brazil** (the Federative Republic of)*

1978, the fourteenth year of military rule in Brazil, is an election year. In April 1977, President Geisel suspended Congress and decreed some "electoral reforms" which effectively ensure a majority in the Senate for the ruling party, *Aliança Renovadora Nacional* (National Renewal Alliance–*ARENA*). At the time of writing President Geisel has nominated as *ARENA*'s candidate for the Presidency General João Baptista Figueiredo, former head of the *Serviço Nacional de Informações* (National Intelligence Agency–*SNI*), without consulting the army

high command. The official opposition party *Movimento Democrático Brasileiro* (Brazilian Democratic Movement–*MDB*), has also put forward its own military presidential candidate, a retired army officer, General Euler Bentes Monteiro.

Some sectors of the military have opposed the nomination of General Figueiredo. In March 1978, Colonel Tarcisio Nunes Ferreira, commander of an armoured infantry battalion in Paraná, attacked the President in a speech and a newspaper interview for "usurping" power and "disdaining" military opinion. He also claimed that the character and purpose of the military have been distorted since the 1964 revolution. As a result of his remarks Ferreira was removed from his post and put under house arrest for twenty days.

Throughout 1978, there has been a growing demand for a return to full restoration of civil and political rights. After its annual conference in April 1978, the *Conferência Nacional dos Bispos Brasileiros* (National Council of Brazilian Bishops–*CNBB*) issued a document stating that "The political systems of the continent have been progressively influenced by the doctrine of national security that, by giving absolute importance to the State, has diminished the security of individuals." And again: "The situation of injustice is maintained by mechanisms of institutionalised violence. . .the dynamic of this process has led to the multiplication of violations of the most elementary human rights."

On 14 May 1978, at a conference on the *Estado do Direito* in Curitiba, Paraná, the *Ordem dos Advogados do Brasil* (Brazilian Bar Association–*OAB*) issued a declaration calling on the military to restore the rule of law, including the right of a citizen to know the reason for his or her arrest or to be released. The *OAB* has also appealed for respect for human rights, the restoration of collective bargaining by trade unions, freedom of expression and legal guarantees for judges to administer justice without interference by other branches of the government.

One of the most important developments in Brazil over the past few years has been the growth of the campaign for a general amnesty. In 1975, the *Movimento Feminino pela Anistia* (Women's Movement for Amnesty) was founded and began to draw attention to the problem of *cassados*–that is, those who had lost their political rights by presidential decree and as a result were dismissed from their jobs. An estimated 4,877 people have been declared *cassado* in the period since 1964. Under the terms of Institutional Act No. 5, the President is authorized to withdraw a citizen's political rights for ten years without allowing the person concerned any opportunity to defend him or herself or to have a trial. Anyone who has been declared *cassado* is ineligible for public office and is not allowed to vote. Recently, a number of injustices which are due to this decree have been publicized in the Brazilian press.

Since the founding of *Movimento Feminino pela Anistia*, several other committees have been formed: the *Comitê Brasileiro pela Anistia* (Brazilian Committee for Amnesty) and the *Comitê Unitario pela Anistia* (United Committee for Amnesty).

In April 1978, the opposition paper *Movimento* published an estimate of how many people had suffered as a result of the repression since 1964: there were at least 36 disappearances and 157 assassinations; a further 128 people were banished and 10,000 exiled.

Amnesty International estimates that, at the time of writing, there are about 180 political prisoners detained in Brazil. Eighty cases are under adoption or investigation by Amnesty International groups.

In February 1978, a group of 16 political prisoners who had served prison sentences for activities relating to the organization of the illegal Brazilian Communist Party in the State of Santa Catarina were given further sentences ranging from two and a half to four years' imprisonment for organizing the Communist Party in another State, Paraná. Most of them were free by the summer of 1978, having been eligible for parole. Among those re-sentenced who remain in jail are two prisoners of conscience adopted by Amnesty International, Theodoro Ghercov and Newton Cândido. Their cases illustrate the tendency of the courts to try political prisoners more than once for the same crime, thereby ignoring the concept of *crime continuado*. As a result, many prisoners are involved in the lengthy process of appealing for "unification" of their sentence.

On 25 January 1978, the President of the Superior Military Tribunal, Admiral Hélio Leite, ordered the release of two prisoners adopted by Amnesty International, Fued Saad and Stanislau Alkmin Magalhães, after *habeas corpus* writs had been filed on their behalf. Both had been arrested in August 1972 and sentenced to two and a half and three and a half years' imprisonment respectively for attempting to reorganize the Brazilian Communist Party. Fued Saad, a doctor of medicine who suffers from a serious heart complaint, was not released at the end of his sentence in November 1977 but served an extra two months. Stanislau Magalhães, a lawyer, served an extra 13 months at the end of his sentence. The writs of *habeas corpus* which were filed with the Superior Military Tribunal *(STM)* opposed the prisoners' continued and unjustified detention. After the release order, lawyers for the prisoners stated at a press conference in Rio de Janeiro that this was the first time the tribunal had granted *habeas corpus* to people charged under the Law of National Security, as this is forbidden under Institutional Act No. 5. However, when the full *STM* reconvened, it ruled that *habeas corpus* should not have been granted. Nevertheless, the two men subsequently won their appeal against the lengthening of their sentences.

Amnesty International appealed to the authorities in November 1977 to allow three political prisoners, Rosalice Fernandes, Norma Sá Pereira and Jessie Jane de Souza, detained in the Talavera Bruce Prison in Rio de Janeiro, to be transferred to another prison after a seventeen-day hunger strike. The prisoners complained about their lack of safety. The appeal was refused. Rosalice Fernandes, a *MDB* Deputy from Volta Redonda, was arrested in July 1977 and accused of subversive activities. She was sentenced to one year and five months' imprisonment for printing "subversive material" (a special edition of the local metal workers' newspaper). She was held incommunicado for ten days in the *Departamento de Ordem Política e Social* (Department of Political and Social Order–*DOPS*) where she was allegedly maltreated.

Amnesty International also sent telegrams to the President on behalf of the prisoners in Itamaracá, Pernambuco, who went on two hunger strikes, the first in November 1977, the second, which lasted for 25 days, in April 1978. The strikes were in protest at the detention incommunicado of two prisoners sentenced to life imprisonment. Rholine Sonde Cavalcanti and Carlos Alberto Soares had been kept in solitary confinement for more than two years because the local judge chose to interpret very strictly an article in the Law of National Security which states that those sentenced to life imprisonment must be separated from other political prisoners. Finally, on 9 May 1978, the strike, which had spread to other prisons throughout the country, ended when the judge agreed to allow the two men to mix with the other prisoners for some time every week.

In the year under review (July 1977–June 1978), Amnesty International intervened urgently on behalf of 51 people. One such intervention was on behalf of Milton Soares, a researcher and reporter for the *Agência Fôlhas* news agency, who, in March 1978, was beaten up in a police station in the town of Guarulhos, São Paulo, after he had published a report about the torture of criminal prisoners and the death of a miner while in the custody of the Guarulhos police. Senhor Soares was so badly beaten that he had to be interned in hospital. The *Associação Brasileira de Imprensa* (Brazilian Press Association–*ABI*) and the *Sindicato dos Jornalistas Profissionais do Estado de São Paulo* (São Paulo Union of Professional Journalists) protested strongly about this case.

Another case in which Amnesty International intervened was that of the writer and journalist Renato Tapajós, arrested by order of São Paulo's Chief of Security, Colonel Erasmo Dias. Reportedly Colonel Dias, passing a news-stand and buying Tapajós' latest book *In slow motion*, found it to contain "subversive material" and had Tapajós imprisoned for two weeks. He is said to have been tortured but no official charges were ever brought against him.

Lourenço Diaféria, a journalist with *Fôlha de São Paulo* and the Justice and Peace Commission's weekly *'O São Paulo'* was another case for Amnesty International's concern. Diaféria was detained for nearly two weeks in September 1977 after the then Minister of the Army, General Sylvio Frota, read one of his columns in *Fôlha de São Paulo* and found it to be an offence to the army. (The story traces comparisons between fictitious modern army characters and ancient war heroes, such as the Duke of Caxias.) After the São Paulo military court responsible for Diaféria's case decided to drop the charges, the Superior Military Tribunal decided to go ahead with the prosecution and the first hearing is scheduled to take place towards the end of the year.

On 22 July 1977, Amnesty International expressed concern at the political detention and alleged torture of Celso Giovanetti Brambilla, an engineer arrested with three others on the outskirts of São Paulo on suspicion of distributing subversive leaflets. Brambilla, who was given wide publicity in the national press, was held incommunicado for more than a month, although all his colleagues were released after a week. Allegedly, during this detention incommunicado Brambilla was subjected to very severe beatings about the head, as a result of which his left eardrum burst and bled for ten days, and was not allowed medical attention. He was released after being held at the *Departamento de Ordem Política e Social* (Department for Political and Social Order–*DOPS*) and Hipódromo Prison for nearly three months. No official charges were brought against him. Since his detention, Celso Giovanetti Brambilla has been partially deaf.

On 17 March, in Curitiba in the State of Paraná, a journalist, Juracilda Veiga, was kidnapped by a group calling itself *Comando de Caça aos Comunistas* (Anti-Communist Commando). She was interrogated and given electric shock torture but released the next night after a public protest by the local bishop. On 18 March, eleven people were officially arrested in Curitiba by the Federal Police who were investigating allegations of Marxist indoctrination of pupils in a nursery school. The 11 people were at first refused access to their lawyers but were released after four days, after the public outcry in Curitiba by the Church,

the Brazilian Bar Association, the Justice and Peace Commission and the *Movimento Feminino pela Anistia.*

Acts of violence attributed to the death squads, which consist of members of the police said to be involved in crime, continue on an alarming scale, but it is still the case that few death squad members are ever brought to trial. In the first four months of 1978, more than 177 murders were reported in the *Baixada Fluminense* district of Rio de Janeiro alone, and press and other sources attributed these to death squads. On 19 May 1978, Amnesty International sent telegrams to the Brazilian authorities on behalf of four youths between 15 and 16 years of age who had been arrested by a police squadron on about 5 May after leaving a discothèque. They subsequently disappeared, and their parents feared that they had been killed by the police. Amnesty International has no information on their subsequent fate. A fifth boy had previously been arrested by police officers and was found a week later in a rubbish bin, handcuffed, with two bullet wounds in his head.

Delgado Sergio Fleury, the Chief of São Paulo's *Departamento de Investigações Criminais* (Criminal Investigations Department) and allegedly one of the founder members of the death squads, was briefly detained in February 1978 when a judge in the town of Guarulhos ordered that he be remanded in custody while the case against him and four other men, charged with the murder in December 1968 of three *marginais* (petty criminals) was being heard. The three *marginais* had allegedly been taken to the *Departamento de Investigações Criminais* by Delgado Fleury. They were told that they would be set free but that they should wash and put on clean clothes. On the night of 17 December 1968, the three were taken out and shot dead. Less than 48 hours after the arrest warrant was issued by the judge in Guarulhos, another judge was appointed to take his place and he decided to grant Fleury *habeas corpus*. Fluery and the four others remanded with him were later acquitted at their trial.

In October 1977, attempts were made by São Paulo lawyers to reopen an official inquiry into the death of Vladimir Herzog, a journalist who died on the premises of the Second Army within minutes of being arrested in October 1975. The lawyers filed a suit against a Dr Harry Shibata, accusing him of forgery, after he admitted publicly in August 1977 that he had signed the official autopsy report, giving suicide as the cause of Vladimir Herzog's death, without having seen the body. Dr Shibata signed in the place of Professor Armando Canger Rodrigues, whose name had been clumsily erased from the document. Despite Dr Shibata's confession and the call by the leader of the opposition party, the Deputy Freitas Nobre, for a "new and more thorough investigation into the death of the journalist", the São Paulo police decided to drop the case against Dr Shibata, who had previously been awarded a peace prize by the Government.

On 11 May 1978, Amnesty International wrote to the President of the Superior Military Tribunal, explaining the organization's opposition to the death penalty and drawing his attention to the Declaration of Stockholm made in December 1977, which calls upon all states to abolish the death penalty. This letter was prompted by reports that three prisoners then on trial, or about to be tried, faced a possible death sentence. Hélio da Silva and Carlos Alberto Salles were accused of murdering an English sailor in Rio de Janeiro in 1972. The case against them rests on their confessions which were extracted under torture while they were

held incommunicado for two months by the military police. The third case is that of Jesus Paredes Soto, accused of involvement in the kidnapping of the Ambassador of the Federal Republic of Germany in June 1970. At the time of writing, his trial has not taken place.

Seventeen post-graduate engineering students at the Federal University of Rio de Janeiro are, at the time of writing, awaiting the outcome of their trial on charges of belonging to the *Movimento pela Emancipação do Proletariado* (Movement for the Emancipation of the Proletariat). They were arrested on 2 July 1977, and ten days later relatives of some of them claimed in the newspaper *Fôlha de São Paulo* that they had been severely tortured. The torture apparently included electric shocks, beatings and suspension by the hands for as long as three hours. In addition, some victims were said to have been subjected to deafening noises for more than 24 hours and kept in freezing conditions. The evidence against the students, who have been freed pending the result of their trial, is based on confessions extracted under torture.

The second half of 1977 marked the reappearance of student demonstrations throughout Brazil. Students, who had not been seen demonstrating in the streets since 1968, when the law of National Security put a ban on demonstrations and strikes, organized peaceful assemblies, usually within the boundaries of their university campuses, calling for an amnesty for political prisoners, a return to constitutional rule and the reorganization of unions, especially their own—*União Nacional dos Estudantes* (National Union of Students—*UNE*), also banned by the military régime in 1968.

Most of the demonstrations in Rio de Janeiro and Brasilia took place peacefully, without any major clashes between students and the police. However, in Belo Horizonte some 800 students were arrested at one time and held for questioning. They were all subsequently released, but during the short period of detention some are reported to have been subjected to torture. On 22 September 1977, riot police broke into the campus of the *Pontifica Universidade Católica* (Catholic University) of São Paulo, where an estimated 20,000 students were holding a meeting. Police beat up the students, threw bombs and used tear gas sprays causing severe injuries to at least twenty students, five of whom at the time of writing have still not completely recovered from their third degree burns. Some 2,000 students were detained that day. All of them were held for about one week and then released.

A researcher from the International Secretariat of Amnesty International went to Brazil on behalf of the organization in March 1978. The object of the visit was to meet Brazilian clergy, members of the Brazilian Bar Association, and members of Congress, the Justice and Peace Commission and the main representatives of the general amnesty committees. The Amnesty International delegate was able also to have an informal meeting with the head of the Superior Military Tribunal, Admiral Hélio Leite.

In June 1978, President Geisel announced proposed amendments to the Constitution, including restoration of *habeas corpus* for political prisoners, abolition of the death penalty and repeal of Institutional Act No. 5, which gives exceptional powers to the President. According to these amendments, the President will not be able to banish citizens or administratively suspend their political rights or parliamentary mandates. But there is no provision for the return of those

Brazilians who have been banished. Brazilian jurists have expressed concern about a clause in the new *habeas corpus* ruling which permits suspects to be held incommunicado without a judge's warrant during 10 days' interrogation. "Safeguards of the State" are also to be introduced, which will allow for, among other things, a State of Siege.

British Virgin Islands

On 5 May 1978, Amnesty International initiated an urgent action on behalf of Sylvester Gaston, sentenced to death for murder on 11 October 1977, after hearing that the Judicial Committee of the Privy Council in London had refused him leave to appeal. Appeals for commutation of the sentence were made to the Governor, Mr W.W. Wallace, and to Dr David Owen, the British Secretary of State for Foreign and Commonwealth Affairs--the British Virgin Islands still retain colonial status.*

*The death sentence was commuted by the Governor on 5 July 1978.

Chile (the Republic of)

Amnesty International's principal concerns in Chile during the past year (1977--78) have been the continuing disappearances of people for political reasons, the failure of the Government to account adequately for the whereabouts of more than 1,500 prisoners who have disappeared since 1973, and the hundreds of arbitrary short-term detentions, frequently accompanied by physical maltreatment and torture.

During the year under review, Chile continued to be ruled by a four-man military *Junta*, headed by the President, General Augusto Pinochet. In December 1977, faced with the fourth consecutive resolution of condemnation by the United Nations General Assembly, which stated that ". . .Chilean people continue to be subjected to constant and open violations of human rights and fundamental liberties. . .", President Pinochet called a referendum; all Chileans over the age of 18 were to vote "yes" or "no" on whether they supported the Government. Seventy-five per cent of the votes cast were "yes", 20 per cent "no" and a further five per cent were spoilt or blank.

There were many irregularities in the conduct of the poll: it was not independently supervised–officials at polling stations were government appointees; since there were no electoral registers (these were destroyed in 1974), voters had to produce their identity cards which were then marked with a tricoloured label, which made it easy to identify those who abstained from voting. Shortly after the referendum, 12 leaders of the banned Christian Democrat party were banished to remote regions of Chile; others who had campaigned actively against the Government over the referendum were detained for a few days.

The State of Siege, in force since the September 1973 *coup* which brought President Pinochet to power, was lifted on 10 March 1978. This, in theory, gave civilian courts greater power to scrutinize police and military activities, and ended the Government's right to banish critics (in addition to the cases mentioned above, in November 1977 seven trade union leaders had been banished to remote settlements in northern Chile on account of their trade union activities). However, a "State of Emergency" remains in force, with very similar provisions to those of

the "State of Siege". All political parties are still outlawed and the present Government sees them as playing no part in the political future of Chile.

On 11 August 1977, the Government announced the dissolution of the *Dirección de Inteligencia Nacional* (the Directorate of National Intelligence), better known by its abbreviation *DINA*, which played a central part in the arrest, torture and disappearance of thousands of Chileans. Hopes that this would be a step towards a decrease in repression rapidly faded when it was seen that Decree Law 1878 of 12 August 1977 had created a new body known as the *Central Nacional de Informaciones* (National Information Center–*CNI*) with the same terms of reference as had been laid down for the *DINA* in Decree Law 521, three years before. Manuel Trucco, Chile's observer at the UN Commission on Human Rights, stated at a meeting of the Commission on 22 August 1977 that "the National Information Center, is a new entity, different from the Directorate of National Intelligence; it lacks the powers of detention possessed by *DINA*". However, since the *CNI* is the legal continuation of the *DINA*, with the same personnel, the same premises and the same records, it was logical to suppose that its actions would not differ. Arrests, torture and disappearances recorded between September 1977 and May 1978 support this logic. Investigations into the assassination of Orlando Letelier in Washington in September 1976 have once again provided evidence of *DINA* participation in the physical elimination of political opponents.

According to information received by the International Secretariat of Amnesty International, 14 people have disappeared following their arrest in the period from April 1977 to May 1978. They are Jenny Barra Rosales, Raúl Iván Cárcamo Aravena, Isidoro Castro Villanueva, Pedro Daniel Castro Sepulveda, Israel Vicente García Ramirez, Sergio Hidalgo Orrego, Sergio Hernán Leal Diaz, Pedro Mella Vergara, Luis Gerardo Otarola Valdes, Sergio Oviedo Sarria, Juan José Paillalef Paillalef, Hernán Santos Perez Alvarez, Hernán Soto Galvez and Jorge Andrés Troncoso Aguirre. Among other cases reported to Amnesty International in the first few months of 1978 was that of Haydée Palma Donoso. She was arrested with her mother, Sofia Donoso Quevedo and sister, Sara Eliana Palma Donoso, on 16 January 1978 (see *Newsletter* article, May 1978). She subsequently "disappeared" and was brutally tortured for ten days in a place she believed to be the Villa Grimaldi torture center. She was then driven, handcuffed, to Tacna, Peru, where she was released on 20 February. She gave herself up to the Peruvian police as she was in the country illegally. After three weeks in detention in Peru, she was granted refugee status by the United Nations High Commission for Refugees and is now living in another country. It is possible that the international publicity given to her case (including an Urgent Action by Amnesty International) saved her life.

During the period under review, the Chilean Government has provided no information about the fate of the more than 1,500 prisoners who have disappeared since 1973 following their arrest. Because of the Government's failure, 26 people (relatives of disappeared prisoners) staged a hunger strike in the offices of *Comisión Económica para America Latina* (Economic Commission for Latin America–*CEPAL)* in June 1977. After personal intervention by the Secretary General of the United Nations, the Chilean Government promised to explain, within three months, exactly what had happened to those who had disappeared. However, the explanation, when it came, was inadequate, giving information

that the relatives already knew. Amnesty International issued a press release on 25 October 1977, expressing concern at the Chilean Government's denial that the disappeared were being detained. Since the hunger strike, families of disappeared prisoners have been harassed. Three of them (women) were expelled from Chile in November 1977, because they had toured various European countries and the United States in order to publicize the situation. Amnesty International sent a telegram about this matter to President Pinochet on 25 November 1977. On 22 May 1978, 70 relatives of the missing prisoners declared in Santiago that they would go on indefinite hunger strike. They asked the Chilean authorities to keep their promise and tell them the fate and whereabouts of their relatives. The hunger strikers also denounced the fact that the amnesty of 19 April 1978 benefited government security agents. Missing Chileans' relatives in other parts of the world also began hunger strikes in solidarity with the Santiago strike. On 23 May 1978, Amnesty International initiated an Urgent Action supporting the relatives' demands.

Amnesty International made two oral statements in support of a trust fund for Chile, at the 30th session of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in August 1977 and at the 34th session of the Commission on Human Rights in February 1978. In May 1978, the Economic and Social Council recommended to the UN General Assembly the creation of a "UN Trust Fund for Chile". If set up, the Fund will be used to distribute, through established channels of assistance, legal and financial aid to people whose human rights have been violated by detention or imprisonment in Chile, to those forced to leave the country and to the relatives of people in any of these categories.

Amnesty International is investigating the apparent judicial irregularities in the case of a group of political prisoners who have been imprisoned in Chile since June 1971. This group, known as *VOP (Vanguardia Organizada del Pueblo*–Organized Vanguard of the People), was sentenced in their first trial, Number 51/71 under the *Ley de Seguridad Interior del Estado* (Law of Internal State Security) to terms of imprisonment ranging from 800 days' to five years'. However, new trials were subsequently begun against them *for the same crimes for which they had already been sentenced*, which would appear to be an irregularity.

Amnesty International is also concerned at the lack of adequate legal assistance for presumed political prisoners who are tried for common crimes, (i.e. crimes that do not come under the Law of Internal State Security and Arms Control) although it seems clear that they were politically motivated. It is estimated that there are approximately 50 prisoners in this category. Amnesty International has taken up 30 cases as investigation cases.

Short-term detention is still common in Chile. During the period covered by this *Report* over a thousand people accused of political activities were arrested. On 1 May 1978, more than 500 people were arrested after taking part in a peaceful procession to celebrate Labour Day. Among them was Clotario Blest, a prominent and venerable trade unionist of over 70, who was brutally beaten by the police. All those arrested were released the same day.

During 1977–78, Amnesty International has received numerous torture testimonies. One particularly dramatic testimony is connected with the disappearance of Jorge Andrés Troncoso Aguirre. Eyewitnesses had seen him being electrically tortured, which apparently killed him. He had disappeared after being arrested by *DINA* agents in May 1977. In September 1977 in Chillán, about 45 people, members of the banned Socialist Party, were arrested, electrically tortured, and hung from their prison bars. They were accused of distributing political pamphlets. Most of them were subsequently released on bail.

Various testimonies have been received of torture involving the use of drugs and electric shocks in an attempt to induce partial amnesia, so that the victims forget their torture and their torturers. Two such cases were reported in October 1977 and one in January 1978.

On 18 April 1978 the Chilean Government issued Decree Law 2191 which, in Article 1, provides an "amnesty for people who as authors, accomplices or accessories have been involved in crimes during the State of Siege, that is, from 11 September 1973 until 10 March 1978, as long as they are not undergoing trial or have not been sentenced". There are a few exceptions to this Article–for example, those who committed offences in relation to property (embezzlement, robbery, etc.), patricide or infanticide. Article 2 of the Decree amnesties all those sentenced by military tribunals after 11 September 1973. About 200 prisoners falling into this category were released.

Under Article 1, people who have committed crimes against human life and safety which have not been investigated are automatically included in this amnesty, which therefore applies to kidnappers, murderers and torturers–including agents of the security services. This is particularly serious since some judges have now closed official investigations into the disappearance of prisoners, on the grounds that the crimes being investigated were covered by the amnesty.

When the amnesty was announced (on 20 April 1978) the Minister of Justice said that people in exile would be allowed to return to Chile if they asked to do so. However, in ensuing weeks it became evident that the "amnesty" did not apply to most of the Chileans in exile. On 4 May 1978, the Minister of the Interior himself declared that "following an irreversible, well-thought-out decision, no one involved in the international campaign against Chile and no activist in international Marxism" would be allowed to return to the country. Since the military *Junta* has always classified as Marxists all those who supported or sympathized with the Popular Unity Government of President Salvador Allende, this may mean that practically all Chilean exiles are excluded from the amnesty.

During the past year, there have been 15 Amnesty International Urgent Actions on behalf of approximately 75 people. In June 1978 there were 32 adoption and 62 investigation cases.

Colombia

A State of Siege has been in force in Colombia since 7 October 1976 under which civilians have been subject to trial under martial law for certain offences. The arrests and short-term detention of up to 1,000 trade unionists under martial law provisions were reported after a general strike on 14 September 1977. Violence in the course of the strike led to at least 37 deaths.

The Liberal Party candidate, Julio Cesar Turbay Ayala, was elected to the Presidency in the June 1978 elections. He succeeds President Alfonso Lopez Michelsen, elected as the candidate of the Liberal Party in 1974.

The cases of 16 members of the union of Indian peasants, *Consejo Regional Indigena del Cauca* (Regional Council of Indians of the Cauca) who were detained

on 21 December 1977 after a dispute over land tenure were taken up by Amnesty International for investigation; all 16 are now at liberty. The organization made several inquiries into alleged cases of torture, including those of two bacteriologists, Mauricio Trujillo and Omaira Montoya Hernao. Mauricio Trujillo has made detailed allegations that he and Omaira Montoya were detained together and then tortured by the National Police. He was subsequently brought before a court, but Omaira Montoya disappeared. No information about her fate has been forthcoming, and the authorities deny that she was ever in custody.

During the period covered by this *Report* non-governmental groups were responsible for numerous acts of violence. Such groups include the left-wing *Ejercito de Liberación Nacional* (National Liberation Army), the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia) and "M-19", as well as right-wing assassination squads responsible for the killing of peasant leaders in the countryside. In September 1977, a right-wing group posted death threats to 21 newspapermen, informing them that they would be executed for "encouraging subversive violence". In a cable of 15 February 1978 to President Michelsen, Amnesty International urged investigation at the highest level into the killing in his home of a former adopted prisoner of conscience, Wenceslao Lozano, by unidentified gunmen in the last week of January 1978. He was a leader of the peasant organization *Asociación Nacional de Usuarios Compesinos* (National Peasant Farmers Association).

Cuba (the Republic of)

During the year covered by this report (July 1977–June 1978), there have been further amendments to Cuba's legal and judicial system. In July 1977, the National Assembly approved a new Law of Penal Procedure and a new Law of the Organization of the Judicial System. In accordance with the new Constitution adopted in 1975, this legislation must now be ratified by the National Assembly of People's Power--the only body in the Republic invested with constituent and legislative authority. During 1978, the Assembly was expected to approve also a new Criminal Code to replace the 1938 Code of Social Defence which had previously served as the fundamental legal code for the indictment of both political and criminal offenders.

The 1977 Law of the Judicial System confirmed the provisions of the 1973 Law; this disbanded the Revolutionary Tribunals which had, until then, been empowered to deal specifically with "counter-revolutionary offences". Such offences now fall within the competence of the State Security chambers of the higher-ranking People's Courts, the *Tribunal Supremo Popular* (Supreme Popular Tribunal) and the *Tribunales Provinciales Populares* (Provincial Popular Tribunals). The two lower-ranking courts, the regional popular tribunals and the basic popular tribunals, were amalgamated to form the *Tribunales Municipales Populares* (Municipal Popular Tribunals) by the 1977 Law of the Judicial System, following the reorganization of Cuba's provincial system. These lower courts have no jurisdiction over political offences.

During the course of 1977, President Castro stated on no less than three occasions that there were between 2,000 and 3,000 counter-revolutionary offenders in prison in Cuba. Amnesty International representatives who visited Cuba at the end of 1977 (see below) were given the figure of approximately

3,200. This suggests that there has been no significant reduction in the total number of political prisoners during the past year.

Amnesty International has been able to record some releases. Of the 25 women prisoners named in the *Amnesty International Report 1977*, 13 were set free in December 1977, before the end of their sentences. They are: Caridad Cabrera, Georgina Cid Campos, Nilda Díaz Batista, María Teresa Bastanzuri, Bertha Alemán, Alejandrina Sánchez Piloto, Ana Bustamante, Clara Alonso, Dolores Correoso, María Magdalena Alvarez, América Quesada, Felicia Guillermina García and Nereyda Polo. Three prisoners adopted by Amnesty International, Roberto Fluxa Reyes, the journalist Pablo Castellanos Caballero and the former trade union leader Reynol González González, were also released in the course of 1977. Only the last of these three has been able to leave Cuba.

Between 28 November and 6 December 1977 the Chairman of Amnesty International's International Executive Committee paid a nine-day visit to Cuba. He was accompanied by a member of the organization's International Secretariat. The two were able to hold extensive discussions with high-ranking members of the Cuban Government and judiciary. They twice met the Vice-President, Carlos Rafael Rodríguez. In addition they met the Attorney General, Dr Santiago Cuba Fernández, three Judges from the *Tribunal Supremo Popular*, officials from the Ministry of the Interior's Department of Prisons, other officials from the Ministries of the Interior and Foreign Relations and members of various national organizations.

The Cuban Government, when agreeing to the visit, had made it clear in advance that it could not be considered an investigation. It was emphasized to the Amnesty International representatives throughout their visit that, while their specific questions would be answered by the appropriate officials, they would not be permitted to meet one particular group of prisoners. This is the group called by the prisoners themselves the *plantados*: they have persistently rejected the Cuban Government's "re-education" plan, have refused to wear prison uniform and, since the early 1970s, have rejected the "Progressive Plan" which permits certain privileges, including home visits and the chance of early release for prisoners who agree to work. Several of the internationally known long-term prisoners, including those mentioned in the *Amnesty International Report 1977* (Huber Matos, Eloy Gutiérrez Menoyo, Antonio Lamas, Lauro Blanco, Jorge Valls and Armando Valladares Pérez) still belong to the *plantado* group. A seventh prisoner mentioned in the 1977 *Report*, the former rebel officer César Páez, died in detention in 1977.

The Amnesty International representatives were not only unable to see members of this *plantado* group: they were also refused permission to talk to *any* political prisoners in private. They were conducted round the maximum security prison of Combinado del Este in Havana Province, and were shown certain of its facilities, including unoccupied prison cells, the prison hospital and the work area adjoining the prison. They talked to some political prisoners in Combinado del Este but were not allowed any conversation in private.

However, Cuban officials were willing to provide certain statistical and other information not previously available to international organizations, including official information on the approximate number of "counter-revolutionary offenders", both inside and outside the "Progressive Plan"; the prison régime for

all categories of prisoners; the minimum legal rights to family visits, correspondence and exercise; the work régime, including facts and figures about production and productivity in certain prisons; the new legislation and how the judicial system works.

The two Amnesty International representatives were told that the approximate number of "counter-revolutionary offenders" in detention was 3,200, a decrease from approximately 3,500 a few months previously. At certain times in the past, they were told, this number had been significantly larger, and up to 23,000 had been detained at one time or another since 1959. Until September 1977, a total of 20,691 people had been released (15,649 into conditional freedom and 5,052 into unconditional freedom at the end of their sentences). In a few exceptional cases of contravention of prison regulations and the committing of offences in prison, additional terms had been imposed by the courts at the end of the original sentences. There had been 50 or 60 such cases, and, as of December 1977, 26 people were still in prison in these circumstances. The Amnesty International representatives were told their names, the length of their additional sentences, the dates when these additional sentences would end and where they were detained. They were not told—although they asked—precisely why these additional sentences had been imposed. The 26 involved are: Erasmo Pedraza Rodríguez, Heriberto Trujillo Montes, José M. Sánchez Calderín, Juan Roque Maya, Orlando Rodríguez Panega, Mario Pacheco Valdés, Pedro Pablo O'Farrill Díaz, Carlos Mosquera Prado, Elio Benito Manes Santana, César J. Ja Morales, Rigoberto Acosta Díaz, Rolando Carvallo Collado, Armando R. Fandiño Ramírez, Rolando Mejías Pérez, Pablo Guerra Santos, Francisco Grau Sierra, Girardo Grobeiro Ruiz, Gastón Guí Sierra, Eduardo Roque Escolles, José Cruz Chávez, Cervando Infante Jiménez, Luis Felipe Sabatela Pardo, Luis Alarcón Martínez, Fermín Alvarez Santos, Pascual Espinosa Alvarez, and José Tejeiro González.

Cuban officials stated that approximately 400 political prisoners had joined the "Progressive Plan" (see above) during the past year. There were now less than a hundred outside it. Of these, between 60 and 70 were held in Combinado del Este. Fewer were in other maximum security prisons, such as Boniato prison in Oriente Province and the prisons of Pinar del Río, Kilo 7 Camagüey and Aguica. Three of the long-term prisoners outside the "Progressive Plan" (Pablo Castellanos Caballero, Julio Rodríguez Lamela and José Arenal Pinón) had been released shortly before the Amnesty International visit.

The Amnesty International representatives inquired about the prison régime, prison regulations and the minimum rights for all categories of prisoners. They expressed particular concern about reports that the *plantado* prisoners, kept apart from the rest, had been denied family visits, correspondence, adequate exercise and satisfactory medical attention. Cuban officials admitted that certain restrictions were imposed on this group (in that their rights to visits and correspondence were more limited than those of other prisoners), but said that the absolute minimum rights for all categories of prisoners, even after being punished, were one visit and one letter every three months. Prisoners not participating in the "Progressive Plan" also had these minimum rights, plus the right to exercise in the prison yard for at least two hours a day. The Amnesty International representatives were told that prisoners could receive as much medical attention as non-prisoners. The representatives voiced particular concern for the former rebel army

commander, José Antonio Lamas de la Torre, who had been reported by Cuban exiles to be seriously ill, and on whose behalf Amnesty International had been urged to intervene. Cuban officials said that Lamas was in the prison hospital but in no danger, and that he would shortly be having an operation. The Amnesty International representatives were not permitted to visit him.

Cuban prison officials explained the working of the "Progressive Plan" which, in 1971, had replaced earlier forms of "re-education". Unlike the latter, which had included compulsory political education and recantations of past opposition to the Revolution, the "Progressive Plan" makes only work compulsory.

Prisoners get salaries equivalent to those received by non-prisoners, the only deduction being 30 *pesos* a month to cover cost of food, clothing, etc. Work is done either in specially equipped centers adjoining the maximum security prisons, or in the open prison camps (*frentes abiertos*) in which the vast majority of offenders (both ordinary and "counter-revolutionary") may be held under any one of three régimes comprising the "Progressive Plan": the *Régimen Severo* (strict régime), the *Régimen de Menor Severidad* (less strict régime) and the *Régimen Común* (open régime). Prisoners under the *Régimen de Menor Severidad* may live and work in either a security prison or an open prison. Those under the *Régimen Común* are always in open prisons.

Under the *Régimen Común* there are no restrictions on correspondence. Family visits to the prisons take place every 15 days, and prisoners may go home once a month. Prisoners under the *Régimen de Menor Severidad* may receive visits once every 15 days or once a month, depending on their behaviour; home visits for this group are exceptional. Those under the *Régimen Severo* may receive family visits every month or every two or three months—again, depending on their behaviour.

The Amnesty International representatives were taken to one of the open régime prisons, the Frente Abierto Trinidad in Havana Province. At that time there were 181 inmates (103 of them ordinary prisoners and 78 "counter-revolutionaries"). It transpired that certain prisoners who were formally classified as being under the *Régimen Severo* could, in fact, be under the open prison régime, with the same rights as other open régime prisoners (of this group, 10 were classified as strict régime, 108 as less strict and 63 as open régime prisoners). At this prison, and at an exhibition held in the Havana Department of Prisons, the Amnesty International representatives were shown production charts indicating the level of work and productivity expected of the prisoners.

Discussions with legal officials centered on pre-trial proceedings and legal defence guarantees; changes in the judicial system in recent years, especially in the 1977 laws relating to the organization of the judicial system and penal procedure; the forthcoming criminal code; the imposition of additional terms of imprisonment as "security measures" and the legal possibilities of changing sentences, or granting a general amnesty.

During the second meeting with Vice-President Carlos Rafael Rodríguez, at the end of the visit, it was agreed that there should be further discussion between the Cuban Government and Amnesty International.

Following the visit, a memorandum was sent to the Cuban Government, outlining Amnesty International's concerns. In it, the organization said that, while

it recognized that some long-term political prisoners had belonged to clandestine organizations which had resorted to violence, nevertheless, it was concerned because, "from the information currently available to us, it does seem that certain individuals may have been arrested and sentenced to long terms of imprisonment more because of their opposition to the Revolutionary Government than on account of any specific offence". It urged the Cuban Government to say precisely what these people had been charged with and what evidence there was to back the charges. It pointed out that, in the early years of the Revolution, trials by Revolutionary Tribunals had been criticized for being summary, because rights to legal consultation and defence were restricted. There had been criticisms also because the sentences passed by these Tribunals were, in many cases, extremely severe, and were arguably out of proportion to the alleged offence.

In urging a general amnesty, Amnesty International observed that a substantial number of Cuban prisoners were now among the longest-term political prisoners to be found anywhere in the world. It pointed out that, according to Law 993 of 1961 and the principles underlying the "Progressive Plan", those prisoners who obeyed prison rules and whose conduct was considered satisfactory could be granted conditional freedom after serving at least one quarter of their sentences. While noting that several hundred political prisoners (including both participants and non-participants in the "Progressive Plan") had been released during the past year, it expressed concern that there were still some 3,000 in prison, many of them long-term prisoners who had served much more than one quarter of their sentences. It requested more precise information from the Cuban Government about exact procedures whereby conditional release was granted or denied to people in this category.

In its memorandum, Amnesty International expressed continuing concern over reports that certain prisoners had been denied family visits for a long time. While welcoming the improvements for the majority of prisoners since the introduction of the "Progressive Plan", Amnesty International felt that the minority who had remained outside the "Plan" on account of their political beliefs should not be made to suffer for this reason. It conveyed the deep disappointment of its representatives that they had been unable to meet members of the *plantado* group.

Concern was expressed also at the number of offences for which the death penalty could, in principle, be imposed under existing laws, for both criminal and "counter-revolutionary" offences. The Amnesty International representatives had been told that there had been two or three executions a year recently.

In the memorandum Amnesty International said that it was disturbed, too, by the legal provisions which permitted the application of *medidas de seguridad* (security measures) to prisoners who had completed the sentences originally imposed by the courts, but were considered to be in a "state of dangerousness". The Cuban authorities were asked whether the 26 prisoners at present being dealt with by "post-delictive security measures" had committed further offences while in prison which were punishable by the law, or whether they had only broken prison regulations or behaved badly. It was pointed out that, whereas Article 586.1 of the *Código de Defensa Social* stipulated that people dealt with by such measures should be held, not in prisons but in separate establishments set up for this purpose, according to the information given by the Cuban Government to the Amnesty International representatives, the 26 were currently being held in maximum security prisons.

Finally, it was urged in the memorandum that serious consideration be given to a possible review of all cases where extremely severe sentences (such as thirty years' imprisonment) had been passed by the Revolutionary Tribunals in the early years of the Revolution.

During the year covered by this report, Amnesty International has received no information concerning recent politically motivated arrests. However, it has learned with concern that Dra. Marta Frayde Barraque, Cuban Ambassador to *UNESCO* between 1962 and 1965, who was arrested in Cuba in 1976, has now been sentenced to a long term of imprisonment. The two Amnesty International representatives took up her case with officials of the Cuban Government, and were informed that she had been sentenced for offences against state security. The Cuban Government assured the representatives that it would send full details concerning the charges and the sentence passed. At the time of writing, no further information on this case has reached Amnesty International.

Dominica

The case of Desmond Trotter, sentenced to death in 1974 for the murder of an American tourist, has been the focus of Amnesty International activity on Dominica over the past year. Desmond Trotter was reprieved in April 1976 and his sentence commuted to life imprisonment, following the retraction of testimony by the chief prosecution witness. Amnesty International believes that there are sufficient doubts about the case to justify a retrial. Desmond Trotter, who is a member of a group known as "The Dreads", has always maintained that he is innocent and that his political activities were the reason for his arrest and conviction.

Dominican Republic (the)

During the past year (July 1977–June 1978), the Dominican Republic has continued to be governed by President Joaquín Balaguer, leader of the *Partido Reformista* (Reform Party). Doctor Balaguer was elected President of the Republic in June 1966, was subsequently re-elected in 1970 and 1974 and was again a candidate for the elections on 16 May 1978. On 17 May the army stopped the counting of votes. Reliable sources report that more than 300 people were arrested, including members of the electoral commission, and that some of them were severely ill-treated. It is also reported that at the time when the army intervened, Antonio Guzman, the opposition candidate of the *Partido Revolucionario Dominicano* (Dominican Revolutionary Party) had a clear lead over President Balaguer. On 23 May, Amnesty International issued a press release expressing its concern about the arrests; at the same time it organized an Urgent Action, requesting that the detainees' legal situation be made known, that they not be maltreated and that any who might have been injured be given the necessary medical attention. The vote counting was subsequently resumed and confirmed that Antonio Guzman had won a clear victory. (He is due to take office on 16 August 1978.)

Although Article 8 of the Dominican Republic's Constitution establishes that anyone deprived of liberty must be brought before the appropriate judicial authorities or freed within forty-eight hours of arrest, in practice this has rarely happened. People have been tried several times for the same crime, or by two

separate courts. In some cases, police have refused to free prisoners immediately in spite of the fact that they have been acquitted.

The Constitution, Penal Code and Code of Penal Procedure have been frequently violated or interpreted inconsistently, in particular where members of the opposition or vulnerable social groups (for example, peasants and Haitians) were concerned. Although, in theory, the Constitution establishes a separation of power, in practice, the judiciary has been subservient to the executive.

Amnesty International believes that there are probably only a few dozen political prisoners in the Dominican Republic at present. The scarcity of information about individual cases has made it difficult to determine whether or not they are prisoners of conscience. Some of them are serving sentences of up to 20 years' imprisonment–Adalberto Grullón Morillo, a student leader, for example. Others have not been tried after spending several years in prison. Some political prisoners are held in La Victoria (the country's main penal establishment), isolated in a section called *El Pasillo de la Muerte* (The Corridor of Death).

In October 1977, prisoners (both political and non-political) in La Victoria held a peaceful protest in an attempt to get better food. It was followed by severe repressive measures on the part of the prison authorities: many prisoners were seriously wounded and kept in isolation. In December 1977, two political prisoners, Rafael Ubaldo Rodriguez Mendez and Adalberto Grullón Morillo, were taken secretly to frontier prisons at Jimaní and Pedernales, near the border with Haiti, as punishment for taking part in the protest at La Victoria prison. Although torture as such does not appear to have been generally inflicted on political prisoners in the Dominican Republic, maltreatment and police brutality have, it seems, been common. In many cases, the narrow borderline between brutality and torture seems to have been crossed by Dominican security forces.

In recent years, Amnesty International has received many denunciations of maltreatment of political prisoners. Because their fate is less publicized, it is less known that other sections of the population frequently suffer from arbitrary arrests which have a political motive. Three which should be mentioned are peasants, people living in the poor districts of the capital and the Haitian workers who come each year to help harvest the sugar cane. Many Haitians stay in the Dominican Republic, some for economic reasons, others for political reasons, living illegally in the country. The Dominican police and army have periodically carried out massive arrests and deportations. In May 1977, the Secretary of the Armed Forces stated that, from 1976 until April 1977, a total of 4,307 Haitians had been deported. Although he also gave an assurance that political considerations had no part in the deportations, evidence exists of close collaboration between the Haitian and Dominican authorities over the question of political exiles.

Since the end of 1973, Amnesty International has been asking the Dominican Government to allow a mission to Santo Domingo to investigate violations of human rights. The replies were evasive. However, in April 1977, President Balaguer wrote to the Secretary General of Amnesty International, saying, "Este Gobierno, sin embargo, siempre que estas aclaraciones no resulten a usted satisfactorias, no tendría inconvenientes en recibir a un miembro calificado de esa institución, investido de solvencia moral suficiente y de honestidad insospechable, para que visite nuestras cárceles y compruebe la realidad de cuanto en esta comunicación me he permitido adelantarle." ("Should this explanation not prove satisfactory, my government would have no objection to receiving a qualified member of your organization invested with sufficient moral solvency and impeccable honesty, to visit our prisons and verify the truth of all that I have told you in this letter.")

However, in September 1977, the Dominican Government, through its Ambassador in London, wrote to Amnesty International as follows: "Although the invitation from President Balaguer of 21 April was addressed to Amnesty International, in his letter he pointed out that he was willing to accept a Commission composed of a person of acknowledged integrity and of international reputation, chosen by both parties and having no ties whatsoever with Amnesty International or the Dominican Republic." Clearly this constitutes a withdrawal of the earlier invitation.

Amnesty International launched an international publicity campaign on 1 May 1978 about the serious violations of human rights in the Dominican Republic. It was hoped that President Balaguer would declare an amnesty for prisoners before the elections scheduled for 16 May 1978.

Amnesty International welcomes the fact that on 4 January 1978, the Dominican Republic acceded to the International Covenant on Civil and Political Rights and its Optional Protocol and that on 19 April 1978 it ratified the American Convention on Human Rights.

Ecuador (the Republic of)

During the past year (July 1977–June 1978), Ecuador continued to be ruled by a three-member *junta* of the *Consejo Supremo de Gobierno* (Supreme Council of Government) made up of the heads of the armed forces. The military have been in power since 1972. However, steps towards a return to civilian rule were taken during the past year: two civilian commissions with mixed political representation were established to draw up alternative constitutions, voted on in a national referendum in January 1978; a third commission was put in charge of drawing up an electoral law and a law governing the recognition of political parties, in preparation for national elections on 16 July 1978. The effect of these steps was negated somewhat when several important potential presidential candidates were banned from taking part in the elections by the *Tribunal Supremo Electoral* (Supreme Electoral Tribunal).

On 18 May 1977 the three major national trade union federations, the Ecuadorean Confederation of Working Class Organizations, the Ecuadorean Workers' Confederation and the Ecuadorean Confederation of Free Trade Unions declared a 24-hour general strike. At the same time, the National Union of Teachers began a strike for higher salaries, which lasted a month. The Government's reaction was to introduce two new decrees: Numbers 1475 and 1476 of 18 and 30 May 1978 respectively. Decree 1475 made possible the implementation of Decree 105 (passed by the Constituent Assembly of 1967) under which organizers of strikes "prejudicial to public peace and the national economy" were liable to between two and five years' imprisonment and fines of up to 10,000 *sucres* (about £200). This Decree also gave the status of "Special Judges" to the *Intendentes Generales de Policía* (civilians answerable directly to the Minister of the Interior and in charge

of public order and internal security at provincial level), and under Decree 105 empowered them to try strikers summarily and sentence them to up to two years' imprisonment with fines of up to 10,000 *sucres* without the right to appeal. Decree 1476 declared the National Union of Teachers illegal.

Amnesty International sent a telegram to Vice-Admiral Alfredo Poveda Burbano, President of the *Consejo Supremo de Gobierno* in late December 1977, requesting the release of trade unionists in prison in Ecuador.

The organization also took up the cases of 13 imprisoned trade unionists, three of whom were released at the beginning of 1978. Five of those still under adoption are teachers who were tried under Decree 1475 as a result of the teachers' strike of May 1977. Most of them were sentenced to two years' imprisonment and fined. The other five are trade unionists who were involved in a strike at the "Aztra" sugar mill (see below), including the workers' lawyer, Dr Brummel Reyes Buestán. An Appeal (to mark the occasion of the Thirtieth Anniversary of the Declaration of Human Rights) was made on behalf of the Ecuadorean trade unionists in prison in February 1978; Urgent Actions were undertaken on behalf of two trade unionists–Telmo Tello Castro and Julio Chacón–who were very ill in prison and reportedly not receiving adequate medical attention.

In October 1977, the workers of the "Aztra" sugar mill in Cañar Province went on strike in protest at the company's refusal to abide by the collective bargaining agreement, granting them a share in the recent internal sugar price increase. Apparently, about 700 workers and their families were occupying the mill on 18 October 1977 when some 150 policemen arrived, surrounded the building and gave the workers and their families two minutes to leave. Suddenly, before the two minutes were up, the police attacked with tear gas and guns. The Government acknowledged that 25 people, including women and children, were killed, but other sources gave higher figures. The autopsies were reportedly carried out in secret and the bodies buried without being returned to their families. Subsequently, 35 people were detained for a short time when they arrived in the town of Ibarra for a peaceful demonstration against the incident. It has also been reported that since May 1977, approximately 335 students, peasants and workers have been detained for their trade union activities.

In April 1978, students and workers in the capital city of Quito demonstrated against a proposed rise in bus fares. Some reports said that 527 of them were detained at the time. Amnesty International undertook an Urgent Action on behalf of students and workers who were detained and reportedly injured during the incidents.

El Salvador

General Carlos Humberto Romero was inaugurated as President for a five-year term on 1 July 1977 after the publication of much disputed election returns and widespread post-electoral violence. All seats in the Salvadorean single-chamber Parliament, the *Asamblea Legislativa,* are still held by the party headed by General Romero, the *Partido de Conciliacion Nacional (PNC)* and so are all mayoral posts in the country. Principal opposition leaders are in exile.

On 24 November 1977 a rigorous public order law, the *Ley de Defensa y Garantia del Orden Publico* was promulgated. Its preamble stated that it was

supplying the necessary legal machinery for enforcing the Constitutional provision (Article 158) ". . . prohibiting the propagation of anarchist doctrines or those contrary to democracy", and for dealing with "terrorist behaviour and the provocation of international subversion". However, the law also seems specifically designed to restrict the actions of trade unions, the political opposition, and human rights monitors, including members of the clergy who report human rights problems or advise members of the peasant trade unions.

Trade unionists can be held for up to five years if they "plan or project, incite or carry out sabotage, destruction, stoppages or any other act or omission that has as its intent the alteration of the normal development of the productive activities of the nation . . . or of disrupting a public service or services essential to the community."

Up to 150 employees of the Izalco *Centra Azucarera* (sugar mill) were detained on 1 February 1978, following a two-day strike. On 30 February, court proceedings under the public order law were opened against 17 trade union leaders while other prisoners were released. Amnesty International has adopted the 17 as prisoners of conscience.

The clergy may be accused of abusing their position under the new law if they encourage general awareness of human rights and the doctrine of social justice. Up to five years' imprisonment is prescribed for those who "by taking advantage of their status or personal condition propagate or foment . . . doctrines that tend toward the destruction of the social order, or of the political and judicial organization established in the Constitution".

The intimidation of those Salvadoreans who monitor the human rights situation and give information about it to national and international bodies and to the foreign news media is also a significant aspect of the public order law. Five years is the penalty for those

> ". . . who propagate orally, in writing or by any other means within the country, or who send abroad news or information which is tendentious or false, destined to disturb the constitutional and legal order, the tranquillity or security of the country, the economic or monetary régime or the stability of stocks and public bonds; those who give access to such news and information in the mass information media and those Salvadorean citizens who while outside the country divulge news and information of this nature."

Although Amnesty International has been concerned about prosecutions under the new public order law in the past year, its primary concern has been the increasing number of detentions followed by "disappearances", as well as outright killings in the countryside. Peasant members and leaders of the *Federación Cristiana de Campesinos Salvadoreños* (Federation of Christian Peasants) and the *Union de Trabajadores del Campo (UTC)* (both illegal, since agricultural workers' unions are prohibited) have been the principal victims of these measures, and the object of Amnesty International actions.

There have been no further murders of priests involved in the defence of peasant organizations since the killing of the Jesuits, Father Rutilio Grande and Father Alfonso Navarro, in January and February 1977, but a considerable number of lay Roman Catholic leaders have been murdered or else detained and have "disappeared". A number of priests have been held and interrogated under torture

about alleged connections with peasant federations and with the three guerilla groups now increasingly active in El Salvador.

Amnesty International cabled President Romero on 26 September 1977 to express dismay over killings by security forces in the countryside, specifically condemning the murder of two lay deacons on 26 August in the village of El Salitre after their arrest by between 50 and 60 uniformed members of the *Guardia Nacional* and the *Policia de Hacienda.* Felipe de Jesús Chacón Vásquez's corpse was found the next day two miles from the village. Eye-witnesses from the Archbishop of El Salvador's office said the body was nearly unrecognizable as "they cut the scalp from his head and stripped the flesh from his face". Sr Chacón Vásquez, and Sr Serafin Vásquez, who was found stabbed to death, were both well-known leaders of the conservative lay movement *Cursillistas de Cristiandad,* and had held literacy and religious classes in their own homes. Authorities subsequently announced that the men had in fact been killed by Government troops, but said they were cattle thieves and had first attacked the troops. No official comment was made on the mutilation of the two bodies.

Father Miguel Angel Ventura was detained on 3 October 1977 when National Guard troops interrupted a church service in Osicala: he was beaten and suspended by his arms while being interrogated, but was subsequently released. Three lay catechists detained in Osicala parish the same day subsequently "disappeared".

Amnesty International has made inquiries about more than 50 cases of detention followed by "disappearance" and 30 cases of death following detention during the past year. Forty-one cases have been adopted by Amnesty International groups, 19 of them peasant farmers in unacknowledged detention.

A submission was made by Amnesty International on 6 February 1978 to the Government of El Salvador, concerning 62 documented cases of unacknowledged detention, and 30 cases of apparent execution, all of them involving members of the official security forces, or of the Government para-military organization *ORDEN* (the Spanish word for "order").

Forty-two of the 92 deaths and detentions occurred since President Romero took office in July 1977; 77 of them after the February 1977 presidential elections. Most of the bodies of the 30 dead showed signs of torture. Some had been decapitated, had had limbs amputated or were severely disfigured.

The submission stressed the details of the detentions, and noted that:

> "While the formal denial that detentions were carried out by official bodies implies that the detentions were common criminal kidnappings, there is no concomitant response by the Government of El Salvador in seeking to investigate or clarify the circumstances of the abductions or to punish the perpetrators. On the contrary, these detentions are not reported by the responsible authorities . . . and appear to be of no concern to investigative police bodies."

No response was received from the Government of El Salvador about these 92 cases. A submission which included information about the same cases was made by Amnesty International to the Inter-American Commission on Human Rights of the Organization of American States (OAS) in January 1978.

Grenada

Although Grenada has a mandatory death sentence for murder, no executions had taken place on the island since May 1962 until 17 November 1977, when four men convicted of murder were executed.

On 22 September 1977, Amnesty International had appealed to the Governor General, Sir Leo de Gale, to commute the death sentence for murder passed on Charles Ferguson. He was due to have been executed on 29 September. He was not executed, but to Amnesty International's knowledge is still under sentence of death. After the November executions, Amnesty International wrote again to the Governor General and to the Prime Minister, Eric Gairy, to express its regret and to urge them to do everything possible to prevent further executions.

On 10 January 1978, Amnesty International addressed another letter to Mr Gairy, urging him to investigate allegations that Kennedy Budhlall, arrested for the murder of Innocent Belmar (acting Minister of Agriculture and a former police officer) had been severely ill-treated immediately after his arrest. Innocent Belmar had been retired from the Grenada Police Force after having been described by the Duffus Commission of Inquiry into police brutality in Grenada as "totally unfitted for any position of authority" (see *Amnesty International Annual Report 1975/76*). In June 1978, the trial of Kennedy Budhlall and Lauriston Wilson, on charges of having murdered Innocent Belmar, was observed on behalf of Amnesty International by Herbert Semmel, an American lawyer. Amnesty International's interest in the trial was determined by the political background to the case.*

*On 25 July 1978 the two men were acquitted.

Guatemala

On 13 March 1978, the Guatemalan Congress confirmed that General Romeo Lucas Garcia, *Partido Institucional Democratico* candidate, had won the March 1978 presidential elections. The announced results of the poll were initially contested by the opposing candidates, both army officers. General Lucas Garcia will take office on 1 July 1978, at the end of General Kjell Laugerud Garcia's four-year term.

No prisoners of conscience were adopted by Amnesty International during the period covered by this report (July 1977 to June 1978), but the organization recorded over 300 cases of people who had "disappeared" after being abducted by official or semi-official para-military groups—death squads. Most were murdered within a short time of their detention.

More than 20,000 Guatemalans have died since 1966 at the hands of death squads originally formed to deal with left-wing guerilla activities. They act with complete impunity. An apparent decline in the number of killings early in 1977 had ended by mid summer, when violence increased significantly: 61 death-squad-style killings, in both towns and countryside, were reported in the Guatemala City press in August 1977 alone.

While these death squads consist largely of civilians, they also include members of legally established security forces. Groups such as the so-called *Policia Regional* are believed to be composed entirely of serving members of the National Police. In addition, groups in the countryside have a quasi-legal status as security forces, as many are attached to administrative districts which are, in fact, large private farms. Civilians appointed as agents of the armed forces—the *comisionados*

militares—also have public order powers in town and countryside and may appoint any number of armed assistants. In the more remote areas, especially where left-wing guerrillas are known to operate, illegal detentions, "disappearances" and murder are, as a matter of routine, attributed by local people to uniformed members of the Guatemalan army.

Death squads generally abduct, torture and interrogate their victims before murdering them. Victims' bodies are also frequently mutilated: found headless or with hands or limbs severed—in part, to prevent their identification. Often, corpses are found hundreds of kilometres from the place of abduction. There are never ransom demands for those abducted by death squads, and there is rarely evidence that the victims have been robbed.

During the past year, Amnesty International has made frequent interventions when people have been reported detained by death squads, and when there was a chance of their being released. While those who have disappeared in the countryside have generally been found dead within a few days of their detention, prisoners in towns have sometimes been freed weeks after they vanished. Their release is attributed by the press and the prisoners themselves either to the fact that they were abducted in the first place in mistake for someone else, or to public pressure. While Amnesty International knows of no long-term prisoners of conscience in Guatemala, there have been numerous cases of short-term detention followed by murder, or, occasionally, by release.

Nineteen-year-old José Luis Perdomo Orellana, a student at the University of San Carlos in Guatemala City, disappeared on 31 July 1977. He was a former President of the Association of Students of Commerce and a member of its executive committee. He was the subject of Amnesty International appeals; so were other members of the same committee following their disappearance in June 1977, Robin Mayro Garcia and Anibal Leonel Caballeros. The mutilated bodies of both were found later: they had evidently been tortured to death. Amnesty International was informed by the Guatemalan Foreign Ministry in November 1977 that Perdomo Orellana had sought asylum in the Mexican Embassy and had been given safe conduct to Mexico, where he was granted asylum. Although the Guatemalan authorities have not acknowledged that he had been in the custody of any legal police force, Amnesty International believes that his detention, and the disappearance and murder of other students and officials at the University of San Carlos, cannot have occurred without the knowledge and complicity of certain members of the security forces and of the Government.

A teacher at the School of Commerce (part of the Law Faculty), abducted on 12 August, later told the press that he had been taken by masked assailants to a remote country house and told he would be "executed" for his left-wing teaching at the University. A tape-recording of one of his lectures was played, and he was questioned about his relations with student leaders at the School of Commerce, including Perdomo Orellana. He was finally told that he would be reprieved, provided that he stopped teaching and left the country within 60 days. He was then taken blindfolded to Guatemala City, where he was released. Dr Mario Lopez Larrave, ex-Dean of the San Carlos Law Faculty and Guatemala's leading labour lawyer, was machine-gunned to death on 8 June 1977.

Cases of abduction and disappearance in the countryside continued to be the main subject of Amnesty International appeals. As in 1975 and 1976, such cases

have been concentrated in the provinces of El Quiche and Alta Verapaz, where the discovery of petroleum and the construction of a new highway are raising land values. A peasant, Antonio Ordonez, was removed forcibly from his home in the village of San Juan Cotzal in El Quiche on 2 June 1977 and has not been seen since. Witnesses claim that he was arrested by the army. Amnesty International has heard that at least 60 other peasants, mostly members of agricultural co-operatives, were abducted and disappeared during 1977 in the Cotzal region of El Quiche—at the behest, it is said, of large landowners in the area who are expropriating lands which traditionally belonged to the peasants.

On 22 February 1978, Amnesty International published an account of 113 death squad killings and disappearances which occurred in the last 3 months of 1977. This document described only typical cases and was not an exhaustive survey. Most of the victims were peasants and members of the urban poor, the killing of whom was apparently tacitly condoned by local and national authorities. The document cites the absence of official comment on the killings and abductions as evidence that "the authorities are with a few exceptions indifferent to the almost daily reports of mutilated corpses of victims of abduction found in and around the capital city, and in the countryside".

A submission was made by Amnesty International on 20 May to the Inter-American Commission on Human Rights of the Organization of American States, including accounts of 240 cases of death squad killings and disappearances occurring from September 1977 until and including March 1978.

Guyana (the Republic of)

During the past year, Amnesty International continued to follow the case of Arnold Rampersaud, a member of the opposition People's Progressive Party, who, in July 1974, was charged with the murder of a policeman, and tried three times on the same charge because juries twice failed to reach a verdict (see *Amnesty International Report 1977*). Because it had been suggested that the prosecution was politically motivated, Professor David Weissbrodt, Associate Professor of Law at the University of Minnesota, attended the third trial on Amnesty International's behalf. This took place in November and December 1977. On 14 December, Arnold Rampersaud was acquitted and released, having spent three and a half years in prison.

On 10 March 1978, Amnesty International wrote to Mohamed Shahabuddeen, the Minister of Justice and Attorney General, to express concern about reports that sugar workers involved in a strike had been harassed by police and subjected to repeated arrest and short periods of detention without any charges being brought against them. The case of Jeewan Jankie, field representative of the Guyana Agricultural and General Workers Union was cited as an example.

Haiti (the Republic of)

During 1977–78, the political structure of Haiti has undergone no change under the autocratic rule of *Président à Vie* Jean Claude Duvalier. Several initiatives were taken by his Government in the field of human rights in the past year, and Amnesty International is studying the effects of these on the organization's long-standing concerns in Haiti: arrest without legal safeguards; indefinite detention

without trial and absolutely incommunicado; maltreatment and torture; and, lastly, failure to inform families even of the death of an imprisoned relative. Since 1973, when Amnesty International began more extensive work on Haiti, the organization has repeatedly made recommendations to the Government about these violations of human rights.

In August 1977, a *Tribunal de Securité* was created, which has jurisdiction over people charged with political offences. It is composed of civilian judges and is intended to ensure that defendants are tried without undue delay and with the necessary legal safeguards. In September 1977, the President issued a decree whereby the authorities could examine the cases of prisoners whose fate after arrest had remained unknown since as far back as the early 1960s, and, following investigation, issue death certificates to enable families to solve legal and financial problems. People who had allegedly invaded the country or engaged in armed rebellion were excluded from the provisions of this measure. September also saw the release of 104 prisoners by Presidential decree and the temporary closure—reportedly for repairs—of Fort Dimanche, the infamous prison for political detainees. In September 1977, the Haitian Government became the fifth member of the Organization of American States to ratify the American Convention on Human Rights. A Haitian League for Human Rights was established in March 1978.

While these are important first steps, it still remains to be seen how far the Haitian Government will progress towards the defence of human and legal rights. Amnesty International has received reports that families have had no response to their approaches to the department in charge of issuing death certificates, that arrests still take place without legal safeguards and that they are often carried out by the security militia, the National Security Volunteers, the *Tontons Macoutes* or the President's security corps, the Leopards. At the time of writing, there are still many hundreds of political prisoners who have not been accounted for, dead or alive.

In commemoration of twenty years' rule by the Duvalier family, by a Presidential decree, 104 political prisoners were released on 21 September 1977. Amnesty International adoption groups had been working on behalf of 24 of these prisoners, mainly because of the failure of the authorities to bring them to trial. They had been detained for between two and eight years without any legal proceedings being brought against them. After previous amnesties, there had been doubts about the authenticity of the releases: Amnesty International had recommended that the prisoners concerned be presented to the press. In September 1977, all 104 left the prison in the presence of the press and foreign diplomats.

Despite the Government claim at the time of the September amnesty that there were no more political prisoners in Haiti, Amnesty International adoptees and numerous other prisoners whose names are known to the organization have yet to be accounted for by the Haitian authorities. In November 1977, Amnesty International obtained a list from former prisoners (eleven of whom were expelled from the country) of over 100 prisoners who had died in detention in Fort Dimanche prison. It included Marcus André, Jean Claude Duval and the lawyer, Hubert Legros, under adoption by Amnesty International since May 1973. Hubert Legros' case, which had been submitted to the Inter-American

Commission on Human Rights of the Organization of American States by Amnesty International in May 1975, was still being pursued by the Commission a year and a half later. The irregular way in which the Haitian authorities communicate with the Commission is illustrated by the fact that at no time did they indicate that Hubert Legros had died in detention in December 1975. According to ex-detainees, two prisoners whose cases had been taken up by Amnesty International were executed in prison: René Franex in 1974 and a radio journalist, Marie Thérèse Feval, in 1976. In October 1977, Amnesty International issued a press statement, welcoming the Presidential amnesty, but at the same time urging that the fate of missing persons be revealed. A subsequent press release in November 1977 concluded that "Haiti has one of the world's highest mortality rates among detainees" and that apparently most of those who had been detained were already dead.

As a number of prisoners not included in the amnesty—among them the Amnesty International adoptee, Rochambeau Nestor—had been seen alive in September 1977, Amnesty International organized a telegram appeal on their behalf. In view of the unsatisfactory prison conditions and the high death toll among prisoners in Haiti, doctors in many countries joined in this appeal. To date, no news has been received of the fate of these prisoners after September 1977.

Among the prisoners released in the September amnesty were Emmanuel Federic and Max Bourjolly who had been extradited from the Dominican Republic and were the subject of an Amnesty International Urgent Action. When another political opponent of the Duvalier régime, Delmono Chouloute, living in exile in the Dominican Republic, was extradited in March 1978, Amnesty International coordination groups sent telegrams to the authorities in both Haiti and the Dominican Republic.

During the past year, Amnesty International representatives established contact with the Haitian Embassies in various countries. In Washington, Andrew Blane, a member of the International Executive Committee of the organization, had discussions with the Haitian Ambassador about future direct contact between the Haitian authorities and Amnesty International. Participants in a meeting in Paris of Amnesty International coordination groups came to the conclusion that real progress in the field of human rights and legal safeguards cannot be made anywhere if citizens are not themselves aware of their rights under national and international law. As this was especially true in Haiti, the meeting resolved to work for better distribution within the country of general documents on human rights, such as the Universal Declaration of Human Rights. Documents on more specific matters, such as the Standard Minimum Rules for Treatment of Prisoners and the Professional Codes of Ethics should, it was decided, be given to members of certain professions. The work of distribution has been handled mainly by the French Section of Amnesty International. Similar efforts in the local creole language are being made within Haiti by some of the Haitian churches.

Honduras (the Republic of)

General Juan Alberto Melgar Castro has continued, during 1977-78, to serve as Head of State in the military government that came to power in 1975.

Nine leaders of the Isletas Banana Cooperative, detained since 12 February 1977, are still held in Puerto de Trujillo Prison. At the end of March 1978 they

were acquitted on charges of "misuse of public funds" but they remain in detention pending a decision of the Supreme Court of Justice whether to hear an appeal by the prosecution. When the Isletas banana plantation was almost destroyed by Hurricane "Fifi" in 1974, the owners–the Standard Fruit Company–suspended operations. The Government land reform agency subsequently supported efforts by the work force to resume production as a cooperative. On 12 February 1977 the army troops occupied the cooperative's offices and detained the nine leaders but no charges were brought against them until five months later. On 14 March 1978 Amnesty International cabled President Melgar Castro, urging him to intervene in this case and expressing concern at the arbitrary way in which the nine had been detained and at legal irregularities in the case. These are the only prisoners of conscience to have been taken up by Amnesty International during the past year in Honduras.

At the end of October 1977, 10 civilians and eight army officers were detained on charges of attempting to overthrow the Government; the civilians included leading business figures. All those detained were granted pardons several weeks after their detention.

In February 1978, two army officers were convicted of the murder, in July 1975, of nine people, including two Roman Catholic priests and leaders of the *Union Nacional Campesina* (National Union of Peasants) in the rural province of Olancho. Amnesty International has followed the trial since it began (see *Amnesty International Report* for both 1975-1976 and 1977). Major José Chinchilla, the commander of the Olancho military zone at the time when the killings took place, and Lt Benjamin Plata were sentenced to 15 years' imprisonment for murder. Eight others who had been detained in connection with the case were acquitted. They included Manuel Zelaya, the owner of the farm where the nine victims were interrogated and then murdered and the apparent owner of the vehicles used to transport them. The state prosecutor has appealed against the eight acquittals and is calling for the conviction by a higher court of Sr Zelaya, one of Olancho's principal landowners.

Jamaica

Throughout the year 1977-78, Amnesty International continued to receive appeals for help from men sentenced to death for murder in Jamaica, and on five occasions wrote to the Governor General, Florizel Glasspole, asking him to commute individual death sentences and to use his influence against the use of the death penalty in general. In November 1977, the organization appealed to the Prime Minister, Michael Manley, to give his full support to any move towards abolition of the death penalty.

In November 1977 the Amnesty International researcher responsible for Jamaica visited the island and while there had meetings with lawyers, legal aid workers and other people concerned with human rights. At St Catherine District Prison she talked with Ransford Thomas, one of 51 men under sentence of death in Jamaica at that time. The most recent execution in Jamaica was in April 1976.

Mexico (the United Mexican States)

Mexico has been ruled since 1929 by a single party, known since 1976 as the

Partido Revolucionario Institucional (PRI). At the end of 1976, José López Portillo became President, and has since initiated electoral and political reforms. The number of seats in the Chamber of Deputies is to be increased from 250 to 400 and 100 of the new seats will be allocated on a proportional representation basis to parties other than the *PRI*. In May 1978, the Communist Party was legalized–for the first time in 40 years.

In the period under review (July 1977–June 1978), human rights violations in Mexico took place in the form of arbitrary arrest without warrant in breach of Article 22 of the Constitution, detention incommunicado of suspects for longer than the three days permitted by Article 19 of the Constitution (for detention without charges), maltreatment and torture of suspects and disappearance after arrest. Human rights violations occurred most frequently in connection with student or labour unrest, land tenure disputes, the anti-drugs campaign and left-wing guerilla activity. The States particularly affected are Guerrero, Oaxaca and Morelos, where the military have assumed functions normally carried out by the police. On 21 April 1978, the Mexican daily newspaper *Excelsior* reported that in the Federal District of Mexico alone, eight people on average were arrested every day without a warrant, held incommunicado and maltreated by various police bodies. The report was based on statistics obtained from the Third Federal Court of the Federal District. In the first 109 days of 1978, 896 *recursos de amparo* (*habeas corpus* writs) were filed in that one court.

Amnesty International is still investigating the cases of six prisoners held in Cuernavaca Penitentiary, Morelos State. They were arrested between August 1975 and January 1976, ostensibly in connection with a raid on a branch of the *Banco Nacional de Mexico* and the kidnapping and murder of a businessman, Elfego Coronel Ocampo. They have consistently maintained their innocence, insisting that their confessions were extracted under torture and that the true reason for their arrest was their prominence in a peasants' organization. Some of them have now been sentenced: one, Simón Hipólito Castro, was sentenced to 36 years' imprisonment on 15 December 1977, while another, Aquileo Mederos Vázquez, has been sentenced to 45 years' imprisonment, despite the fact that 40 years' imprisonment is the maximum sentence allowed by law in the State of Morelos. One of these prisoners, Gabino Peralta Núñez, died on 1 January 1978. Sixteen prisoners in Cuernavaca Penitentiary sent a document to national and international human rights organizations, claiming that his death was caused by cardiac, respiratory and kidney complaints from which he had suffered since being tortured while he was held incommunicado after his arrest.

In the same document, the prisoners also described the activities of a gang of common (criminal) prisoners, known as a *grupo de choque*, within the prison. Apparently, they are responsible for continual intimidation of the political prisoners–treating them brutally, and stealing clothes, work tools and materials and other property from their cells. This *grupo de choque* is said to be controlled by the state judicial police.

In February 1978, the *Frente Popular Pro Defensa de Los Derechos Humanos* (Popular Front for the Defence of Human Rights) in Morelos accused the State authorities of permitting ill-treatment of political prisoners in Cuernavaca Penitentiary in order to make them denounce either fellow inmates or people in other prisons in the state. Furthermore, it was alleged that the judicial police

had tortured three political prisoners to force them to denounce other inmates in Acapulco prison. One of the three was Raúl Mendoza Salgado, who was the subject later of an Urgent Action by Amnesty International, following his abduction and alleged torture on 6 August 1977.

Over the past year, Amnesty International has been concerned at the continuing occurrence of disappearances in Mexico. The organization intervened urgently on behalf of 21 individuals who had disappeared after arrest: it was feared that they were held in illegal detention centers such as Campo Militar No. 1, the principal army base in Mexico City, which is often cited as a torture center. Amnesty International recently appealed to the Mexican Government and the Governor of Guerrero State to clarify the legal situation of 14 farmworkers whose homes in six villages had been raided on 6 April 1978 by soldiers from Military Units 35 and 42, and to provide information on their whereabouts. However, at the time of writing, the 14 are still missing.

The activities of the *Brigada Blanca*, a special anti-guerilla unit composed of members of Mexico's principal police forces, are reported to be continuing unabated. Many sources have accused them of using illegal methods, and of torturing and killing their victims.

During 1977 and 1978, there were demonstrations and violence in Oaxaca State, partly because of alleged vote-rigging at the municipal elections and partly because of land tenure disputes. On 14 December 1977, the *Universidad Autónoma Benito Juárez de Oaxaca* was occupied by the army. During ensuing weeks, Amnesty International received many reports suggesting that, from the beginning of December, there had been systematic brutality towards and torture of the students and teachers at the University who had been abducted and detained. Those supposedly responsible for the repression in Oaxaca during this period were the *Dirección Federal de Seguridad* (Federal Security Service), the *Policía Judicial Federal* (Federal Judicial Police), *Policía Judicial del Estado de Oaxaca* (Oaxaca State Judicial Police), *Policía Preventiva del Estado de Oaxaca* (Oaxaca State Preventive Police) and the *Brigada Blanca.*

On 22 December 1977, the Rector of the University, Felipe Martínez Soriano, presented a writ alleging that 46 members of the University had been illegally arrested and their lives possibly endangered. He himself was abducted on 7 February 1978, together with Arturo Cortes Gutiérrez, head of Preparatory School No. 5 and leader of the *Movimiento Democrático Universitario* (University Democratic Movement). The wife of Arturo Cortes Gutiérrez, nineteen-year-old Mirna Gómez Zárate, and Señora Gómez Zárate de Cortes, Dr Cortes' mother, were detained also. According to eye-witness accounts, the latter was badly tortured. She was subsequently charged with terrorist activities but released on bail. Dr Felipe Martínez Soriano too was later released. He stated that he had been held in Campo Militar No. 1 in Mexico City and that he had been tortured there by the Deputy Chief of the Federal Judicial Police, Miguel Nassar Haro. He added that he had been forced under torture to sign a letter of resignation from his post as Rector of the University. He said also that Miguel Nassar Haro controlled 11 unofficial detention centers in the city of Oaxaca.

In early June 1978, the *Central Independiente de Obreros y Campesinos* (Independent Organization of Workers and Peasants–*CIOC*) protested at the kidnapping by the military in Guerrero State of the peasant leader Pablo Cortes Barona

and at the murder of Heraldo Núñez Arrejón. The latter was killed during a raid on an *ejido* (one of the agricultural communities established by the agrarian reform program).

When the *Amnesty International Report 1977* was published, the Mexican Attorney General, Oscar Flores Sánchez, made a public statement in which he rejected the organization's assertion that there were between 100 and 200 political prisoners in the country. He invited Amnesty International to visit alleged unofficial detention centers and to supply lists of missing and detained people. Accordingly, Amnesty International's Secretary General visited Mexico in early January 1978 and met the Minister of the Interior, Jesús Reyes Heroles, to whom he gave an interim list, prepared by the organization, of 312 missing people, mostly from the State of Guerrero. He also met relatives and friends of disappeared people and political prisoners, as well as lawyers and members of political parties. He gave a press conference, at which he reported on his meeting with the Minister of the Interior and talked about Amnesty International's work.

During the discussion between the organization and the Mexican authorities, the *Comité Nacional pro Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos* (Committee for the Defence of Political Prisoners, Missing Persons and Exiles) published a list of people who have been detained or who have disappeared, allegedly for political reasons, over the past several years. On 10 January 1978 the Attorney General's office issued a correction to the Committee's information and denied that anyone was being held for political reasons. The Mexican Government is, however, known to be considering granting a further amnesty to prisoners and exiles.

Nicaragua

Despite the ending of four years of martial law and the restoration of constitutional safeguards on 19 September 1977, the human rights situation in Nicaragua deteriorated significantly after the 10 January 1978 "death squad" killing of Dr Pedro Joaquin Chamorro, the Director of Nicaragua's leading independent newspaper, *La Prensa* and Chairman of the coalition of opposition parties, *Union Democratica de Liberación (UDEL).*

Amnesty International has focused its attention during the past year on cases of arbitrary detention without charge and of alleged torture, as well as on numerous instances of the detention, disappearance and violent death of peasant farmers in isolated rural areas.

In October 1977 the organization wrote to the President of the Republic, General Anastasio Somoza Debayle, acknowledging the repeal of emergency measures, but pointing out that its report, *The Republic of Nicaragua* (published in June 1977) had emphasized human rights violations which were only indirectly related to the special measures and would not automatically be brought to an end by the repeal of those measures. Subsequent further allegations of torture, arbitrary detention and abuse of the Police Court system would suggest that the situation actually improved only inasmuch as trials of civilians by military courts and censorship of the press have ended (radio and television censorship continues under the Broadcasting Law).

In a statement dated 21 December 1977–a notarized copy of which was received by Amnesty International–René Espinosa Pineda, a civilian employed

by the Nicaraguan Office of National Security, told of his personal contact with several prisoners considered to have disappeared after their unacknowledged detentions in rural areas. He named five prisoners held in a secret cell under the guard post at the Military Academy in Managua. One of them was Juan Francisco Tijerino Membreno, who has been the subject of many appeals since his arrest and disappearance in January 1977. Also named were 10 prisoners held in a cell in the Armed Forces section of Managua's international airport and three in a former Managua police post. He stated that he had seen prisoners in basement cells in the Office of the National Communications Corps and in the installations of the Office of National Security on the rim of the volcano Loma de Tiscapa, which overlooks Managua. Sr Espinosa gave the following details about rural detention centers:

> "In Chilamete, Zelaya, there is a sort of corral, closed with wire mesh on top and completely covered with canvas on the top and the sides . . . This enclosure is about 20 metres long, and there are about 50 men held there . . . I personally witnessed the opening of a huge grave like the ones they dug for the victims of the Managua earthquake, by a mechanical digger like the ones DENACAL [a construction agency] uses to dig ditches. The grave was about 50 metres long, and innumerable *campesinos* are buried there."

Church and diplomatic sources confirmed the death (or release) of some of the 350 and more *campesinos* known to Amnesty International who were arrested and disappeared in 1976 and 1977. It was confirmed that 18 *campesinos* who were the subject of Amnesty International appeals were released after over two years' detention in rural camps and in secret detention centers in Managua. Following an appeal in Amnesty International's *Newsletter* (September 1977) on behalf of the detainee Solomon Perez Lopez and five members of his family, church members wrote that:

> ". . . his community found him among others in a mass grave close to the chapel where he was a Delegate of the Word of God [a catechist and community religious leader] . . . perhaps some day justice will be done. Very probably the members of Solomon's family are with him . . . ."

Nicaraguan church sources estimate that up to 3,000 *campesinos* have disappeared after arrest or been killed outright during National Guard counter-insurgency operations since 1974.

On 11 January 1978, following a Government statement that the inquiry into the murder of the opposition leader Dr Pedro Joaquin Chamorro would be carried out exclusively by the National Guard, Amnesty International cabled President Somoza Debayle, saying that it "condemns all judicial or extra-judicial executions by governmental agencies or others", including "murders for the purpose of political coercion tolerated by governments". The cable expressed concern that world opinion would not accept the findings of a closed inquiry and urged the presence of international representatives. At the time of writing, international participation in the inquiry has not been accepted and findings have been inconclusive.

The murder of Dr Chamorro was immediately followed by massive, and in some cases violent, protests in which President Somoza was accused of direct

responsibility for the murder and his resignation was demanded. Riots in Managua and elsewhere led to the burning of many of the industrial and commercial firms in which the Somoza family is a principal shareholder. In unprecedented cooperation between trade unions and private businesses, a twenty-day general strike crippled the commerce of most of the country in January and February 1978, in protest at the murder. Similar sporadic strikes, mass demonstrations, and acts of violence by the organization called the Sandinist Front for National Liberation (it is significant that this now receives support from both far left and conservative elements) have continued until the time of writing, and the National Guard has responded with steadily increasing violence.

Amnesty International at present has 96 cases under investigation or adoption in Nicaragua, most of them involving *campesinos* whose detention has not yet been acknowledged. Frequent interventions have been made on behalf of political and trade union activists held incommunicado, as there are still regular reports of torture.

Paraguay (the Republic of)

The autocratic rule of General Alfredo Stroessner was given a new lease in February 1978 with his re-election as President of Paraguay for another five-year term. The opposition, although divided, agreed not to contest the election. In order to permit President Stroessner to stand for re-election, the Constitution was revised by a Constituent Assembly in 1977. The State of Siege, which has been in force throughout President Stroessner's twenty-four-year rule, was lifted on election day. The Government interprets the provision of the State of Siege as empowering it to detain anyone without trial at the discretion of the President. Although bills to regulate the State of Siege have been introduced by minority opposition legislators, no law to that effect has ever been passed. Despite national and international criticism of this use of the State of Siege, several people have been detained untried for up to 19 years.

Because it is the practice to hold members of the political opposition in preventive detention, there were no political trials between 1958 and 1975. Although it is very doubtful whether trials will be either prompt or impartial, political prisoners in Paraguay announced during the past year that they wanted to be brought to trial. During the period covered by this report (July 1977–June 1978), 53 people have been tried under Code Law 209, in Defence of Public Peace and Liberty of Persons, which prescribes one to six years' imprisonment for publicly inciting "hatred between Paraguayans and destruction of the social classes". During the year, 169 political prisoners have been released, leaving 74 who are either in preventive detention, committed for trial or have disappeared since being arrested. There were at least 40 new arrests, mostly in August 1977 and at the beginning of 1978. People continued to be arrested without any form of legal safeguard and in some cases were ill-treated and tortured.

Amnesty International has taken up 49 cases during the past year, including a number of peasant farmers who were arrested in 1976 under the State of Siege decree but who had not been charged or brought to trial by the end of 1977. Three long-term prisoners, Alfredo Alcorta, Antonio Maidana and Julio Rojas, for whose release Amnesty International had worked since the early 1960s, were

allowed to leave the country in 1977 *via* the Peruvian Embassy, where they had sought political asylum.

In December 1977, 42 prisoners who had been detained without trial were set free, among them Ignacio Chamorro, arrested at the age of 19 and held for 18 years, and Antoliano Cardoso, held for 17 years. Amnesty International cabled President Stroessner, welcoming these releases, and recalling the situation of ten other long-term prisoners who had been held without trial for between 12 and 19 years. These included a peasant farmer, Calixto Ramírez, María Lina Rodas and Ananías Maidana Palacios (one of Latin America's longest-held political prisoners, having been in detention for 19 years). All but three were released in March 1978. Amnesty International again cabled the President, urging that the remaining three long-term prisoners, Idolina Gaona, Virgilio Barreiro and Severo Acosta, held without trial for 12 or 13 years, be freed. On 11 June 1978, these three, together with 13 other political detainees in the Emboscada prison camp, all went on hunger strike as a protest against their continuing detention without trial.

After Dr Juan Félix Bogado, the playwright, Antonio Pecci and 13 other Paraguayan intellectuals were arrested in July and August 1977, Amnesty International cabled the President, requesting full legal safeguards for them. They had been arrested in connection with a national debate of great economic and political significance—on whether or not Paraguay should alter its voltage system after the completion of the hydro-electric dam in Itaipú. These 15 intellectuals, some connected with the review *Criterio*, constituted the most vocal opposition to the expected change-over to Brazilian voltage which the Government seemed to favour. During 1977, articles appeared in *Criterio*, strongly critical of the growing Brazilian influence over the Paraguayan economy, and the purchase of land by Brazil, especially in the border area.

Six of the 15 were committed for trial under Law 209 on charges of association with the Communist Party and possession of subversive literature; the remaining nine were released uncharged. In April 1978, Dr Bogado was sentenced to two years' imprisonment, although he denied any connection with the Communist Party; the other five received one-year sentences. During the trial, the prosecution relied heavily on the police report which was presented as "evidence of criminal responsibility against the defendants" and contained "confessions" extracted from some of them while they were initially held in the Department of Investigations. Amnesty International heard from many sources that several of the 15 had been maltreated during their detention in the Department. The judge upheld the prosecution's case and stated in the verdict that "the affirmations contained in the police report can in no way be an invention or a product of the imagination."

In December 1977, Amnesty International launched an appeal on behalf of 24 trade unionists arrested during a meeting of rural and urban labour organizers, many of them connected with various rural projects supported by the Roman Catholic Church. Shortly after the arrests, five of the detainees were released without charges. The arrests were carried out brutally: the victims were beaten. Several were reported to have been tortured. Amnesty International publicized the arrests and launched another appeal on behalf of the remaining 19 who were subsequently charged under Law 209. The Paraguayan Government claimed that the trade unionists were trying to reorganize the guerilla movement *Organización Primero de Marzo (OPM)*. There were national and international protests about

the arrests, and the United States trade union organization, the American Federation of Labour–Congress of Industrial Organizations, sent two delegates to Paraguay to make direct representations to the authorities. All 19 were released in February 1978 as there was insufficient evidence that they were connected with the *OPM* or any other guerilla group.

Nearly all political prisoners are held in the Emboscada prison camp, 40 kilometres from Asunción, where they await the decisions about their cases by the courts or by executive order. Despite a limited diet, there are more safeguards against maltreatment at Emboscada, where conditions are considerably better than in local police stations. Medicine, additional food and clothing may be given to the prisoners. Once a week, friends or relations may visit them and they can see their lawyers. Amnesty International has been concerned about the lack of legal safeguards in cases of politically motivated arrest. The *habeas corpus* provision is not operative in most political cases, nor in those covered by the State of Siege decree. Furthermore, the judicial authorities do not deal with *habeas corpus* writs when the Government tells them that these concern a political prisoner or when the writ is on behalf of someone whom the superintendent of a police station or commander of a barracks denies holding. In the case of the peasant Doroteo Grandel, arrested on 2 May 1976 and adopted by Amnesty International, the commander of the military division where he was held stated that he was "not known". He was considered to have "disappeared", and it was not officially acknowledged until early 1978 that he was in detention.

The torture of political prisoners during their initial interrogation, or even before any interrogation starts, is common in Paraguay. Torture is used also as a punishment and as a means of discouraging political dissent. In October 1977, Amnesty International launched a campaign against torture in Paraguay, in which all the organization's national sections took part, and which lasted well into 1978. A pamphlet entitled *Deaths Under Torture and Disappearance of Political Prisoners in Paraguay* was published in English and Spanish. It is an account of 13 people who had been killed at the time of their arrest or who had died under torture in military or police custody, including the army veteran Mario Arzamendia Flores, aged 61, and Joel Filártiga Speratti, aged 17, who were tortured to death. It also lists the names of 20 people who have been missing since their arrests. (Such "disappearances" have been described by the Inter-American Commission on Human Rights as a simple expedient for doing without legal safeguards.) The pamphlet features, among others, Dr Agustín Goiburu (who was abducted in Argentina), four brothers, Elixto, Policarpo, Francisco and Adolfo López, and the lawyer Miguel Angel Soler, General Secretary of the Paraguayan Communist Party. (These have all disappeared.) The families of those who have disappeared are left in a tragic state of uncertainty—as is illustrated by the following extract from an open letter to the Minister of the Interior in 1977: "I am a humble 84-year-old peasant. . .before I die, I should like the consolation of knowing whether my son is alive or whether he has been killed so that I can at least say a prayer for him."

During the campaign, several thousand people signed a petition to President Stroessner requesting an independent inquiry into the deaths and disappearances. Among the signatories were clergy, trade unionists and members of parliament. The petitions were presented to Paraguayan embassies or sent directly to the President.

In May 1978, Amnesty International publicized the case of Ana González, a young woman, whose mutilated body was delivered to her family after she had suffered protracted torture in the Third Police Station in Asunción. She had been arrested an hour after being dismissed from her job in a textile factory.

During the past year, Amnesty International has conducted 10 Urgent Actions on behalf of torture victims needing immediate attention, people held incommunicado and people who had been arrested in an illegal way. One such case was that of Juan Miguel Sánchez, who was arrested on 1 April 1977 on the grounds that he was in possession of left-wing literature, and held incommunicado until he went to Emboscada prison in January 1978. He was in very poor health and had been severely tortured. He was released on 1 May 1978 and now lives in Brazil.

This past year has seen the release of an unprecedented number of prisoners held in administrative detention: legal proceedings against people arrested for political reasons have, in some cases–following initial declarations before the courts–resulted in definite or provisional release. Although individual prisoners have benefited from these measures, there is still no fundamental change in the system of administrative detention which is unregulated by legislation. Normal legal safeguards are further impaired in that the same judge who carries out the initial inquiry to determine if there is sufficient cause to commit a person for trial is responsible for final sentencing. This is particularly questionable in trials of a political nature where judges appear to rely heavily on police reports. Political detainees continue to be tortured and "confessions" extracted under torture are still an important factor in trial proceedings. Despite the high number of releases in the past year and the lifting of the State of Siege in three departments (excluding the capital, Asunción) in May 1978, much remains for the Paraguayan Government to change.

In December 1977, Amnesty International made a submission to the UN Commission on Human Rights concerning people in Paraguay who had died as a result of torture in police and/or military custody or who had disappeared after arrest. Also included in the submission were the cases of 11 victims of long-term detention without trial. In June 1978, the Inter-American Commission on Human Rights presented a carefully documented and highly critical report on the situation of human rights in Paraguay to the General Assembly of the Organization of American States.

Peru

President Francisco Morales Bermudez, head of the military Government of Peru since 1975, announced in late 1977 preparations for a return to civilian government. Elections for a Constituent Assembly, which is to draft a new Constitution, were held on 18 June 1978.

A State of Emergency and the suspension of constitutional guarantees was decreed on 20 May 1978. This happened after the announcement of Government austerity measures, following Government negotiations in Lima with a team from the International Monetary Fund (IMF) over terms for stand-by credit to meet Peru's severe financial crisis.

Opposition leaders protested that the conditions imposed by international financial bodies for financial credits were political as well as economic, that they would seriously jeopardize the proposed return to civilian government and lead

directly to large-scale violation of human rights. Street disturbances and a nationwide general strike in the days following the announcement resulted in an estimated 6,000 arrests; at least 38 people were shot dead by security forces. An estimated 2,000 were believed still to be in detention at the end of June 1978.

Similar disturbances had occurred in July 1977 as a result of government measures raising transport and other prices. They culminated in a general strike on 19 July 1977. Sixty-nine of the 1,800 thought to be detained in connection with the strike, and with street demonstrations in support of the strikers, were adopted by Amnesty International. Most were freed by early October 1977. Official military court sources told Amnesty International that 742 prisoners were acknowledged to have been detained in the July 1977 incidents, and that less than five were convicted of crimes. However, many of these prisoners were held for six months before being released.*

An urgent intervention was made by Amnesty International in January 1978 on behalf of 200 people detained for going on hunger strike in protest at the dismissal of over 5,000 trade unionists following the July 1977 general strike. The prisoners were charged under the Health Code which provides for six months' imprisonment for participation in a hunger strike. They were all released by presidential order at the end of March 1978, after their strike was suspended.

Four *campesinos* (peasant farmers) from the mountain village of Huacataz were shot dead and others were seriously wounded on 18 February 1978 when *Guardia Civil* troops fired on a crowd. Amnesty International subsequently pressed for the release of three women and two men who, despite serious injuries, were transferred to police cells shortly after emergency surgery. Amnesty International also urged the release of six people detained as they returned from the city of Cajamarca with coffins for the dead. All the detained Huacataz *campesinos* were released on 24 March 1978 but the charges against them are still pending.

An official Amnesty International mission was in Peru from 6 to 14 April 1978. It met private individuals and organizations concerned with human rights, and members of the Government, the judiciary and the military courts. The mission was led by Senator Hans Rau of the Federal Republic of Germany, a specialist in Latin American law, who was accompanied by a member of the Research Department in the International Secretariat of Amnesty International. Meetings were held with the President of the National Council of Justice, with officials of the Ministry of War and the Foreign Ministry, and with the Prefect of Lima. No member of the Cabinet received the mission.

However, it was able to have extensive talks with military court officials, including the President of the Supreme Council of Military Justice and his legal staff. The mission attended a session of the Supreme Council of Military Justice, at which a request for a special appeal hearing made by two convicted police officers was denied. The two men were sentenced to one and two years' imprisonment respectively on the charge of "Abuse of Authority". This was in connection with the death of a criminal suspect after a six-hour interrogation in the provincial city of Juliaca.

*A law of general amnesty was promulgated on 18 July 1978, ordering the release of all prisoners charged or convicted of "social-political" crimes. All political prisoners, including those convicted of guerilla activity, were subsequently released, with the exception of the political prisoners Justo Arizapana and Raimundo Zanabria, who await trial before a military court for an attack on a police officer.

The mission was expressly denied permission to visit any of the 36 political prisoners then held in the Lima area, or the prison used solely for political prisoners, the *Centro de Readapción y Reabilitación Social (CRAS)* in Callao, where conditions are reported by prisoners and church organizations to be appalling. The mission did visit parts of the prison *CRAS* in Lurigancho, but its civilian Director–who otherwise gave his full cooperation–informed the mission members that he had been specifically ordered to prohibit them from inspecting the wing in which political prisoners were isolated, or from speaking to any prisoners.

The mission was especially concerned that it was prevented from interviewing prisoners charged by military courts with guerrilla activities. These were prisoners who gave Amnesty International detailed, consistent, written reports of torture, mainly attributing it to forces of the State Security branch of the Peruvian Investigative Police and to the special assault unit of the *Guardia Civil*, the *Batallon Sinchi*, both of which are under the command of the Minister of the Interior.

Trinidad and Tobago (the Republic of)

A Caribbean seminar on the abolition of the death penalty, held in Trinidad on 7 and 8 November 1977, was co-sponsored jointly by the Caribbean Human Rights and Legal Aid Company, the Trinidad and Tobago National Committee for the Abolition of the Death Penalty and Amnesty International (see section on Death Penalty Program). The researcher for the English-speaking Caribbean in the International Secretariat of Amnesty International attended the seminar.

While in Trinidad she visited Andy Thomas, one of more than twenty people under sentence of death for murder. In June 1978, an Urgent Action was initiated on behalf of Stanley Abbott, Boodram Bedassie and Julien Marshall, all three sentenced to death for murder, who had exhausted their legal appeals. At the time of writing, they had not been executed. Two executions have taken place in Trinidad during the past year.

United States of America (the)

Amnesty International's major concerns in the United States are the use of the death penalty; the infliction on prisoners of cruel, inhuman or degrading treatment; and the fabrication of criminal charges against political activists.

The volume of work on the United States has increased greatly during the past year (July 1977–June 1978) because of extensive publicity about Amnesty International in the American news media following the award of the Nobel Peace Prize to the organization. It is also due to the greater public attention given to American human rights issues as a result of President Carter's emphasis on human rights in relation to foreign policy. However, it is still difficult to identify prisoners of conscience in the United States. The problem, referred to in previous Amnesty International Reports, lies in substantiating allegations that people apparently convicted of non-political criminal offences have in fact been "framed" because of their political activities or ethnic origin.

One new case was taken up during the year, work continued on 14 cases taken up in previous years and there were two releases on parole. On 5 October 1977 Dr Luis Reque, a Bolivian lawyer, attended, on behalf of Amnesty International, an appeal hearing in the case of the group known as the Charlotte Three–James

Earl Grant, Charles Parker and T. J. Reddy, convicted of arson (see *Amnesty International Annual Report 1974/75*). In February 1978 Amnesty International appealed to Governor James B. Hunt Jr. of North Carolina to pardon the Charlotte Three and in March 1978 sent an appeal to President Carter asking his support for their pardon.

Dr Reque observed also on Amnesty International's behalf the post-conviction hearing in the case of the Wilmington Ten–nine Black men and one White woman, charged with fire-bombing a store during racial disturbances in Wilmington, North Carolina, in 1971. Amnesty International adopted the Ten as Prisoners of Conscience, believing them to have been denied a fair trial (see *Amnesty International Report 1977*). In August 1977, Amnesty International sent Governor Hunt a copy of Dr Reque's report with an appeal to him to pardon the group. In the same month Amnesty International issued a press statement, announcing its action and attaching Dr Reque's conclusions on the case. On 23 January 1978, in a televised speech, Governor Hunt announced reductions of sentence for the Wilmington Ten. On 24 January Amnesty International issued another press statement, welcoming this but arguing that "justice can only be served by an acknowledgement that the Ten have been wrongly imprisoned and therefore by their immediate release." In February 1978, the organization wrote to Governor Hunt again, asking him to reconsider his decision not to pardon the Wilmington Ten. In June 1978, eight of them were still in prison. Ann Sheppard Turner, the only white defendant, was released on parole in January 1977 and in June 1978 so was William Wright.

Throughout the past year, Amnesty International has sent observers to trials in cases when the charges may have been brought because of the defendants' ethnic origin or political activities. Observers attended two hearings in the case of Leonard Peltier, an American Indian (see *Amnesty International Report 1977*). In January 1978, Mwangala Kamuwanga and Liyoka Kakula, both Zambian lawyers, attended Peltier's trial in Milwaukee, Wisconsin, at which he was acquitted of the attempted murder of a policeman. In April 1978, Brian Wrobel, a British lawyer, observed an appeal hearing for Leonard Peltier in St Louis, Missouri, against his conviction for the murder of two agents of the Federal Bureau of Investigation (FBI). Mr Wrobel subsequently had meetings with both defence and prosecution counsel and read the transcript of the original trial which took place in Fargo, North Dakota, in April 1977.

In another case involving American Indians, Dr Eugenio Velasco, a Chilean lawyer, continued to observe, on behalf of Amnesty International, the trial of Paul Skyhorse and Richard Mohawk, charged with murdering a cabdriver in October 1974 (see *Amnesty International Report 1977*). In July 1977, the organization wrote to Governor Edmund G. Brown Jr. of California and to Senators Allen Cranston and S.I. Hayakawa of California about allegations that Paul Skyhorse and Richard Mohawk were not receiving adequate medical treatment and in October 1977 further appeals were made to Governor Brown and to the Warden of Los Angeles County Jail asking for an investigation into allegations that the two prisoners had been ill-treated at Ventura County Jail and Los Angeles County Jail. Both men were acquitted in May 1978.

During the past year, appeals were made to several State Governors for the commutation of death sentences, and in January and February 1978 Urgent

Actions were initiated, appealing for the commutation of the death sentence due to be carried out in Alabama on 10 March 1978 on Johnny Harris, convicted of the murder of a prison guard in 1974. A week before the date set for execution, Brian Wrobel went to Alabama to look into the likelihood that the execution would actually take place in March and learned that the legal procedures had not yet been exhausted. While in Alabama, he met Johnny Harris himself, on Death Row in Holman Prison; he also met Mr Harris's lawyers and Governor George Wallace's legal adviser, to whom he explained Amnesty International's position on the death penalty. Mr Harris's case received particular attention because it might result in the second execution in the USA since 1967 (see *Amnesty International Report 1977*).

In June 1978, Amnesty International appealed to Norman A. Carlson, Director of the Federal Bureau of Prisons, for an independent investigation into allegations that prisoners in Lewisburg Penitentiary had been assaulted by prison guards in April. Also in June 1978, the organization asked Warden Oliver of Holman Prison in Alabama and Governor George Wallace of Alabama for an investigation into assaults by guards on prisoners in Holman Prison in April.

Uruguay (the Eastern Republic of)

Uruguay has been under *de facto* military rule since 1973 when the armed forces took over control of the Government and the elected Parliament was dissolved. Power now lies with a complex structure of military institutions, although the civilian framework is maintained. Dr Aparicio Méndez was appointed President in September 1976 by the Council of the Nation, a body established by decree law–Institutional Act No. 2 (1976). This Act also vested the Council of the Nation with the authority to appoint both members of the Council of State, which in December 1973 replaced Parliament, and members of the Supreme Judicial Court.

Although, according to the Constitution, military justice is restricted to cases of "military crimes and to a state of war", any offence connected with political or trade union activities under the Law of National Security (1972) falls within military jurisdiction. In December 1975, the Council of State approved Law 14.493 which made the jurisdiction of military courts retroactive so that the Law of National Security might apply to civilians who had committed offences before it was passed. In July 1977, the independence of the judiciary was virtually abolished by Institutional Act No. 8. Thus, although the Constitution of 1967 has not been repealed, it is gradually being invalidated by such decree laws.

In this past year (July 1977–June 1978), Amnesty International has continued to be disturbed about several aspects of political imprisonment in Uruguay: the large number of prisoners of conscience; the lack of legal safeguards at the time of arrest; the long periods of detention incommunicado; the maltreatment and torture; military jurisdiction over civilians; the poor prison conditions, in particular the use of military barracks as detention centers.

In this past year there have been no amnesties of political prisoners in Uruguay and trials still proceed alarmingly slowly. Although the Uruguayan Government admits to holding over 2,300 political prisoners in penal institutions, this figure does not include the hundreds of prisoners held in military barracks and other

interrogation and torture centers throughout the country. The number of peaceful dissidents is inevitably high in Uruguay, where all political activity is prohibited, where political parties left of center and the national trade union movement are banned, and the news media are either closed down or strictly censored.

Amnesty International adoption groups are at present working for the release of, or investigating the cases of 296 political prisoners. One of these, General Líber Seregni, presidential candidate for the broad left-of-center coalition *Frente Amplio* in the 1971 elections, and adopted by Amnesty International in 1974, was charged with conspiracy and sentenced in 1978 to 14 years' imprisonment, although the prosecution had not asked for more than 11 years'. His case is not the only instance in Uruguay in which, under military justice, the judge has imposed a harsher sentence than that asked for by the prosecution.

Several prisoners charged with belonging to the Groups of Unifying Action (*GAU*), a body banned in December 1973, have been released in this past year when their sentences expired. One of them, the trade union leader and teacher Ricardo Vilaró, was freed by judicial order in April 1978. As soon as he was released from police headquarters in Montevideo, he was abducted by members of the naval unit, *Fusileros Navales*. Governments and Amnesty International intervened on his behalf. After two months in detention, on 1 June 1978 he was freed and allowed to travel to the Netherlands to join his wife and family.

Since 1973, members of professional and political organizations have in turn been subjected to political imprisonment. The persecution of trade unionists has steadily increased, and the arrest of members of the Communist Party (*PCU*), which began on a large scale at the end of 1975, has continued during the past year. Among the cases taken up by Amnesty International are those of recognized leaders of the *PCU*, such as its Secretary General, Jaime Pérez, and the former Deputy and prominent mathematician, José Luís Massera. Their cases have been taken up by the Inter-Parliamentary Union also. Other cases taken up by Amnesty International are those of trade unionists alleged to be supporters of the *PCU*, the majority of whom have been detained since the large-scale arrests of *PCU* supporters and members in 1975 and 1976.

The case of the lawyer, Mario dell'Acqua, an Amnesty International adoptee who had himself defended numerous political prisoners, was described in an Amnesty International document about imprisoned lawyers in Uruguay (published in March 1978). His arrest in 1976 coincided with the increased harassment of defence lawyers, which reached a peak during the past year. The Amnesty International document called for lawyers to intervene on behalf of their imprisoned colleagues, and described the difficult conditions under which defence counsel have to work in Uruguay: they are constantly suspected of helping their clients for political rather than professional reasons. Threats made against defence lawyers and their imprisonment or exile mean that virtually all political prisoners in Uruguay lack a defending counsel, apart from the one appointed by the state–normally a military officer. Following widespread international protests, six of the lawyers whose cases were included in the Amnesty International document were released, but to date they have not been allowed to take up their profession again.

In June 1977, on the anniversary of four years' military rule in Uruguay, Amnesty International, disturbed by the continuing lack of guarantees surrounding

arrests, cabled the Government and issued a press statement, expressing "profound regret that the Government is not using its authority to safeguard the most fundamental legal rights of its citizens". People are still arrested without warrant and held incommunicado for weeks or months, and their families are not even informed of their whereabouts.

In December 1977, Amnesty International again sent a cable and issued a press statement, urging the Government to "clarify the situation of 14 Uruguayan citizens, five of them women, arrested in early December 1977 and since then held in secret detention". They were all relatives or friends of prisoners of conscience adopted by Amnesty International and some had themselves been discovered in the Military Hospital in Montevideo, suffering from the effects of torture. All 14 have been taken up by Amnesty International adoption groups.

Because of the large number of political prisoners in Uruguay, military barracks as well as the normal prisons are used as detention centers, not only for prisoners being interrogated but also for those already on trial and under the authority of a military judge. In the June 1977 press release Amnesty International referred to conditions in the 1st Artillery Battalion where "prisoners are kept practically immobile and on a starvation diet". The prisoners include the journalists Ismael Weinberger and Rodolfo Porley, both of whom have been adopted by the organization.

The possibility of being illegally transferred to another detention center for further interrogation and maltreatment creates a climate of tension which has led to suicide attempts in the high security prison of Libertad (*Establecimiento Militar de Reclusión No. 1*). A case in point is that of Washington de Vargas Saccone on whose behalf Amnesty International has organized various appeals. In April 1978, this man, who was to have been released on 21 May 1978, was transferred from prison to the Military Hospital in Montevideo. The official explanation given to his relatives for this move was *crisis nerviosa* (nervous breakdown) as a result of attempted suicide. Amnesty International heard that before he was admitted to the Military Hospital, he had been taken from his prison cell to be interrogated and had been maltreated and possibly tortured. While he was in the Military Hospital, his family was not allowed to visit him. He is still in prison.

Another difficulty prisoners face when they are released, if they want to leave the country, is the paying of a considerable sum of money for the cost of their maintenance while in prison. During the past year, Amnesty International examined the somewhat conflicting information provided by Government representatives on this subject and is pursuing the matter with the authorities in relation to specific cases. Payment of prison costs is required by law but was rarely demanded in practice before the military takeover. Amnesty International has received numerous reports of prisoners having to pay up to 3.00 US dollars to cover the cost of each day spent in prison.

Some political prisoners in Uruguay are former refugees, abducted and forcibly returned to Uruguay by the joint action of Uruguayan and Argentinian security forces. During the past year, Amnesty International has investigated the situation of 62 people, said in a communiqué issued by the armed forces at the end of 1976 to have been arrested in Montevideo. The names of only 17 of them were given at the time. Fourteen were known to have been abducted in Argentina, and it was

believed that the others were also former refugees and that many "disappearances" of Uruguayans in Argentina could be explained by the publication of all 62 names. In a press statement in April 1978, Amnesty International referred to the "unspeakable anguish this uncertainty is causing the families of abducted persons who are still missing". In early May 1978, the organization received the first official list of the 62 people from the Uruguayan authorities. As individuals known to have been arrested at that time do not appear on it, Amnesty International is looking into the matter.

The most extreme reflection of the erosion of the rule of law in Uruguay during the past ten years has been death under torture. Although this has produced widespread international protest, torture continues to be used by the Combined Forces (Police and Military) as a method of interrogation and of systematic repression.

Moreover, no steps have been taken by the Uruguayan authorities to establish an independent commission of inquiry into the 22 cases of death under torture publicized by Amnesty International in 1976. In April 1978, the organization published a leaflet, *Uruguay: Deaths Under Torture 1975–77*, which includes an account of the cases of 12 people who died as a result of torture while in the custody of the Combined Forces. The leaflet points out how the sort of torture first inflicted on people suspected of being members of the violent opposition group, Movement for National Liberation (*MLN*) or *Tupamaros*, until that movement was crushed in the early 1970s, had, by 1975, become "routine treatment for virtually any peaceful opponent of the Government who fell into the hands of the military". One of the cases described in the leaflet is that of Hugo Pereyra, aged 54, a building worker and trade unionist. He died in August 1977 while in detention in a military barracks in Montevideo. His body, when delivered to his family, had various head injuries and a gash across the stomach. The Combined Forces said that the cause of his death was cerebral embolism.

The leaflet describes also five cases of people who disappeared following arrest by the military or the police. Among them is Julio Castro aged 68, a well-known educationalist, a UNESCO expert on literacy training and ex-Deputy Editor of the banned weekly paper, *Marcha*. At the time of his arrest (which the Government says never occurred) on 1 August 1977, he was suffering from a heart ailment. He has since disappeared without trace. Despite eye-witness accounts and circumstantial evidence which suggest that he was arrested, in 1978 the Government told Amnesty International that Castro and four others, who disappeared in 1975 and 1976, are wanted by the Combined Forces because of their political activities. It is generally believed that the five died in detention and that their bodies have been disposed of.

The case of Alvaro Balbi, who died under torture, was submitted by Amnesty International to the Inter-American Commission on Human Rights (IACHR) of the Organization of American States. In November 1977, the IACHR concluded that "the body of Alvaro Balbi showed outward clear marks of violence" and recommended to the Uruguayan Government that it "should organize a full and impartial investigation" and "punish those responsible" for the reported acts. Amnesty International also expressed its concern to the Uruguayan Government regarding the detention in a military unit and the alleged maltreatment of Sra. Miriam Vienes de Suarez Netto, who had cancer—diagnosed by the arresting naval

unit, *Fusileros Navales*. She died a few days after her release. In February 1978, Amnesty International sent a cable requesting a full and impartial investigation into the circumstances of the alleged suicide of Norma Cedrez in Punta Rieles. Through its membership, Amnesty International organized telegram actions on behalf of 19 other people reported either to be undergoing torture, to have disappeared after arrest, to be held incommunicado or to be seriously ill.

Amnesty International has continued to submit to the IACHR cases of people in Uruguay whose human or legal rights have been violated and to comment on the information provided by the Uruguayan Government on cases already submitted. During the past year, too, Amnesty International made a submission on Uruguay to the United Nations Commission on Human Rights (UNCHR), concerning people who had died under torture or "disappeared" after arrest. The UNCHR resolved at its February 1978 meeting in Geneva to keep Uruguay on the agenda and the situation there under review.

The Uruguayan Government still publicly claims that Amnesty International lacks impartiality and is not concerned about violations of human rights in communist countries, and that it considers the organization responsible for an international "slander campaign" against Uruguay. However, direct talks between Amnesty International and the Uruguayan Government were re-established during the past year through the Uruguayan Embassy in London.

Amnesty International is far from alone in its criticism of the human rights situation in Uruguay. During the past year, the international community, governments and non-governmental bodies alike, has spoken out against that Government's infringement of the human rights of its citizens. In December 1977, through their ambassadors in Montevideo, the member nations of the European Community condemned the violations of human rights in Uruguay. In January 1978, the member states of the Organization of American States (OAS) voted against holding its General Assembly in Montevideo on the grounds of human rights issues and the Government's failure to co-operate with the IACHR. In June 1978, having failed to reach an agreement with the Uruguayan Government on an investigation *in loco*, the Inter-American Commission on Human Rights presented a critical report to the General Assembly of the OAS.

Venezuela

Since Carlos Andres Perez was elected President in 1974 (he was the *Accion Democratica* candidate), the Government has taken steps to promote human rights regionally and internationally by strongly supporting the Inter-American Commission on Human Rights. In July 1977, the Venezuelan Executive signed the American Convention on Human Rights, which was later ratified by the legislature in early 1978. Nevertheless, there is cause for concern as regards human rights in Venezuela itself, and frequent press reports and other information on human rights issues are sent to Amnesty International from Venezuela.

The organization has for several years been disturbed by the application of martial law (the Military Code of Justice) to civilians charged before the military courts with crimes against the security of the state. Although Amnesty International has publicized this situation since 1974, the situation does not appear to have improved. There are estimated to be 85 civilians now in detention who have

been indicted by military courts, but many have been awaiting trial for up to seven years--most of them having now been held for over four years without trial. The authorities claim that they are all in process of being tried *(procesados)*. However, according to Amnesty International's information, pre-trial detention in military cases is lengthy or lasts indefinitely, and many people held by the army assert that they have been severely tortured during interrogation by army intelligence personnel.

It should be borne in mind, however, that most of these prisoners were arrested over four years ago. Amnesty International has taken up for investigation several recent cases of detention by military courts. The member of Congress, Diego Salom Mesa, sixty-year-old leader of the *Movimento Electoral del Pueblo* Party, has been held since July 1976. He was charged under the Military Code of Justice with "Rebellion" (Article 476), for alleged involvement in the kidnapping of businessman William Frank Niehous in 1976, and has been the subject of appeals by every major opposition party and by Roman Catholic bishops who have called for his immediate release. Monseigneur Mariano Parra Leon, Bishop of Cumana, was reported in the Venezuelan Roman Catholic journal *La Columna* to have stated that the detention of Diego Salom Mesa ". . . is infamous . . . Pity the luckless Venezuelan who falls into the hands of Military Justice". In early 1978, the military prosecutor in the case charged Diego Salom Mesa also with "Slander of the Armed Forces" (*Ultraje a la Fuerza Armada*, Section IV, Article 505, Military Code of Justice).

Another prisoner before the military courts whose case is being investigated by Amnesty International is Doris Francia, Editor of the left-wing journal *Ruptura*. She was arrested on 11 October 1977 and has been indicted for "incitement to rebellion" on the basis of an article published in *Ruptura* on 30 September 1977, reporting the escape of several political prisoners.

Asia

During the past year, several Asian governments have released numbers of people held in political detention; even so, there are still very many political prisoners who have been held for long periods without trial. For example, the Government of Indonesia announced in December 1977 that it had released 10,000 political prisoners, many of whom had been held for more than 12 years without trial. The Government said that it would release the remaining untried political prisoners –estimated to number tens of thousands–by the end of 1979. This means that the remaining large numbers of political prisoners (whose background is similar to those whose releases have been announced) will have had to spend up to 13 or 14 years in prison despite the implicit admission by the Government that they could and should be released.

Elsewhere in Asia, there has been a pattern of releases accompanied by new arrests or re-arrests. In the Republic of Korea (South Korea), the wave of arrests since 1976 of people who openly called for the restoration of basic liberties was followed by their eventual release. However, others, including students and workers, remain imprisoned; the Government has also refused to release the famous poet, Kim Chi Ha, and other prisoners arrested in previous years for expressing opposition to the Government. Recent student demonstrations, demanding the repeal of the present Constitution and the release of political prisoners, were broken up by police, and an unknown number of students was arrested.

Amnesties of detainees have been announced from time to time in the Philippines and Bangladesh. In the Philippines the pattern has been one of releases at the same time as new arrests, and there have been increasing allegations that prisoners have been summarily killed. In Bangladesh, after two abortive military uprisings in September and October 1977, the Government executed more than 130 prisoners for alleged involvement in the attempted *coups*, and the total number put to death could be as many as several hundred.

Refugees from Democratic Kampuchea (Cambodia) continued to speak of killings and arrests. The Kampuchean Government has not allowed independent international observers into that country, and has not provided information about alleged atrocities requested in March 1978 by the United Nations Commission on Human Rights (UNCHR).

The severe restriction on information relating to human rights which is imposed by the Democratic People's Republic of Korea (North Korea) denies the outside world news of violations. Burma is another country which restricts information regarding human rights; the scale of possible human rights violations there is indicated by the large numbers of Muslim refugees who recently crossed the border into Bangladesh.

In the People's Republic of China there have been during the past year arrests of party cadres on political and other grounds. At the same time, there has been a process of political rehabilitation of cadres and others who had previously been detained on similar grounds because they had been identified as belonging to one side or another in national political disputes. Of continuing concern is the Chinese Government's use of the death penalty, apparently as a means of maintaining public order and of punishing political offenders; there have been reports from various parts of China of people sentenced to death with immediate execution for political offences as well as for common crimes.

In Vietnam, the Government continues to keep tens of thousands of people in detention in camps where they are described as undergoing "political re-education". The Vietnam authorities had previously indicated that the process of "re-education" would take three years from the fall of the Thieu Government in May 1975, but that period has now been exceeded, and the continued detention of very large numbers of people causes increasing concern.

The new martial law Government in Pakistan has introduced measures designed to curb political dissent. The number of political prisoners has increased and now totals several thousand. At least 160 political prisoners, arrested for taking part in peaceful political activities, have been flogged. About 150 journalists and newspaper workers have also been arrested for taking part in a hunger strike to protest against the closure of a political party newspaper. The martial law Government has introduced as one form of punishment for theft the amputation of a hand.

There has been erosion of human rights in Malaysia in the past two years. Large numbers of prisoners have been held in detention without trial for long periods; those arrested more recently included prominent political figures. These violations of human rights have occurred under the Internal Security Act.

The Singapore Government continues to use its wide powers to arrest people alleged to be a danger to national security, and a number of political prisoners have been held for very long periods without trial. In the Sultanate of Brunei, 13 political prisoners have now been detained for extremely long periods, most of them for more than 14 years without trial.

A military *coup* in Afghanistan in April 1978 resulted in the killing of the former President and many members of his family, and large-scale political arrests were reported.

Over the past year, Amnesty International representatives have visited India, Pakistan, Bangladesh and Thailand, for discussions with members of governments and to study the human rights situation in those countries. Because of the large numbers of political detainees held in Asia, it is Amnesty International's practice to adopt a representative selection of individual cases, and to support this work with general initiatives for categories of prisoners in particular countries.

During 1977-78 Amnesty International conducted international campaigns on behalf of prisoners in Bangladesh, the Philippines, Indonesia, Taiwan and Thailand, and has also undertaken focused actions on behalf of prisoners in South Korea, Malaysia, Singapore and Brunei. In the same period, the organization has issued reports on Indonesia, Pakistan and Bangladesh.

***Afghanistan** (the Republic of,* later *the Democratic Republic of)*

After the military *coup* in 1973 which brought President Mohammed Daoud to

power, a number of people were sentenced to death for alleged complicity in attempts to overthrow his administration, including former air force and army officers. They were tried by military tribunal and the alleged ringleaders were subsequently executed. For example, on 7 August 1977 the official daily newspaper *Gham'hurie jat* reported that three alleged anti-government agitators had been executed by firing squad.

In accordance with its opposition to the imposition and infliction of death sentences, Amnesty International expressed its concern to President Daoud at the use of the death penalty in Afghanistan, pointing out that although the Government claimed that sentences of death were not in fact carried out, this claim was contradicted by official announcements of the execution of alleged anti-Government plotters.

On 27 April 1978 President Daoud was himself overthrown in a violent military *coup*, and he and many members of his family were killed. On 4 May Amnesty International cabled President Nur Mohammed Tarakki of the newly proclaimed Democratic Republic of Afghanistan, urging him to intervene to prevent further political killings of people associated with the former administration. It appealed to the new Government to protect the lives of all those in danger of being killed for political reasons, including remaining members of the family of the former President and former ministers in his administration. Because of reports of large-scale political arrests in Kabul and the provinces, Amnesty International urged the new Government to order the immediate release of all people arrested for political reasons. The number of people imprisoned on political grounds in Afghanistan is not known.

On 19 June 1978 Amnesty International wrote to President Tarakki welcoming his public announcements that, among other policy aims, his Government affirmed that it would observe the Universal Declaration of Human Rights and the Charter of the United Nations. Amnesty International urged that full provision for the protection of human rights should be included in the new Constitution being drawn up by a special commission of the Revolutionary Council of the Democratic Republic.

Referring to official reports that members of the family of the late President and members of the Afghan royal family were to be brought before a military court and tried for allegedly engaging in "provocative acts", Amnesty International urged President Tarakki to ensure that only people charged with specific crimes would be brought to trial and that their right to a fair and open trial, including the right to legal counsel and the right of appeal, would be safeguarded, according to generally recognized standards of legal procedure.

On 25 June Kabul Radio reported that approximately 1,000 political prisoners detained by the Daoud administration had been released from Kabul prison as the result of an amnesty ordered by the new Government. Amnesty International is making investigations to try to determine to what extent political prisoners have been included in general amnesties of prisoners announced by the new Government.

Bangladesh (the People's Republic of)

During April 1978, the military Government headed by Major General Ziaur Rahman, President of Bangladesh and Chief Martial Law Administrator, announced

that presidential elections would be held on 3 June 1978, to be followed by parliamentary elections in December 1978. The President said that he would participate in the elections as presidential candidate and as Chairman of the newly constituted *Jatiyabadi* Front (Nationalist Front), a coalition of six leftist and rightist parties which advocates the continuation of a presidential form of government. The President stated that, in preparation for the elections, open political activity would be allowed to increase gradually from 24 April 1978 onwards, that martial law would be withdrawn step by step and that the Fourth Constitutional Amendment, which had been passed under a previous régime, introducing a one-party system and seriously curbing the independence of Bangladesh's judiciary, would also, at some future stage, be repealed.

The President said that the Government had released thousands of political prisoners and that, of the rest, all would be released except those against whom serious criminal charges existed. However, at the time of writing (June 1978), martial law remains in force, together with the Emergency Power Rules and the Special Powers Act, legal instruments which have been used to detain political opponents on a large scale. Processions are still banned and there are recent reports of people taking part in them being arrested. Although the Government lifted the ban on the *Jatiyo Samajtantrik Dal* (JSD–National Socialist Party) on 24 April 1978, the ban on the Communist Party and the Democratic League remains in force. Some of their leaders, including Mohammad Farhad, General Secretary of the Communist Party (who has been adopted by an Amnesty International group as a prisoner of conscience) are still held without trial, like the majority of other political prisoners–between 10,000 and 15,000 of them, according to the estimate made in the *Report of an Amnesty International Mission to Bangladesh*, containing the observations of an Amnesty International delegation which visited the country from 4 to 12 April 1977.

The findings and recommendations made in the mission report were sent to the President, Major General Ziaur Rahman, on 23 June 1977; they were described in the *Amnesty International Report 1977*. The mission report reflects the deep concern of the organization about the absence of legal and constitutional safeguards in the procedures followed in martial law courts, which frequently try political prisoners under summary procedures. The report also recommends an early return to a situation where political prisoners are protected by all customary legal and constitutional safeguards and effective steps towards the abolition of martial law; it urges the Government to take immediate steps for the early release of political prisoners held in detention without trial for more than six months, and the improvement of the inhuman conditions in which political prisoners are being held.

The Ministry of Home Affairs replied on 5 October 1977 to the observations made in the report, in which its letter appears as an Appendix. While contesting Amnesty International's estimate of the number of political prisoners as being too high, the Government acknowledged that "persons having different political persuasions are detained under EPR/75 with a view to preventing them from indulging in prejudicial activities". The reply failed to give the number of political prisoners actually detained, nor did it acknowledge that in Bangladesh the majority of political prisoners is held on charges punishable under the Penal Code or the Special Powers Act or Arms Act without, however, being brought to trial. The letter did not contest the other facts presented in the report.

Explaining the arrests of a political nature which had taken place after the Amnesty International mission visited Bangladesh, and to which Amnesty International had referred, the Government stated: "Persons having different political persuasions are detained only when their detention is considered necessary with a view to preventing them from doing any prejudicial act . . . and not in consideration of their party affiliation as alleged. For any efficient Government of any country, it is its responsibility to take effective preventive measures when security of the state is threatened or endangered."

On 25 March 1978, there was a more detailed comment from the Bangladesh Government, stating that "at no time the number of political prisoners during the present régime did exceed 2,000." According to this letter, the then current figure was 862, including detainees charged with offences punishable under the Penal Code, or Arms Act, in addition to charges of involvement in prejudicial activities. (As stated at the beginning of the report, Amnesty International believes that many thousands of political prisoners are still being held.)

After the mission report had been presented to the Government of Bangladesh, there were disturbing developments in the country. Two abortive military uprisings took place—in Bogra on 30 September 1977 and in Dacca on 2 October 1977—during which it is estimated that at least 230 people died. The Government took stern measures to deal with those allegedly involved in the uprisings and, on 19 October 1977, announced that 37 army and air force personnel had been executed for their alleged part in the second unsuccessful *coup*; on 26 October it was announced that 55 others had been sentenced to death in connection with the earlier *coup* in Bogra. All were sentenced after trials by martial law tribunals, held *in camera*. There was no possibility of appeal. It was reported that executions took place in Dacca Central Jail by hanging and in the Dacca Cantonment by firing squad; some executions were said to be carried out also in Comilla Jail.

The Secretary General of Amnesty International cabled the President on 19 October and 28 October 1977, calling for an immediate stop to the executions, and expressing profound concern about them, particularly in view of the absence of legal safeguards from the tribunal's procedures. These appeals to the Government were released to the press, emphasizing that, in Amnesty International's experience, trials before military tribunals in Bangladesh fell far short of internationally accepted standards. Many Amnesty International members sent cables to the Bangladesh Government, calling for an immediate halt to the executions. However, there were continuing reports that executions following summary military trials continued, and the International Executive Committee of Amnesty International asked the Secretary General to travel to Dacca to discuss these developments, as well as the recommendations made in the *Report of an Amnesty International Mission to Bangladesh*.

The Secretary General's visit lasted from 29 to 31 December 1977. He met the President, the Presidential Advisers for Foreign Affairs and Home Affairs, and other Government officials, and was assured by the President that executions had stopped but he was not given any figure for the total number that had already been carried out. He was also told by the Government that martial law would be lifted before the general elections, scheduled for 1978.

Amnesty International wrote to the Bangladesh Government on 8 February 1978, informing the Government of its intention to release the mission report by

the end of the month, together with any comments on it which might possibly be made by the country's Ministry of Home Affairs, as agreed during the Secretary General's visit to Dacca. And, on 27 February 1978, Amnesty International duly released its *Report of a Mission to Bangladesh*.

In the foreword, Amnesty International states that it believes the actual number of executions to be at least 130 and perhaps several hundred. In December 1977 it received a list, whose authenticity it has no reason to doubt, of names of 129 military personnel executed for their alleged involvement in the two attempted *coups* (in Bogra and Dacca). According to this same report, the 129 were among several hundred prisoners executed after the *coup* attempts. In some cases, the executions allegedly took place without any form of trial. In a cable of 19 January 1978, the Secretary General of Amnesty International expressed profound concern at reports which stated that executions were still going on in December 1977, and requested an immediate assurance that executions had been stopped. The Bangladesh Government replied on 27 February, saying: "Profoundly regret that Amnesty International failed to distinguish between an ordinary crime and its trial by legally constituted courts and happenings of 2 October and trial of offenders by Special Tribunals. Amnesty International seems to be confusing ordinary convicts and under trial prisoners as political detenus or so-called 'prisoners of conscience'. The number of executions relating to 2 October is baseless. The allegation of continuing executions is false."

The mission report listed six amnesties which have been announced by the Government since the mission visited Bangladesh, involving the release of 3,662 political prisoners, and which Amnesty International has publicly welcomed. However, reports in the Bangladesh press give instances in which political prisoners whose release is announced in the press actually remain in prison because of administrative inefficiency or because it is claimed that there are other charges against them. The releases occurring now confirm the allegation in the mission report that political prisoners are kept for years without being brought to trial; Prem Ranjan Dev, for example, was reportedly released on bail on 14 April 1978 from Dacca Central Jail after having been held in detention since 11 October 1973, when he was arrested during a political procession. Other political prisoners are occasionally released by orders of the Supreme Court after presentation of *habeas corpus* petitions. Amnesty International groups have taken up the cases of over 40 workers of the JSD, members of the Awami League and various left-wing political organizations, for investigation, urging the Government that they be released or tried without delay, in view of the fact that most of them have been held for several years without trial. The cases which Amnesty International has taken up include those of 29 political prisoners from a list of 383 whose names the organization obtained from the Shaikh Mujibur Rahman administration, all of whom had been imprisoned for more than three years without trial.

Over the year new political charges continued to be made against political prisoners. In its mission report Amnesty International seriously questioned the validity of new charges against leaders of the JSD, reported in the Bangladesh press of August 1977. The report stated that these prisoners, some of whom were already serving long prison sentences, were again to be tried before a special martial law court for making inflammatory speeches on 17 March 1974 during a public demonstration under a previous régime, about which the Government

then in power took no action. The Secretary General of Amnesty International telephoned the Vice-President in Dacca on 7 September 1977 to express concern at reports that political prisoners were still tried *in camera* before military courts in Dacca, and urged the Government that the trial of any such prisoners should be held before ordinary courts in accordance with full legal safeguards.

In the foreword to the mission report, it was stated that Amnesty International's anxiety for the safety of political prisoners in jails had greatly increased since the mission took place: on 1 July 1977, a cable was sent to President Ziaur Rahman expressing concern about an incident which took place in Dacca Central Jail on 22 June 1977, in which between 25 and 30 political prisoners were reportedly seriously injured, and urging the Government to publish the findings of the commission of inquiry which had been set up. The President assured the Secretary General that the one-man commission (a Supreme Court judge) investigating this incident was expected to present a report after January 1978, but said that the Government would only publish its basic findings. In spite of these assurances, the findings of the report have not, to Amnesty International's knowledge, been publicly released to date, and the Ministry of Home Affairs, in its letter of 25 March 1978 referred to above, merely said that "suitable measures to strengthen security in jails have also been taken by the Government after the incident. The incident in Dacca Central Jail was inquired into by the second highest Judge of the Supreme Court. His recommendations are in the process of implementation." Amnesty International is unconvinced that any effective steps have been taken by the Bangladesh Government to safeguard the safety of political prisoners and to improve the conditions in which they are held.

During September 1977, Amnesty International members made inquiries about the health of Serajul Alam Khan, a leader of the JSD, whose health was reported to be deteriorating, and urged the Government to allow medical tests to be carried out and to permit family members to visit him regularly in accordance with prison regulations.

Recently, some new arrests have been reported to Amnesty International: these are of people charged with "bringing out [*sic*] processions illegally". On 30 May 1978, Amnesty International wrote to the Presidential Adviser in charge of Information and Broadcasting to inquire about the arrest of 23 journalists, some of whom were reportedly injured by the police while taking part in a peaceful procession demanding restoration of the freedom of the press. Amnesty International asked for an assurance from the Government that no new arrests of this nature would take place in the future.

Brunei (the Sultanate of)

The Sultanate of Brunei is situated on the northern coast of the island of Borneo, between the two Malaysian states of Sarawak and Sabah, covering an area of approximately 5,765 square kilometres. Brunei is ruled by an hereditary Sultan, who is assisted by a Council of Ministers. The present Sultan is Sir Hassanal Bolkiah. The Constitution provides for a Legislative Council, in which elected members are in a minority, the majority being officially appointed.

Amnesty International groups have continued to work for the release of 13 adopted prisoners, all former members of the *Partai Rakyat Brunei* (People's Party of Brunei), who are imprisoned without trial under emergency orders.

Most of them have already spent more than 14 years in detention without trial. The *Partai Rakyat* has been banned since December 1962, when meetings of the Legislative Council were suspended. At that time, the *Partai Rakyat* held all the elected seats in the Legislative Council, having won 80 per cent of the votes in elections to district councils under a system of indirect elections to the Legislative Council. But they were not able to form a government because their elected representatives were outnumbered by members of the Legislative Council nominated by the Sultan. On 12 December 1962 the Sultan declared a State of Emergency—which is still in force—and invoked a treaty with the United Kingdom to call in British troops to put down a revolt by the *Partai Rakyat*, who had declared an independent government of Brunei. Some 2,500 *Partai Rakyat* members and supporters were arrested. Most of them had been released by 1974, with the exception of 49 men, whose cases were taken up by Amnesty International. Of these, according to the information available, the 13 adopted prisoners already spoken of remain in detention without charge or trial.

The exact number of political detainees in Brunei is not known. The Government has not disclosed the number even in response to questions from members of Brunei's Legislative Council. Furthermore, although the over-all trend is for the number to decrease as the result of releases, an unknown number of released prisoners have been arbitrarily re-arrested, including some who had spent many years in detention without trial in the 1960s.

Most of those still in prison have already been detained for what in many countries would amount to a life sentence with remission for a convicted criminal, yet they have been held for this length of time for political reasons, without charge or trial, solely at the discretion of the Brunei Government. By releasing more than 30 of the group of 49 detainees already mentioned over the last four years, the Government has demonstrated that it does not consider the detainees represent a threat to the security of Brunei—the original ground for their arrest. In view particularly of the great length of time which most of the prisoners have already spent in detention without trial, Amnesty International has urged their speedy release.

Burma (the Socialist Republic of the Union of)

During 1977-78, the administration of President Ne Win has maintained its one-party form of government; the ruling party is the Burma Socialist Program Party. The new Council of Ministers was appointed in 1977, with a new Prime Minister, U Maung Maung Kha.

Information about political prisoners in Burma is not available. The Government imposes severe restrictions on foreign journalists and the press is under Government control.

There was a recurrence in 1977 of trials for high treason. Following the case of Captain Ohn Kyaw Myint and five others reported in the *Amnesty International Report 1977*, two more high treason trials began, in December 1977. The first case involved a group of civilians accused of plotting the assassination of a number of Burmese political leaders with the assistance of Karen insurgents. On 24 February 1978 the Rangoon Division Court sentenced to death three of the defendants: U Mahn Ngwe Aung, a Karen national and former chairman of a local unit of the Burma Socialist Program Party, U Mahn Dar Waik, a Karen freelance

journalist and Maung Kyaw Htoo, a mechanic. The court in its judgment said that severe punishment had to be given to deter those who plotted against the constitutionally elected national leaders and Government.

The Rangoon Division Court concluded at the same time (February 1978) the trial of four other civilians accused of conspiring with Arakanese rebels to create a separate Arakan state. The court sentenced one of the defendants, U Htein Lin, to death. Information is not available regarding the sentences passed on the three other defendants.

On 27 February 1978, Amnesty International cabled President Ne Win, urging him to commute the four death sentences passed in the two trials.

There were reports in September 1977 of a purge of some 50 senior Government officials, but precise details are not available.

The most serious general human rights problem in Burma involves the treatment of the Muslim minority, particularly the Rohingyas, in the province of Arakan. Recently, there has been a marked increase in the number of Burmese Muslims crossing the border into Bangladesh; the Government there has estimated that in the months of April and May 1978, some 100,000 have sought refuge. The refugees have alleged that Burmese troops had driven them from their homes and that they had been subjected to brutal treatment. On 11 May 1978, Amnesty International cabled President Ne Win, expressing deep concern at continuing reports alleging that some Burmese Muslims have been brutally treated and killed, and that Burmese troops have evicted others from their homes and driven them from the country.

China (the People's Republic of)

In the People's Republic of China (PRC), the past year (1977-78) was marked by continuing purges and arrests of cadres accused of being supporters of the purged "gang of four" radical leaders, by the rehabilitation of people said to have been detained or "persecuted" under the influence of purged leaders, and by the adoption in March 1978 of a new Constitution.

The Fifth National People's Congress (NPC) of the PRC met in Peking in February and March 1978 to approve changes in the Government and in the country's Constitution. Like the Constitutions of 1954 and 1975, the 1978 Constitution includes a chapter on the "Fundamental Rights and Duties of Citizens" which guarantees a number of fundamental rights, such as "freedom of speech, correspondence, the press, assembly, association, procession, demonstration, the freedom to strike". The new Constitution re-establishes the "right to defence" which had been removed from the 1975 Constitution. However, the 1978 Constitution also includes provisions limiting civil liberties and provides for imprisonment on political grounds. For instance, Article 18 states:

> "The State safeguards the socialist system, suppresses all treasonable and counter-revolutionary activities, punishes all traitors and counter-revolutionaries, and punishes new-born bourgeois elements and other bad elements.
>
> The State deprives of political rights, as prescribed by law, those landlords, rich peasants and reactionary capitalists who have not yet reformed, and at the same time it provides them with the opportunity to earn a living so that they may be reformed through labour and become law-abiding citizens supporting themselves by their own labour." (New China News Agency, 7 March 1978)

According to the report on the revision of the Constitution presented to the Fifth NPC by Vice-Chairman Ye Jianying, the punishment for "new-born bourgeois elements"–provided for in Article 18–had been "added in conformity with the present situation of the class struggle in our country". The same report specifies that "new-born bourgeois elements" are "those newly emerged elements who resist socialist construction [*sic*], gravely undermine socialist public ownership, appropriate social property or violate the criminal law". In other words, it refers mainly to people accused of political or "economic" offences.

Vice-Chairman Ye Jianying's report indicates that this new category of "class enemies" is the primary target of the present "class struggle" in China. It is likely, therefore, that many people–particularly young cadres who came to power at the end of the Cultural Revolution–have been stigmatized as "new-born bourgeois elements" in the course of the campaign against the "gang of four" and been punished in various ways, including imprisonment. The national campaign to criticize the "gang of four" and their followers, which was launched at the end of 1976, is still going on in 1978. Commentaries on the implementation of the campaign in the official press show that anyone suspected of the slightest sympathy with the ideology of the "gang of four" has to be thoroughly "investigated" and that those suspected of having had close connections with the "gang of four" must be "dealt with in accordance with the law".

Arrests of "counter-revolutionary" followers of the "gang of four" were mentioned by official sources during the past year, but, apart from some "major culprits", names are rarely mentioned. Most of those officially named are local leaders who are accused of scheming to seize power, of corruption and other malpractices, or of unlawful use of power which resulted in the persecution of other people. Among the arrests mentioned by other sources, three members of the Standing Committee of Guangdong Provincial Revolutionary Committee, Lui Junyi, Tian Huagui and Liang Qintang, were reported to have been detained in 1977. The three are former Red Guards, now in their thirties, who were appointed to the Revolutionary Committee in 1968. According to the *Far Eastern Economic Review* of 9 September 1977, they were alleged to have been detained for investigation into their connection with one member of the "gang of four". Amnesty International is investigating these cases. In April 1978, Agence France Presse in Peking also reported that a dozen former Red Guard leaders had been arrested in the city, including Kuai Dafu, Nie Yuanzi and Tan Houlan. The three are famous for their role during the Cultural Revolution (1966-68). They were appointed to official positions at the end of the Cultural Revolution, but seem to have fallen into disgrace in the early 1970s. Amnesty International inquired about these arrests in a cable to Chairman Hua Guofeng on 28 April, urging that information about them be made public. At the time of writing, no more information was available.

While purges and arrests of alleged followers of the "gang of four" continued, a process of rehabilitation was undertaken during the past year. It concerned intellectuals, cadres and other people who had been detained or dismissed from office or punished in other ways during the previous decade (1966-76). The

official press, for instance, announced on 13 March 1978 that since 1976 more than 10,000 "victims of the gang of four" had been rehabilitated in Shanghai, some posthumously. Many examples of individual cases of rehabilitation were given by official sources. In May, it was also announced that thousands of people who had been labelled as "rightists" since 1957 would be rehabilitated. This decision was adopted by the Chinese People's Political Consultative Conference—a united front institution—and announced in a document from the Central Committee of the Chinese Communist Party. Amnesty International welcomed this decision in a letter to Vice-Premier Deng Xiaoping in May and at the same time raised particular cases known to it, such as those of Lin Xiling and Wang Mingdao. They were both arrested in 1957 during the "anti-rightists" campaign and were said to be still imprisoned in the mid 1970s (see *Amnesty International Report 1977*). At the time of writing, details about the terms of this rehabilitation measure are not yet available.

In the period 1977-78 Amnesty International sent several appeals to the Government of the PRC to reprieve various categories of offenders sentenced to death. Among the executions reported in early 1978 were those of eight people said to have been executed in January in Hangzhou, the capital of Zhejiang province: the information comes from official Public Security posters seen by travellers in various places in Hangzhou. According to report, the posters, dated 30 January 1978, said that 13 "counter-revolutionary groups" had been disbanded in the city and 8 of their leaders executed. The groups had a total of 32 members. One group was accused of organizing "counter-revolutionary activities with political plans" and trying to spread "propaganda aimed at undermining the socialist system". The posters stated that the leader of this particular group came from a "counter-revolutionary family". Similar charges were made against another group, which was also accused of having got hold of arms and forced people to supply it with provisions by armed threat.

A political offender named He Chunshu was executed in Canton on 18 February 1978, according to a notice from Guangdong province High People's Court, posted publicly in the city in February. The notice said that He Chunshu, a teacher aged forty-five, had been sentenced to death with immediate execution for writing and distributing a "counter-revolutionary leaflet of more than 200,000 words" in which he attacked Party leaders and the "dictatorship of the proletariat" and spread his "counter-revolutionary ideas". The notice stated that, after his arrest, He Chunshu "persistently refused to admit his crimes" and had provoked the "great anger of the people". According to the notice, the death sentence was approved by the Supreme People's Court and it was decided that, on 18 February, He Chunshu would be "taken bound to the place of execution to be shot".

In these and other cases of death sentences and executions, Amnesty International sent urgent appeals to the authorities of the PRC to commute all death sentences on humanitarian grounds. In late 1977 and early 1978, the Chinese official press called for moderation in the use of the death penalty, but said at the same time that the "death penalty could not yet be abandoned in China". This was stressed in particular by the Deputy Director of the Law Institute of the Chinese Academy of Social Sciences in an interview published by the New China News Agency on 21 February 1978.

It is still difficult to obtain information about individual cases of prisoners of

conscience in the PRC. Due to restricted access to information and to the lack of official statistics, their number cannot be estimated. During the past year, Amnesty International has taken up new cases and Amnesty International groups continued to make inquiries and appeals on behalf of prisoners whose cases were taken up for adoption or investigation in 1977. Among them is Li Zhengtian, one of the three authors of a wall poster, signed Li Yizhe, displayed in Canton in 1974; he was sent to work "under surveillance" in a mine in Guangdong province in early 1975 (see *Amnesty International Report 1977*). In July 1977, a traveller to Canton claimed to have seen a court notice announcing that Li had been sentenced to life imprisonment, but he gave no indication of whether the other two authors of the "Li Yizhe" poster, Chen Yiyang and Wang Xizhe, were sentenced at the same time. Amnesty International expressed concern at this report in a letter to Chairman Hua Guofeng in July 1977, urging that the three young men be released without restriction as soon as possible. It was later alleged that more than 10 people were sentenced in connection with the "Li Yizhe" case. However, these reports are still unconfirmed and the present fate of Li Zhengtian, Chen Yiyang and Wang Xizhe is unknown. Unconfirmed reports mention that two of them were sent to labour camps in Guangdong province and the third to Yunnan province. Until the end of 1976, Li Zhengtian was known to be held in a mine in Shaoguan district, in the north of Guangdong province.

New cases were taken up during the past year for adoption or investigation by Amnesty International groups. These included a group of Trotskyists arrested between December 1952 and January 1953, about whom nothing is known since their arrest. Among them is Zheng Chaolin, a political theorist and linguist, who joined the Chinese Communist Party (CCP) in the early 1920s and was expelled from it as a Trotskyist in 1929. He was arrested by the Nationalist Government in 1931 and imprisoned for seven years. After his release, he went on with his political work and historical studies, and stayed in China when the People's Republic was established in 1949. He was arrested in Shanghai in December 1952, reportedly for refusing to compromise with the CCP. An article in the British newspaper the *Guardian* of 9 November 1977 said that Zheng Chaolin was still imprisoned in Shanghai in 1974. If he is still alive, he is now about 78 years old.

Amnesty International is also investigating the cases of people reported to have been arrested on political grounds after the Cultural Revolution. One of them is Wang Renzhou, a peasant now in his late forties, who was arrested in 1969 in Bahe county, Hubei province, on the charge of being a "current counter-revolutionary". In 1962 he had been sent to study in the Foreign Languages School in Peking but he was labelled a "rightist" shortly afterwards and sent back to his village to work "under the supervision of the masses". During the Cultural Revolution, he was, according to report, actively involved in promoting reforms in the countryside and in organizing the peasants of his village. In 1967 he was kept in detention for a few months in Wuhan (the capital of Hubei province), during incidents in which there were violent clashes between various factions and army units in the city. His re-arrest in 1969 is believed to have been due to his active involvement in the Cultural Revolution. Wang is said to have been sentenced, but no details of his trial were ever made public. He is believed to have been sentenced to long-term imprisonment because he was labelled a "rightist" in 1962. Nothing has been heard of him since his arrest in 1969 and his present fate is unknown.

All approaches made by Amnesty International to the authorities of the People's Republic of China about death sentences and individual cases of prisoners of conscience have so far remained unanswered.

By mid 1978, the People's Republic of China had not yet signed any of the United Nations international treaties for the protection of human rights.

India (the Republic of)

Throughout the period 1977-78, the Indian Government took important steps to restore the rule of law in the country. Amnesty International has welcomed the release of nearly all the thousands of prisoners of conscience arrested during the 1975-77 Emergency under the provisions of the Maintenance of Internal Security Act; and the Government has introduced constitutional amendments for the protection of fundamental rights, which had been seriously eroded during the Emergency. At present, Amnesty International has no adopted prisoners of conscience in India, but Amnesty International groups are investigating the cases of approximately 50 political prisoners held in Kerala, Bihar and Andhra Pradesh, who have been imprisoned for more than two years and are still awaiting trial.

In the autumn of 1977, the International Executive Committee of Amnesty International asked a delegation to go to India on a mission to study the measures announced by the Government for the restoration of the rule of law and to discuss specific areas of concern within Amnesty International's mandate; these included the new preventive detention legislation proposed by the Government and the Government's announcements concerning the release of political prisoners who had been held for many years without trial. From 31 December 1977 to 18 January 1978, Professor James Fawcett, President of the European Commission on Human Rights, and a member of the Research Department of Amnesty International travelled in India and met the Prime Minister and the Ministers of Home Affairs, Law and Industry. The delegation also went to Kerala, West Bengal and Andhra Pradesh, where it met Government officials, including the Chief Ministers of Kerala and West Bengal. The delegates were received by the judges of the Supreme Court of India, and of the High Court of New Delhi and Calcutta, and met many lawyers, members of civil liberties organizations, and released political prisoners.

The Amnesty International delegates called upon the Indian Government to take immediate steps for the release of the approximately 400 political detainees then held under the Maintenance of Internal Security Act (MISA) (385 of them "foreigners"), considered by Amnesty International to be prisoners of conscience, and urged the Government to repeal the Act. They discussed the new Bill providing for preventive detention, and urged the Government to consider removing preventive detention provisions from the Indian Constitution.

The delegates also urged the Home Minister to review, as a matter of priority, the cases of several hundred left-wing political prisoners, most of them arrested before the Emergency, who were alleged to be members of the Communist Party of India (Marxist) or of the Communist Party of India (Marxist-Leninist); the latter are commonly known as "Naxalites". The conditions of their imprisonment have been of concern to Amnesty International since the publication in 1974 of its *Short Report on Detention Conditions in West Bengal Jails*, in which it noted that

many of these political prisoners had been arrested on mere suspicion and were often held for many years without being tried. At present, Amnesty International knows of cases of prisoners held for periods of up to six years without trial. The Home Minister explained that the release of these prisoners was the responsibility of the states concerned and said that he had advised them to release all such prisoners who had been charged with or convicted of committing criminal offences, who had spent five years or more in jail and gave signs of a desire to "abjure violence".

The three states visited by the delegates—Kerala, West Bengal and Andhra Pradesh—all had political prisoners. (The delegates had to abandon their plans to visit Bihar, for reasons of time.) In Kerala they were told that the state Government reviewed the cases of political prisoners on an individual basis, having decided not to declare a general amnesty. Eighty political prisoners were held in the state, 49 of them without trial and having spent periods of over two years in prison. The delegation discussed the possibility of a code of ethics for the conduct of police with the Inspector General of Police for Kerala, and the Standard Minimum Rules for the Treatment of Prisoners with the Inspector General of Prisons, but did not obtain the latter's permission to visit Trivandrum Central Jail.

In West Bengal, at the time of the mission, there were still 297 political prisoners. The rest—the vast majority—had been released under a general amnesty for political prisoners declared immediately after the new state Government took office on 21 June 1977. The Chief Minister explained that the amnesty covered all political prisoners in the state, including prisoners held without trial and prisoners convicted on criminal charges. The state Government gave assurances that it hoped that all political prisoners in the state would be released by April 1978 and political prisoners continued to be released during the visit of the delegates. (In late March 1978, official statistics showed that 199 "Naxalite" prisoners were still held.) The delegates also visited Presidency Jail, Calcutta, where they met political prisoners.

According to official figures supplied by the Andhra Pradesh Government to Amnesty International, there were 97 political prisoners in the state at the time of the mission, 50 of them held without trial. But Amnesty International has details of 113 political prisoners held in the state. The state Government said that it shared Amnesty International's concern that the delays in proceedings in political trials in the state were extraordinarily long (the Secunderabad Conspiracy Case has gone on for more than four years), but that it had no intention of declaring a general amnesty for political prisoners. One of the Amnesty International delegates visited Hyderabad Central Jail but was not given an opportunity to speak to any of the political prisoners there.

In the report on the mission, which it hopes to present to the Indian Government in autumn 1978, Amnesty International estimates that at least 500 political prisoners are held in the three Indian states it visited, apart from several hundred more in other Indian states. The report notes that, in the absence of directives from the central Government, great discrepancies exist between the various Indian states as regards policy for the release of the "Naxalite" prisoners, and in those cases where political prisoners have been tried, the delays in trial procedures have been unacceptably long. In a memorandum to be submitted to the Indian Government with the report, Amnesty International recommends that all political

prisoners throughout India who have not been tried and sentenced within two years from the date of their arrest be released; that trial procedures for political prisoners should be speeded up by certain specific steps, and that the release of any political prisoners should not be made conditional upon any statement from them concerning their future political activity.

In Kerala and West Bengal, the Amnesty International delegates interviewed seven victims of torture, administered between 1970 and 1977; two of them had been disabled as a result of what they had undergone. The delegates also interviewed the family of Vijayan Nair of Varkala in Kerala, whom Amnesty International believes to have died in police custody in March 1976, as a result of continuous torture, under similar circumstances to the student P. Rajan (see *Amnesty International Report 1977*). In the report of the mission to India, Amnesty International speaks of its long-standing concern about the incidence of torture of political prisoners suspected of extreme left-wing views before the Emergency and notes that it occurred on a much wider scale during the Emergency. Since then, Amnesty International has not received any complaints alleging torture of political prisoners; but the mission report draws attention to reports in the Indian press of the deaths of two non-political prisoners in police custody, as a result of serious police brutality. In its memorandum, Amnesty International makes detailed recommendations to the Indian Government for the protection of citizens from torture: these include the establishment of independent machinery to investigate complaints of ill-treatment and torture; the adoption of a code of conduct for police officials, and a set of legal measures allowing people, on arrest, to have immediate access to lawyers and relatives.

On 13 April 1978 the President of India gave assent to the 43rd Amendment to the Constitution, restoring powers to the Supreme Court and the High Court to determine the constitutional validity of laws, and withdrawing powers given to Parliament under an amendment to the Constitution passed during the Emergency to enact laws "for the prevention or prohibition of anti-national activities or associations". On 15 May 1978 the Constitution 45th (Amendment) Bill was introduced in the *Lok Sabha* (Lower House), providing that the right to life and liberty, guaranteed in the Constitution, cannot be suspended during an emergency (this protection does not extend to other fundamental rights guaranteed in the Indian Constitution). The Defence of India Rules, under which, according to recent Government statistics supplied to Amnesty International, 77,297 political prisoners had been held during the Emergency, lapsed in September 1977, six months after the State of Emergency had been revoked in March 1977.

However, in spite of an election pledge to repeal the Maintenance of Internal Security Act, on 23 December 1977 the Janata Government introduced the Code of Criminal Procedure (Amendment) Bill in the *Lok Sabha* which would have retained powers of preventive detention whilst repealing the Maintenance of Internal Security Act (MISA). The Bill, which would have incorporated preventive detention permanently into statutory law, proposed that prisoners could be held for up to one year without trial in order to prevent action prejudicial to "the security of India" or "the maintenance of public order". However, it met with vocal opposition in India from the press and from civil liberties organizations. On 23 March 1978 the Government announced that it would withdraw the Code of Criminal Procedure (Amendment) Bill and introduce legislation for the repeal of

the MISA. The Secretary General of Amnesty International cabled the Prime Minister, Morarji Desai, on 29 March 1978, welcoming the Government's announcement and stating that Amnesty International was opposed to long-term preventive detention on humanitarian and legal grounds. However, at the time of writing, 13 Indian nationals and 249 "foreigners" are still held under the provisions of the MISA. Amnesty International has called upon the Government to release all these prisoners forthwith, since it considers them to be prisoners of conscience. As yet it has not taken up their cases on an individual basis with the Government, since it was informed by the Home Ministry, in a letter sent in April 1978, that all 13 Indians would be released immediately the MISA was repealed. No such assurance has been received regarding the position of the 249 "foreigners" held under the same Act and, on 30 March 1978, the Home Ministry announced that a law permitting preventive detention of foreign nationals will be introduced in the *Lok Sabha* before the repeal of the MISA.

The withdrawal of the Code of Criminal Procedure (Amendment) Bill and the proposal to repeal the MISA shortly mean that the central Government will be without powers to use preventive detention. But five Indian states—Jammu and Kashmir, Madhya Pradesh, Andhra Pradesh, Rajasthan and Uttar Pradesh—will retain preventive detention laws; the widest powers are contained in the Jammu and Kashmir Public Safety Bill, introduced after the ending of the Emergency, on 30 March 1978, replacing a similar Bill introduced in October 1977. On 9 November 1977 the Secretary General of Amnesty International had cabled the state's Chief Minister, Sheikh Abdullah, expressing the organization's disturbance at reports that the state Government had introduced powers to allow preventive detention of political prisoners for up to two years, and urging the immediate repeal of these provisions. And in its memorandum, to be submitted with the 1978 mission report to the central Government, Amnesty International recommends that the Government consider amending the Constitution in order to remove provisions for preventive detention, releasing forthwith all remaining prisoners of conscience held under the Maintenance of Internal Security Act, and consider ensuring that preventive detention laws still in force in five Indian states be withdrawn.

Since the end of the Emergency, there have been serious allegations—particularly with reference to Andhra Pradesh—that prisoners said to be "Naxalites" have died in encounters staged by the police (see *Amnesty International Report 1977*). In June 1977 the Andhra Pradesh Government set up a judicial commission headed by Justice V. Bhargava, which has among its terms of reference "the facts and circumstances in regard to the encounters between police and the so called Naxalites" and the "allegations of murder, torture and brutal treatment of Naxalite prisoners". According to official statistics, 214 people died between 1968 and 1977, the period covered by the commission's terms of reference. Various civil liberties groups in Andhra Pradesh to whom the Amnesty International delegates spoke during their mission, claim that between 300 and 500 political prisoners died in encounters staged by the police during those years. On 7 June 1978, the Andhra Pradesh state Government requested the commission to hold its proceedings *in camera* "in the public interest"; on 23 June 1978 Amnesty International cabled the Chief Minister, Chenna Reddy, expressing its concern about the Government's request on such vague grounds in these words:

"AI [*sic*] considers it most important that the facts regarding allegations of such serious human rights violations as the torture and the killing of political prisoners be established openly and publicly. If the facts regarding these serious allegations are to be established beyond any doubt any official inquiry committee should function openly and subject to public scrutiny. It should have full access to all relevant evidence and its findings should be made public in their entirety." Amnesty International sent a copy of the cable to the Home Minister, urging the central Government to take steps to ensure that the inquiry into these serious allegations be effective, open and impartial. Amnesty International released its appeal to the press. In the memorandum to the Indian Government, already mentioned on p.161, Amnesty International makes recommendations on similar lines, adding that such an investigation should be instituted by the Government wherever and whenever substantial allegations of this nature are made. It also recommends that full investigations be instituted into the conduct and record of individual police officers, concerning whom *prima facie* evidence of responsibility for the alleged killings emerges during an official inquiry.

On the basis of observations made by the Amnesty International delegates about their visits during the mission to Tihar Jail, New Delhi, Presidency Jail, Calcutta, and Hyderabad Central Jail, the memorandum to the Indian Government makes a number of recommendations in line with the Standard Minimum Rules for the Treatment of Prisoners, including the establishment of independent visitors' boards to visit prisons at any time and the abolition of the use of iron fetters on political prisoners.

On 20 July 1977, Amnesty International appealed to the Acting President of India, B.D. Jatti, appealing on humanitarian grounds for clemency for six political prisoners under sentence of death in West Bengal. So far, none of them has been executed, and during their visit to the state the Amnesty International delegates were informed that the six would not be executed (one of them has since escaped from prison). The West Bengal state Government opposes the death penalty. The Law Minister in the central Government told Amnesty International during its mission that the abolition of the death penalty was currently under discussion, but that the central Government did not have any concrete plans for its abolition in India.

Indonesia (the Republic of)

In March 1978 President Suharto was re-elected, unopposed, for a third term of office. He used the occasion to carry out a substantial Cabinet reshuffle, dismissing the only representatives of civilian political parties and introducing more military officers.

The human rights situation in Indonesia is still one of the most serious in the world. Tens of thousands of political prisoners have now been in detention without charge or trial since 1965, and 1978 saw the arrest of many hundreds of students and intellectuals, as well as supporters of the main Islamic political party in Indonesia, the *Partai Persatuan Pembangunan* (Development and Unity Party).

In October 1977 Amnesty International published a detailed report in which it estimated that there were, at the time, at least 55,000 political prisoners in Indonesia. The report states that, during the period since 1965, fewer than 900 prisoners have been brought to trial, and in no case has a court been known to acquit a

defendant. It records known cases of the ill-treatment of prisoners, of widespread forced labour, of prisoners arrested while they were minors and of the arbitrary imprisonment of tens of thousands of ordinary Indonesian citizens whose only crime was that they were members of or sympathizers with political parties which were legal before the sudden change of government in September 1965.

In December 1977, in accordance with a previously proclaimed plan, the Government announced the release of 10,000 prisoners from detention centers throughout Indonesia. The Government claims that, after these releases, the total number of people still in detention stands at 19,791 and has stated that all of them will be released by the end of 1979. However, this statement was subsequently modified by Admiral Sudomo, then chief of staff of *Kopkamtib* (the state security agency), who said that certain "diehards" will remain in detention after this date (*Tempo*, Jakarta, 2 December 1977).

It is clear that the chief criteria for releasing prisoners–certainly the 1,501 released from the island prison of Buru–were old age and chronic ill-health. Of those released from Buru, some had to be carried on stretchers to boats taking them to Java and two died on the journey to Surabaya; 12 of the prisoners had to be taken from the quayside straight to hospital; 196 of them were suffering from tuberculosis, while among 300 others there were cases of asthma, high blood pressure, hernia, jaundice and other illnesses.

The Bandung newspaper, *Pikiran Rakyat* (19 January 1978), reported the release from prison of two men of seventy-seven held for over 12 years without trial, and in June 1978 Amnesty International learnt that a man of eighty-one had been released two months earlier from Nusakambangan prison in Central Java. Of the 529 prisoners who returned to their homes in the province of Central Java after release from Buru, *all* were classified as old or chronically ill (*Kompas* 28 December 1977 and *Tempo* 7 January 1978, Jakarta).

Released prisoners face many problems, not the least being the difficulty of finding any employment. The Government has decreed that they are banned from employment in the public sector and in "vital industries". The latter phrase has been interpreted so broadly that private employers–including foreign concerns–are afraid to hire former political prisoners. Social relief organizations in Indonesia report that hardly more than two per cent of those released have been able to find work. Others survive by borrowing small amounts of capital from relatives or welfare organizations to set themselves up as small traders, but most of them are forced to rely on family and friends for financial support. Many of those released are former civil servants, all of whom have lost their pension rights.

To coincide with the December releases, the Government invited several Indonesian and foreign journalists to Buru for the first time in many years: their reports have appeared in the *Washington Post, Newsweek* (USA), *The Economist* (London), *De Telegraaf* (Amsterdam), *Far Eastern Economic Review* (Hong Kong), *The Asian Wall Street Journal* (Hong Kong), *Asahi Shimbun* (Tokyo), *Kompas* and *Tempo* (Jakarta). They have substantiated the description of conditions on the island given in the Amnesty International report published in October 1977. Forced labour is the norm for all but a few privileged prisoners on the island; furthermore, the prisoners are forced to give "gifts" of cash to departing commanders and officers. Medical facilities are still grossly inadequate, with tuberculosis a major problem. At least 16 cases of leprosy were reported, and

cancer, hernias, hepatitis, tuberculosis and other serious illnesses are not properly treated. Pramudya Ananta Tur, Indonesia's most famous novelist and a political prisoner since 1965, estimated that only 20 or 30 prisoners would opt to stay on Buru if they had a free choice. Prisoners freely told the visiting journalists that beatings, torture and suicides had been common in the past. Contact with the outside world is completely forbidden and some prisoners had not received letters since 1969, although Amnesty International has been informed recently that this situation has improved.

The state of health of those still detained now gives cause for serious concern. According to information received by Amnesty International, in many detention camps up to fifty per cent of the detainees are in need of medical attention in any one month. Although Government doctors now visit all detention centers, in most cases the prisoners themselves or their families have to pay for any medicines prescribed. Where prisoners are not in a position to pay for medical attention, they often have to do without.

It is evident from information received by Amnesty International that the Indonesian Government has now shelved its plans for a wholesale "resettlement" of released political prisoners. It would appear that less than 10 per cent of the 10,000 prisoners released in December 1977 have been resettled. Nevertheless, cases of forcible "resettlement" still occur. Two cases known to Amnesty International are those of Ie Keng Heng and Ban Sen Hok, both of whom were forcibly "resettled" following their "release" from prison in Ujung Pandang to Kendari in South East Sulawesi. Ie Keng Heng has now been sent back to Ujung Pandang from Kendari because it was discovered that he was suffering from leprosy and has been transferred to a military hospital there. In April 1978 Amnesty International wrote to the Indonesian Government to ask that forcible resettlement of released prisoners cease forthwith.

In December 1977 the Association of Indonesian Lawyers (*Peradin*) announced a campaign for greater respect for human rights and called for the full application in Indonesia of the United Nations Declaration of Human Rights. In particular they appealed for the dissolution of *Kopkamtib*, the end of arbitrary arrest and the abolition of the death penalty. They also called for the immediate repeal of Presidential Regulation No.11 of 1962 which allows for detention without trial.

In the past twelve months, however, the human rights situation in Indonesia has deteriorated and there has been a considerable number of new arrests. Amnesty International has taken up the cases of many of these prisoners of conscience and is currently investigating others. One is Sawito Kartowibowo, a Javanese mystic, charged with plotting between 1972 and 1976 to make President Suharto resign the presidency. Sawito drafted a number of documents which accused the Suharto administration of corruption, of responsibility for the decline in the standards of public life, and of having "stopped the pulse of legal sovereignty". These documents were intended to bring about a transfer of authority from President Suharto to a committee of four, led by Dr Mohammed Hatta, the former Vice-President of Indonesia. The documents were signed by Dr Hatta, as well as by the heads of Catholic, Protestant, Muslim and mystical religious groups. The public prosecutor has asked for a sentence of 20 years' imprisonment for Sawito.

Between January and March 1978 more than 800 students were arrested throughout Indonesia, following widespread unrest over the unopposed re-election

of President Suharto and allegations of corruption against the Presidential family and other senior Ministers. Large numbers are still in detention. The authorities also arrested several prominent figures belonging to Muslim political groups, including Sjaffrudin Prawiranegara, a former Finance Minister and acting President in 1949 (since released), Mahbub Djunaedi, former Chief Editor of the newspaper *Duta Masjarakat*, and a former chairman of *Persatuan Wartawan Indonesia* (PWI–the Indonesian Journalists' Association), Sutomo (more usually called Bung Tomo), a leading figure in the struggle for independence against the Dutch in 1945, Arief Rachman, Assistant Rector of the Jakarta Teachers' Training College and W.S. Rendra, Indonesia's best known contemporary poet and playwright. Amnesty International has taken up the cases of all these people as prisoners of conscience.

Persistent reports and allegations have also reached the organization of gross violations of human rights in East Timor, which has been occupied by Indonesian troops since December 1975. In a press release on 1 December 1977 Amnesty International criticized the Government of Indonesia for refusing to allow the International Committee of the Red Cross to visit East Timor as requested in a resolution passed by the United Nations General Assembly on 28 November 1977 during its 32nd Session.

Throughout the period covered by this report–July 1977-June 1978–information continued to reach Amnesty International about the ill-treatment of prisoners in detention. Several of the foreign journalists who visited Buru in December 1977 were told by prisoners of past beatings and torture. In March 1978 a number of police officers were convicted of torturing someone in police detention to death. This is the first known case in Indonesia in which officers have been convicted on such a charge. Amnesty International has also received repeated allegations that a number of students and Muslim activists, including W.S. Rendra, were ill-treated in their first weeks in prison by criminal prisoners with the encouragement of military guards. A number of those recently arrested have also been held incommunicado.

Amnesty International has continued during the past year to make its work on Indonesia a high priority. When the organization received the Nobel Peace Prize in 1977, it made a special appeal to President Suharto for the release from detention of Sukijah, a young woman at present detained in Plantungan prison in Central Java. When she was arrested in 1965 she was thirteen years old and she has spent the last thirteen years in prison without charge or trial because of her membership of a leftist youth group. In October 1977 a correspondent of the *Far Eastern Economic Review* met her in Plantungan prison and spoke of her in these words: "Politically illiterate and utterly ingenuous, Sukijah has spent almost half her life in prison because no one, it seems, has ever bothered to review her case." Sukijah is one of many prisoners of conscience arrested when they were in their early teens.

Amnesty International's attention has also been drawn to violations of human rights which have occurred on several of the more remote islands of the Indonesian archipelago. The organization has taken up as adoption cases five men accused of having signed and distributed a twenty-paragraph declaration calling for the independence of Irian Jaya (formerly West New Guinea) from Indonesia. They were arrested in February 1975 and were sentenced in March 1977 by the

state court in Jayapura to terms of imprisonment of between five and eight years for subversion and showing contempt for the Head of State.

In a letter to Admiral Sudomo in April 1978, Amnesty International urged the Indonesian Government to reconsider its release program and to release immediately and unconditionally the tens of thousands of political prisoners it continues to hold. In a continuing campaign which followed the publication of its report on Indonesia, Amnesty International national sections and coordination groups have called for the release of all political prisoners in Indonesia. In June 1976, Amnesty International submitted a memorandum on political imprisonment in Indonesia to the United Nations Commission on Human Rights, and at its meeting in Geneva in March 1977, the Commission named Indonesia as one of nine countries where it was investigating violations of human rights. In October 1977, two Amnesty International representatives, the coordinator on Indonesia for Amnesty International's United States section, and the head of the Asia Region of the Research Department in the International Secretariat, appeared before the US Congressional Sub-committee on International Organizations to testify on Indonesian political imprisonment.

Despite the adoption by Amnesty International of many new prisoners of conscience in Indonesia in the past twelve months, the gravest human rights problem in the country is still the continued detention of tens of thousands of political prisoners without trial since 1965; several hundred of their cases have been taken up individually by Amnesty International. Although the organization has welcomed the Indonesian Government's release of some political prisoners, it has also consistently criticized the Government for failing to release immediately and unconditionally the many other tens of thousands of political prisoners who remain in detention without trial. Amnesty International national sections and coordination groups have continued to work for the immediate and unconditional release of all political prisoners, so that the Indonesian Government can finally make redress for the gross violations of the human rights of vast numbers of prisoners who have been detained now for more than thirteen years without trial.

Japan

During 1977-78, Amnesty International has been concerned about the use of the death penalty as punishment for a variety of criminal offences in Japan.

Largely in connection with acts of violence committed in Japan, the Government of the Prime Minister, Takeo Fukuda, has widened the application of the death penalty. On 12 May 1978 the Japanese Diet (Parliament) passed legislation introducing the death penalty for killings which occur during the hijacking of aircraft or the seizure of diplomatic establishments. The new legislation came into force on 5 June 1978.

In a letter to the Prime Minister on 21 June, Amnesty International expressed its concern and regret at the introduction of legislation broadening the availability of the death penalty in Japan. The letter explained that Amnesty International opposes the imposition of death sentences in all cases and urges the abolition of the death penalty in all countries. Noting that in Japan a high proportion of those convicted of capital offences are executed, Amnesty International urged the Government to recommend that all death sentences be commuted. Between 1969 and 1973 seventy-one people were executed in Japan for crimes which included homicide and homicide related to robbery or rape. In March 1977 Amnesty International appealed on behalf of Masao Akahori, who has been imprisoned under sentence of death since his conviction for murder in 1958. In its letter of 21 June Amnesty International again urged that his sentence be commuted on humanitarian grounds.

In the same letter, Amnesty International warmly welcomed the Japanese Government's decision, taken on 30 May, to sign the United Nations International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. Amnesty International welcomed the fact that this decision would lead to the establishment of internationally recognized standards for the protection of human rights in Japan. Amnesty International urged the Government to take early steps to ensure the full ratification of the Covenants and that Japan would accede to the Optional Protocol to the Covenant on Civil and Political Rights. Amnesty International urged the Japanese Government to take these steps in order to make certain that the two Covenants have the greatest possible effectiveness in the protection of human rights in Japan.

Kampuchea (Democratic Kampuchea) [Cambodia]

The human rights situation in Democratic Kampuchea, as described by newly-arrived Cambodian refugees in 1977-78, has continued to be characterized by gross violations of human rights.

Three years after the change of government in Cambodia in April 1975, citizens in Democratic Kampuchea are still liable, without any legal process, to be summarily executed or sent to carry out hard labour in work camps for any act considered "hostile" to the authorities. Apart from the Constitution adopted in January 1976, the country does not appear to have adopted any laws or set up any judicial institutions. The 1976 Constitution states that the judiciary is formed of the people's courts of justice which ". . . defend the people's democratic liberties" and "punish any act directed against the people's State." There is no evidence, however, from either official or unofficial sources, that "people's courts" have been established. The Constitution also defines as follows the acts ". . . transgressing the people's State:

- any systematic hostile or destructive activity that endangers the people's State receives the most severe punishment;
- any case besides the above mentioned activities is treated by means of re-education within the State's organs or people's organizations."

Apart from the implications of such loosely-worded provisions, since 1975 Cambodian refugees have consistently reported that justice is summarily and arbitrarily executed entirely at the discretion of political authorities.

In a speech at the end of September 1977, the Prime Minister of Democratic Kampuchea, Pol Pot, defined the potential objects of repression in the country as "reactionary elements" who continued to carry out activities "against the Cambodian revolution". He said that they constituted "one or two per cent of the population" and that those among them who can be "won over and corrected to the people's side" must be "educated", that "reluctant elements" must be "neutralized" and that those "who are cruel and determinedly oppose the revolution" must be "eradicated".

During 1977-78 Amnesty International has not been able to take up, on an individual basis, cases of people reported as arrested or missing in Democratic Kampuchea, partly for fear of possible reprisals. Amnesty International is gravely concerned by the allegations made by Cambodian refugees who left the country in 1977 and early 1978 that summary executions were continuing.

Because it is difficult to enter the country, refugees' accounts cannot be checked against information from independent sources, and the Government of Democratic Kampuchea has not so far answered any specific allegations of human rights violations. In consequence, refugees' reports, together with official statements, constitute almost the only sources of information on the human rights situation in the country. Such reports are often imprecise or conflicting. In one case known to Amnesty International, a Vietnamese refugee stated in January 1978 that he had heard no stories of massacres while he was in Kampuchea between February and April 1976. The refugee is reported to have walked from Vietnam to Thailand, working in various places in Kampuchea during that period. He stated: "Walking across the country for two months I saw no sign of killing or mass extermination and nobody I spoke to told me of it" (*The Times*, London, 30 January 1978). It should be noted, however, that many refugees have, since 1975, consistently reported that the most fundamental human rights are being violated in Kampuchea.

Among recent refugees' reports is one from a man named Ear Soth, who said in Oslo in April 1978 that he had witnessed several executions in Kampuchea in 1976 and early 1977. He alleged that, from the end of 1975, he worked as a "political commissar" teaching "communist doctrine" to workers in sugar-cane fields near Kompong Kol, west of Battambang. Among the most recent killings he reported was that of a worker named Chhat, who, with another worker, was reportedly accused of stealing sugar-cane and killed by a Khmer Rouge called Nal in January 1977. According to Ear Soth, at the end of February 1977, four people working in the sugar-factory of Kompong Kol were killed by a Khmer Rouge called Nop, president of the cooperative of the factory; those reported killed were the manager of the factory, Pak Lim, an engineer, Duang Chhan, a mechanic, Nop Non, another mechanic, and Sou Sun, an electrician. These executions seem to be confirmed by the report of another refugee, Chieu Kien, who worked as a carpenter in the Kompong Kol factory until he fled to Thailand in mid March 1977. Chieu Kien alleged that altogether 11 "members" of the Kompong Kol factory were killed by the authorities in early 1977, including the manager of the factory and the two mechanics named above, who were identified by Chieu Kien as Phok Lim, Duong and Nan. According to Chieu Kien, they were accused of having connections with "traitors" (including "comrade" Em Huon) who had tried to organize opposition to the Government among local Khmer Rouge troops in January 1977. The others killed in the factory reportedly included Phok Lieng (Phok Lim's brother), L'Achar Phol, a member of the Kompong Kol military management, Thol and Kuon, also of the military management, "old" Houl, chief of the "mobile work teams", Sarun, a worker, and Chhat, who was in charge of the workers' food.

Chieu Kien and Ear Soth reported that an internal purge was carried out during that period among local leaders. According to Ear Soth, in Battambang city, the "Khmer Rouge" Horn was "taken away" on the order of the "Khmer Rouge" Ta Khleng, and Horn's mother, sister and two brothers were later shot by Nop, as were army cadres called Kuon, Yi, Pak, Saroeun, Moeung, Chhen and Moul.

Both official and refugee sources indicate that a series of purges of civil and military leaders was carried out in 1977, following attempts to organize opposition to the Government in various provinces of the country. According to refugee reports, those who were identified as the leaders of this abortive revolt have been summarily executed. Some Khmer Rouge defectors in particular have reported that regional leaders from Oddar Meanchey, Siem Reap, Kompong Cham and Kompong Thom provinces were arrested in the spring of 1977 and taken either to Phnom Penh or to the city of Kompong Thom for execution. They reportedly included Soth, the secretary of the Oddar Meanchey/Siem Reap region, his deputy, named Hien, the chief of Kompong Cham region, named Has, the secretary of Kompong Thom, named Seng, and other junior officials. Conflicting reports allege that some of them were burnt alive at a crematorium in Kompong Thom: in one case, those alleged to have been burnt alive were Soth, Has, Seng and others unnamed; however, another report alleged that Hien and two leaders called Pol and Kaeut were burnt alive in Kompong Thom, whereas Soth was taken to Phnom Penh and later reported to have been executed.

A refugee named Kong Samrach–a native of Kompong Cham province who worked at Staung (Kompong Thom province) from December 1975 until June 1977–also alleged that two mass arrests of civil and military leaders, from national down to village level, took place in January and April 1977 and that in Kompong Thom province alone more than two thousand people–including the family dependants of officers–were arrested and executed during the month of January. According to other refugees, the purges continued until September 1977.

In March 1978, Amnesty International renewed its appeal to the Government of Democratic Kampuchea to respond to allegations of continuing summary killings carried out by the authorities in the country, and called upon it to allow independent international observers into the country to carry out investigations.

Amnesty International referred to accounts from refugees that the situation in Democratic Kampuchea since the change of government in April 1975 had been characterized by large-scale killings. These included the summary executions in 1975 and early 1976 of groups of officers of the defeated Republican Army and numerous instances in which individual citizens are alleged to have been brutally killed by local chiefs, usually merely for showing the slightest sign of disobedience or dissatisfaction.

One observer, the French priest François Ponchaud, who by early 1978 had interviewed more than 1,000 Cambodian refugees, summarized his findings in this way: "The estimate that more than 100,000 Khmers have been executed must now be taken as an absolute minimum. It is possible that two or three times as many people have been executed" (*New York Review of Books*, 6 April 1978, p.20). Some observers have said that the phenomenon of large-scale executions has now been replaced by sporadic killings. However, the information given by refugees on the 1977 purges, although scanty, indicates that many executions were carried out in the course of it.

In its statement in March 1978, Amnesty International welcomed the decision taken on 8 March by the United Nations Commission on Human Rights meeting in Geneva to request the Government of Democratic Kampuchea to comment on the allegations of human rights violations in that country. It pointed out that,

over the past three years, the Kampuchean Government had ignored communications from concerned bodies, including Amnesty International, regarding reports of human rights violations in the country. The only attempt made by the Government to deny the allegations was a statement in May 1977 by the Foreign Minister, Ieng Sary, who denied that "hundreds of thousands" had been executed and was reported to have stated that "We only condemn the worst criminals." He is reported to have made a similar denial more recently in Tokyo (*The Times*, London, 14 June 1978).

In June 1978 Amnesty International prepared a statement for submission to the United Nations Commission on Human Rights, drawing its attention to allegations of violations of human rights in Democratic Kampuchea.

Korea (the Democratic People's Republic of) [North Korea]

Despite continued efforts to collect all available information from the Democratic People's Republic of Korea, Amnesty International has not found any current information which sheds light on arrests, trials and imprisonment in that country. The Government maintains severe restrictions on access and travel, and the Government-controlled press has not reported any relevant human rights information.

Korea (the Republic of) [South Korea]

During the period covered by this *Report* (July 1977-June 1978), the administration of President Park Chung-hee has continued to use the emergency powers provided by the Constitution promulgated by the President under martial law in 1972. The Presidential power to rule by decree has been institutionalized—as a means of repressing political opposition to the Government—in Emergency Regulation Number 9, which was promulgated on 13 May 1975 and continues to be enforced. This decree outlaws all forms of criticism of the 1972 Constitution, prohibits criticism of members of the Government and of government departments, bans all political meetings and demonstrations, and allows the Government to remove offenders from their jobs and to deny them the right to practise their profession.

The Government has used its draconian power under this decree to arrest and imprison non-violent political dissidents. Among those who are still in detention is the opposition leader, Kim Dae-jung. Adopted by Amnesty International, in December 1977 he was removed from prison to a civilian hospital for medical treatment under strict surveillance.

In March 1976, more than 20 prominent South Koreans, including Kim Dae-jung, had issued the Myong Dong Declaration, calling for the restoration of basic freedoms and the repeal of the 1972 Constitution. The Government had reacted by arresting large numbers of people associated with that demand, and although most of them were released, others who repeated the demand in the spring of 1977 were arrested (see *Amnesty International Report 1977*).

There have been increased student demonstrations in the past year in support of the call for restoration of basic freedoms, and these have resulted in arrests. At present, Amnesty International groups are working on more than 30 cases of imprisoned students.

Demonstrations on university campuses have continued. Major demonstrations took place in October 1977, when more than 300 students were arrested and seven were charged with violation of Emergency Regulation Number 9. In February 1978, these seven were sentenced to terms of imprisonment ranging from one to five years. Again, in November 1977, 120 demonstrators were arrested, and 11 were subsequently given prison sentences ranging from 14 months to three years. Still more demonstrations in November led to the sentencing of seven more students to prison for terms of between two and four years. In the spring of 1978, student demonstrations occurred again, demanding the restoration of democratic rights and the release of political prisoners; they were dispersed by police using tear-gas. It is not known to date how many students were arrested in the demonstrations.

Although some prisoners have been released in South Korea, it should be noted that they are described by the Government as "temporarily released", and the people affected are liable to re-arrest and imprisonment without undergoing a new trial. A recent example involved one of those associated with the Myong Dong Declaration, the Reverend Lee Moon Young, who was released in 1977, re-arrested and again released in 1978. Another example of the Government's arbitrary power over the release of political prisoners is the case of Soh Joon-shik, sentenced in 1971 to seven years' imprisonment for alleged involvement in a "campus spy-ring". He had been arrested with 50 others, including his elder brother, Soh Sung, who was sentenced to life imprisonment. Information available to Amnesty International indicated that the real purpose of the Government in the trials was to imprison those whom it regarded as troublesome on university campuses. On 27 May 1978, when Soh Joon-shik had completed his seven-year sentence, he was taken from one prison and transferred to another in a different province, where he is held without trial under the Public Security Act, a law which allows the detention of political prisoners to be extended without limit.

Others who have been arrested included South Korean workers who have pressed for trade union rights. Seventeen have been imprisoned since December 1977; at least 13 of them are still in prison. The authorities also raided the offices of the country's leading Protestant organization, the Urban Industrial Mission in Seoul. They seized papers, including a list of the names of workers connected with the Mission, and charged the Reverend In Myung-jin under Emergency Regulation Number 9 for preaching a sermon in which he allegedly criticized the Government. Other members of the Mission have been detained for questioning.

Five people are in prison because of what they have written or published, among them the famous Korean poet, Kim Chi Ha, who is serving a life sentence. His main offence was that he had criticized the Government for sentencing to death and executing a number of political prisoners in 1975. Kim had publicly stated that the charges against those prisoners had been fabricated. Another poet in prison is Yang Sung-u, who published a poem entitled "Diary of a Slave" in a Japanese magazine in 1977. He, too, was charged under Emergency Decree Number 9 for writing criticisms of the Government and was sentenced to three years' imprisonment. Another poet, Chang Ki-pyo, was sentenced in January 1978 to three years' imprisonment under the same Decree for a poem he wrote in 1974, allegedly criticizing the Government, and for other critical articles which he had written.

The most recent trial of writers was on 19 May 1978, when two men were sentenced to prison for translating foreign works deemed to be against the interests of the State. Lee Yong-hui, assistant professor at Hanyang University, and a member of the governing board of the Amnesty International Korea Committee, was sentenced to three years' imprisonment for editing a book of articles in translation on the People's Republic of China (including one by the American economist, John Kenneth Galbraith) which allegedly contained passages in praise of China. Lee was also alleged to have praised North Korea and Mao Tse-tung in his book entitled *Idolatry and Reason*, published in 1970. Lee's publisher, Paik Nak-chong, a former university professor, was sentenced with him to one year's imprisonment for having published the volume of articles.

During the past year, Amnesty International groups have worked actively for more than one hundred South Korean cases.

In addition, Amnesty International mounted an Urgent Action campaign in March 1978 for six prisoners in South Korea who had been sentenced to death. These six people, of Korean origin but living in Japan, were arrested while they were in South Korea to conduct business or to continue their studies. They were accused of being spies for North Korea and sentenced to death, despite the fact that evidence in their defence was not given proper consideration at their trials.

Laos (the People's Democratic Republic of)

The major human rights issue in the People's Democratic Republic of Laos during the period 1977-78 remained the large-scale detention in "re-education" camps of officials and civil servants from the former administration and of people suspected of opposing the present Government.

Two and a half years after the establishment of the People's Democratic Republic of Laos in December 1975, the country has not yet adopted a new constitution and little is known about its laws and judicial institutions. According to a radio broadcast from the capital, Vientiane, on 27 November 1976, the Director of the Office of the Justice Ministry had said at a ceremony two days earlier that, under the new régime, the Justice Ministry had changed its working system and procedures "in accordance with the direction of the Party and Government" and had adopted "draft provisions on the arrest, investigation and judgment of guilty persons"; it had also "worked out regulations on the setting up of people's courts". These draft provisions and regulations, however, have not been made public. In rare cases, sentences passed by people's courts have been officially announced: most of them concerned people accused of attempting to overthrow the Government and involved the death penalty.

This was so in the trial of 49 people which was concluded at the end of April 1978. The official newspaper *Sieng Prasasone* announced on 2 May 1978 that they had all been arrested on 16 November 1977 and were convicted of "being traitors" and of "intending to destroy the people's democratic administration". Of the 49, eight were sentenced to death, including Khambou Sihalath, identified as the alleged leader of the attempt. The others were sentenced to terms ranging from five years' to life imprisonment. Of the eight sentenced to death, five were tried *in absentia* and three were present. The sentences were passed by the people's court of Vientiane municipality. In a cable to President Souphanouvong on 4 May 1978, Amnesty International stated its opposition to the death penalty and urged the President to commute these death sentences on humanitarian grounds. At the time of writing this report, no further information was available about the people involved in this case.

During the past year, Amnesty International groups have made inquiries and appeals to the authorities about people arrested on political grounds since 1975. Some of them have been reported missing since their arrest, while others are known to have been sent to "re-education" camps although, in many cases, their present fate is unknown. In December 1977, Amnesty International wrote to the Prime Minister, Kaysone Phonvihane, to inquire about seven medical students who were reported to be missing since they had been sent to a "political seminar" in October 1976. Before their arrest they had been studying medicine at Chinaimo military camp in Vientiane and no news of them has been received since 1976. These cases, as well as those of ex-officials, civil servants and professionals of the former "Vientiane" administration, are being investigated by Amnesty International groups. Among them there are, for instance, three former high-level civil servants from the Ministry of Health, Dr Phoui Phouthasak, Dr Champathongphet Chantrysak, Dr Thao Phoxay; senior doctors from various hospitals in Laos, including Dr Keo Viengkhot, Dr Pheng Visayphon and Dr Khamlay; as well as many ex-officials and civil servants from the Ministries of Education, Foreign Affairs, the Interior, Public Works, the Economy and Finance, from the Planning Commission and from other similar bodies. Most of them were sent to re-education camps in 1975 and were still reported to be detained or missing in early 1978.

According to various sources, former army officers appear to have been sent for re-education mainly in May and June 1975, while members of the former administration were sent at various times between May 1975 and early 1976. On 14 June 1975, for instance, a group of about 100 officials and civil servants from the police departments under the jurisdiction of the Ministry of the Interior were summoned for a "political seminar" at Done Tiou, near Vientiane, and were apparently led to believe that their "re-education" program would last two months. However, on 24 June, it was announced that they were going to be transferred to another "re-education center" near Viengsay (Sam Neua province, in the north-east); in some 20 cases known to Amnesty International, they were still missing more than two years later. Members of the medical profession and officials from the Ministry of Health are reported to have been sent to "re-education" in October and November 1975. In another case, members of the former National Coalition Consultative Council were called for a meeting at Viengsay at the end of November 1975, but were subsequently kept there for "re-education" after the coalition government was abolished in early December 1975. Although it was announced in May 1976 that a few members of the Council had been allowed to return to Vientiane, there seem to have been very few releases in the past year. The "return" of a group of 101 former officials was officially publicized in January 1977, but a large number of people sent to "re-education" in 1975 were still detained by the end of 1977.

According to foreign observers, the camp population was estimated in 1977-78 at between 40,000 and 50,000. This includes petty offenders, hooligans and drug-addicts who are known to be held in camps near Vientiane. Most ex-officials and civil servants of the former administration are in camps in the north and north-east of the country, in particular in Phong Saly and Sam Neua provinces, along the border with Vietnam.

In mid 1978, the People's Democratic Republic of Laos had not yet signed the United Nations international treaties for the protection of human rights.

Malaysia (the Federation of)

Malaysia is ruled by the National Front coalition, in which the leading party is the United Malays National Organization (UMNO) of the Prime Minister, Datuk Hussein Onn.

The *Amnesty International Report 1977* recorded a "progressive erosion of many fundamental liberties and human rights in Malaysia": this has not been halted in the period under review now–July 1977-June 1978. Arrests on a large scale took place in Malaysia in late 1977 and early 1978, including the arrests of people alleged to be involved in the guerilla activities of the illegal Communist Party of Malaya (CPM). No formal charges are made and political prisoners are not brought to trial. They are held under the Internal Security Act, which allows for detention without trial, in the first instance for two years. In virtually every one of the 50 cases taken up by Amnesty International the detention order has been renewed and some detainees have consequently spent more than 10 years in detention without trial.

In an interview with *The Australian* on 20 February 1978, the Prime Minister put the number of political detainees in prison at that time at a "few thousand". Other observers have estimated that there are at least 1,500 people imprisoned without trial. The Inspector General of Police, Tan Sri Mohammed Haniff Omar, recently stated that 1,002 people had been arrested in 1977 alone (*New Straits Times*, 23 February 1978), although it was not clear whether some of them had been released after questioning.

Under internal security laws, derived essentially from the previous British colonial legislation, the Government of Malaysia is invested with sweeping powers of arbitrary arrest and detention. The exact number of people at present detained without trial for political reasons is not known, as lists of detainees are no longer published in the parliamentary records. Political detainees have no effective recourse to the judiciary. Their detention orders are subject to review by an advisory board which, although some of its members are former judges, is, in fact, a non-judicial body with powers to make recommendations only. Final decisions on detention and release rest with the Government.

The Government alleges that those detained are members of or sympathizers with the illegal CPM. However, because detainees can be imprisoned indefinitely without trial under the Internal Security Act, no formal charges are made against them and there is no opportunity for the Government's allegations to be tested fairly in a court of law, according to generally recognized legal standards.

The two main detention camps in Peninsular (West) Malaysia are the Batu Gajah Special Detention Camp and the Kamunting Detention Camp, both in the state of Perak. Apart from being held in these two camps, detainees are often held, without formal charges and for periods of as long as six months, in local police stations. In August 1977, of the 100 men detained at the Batu Gajah Camp, half had spent seven years or more in detention without trial. Many prisoners have now been held for periods of more than 10 years and at least one for 14 years.

One long-term detainee in Batu Gajah is Yeo Moung Peng, formerly the Secretary

of a local branch of the Labour Party of Malaya, who has been imprisoned since August 1968. He was one of many detained in 1968 after demonstrations against the execution of 11 Chinese for collaborating with armed Indonesians during the "confrontation" between Malaysia and Indonesia in 1964. The reason given for Yeo Moung Peng's detention is that he "knowingly, consistently and willingly acted in a manner prejudicial to the security of Malaysia by indulging in and promoting subversive and pro-communist activities to further the communist aim of overthrowing the existing Government of Malaysia through unconstitutional and revolutionary means". However, the Government has not accused him of using violence, no formal charges have been laid against him and there has been no opportunity to test these allegations in open court.

On 10 March 1977 the Minister of Home Affairs, Tan Sri Ghazali Shafie, announced that he had amended the regulations governing conditions in special detention camps, including the Batu Gajah Special Detention Camp. As a result, many of the rights and privileges formerly enjoyed by political detainees have been severely curtailed. For example, in the past detainees in the Batu Gajah camp were allowed to associate with each other for most of the day, but the amended regulations now specify that detainees shall be "confined in a cell (not being a punishment cell) either individually or together with any one or more other detained persons". Information available at present indicates that in fact the detainees are being kept in cells individually.

In accordance with the amended regulations, it is possible for some detainees to be allowed out of their cells (for the purposes of exercise, bathing, washing clothes, etc.) for as little as three hours in every twenty-four. The period for which each detainee is allowed out is at the discretion of the Superintendent of the camp.

Previous regulations provided for detainees to be held in solitary confinement (for a total of not more than 90 days in one year) *as punishment for certain infringements of camp rules*, but the amended regulations specify that detainees may be kept in individual cells as a normal practice. Although the cell is defined as "not . . . a punishment cell", being kept in individual cells indefinitely amounts, for most of the detainees in the Batu Gajah Camp, to solitary confinement. This is regarded by the detainees and their families as a punitive measure.

The new regulations have also greatly curtailed other long-standing privileges formerly enjoyed by detainees, including their right to send and receive letters and to receive supplementary food and medicines from their families. Family visits have also been reduced. Amnesty International has urged the Malaysian Government to repeal the arbitrary restrictions introduced on 10 March 1977 and to restore in full all the rights and privileges enjoyed by the detainees before that date.

In April 1978 the leader of the opposition Democratic Action Party (DAP), Lim Kit Siang, one of the most outspoken critics of the Internal Security Act and himself a former political detainees, was arrested and charged with violating the Official Secrets Act. Also arrested was P. Patto, National Secretary of the DAP. Both were released on bail and Amnesty International is at present investigating the nature of the charges against the two men. Two other prominent members of the DAP, Chian Heng Kai, a member of the Malaysian Parliament, and Chan Kok Kai, Assistant Treasurer of the Party, have been detained since November 1976

without charge or trial under the Internal Security Act. Their cases have been taken up by Amnesty International.

Among other cases which Amnesty International groups have continued to work on are those of Syed Hussein Ali, one of Malaysia's most prominent social scientists, imprisoned without trial since December 1974; Samad Ismail, former Managing Editor of the *New Straits Times*, arrested in June 1976; and two former Deputy Ministers in the Government, Datuk Abdullah Ahmad and Datuk Abdullah Majid, who have both been held without trial since November 1976. Another prisoner for whom Amnesty International has been working is Kong Hoi, a former Secretary of the Perak Division of the opposition Labour Party of Malaya, who has been detained without trial since November 1964 in the Batu Gajah Special Detention Camp.

Amnesty International has consistently urged the Malaysian Government either to bring formal charges against detainees in a court of law or to release them immediately and unconditionally.

In 1975 an amendment to the Internal Security Act made the death sentence mandatory in cases involving the illegal possession of firearms. It is estimated that, since then, 50 people have been sentenced to death for firearms offences–although none has so far been executed–pending appeal. In March 1978 the Government announced that it would also amend existing drugs laws, to impose a mandatory death sentence for drug trafficking. The full implications of the 1975 amendment to the Internal Security Act, which applies also to minors, were revealed in August 1977, when a fourteen-year-old boy was sentenced to death for possession of a pistol and ammunition. The court was not presented with any evidence of his intent to use the firearm but, under the Act, mere possession of the weapon incurs the death penalty.

On 26 August 1977 Amnesty International sent a cable to the Malaysian Government, urging that the boy be reprieved. On 5 October the then Law Minister and Attorney General, Tan Sri Kadir Yusof, announced that he would recommend commutation of the sentence. On 11 October Amnesty International again wrote to Tan Sri Kadir Yusof, supporting his recommendation and urging that the death sentences passed on the 50 other people should also be commuted.

The death sentence passed on the fourteen-year-old boy provoked much public debate in Malaysia about the Internal Security Act. In October 1977 the Bar Council of Malaysia passed a motion advising members to refuse to handle cases tried under the Act as amended in 1975. The boycott, which has been observed by most lawyers, is still in force. The Bar Council has also criticized the practice of re-arresting those who have already been acquitted by the courts. In January 1978, in an effort to circumvent the boycott, the Government introduced a Bill to allow foreign lawyers to handle cases under the Act. It also disqualified members of the Malaysian Parliament and officials of trade unions and political parties from holding office on the Bar Council.

Nepal (the Kingdom of)

Despite the release of some prominent political prisoners in 1977, Amnesty International remains concerned at the substantial number of political prisoners still held in Nepal, most of them without trial. It estimates that there are at least 120 such prisoners: some opposition sources put the number at between 300 and

400. Most of them are held on specific charges of a political nature under the Raj Kaj Act–the Treason (Crime and Punishment) Act–although the Nepalese Government does not classify them as political prisoners. But political prisoners are often charged with sedition under the Act, which, as defined, includes bringing "into hatred or contempt or [exciting] disaffection towards His Majesty or members of the royal family". Among the cases taken up by Amnesty International are two political prisoners who have been held under the Raj Kaj Act without trial since 1974.

On 17 September 1977, Nepal's new Prime Minister, Kirtinidhi Bista (who succeeded Dr Tulsi Giri when the latter resigned) announced that "His Majesty's Government will not keep in detention persons who have no specific charges against them": only prisoners charged with specific criminal offences would be kept in jail. Amnesty International cabled King Birendra on 22 September 1977 welcoming the new Government's announcement and urging him to consider reviewing the cases of political prisoners held for years without trial under the Raj Kaj Act.

After the September 1977 announcement, there was an official statement that 39 political prisoners had been released. They included Krishna Prasad Bhattarai, former Secretary General of the Nepali Congress Party. He had spent a total of 14 years in detention without trial since 1960. Amnesty International was able to confirm that 11 prisoners held under the Security Act whose cases it had taken up, had been released.

On 21 September 1977, King Birendra declared an amnesty for 15 workers of the banned Nepali Congress Party charged with anti-national activities, and remitted the sentences of imprisonment imposed on them.

The trial of B.P. Koirala, a former Prime Minister and leader of the banned Nepali Congress Party, continued before a one-man Special Tribunal sitting *in camera*. Mr Koirala had been arrested in December 1976 on his return to Nepal from India (see *Amnesty International Report 1977*). On 8 June 1977, King Birendra gave him special permission to go abroad on parole for medical treatment, after his doctors had reported that he was seriously ill. However, on his return to Nepal on 8 November, he was re-arrested and again brought before the Special Tribunal. His lawyers complained strongly that they were denied access to the court proceedings during his trial. On 25 November 1977, Amnesty International cabled the Prime Minister, Kirtinidhi Bista, urging that Mr Koirala immediately be allowed full consultation with his lawyers and that his case be transferred to an open court, operating according to ordinary procedures of law.

It was later reported that Mr Koirala had again become seriously ill, coughing blood and fainting. In January 1978, Amnesty International members took part in an Urgent Action, appealing for his immediate release on medical grounds. After reports that restrictions were placed on lawyers visiting him, on 13 February Amnesty International again wrote to the Prime Minister, urging that Mr Koirala be allowed to conduct interviews with his lawyers out of the hearing of prison officials.

Mr Koirala was released on parole for medical treatment abroad on 23 February 1978, when the Special Tribunal acquitted him of four of the seven charges against him. In a letter to King Birendra dated 3 March 1978, Amnesty International, while welcoming the release, again called for the case to be transferred

to an ordinary court of law. On the same day, the Special Tribunal acquitted Mr Koirala of one of the three remaining charges, but stated that the two pending charges would be taken up again after his return from abroad.

Ganesh Man Singh, a former Cabinet Minister and a colleague of Mr Koirala, remained in prison in spite of a court order of 3 March, acquitting him of the sole charge against him. He had been arrested in December 1976 and brought to trial with Mr Koirala before the Special Tribunal under the Raj Kaj Act. Amnesty International appealed in May 1978 for Mr Singh's immediate release so that he could obtain medical treatment: there were reports that his health was deteriorating because of a kidney disorder.

Although the last execution in Nepal took place in 1962, Amnesty International is still concerned that two political prisoners, Yagya Bahadur Thapa and Bhim Narayan Shrestha, go on waiting for a final decision on their clemency appeal, after their conviction on treason charges in November 1975, when they were sentenced to death. It is particularly concerned at reports that, during their trial, no lawyers were allowed to defend them. Lawyers were allowed at the appeal stage, but were given very little time to prepare the defence. The sentences were confirmed by the Supreme Court in February 1977, and a later appeal to the Judicial Committee, the only authority that can recommend that the King review the sentence of death, was rejected. The clemency petition is, as far as Amnesty International is aware, still awaiting final decision. In December 1977 Amnesty International members took part in an Urgent Action, appealing to King Birendra to show the two men clemency. Amnesty International members had already urged King Birendra to do so on two previous occasions, stating the organization's unreserved opposition to the death penalty.

Pakistan (the Islamic Republic of)

Since coming to power on 5 July 1977, the military Government of Pakistan, headed by the Chief Martial Law Administrator, General Mohammad Zia-ul Haq, has applied increasingly stern martial law provisions to curb political opposition. At the time of writing, elections have again been postponed, all political activity has been banned under martial law and Amnesty International estimates that several thousand political prisoners are held in Pakistan. (At least 160 of those held have been flogged for engaging in peaceful political activities.) When it first took power, the military Government released many political prisoners arrested during the previous administration and took significant steps to put into effect recommendations which Amnesty International had earlier made to Zulfikar Ali Bhutto, then Prime Minister of Pakistan (see p. 180). In 1978, an Amnesty International delegation went to Pakistan to discuss developments regarding human rights, and the visit led to the issuing of a mission report in May 1978.

On 13 July 1977, the Secretary General of Amnesty International wrote to General Zia-ul Haq, bringing to his attention the organization's mandate and the conclusions drawn by Amnesty International in its *Report on the Islamic Republic of Pakistan, including the findings of a mission to Pakistan, 23 April-12 May 1976*, which had been presented to the former Prime Minister, Mr Bhutto. This report, issued on 16 May 1977, had made a number of specific recommendations (see *Amnesty International Report 1977*). The letter of 13 July welcomed the release

of 33 political leaders from prolonged detention in a camp in Azad Kashmir (mentioned in the 1977 mission report), whose arrest the previous Government had denied. It also welcomed the new Government's announcement of the release of political leaders taken into "protective custody" immediately after the military takeover, and urged it to consider putting into effect soon all the recommendations made in the 1977 mission report. The letter expressed the hope that the Government would consider appeals from Amnesty International members taking part in a campaign for the implementation of these recommendations as expressions of the organization's long-standing concern for human rights in Pakistan. It also asked for details of the martial law regulations restricting political activities and expressed concern at the introduction, with reference to Islamic *Shariat* (religious law), of harsh punishments under martial law. These include the amputation of a hand for theft, and flogging for a range of martial law offences, including political ones.

Shortly after coming to power, the Pakistan Government took a number of important steps in line with Amnesty International's recommendations: on 14 July 1977, it abolished special tribunals which operated under the Defence of Pakistan Rules, and which Amnesty International has severely criticized in the *Report* on Pakistan already mentioned. Nearly all the prominent prisoners of conscience, many of them adopted by Amnesty International, were released. On 15 September 1977, the President of Pakistan revoked the State of Emergency which had been in force since 23 November 1971, and the Defence of Pakistan Rules were repealed. This legislation had, in the past, been widely used to detain without trial political opponents of the government then in office. However, before repealing the Rules, the martial law authorities had introduced similar provisions for preventive detention on very broadly defined grounds under Martial Law Order Number 12. The new Government also restored to the higher judiciary full powers to issue writs, including the writ of *habeas corpus* (with the proviso, however, that martial law provisions were excluded from supervision by the courts). The Government also annulled the Fourth and Fifth Constitutional Amendments, which Amnesty International had criticized because they introduced serious restraints upon the independence of Pakistan's judiciary.

In a letter dated 6 September 1977 to the Chief Martial Law Administrator, the Secretary General of Amnesty International expressed the organization's appreciation of the important steps which the Government had taken and urged it to abolish also the Special Court in Hyderabad, where the leaders of the outlawed National Awami Party had been on trial since April 1976, under procedures which had been severely criticized in Amnesty International's *Report on the Islamic Republic of Pakistan*, as falling far short of international standards.

On 1 January 1978, the Government announced the dissolution of the Hyderabad Special Court trying Wali Khan and 54 other leaders of the outlawed National Awami Party. All the prisoners except one – Gul Khan Naseer, against whom, the Government said, a murder charge was pending–were released shortly afterwards. At the same time, the Chief Martial Law Administrator announced that, since the military Government had assumed office, 11,109 political prisoners had been released. Most of these had been arrested under the previous administration for taking part in anti-government demonstrations alleging large-scale rigging of the elections in March 1977, and belonged to the Pakistan National Alliance (PNA),

a coalition of political parties opposing the Pakistan People's Party (PPP) (see *Amnesty International Report 1977*). According to the Government, 68 political prisoners were still in prison and there were criminal charges against them. In a letter of 6 January 1978 to the Pakistan Ambassador in London, Amnesty International welcomed the releases and asked for details of the 68 political prisoners still in jail.

However, during 1977, concern had already mounted over the increasing number of political prisoners who were being arrested under martial law provisions restricting fundamental freedoms. Amnesty International started an adoption program calling for the release of prisoners of conscience who were arrested for participating in political meetings or processions (prohibited under Martial Law Regulation Number 11), for participation in political activities (prohibited under Martial Law Regulation Numbers 24 and 33) and for criticizing the armed forces (punishable under Martial Law Regulation Number 13). Over the past year, Amnesty International groups have worked on behalf of 50 adopted prisoners of conscience and have investigated the cases of another 32 prisoners. Most political prisoners belong to the Pakistan People's Party, the former ruling party, once headed by Mr Bhutto, but members of other parties—such as the *Tehrik Istiqlal*—and students are known to have been arrested too, for taking part in processions, shouting slogans and waving the flags of political parties. Strikes and lockouts are prohibited under martial law, and Amnesty International took up for adoption as prisoners of conscience the cases of eight trade unionists arrested for joining in industrial action. Political arrests increased substantially after the arrest of Mr Bhutto.

He was first arrested on 3 September 1977, on charges of complicity in the murder of Nawab Ahmed Khan in 1974, a murder committed while Mr Bhutto was Prime Minister. On 13 September 1977, a Lahore High Court judge granted Mr Bhutto bail but he was re-arrested four days later by the martial law authorities and taken into preventive custody under Martial Law Order Number 12, together with ten other leading members of the Pakistan People's Party. At first the Government ordered that Mr Bhutto should be tried by a military court, but later it announced that the former Prime Minister would be tried in open court before judges of the Lahore High Court. The trial, before five High Court judges, began on 9 October 1977. Meanwhile, Mr Bhutto's wife had challenged her husband's detention in the Pakistan Supreme Court on the ground that detention under martial law was without legal authority. However, on 10 November 1977, the Supreme Court dismissed the appeal, upholding the imposition of martial law on 5 July (when the military Government came to power) as valid. However, it ruled that, in spite of the imposition of martial law, the superior courts in Pakistan continued to have the power of judicial review of any action taken by the martial law authorities.

Mr Bhutto's trial before the Lahore High Court resulted in his conviction on 18 March 1978, and he and four members of the Federal Security Force accused with him were sentenced to the death penalty. On the day the conviction was announced, Amnesty International cabled the Chief Martial Law Administrator, asking him to commute the death sentences passed on Mr Bhutto and those convicted with him to life imprisonment, on humanitarian grounds. The appeal from Amnesty International was released to the press on 20 March 1978 and it

emphasized the danger involved in carrying out executions, pointing out the risk of miscarriage of justice inherent in every trial, but most especially a trial such as that of Mr Bhutto, conducted in a tense political atmosphere, in circumstances in which all normal political activity had been banned under martial law. Hundreds of appeals for commutation of the five death sentences were sent by Amnesty International members in the following several days.

In December 1977, in order to obtain a first-hand account of recent developments in Pakistan which come within the mandate of Amnesty International, its International Executive Committee asked its Vice-Chairman to go to the country. The Government was informed of Amnesty International's proposed visit in a letter dated 6 December 1977 and on 16 January 1978, Amnesty International was told that its two delegates, Professor Mümtaz Soysal, the Vice-Chairman of the International Executive Committee, who is Professor of Constitutional Law at Ankara University, and a researcher on Asia in the Research Department in the International Secretariat, would be able to meet the Chief Martial Law Administrator and other officials in Islamabad on 21 January. (The same Amnesty International delegation had already been to Pakistan in April 1976; their findings were the basis for the *Report* on Pakistan issued in May 1977.)

In Islamabad, the two delegates were received by the Chief Martial Law Administrator and had detailed discussions with him, as well as with his Adviser on Law and Parliamentary Affairs, Religious and Minority Affairs, the Adviser on Foreign Affairs, and with the Secretary of the Ministry of Interior. They also met the Attorney General and, at their request, were readily given permission to attend trials before summary military courts in Lahore. The delegates also met lawyers concerned with civil liberties and the relatives of political prisoners. Although they received cooperation from the authorities throughout their visit, the delegates were, however, refused permission to visit Mr Bhutto in jail.

The *Report* of the delegates' visit, lasting from 20 to 25 January 1978, was presented to the Chief Martial Law Administrator on 22 March 1978, with a request for the Government's comments and the assurance that Amnesty International was willing to release these with the report. The Government was informed, too, that the International Executive Committee of Amnesty International had decided, in principle, to release the text of the report on 17 April 1978. However, the release was twice postponed in order to enable the Government to send its comments. When none was received by 3 May, Amnesty International decided to release the report twelve days later.

Amnesty International's *Short Report of an Amnesty International Mission to the Islamic Republic of Pakistan (20-25 January 1978)* expresses concern at the introduction of stern martial law provisions, curtailing fundamental freedoms and allowing for preventive detention. It also voices its disquiet at the practice of trying civilians for political offences before summary military courts, and particularly at the courts' frequent imposition of the sentence of flogging for acts "which often appear to be no more than the exercise of the right of freedom of speech and expression, guaranteed in the Constitution". The report states that, at the time when it was being written (March 1978), at least 160 prisoners had been sentenced to flogging for engaging in political activities, and describes the punishment as "cruel, inhuman and degrading". The report estimates that there are at least several thousand political prisoners in Pakistan, the majority of them

members of the Pakistan People's Party arrested at about the time of the announcement of the Lahore High Court's verdict on Mr Bhutto. On the basis of the observations made by the delegates when they attended summary martial law courts, Amnesty International expressed, in the *Short Report*, great concern about the summary military court procedures, under which political prisoners are being tried without access to a lawyer and without the customary right of appeals. The *Short Report* makes a number of recommendations to the Pakistan Government, including the abolition of the practice of trying civilians before military courts for political offences, and recommends the immediate abolition of flogging of political prisoners, the repeal of martial law provisions allowing for preventive detention, and the abolition of special courts, particularly those trying political prisoners.

The 1978 *Short Report* was written before the outcome of Mr Bhutto's trial was known, but it contains observations about his trial, made on the basis of the official trial transcript, given to the Amnesty International delegates during their visit. These observations emphasize that a number of allegations have been made by Mr Bhutto's defence counsel on the subject of the impartiality of the judges trying him, the fairness of the conduct of the trial and the correctness of the record of proceedings. Moreover, the *Short Report* notes that the most direct evidence against Mr Bhutto should be regarded with great suspicion, since it is that of an informer, who had been granted pardon. It also expresses regret that the last stage of Mr Bhutto's trial was held *in camera*.

In view of these reservations, and considering the Government's refusal to allow the Amnesty International delegates to inspect personally the prison conditions in which Mr Bhutto was being held, Amnesty International urged the Government in the *Short Report* to allow international observers at all stages of Mr Bhutto's trial (including the appeal stage), to withdraw preventive detention orders against him and to allow representatives of international organizations to meet him in jail.

On 22 March 1978, the first public executions took place since the present Government assumed power: three men were hanged in Lahore after being convicted by a military court on charges of kidnapping and murder. Amnesty International had sent a cable to the Chief Martial Law Administrator, urging clemency and calling the public execution of civilians tried by military courts a "dangerous precedent in Pakistan". Earlier, on 7 March 1978, it had sent a cable to the Chief Martial Law Administrator, urging clemency for Nazir Ahmed, who had been sentenced to death on 4 March 1978 by a military court under retroactive legislation, for attempting a hijack on 20 January 1978. (In a foreword to the *Short Report*, the Chairman of the International Executive Committee of Amnesty International had expressed deep concern about the application of the death penalty in Pakistan.)

At the time of writing, Amnesty International has not received any reaction from the Government to the recommendations made in the *Short Report*.

Since it was published, Amnesty International has been concerned at the arrest under martial law provisions of at least 145 journalists and newspaper employees for demanding the right of freedom of expression. Nearly all were arrested for taking part in a hunger strike in protest against the forced closure of *Musawat* (Equality), the official organ of the Pakistan People's Party, whose Editor and printer have been adopted by Amnesty International as prisoners of conscience,

after their conviction by martial law courts for publishing "objectionable material". In May 1978, Amnesty International groups took part in a special action, calling for the journalists' release and drawing attention to four among them who had been sentenced, on 13 May 1978, to be imprisoned and flogged for their part in the hunger strike. The four included Masudullah Khan, a senior Sub-editor on the *Pakistan Times*, who was sentenced to five lashes and six months' imprisonment, although it was known that he was lame. Many Amnesty International members participated in the May 1978 appeal for Masudullah Khan's release, marking the occasion of the 30th Anniversary of the Universal Declaration of Human Rights. The flogging of three of the journalists was confirmed, but the Government announced a week later that Masudullah Khan was not flogged because of his physical disability. On 29 May 1978, an agreement was reached between the Government and journalists' representatives, the Lahore edition of *Musawat* was allowed to reappear and all 145 journalists were released.

On 30 May, Amnesty International sent a cable to the Chief Martial Law Administrator, expressing deep concern at reports of confirmation of the first sentences of amputation of a hand passed on three young men convicted on criminal charges. The Secretary General urged the Chief Martial Law Administrator to revoke immediately the confirmation of this punishment, which Amnesty International considers "cruel and inhuman"—as it is so defined in international law. As far as Amnesty International is aware, execution of the sentence has not been carried out as of the time of writing.

The Philippines (the Republic of)

For the Republic of the Philippines, 1977-78 was its sixth year under the rule of martial law imposed in 1972 by President Ferdinand Marcos. In August 1977, he announced the first steps towards a beginning of a "return to normalcy [*sic*]", and promised that local elections would be held the following year. On 7 April 1978, elections were held for the 200 seats in an interim national assembly. This body was to be under the control of the President, who had the power to reject any of its decisions.

The elections were marked by widespread protests against alleged fraud and abuses at the polls. This culminated in a march of demonstrators in Manila during which seven opposition leaders and about 600 other demonstrators were arrested.

The arrest of the protesters was the most striking instance in 1978 of violations of human rights in the Philippines. Independent observers had affirmed that the protest marchers had not used any violence. The commander of the Manila Metropolitan Police, Brigadier General Prospero Olivas, said on 9 April that those arrested would be tried by military tribunals on charges of violating a presidential decree prohibiting political demonstrations. Subsequently, most of the arrested demonstrators were released, although 558 remain charged with illegal assembly. Those who remain in prison—more than 30 in number—include opposition leaders and campaign workers. Among them are the former senator, Francisco Rodrigo Sr., the active civil liberties lawyer, Joker Arroyo, three other lawyers, a professor of law and a Jesuit priest. They have all been taken up by Amnesty International as adoption cases. At the time of writing, trial proceedings against them have not begun.

The general pattern of political imprisonment has not changed significantly over the past year. New arrests of people on suspicion of "subversion" continue, while, at the same time, numbers of prisoners are released. President Marcos has kept up his practice of announcing occasional amnesties, the most recent being his order on Christmas Eve in 1977 for the release of more than 800 detainees; it is not known whether most or all of them were criminal suspects held in detention under martial law.

In his most recent statement on the subject, on 3 June 1977, President Marcos declared that the total number of people detained under martial law was 4,764. He said that of these, 558 were being held for offences such as rebellion, treason or subversion; the remainder were detained for criminal offences. In the second half of 1977, the Government announced that more than 3,000 detainees had been released, and when this number is added to the number covered by the President's Christmas Eve order, the official totals for people held and people released imply that the number of detainees still held under martial law in 1978 is relatively small.

However, information currently available to Amnesty International indicates that there are probably several hundred people held in martial law detention for political offences in the Philippines. Although there have been releases, there has been no significant reduction in new arrests—for example, more than one hundred people were reported to have been arrested and detained in May 1978, mostly from the Greater Manila area, apparently in connection with the election on 7 April.

The martial law authorities have continued to interrogate newly-arrested political prisoners in secret centers called "safe houses", and Amnesty International has received numerous reports of the use of torture during interrogation. One example was the widely reported case of Mrs Trinidad Herrera, leader of a community group in a slum area in Manila, who had opposed Government redevelopment projects for the area. After her arrest on 26 April 1977, Amnesty International received reports that Mrs Herrera had been subjected to torture, including electric shocks. It immediately launched an Urgent Action campaign. Mrs Herrera was freed on 13 May and President Marcos subsequently ordered the trial of two military officers on charges of having tortured her. The military court that tried the two officers acquitted them after a two-hour session of the court martial *in camera*.

The extent of the brutal treatment of martial law detainees was reviewed by President Marcos himself in a book he published in May 1978, entitled *Five Years of the New Society*. He claimed that from 30 June 1977, 2083 members of the Philippines armed forces "have been dismissed from the service and penalized for various abuses, including the torture and maltreatment of detainees". He added that 322 of them had been sentenced to disciplinary punishment, in cases where the accused were found guilty of maltreatment. Three officers found guilty of torturing 32 prisoners had been sentenced to six months' hard labour and the forfeiture of six months' pay, while 12 other military personnel involved in the case "were reprimanded". In another case, two non-commissioned officers were demoted. The President stated that more than 100 detainees had alleged that they had been tortured, burnt with cigarettes or forced to drink urine. He said that a total of eight detainees had died in custody and described the circumstances as "mysterious deaths in custody".

Although President Marcos argued in his book that the martial law administration was scrupulous in investigating torture allegations and punishing offenders, the Government has continued to reveal very few details of the investigations into torture allegations and of the hearings of them by courts martial which are claimed to have taken place. Military personnel identified as having used torture in the report to the Government by an Amnesty International mission in 1975 have apparently not been reprimanded.

A campaign by Amnesty International national sections continued during 1977 to draw attention to political imprisonment and the use of torture in the Philippines. Amnesty International groups have taken up the cases of more than 100 political detainees in the Philippines in the past year.

Singapore (the Republic of)

The ruling People's Action Party (PAP), led by the Prime Minister, Lee Kuan Yew, has been in power continuously since 1959. There are no opposition members in the 65-seat Parliament. The Singapore Government is invested with wide powers of arbitrary arrest and detention under the Internal Security Act (which derives largely from former British colonial legislation). It has continued to use these powers to arrest people alleged to be a danger to the security of Singapore, including men and women who have been outspoken critics of the policies of the Government. Although a member of the United Nations, Singapore has not signed or ratified the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

The Government still detains in prison three men who have been held without trial under the Internal Security Act for political reasons since February 1963. They are: Said Zahari, formerly Editor of the Malay language newspaper *Utusan Melayu* and well known as a poet; Ho Toon Chin (also known as Ho Piao), formerly Secretary General of the now proscribed Singapore National Seamen's Union; and Dr Lim Hock Siew, a medical practitioner and a former officer in the opposition *Barisan Sosialis* (Socialist Front) Party. A fourth prisoner, Lee Tze Tong, a former officer in the now proscribed Singapore Busworkers' Union and elected member of Parliament representing the *Barisan Sosialis* Party, was arrested in October 1963. In 1968 he was served with a banishment order and is still in detention in the Moon Crescent Center, "awaiting deportation". Amnesty International has kept urging the immediate and unconditional release of these four men. In the case of Lee Tze Tong, it has urged the Singapore Government to order his immediate release from prison and to grant him permission to remain in the Republic of Singapore if it is his wish to do so.

In addition to their appeals on behalf of these four prisoners, Amnesty International groups have worked on some 40 adoption and investigation cases of men and women detained without trial under the Internal Security Act or the Banishment Act. Some of them have already been detained without trial for more than 11 years. Amnesty International has consistently urged the Singapore Government to present any evidence it possesses against political detainees in fair and open trial, since this is the only way that the grounds for their detention can be fairly tested. Regrettably, however, the Singapore Government has not chosen to bring detainees to trial and, in the absence of public evidence, it would therefore seem

that they are arbitrarily detained at the Government's discretion, for political reasons.

Among the prisoners adopted by Amnesty International is Shamsuddin Tung, also known as Tung Tao Chang, arrested in December 1976 on the eve of Singapore's general elections, in which he was an opposition candidate. Shamsuddin Tung, who is a Chinese Muslim, was formerly the Editor of the *Nanyang Siang Pau*, a leading Chinese language newspaper. From 1971 until 1973 he was detained without trial under the Internal Security Act. The Government alleged that he had encouraged "Chinese chauvinism" in his comments about Chinese language and culture in Singapore. An official statement after his rearrest in 1976 said that he had been detained for raising matters of Chinese education and language during the 1976 election, which allegedly incited "chauvinistic emotions".

The Singapore Government has stated publicly that it will release a detainee who undertakes to "foresake the use of force or violence". On 20 July 1977 Shamsuddin Tung's wife, Aliya Tung, held a press conference at their home at which she released details of a letter her husband had written to the Government. The letter, dated 1 July and addressed to the Prime Minister personally, said:

> "I wish to say that I am not, and never have been, a communist, pro-communist or even a communist sympathizer. The Internal Security Department is well aware of this. Equally, I have never advocated violence or the use of force against the Government of Singapore or any other government. I have, however, chosen the constitutional method of opposing certain policies of the Government by standing for election as a member of Parliament, which I believe is the legitimate right of any citizen."

In spite of the Government's assurances explained above, Shamsuddin Tung is still in detention without trial.

In addition to Lee Tze Tong, mentioned above, Amnesty International is working for the release of five other men and women detained "awaiting deportation" under the Banishment Act. Amnesty International believes that these prisoners, originally detained under the Internal Security Act, can only be regarded as political prisoners who are detained indefinitely without trial. They have been imprisoned for periods ranging from eight to fourteen years. Particularly in view of the great length of time which they have already spent in prison without trial, Amnesty International has urged that they should be released immediately and given permission to remain in the Republic of Singapore if they so wish.

In a letter to the Prime Minister on 8 April 1978, Amnesty International expressed concern that, in effect, political prisoners in Singapore are faced with only two "alternatives" to indefinite detention without trial: either conditional release on the basis of "confession" and "recantation" of alleged statements or offences which have never been tested in a court of law, or else banishment and deportation. Amnesty International maintains that the obligation of proving the guilt of an individual must rest with the Government, according to generally recognized legal practice. It is clear from the case of Shamsuddin Tung that even for those who do make a "recantation" there is no guarantee of release.

Amnesty International welcomed the release in 1978 of two adopted prisoners, Lee Eu Seng and G. Raman. On 1 February 1978 the Singapore Government announced the release of Lee Eu Seng, formerly Managing Editor of *Nanyang Siang Pau*, a Chinese-language newspaper, who had been detained without trial since his arrest in January 1973 in connection with Government allegations that the newspaper had "glamorized the Chinese way of life" and "sought to stir up Chinese racial emotions". These allegations were not tested in a court of law. An official statement announcing Lee Eu Seng's release said that amendments to Singapore's Newspaper and Printing Presses Act in 1977 had ensured that he could no longer "make use of the *Nanyang Siang Pau* against the public interest". On 25 February Mr Raman, a lawyer well known for his work in defence of political prisoners in Singapore, was conditionally released on a bond of 100,000 Singapore dollars. One of the six restrictions imposed upon him prohibits him from practising his profession for two years.

Amnesty International has reiterated its concern for Dr Poh Soo Kai, a medical practitioner and former Assistant Secretary General of the *Barisan Sosialis* Party, who was arbitrarily re-arrested in June 1976. Dr Poh had spent 10 years in detention without trial from 1963 until 1973. The Singapore Government has alleged that, among other things, he supplied medicines to a communist activist said to have been injured by a bomb he was carrying. This allegation was based on a "confession" made by Mr G. Raman after his own arrest in February 1977, which he later retracted. Dr Poh, however, remains in detention without trial. Amnesty International has urged that the evidence against Dr Poh Soo Kai should be fairly tested in a court of law, particularly in view of the retraction of Mr Raman's "confession". Failing this, he should be released immediately and unconditionally.

In February 1978, coinciding with the 15th anniversary of the massive arrests carried out in February 1963, Amnesty International published a second edition of its Briefing Paper on *Singapore*, first published in 1976. The second edition noted that, since 1976, the Singapore Government has taken actions which have led to serious violations of human rights, including the arrest and imprisonment without trial of men and women for political reasons and the use of public "confession" by political prisoners as a basis for arresting and detaining their friends and associates. The Briefing Paper also reiterated Amnesty International's opposition to caning—which leaves permanent scars—as a punishment for certain criminal offences.

On 4 May 1978 Amnesty International cabled the President of Singapore, Dr Benjamin Sheares, expressing concern at the execution of Teh Sin Tong, convicted of drugs offences that carried the death penalty, and urging him, on humanitarian grounds, to commute death sentences passed on nine other people similarly convicted.

Sri Lanka (the Republic of)

On 21 July 1977, the United National Party won an overwhelming election victory on a program which included the provision of effective guarantees for the enforcement of fundamental rights in the Constitution, and the release of political prisoners serving prison sentences for their alleged participation in the 1971 insurgency. On 9 August 1977 Amnesty International wrote to the newly elected Prime Minister, J.R. Jayewardene, congratulating him on his appointment and drawing his attention to the recommendation made by Amnesty International in its 1975 mission report on Sri Lanka, calling for the Criminal Justice Commission Act to be revoked and for the review of the cases of political prisoners serving prison

sentences imposed by the Criminal Justice Commission under the provisions of the Act.

At the beginning of September 1977, the Vice-Chairman of the International Executive Committee of Amnesty International, Professor Mümtaz Soysal, met the Acting Minister of Justice, Mr Ranaraja. He urged the Government to initiate a review by the ordinary courts of law of all cases of prisoners convicted by the Criminal Justice Commission (Insurgency Branch). Amnesty International was informed that the sentences of such prisoners were under review and that Amnesty International would be sent a report on their position. In the 1975 mission report, Amnesty International had argued that "there should never be a compromise of the standards of criminal justice such as was undergone in the Criminal Justice Commission".

On 21 October 1977, the National State Assembly repealed the Criminal Justice Commission Act and, on 2 November 1977, the Prime Minister announced that all prisoners convicted by the Criminal Justice Commission were granted a pardon. The 130 political prisoners still held were immediately released. They included Rohana Wijeweera, the leader of the *Janata Vimukhti Peramuna* (People's Liberation Front), one of five prisoners serving a sentence of life imprisonment for involvement in the events of 1971. Amnesty International cabled the Prime Minister on 4 November 1977, congratulating the Government on its decision and asking for details of the release of these prisoners. Their release was confirmed by the Government. Amnesty International again wrote to the Prime Minister on 8 November 1977 to congratulate the Government on the effective steps it had taken for the repeal of the Criminal Justice Commission Act, in line with the recommendation Amnesty International had made in its 1975 mission report, and for the release of political prisoners, whose trials by the Criminal Justice Commission Amnesty International had criticized.

A constitutional amendment passed by the National State Assembly in October 1977 introduced a presidential form of government, giving wide executive powers to the office of the President. Subsequently, on 4 February 1978, the Prime Minister took office as President of Sri Lanka for a period of six years. His inauguration was marked by the announcement of an amnesty, commuting all sentences of death to life imprisonment. Amnesty International has since confirmed reports that some members of opposition parties were subsequently detained for short periods for displaying black flags when the President assumed office. At present, however, Amnesty International has no cases of adopted prisoners in Sri Lanka.

On 19 May 1978, the National Assembly adopted, by a special urgent procedure, two important Bills, introduced the previous day: the Proscribing of the Liberation Tigers of Tamil Eelam and Similar Organizations Bill and the Criminal Procedure (Special Provisions) Bill. These were enacted after incidents in April and May 1978 in which five police officers were killed in the area where the Tamil minority lives. The incidents followed serious racial disturbances affecting the Tamil minority which had occurred in the post-election period, during August 1977. Introducing the new legislation, the Prime Minister, Ranasinghe Premadasa, is reported to have stated that "tough new legislation" was ". . . needed to prevent a handful of persons from holding the country to ransom" (*The Times*, London, 20 May 1978).

On 30 June 1978, the Secretary General of Amnesty International wrote to the Minister of Justice, inquiring about specific provisions of the two new laws, such as the introduction of preventive detention for a period of up to one year, applicable to people suspected of participating in activities or supporting organizations proscribed by the President on grounds which Amnesty International called "vaguely defined". Under the laws, bail is denied to people suspected of committing offences under their provisions. The Secretary General expressed particular concern that the wide provisions of the new laws could seriously restrict the right of freedom of association and expression. In the letter of 30 June, Amnesty International stated once more its humanitarian and legal objections to long-term detention without trial and expressed concern that the new laws permit detention "in such a place and subject to such conditions as may be determined by the Minister", since this could allow for detention under conditions in which political prisoners could be ill-treated and tortured. Amnesty International asked the Minister of Justice about two specific allegations of serious police brutality which it had received, concerning prisoners arrested in February and May 1978, and requested an assurance from him that the Government would take steps to protect people under suspicion from police brutality fully in future. Amnesty International also asked the Minister for details of 38 young Tamils whose names had appeared in the *Ceylon Daily Mirror* of 20 May 1978 as wanted by the police. Amnesty International asked the Minister for details of the specific charges against them, since among the names were those of seven prisoners of conscience whose cases Amnesty International had adopted when they were detained under the previous administration, together with the cases of 21 other Tamil prisoners investigated by Amnesty International at the time.

On 22 May 1978, the Secretary General of Amnesty International wrote to the Minister of Justice, Kanapathipillai William Dewanayagam, inquiring about cases pending before the National Assembly under the provisions of the Parliamentary (Powers and Privileges) (Amendment) Act of 1 February 1978. This empowers the Assembly itself to deal with allegations of breach of parliamentary privilege, which it may punish with imprisonment. Two editors have been fined by the National Assembly for alleged breach of privilege and fears have been expressed that these new powers inhibit legitimate criticism of the Government.

Taiwan (the Republic of China)

During the period 1977-78, Amnesty International continued to be concerned about the arrest and detention of suspected political opponents in Taiwan, about the holding of trials by military tribunals and about allegations that some detainees have been maltreated during interrogation.

Taiwan continues to be ruled under martial law more than 29 years after a State of Siege was imposed on the island by the Nationalist Government. Under martial law, people convicted on political grounds–officially of "sedition"–are tried, usually *in camera*, by military tribunals where the rights to defence are limited. In a statement made in June 1977, the Premier, Chiang Ching-kuo (who was subsequently elected President in March 1978) declared the Government's intention to "safeguard human rights" in Taiwan and commented on the military court's procedures:

"The trial proceedings of the military court are open to the public and the defendant is allowed to retain counsel. If the defendant does not accept the judgment of the court at first instance, he is entitled to appeal. If the judgment is upheld upon appeal, the defendant may seek a retrial or an extraordinary trial."

However, according to Amnesty International's information, most trials by military courts are not open and political defendants are seldom granted a retrial. Some rare instances in which selected members of the public were admitted to political trials have been widely publicized by official sources, but even here only some of the court hearings were open and attendance had to be authorized by the authorities.

In his statement, the Prime Minister justified also the continued existence of martial law in Taiwan by the need to "prevent the infiltration and subversion of [*sic*] communist agents" and to "assure the security of the nation and society". According to some observers, the arrests made in 1976 and 1977 are believed to be an attempt by the military authorities to prove the existence of a "communist conspiracy" in the country.

During the past year, several groups of people accused of "pro-communist activities" were convicted on charges of "sedition" in Taiwan. One of them, Tai Yin-wu, a sixty-six-year-old teacher of English from Miaoli (south-west of the capital, Taipei) was sentenced to five years' imprisonment in July 1977 for "attempting to overthrow the government" and "treachery". Arrested in April 1976, he has been adopted by Amnesty International as a prisoner of conscience. Other arrests made in connection with this case apparently involved more than ten people. According to information received by Amnesty International, Tai Yin-wu was held incommunicado for six months before an indictment was drawn up against him.

During his trial (March-July 1977), Tai Yin-wu was accused of having joined the Communist Party in 1929 in mainland China and of meeting, in 1963, in Hong Kong, a certain Chou Yui-yin, allegedly "a one-time communist", in order to discuss underground activities in Taiwan. No other evidence of his "attempt to overthrow the Government" was apparently brought at the trial. All the evidence of his alleged communist connections was based on the statements of several of those accused with him in the trial, and on his own confession, reportedly extracted from him under torture during pre-trial detention, which he later retracted. In August 1977, Amnesty International sent urgent appeals to the authorities to review Tai Yin-wu's case, urging that he be granted a retrial in an open court. However, his own appeal was rejected in September 1977; in October new appeals were made by Amnesty International for his retrial. At the time of writing this report, however, the authorities have not yet reviewed his case.

In another case adopted by Amnesty International, Tseng Cheng-chin, a wealthy watch dealer from Taipei, was convicted by a military court in July 1977 of engaging in "subversive activities against the Government since 1965 as a communist agent" and sentenced to twelve years' imprisonment, six years' deprivation of civil rights and confiscation of all his properties. As in Tai Yin-wu's case, it is reported that the evidence against Tseng Cheng-chin was based on a confession extracted from him under duress and on his co-defendants' testimonies, and that the court ignored discrepancies between the various statements. In March 1978, Amnesty International learned from official sources that the Ministry of National Defence had ordered a retrial of Tseng Cheng-chin's case because "some evidence against him needed corroboration". At the time of writing this report, the result of the retrial was not known.

Amnesty International was also concerned about the trial of six young men accused of having formed a "People's Liberation Front" (PLF): in January 1978 they were sentenced by a military court to terms ranging from three years of "reformatory education" to life imprisonment. The six were charged with various degrees of involvement in "subversive activities". The alleged leader of the group, Tai Hua-kuang (who was sentenced to life imprisonment) was accused of having set up the PLF, of sending threatening letters to foreign businessmen in January 1977 (to force them to leave Taiwan and stop trading with it), and of planning to manufacture bombs to blow up public buildings. A number of foreign journalists and observers were admitted to two of the trial's last hearings in January 1978 but were unable to check on evidence presented during previous hearings. The defendants pleaded guilty when confronted with their confessions in pre-trial preliminary hearings. However, sources close to Taiwanese exiles abroad have alleged that the public hearings had been rehearsed and the defendants made to confess under duress. According to some reports, the young men were merely political activists who had taken part in the election campaign of an opposition candidate in November 1977. Amnesty International is concerned by these allegations, by the circumstances of the trial by military court and by the fact that evidence has not been made fully public. These six cases are being investigated by Amnesty International groups.

During the period 1977-78, Amnesty International groups have continued to work for 130 prisoners under adoption or investigation. In September 1977, the organization appealed to President Yen Chia-kan to grant an amnesty to political prisoners who have been imprisoned for more than 20 years for alleged pro-communist activities. Most of them are said to be detained in the prison on Green Island, off the south-east coast of Taiwan. Amnesty International groups in various countries made similar appeals to the authorities on behalf of more than 40 individual prisoners who are known to have been imprisoned since the early 1950s. However, these appeals, as well as previous inquiries made by Amnesty International groups about individual cases of long-term prisoners, have generally been ignored by the authorities in Taiwan. In only one instance has Amnesty International learned from official sources of the release of a long-term prisoner: Kuo Chun-hsun was released in 1977, but his whereabouts were not disclosed.

In 1977, Amnesty International also learned of the release of prisoners who had been arrested in the 1960s or early 1970s. They included Hsieh Ts'ung-min, a Taiwanese editor imprisoned for the second time in 1971 (see *Amnesty International Report 1977*), who was released in August 1977; Ts'ai Ts'ai-yuan, imprisoned since 1962 for involvement in the Taiwan independence movement, was said to have been released in June 1977; Li Yi-ping, arrested in 1969 for organizing a group to assert the rights of native hill-people in Taiwan, was reported to have been released in August 1976. The release of the writer Kuo Yi-tung (pseudonym Po Yang) was confirmed in 1977, as well as the releases of a few other prisoners who had been adopted by Amnesty International.

In November 1977, Amnesty International made urgent appeals to the authorities about the health of Yang Chin-hai, a forty-four-year-old Taiwanese businessman serving a sentence of life imprisonment on Green Island for "subversive activities". He claimed during his trial in July 1976 that he had been tortured during investigation, and was subsequently reported to have chest and abdomen trouble. Amnesty International urged the authorities to allow him to return to Taipei for a medical examination by a doctor of his own choice. No response was received to this appeal.

After the presidential elections in March 1978, Amnesty International cabled the Prime Minister, Chiang Ching-kuo, who was due to take office as President in May, urging him on that occasion to grant an amnesty to all prisoners held on political grounds in Taiwan. Amnesty International referred to the Prime Minister's past statements about the respect for human rights in Taiwan and raised in particular the cases of people who have been in detention for political reasons since the early 1950s, as well as of others arrested more recently. Similar appeals were made by Amnesty International groups in various countries. At the time of writing this report, no information had been received about whether President Chiang Ching-kuo intends to declare an amnesty.

Thailand (the Kingdom of)

The Government of the then Prime Minister, Thanin Kraivichien, was itself overthrown in October 1977 by the group of senior military officers which had brought to an end three years of civilian elected government in the previous year. The new Prime Minister, General Kriangsak Chamanand—who is also Supreme Commander of the Armed Forces and Minister of the Interior—is responsible to that group of officers. The Government operates under an interim Constitution, and a national body has been appointed to draft a new Constitution in preparation for national elections to be held in 1979.

Four categories of prisoners in Thailand are of concern to Amnesty International. The first includes those who had been arrested before the military *coup* of October 1976. Most prominent in this category is the case of Supap Pasa-Ong and six other trade union activists who were arrested in March 1976. Supap had been an active student leader who later became a journalist and then an active member of the trade union movement; he was adviser to a number of trade unions. The police allege that they found a gun and subversive communist literature which belonged to Supap and his colleagues, but the prisoners deny possession of firearms. After a trial which has gone on for more than two years, evidence has not been presented in court which shows that the prisoners had either used violence or planned to use violence in the conduct of their trade union activities.

The second category includes 18 people, mainly student leaders, being tried on charges relating to the student demonstrations at Thammasat University in October 1976. Of the more than 3,000 students arrested at the University, all have been released except for these 18 defendants and one other prisoner, who is being tried on his own. Each of the 18 defendants is indicted for ten offences; in addition, six of them are charged with *lèse majesté*. The central allegation against them is that they took part in a conspiracy "to conduct communist activities directly and indirectly aimed at overthrowing the democratic government, changing the administrative system to one without His Majesty the King as Head of State". The conspiracy was alleged to have been conducted "orally and through distributing leaflets". The defendants were also charged with inciting workers to strike. The specific charges included criminal offences under the Penal Code and conspiracy to kill or attempt to kill Government officers and others, and relate to the events at Thammasat University on 6 October 1976. Other charges include possession of firearms, violently opposing and resisting government officers, and illegal entry and damage to property.

Although the 18 defendants are all civilians, they are being tried before a military tribunal and its decision is not subject to appeal to any other court. Each defendant is liable to the maximum punishment—the death penalty. The defendants were not allowed to appoint lawyers for their defence before the military tribunal, until a new Government decree, issued on 8 November 1977, allowed them to appoint lawyers for the remainder of their trial. The trial before the military tribunal was authorized by two martial law decrees, Number 8 and Number 14, promulgated on 6 and 7 October 1976 respectively. The two decrees retroactively imposed military jurisdiction over violations of the Anti-Communist Activities Act: people accused of committing such violations *before* martial law was imposed on 6 October 1976 were now to be tried by military tribunals. The Thailand Association of Lawyers protested strongly against this retroactive imposition of military jurisdiction on the grounds that it violated the spirit and tradition of Thai law and the explicit provisions of the former Constitution and Legal Code.

As well as the 18 defendants from Thammasat University, there is the related case of Boonchart Sathienthammani who is being tried before a civilian court, also on the charge of *lèse majesté*. He is alleged to have insulted the Crown Prince of Thailand in the performance of a play which, he maintains, had merely re-enacted an incident which happened in the past, when two students were killed by police. This prisoner is not officially listed with the Thammasat defendants and it seems that he is being tried in a civilian court because he was arrested before the declaration of martial law.

In the third category are prisoners held under martial law Decree Number 22 which describes nine types of people as being "dangerous to society", six of them on account of criminal acts and three because of political offences, defined in vague terms. Under Decree Number 22, the authorities have wide-ranging powers to arrest suspects and hold them indefinitely without trial. From May 1977, detainees held under this Decree were denied applications for *habeas corpus* to challenge allegations that they were "dangerous to society". After the declaration of martial law on 6 October 1976, several thousand people were arrested under the Decree. The Government claims that most of them have been released, except for approximately 800, who remain in detention. Of the 800, the Government claims that less than 100 are being held under the political provisions of Decree Number 22.

The fourth category includes people arrested in outlying provinces where the Government is faced with the problem of armed insurgency. There have been cases of people arrested ostensibly on suspicion of being communist insurgents or sympathizing with underground insurgency movements, when there is contrary

evidence to indicate that they were arrested for other reasons. An example is the case of Udom Pka-krong and ten other men, alleged to have taken part in an attack by communist insurgents on a military camp which resulted in the killing of 12 soldiers and civilians. The defendants deny any involvement in the attack and any connection with the insurgents. They claim that they had been actively critical of the local authorities and had, in the past, accused them of maladministration, including corruption. They allege that they were victimized by being arrested on false charges, and that confessions were forced from several of them under torture and by threats to their lives. The trial of this case, which began in the city of Nakorn Sri Thammarat, was subsequently transferred to the Bangkok Central Court.

This fourth category of prisoner also includes people who were rounded up by the military in areas where insurgents were active and subsequently required to undergo "re-education" for varying periods in so-called "Democracy Training Schools". One such School is at Ban Chaien in Nakorn Sri Thammarat Province. Groups of people, numbering 300 or more, were taken from several localities—usually groups of villages—and held in the School for periods of about three months, during which time they were given lectures on democracy and Thai national institutions. It is clear that those who are held in such centers are compelled to be there by the local military authorities and this, in fact, amounts to detention without trial.

In August 1977 an Amnesty International mission visited Thailand. It consisted of Ramsey Clark, former Solicitor General of the United States and member of the National Advisory Council of Amnesty International's United States Section, and the head of research on Asia in the International Secretariat of Amnesty International in London. The mission explained the nature of Amnesty International's concern to the Foreign Minister, Uppadit Pachariyangkun, and to the then Minister of the Interior, Samak Sunphorawat, and urged that all political prisoners detained without trial should be released. As for prisoners undergoing trial, the mission pointed out that the trials had moved at an extremely slow pace: it was typical for there to be only one day's hearing a week, and often less, because of postponements. At the rate at which several trials were proceeding, they were likely to last three years. The Amnesty International mission urged the release of those on trial, pending a prompt and fair conclusion to their trials. It pointed out that the 18 Thammasat defendants, who were being tried according to retroactive legislation, had been denied counsel in court and were being tried by a military tribunal, whose decision was not subject to appeal in any other court.

The mission also told the Ministers of Amnesty International's objection to the Prime Minister's power under the Constitution to order the summary execution of defendants without trial in cases where the offence was deemed to be serious. This power has been used on many occasions to order the summary execution of people accused of murder, rape and smuggling—and, in one case, of an army general who failed in his *coup* attempt in March 1977.

In May 1978, Amnesty International national sections, together with more than 50 groups that have taken up Thai cases, began a campaign on behalf of Thai political prisoners and to bring about the revocation of the constitutional power to order summary execution and the annulment of those martial law Decrees which provide wide powers of detention without trial.

***Vietnam** (the Socialist Republic of)*

May 1978 marked the third anniversary of the fall of the Government of Nguyen Van Thieu and the establishment of a new Government in South Vietnam, which was subsequently reunified with North Vietnam to form the Socialist Republic of Vietnam. Large-scale political imprisonment resulting from the Government's re-education program remained Amnesty International's chief concern in 1977-78. During this time the organization and its adoption groups have made inquiries of the authorities in Hanoi about the conditions in re-education camps and when those detained may be released. In addition, the number of cases in Vietnam taken up by Amnesty International groups has been increased. Amnesty International is still gravely concerned at the continued detention of tens of thousands of people, who, so far as is known, have not been charged with any offence, more than three years since the change of Government in what was formerly South Vietnam.

It is estimated that over a million people have undergone "re-education" since 1975, the vast majority being released after short terms of detention. In February 1977 the Vietnamese Government announced that 50,000 people were still in detention in re-education camps; in April 1978 a correspondent for the French newspaper, *Le Monde*, who had recently visited Vietnam, estimated that the number in detention was still about the same. However a Reuter correspondent who visited Vietnam in November 1977 estimated that 150,000 people were still in detention then. Other outside observers and some recently released prisoners have put the number even higher than this—as high as 200,000.

Conditions in the camps would appear to vary enormously, depending on geographical situation, camp management and the gravity of the offences allegedly committed by the detainees. In most camps it would appear that prisoners' families have little access to them. Many of those who served in the intelligence services of the former régime or of the United States, together with officers of the marines, paratroops and police have been transferred to a special detention camp at Yen Bai, north-west of Hanoi. In late 1977, a number of officers of the former South Vietnamese army who were captured before 1973 were released from this camp.

At first, it was thought that the process of "re-education" (*hoc tap*) would apply only to civilian and military personnel belonging to the former Saigon administration. It has since become apparent, however, that it was applied far more widely, embracing large sections of South Vietnamese society. Among civilians who have been detained are people who left North Vietnam in 1954, people who have studied in or visited the United States, and writers and intellectuals thought to be antagonistic to the new socialist society. Also detained are members of former political parties, individuals classed as "mercantile capitalists" and others regarded as belonging to the bourgeoisie.

According to reports which have reached Amnesty International, the re-education camps are divided into four categories: (a) detention centers in towns where the initial inquiries are held; (b) second category camps which hold both criminal and political prisoners, where detainees are encouraged to write accounts of their backgrounds; (c) third category camps where prisoners are held according to the nature of their alleged past offences and (d) camps for former senior officers and members of intelligence services who have been judged to be *"ac on"*

(wicked), which are mostly situated north of Hanoi. In category (d) camps the régime is believed to be very strict.

In some camps the detainees are forced to do manual labour, although not always. In all camps, however, intense political education would seem to be the rule. Prisoners are required to make criticisms of their own past and to write autobiographical accounts indicating their past "misdeeds". Some prisoners have refused to do this and, as a consequence, have been subjected to a tougher régime.

The Vietnamese authorities have given no precise indication of the factors that determine release but they did state in the early period of the "re-education" program that the process would not exceed three years. This time limit has not, however, been observed. On 2 September 1977, Vietnam's National Day, an amnesty was announced for certain categories of detainees who had conducted themselves "constructively", but full details of the number who qualified were not given.

In August 1977 the Government also announced that 150 senior officials of the former Thieu Government had been released from re-education and assigned to new posts in the Industrial Service of Ho Chi Minh City (Summary of World Broadcasts [British Broadcasting Corporation], 27 July 1977). In September 1977 the authorities announced the release of a further 1,613 officers and officials of the former régime from re-education camps (Hanoi Radio, 17 September 1977). However, despite the fact that representatives of the new Government had repeatedly stated in 1975 that three years was the maximum that detainees would be held for "re-education", no large-scale releases were reported in May 1978.

The cases of six Buddhist monks of the An Quang Pagoda, whose arrest in April 1977 was reported in the *Amnesty International Report 1977*, were taken up by Amnesty International groups in France and Sweden. The six seem to have been arrested after the authorities had tried to restrict the activities of the An Quang Pagoda, particularly its social work in schools and orphanages. In April 1978 a visiting foreign correspondent for a French journal was told that the number of pagodas under An Quang supervision had decreased from 200 to 50 since May 1975 (*Le Monde Diplomatique*, April 1978). The arrest of the six Buddhist leaders was a surprise to foreign observers, as before May 1975 the An Quang Pagoda had been prominent in the anti-war movement in the south. Amnesty International has asked the Vietnamese authorities on a number of occasions for further information about the cases of these monks, and was informed in May 1978 that two of them, Thich Thuyen An and Thich Thong Hue, are to be brought to trial.

In May 1978 Amnesty International learnt from the Vietnamese authorities that an adopted prisoner of conscience, Tran Van Tuyen, had recently died. The organization wrote to the Vietnamese Government to ask for details of the circumstances of his death but has so far received no further information.

During 1977-78 several new arrests have been reported and it would seem that some of them are the result of armed resistance to the authorities by soldiers of the former Thieu régime and members of the Hoa Hao sect. In February 1978 the Government announced the arrest of 40 former soldiers in the town of Ha Tien, and in March it was reported by Hanoi Radio that the authorities in Chan Thanh District, Tay Ninh Province, ". . . had smashed eight reactionary organizations and persuaded 220 reactionaries to give themselves up, arrested 36 persons having connections with reactionaries abroad and sent 190 others with a record of bad actions to re-education camps." (Summary of World Broadcasts [British Broadcasting Corporation], 22 March 1978). No further details were given. Further arrests are believed to have taken place as a result of disturbances in the Chinese quarter of Ho Chi Minh City, Cholon, after a Government decree in April 1978, nationalizing all private businesses.

Amnesty International has been particularly concerned by reports about doctors and other medical workers who have been detained for "re-education" in Vietnam since May 1975. Under the former Government, most medical personnel were conscripted into the army of President Thieu. Despite the fact that they were members of the army involuntarily, they do not appear to have been exempted from the re-education process which all former army officers have had to undergo. A number of doctors who have been detained have been adopted by Amnesty International as prisoners of conscience. One such doctor, Nguyen Duc Hanh, who was formerly Director of the Microbiology and Plague Services at the Pasteur Institute in Saigon, was featured by Amnesty International in its February 1978 *Newsletter* to mark the 30th Anniversary of the Universal Declaration of Human Rights. In April the organization was informed by Dr Hoang Dinh Cau, the Vice-Minister of Health, that Dr Hanh would be freed in the near future. Amnesty International has received reports that another adopted prisoner, Dr Tran Xuan Ninh, formerly a paediatrician at the Children's Hospital in Saigon, has recently been released.

Amnesty International has also been concerned about the detention since May 1975 of writers and other intellectuals and has expressed this anxiety to the Vietnamese Government. Among the cases currently adopted by Amnesty International are Doan Quoc Sy (a well-known Vietnamese novelist who took part in the Viet Minh struggle against the French before 1954 and was later a professor in the Faculty of Pedagogy in the University of Saigon) and Duyen Anh (a writer of children's stories and former Editor of the weeklies, *Chi Trai* and *Cong On*). Another writer and journalist adopted by Amnesty International, Tran Ngoc Lap, a former editorial writer for the newspaper *Chinh Luan*, has recently been released from detention. Amnesty International is continuing to investigate reports of other writers in detention.

In November 1977 it was reported that three members of an armed resistance group who had killed a policeman in the Vinh-Son incident in February 1976 (see *Amnesty International Report 1977*) had had their death sentences confirmed by the Court of Appeal of Ho Chi Minh City. Amnesty International sent a cable to President Ton Duc Thang, appealing for the sentences to be commuted on humanitarian grounds. There has been no further information about whether the three death sentences have been carried out.

In April 1978 Amnesty International wrote to the Vietnamese Government urging that everyone still in re-education camps should be released immediately and unconditionally, with full restoration of civil rights.

Europe

Most of Amnesty International's adopted prisoners of conscience in Europe during the past year (July 1977 – June 1978) were in the USSR and some countries in Eastern Europe, which continued to retain legislation prescribing imprisonment specifically for exercise of human rights in ways disapproved of by the authorities. During the past two years, movements advocating respect for the human rights undertakings made by European governments in the Final Act of the Conference on Security and Cooperation in Europe and in United Nations human rights instruments were active inside the USSR, Poland, Czechoslovakia (CSSR) and Romania, and in all of these countries participants in such movements became prisoners of conscience. Their treatment varied from country to country. In the USSR and the CSSR imprisoned "Helsinki monitors" and Charter 77 supporters were sentenced to long terms of imprisonment. In Poland and Romania there were persistent complaints that human rights activists were detained briefly (and in some cases repeatedly) and mistreated while in police custody.

The USSR continued to imprison religious and nationalist dissenters, would-be emigrants and non-conformist writers for exercising their civil and political rights, and psychiatric abuses were still perpetrated for political motives, even after authoritative international condemnation of such practices. As in previous years, Amnesty International produced a large number of new case sheets on prisoners in the German Democratic Republic (GDR). While many of them were imprisoned for trying to leave the country without official permission, more cases than in past years of people imprisoned for exercising their right to freedom of speech came to Amnesty International's attention. In October 1977, Amnesty International published a Briefing Paper on the GDR. In a welcome development, about 218 political prisoners were released under an amnesty in Yugoslavia in November 1977. Nonetheless, political trials continued to take place there. In Romania, some members of the Hungarian and German minorities were subjected to repressive measures, including short-term detention and, it is alleged, ill-treatment in detention at the hands of police. In Bulgaria, a number of Muslims (*Pomaks*) are still in prison for refusing to abide by official restrictions on their religious and cultural rights.

In Western Europe, imprisoned conscientious objectors to military service remained the only constant source of Amnesty International adoption work. France, Greece, Italy, Switzerland and Spain all still have legislation excluding certain categories of conscientious objectors from consideration for release from obligatory military service on some form of alternative service. In the Federal Republic of Germany (FRG) legislation was passed allowing conscientious objectors to apply directly for obligatory service alternative to military service. Within a year

of its enactment this legislation was suspended and there has been at least a temporary return to the system of boards to examine the motives of conscientious objectors. In Switzerland a long-awaited referendum rejected a proposal that alternative service be established. The proposal had been opposed not only by those who objected to the principle but also by those who felt that the proposal was inadequate because it did not make provision for political grounds for conscientious objection. The USSR and all East European countries retain legislation allowing imprisonment of conscientious objectors to military service.

Reforms strengthening respect for human rights continued in Spain and Portugal during the past year. In October 1977 another amnesty in Spain released several categories of political prisoners, including virtually all remaining Amnesty International adoption and investigation cases. However, both countries still have laws allowing imprisonment for offences which involve "insulting" certain political or military officials. It is a matter for concern that the "offence" may consist of non-violent expression of opinion. In March 1978, Amnesty International sent an observer to the trial in Spain of a group of people accused of "insulting the military authorities" in a piece of mime about a death sentence which had been carried out in 1974. All those imprisoned in this case were adopted by Amnesty International as prisoners of conscience. In Portugal several newspaper editors were charged in separate cases with "insulting" the authorities.

Most of Amnesty International's adopted prisoners in Turkey were released during the year, but although they are at liberty, they and others still face criminal proceedings for alleged communist activities. These continuing prosecutions, the retention of legislation under which people may be imprisoned for their political or religious activities, and allegations of ill-treatment of short-term detainees remained of concern to Amnesty International. In early 1978, Amnesty International sent a mission to Turkey to investigate these matters and to discuss the organization's concerns with Government officials.

Terrorist activities in a number of Western European countries present a grave challenge to respect for human rights. Politically-motivated terrorist activity in Northern Ireland takes the form of internecine dispute between different sections of the community and attacks by the Provisional Irish Republican Army on civilian targets and members of the security forces. In Turkey left-wing and right-wing groups regularly attack one another physically. In both countries political murder and maiming are resultant forms of human rights violation, as they are in Italy, the FRG and Spain. However, government efforts to curb such acts are themselves of concern to Amnesty International, since the official measures almost invariably entail some restriction on traditional rights and freedoms of some or all citizens. This is true of anti-terrorist legislation in Great Britain and Northern Ireland, the Republic of Ireland, the FRG and Italy, and also of such legislation under consideration by the Spanish *Cortes* at the time of writing the present report. In none of these countries, as far as Amnesty International knows, has there emerged a pattern of people being wrongfully convicted and imprisoned. Nonetheless, by increasing the authority of the government executive and the police with regard to individual subjects, such legislation increases the possibility of human rights violations and makes the preservation of respect for human rights inordinately dependent upon the good will of the government in power and upon its ability to resist public pressure for indiscriminate severity in use of its powers.

When national preoccupation with terrorist activity is coupled with the availability of legislation that even marginally restricts human rights in the name of national security or public safety, human rights violations are liable to occur. In early 1978 Amnesty International sent observers to two trials in the FRG in which the issue of the limits of legitimate exercise of freedom of expression was involved. In both instances criminal prosecution was made possible by the existence of restrictive legislation and a national climate of deep concern over terrorist activity and the actions of people supposedly in sympathy with terrorists. While recognizing that to advocate or carry out acts of terrorism threatens the human rights of at least some citizens in any country, Amnesty International opposes the notion that the struggle against political violence may be at the expense of the individual's human rights.

Another matter within Amnesty International's competence which, in Western Europe, has been affected by the struggle against terrorism is the treatment of prisoners. Amnesty International research missions to both the Republic of Ireland (June 1977) and Northern Ireland (December 1977) strengthened the organization's concern that emergency legislation facilitated the ill-treatment of detained suspects. After both missions Amnesty International made public reports of its findings and recommendations.

In the FRG another form of ill-treatment which has regularly been alleged by prisoners convicted or charged with politically-motivated criminal activity is various forms of isolation, solitary confinement and sensory deprivation. The authorities counter these allegations by referring to the high risk of continued violent action by these prisoners. Throughout the past year Amnesty International let the authorities in the FRG know that it was watchful of the treatment of these prisoners. In late 1977 Amnesty International's International Executive Committee commissioned a study to clarify the organization's concerns and the facts about the treatment of imprisoned members of the Red Army Fraction and the 2nd June Movement.

Amnesty International's research and activities remain focused on human rights violations committed by governments, but in the past year the organization has increasingly turned its attention to the murder and ill-treatment of people taken hostage by terrorist groups. In May 1978, Amnesty International appealed for the release of Aldo Moro, the former Italian Prime Minister, who was subsequently murdered by "Red Brigades" members, approximately eight weeks after being kidnapped by them. In June 1978, Amnesty International appealed for the release of William Turbitt, a policeman who had been kidnapped by members of the Provisional Irish Republican Army in Northern Ireland after being wounded in an ambush, and of a Roman Catholic priest, Father Hugh Murphy, kidnapped in retaliation by a Protestant terrorist group. Father Murphy was subsequently released, but Constable Turbitt, whose abductors had threatened to "interrogate" him, died while being held by them.

Amnesty International remains concerned about treatment of prisoners in several Eastern European countries: ill-treatment of prisoners in the USSR is especially well documented. Amnesty International was active in the past year in exposing and opposing the Soviet authorities' practice of confining dissenters to psychiatric hospitals and, in many cases, using drugs to maltreat them.

In the past year Amnesty International obtained information which strengthened its concern that dissenters in Romania have also been confined to psychiatric hospitals for political reasons and have been ill-treated by psychiatric methods. Amnesty International issued documents to publicize both this information and the persistent allegations, emerging from Romania and Poland, that detained dissenters were given severe beatings.

In February 1978, Amnesty International again took action in regard to Rudolf Hess's prison conditions. (Rudolf Hess is a former Nazi Party leader who is serving a sentence of life imprisonment; as the sole inmate of Spandau Prison in Berlin, he therefore faces indefinite solitary confinement.) Amnesty International urged the governments of France, the United Kingdom, the United States of America and the USSR to change Rudolf Hess's conditions of detention. The first three governments replied that they had repeatedly sought an end to Hess's imprisonment. Amnesty International does not look upon Hess as a prisoner of conscience but does regard his conditions of imprisonment as constituting cruel, inhuman and degrading treatment.

Death sentences are known to have been imposed in France, the USSR, Czechoslovakia, Yugoslavia, Poland, Romania, Hungary, Bulgaria and Cyprus in the past year. New penal legislation in Yugoslavia and Albania brought no sign of any movement away from retention of the death penalty in those countries. In Greece anti-terrorist legislation introduced in 1978 increased the number of offences for which the death penalty may be imposed.

In the past year the Parliament in Denmark passed a law totally abolishing the death penalty. Until then, this punishment had been retained for grave crimes against the state in time of war. The Government of Norway announced during the spring of 1978 that it would submit to Parliament legislation totally abolishing the death penalty. Another welcome development took place when, in Copenhagen in June 1978, the XIth Conference of European Ministers of Justice unanimously recommended that questions concerning the death penalty be referred by the Committee of Ministers of the Council of Europe to appropriate bodies of that organization and that these questions be further discussed at the XIIth Conference of European Ministers of Justice (see Appendix IV).

Albania (the People's Socialist Republic of)

Amnesty International is concerned at the likelihood that grave human rights violations occur in Albania. However, the organization has not been able to verify or document individual cases of political imprisonment or execution. This is because of the country's isolation, the lack of relevant information in the Albanian media or from Government sources and the scarcity of recent emigrants from the country who might be able to give personal testimony.

During the past year, Albania has reaffirmed its official restrictions on citizens' rights as set out in the Universal Declaration of Human Rights. In October 1977 a new Penal Code was enacted to conform with the 1976 Constitution (See *Amnesty International Report 1977*). The new Code still retains legislation which makes individuals liable to long terms of imprisonment for exercising their basic human rights.

Article 1 of the new Penal Code proclaims that "an important duty of the penal legislation of the People's Socialist Republic of Albania is the struggle

against bureaucratism *and liberalism* [emphasis added] which are most dangerous to the state of dictatorship of the proletariat".

Article 55 of the new Code proscribes "agitation and propaganda against the State". It proclaims that "fascist, anti-democratic, religious, war-mongering or anti-socialist agitation and propaganda, as well as the preparation, dissemination or the keeping for dissemination of literature with such a content to weaken or undermine the state of the dictatorship of the proletariat are punished by deprivation of liberty for from three to ten years".

According to fragmentary reports reaching Amnesty International, the groups most liable to imprisonment under these articles of law for exercising their human rights are active believers of the Autocephalic Orthodox, Roman Catholic and Muslim faiths and their leaders, members of the Turkish, Greek and Montenegran minorities and peasants who oppose the official policy of the forcible "collectivization" of the land and the abolition of private agricultural holdings.

Article 2 of the new Penal Code, subtitled "The Bases of Penal Legislation", in spirit supports the provisions of Article 37 of the Constitution, which states that the state does not recognize any religion but supports and develops "atheist propaganda".

During 1977, Amnesty International members appealed to the Albanian authorities on behalf of three Roman Catholic titular bishops, Nicola Troshani, Ernesto Coba and Antonin Fishta who disappeared in the mid 1970s after conducting religious ceremonies in private. All three have in the past served long sentences of imprisonment, banishment and forced labour, and all were banned more than 20 years ago from conducting any religious ceremonies. According to religious sources, many of the Roman Catholic, Orthodox and Muslim church leaders in Albania are serving terms of imprisonment or forced labour. Amnesty International is investigating reports that as many as 20 Franciscans are at present imprisoned.

The new Penal Code lists fewer offences punishable by the death penalty than the Code of 1958. It specifies 34 crimes which are punishable by the discretionary death sentence, 23 of these being political or military crimes. The 1958 Penal Code, as amended, listed 40 crimes punishable by the discretionary death sentence, of which 25 were political or military crimes. In the absence of any substantial information, Amnesty International is unable to establish whether the reduction in the number of capital crimes implies that the death sentence will be used less often in Albania.

Bulgaria (the People's Republic of)

A number of articles of the Bulgarian Penal Code make people liable to imprisonment if they exercise their human rights by publicly criticizing the country's economic and social system or its political leadership. Article 108 provides for a sentence of up to five years' imprisonment for "anti-state agitation", while Article 109 prescribes terms of imprisonment of from three to twelve years for membership of any organization whose activities are "aimed at the destruction of the people's democracy". Article 273 forbids "dissemination of untruthful remarks which might incite mistrust of the state power or cause confusion in society": it is punishable by up to two years' imprisonment or corrective labour.

During the past year Amnesty International has adopted as a prisoner conscience Eugenii Galabov, sentenced in January 1977 by the district court Sofia to one year's imprisonment for "anti-state agitation" and "dissemination untruthful statements". He was denounced to the state security police by colleague after he had criticized the restrictions placed by the Bulgarian authoriti on freedom of movement. During the hearing he was charged with having failed his duty as a citizen because he did not report the alleged intention of his wi and son not to return to Bulgaria after travelling abroad. In July 1978 Amnes International received information that Eugenii Galabov had had his senten extended.

Amnesty International also adopted Wladimir Gusenko, a forty-eight-year-o electrician from Sliven, sentenced in January 1977 to three years' imprisonme for "anti-state agitation". The court found him guilty of having distribut foreign newspapers and magazines containing criticism of the social and politic system in Bulgaria to a small circle of friends.

Ilija Minev is another of Amnesty International's adopted prisoners of co science in Bulgaria. He was sentenced to five years' imprisonment on a charge "anti-state agitation" in early 1976. This was based on a number of letters whi he had written during 1975 in which he accused the Bulgarian authorities o wide range of violations of human rights. He addressed the letters to Richa Nixon (then President of the United States of America) and to the United Natio Commission on Human Rights in Geneva. The letters were intercepted by t Bulgarian state security police and Ilija Minev was subsequently arrested. He ha long record of political imprisonment. In 1946 a people's tribunal sentenced h to death as a supporter of the royalists. The death sentence was commuted to l imprisonment and he was released under an amnesty in 1964. Subsequently, and his wife Angelika were banished to the village of Bozurovo, until his arrest 1975. A few months after he was arrested, his wife left Bozurovo without offic authorization in order to visit him in Sofia Central Prison. She, too, was arrest and charged with "anti-state agitation" and was sentenced in 1976 to one yea imprisonment.

Ljuben Sobadaschiev, married with two young children, and employed by t Bulgarian Danube shipping line, was arrested on 16 May 1978. At the time writing, he is being held in pre-trial detention in Sofia on charges of formin group with aims hostile to the state (Articles 108 and 109 of the Bulgarian Pe Code). He apparently discussed the human rights situation in Bulgaria wit number of friends and publicly distributed leaflets, alleging that the Bulgari authorities had violated provisions of the United Nations Universal Declarati of Human Rights. He had previously served a five-year prison sentence during t early 1970s for the same offence. Amnesty International has adopted him a also Petar Kamaraschev and Ivan Isonev, who were sentenced to one and t years' imprisonment respectively at the same trial on the same charges.

During 1977 and the first half of 1978 Amnesty International groups took for investigation cases of Bulgarian citizens tried and sentenced to long terms imprisonment on charges of "espionage". One such case is that of Yusuf Hus a member of the approximately one-million-strong Turkish Muslim minority Bulgaria. In the early 1970s, Yusuf Husnu's sister emigrated to Turkey and marr a Turkish citizen. Soon afterwards he made his first application to join his relati

in Turkey. This was rejected, as were all his later applications, on the grounds that the Turkish-Bulgarian Treaty of 1968 stated that applications by Turkish Muslims living in Bulgaria to join their relatives in Turkey would be considered only if the latter had left Bulgaria before 1952. Yusuf Husnu often sent letters to his sister and to other relatives in Turkey, alleging that Turkish Muslims in Bulgaria were being persecuted and asking them to approach Turkish officials to help him emigrate to Turkey. He was arrested in 1976 and spent more than 10 months in pre-trial detention in solitary confinement. His trial took place at the beginning of 1977 in the military court of Sofia. He was found guilty of "espionage" and sentenced to 12 years' imprisonment. Amnesty International is concerned at the strong possibility that he has been imprisoned because he exercised his right to freedom of expression rather than on account of "espionage".

Amnesty International is also investigating the case of another Turkish Muslim, Halil Ismailov, who was 21 at the time of his arrest in 1970, when he was sentenced to 18 years' imprisonment for "espionage". His trial took place *in camera* and none of his relatives was allowed to attend it. Amnesty International has received information that Halil Ismailov, who is now in Stara Zagora Prison, had frequently written letters to Turkish citizens, criticizing the harsh treatment of Muslims in Bulgaria and asking them to help him to emigrate. Amnesty International is concerned that he, too, may have been imprisoned for exercising his right to freedom of expression and that the charge of espionage may have been false.

Two other prisoners convicted of "espionage" in recent years are also of concern to Amnesty International. Dr Peter Kondofersky was convicted of "espionage" in 1971 and sentenced to 12 years' imprisonment. Amnesty International's research into the case indicates that the real reason for his imprisonment is that he had regular contact with friends and relatives in France and that he had persistently refused to join the Communist Party or attend official trade union meetings. (His brother, too, had refused to join the Communist Party and was sentenced in the early 1970s to five years' imprisonment for "anti-state agitation".)

Solomon Ben-Joseph, a former Government official, was convicted of economic espionage in 1974 and sentenced to twelve and a half years' imprisonment. According to Amnesty International's information, the charge of "espionage" was false and he had been imprisoned because, among other things, he had expressed sympathy for Israel.

Both Peter Kondofersky and Solomon Ben-Joseph have been adopted by Amnesty International as prisoners of conscience. They are serving their sentences in Stara Zagora Prison, the country's best-known maximum security prison. Information about their condition there confirms persistent allegations that inmates do not get adequate medical treatment. Dr Kondofersky suffers from severe heart trouble, yet it is reported that he received insufficient after-care in the prison following surgery in 1973 and has several times been refused permission to be treated in a hospital. Solomon Ben-Joseph has reportedly been refused treatment for a tumour on the oesophagus and recurring abdominal pains. In June 1978, Amnesty International urged the Bulgarian Minister of Internal Affairs, Dimitar Stoyanov, to look into his case and ensure that he receive adequate medical treatment. According to Amnesty International's information, although Stara Zagora Prison holds 1,300 inmates, it has only one prison doctor and one medical examination room.

Amnesty International has received reports that the treatment of inmates of Stara Zagora Prison has improved since 1975 with regard to food, hygiene, the conduct of the guards and access to the prison library and shop. However, the organization has received allegations that some 40 or 50 Muslims (*Pomaks*) in the prison have been ill-treated. So far as Amnesty International knows, these *Pomaks* are in prison because they refuse to change their Muslim names to Bulgarian names and because they take part in "illegal" religious festivities. According to report, many of them were kept in solitary confinement in the past year, with reduced rations for periods longer than the maximum 14 days allowed by Bulgarian penal law.

Former prisoners of conscience from Stara Zagora Prison have alleged that *Pomaks* have been put for as long as three days in a special concrete cell, "one metre square", which has a curved floor often covered with water. In winter the water freezes, and it is reported that prisoners put in this cell have suffered from kidney diseases and pneumonia.

According to recent reports by former prisoners of conscience, since the end of the 1960s a number of dissenters have been confined in psychiatric hospitals for political reasons. The allegations are that the psychiatric ward of the clinic in Boulevard Lenin in Sofia has a special department where political detainees have been interned; in recent years, many of the inmates of this department have been people charged with "anti-state agitation" and with attempting to cross the frontier without official authorization. One of the drugs most frequently used on political detainees is chlorpromazin. One prisoner adopted by Amnesty International, Asen Andenov, who is at present in the Stara Zagora Prison (see *Amnesty International Report 1977*) was treated in the Boulevard Lenin clinic for prolonged periods during the early 1970s while serving his third sentence for trying to cross the frontier without official authorization in order to join his relatives abroad (an offence punishable by up to five years' imprisonment).

Amnesty International has received allegations that prisoners of conscience are being held in at least six other psychiatric clinics in Bulgaria, including clinics in Biala, Lovetch and Suchodol (Sofia). At the time of writing, Amnesty International is examining the cases of a number of Bulgarian citizens said to be detained in psychiatric hospitals for political reasons and treated with a variety of strong sedative drugs.

According to information received by Amnesty International, hundreds of Bulgarian citizens have been banished without trial for publicly criticizing the country's political system and the official treatment of minority groups. A new police law, "The Law of the People's Militia", which came into force on 1 March 1977, did not restrict the authority of the police to banish people to remote places. Article 39 of this Law proclaims that any Bulgarian adult who has been formally convicted of "crimes against the state" and has served a prison sentence, and any citizens who "engage in anti-social activities which endanger the country's security" may be prohibited from leaving their home town for up to six months. In the case of people who have no permanent residence, the prohibition applies to a specified town.

In Amnesty International's experience, Bulgarian citizens banished under the former police law were released only after several years of compulsory residence in remote mountain villages or villages on the Danube island of Belena. For

example, Christo Kolev, a prisoner adopted by Amnesty International, who was banished without trial to the village of Balvan in 1971, was released in February 1978, but rearrested in July 1978 and again banished to Balvan.

At the time of writing, Amnesty International groups have adopted, or are investigating the cases of, 23 Bulgarian prisoners.

Reports of 10 people being sentenced to death during the period under review have reached Amnesty International. All were said to have been convicted of murder. Amongst them was Georgi Ivanov Balchev who was executed in November 1977 after being convicted of the murder of two students in May 1977.

Cyprus (the Republic of)

Since the 1974 *coup d'état* and the subsequent landing on the island of troops from the Turkish mainland, Amnesty International has been concerned about the fate of approximately 2,000 missing Greek-Cypriots. There is evidence that some of them were taken prisoner and were still alive after the cessation of hostilities. Inquiries about them were made in previous years (see the *Amnesty International Reports* for 1974/75 and 1975/76) but both the Turkish and Turkish-Cypriot authorities have denied holding any Greek-Cypriot prisoners. Amnesty International takes the position that, until there is evidence that these people are dead, the possibility of their being prisoners cannot be discounted. The organization has, therefore, concentrated its inquiries on those cases where it has been established that the missing Greek-Cypriots were taken prisoner.

The possibility of an independent and impartial investigation into cases of missing Greek- *and* Turkish-Cypriots was raised by Amnesty International representatives during a meeting with the Turkish Prime Minister, Bulent Ecevit, in April 1978; it was raised again with a Turkish-Cypriot spokesman, Hüsrev Süleyman, when the Amnesty International researcher responsible for the country visited Cyprus in May 1978. While both the Greek and Turkish authorities in Cyprus appear to be agreeable in principle to such an investigation, none has yet taken place because of failure to agree upon the terms under which it would operate.

On 5 May 1978, Amnesty International appealed to Spyros Kyprianou, the President of the Republic of Cyprus, to commute the death sentences passed on two Arabs, Samir Mohammad Khadar and Zayed Hussain Ali, who were sentenced to death in April 1978 for the murder in Cyprus of Youssef El Sabai, an Egyptian newspaper editor and friend of President Sadat of Egypt.

Czechoslovakia (the Czechoslovak Socialist Republic) (CSSR)

Czechoslovak citizens who exercise their civil and political rights in ways disapproved of by the authorities remain liable to prosecution. At the January 1978 session of the United Nations Commission on Human Rights the representative of the CSSR, Dr Otto Kunz, said with regard to the implementation in Czechoslovakia of Article 19 of the International Covenant on Civil and Political Rights (guaranteeing freedom of expression) that this freedom had to be "consistent with the interests of the working people". The Czechoslovak judicial authorities take the same position when dealing with political dissent.

Active supporters of human rights continued to be harassed, arrested and

imprisoned throughout the past year (July 1977 – June 1978). Despite this, the Czechoslovak human rights movement Charter 77 issued numerous documents on violations of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which have been ratified by the CSSR and which are part of Czechoslovak law. These documents, as well as a number of reports and statements by spokesmen and other human rights defenders, provided valuable information on matters of concern to Amnesty International.

The majority of cases taken up by Amnesty International in the past year were of people imprisoned for writing, distributing or merely possessing texts critical of the Government's record on human rights. Most of them were sentenced to imprisonment after being convicted under provisions of the Penal Code which specifically prescribe imprisonment for the exercise of freedom of conscience. The clauses of the Penal Code which provide for their imprisonment include Article 98 ("subversion"), Article 100 ("incitement") and Article 202 ("breach of public peace").

The six Charter 77 associates whose arrests in January 1977 were reported in the *Amnesty International Report 1977* were brought to trial in the latter part of the year. Amnesty International delegated Bernard M. Simons, a British lawyer, to observe their trials but the Czechoslovak authorities did not grant him a visa to enter the country. In the first trial, held in September 1977, Vladimir Lastuvka, a nuclear physicist, and Ales Machacek, an agronomist, were convicted of "subversion" for possessing and distributing Charter 77 documents, together with books and journals published by Czechoslovak *émigrés* and were sentenced to three-and-a-half years' imprisonment. At the appeal hearing in January 1978, Vladimir Lastuvka's sentence was reduced to two-and-a-half years.

The other four defendants, all well-known in Czech cultural life, went on trial in October 1977 in Prague. Their trial aroused considerable international interest. Amnesty International tried to observe the trial but its official representative, Dr Wolfgang Aigner, an Austrian lawyer, was excluded from the proceedings on grounds of "lack of space in the court room". The four defendants were accused of sending literary texts abroad for publication in *émigré* journals. Ota Ornest, a theatre director, and Jiri Lederer, a journalist, were convicted of "subversion" and sentenced to three-and-a-half years' and three years' imprisonment respectively. Dr Frantisek Pavlicek, a writer and theatre director, was convicted of assisting in "subversion" and received a seventeen-month sentence, suspended for three years. Vaclav Havel, a playwright, was convicted of "attempting to harm the interests of the republic abroad" and received a fourteen-month sentence, suspended for three years. On the two days of the trial, and shortly before it opened, at least 30 people were detained for questioning by the police and several others were warned to stay away from the trial.

On 9 January 1978, before the opening of the appeal hearing, Amnesty International cabled the Czechoslovak judicial authorities reiterating that it regarded the four men as prisoners of conscience and urging that their sentences be quashed and the appeals be heard in open court. The Supreme Court upheld the sentences passed on Jiri Lederer, Frantisek Pavlicek and Vaclav Havel and reduced Ota Ornest's sentence to two-and-a-half years. He was released in April 1978.

Another Charter 77 associate, Frantisek Pitor, an electrician, whose arrest in

June 1977 was reported in the *Amnesty International Report 1977* was charged with "incitement" for tape-recording and distributing the Charter 77 manifesto, and sentenced in November 1977 to three years' imprisonment. In February 1978, Amnesty International learned that at the same trial Alena Klimova, a civilian employee in the Czechoslovak army, had been sentenced to one year's imprisonment for assisting Frantisek Pitor.

Among other human rights activists whose cases were taken up by Amnesty International during the past year was Miloslav Cerny, arrested in March 1977 for writing leaflets critical of the Czechoslovak Government in connection with Charter 77 and posting them in public places in Liberec in Northern Bohemia. He was sentenced in July 1977 to three years' imprisonment for "incitement". Jan Princ, a signatory of Charter 77, gave a house party in July 1977 attended by a number of Charter 77 signatories and non-conformist musicians. Although the party was orderly, the police raided the house and held 10 people for questioning. The following day nine were set free but Jan Princ was kept in custody, and, in September 1977, sentenced to three months' imprisonment for "breach of public order". Ivan Jirous, an art historian, who was artistic director of the non-conformist rock group called "Plastic People of the Universe" and a signatory of Charter 77, was sentenced in April 1978 in Prague to eight months' imprisonment for "breach of the public peace". He had been arrested in October 1977 at an exhibition at which he spoke lightly of youth organizations and made an "offensive remark" about an official. In May 1978, the appeal court increased the sentence to 18 months.

Jirous' arrest came one month after his release from a previous eighteen-month prison sentence. Miloslav Lojek, a Protestant priest serving in the army, was arrested in December 1977 for distributing Charter 77 documents among his fellow soldiers. He was sentenced in March 1978 by the Military Court in Plzen to 15 months' imprisonment on charges of "incitement and undermining the political and moral authority of the army". Gustav Vlasaty, an employee in the chemical industry and an active trade unionist, was arrested in January 1978 for putting up on his wall clippings from the party newspaper *Rude Pravo* announcing salary increases and next to them his payslips–showing no rise in his own pay. He was sentenced in April 1978 to 20 months' imprisonment for "incitement".

Other Charter 77 supporters who were awaiting trial at the time of writing of the present report include Michal Kobal, Ivan Manasek, Marian Zajicek, Robert Gombik, Petr Cibulka, Libor Chloupek, Petr Pospichal, Josef Brychta, Pavel Novak, Jiri Grusa, Pavel Roubal and Jan Simsa.

Among prisoners of conscience adopted by Amnesty International last year was a conscientious objector, Jaroslav Vozniak, a drummer with the "Plastic People of the Universe" rock group. He was arrested in March 1978, together with a number of other non-conformist musicians and held for a month in detention. Because he was a conscientious objector and also because he had psychological problems, he did not appear before a military commission when called up for military service later on. Although in October 1976 a military psychiatrist had declared him unfit for military service, he was arrested, and, in December 1976 sentenced to 16 months' imprisonment suspended for three years for evading military service. The Prosecutor appealed against the sentence as being too low and the appeal court sentenced Vozniak to two years' unsuspended. Because he was suffering from a gastric ulcer he was allowed to start serving his sentence in August 1977. He was recently reported to have been set free but may have to face another trial. Military service in Czechoslovakia is compulsory: the law allows no exemption on grounds of conscience.

Amnesty International groups were working on 60 adoption or investigation cases in the CSSR in June 1978. In the absence of reliable information it is not possible to be precise about the number of prisoners of conscience in the CSSR but there is evidence that it has recently increased.

Amnesty International is concerned that people in Czechoslovakia tried for political offences are not given a fair trial. They are invariably convicted and only the length of their sentence is decided in court. Moreover, none of the arrests and trials of political prisoners in the past year (with the exception of Ota Ornest, Jiri Lederer, Frantisek Pavlicek and Vaclav Havel) has been publicized in the Czechoslovak news media.

In a letter to the Czechoslovak judicial authorities on 22 November 1977, Amnesty International expressed concern that contrary to international standards and to Article 199 of the Czechoslovak Code of Criminal Procedure, at the October 1977 trial of Ota Ornest, Jiri Lederer, Frantisek Pavlicek and Vaclav Havel public access to the court was drastically restricted. With the exception of four members of the families of the accused, the general public was excluded from the proceedings and the court room was so small that it could not hold even a small number of all the people who wished to be present. The letter from Amnesty International stated that in other respects also the trial fell short of the internationally recognized standards for fair trials.

In the year covered by this report (July 1977 – June 1978), Amnesty International learned about two cases of prisoners who had been subjected to treatment which endangered their health. One of them, an Amnesty International-adopted prisoner of conscience, Miloslav Cerny, who is serving a three-year prison sentence, is an epileptic. The prison doctor refused to give him his medicines, and, as a result, he had epileptic fits while in prison. As punishment for his insisting on being given his medicines, he is now not allowed to receive either parcels or mail. In March 1978, Amnesty International carried out an Urgent Action on his behalf. Ladislav Hejdanek, a spokesman for Charter 77 and a former prisoner of conscience, was picked up by the State Security Police in January 1978 and allegedly roughly handled during 9 hours of questioning before being released. He subsequently complained that he had been kicked in the back and forced to lie down on a bare floor in an unheated room with the windows wide open. Professor Hejdanek is a philosopher who now works as a furnace stoker. In 1972, he served nine months in prison for circulating leaflets informing the public of their constitutional right to abstain from voting in the general elections and was adopted by Amnesty International in the same year. He was featured in the Amnesty International *Newsletter* in April 1978.

During the past year, the CSSR news media reported four death sentences for offences involving murder. In August 1977, K. Kalmer was executed for murder and other criminal offences. Miloslav Z... was sentenced to death in October 1977 for strangling one woman and stabbing another to death after attempting to rape them. The Czechoslovak News Agency (*CTK*) did not state whether the latter sentence had been carried out. In March 1978, Lubomir A... was sentenced

to death for murder and other criminal offences. A man of twenty-one was sentenced to death in June 1978 for raping two women and murdering one of them. Neither of these two sentences has yet been confirmed.

In March 1978 some 350 Czechoslovak citizens publicly called on the Czechoslovak Federal Assembly to abolish the death penalty.

On 25 February 1978, when Czechoslovakia celebrated the 30th anniversary of the Republic's becoming a socialist state, Amnesty International appealed to the President, Gustav Husak, to mark the occasion by an amnesty for all prisoners of conscience. Amnesty International groups also appealed to the President on behalf of their adopted prisoners, but no amnesty was announced.

France (the French Republic)

All Amnesty International adopted prisoners in France are conscientious objectors. The law stipulates that conscientious objectors who do not apply for exemption from military service within one month of call up, or who have had their applications rejected and still refuse to do military service, may be charged with draft resisting and, in some circumstances, with "refusal to obey". People so charged may be tried by the special military courts, the *Tribunaux permanents des forces armées (TPFA)*, and may be sentenced to up to two years' imprisonment.

The sentences passed by the *TPFA* have varied from fifteen months' suspended to between six months and one year in prison. In some cases, notably those of Jehovah's Witnesses, the length of time the prisoner is actually required to serve has decreased in some military regions.

Those granted conscientious objector status are assigned an officially prescribed alternative service assignment. Although such individuals are under military discipline, they are subject to the jurisdiction of the civil courts. In cases of partial or total refusal to carry out their orders, these conscientious objectors are brought before a civil court, the *Tribunal de Grande Instance (TGI)*, which has been passing heavier sentences. Whereas previously in such cases those convicted were usually either fined or given short suspended sentences, since September 1977 longer suspended sentences have been passed and there have been several prison sentences of up to six months.

People who have already been called up but who subsequently return their military papers continue to be fined and, in some cases, deprived of their civic rights for up to five years but, to the best of Amnesty International's knowledge, no one has been sentenced to a term of imprisonment on this charge during the period under review.

In October 1977, the Parliamentary Assembly of the Council of Europe recommended that the right to conscientious objection be included in the European Convention on Human Rights. Although this right is recognized in France, it is subject to important restrictions: French legislation in some aspects contravenes the European Council recommendations.

Amnesty International groups worked on 34 cases during the year, of which 16 were still in hand at the end of June 1978.

Amnesty International continues to be concerned at the apparent lack of impartiality of the *TPFA*: three of the five judges are military personnel (see Article 7 of the Code of Military Justice). It is also concerned at the fact that, in these courts, the judges are not obliged either to give reasons for their decisions

or to make public their deliberations and that there is a lack of adequate appeals machinery in cases tried by them. Appeal is allowed only on procedural grounds and Amnesty International knows of no case in which such an appeal has been upheld.

The operation of judicial procedures for some crimes, usually minor, which can best be termed *flagrants délits* (offences committed by someone who is caught in the act) also gives cause for concern. There is a legal procedure which permits summary hearings—as, for example, in the case brought against 12 alleged participants (out of an estimated 60,000) in a demonstration in July 1977 against the construction of a nuclear reactor at Creys Malville. The defendants were charged under Article 314 of the French *code pénal* known as the *loi anti-casseurs* (a law against wilful damage). This covers offences against people or property resulting in destruction or breakages. It was the opinion of the Amnesty International observer that the court procedure was open to criticism and that the application of the law and the assumption of collective guilt among those accused appeared to contravene the principle that one is accountable under criminal law only for one's own actions *(personnalité des peines)*.

Amnesty International has taken action over the use of the death penalty in France, where it may still be imposed for the same wide variety of both civil and military crimes as previously. However, in the period 1977 – 78, as in other recent years, it has been imposed only for civil crimes, always involving murder, usually in conjunction with other offences such as theft, grievous bodily harm or torture. Under Article 17 of the French Constitution, the President of the Republic has the right to commute any death sentence by way of pardon, and President Valéry Giscard d'Estaing has publicly stated his opposition in principle to the death penalty. Amnesty International has consistently appealed to the President to exercise his right to commute death sentences. During the period under review, five people have been sentenced to death and one sentence has been carried out.

Hamida Djandoubi was sentenced to death for murder, rape and torture in February 1977. This verdict was upheld by the *Cour de cassation* in June of the same year and his appeal to the President was rejected. He was executed on 11 September 1977. He was the third person to be guillotined during President Giscard d'Estaing's term of office.

At present there are three people who have been sentenced to death and have had their sentences quashed by the *Cour de cassation* on procedural grounds. They will stand trial again on charges of murder and grievous bodily harm, for which they could again be given death sentences.

German Democratic Republic (the)

Amnesty International's principal concerns in the German Democratic Republic (GDR) continue to be the existence of legislation which contravenes the Universal Declaration of Human Rights and the United Nations International Covenant on Civil and Political Rights (ratified by the GDR), the frequent arrest and imprisonment of people for their non-violent exercise of human rights and the retention of the death penalty (see Briefing Paper on the German Democratic Republic). During the year under review (July 1977 – June 1978) there were no legislative or political changes which affected these matters.

At present about 200 prisoners in the GDR are under adoption or are having their cases investigated by Amnesty International groups, though this is only a fraction of the total number of prisoners of conscience. The majority of cases taken up by Amnesty International are still those of people imprisoned as a result of trying to exercise their right to leave their country – a right which is in international human rights instruments to which the GDR is party. Other cases include those of people imprisoned for publicly criticizing official policies and practices, conscientious objectors and those of a number of citizens of the Federal Republic of Germany (these are mainly investigation cases) imprisoned on charges of espionage and assisting in escapes from the GDR.

Citizens of the GDR wishing to emigrate must first obtain official permission, which is in most cases refused. Exceptions are normally made only for people above retiring age or those with very close relatives in the Federal Republic of Germany (FRG), some of whom are able to benefit under the "family reunification" scheme provided for in the Basic Treaty of 1973, governing the relations between the two Germanies. Many people at first refused permission to emigrate continue to submit applications – which, in itself, is evidently regarded by the authorities as implicit criticism of the Government – and write letters of protest to leading politicians in the GDR, affirming their right to emigrate by reference to the Final Act of the Conference on Security and Cooperation in Europe (Helsinki 1975) and to the United Nations International Covenant on Civil and Political Rights. A number of citizens also try to enlist the support of organizations outside the GDR in their efforts to obtain permission to emigrate.

Citizens of the country who persist in campaigning for exit visas are liable to be arrested and charged either with "incitement hostile to the state" (Article 106 of the GDR Penal Code) or "defamation of the state" (Article 220). Those who correspond with organizations outside the GDR are liable, in addition, to be charged under Article 98 of the Penal Code with "collecting of information", particularly when this contact has led to the publicizing of their situation. Article 98 makes collecting and passing on information suitable for use by organizations officially regarded as hostile to the GDR punishable by two to twelve years' imprisonment.

Typical of prisoners of conscience convicted of these offences and adopted by Amnesty International are Gustav and Margit Otte. After submitting, without success, more than 16 applications for permission to emigrate from the *GDR* they wrote to the Minister of Internal German Affairs in the Federal Republic of Germany and their story was publicized in the newspaper *Bild Zeitung* in the FRG. They were arrested on 18 August 1977 and sentenced on 23 January 1978 to five years' and four-and-a-half years' imprisonment respectively, for "incitement hostile to the state" and "collecting of information".

A number of GDR citizens, frustrated by their failure to obtain exit visas through the prescribed channels, have, during 1977 – 78, publicly demonstrated about their wish to emigrate, and have subsequently been charged under Article 214 of the GDR Penal Code with "encroachment on the social or public activity" of GDR citizens. Among such would-be emigrants were Angelika and Hans-Jürgen Gerdes, who, on 2 December 1977, demonstrated with their children in the Alexanderplatz in Berlin (capital of the GDR), carrying a banner bearing the words, "We are only four and we want to go over there, let us out, we will never come back." They were arrested immediately and both sentenced on 17 February 1978 to 18 months' imprisonment on charges under Article 214 of the Penal Code. Amnesty International has published photographs of their demonstration and arrest as part of an action to achieve their release.

Because it is all but impossible for most GDR citizens to emigrate legally, a large number of people try to leave the GDR without the required permission, an offence punishable under Article 213 of the GDR Penal Code ("illegal crossing of the frontier") by up to five years' imprisonment. If they attempt to leave the country with the assistance of escape organizations or of other individuals, they are liable in addition to be charged (under Article 100 of the GDR Penal Code) with forming "contacts hostile to the state". Those assisting their escape are liable to be charged under Article 105 of the Penal Code with "anti-state trafficking in persons", regardless of whether their motives were humanitarian or mercenary. Adopted prisoners in this category include, at the time of writing, Ekhardt Goldack, Evelin Helmstedt and Jürgen Winkler.

In March 1977, Ekhardt Goldack (a citizen of the FRG) tried to smuggle his fiancée, Evelin Helmstedt, out of the country in the boot of his car with the help of a friend, Jürgen Winkler. All three were arrested at the frontier. Evelin Helmstedt was sentenced to two-and-a-half years' imprisonment for "illegal crossing of the frontier" and "contacts hostile to the state". Ekhardt Goldack and Jürgen Winkler were sentenced to three-and-a-half years' and two-and-a-half years' imprisonment respectively for "anti-state trafficking in persons".

In addition to those imprisoned for expressing opinions on the right of emigration, Amnesty International has adopted a number of people imprisoned for expressing views on other subjects. The best known such adoption is that of Rudolf Bahro, a Marxist dissident who wrote a book entitled *Die Alternative* (The Alternative), containing criticism of communism as practised in the GDR and expressing sympathy with the Yugoslav model of communism. On 22 August 1977 an interview with Rudolf Bahro about his forthcoming book was published in the periodical *Der Spiegel* in the FRG. On 23 August, he was arrested and charged with "intelligence activity". He was tried at the end of June 1978 and sentenced to eight years' imprisonment.

All male citizens of the GDR between the ages of 18 and 24 are liable for conscription. The alternative service available for those not willing to bear arms consists of such work as building barracks, constructing roads for military purposes, etc. Early in 1978, according to the Berlin newspaper, *Volksarmee* (People's Army), this alternative service was widened to include civil defence. While welcoming this extension, Amnesty International is concerned that no alternative service completely removed from the country's military and defence system is available and that those who refuse on grounds of conscience to do either military service or the available alternative service remain liable to imprisonment.

Two conscientious objectors are at present Amnesty International adoptees. One of them, Michael Geisler, has for some years been active in campaigning for the recognition of conscientious objection as a right in the GDR. When his own call-up was pending, he handed the military authorities a written declaration of his intention to refuse to do military service or the alternative service provided, citing the clauses concerning the right to freedom of conscience and religion in the Universal Declaration of Human Rights and the Final Act of the Conference

on Security and Cooperation in Europe. In his declaration he said that he was willing to do alternative service in a hospital or nursing home. He was arrested on 4 May 1978, shortly after receiving notification of his call-up, and sentenced to 21 months' imprisonment.

The GDR Government continues to release political prisoners to the Federal Republic of Germany in exchange for sums of money, estimated at between 30,000 and 160,000 D-marks per prisoner. It is estimated that 1,300 prisoners were released in this way in 1977.

During the year under review, Amnesty International has been concerned by a number of reports alleging maltreatment in GDR prisons and the frequent infliction of special forms of punishment on prisoners. Early in 1978, Amnesty International received from three separate sources reports of at least a temporary deterioration of conditions in Cottbus prison, where a large number of its adoptees are held. According to these reports, food was made too salty as an "educational measure", beatings by warders became more commonplace and many people were held in special detention with only one hot meal every three days. In January 1978, a number of inmates of this prison refused to work, on the grounds that work for prisoners is officially described as "voluntary". The prison authorities are alleged to have reacted by putting them on reduced rations and allowing them to wear only underclothes and socks, in which clothing they were compelled to shovel snow. Some of these prisoners were allegedly subjected to beatings which resulted in broken collar bones, broken jaws, knocked out teeth and, in one case, a ruptured kidney. Amnesty International groups working for prisoners in the GDR wrote letters to the GDR authorities, requesting an inquiry into these allegations.

Although the death penalty is retained in the GDR for a number of offences, including political ones, Amnesty International does not know of any instances of its being imposed during the year under review.

On 10 October 1977, Amnesty International published a Briefing Paper on the German Democratic Republic. Copies of this were sent to the country's leading officials and to its embassies abroad, and a campaign was organized by national sections to draw public attention to the main areas of Amnesty International concern in the GDR.

Germany (the Federal Republic of)

During the period covered by this report (July 1977 – June 1978), Amnesty International has found difficulty in assessing alleged human rights violations in the Federal Republic of Germany (FRG). The most highly publicized of these violations related to Government efforts to cope with political violence and to treatment of imprisoned terrorist suspects and convicts. No FRG prisoners have been adopted or had their cases investigated by Amnesty International groups during the past year.

After a series of acts of violence, kidnapping and murder, FRG law continued to be so amended as to make it easier to prevent acts of political violence and to capture those who commit them. In February 1978, changes in anti-terrorist legislation were passed which increased the discretionary power of the executive over the exercise of civil and political rights. In a message sent on 14 February 1978, before the vote on these legislative changes, to the Federal Chancellor, Helmut Schmidt, and to the leaders of the fractions in the parliamentary parties, Amnesty International referred specifically to paragraph 138a of the proposal embodying the changes. This allows for the exclusion of defence counsel from legal proceedings against people charged with "criminal" or "terrorist association" when the authorities decide that "certain facts establish suspicion" that the defence counsel is implicated in the crime of which the defendant is accused. (The law had previously allowed the exclusion of defence counsel only when there was "compelling suspicion".) Amnesty International's view was that Article 138a left too much discretionary power in the hands of the executive and that it was likely to detract from the appearance of fairness in the FRG's judicial procedures.

Another legislative innovation which restricts the rights of some citizens is the "contact ban law", passed with unprecedented haste by the *Bundestag* after the kidnapping of the industrialist Hans-Martin Schleyer in September 1977. It was aimed at preventing prisoners from participating in acts of violence carried out by groups outside. The contact ban law may be imposed in the event of current danger to life, limb and freedom. It allows the authorities to suspend, for a renewable period of 30 days, all forms of communication among prisoners who are either convicted or suspected of "criminal" or "terrorist association" and between such prisoners and the outside world, including their lawyers. About 70 prisoners were affected by this law during the entire month of October 1977.

No one convicted of committing or being implicated in acts of violence has been adopted by Amnesty International as a prisoner of conscience. However, the organization takes the view that under such legislation as Articles 131, 140 and 88a of the Penal Code (referred to in *Amnesty International Report 1977*) and the others mentioned here, respect for the human rights of some suspects and defendants becomes excessively dependent upon the good will of the government in power and upon the discretion of the judiciary and the prosecution. That a nation's anxiety about political violence may be accompanied by abuse of human rights, where this is allowed by legislation, was shown in January 1978 by the trial in Munich of Hans Heinrich Sautmann, a student and member of the Communist Federation of West Germany. At a demonstration he had helped to organize a publicity stand on which there was a placard saying that the "bourgeoisie" wished to cause an "imperialist war" for reasons of profit. The placard called the German commandos who had conducted the Mogadishu rescue operation "killer troops of the bourgeoisie" and accused the authorities of the "liquidation of revolutionaries" in prison. For this Hans Heinrich Sautmann was charged with "defamation of the State" (Article 90a of the Penal Code) and "incitement of the people" (Article 130). The judge at his trial acknowledged that Article 90a presented the difficult problem of deciding when a statement was acceptable polemic and when it was criminal calumny against the state, but he found the defendant guilty and sentenced him to four months' imprisonment, suspended for three years. Herr Sautmann had already spent three months in custody by the time of the trial.

Amnesty International sent to observe the trial a Dutch lawyer, Theodor L. Bellekom. He reported that the case was "a matter of political criticism", not involving advocacy of violence. He was critical of the decision of the Munich courts to refuse to release the defendant pending trial and commented that the official explanation for this refusal made considerable reference to Herr Sautmann's political views.

In March 1978, Amnesty International sent Professor Peter J.P. Tak of the University of Nijmegen in the Netherlands to observe the trial of four students in Göttingen. The defendants were charged with "incitement of the people" and "defamation of the memory of a deceased person", for publishing an article on the assassination of the Federal Public Prosecutor, Siegfried Buback. At the start of the trial, the prosecution unexpectedly brought two new charges, including "defamation of the State", and partly on this charge two of the defendants were found guilty and sentenced to a fine of DM 1,800 each. In his report Professor Tak stated that the defendants were allowed to speak freely and without interruption and that all parties behaved correctly during the proceedings. Nevertheless, he expressed regret at the decision to prosecute in the case. The issues at stake in the trial involved the acceptable limits to public free speech and the influence of public opinion on the decision to prosecute. The relation of these issues to the proper application of Amnesty International's Statutes is a complex one, but the organization is concerned with several aspects of both the Munich and Göttingen trials and has undertaken a study of them.

The past year saw a deterioration in respect of the human rights of citizens of the FRG who, on grounds of conscience, refuse to be conscripted. In 1977, Amnesty International had welcomed legislation which made it unnecessary for those conscientious objectors who had not yet been conscripted to satisfy an examining board that their grounds for objection were genuine, and which permitted them to apply directly for alternative service. However, in December 1977, the Federal Constitutional Court suspended the new measures, and, in April 1978, ruled that they were in contravention of the Constitution of the FRG. It was the majority view of the Court that some form of conscience-testing was necessary and that the new legislation failed to ensure that only genuine conscientious objectors would be recognized. The Court suggested that if this conscience-testing were not done by examining boards, it might be done by making alternative civilian service both harder and longer. Proposals submitted by the Government parties in June, including provision for an increase in the length of service, have met with opposition from a large number of people actually carrying out alternative service, and Amnesty International fears that to increase its length and to take other measures being considered, such as putting conscientious objectors in barracks, could be considered as punishment for or as a deterrent to the expression of conscientious objection.

During the past year, Amnesty International took further action over the prison conditions of people either convicted of or charged with involvement in offences by the Red Army Fraction and 2nd June Movement groups. On 8 December it wrote to police and judicial authorities in West Berlin and to the Chief Federal Prosecutor of the FRG reiterating its concern about the use, in May 1977, of *Knebelketten*, restraining devices, on 2nd June Movement prisoners. The conclusion of an inquiry being undertaken when Amnesty International first intervened was that the application of increasing pressure to the body (the wrist or arm) by means of *Knebelketten* was lawful and justifiable in order to obtain cooperation from prisoners in identification procedure. Amnesty International stated that the use of such a device constituted a form of ill-treatment and was unacceptable under any circumstances.

In August 1977, many Red Army Fraction and 2nd June Movement prisoners

went on hunger and thirst strike in protest against withdrawal of concessions made the previous April whereby they were to be allowed to associate together in larger groups. In September 1977, Amnesty International urged the FRG authorities on humanitarian grounds to take whatever steps were necessary to prevent loss of life or mental or physical damage to the prisoners on hunger and thirst strike and to restore them to health where it had deteriorated. The question of the extent to which the conditions of imprisonment of politically-motivated prisoners come within the scope of Amnesty International in terms of the provision in its Statute regarding "cruel, inhuman or degrading treatment or punishment" is a complex one and towards the end of 1977 Amnesty International's International Executive Committee commissioned a study of this matter.

On 18 October 1977, while the contact ban law was in force, three members of the Red Army Fraction were found dead in their cells at Stammheim, and, on 12 November, a fourth, who had been held since August either in solitary confinement or in the total isolation imposed by the contact ban law, was found hanged in her cell at Stadelheim men's prison. Amnesty International was invited by the FRG authorities to observe the autopsies on the bodies of the three Stammheim prisoners, but the autopsies began on the very same day, before Amnesty International had had any chance to clarify the precise terms of reference of the invitation. Other forensic specialists from outside the FRG were present at the autopsies.

Amnesty International called for an independent and public international inquiry into the deaths in Stammheim, in view of wide public concern about them and conflicting interpretations of the circumstances in which they occurred. A reply from the Baden-Württemberg Minister of Justice, the competent authority, stated that there was no need for such an inquiry in addition to the investigation already being undertaken by a special commission set up by the Baden-Württemberg parliament. After this investigation, the state's public prosecutor declared that the three prisoners had committed suicide.

Greece (the Hellenic Republic)

Amnesty International's major concerns in Greece are imprisoned conscientious objectors and the retention of the death penalty. The organization's only adopted prisoners in the country are 50 Jehovah's Witnesses, imprisoned because of their refusal to carry out military service.

In October 1977, the law regulating conscription in Greece was amended to allow religious objectors to military service to perform unarmed military service. This alternative service was to be for a term of four years, twice as long as armed military service. All imprisoned conscientious objectors were released at that time, but those who had served less than four years' imprisonment were immediately recalled to the army, and, when they refused to accept the alternative of unarmed military service, they were imprisoned again. Four men who had served well over four years in prison remained free until April 1978 when they were again sentenced to terms of imprisonment, but as the sentences were either short or suspended, they were released within one or two months. On 18 April 1978, Amnesty International wrote to the Minister of Justice, George Stamatis, asking for clarification of Law 731/77, which had previously been thought to limit the imprisonment of conscientious objectors to a single term of four years. If the

law continues to be interpreted as allowing repeated sentences and not setting any limit to the total period of imprisonment to be served, the position of the Jehovah's Witnesses will not have been in any way improved by the new legislation.

On 6 February and 18 April 1978, Amnesty International wrote to the Minister of Defence, Evangelos Averoff, asking for an investigation into allegations that Jehovah's Witnesses at Avlon Military Prison were being ill-treated because of their refusal to join in military exercises while in prison. The Jehovah's Witnesses reported to Amnesty International that their heads had been forcibly shaved; that they were sworn at and insulted; that they had been put into damp, underground cells; that family visits had been stopped, and correspondence destroyed or interfered with.

On 20 July 1977, Amnesty International called upon Constantine Stephanakis, the then Minister of Justice, to investigate allegations made by seven anarchists that they had been ill-treated by the police at the time of their arrest (on charges of insulting police officers and profaning the name of God) and later in a police station. One of the seven spent two days in hospital for treatment of injuries allegedly inflicted by the police.

In May 1978, the Greek Parliament approved in principle a draft Bill for the suppression of terrorism, which provided for the imposition of a mandatory death sentence for acts of terrorism resulting in loss of life. In a letter addressed to the Prime Minister, Constantine Karamanlis, on 2 May 1978, Amnesty International expressed concern about this extension of the death penalty and pointed out that it was against the spirit of Resolution 32/61, adopted by the General Assembly of the United Nations on 8 December 1977, which called for progressive restriction of the number of offences for which the death penalty may be imposed.

Hungary (the People's Republic of)

During the year 1977–78, the Hungarian authorities introduced certain legislative changes which make for better implementation of international human rights standards. In 1977, the Hungarian state gave legal recognition to the Nazarene sect which had until then been treated as illegal. In the past its members were persecuted if they engaged in religious activities publicly. In March 1978, a new code of law on civil rights was introduced to replace that of 1959. The new code guarantees privacy of correspondence and states that discrimination on grounds of sex, race or religion is illegal.

There has been no amendment of the Penal Code provisions which make public criticism of official policies an offence punishable by imprisonment. According to Article 127 of the Hungarian Penal Code, "incitement to hatred" of a variety of targets, including the state, the nation and religions, can be punished by up to eight years' imprisonment. Official statistics show that, during 1977, almost 200 people were tried and sentenced to imprisonment for "incitement" but that many of them had their sentences suspended. During the past year, Amnesty International has adopted three Hungarians who were convicted of "incitement". Gyorgy Hajas, his former wife, Eva Szijj, and his half-brother Bela Hajas were tried in July 1977 by the district court of Budapest on charges of "incitement". The charge against Gyorgy Hajas was that he had: written a short statement alleging official violations of the rights to freedom of expression and movement, which he had attempted to distribute to the Hungarian authorities and to domestic and foreign newspapers; tried to form a "Helsinki" monitoring group in Hungary; questioned the effects of the Soviet army's liberation of Hungary in 1945; stored in his flat eight issues of "counter-revolutionary" papers printed at the time of the Soviet invasion of Hungary in 1956; kept in his flat a miniature statue of Stalin hanging from a rope. He was sentenced to 18 months' imprisonment. His half-brother Bela was sentenced to 7 months' imprisonment for helping him in his activities, and his divorced wife to 5 months' for typing the statement on human rights violations in Hungary. All three were adopted by Amnesty International as prisoners of conscience. Bela Hajas and Eva Szijj were released after serving their sentences.

Another prisoner adopted by Amnesty International is Dr Maria Dombovari-Lorincz (see the *Amnesty International Report 1977*). She has been confined to the Robert Korhaz military psychiatric hospital in Budapest since her trial for "incitement" in 1976. The specific charge against her was that she had drafted, and attempted to distribute, pamphlets urging that Soviet troops be withdrawn from Hungary and that Roman Catholic nuns be allowed to work in various hospitals. At her trial the court ordered that, in accordance with Article 61 of the Hungarian Penal Code, she should be confined to a psychiatric hospital. Her ninth appeal hearing is due to take place in July 1978. Amnesty International has received no information alleging that she is being ill-treated in any way in the Robert Korhaz hospital, nor has the organization received any other reports of psychiatry being abused in Hungary.

Article 203 of the Hungarian Penal Code makes unauthorized crossing of the border punishable by terms of imprisonment ranging from one to five years. Amnesty International has adopted Zsolt Takacs, a twenty-five-year-old electrician from Budapest, who was charged with this offence in February 1978 and is now being held in pre-trial detention in the capital. In 1975, he had married a Swiss citizen in Budapest with the approval of the Presidential Council. However, his application to join his wife in Switzerland after their marriage was turned down by the Hungarian authorities. On 20 February 1978, he was arrested while trying to cross the Yugoslav/Italian border without official permission and was extradited to Hungary. His trial is due to take place in the summer of 1978.

Amnesty International's adoptee Sandor Rudovics (see *Amnesty International Report 1977*) was released in January 1978 after serving a second two-year prison sentence for trying to cross the frontier illegally. He was re-arrested on 7 March 1978. The circumstances are being investigated by Amnesty International.

During the period under review, several people are known to have been sentenced to death in Hungary for committing premeditated murder.

Ireland (the Republic of)

During the year covered by this report (July 1977 – June 1978), Amnesty International has been concerned over anti-terrorist legislation and the rights of suspects detained by the police in the Republic of Ireland. In June 1977, the organization sent a mission to Dublin to investigate these matters and an Amnesty International submission to the Irish Government followed, in August 1977.

Amnesty International's submission, the contents of which are described in the *Amnesty International Report 1977*, gave details of allegations that people detained by the *Garda Siochana* (Irish police) on suspicion of involvement in

terrorist or other politically motivated offences, had been maltreated. Amnesty International called for a full, impartial and public inquiry into these allegations. The cases of alleged maltreatment which the submission described involved people who had been arrested, most of them during 1975 and 1976, under the Offences Against the State Act (1939 and 1972) or under the Emergency Power Act (1976). On 4 October 1977, the Irish Government announced that it would not renew the section of the Emergency Powers Act under which suspects could be detained by the police for up to seven days without being charged. The Offences Against the State Act continues to operate: it covers a wide range of offences related to terrorism, provides for police detention of suspects for 48 hours without charge, and for the establishment of special non-jury courts to try people charged under the Act.

Amnesty International has no prisoners in the Republic of Ireland under adoption as prisoners of conscience.

In October 1977, the Minister for Justice, Gerard Collins, made a public statement that, after considering Amnesty International's request for an impartial inquiry into allegations of police brutality, the Irish Government had appointed a three-member Committee of Inquiry to consider "... what additional safeguards are necessary for the protection against ill-treatment of persons in *Garda* custody and for the protection of members of the *Garda Siochana* against unfounded allegations of such ill-treatment". The Minister stated that the Committee would not have a mandate to inquire into specific allegations of maltreatment: these should be investigated through the normal procedure of bringing criminal prosecutions against identifiable police officers in the courts.

Amnesty International wrote to the Minister for Justice on 17 October 1977, welcoming the establishment of a Committee of Inquiry into safeguards for people in police custody but criticizing the Committee's terms of reference as being too narrow. It urged that the Committee's mandate be extended to include investigation of specific past complaints of maltreatment, to reach conclusions as to whether the complaints were justified, and to make their findings public. In this and in subsequent correspondence with the Irish Government, Amnesty International expressed the view that the normal procedure for bringing police officers accused of maltreatment before the criminal courts would not reveal the extent of maltreatment, because of the difficulty of fulfilling the courts' requirement for proof beyond reasonable doubt of the guilt of individual officers.

On 8 December 1977, Alfred Heijder, a member of Amnesty International's International Executive Committee, and Douwe Korff, a Dutch lawyer who had taken part in the Amnesty International mission to Dublin, testified on behalf of the organization to the Committee of Inquiry appointed by the Irish Government, on the general issue of safeguards for suspects in police custody. Among the recommendations made by Amnesty International to the Committee were that people who were detained should have prompt access to solicitors of their own choice before interrogation; that no statement or confession made by a suspect in police custody should be used in evidence unless made in the presence of a solicitor; that detained people should have medical examinations at regular intervals while in police custody. In May 1978, the Committee of Inquiry sent the Irish Government a confidential report of its findings and recommendations. The contents of this report have not been made public. During the past year there has

been a decrease in the allegations of police maltreatment of suspects received by Amnesty International. However, Amnesty International is still concerned by the fact that there has as yet been no public inquiry into specific past complaints.

Italy (the Italian Republic)

In the past year in Italy there has been a marked increase in violence. Not only have there been more kidnappings for ransom but also more frequent street violence, assassinations, woundings, bombings, abductions and murder for declared political ends by extremist groups of both right and left.

In 1978, the Government under the Christian Democrat Prime Minister, Signor Giulio Andreotti, introduced new measures to combat acts of terrorism. A thirteen-article Bill which became law in March 1978 contains measures to protect property and provides for heavier sentences for different degrees of kidnapping. The law allows imprisonment for life (*ergastolo*) in the event of a kidnapped person dying.

There are also provisions to eliminate some features of the secret preliminary proceedings which had previously constrained investigating magistrates, and to allow a considerable expansion in police power. People arrested in the act of committing an offence no longer have the right to legal representation during interrogation. However, information obtained in such interrogations cannot be used as evidence. In addition, the law stipulates that anyone may be detained and held for up to 24 hours or until they can prove their identity. The Minister of the Interior now has increased power to request authorization for wire-tapping, and the period of time for which an authorization lasts has been lengthened. Finally, it is now obligatory to report the sale or renting of property and to tell the police who the parties involved are.

These special powers came into force by Decree Law on 23 March 1978 and the police immediately used them to arrest and hold – pending investigation of their identities – hundreds of leftists suspected of being implicated in, or having knowledge of, terrorist activities.

The most recent and most serious in a long series of violent confrontations between the Government and extremist groups took place on 16 March 1978, when the former Prime Minister and leader of the Christian Democratic Party, Aldo Moro, was kidnapped by an armed group in Rome. All the guards in his escort were murdered. The kidnappers identified themselves in a statement on 18 March as belonging to the Red Brigades – a group committed to the use of violence and of a "strategy of tension" as a first step towards the overthrow of the state. The Red Brigades claimed that Signor Moro was being held in a "people's prison" and would go on trial before a "people's tribunal". On 15 April the Red Brigades announced that his interrogation was finished, that he had been found "guilty" and had been condemned to death.

Amnesty International issued a press release on 17 April, appealing for the life of Aldo Moro. This, like appeals from many other sources, was of no avail and his murdered body was discovered in Rome on 9 May.

Amnesty International continues to be concerned at reports and allegations of maltreatment and bad conditions in Italian institutions of confinement, including the nine recently created special-security prisons. Amnesty International therefore wrote in May 1978 to Franco Evangelisti, the Under Secretary of State of the Presidency of the Council, saying that it was willing to set up a proper investigation

of conditions in the special-security prisons. When this letter was sent, the Italian Government had publicly expressed its own willingness to co-operate fully in such an investigation.

The delays at all stages in cases before the Italian courts is another matter of concern to Amnesty International. The problem is more acute in common criminal cases since many of the defendants in politically motivated cases are tried under special rapid penal procedures. However, this is not always so. Giovanni Ventura, for example, was in detention awaiting trial for over four years, charged with taking part in 1969 in the bombing in the Piazza Fontana in Milan which killed 16 people. He subsequently made an application to the European Commission on Human Rights in Strasbourg, claiming that he had been denied his right to a fair trial within a reasonable time, as guaranteed by Article 6 of the European Convention on Human Rights. The Commission at its April 1978 session accepted the admissibility of his application. Amnesty International wrote to the Minister of Justice in 1976, expressing concern at the delay in bringing Giovanni Ventura to trial.

Amnesty International groups worked for a total of seven adopted conscientious objectors during the year 1977 – 78, five of whom have now been released after serving an average of 12 months' imprisonment. Those still in prison, include one Amnesty International adoptee, Franco Pasello, who was sentenced to 14 months' imprisonment for refusing to carry out military service (the usual charge) and, at a separate trial, to a further 12 months' for refusal to register for military service. In November 1977, when the first term of imprisonment in a military prison expired, he was transferred to a civilian prison to serve the second sentence. All seven conscientious objectors adopted by Amnesty International were "total resisters" to military service in that they objected on political grounds to both military and alternative service. Most conscientious objectors in prison in Italy are Jehovah's Witnesses.

Netherlands (the Kingdom of the)

On 13 March 1978, Amnesty International wrote to Professor Job de Ruiter, the Minister of Justice in the Netherlands, giving its views on the conditions of detention of three Red Army Fraction prisoners in the Netherlands.

The three prisoners – Knut Folkerts and Christoph Wackernagel, detained in Maastricht, and Gerd Schneider, detained in Scheveningen – had been held in solitary confinement since their arrest and had been on hunger strike for improved conditions for six weeks. Knut Folkerts was already serving a twenty-year sentence for murdering a Dutch policeman and seriously wounding another during his arrest in Utrecht in September 1977. Gerd Schneider and Christoph Wackernagel were arrested after a gun battle in Amsterdam in November 1977. All three were also facing extradition to the Federal Republic of Germany (FRG) on charges relating to the murders in the FRG of Hans Martin Schleyer, the kidnapped industrialist, and Siegfried Buback, the Federal Public Prosecutor, besides other offences.

In its letter, Amnesty International said that prolonged isolation is likely to have a detrimental effect on the mental and physical health of any individual, and that, as a rule, it constitutes cruel and inhuman treatment.

After consultation between ministry officials, a group of doctors acceptable to both parties, and lawyers representing the prisoners, there was agreement on 17 March 1978 that the prisoners should be allowed to visit each other, according to an approved plan; the hunger strike was thus brought to an end.

On 12 May 1978, the Dutch Government agreed, after judicial hearings, to authorize the extradition of the three prisoners to the Federal Republic of Germany.

Poland (the Polish People's Republic)

In 1977, the Polish People's Republic ratified the United Nations Covenant on Civil and Political Rights. The official Polish news media gave much attention to questions about the implementation of the provisions of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) and the follow-up conference in Belgrade during 1977 and 1978. During the year 1977 – 78, Amnesty International has not heard that any Polish citizens have been charged with offences such as "dissemination of false literature" or "associating with hostile foreign organizations", as happened to many prisoners of conscience in the past (see *Amnesty International Report 1977*).

However, since the beginning of 1978, there has been a considerable increase in the number of citizens detained for short periods for circulating written material the content of which is not officially approved or for participating in private political discussions. In many of these cases, false charges were brought, such as "hooliganism", "obstructing the police on duty" or "illegal possession of weapons", and they were heard in magistrates' and criminal courts.

Many short-term detainees were members of unofficial groups established to protect human and civil rights. The best known of these groups are the Social Self-Defence Committee (formerly the Workers' Defence Committee), the Movement in Defence of Human and Civil Rights and the Student Solidarity Committee (see *Amnesty International Report 1977*).

A number of unofficial publications were issued during 1977 by members and supporters of these groups, claiming that in Poland freedom of expression and academic freedom are restricted. During 1978, members and supporters of the Social Self-Defence Committee and the Movement in Defence of Human and Civil Rights in Poland's largest cities started up unofficial education courses and gave citizens legal advice. Some people who took part in these activities were treated harshly by the Polish authorities. For example, Adam Michnik (an historian and former Amnesty International adoptee [see *Amnesty International Report 1977*]), who belongs to the Social Self-Defence Committee and lectures for one of the unofficial education groups, was detained five times between 11 and 24 February 1978 for periods of up to 48 hours. During the same period he was twice beaten by police officers in public.

Since the beginning of 1978, a number of people who attended meetings organized by unofficial human and civil rights groups (or let their flats be used for such meetings) or who distributed publications issued by these groups were tried by magistrates' or criminal courts and sentenced to short terms of imprisonment or fined 5,000 *zloty*.

In February 1978, Bogdan Boruszewicz, an historian and Stanislaw Smigiel, a student, were forcibly taken from the former's flat and interrogated for 48 hours before being tried by a magistrate in Sopot for "hooliganism". The police, as

well as causing extensive damage, confiscated books, tape recordings and other materials connected with the unofficial education courses, and a number of eyewitnesses have testified that Bogdan Boruszewicz and Stanislaw Smigiel did not offer any physical resistance to the police when they entered the flat. The court sentenced the former to two weeks' imprisonment and the latter to one week. On appeal to the district court in Sopot, Bogdan Boruszewicz's sentence was subsequently prolonged to three weeks.

Further allegations of unfair trial and framed charges were made in respect of workers who, in February 1978, founded the Committee of the Free Workers' Union, a group which provides legal aid to workers who are dismissed, downgraded or persecuted for political reasons. One member of this Committee, Kazimierz Switon from Katowice, was arrested and tried in April 1978 by a magistrate in Katowice and sentenced to 5 weeks' imprisonment on charges of "illegal possession of weapons". The charge referred to an air rifle which belonged to one of his children and which police had found during a search of his flat. In April 1978, Boleslaw Cygan, a founder member of the Committee of the Free Workers' Union was allegedly picked up by four men and dragged into a car. According to unofficial sources, he was severely beaten up while the car was being driven to a nearby forest. He was later found unconscious, suffering from injuries caused by the beating. In late May 1978, Blazej Wyszkowski, an active supporter of the Committee of the Free Workers' Union in Gdansk was arrested and sentenced to two months' imprisonment on charges of "obstructing the police while on duty". Amnesty International has heard that these charges were false and that he was, in fact, arrested on account of his human and civil rights activities. Blazej Wyszkowski started a hunger strike on the day of his arrest and while it was still in progress Amnesty International urged the Polish authorities to release him. Elsbieta Lewinska and Wojciech Edward Jasman from Lodz were sentenced to one month in prison in May 1978 for taking part in meetings of the Free Workers' Union and for distributing an unofficial paper, *Robotnik* (The Worker), outside a factory in Lodz.

In addition, the Polish authorities have tried and fined a number of people who publicly collected signatures on petitions for improvements in the international human rights situation. On 29 November 1977, three Amnesty International members, Emil Morgiewicz, Adam Wojciechowski and Zbigniew Sekulski were fined 3,000 *zloty* each for having collected signatures for the organization's worldwide Prisoners of Conscience Year petition. Other people, such as M. Pilka, A. Hal and A. Slommicki, who collected signatures for a petition that the International Covenant on Civil and Political Rights (ratified by Poland in 1977) should be published in the official press, were arrested, interrogated and beaten, then driven to the country and left in the fields in the middle of the night.

During the period 1977 – 78, Amnesty International continued to investigate allegations that some Polish citizens who had lived for a number of years in foreign countries were given unfair trials on their return to Poland and wrongly sentenced to terms of imprisonment on charges of "espionage". One case investigated by Amnesty International was that of Maximilian Rosenburg, a thirty-four-year-old dental technician who left Poland in 1970 and failed to return within the period specified by the Polish authorities. He later became a citizen of the Federal Republic of Germany. He returned to Poland to visit his fiancée in 1977 and was

arrested. A military tribunal in Gdansk sentenced him to seven years' imprisonment on charges of "espionage". His trial took place *in camera* and his lawyer was appointed by the military justice authorities although he had specifically asked to be defended by a different lawyer of his own choice. According to reports received by Amnesty International, Mr Rosenburg was imprisoned because he belonged to an organization in the Federal Republic of Germany which was founded after World War II by expatriate Poles of German origin rather than for engaging in intelligence work for a North Atlantic Treaty Organization (NATO) country – which was what he was charged with. Amnesty International has asked the Polish authorities for information on a number of such cases, but has received no reply.

Although, during 1977, the Polish authorities were more liberal over allowing citizens to travel abroad, during 1977 and the first half of 1978, over 200 people were tried and sent to prison for attempting to exercise their right to leave their country. Amnesty International took up the case of Anthony Pol, a professor of mathematics, whose applications for permission to attend conferences abroad were refused by the authorities, apparently because he had publicly expressed dissenting political views. He was arrested in November 1976 while attempting to cross the Romanian-Yugoslav border. He was sentenced in early 1977 to two years' imprisonment. After one year in prison he was conditionally released and his sentence suspended.

Amnesty International groups took action on behalf of 15 people imprisoned in Poland in the period 1977 – 78. During this period, Amnesty International learned of the execution of three Polish citizens convicted of murder. In another case, in December 1977, the Supreme Court of Warsaw sentenced Viktoras Gaivanavkas to death. He had previously been sentenced by a lower court to twenty-five years' imprisonment, but on appeal was sentenced to death for murdering 300 inhabitants of Wilnis (now capital of Lithuania in the USSR) during the German occupation in the Second World War.

Portugal (the Portuguese Republic)

The process of legal and constitutional reform begun in April 1974 continued, with the Government seeking the permission of the National Assembly to revise the codes of civil law and procedure, penal law and procedure and commercial law. The new civil code came into effect on 1 April 1978. In October 1977, Portugal became the 87th country to ratify the international convention giving workers the right to join trade unions, and the new law permitting strikes officially recognized by trade unions was passed in July 1977.

Throughout the period under review there have been rumours that an amnesty was being considered for people involved in or suspected of being involved in the 11 March and 25 November 1975 attempted *coups d'état*. In a press interview in March 1978, the Prime Minister, Dr Soares, is reported to have said that in the interests of "wiping the slate clean" he was in favour of amnesties not only for those involved in these attempts but also for former members of the *Policia Internacional e de Defesa do Estado/Direcção Geral de Segurança (PIDE/DGS)*, the International Police for Defence of the State/Directorate General of Security, (the former secret police force), still in detention. The Constitutional Commission has already ruled as unconstitutional the Decree Law "purging" General Spínola

and 18 other officers involved in the attempted *coup* on 11 March. Since then, some 700 other officers, "purged" after the April 1974 revolution under Decree Law 309/74, have appealed to the Portuguese League of Human Rights against this law and have sent a statement to the President.

A working party set up by the Presidency of the Republic has made a proposal to create a unified intelligence service which would have competence in both civil and military affairs. It would be called *Serviços de Informacão da República (SIR)* – Information Department of the Republic – and would assume some of the functions formerly carried out by the *PIDE/DGS* which was disbanded after the overthrow of the Caetano dictatorship. This project is viewed with alarm by many parties in Portugal, including the two government ones, in view of the problems of accountability that may be presented by a unified intelligence service.

Amnesty International has no adopted prisoners in Portugal. However, the organization is concerned at the retention of Article 411 of the penal code. This permits sentences of up to eight years' imprisonment for those found guilty of "insulting" civil or military bodies, the President of the Republic or members of the Council of the Revolution and National Assembly. In December 1977, Silva Tavares, director of the newspaper *Comércio do Porto*, was charged under this Article for publishing an article speculating that General Eanes might be adopting policies which could lead to a less democratic system of government. He was found not guilty. However, in June 1978, Manuel Murias of *A Rua* (The Street) was sentenced to two years' imprisonment or a fine for insulting Dr Soares in an article. There are further cases pending at the time of writing.

Amnesty International continued to follow the case of Rui Gomes, arrested in September 1975 and charged with theft and illegal use of arms. Rui Gomes claimed political status and Amnesty International was concerned by the length of time he was in detention awaiting trial. His trial was finally held in July 1977. He was found guilty as charged and sentenced to a period of imprisonment equivalent to his pre-trial detention. He was released on 29 July 1977. Amnesty International also inquired into other cases of prolonged detention without trial, including those of people detained in connection with the assassination of General Delgado in 1965. Seven former members of the *PIDE/DGS*, including three then in detention, were charged with this murder in October 1977. Despite repeated statements that the trial is imminent, it has not taken place and by now these three suspects have been in detention for as long as four years.

During the past year, two more members of the *PIDE/DGS* were tried on charges of torture and maltreatment of prisoners. Senhora Oliveira was sentenced to four years and four months' imprisonment less the period of pre-trial detention. The outcome of ex-Inspector Adelino da Silva Tinoco's trial is not yet known to Amnesty International.

Portugal has abolished the death penalty and, at the time of writing, Amnesty International has received no solid reports of torture or cruel, inhuman or degrading treatment.

Romania (the Socialist Republic of)

During the period 1977 – 78, Romanian political leaders on several occasions reiterated Romania's adherence to international human rights covenants. On

9 May 1978, President Ceausescu made the following joint declaration with President Carter of the United States to the United Nations Security Council: "Observance of and promotion of respect for human rights and fundamental freedoms is the basic principle for international peace and security." However, during the past year, there were no legislative or political changes in Romania affecting matters of concern to Amnesty International. As in previous years, the organization learned of a number of new cases of people being imprisoned simply for exercising their human rights. Most of these people did not get lengthy prison sentences, but there are widespread and consistent reports of many dissenters being systematically beaten by police officers while in detention.

Although the Romanian Constitution guarantees "freedom of expression", Article 166 of the Penal Code prescribes from five to fifteen years' imprisonment for "public propaganda against the socialist system, spread by whatever means". Representative of Amnesty International-adopted prisoners of conscience gaoled for "anti-state propaganda" is Doctor Nicolae Ighisan. He was tried in the summer of 1972 by the military tribunal in Bucharest on charges of "anti-state propaganda" and preparing to leave Romania without official authorization. The tribunal found him guilty of making derogatory statements about leading Romanian officials and the current political situation in the country. Dr Ighisan was charged also with illegal possession of foreign currency. This charge was made after his flat had been searched by members of the *Securitate* (state security police) who found three gold coins and 25 US dollars there. He was sentenced to 15 years' imprisonment.

The organization is investigating the case of Georghe Popa, a mechanical engineer from Craiova who was sentenced in 1975 to 9 years' imprisonment on charges of "anti-state propaganda". Before his arrest, Georghe Popa had publicly accused the heads of the firm where he worked of mismanaging large sums of money by investing in schemes which were unlikely to be viable. The existence of a law such as the one against "anti-state propaganda" entails serious restrictions on the right of freedom of expression, and, as the past year has shown, the Romanian authorities may manage to imprison citizens who criticize the social and political system by applying laws which ostensibly have nothing to do with freedom of expression. In the summer of 1977, seven people who had sent an open letter to representatives of foreign governments, criticizing human rights violations in Romania, were tried for "systematic refusal to work" under Decree 25/1965. Their trial took place only hours after they had been dismissed from their jobs. Nonetheless, all were found guilty and sentenced to one year's forced labour on the Black Sea canal at Medgidia. On 25 August 1977, Amnesty International appealed to President Ceausescu to release the seven. Some weeks later they were all set free and given passports enabling them to leave the country.

One case which attracted international attention was that of Karoly Kiraly, banished without even the formality of criminal proceedings being taken against him for making a critical statement about the treatment of members of the Hungarian minority in Romania. He was the Vice President of the Hungarian Workers' Council in Romania and a former member of the Central Committee of the Romanian Communist party, and belongs to the country's two-and-a-half-million-strong Hungarian minority. In the summer of 1977, he drafted a letter, which was signed by prominent members of the Hungarian community, including

some high-ranking Party members, accusing the Romanian Government of "forcible assimilation" and persecution of ethnic minorities. He was questioned by the police, threatened with criminal prosecution, dismissed from his post and banished to the town of Caransebes.

A number of miners who made a protest were also arbitrarily deported in 1977. They had taken part in a strike involving over 35,000 miners in the Jui Valley in early August 1977. The leaders of the strike presented the authorities with a petition for wage increases, reduction of working hours and improvements in working conditions in the mines. More than 1,000 miners and their families were, according to report, later forcibly removed from their homes and moved to unknown places throughout the country. A number of the strikers are said to have been severely beaten by members of the police and armed forces.

About 50 of the persons who were brought to trial in the past year for exercising their right to freedom of conscience were not given a fair hearing. Most of the trials were held *in camera*. Invariably defence lawyers were appointed by the authorities and could meet their clients only in court. In most cases, the hearing did not last more than 30 minutes. All defendants were found guilty and sentenced to up to one year of forced labour.

A number of people who signed a major human rights appeal in March 1977 were detained and systematically beaten and maltreated by members of the *Securitate*. The appeal was launched by Paul Goma (a dissident writer who emigrated later in 1977), and was signed by at least 200 people (see *Amnesty International Report 1977*). Most of the signatories were later held by the police, usually for as long as several days. In early 1978, Amnesty International issued descriptions of the treatment of dissidents at the Calea Rahovei and Beldiman Street interrogation centers in Bucharest. Georghe Mihail, one of the people who signed the appeal, who has since emigrated, told Amnesty International that he was summoned for questioning to the state security headquarters in Beldiman Street several times during 1977 and beaten until he became unconscious. On one occasion, he said that he was tied to a chair and had half a litre of alcohol poured down his throat.

During 1977–78, Amnesty International has heard of a number of people being put in psychiatric hospitals for political rather than medical reasons. The legislation applied in these cases was either Article 114 of the Penal Code or Decree 12/1965. Article 114 allows the courts to order the compulsory confinement in a psychiatric hospital of "mentally ill perpetrators of crimes who are a danger to society". These laws make it possible to intern non-violent political offenders. Decree 12/1965 is called "On Medical Treatment of Dangerous Mentally Ill Persons" and states that those who commit offences which disrupt "normal working conditions" are liable to psychiatric treatment. Article 2 of this Decree defines the term "dangerous mentally ill persons" as those who "endanger their own or other people's lives or physical well-being or who may be about to commit grave acts which, as laid down by penal law, disturb the normal working conditions". Article 4 mentions the possibility of provisional confinement by order of the public prosecutor.

Amnesty International has adopted Erhard Mayerbuchler, a young dentist and member of the 400,000-strong German ethnic minority in Romania. Since the early 1970s, Erhard Mayerbuchler has been applying for official permission to

emigrate to the Federal Republic of Germany, where he has relatives. He was imprisoned twice during that time for trying to cross the frontier without official permission – an offence punishable by up to three years' imprisonment. In October 1976, he was arrested for the third time while trying to cross the frontier illegally. While in pre-trial detention, he was allegedly severely beaten by members of the *Securitate* – his jaw was fractured and he lost some teeth. His trial took place in the winter of 1976 in Turnu-Severin. Instead of sentencing him to imprisonment, the court applied Article 114 of the Penal Code and ordered him to be confined indefinitely in the Dr Petru Groza psychiatric hospital, in the district of Bihor.

Janos Torok, a member of the country's Hungarian minority, was also kept in a psychiatric hospital and has been adopted by Amnesty International. He was arrested in March 1975 on the eve of elections to the Grand National Assembly. In a speech to his fellow workers at a meeting in the factory where he worked in Cluj-Napoca/Koloszvar, he called on them not to vote for "pre-selected candidates". He suggested that such candidates would not defend the workers' interests nor those of national minorities. He was arrested on the spot, severely beaten in public by factory security officers, and taken to the Dr Petru Groza hospital. On 3 March 1978, Janos Torok was released and is now under house arrest, with orders to report regularly for psychiatric check-ups.

In the cases which Amnesty International knows about, the most frequent diagnoses have been "paranoiac schizophrenia", "senile dementia", "psychopathic disorders" and "oligophrenia". Reports received by Amnesty International during 1977 and the first half of 1978 show that prisoners of conscience (likewise non-political inmates) in psychiatric hospitals in Romania have, as a matter of routine, been treated with large doses of powerful medicines which are likely to cause considerable psycho-somatic disorder. The drugs used include plegomazin, mezoptil, phenobarbital and haloperidol – all depressants. Accounts of their experiences given by victims of these abuses indicate that breaking hospital rules or making complaints is liable to be punished by an increase in the amount of drugs administered, beating, and injections of a mixture of milk and iodine – which, according to former inmates of the Sighetu Marmatiei, Poiana Mare and Dr Petru Groza hospitals, cause intense pain, low blood pressure and high fever.

Amnesty International has learned that, since the late 1960s, prisoners of conscience have been confined and treated in a number of psychiatric hospitals in Romania, including Sighetu Marmatiei, Poiana Mare, Raducaneni, Oradea, Jebel, Poruschia, Jilava and Dr Petru Groza, and at least two hospitals in Bucharest. During the past year, Amnesty International has issued detailed information about political abuses of psychiatry in Romania. The organization believes that the number of political inmates of Romanian psychiatric hospitals runs into hundreds.

In March 1978, a man was executed after being sentenced to death by the Supreme Court in Bucharest. Reports have reached Amnesty International during the period under review that a number of people were sentenced to death in Romania after being convicted of stealing large amounts of state property, of economic espionage or sabotage.

Amnesty International groups are at present working on behalf of 20 Romanian prisoners.

Spain (the Spanish State)

The Spanish Government, under the centrist administration of Señor Adolfo Suarez, has continued during 1977 – 78 with the very ambitious program of constitutional and legal reform outlined when Señor Suarez took office. The new draft Constitution was published on 5 January 1978. This laid down that Spain should be a parliamentary monarchy with complete religious freedom, and recognized the right to autonomy of the different nationalities and regions under the Crown. In accordance with this scheme, statutes of pre-autonomy have been granted in differing degrees to the provinces and regions.

In October 1977, an all-party agreement known as the Pacts of the Moncloa was signed. By this it was agreed that the parties should cooperate with the Government over passing Bills which would bring about political, economic and social reforms. Under the Pacts of the Moncloa, the Government has promised to extend the rights of freedom of association as defined by the May 1976 Law, to regularize the legalization of political parties and to reorganize the police forces completely.

A further amnesty was granted by Law 46/1977 in October 1977. This was a comprehensive amnesty for political prisoners and refugees, military personnel and those citizens deprived of their rights because of their association, before the establishment of Generalisimo Franco's Government, with banned or disbanded organizations. The amnesty did not cover those convicted or sought in connection with common crimes. Under it, all prisoners for whom Amnesty International was working at the time were set free.

However, the release of political prisoners and the moves towards giving the regions autonomy, as well as the legalizing of political parties and unions, has not meant that the armed conflict between groups such as *Euzkadi ta Askatasuna (ETA)* – Basque Homeland and Liberty – and *Grupos de Resistencia Antifascista Primero de Octubre (GRAPO)* on the one hand and the public order forces on the other has ceased. On the contrary, it has remained intense, especially in the provinces of the Basque country.

After the assassination of Señor Augusto Unceta Barrenechea, President of the provincial delegation in Vizcaya, and his two bodyguards, in Guernica in October 1977, the Government was finally convinced of the need to introduce an anti-terrorism bill. It received the support in principle of virtually all parties but the severity of the measures proposed has greatly alarmed many of those politicians who had given their consent in principle. The Bill, which at the time of writing is still being debated in the *Cortes* (Parliament), would provide for the establishment of a special anti-terrorist police squad, with authority to arrest people without warrant and hold them in preventive detention, and with increased powers to tap telephones and open post, as well as censor, to some extent, the reporting of the effects of these powers.

Continuing with the policy of reform, the Ministry of Justice has announced a massive program of legal reform, including items relating to a new code covering prisons, a reform of the law relating to judicial powers and a reform of the procedural codes of the civil and penal law.

In addition, in May 1978, the Cabinet announced that a Bill would be proposed to reform the military code of justice in order to limit military jurisdiction to exclusively military offences.

The extent of military jurisdiction is especially relevant in view of the trial in February 1978 of the members of the theatrical mime company called *Els Joglars.*

In September 1977, Albert Boadella, the director of the company, received official approval from the Ministry of Culture to stage a mime based on the trial and execution in March 1974 of a stateless Pole called Heinz Chez who was court-martialled for murdering a policeman while robbing a bar.

The mime was performed with no opposition from the authorities, civil or military, until, in December 1977, Albert Boadella was interrogated by the military authorities. He and the performers were subsequently charged with insulting the military (Articles 315 and 317 of the code of military justice). Lieutenant General Francisco Coloma Gallegos, now Captain General of the military region where Boadella was arrested, had been responsible in 1974 for confirming the sentence passed on Heinz Chez of death by garotting.

The prosecution asked for a sentence of four-and-a-half years in prison for Albert Boadella and three years each for the others, on the grounds that the mime was insulting to the honour of the military officers who had tried Heinz Chez and that a handbill distributed before the performance had been defamatory.

The day before the trial was due to begin, Albert Boadella and one other defendant escaped to France. Amnesty International sent Maître Georges Pinet, a lawyer from Paris, to Barcelona to observe the trial. After trying to prevent lawyers and members of the public from entering the courtroom, the military authorities postponed the trial when it was known that two of the defendants had fled. The trial was reconvened a week later, and the remaining four defendants were sentenced to two years in gaol. The sentences have been confirmed and all the prisoners have been adopted by Amnesty International.

The *Els Joglars* case is a good example of the power which the military still have to intervene in the affairs of civilians, even in a state which, in so many other respects, has altered its laws to protect human rights.

The situation of conscientious objectors in Spain has improved slightly over the period 1977 – 78 but until the Spanish Government drafts a law which permits alternative service and conscientious objector status on other than purely religious or ethical grounds, the position of conscientious objectors will remain equivocal. In the period under review, according to Amnesty International's information, the military authorities have turned a "blind eye" to cases where conscripts have claimed conscientious objector status on grounds not admitted in law, but there have been exceptions. For example, in October 1977, Amnesty International protested to the military authorities over the treatment of 10 conscientious objectors adopted by the organization who were being held in the Castillo de San Fernando in Figueras for refusing to obey orders. They were not allowed to receive visits from their lawyers, contrary to Article 14 of the United Nations International Covenant on Civil and Political Rights, ratified by Spain in April 1977. They were subsequently released without being tried, under the October 1977 amnesty.

In the period under review, as in previous years, there have been frequent allegations of inhuman and degrading treatment in all kinds of Spanish prisons. There have also been isolated instances of torture – for example, the case of Agustín Rueda, a member of the *Confederación Nacional de Trabajo (CNT)*, who was beaten to death in the Carabanchel prison in April 1978, following the

discovery of an escape tunnel. The director of the prison was dismissed and placed under arrest and the guards responsible have been suspended pending an inquiry.

The Spanish Government has made serious efforts to reform the prison system – for instance, by appointing Señor Carlos Garcia Valdés as Director General of the Prison Service; he succeeded Señor Jesús Haddad, assassinated by *GRAPO* guerillas, reportedly in revenge for Rueda's death. Señor Haddad had been in the process of drawing up a comprehensive reform plan for the entire prison system at the time of his death and Señor Garcia Valdés has declared that he intends to press ahead with this project.

Amnesty International continues to receive – and to be perturbed by – periodic reports of maltreatment of suspects and demonstrators by police and public order forces. However, they are fewer than in previous years and cannot be considered to suggest that torture is used systematically.

In April 1978, the Government announced its intention to present a draft Bill to abolish the death penalty. However, welcome though this is, Amnesty International is concerned at the harshness of the proposed penalties that would replace execution. Forty years' imprisonment would be the sentence for capital crimes and the Bill will stipulate that the prisoner could not be pardoned or amnestied until a minimum of 20 years of that sentence had been served.

Switzerland (the Swiss Confederation)

During 1977 – 78, Amnesty International's major concern in Switzerland continued to be the situation of conscientious objectors.

The deadlock in the long debate over the establishment of an alternative civil service for conscientious objectors was finally resolved in 1977 when a resolution to amend Article 18 of the Constitution was put to a popular referendum on 4 December. The proposal read "A person who on religious or ethical grounds cannot reconcile with his conscience the performance of military service in the army shall undertake alternative civil service of equal value. The details shall be regulated by law."

Amnesty International welcomed the proposal in so far as it was the first time that the establishment of the principle of alternative civil service had been suggested. Nevertheless, in some respects the proposal actually strengthened the principal anomaly in the existing system, by making no provision for conscientious objection to military service on grounds of political belief. Furthermore, the proposal was more limited in scope than the recommendation made by the Council of Europe on the matter.

The proposal was rejected in the referendum by a majority of 886,821 votes to 534,297.

The number of convicted conscientious objectors fell last year to 345, 25 of whom gave political reasons for their objection. The average length of sentence in Switzerland is about 8 months.

Amnesty International is also concerned by the reports about the conditions of prisoners who are kept in solitary confinement pending trial. The normal practice is for prisoners to be allowed contact with lawyers only after completion of the first interrogation by the examining magistrate; afterwards, they may be held in solitary confinement until their trial. They are, however, allowed to read books and papers and to listen to the radio, and they have adequate exercise. The

solitary confinement of those awaiting trial is justified by the authorities on the grounds of the need to stop prisoners colluding over evidence relating to the crimes with which they are charged and as a means of preventing them from escaping.

When there is a serious chance of prisoners escaping or becoming violent, strict security measures may be necessary. However, in Amnesty International's view, the need for security does not dispose of the authorities' obligation to detain prisoners in conditions which do not endanger their health and which do not interfere with their right to prepare and conduct a proper defence.

The problems involved in prolonged solitary confinement for reasons of security can be seen at their most acute in the case of Gabriele Kröcher-Tiedemann and Christian Möller, both members of the 2nd June Movement and both citizens of the Federal Republic of Germany. When they were stopped at a customs post in Switzerland in December 1977 to have their papers checked, they shot and wounded two policemen.

They were charged with attempted murder, complicity in murder, violence against state officials, endangering the lives of others, theft of passports, identity cards and driving licences, illegal entry into Switzerland, importing arms and related offences (Gabriele Kröcher-Tiedemann is wanted in the Federal Republic of Germany for other terrorist offences.)

Until their trial in June 1978, both were held in especially strict solitary confinement in Bern prison and went on hunger strike to get the special rules relating to exercise, visiting, smoking and access to information relaxed. Amnesty International is concerned that their health may be harmed by prolonged solitary confinement in such strict conditions.

Turkey (the Republic of)

Amnesty International's major concerns in Turkey during the period 1977 – 78 have been the existence of legislation contrary to international human rights standards, the imprisonment of non-violent political activists, the use of torture and the retention of the death penalty.

During the past year, there have been two changes of government in Turkey. No party got sufficient seats in the June 1977 elections to form a government, and it was not until August 1977 that Suleyman Demirel was able to obtain a vote of confidence for a coalition Government made up of members of the Justice Party, the National Salvation Party and the National Action Party. This Government lasted only until January 1978, when Mr Demirel resigned after losing a vote of confidence in the National Assembly. He was succeeded as Prime Minister by Bulent Ecevit, who formed a coalition Government from members of his own Republican People's Party, together with 10 independent members, two Republican Reliance Party members and one Democrat Party member.

The Republican People's Party is committed to the abolition of Articles 141 and 142 of the Turkish Penal Code, under which nearly all Amnesty International's adopted prisoners have been charged, and is in favour of the abolition of the death penalty.

In April 1978, the Chairman of Amnesty International's International Executive Committee, Thomas Hammarberg, together with the researcher responsible for work on Turkey in the organization's International Secretariat, had meetings in

Turkey with the Prime Minister, the Minister of Justice, Mehmet Can and the Minister of the Interior, Irfan Özaydinli. Subjects discussed during these meetings included the abolition of Articles 141, 142 and 163 of the Penal Code, the abolition of the death penalty, allegations of torture, prison conditions, missing people in Cyprus since the events of 1974 and the question of Turkey's ratification of the UN International Covenant on Civil and Political Rights and its agreement to the right of individual petition to the European Commission on Human Rights.

Although Amnesty International groups are still officially responsible for 34 adoption and investigation cases in Turkey, in June 1978 only four adoptees were actually in prison. Amnesty International's remaining 30 cases are of former prisoners who are either living under police surveillance in places designated by the authorities or are free while their trials continue. These are all people who have been charged under Articles 141 and 142 of the Penal Code (although some have also been charged under other articles) which prohibit forming organizations "aimed at establishing the domination of a social class over other social classes" and "making propaganda for the domination of a social class over other social classes". They are all left-wing activists and have for the most part been involved in the publication of left-wing newspapers and periodicals. Amnesty International knows of many other prosecutions under Articles 141 and 142 but the defendants are free while their trials continue.

Amnesty International knows of no prisoners charged under Article 163 of the Penal Code at the present time. This Article provides from two to seven years' imprisonment for "Whoever opposes secularism, forms or organizes, plans, manages or administers a society aiming, even partially, to impose religious principles on the basic social, economic, political or legal order of the state ..."

Since the closing of the State Security Courts in October 1976, because of a Constitutional Court judgment, trials of political prisoners have been conducted in the civil courts. The only complaints received by Amnesty International concerning trial procedures during the past year have been that, in some instances, prisoners have been moved to prisons at a distance from the places where their trials were being held, with the result that they have been unable to be present at their trials. This matter was raised in April 1978 with the Minister of Justice, who gave Amnesty International assurance that, in future, steps would be taken to ensure that prisoners were able to attend their trials.

In 1977, Amnesty International received allegations that left-wing activists had been tortured at police stations during interrogation. Methods used were said to have included electric shocks, beatings of the soles of the feet, extraction of fingernails, the application of lighted cigarettes to the body and beating with truncheons. In October 1977, an Urgent Action was undertaken by Amnesty International on behalf of a lawyer, Cemil Orkunoglu, after reports that he was being tortured. Allegations of torture of right-wing activist prisoners too were made by the National Action Party after the formation of the new Government in January 1978. When the question of torture was raised by Amnesty International's representatives during their meetings with the Turkish authorities in April 1978, they were assured that all future allegations of torture would be investigated.

Although Turkey retains the death penalty for some political and criminal offences, Amnesty International has heard of no executions during the past year – although this does not necessarily mean that none took place. Amnesty International is concerned about politically motivated killings by extreme left- and right-wing groups. There were over 200 of them during the first half of 1978.

United Kingdom (of Great Britain and Northern Ireland, the)

No prisoners of conscience were under adoption by Amnesty International in the United Kingdom during the period 1977 – 78, although the organization continued to take an active interest in the case of a former adoptee, Pat Arrowsmith.

Pat Arrowsmith was arrested in 1973 and served approximately nine months of an 18 months' prison sentence under the Incitement to Disaffection Act 1934. The charge against her was that she had distributed leaflets to troops, "endeavouring to seduce them from their duty or allegiance" in relation to service in Northern Ireland. Her application to the European Commission on Human Rights, alleging that her conviction was in violation of those articles of the European Convention on Human Rights which guarantee freedom of expression and freedom to manifest a belief, was declared admissible in May 1977. Pat Arrowsmith was represented by the Legal Adviser in the International Secretariat of Amnesty International and Howard Levenson, a solicitor, on behalf of the British National Council for Civil Liberties.

During the course of 1977, Amnesty International received serious allegations of maltreatment by members of the Royal Ulster Constabulary (RUC) of people arrested in connection with terrorist offences in Northern Ireland. On 28 November 1977, Amnesty International sent a mission to Northern Ireland to investigate these allegations. The members of the mission were Douwe Korff, a Dutch lawyer, Jorgen Kelstrup, a Danish doctor and Amnesty International member, and a member of the Research Department in the International Secretariat. The delegates were joined on 1 December 1977 by a second Danish doctor, Inge Lunde.

The mission stayed in Northern Ireland until 8 December 1977. While there, its members met the Deputy Secretary of State, a representative of the Attorney General's office, the Chief Constable and the Deputy Chief Constable of the RUC, the Head of the RUC Complaints Branch and members of his staff, members of the Police Federation of Northern Ireland, and the Director and Deputy Director of Public Prosecutions. In addition, it met the Chairman, Secretary and other members of the Northern Ireland Police Authority, doctors under contract to the Authority, members of the Police Surgeons' Association, and the Head of the Police Complaints Board. The mission was offered – and accepted – the opportunity to visit Castlereagh Police Holding Centre in Belfast, to which a large number of allegations of maltreatment related.

The delegates in addition obtained direct testimony from 52 people who alleged that they had been maltreated while in police custody, mostly during the course of 1977. The delegates examined medical reports on 13 of the 52 cases, and five people agreed (at the delegates' request) to have a further more thorough examination by the medical members of the mission. As well as obtaining testimony directly from the 52 people already mentioned, the delegates collected detailed information (including medical reports) about a further 26 cases of alleged maltreatment. The mission met doctors, lawyers and other individuals who were able to provide evidence relating to the allegations of maltreatment. It met also organizations concerned with civil liberties.

The report of the mission was forwarded to the British Government for comment on 2 May 1978. Amnesty International issued it on 13 June 1978, under the title *Report of an Amnesty International Mission to Northern Ireland (28 November – 6 December 1977).*

In the report Amnesty International concluded that suspected terrorists had been maltreated by the RUC sufficiently often to warrant a public inquiry into the matter. (The evidence presented to the mission did not suggest that uniformed members of the RUC were involved.) The mission found also that legal measures which have eroded the rights of suspects held in connection with terrorist offences have helped to create the circumstances in which maltreatment had taken place. In addition the evidence indicated that the machinery for investigating complaints of police assaults during interviews is inadequate.

On the basis of these conclusions, Amnesty International recommended to the Government that a public and impartial inquiry be established both to investigate the allegations of maltreatment, and to consider the rules relating to interrogation, detention and admissibility of statements, and the effectiveness of the machinery for investigating complaints against the police over assaults during interviews. The organization recommended also that, pending the establishment and the report of such an inquiry, immediate steps should be taken to ensure that people interviewed by the RUC on suspicion of terrorism were protected against possible maltreatment. Measures to this end should include right of access to lawyers at an early stage of detention.

On 8 June 1978, in response to Amnesty International's request for an impartial and public inquiry into the allegations of maltreatment the Government of the United Kingdom announced that, having examined Amnesty International's report, it had decided to set up an independent and public committee of inquiry into police practice and procedure in Northern Ireland as regards the interrogation of people suspected of terrorist offences. It would be within the terms of reference of the committee of inquiry to consider also the effectiveness of the machinery for dealing with complaints against the police, but not to review the rules relating to the admissibility of confessions in the special non-jury courts in which terrorism cases are tried in Northern Ireland.

The Government said also that individual allegations of maltreatment would not be investigated by the committee of inquiry. Instead, it invited Amnesty International to give to the Northern Ireland Director of Public Prosecutions (DPP) the names of the 78 people whose allegations of maltreatment were dealt with in the *Report* of the mission. The DPP would then examine these complaints with a view to prosecuting identified police officers if the evidence justified it. The Government stated that the DPP would furthermore report on the "general findings and conclusions" of his examination of these cases to the Government and the committee of inquiry.

In a public statement on 13 June 1978, Amnesty International expressed regret that the terms of reference of the Government's committee of inquiry did not include examination of individual complaints of maltreatment. It repeated its recommendation that a committee of inquiry be established which would have access to all relevant data regarding any individual complaints of maltreatment, not only those made by the 78 people whose testimony is in the Amnesty International *Report.* In particular, the committee should have direct access to police doctors' reports and to the complaints files of the DPP, and should not have to rely on a report of the general findings and conclusions of the DPP. Amnesty International further proposed that provision should be made for members of the public to testify in private before the committee, and called for the full report of the committee to be made public. The Government subsequently stated that it would not change the terms of reference of the committee as set out in its statement of 8 June.

On 18 June, following the kidnapping the previous day of a police constable, William Turbitt, who had been wounded in an ambush by the Provisional Irish Republican Army (IRA),* and the abduction of a Roman Catholic priest, Father Hugh Murphy, by a Protestant para-military group as hostage for the return of the constable, Amnesty International issued a statement appealing for the release of the two men and condemning the kidnappings and threats to maltreat and kill the victims. The priest was subsequently released unharmed, but on 20 June the IRA announced that the police constable had been "executed" for his role in the "British war machine". Post mortem examination of Constable Turbitt's body indicated that he died soon after capture of the wounds inflicted on him in the ambush.

On 18 January 1978, the European Court of Human Rights judged that interrogation practices used by the security forces of the United Kingdom in Northern Ireland in 1971 were "inhuman and degrading" but not "torture". This reversed a ruling by the European Commission on Human Rights that these practices constituted "torture". Following this judgment, Amnesty International, which in 1971 had condemned these interrogation techniques as "torture", issued a statement expressing concern and disappointment that the European Court had arrived at this decision despite its own stated consideration that "the five techniques were applied in combination, with premeditation and for hours at a stretch. They caused, if not actual bodily injury, at least intense physical and mental suffering ... and also led to acute psychiatric disturbances during interrogation."

On 17 May 1978, Amnesty International wrote to the Secretary of State for Northern Ireland regarding conditions in Long Kesh (Her Majesty's Prison The Maze), Northern Ireland, where over 300 prisoners convicted of terrorist offences are carrying out a prolonged protest in order to be granted "political" status. The prisoners concerned refuse to wear prison uniform or do prison work and have consequently been confined for prolonged periods in cells, with no exercise and no reading or writing or other occupation. They are now refusing to clean their cells or use the proper facilities for hygiene. Amnesty International is investigating the situation.

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*The military wing of the Republican movement which opposes British rule in Northern Ireland and supports a reunification of Northern and Southern (the Republic of) Ireland. They resort to terrorism in order to achieve this aim.

Union of Soviet Socialist Republics (the) (USSR)

The USSR Supreme Soviet promulgated a new Constitution in October 1977 to replace the one which had been in effect since 1936. In a submission to the

United Nations Human Rights Committee in January 1978, the Soviet Government said that the new Constitution "fully guarantees and ensures the practical implementation in the Soviet Union of all the principles enshrined in the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other international instruments of the United Nations concerning human rights". In Amnesty International's view, the new Constitution, like that of 1936, institutionalizes restrictions on Soviet citizens' human rights.

Article 34 of the 1977 Constitution proclaims that citizens of the USSR are equal before the law "without distinction as to origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other status". This Article repeats almost verbatim the proclamation of non-discrimination in Article 26 of the International Covenant on Civil and Political Rights. It is most significant, however, that Article 34 of the USSR Constitution deviates from the United Nations model by not prohibiting discrimination on grounds of "political or other opinion".

Article 36 of the new Constitution, which opens the chapter dealing with the rights and duties of Soviet citizens, states that citizens may not exercise their rights "to the detriment of the interests of society or the state". Other articles make plain that it is not the individual but official bodies which determine "the interests of the state".

According to Article 50, Soviet citizens are guaranteed freedom of expression in various forms. However, as in the 1936 Constitution, this guarantee is prefaced by the statement that these rights are guaranteed "in accordance with the interests of the people and in order to strengthen and develop the socialist system". The right to freedom of association (Article 51) has a similar preface. There is no reason to doubt that Soviet judicial and other authorities will continue to maintain that the prefacing statement restricts the manner in which these rights may be used.

Article 52 states that Soviet citizens are guaranteed "the right to conduct religious worship or atheistic propaganda". Just as in the 1936 Constitution, the choice of words signifies that religious believers do not have the right to conduct religious propaganda. In law and in practice (see below), this entails restrictions on the right of believers to preach their religious views and to instruct their children in religion.

Article 62 states in part: "Defence of the Socialist Motherland is the sacred duty of every citizen of the USSR". Nowhere in the Constitution is provision made for those who, for reasons of conscience, are unwilling to do military service – for example, members of some of the country's religious denominations and Jewish would-be emigrants.

These and other provisions of the Constitution evidently entail the retention of penal and other legislation permitting the imprisonment of Soviet citizens solely for exercising their human rights. Amnesty International has in the past publicly called on the Soviet authorities to repeal such laws. (See the Introduction to the 1975 Amnesty International report *Prisoners of Conscience in the USSR: Their Treatment and Conditions.*) However, in the above-mentioned submission to the United Nations Human Rights Committee, the Soviet Government referred to the "highly developed character of Soviet legislation relating to human rights and freedoms" and indicated that domestic legislation would not be changed as regards the country's internationally-assumed human rights undertakings.

In the past year (July 1977–June 1978), Amnesty International has learnt of new cases of prisoners of conscience convicted under articles of criminal law which prescribe imprisonment specifically for the exercise of human rights: in particular "anti-Soviet agitation and propaganda" (Article 70 of the RSFSR Criminal Code), "dissemination of fabrications known to be false which defame the Soviet state and social system" (Article 190–1) and "violation of the laws on separation of church and state and of school and church" (Article 142), under which it is, among other things, an offence to teach religion to children "in an organized way".

The *Amnesty International Report 1977* pointed to a possible trend away from application of Article 70 and in favour of the less severe Article 190–1. However, a number of cases in the past year, particularly those of arrested members of the "Helsinki monitoring" groups, caution against optimism about this. Eighteen of the approximately forty-five "Helsinki monitors" were arrested and subjected to criminal proceedings between February 1977 and June 1978. Of the twelve tried and sentenced by June 1978, seven have been tried on charges of "anti-Soviet agitation and propaganda" and received sentences of between six and 15 years of imprisonment and exile. Four of the others who are still awaiting trial are believed also to face charges of "anti-Soviet agitation and propaganda".

The trial of the Ukrainian "Helsinki monitors", Mykola Rudenko and Oles Tikhy, is representative of the charges and of courtroom procedure in trials for "anti-Soviet agitation and propaganda". Both men were held incommunicado for the five months before their trial. Their families were informed of the date and place of the trial only after the week-long court proceedings had begun. Mykola Rudenko's relatives were allowed into the courtroom only after a one-day delay; Oles Tikhy's sister was not allowed in. Several dissenters who travelled from other cities to attend the trial were made to go home; one was detained for several days. Mykola Rudenko and Oles Tikhy were not allowed to choose their own defence counsel. The court appointed a lawyer for each of them, who said in court that their clients were "guilty". Both men were charged with writing, possessing or distributing essays, poems, letters and books of "anti-Soviet content" for more than a decade. They were charged with writing, among other things, documents issued by the Ukrainian "Helsinki monitoring" group in which there were charges of human rights violations in the USSR. Oles Tikhy was charged not only with "anti-Soviet agitation and propaganda" but also with "illegal possession of a firearm", described in court as "an old German rifle, rusted almost through" which had been thrown away by retreating German forces during the Second World War and kept by Tikhy's brother. Both men were found guilty and sentenced to the maximum punishment: seven years' strict régime imprisonment and five years in exile for Mykola Rudenko, and ten years' special régime imprisonment and five years in exile for Oles Tikhy. His sentence was the more severe because the court took into account the fact that he had previously been convicted of anti-Soviet agitation and propaganda. This court ruling was illegal because, according to Soviet law, Tikhy was protected by limitation from further penalties for his earlier conviction.

Charges brought against other "Helsinki monitors" illustrated the authorities'

readiness to charge dissenters with ostensibly non-political offences. Grigory Goldstein, a Jewish would-be emigrant and member of the Georgian "Helsinki" group, and Pyotr Vins, a member of the Ukrainian group and son of the Baptist prisoner of conscience, Georgy Vins, were both sentenced to one year's imprisonment on charges of "parasitism": that is, for not having paid employment for at least four months in any year. Shagen Arutyunian of the Armenian "Helsinki" group was sentenced in January 1978 to three years' imprisonment on charges of "resisting the police". Malva Landa of the Moscow "Helsinki" group was tried in May 1977 and sentenced to two years in exile on charges of damaging property by negligently causing a fire in her own flat. Vladimir Slepak, a leading campaigner for the right of Jews to emigrate, was sentenced in June 1978 to five years in exile for "hooliganism". Anatoly Shcharansky, another leader of this campaign and a member of the Moscow "Helsinki" group, is, at the time of writing, awaiting trial for "treason" and faces up to fifteen years' imprisonment or even the death penalty.

Amnesty International groups worked on the cases of all the arrested "Helsinki monitors" and throughout the year has distributed information about them from the International Secretariat. An Urgent Action was undertaken in an attempt to prevent the arrest of Grigory Goldstein. Amnesty International also asked the Soviet authorities to allow it to send observers to the trials of Alexander Ginzburg, Yury Orlov and Anatoly Shcharansky, but received no reply.

Protestant religious believers formed the largest category of newly-adopted prisoners of conscience during the past year. Congregations of believers in the USSR are required by law (in particular the 1929 law on Religious Association, which was reissued with some amendments in June 1975) to register with the authorities and to accept numerous restrictions on their religious activities. In particular, they are not allowed to give children religious instruction nor to try to make converts. Many Baptists, Pentecostalists and Seventh Day Adventists refuse to be bound by these official restrictions and are in breach of the law. Throughout the year, Amnesty International received reports of arrests and trials of religious believers. Four Baptists (David Koop, Ivan Leven and the sisters Larissa and Ludmilla Zaitseva) were arrested near Leningrad in March 1977 after a police search discovered in their possession equipment and stocks for printing religious literature. They were all tried in November 1977 and sentenced to terms of imprisonment ranging from three to five years. Yakov Jantsen and Iran Schlecht were tried in the town of Kant in Kirghizia in July 1977 and sentenced to three years' imprisonment for "teaching religion to children in an organized way". In November and December respectively, Grigory Kostyuchenko and Ivan Antonov were each sentenced to one year's imprisonment for "parasitism". They had been working as pastors for unregistered Baptist congregations, which the courts did not regard as "socially useful labour".

As in the past, there is much less detailed and up-to-date information about the Pentecostalists and Seventh Day Adventists, who are constantly subjected to official persecution, than about the Baptists. During the past year, however, the prolonged isolation of these groups has to some extent ceased and more information on individual cases has become available, largely because of the activities of the "Helsinki" monitoring groups. Most of the Pentecostalists and Seventh Day Adventists adopted by Amnesty International as prisoners of

conscience are imprisoned for refusing on conscientious grounds to perform obligatory service in the armed forces.

Other recently arrested members of these religious groups have been imprisoned on apparently false criminal charges, usually in connection with their efforts to emigrate (in the cases of Pentecostalists) or for possessing privately produced religious literature (in the cases of Seventh Day Adventists). The most prominent Seventh Day Adventist to be arrested in the past year was Vladimir Shelkov, the eighty-three-year-old leader of the unregistered Seventh Day Adventists in the USSR. He was arrested in March 1978 after many years in hiding. At the time of writing, his fate is not known to Amnesty International.

During the past year, Amnesty International has prepared and distributed information about all three of these religious groups as well as about imprisoned members of the True Orthodox Church – a fundamentalist offshoot of the Orthodox Church, a number of whose members are serving long prison sentences for "anti-Soviet agitation and propaganda". Protestant and Jewish prisoners of conscience were the subject of an Amnesty International paper on the imprisonment of conscientious objectors to military service. At the time of writing, the organization is preparing an international campaign on behalf of Protestant prisoners of conscience.

Among those adopted as prisoners of conscience during the past year are people imprisoned for trying to emigrate (including Jews, Germans, and Ukrainians), for writing books or leaflets whose content was disapproved of by the authorities and for expressing nationalist sentiments (Lithuanians and Ukrainians in particular).

Amnesty International is still concerned at the treatment of inmates of corrective labour institutions. Since the publication of *Prisoners of Conscience in the USSR: Their Treatment and Conditions,* there has been no noticeable amelioration of the principal forms of ill-treatment described in the report: chronic hunger, overwork in difficult conditions, inadequate medical treatment, arbitrary deprivation of the very limited rights to correspondence and family visits. Whereas previously Amnesty International focused on Vladimir Prison as the penal institution most notorious for the ill-treatment of political prisoners, in the past year the organization has turned its attention increasingly towards the "special régime" camp in Mordovia. "Special régime" is the most severe of the four categories of corrective labour colony (or "camp") in the USSR.

Like prison inmates, prisoners in the Mordovian special régime colony are kept in cells and given inadequate rations. At the same time, they are required to work in more difficult conditions. The political prisoners in this colony work at polishing glass, and their friends and relatives say that the abrasives and other materials used in the industrial process are a danger to health, especially as there is inadequate ventilation and a lack of fresh air. In late 1977, the Moscow *samizdat* (i.e., unofficially produced and uncensored) human rights journal *A Chronicle of Current Events* reported that, in the preceding three years, six prisoners in the colony under the age of 50 had died in ways related to their conditions of detention: three died of tuberculosis, one committed suicide after learning that he had tuberculosis, one died of a heart attack and one from a perforated stomach ulcer for which he had received inadequate medical treatment. Writings smuggled out of the colony by political prisoners tend to confirm that there is a high mortality rate there, although none of the prisoners previously known to Amnesty International

is among those who have died. According to reports from the Mordovia special régime colony, there are frequent beatings of political prisoners and official provocations intended to destroy their solidarity and reduce their morale.

Prisoners of conscience in other colonies regularly complain of similar ill-treatment, particularly in the strict régime colonies elsewhere in Mordovia and in Perm region. A high proportion of the inmates in the latter colonies are prisoners of conscience. With regard to prisoners of conscience serving their sentences elsewhere, in colonies containing few political prisoners, Amnesty International is concerned by reports of official harassment of religious believers and encouragement of anti-Semitism towards Jewish prisoners.

Of major significance was the September 1977 congress in Honolulu of the World Psychiatric Association (WPA), which adopted resolutions condemning political abuses of psychiatry wherever they occurred, naming the USSR as an offender and authorizing the setting up within the WPA of a committee to examine complaints of politically-motivated abuse of psychiatry. Amnesty International had passed on relevant information to participants in the congress.

The confinement of Soviet citizens in psychiatric hospitals for exercising their human rights rather than for authentic medical reasons continued after the WPA congress. Twenty people are known to have been thus confined between the WPA congress and June 1978, and many who had been confined earlier are still held in psychiatric hospitals. Many of those subjected to this treatment during the past year were kept in psychiatric hospitals for relatively short periods: from a few days up to one or two months. However, some recent victims were ordered to be confined for longer periods. For example, in November 1977, a court in Kaluga, south of Moscow, ordered Vladimir Rozhdestvov to be confined indefinitely in a special (that is, maximum security) psychiatric hospital. The court ruled that he had slandered state and social institutions in conversations with acquaintances. It also accepted the recommendation of an officially-appointed psychiatric commission that Rozhdestvov be confined in an institution for "especially dangerous" mentally ill offenders, although there was no indication that he was either violent or dangerous. He has been adopted by Amnesty International as a prisoner of conscience and the organization has distributed detailed information about his case.

In the latter part of 1977, Joseph Tereliya, a Ukrainian dissenter, was put in a special psychiatric hospital too. He had previously spent four years in the Sychyovka Special Psychiatric Hospital after being convicted of "anti-Soviet agitation and propaganda". After his release in 1976 he wrote an "Open Letter" to Yury Andropov, head of the KGB (*Komitet Gosudarstvennoy Bezopasnosti* – the Committee for State Security), describing the systematic ill-treatment of inmates of this institution (see the *Amnesty International Report 1977*). He was detained again in April 1977, and in July 1977 a court ordered that he be confined in a special psychiatric hospital. His wife, a doctor, was not informed at any stage of these proceedings. She has asserted that her husband does not need to be in a psychiatric hospital. In September 1977, Joseph Tereliya was transferred to the Dnepropetrovsk Special Psychiatric Hospital in the Ukraine. He has been adopted by Amnesty International as a prisoner of conscience.

The ill-treatment of political and other inmates of Soviet psychiatric hospitals continues to be a matter for concern. According to their friends and relatives, both Vladimir Rozhdestvov and Joseph Tereliya have been subjected to treatment with powerful drugs during their current period of confinement.

Since the beginning of 1977, an unofficial group in Moscow called the Working Commission for the Investigation of the Use of Psychiatry for Political Purposes has made known many cases of psychiatric confinement for political reasons. (See the *Amnesty International Report 1977*.) By May 1978, this group had produced eight periodicals – "Information Bulletins" – (running to about 200 pages in all) and made numerous appeals to the Soviet authorities about particular cases. Individual members visited psychiatric hospitals to intercede in person for imprisoned dissenters, and the group's psychiatrically qualified members provided diagnoses of dissenters who feared that they might be forced by the authorities to have psychiatric treatment.

All the Working Commission's members have been questioned by the police, had their homes searched and been harassed in other ways since the group was formed. One member, Alexander Podrabinek, the author of a *samizdat* book on the abuses of psychiatry entitled *Punitive Medicine*, was throughout 1977 threatened with imprisonment. From October 1977 onwards, he was followed everywhere by groups of up to 10 KGB officers. In October 1977, Amnesty International members took part in an Urgent Action to try to prevent his being arrested. In December 1977, both he and his brother Kirill were warned that they would be imprisoned if they did not leave the country within a month. After Alexander Podrabinek announced that he would not emigrate, Kirill was arrested on 29 December 1977 on charges of "illegal possession" of some small-calibre sporting bullets and an underwater harpoon.

Alexander Podrabinek and a number of other Soviet human rights activists have publicly stated that the authorities are holding Kirill Podrabinek as "a hostage" to prevent his brother taking part any more in attempts to expose abuses of psychiatry. In early March, Kirill was sentenced to two-and-a-half years' imprisonment.

In May 1978, Alexander Podrabinek himself was arrested. He is reportedly charged with "dissemination of fabrications known to be false which defame the Soviet state and social system".

Another member of the Working Commission, Felix Serebrov, was sentenced to a year's imprisonment late in 1977 on a charge without judicial foundation of falsifying his personal labour book.

Throughout the past year, Amnesty International has prepared and distributed throughout the world documents describing psychiatric abuses in the USSR, the most notable of them a detailed summary of Alexander Podrabinek's *Punitive Medicine*. Amnesty International stated that it regarded the book as an important new source of information and understanding.

Important information about the extent of psychiatric abuse in the USSR came in late 1977 and early 1978 from a group of unemployed workers from various parts of the country who tried, in February 1978, to form an independent trade union. They said that they had combined in order to protest against violation of their labour rights and of their right to freedom of expression. They talked to foreign correspondents about their activities only at the end of 1977, after almost two years of unsuccessful approaches to the Soviet authorities.

Subsequently, at least ten of the members of this group were detained by the

police. Four were put in psychiatric hospitals. Three of these were released after a few days, but one, Yevgeny Nikolyev, who was sent to a psychiatric hospital in mid February 1978, is believed still to be confined there at the time of writing. In mid April friends of his said that he had been treated with a drug "which made him apathetic". Another member of the group, Valentin Poplavsky, was sentenced in mid May 1978 to a year's imprisonment for "parasitism". Two other members, the group's leader Vladimir Klebanov and Gavriil Yankov, were still in custody at the time of writing after being arrested in February 1978.

In mid February 1978, Amnesty International received the originals of a number of documents from the workers' group. Some were addressed to the International Labour Organization (ILO) in Geneva, and so Amnesty International forwarded them to that body. Amnesty International also initiated a campaign to persuade trade unionists outside the USSR to intercede on behalf of prisoners of conscience belonging to the workers' group and to get their treatment investigated. In May 1978, two major international trade union bodies, the World Confederation of Labour and the International Confederation of Free Trade Unions, let it be known that they would submit formal complaints about this matter to the International Labour Organization. The ILO announced that it would investigate the complaints.

Amnesty International learned from the official Soviet news media of 25 death sentences passed during the year under review. Most were for violent crimes, including war crimes committed during the Second World War. Amnesty International initiated an Urgent Action on behalf of one person, Valentin Shimko, who was sentenced to death in early 1978 for causing the death of a number of people through drunken driving. Amnesty International also gave wide publicity to a statement by Academician Andrei Sakharov in which he called for the abolition of the death penalty everywhere and estimated that each year several hundred people are sentenced to death in the USSR. Amnesty International had invited Andrei Sakharov to its International Conference on the Abolition of the Death Penalty in Stockholm in December 1977, and he had asked that the statement be submitted to the Conference in his absence.

Amnesty International campaigned also for the release of prisoners of conscience under the amnesty decreed by the Soviet authorities in November 1977 to mark the sixtieth anniversary of the October Revolution. The amnesty excluded virtually all categories of prisoners of conscience from being considered for release. Subsequently, Amnesty International learned that one prominent dissenter, the "Helsinki monitor" Malva Landa, was released under the amnesty and that several prisoners of conscience had had their sentences changed from imprisonment to "corrective labour without imprisonment". During the past year, Amnesty International groups worked on behalf of approximately 350 prisoners as adoption or investigation cases in the USSR.

Yugoslavia (the Socialist Federal Republic of)

An amnesty decree which came into force on 29 November 1977 affected a considerable number of prisoners of conscience whose cases had been taken up by Amnesty International between 1972 and 1976.

A new Penal Code came into force in Yugoslavia in July 1977, replacing the 1952 Code and coming into line with the provisions of the most recent Constitution, which came into force in 1974. In accordance with the policy of devolution of administrative and legislative power, ordinary crimes now fall within the jurisdiction of the six constituent Republics and the two autonomous regions of the Federation. Jurisdiction over political offences, known as "criminal offences against the fundamental tenets of the socialist self-managerial social order and the security of the Socialist Federal Republic of Yugoslavia", is still at federal level. Although Amnesty International has urged the Yugoslav authorities to amend or delete articles which prescribe imprisonment for the non-violent exercise of freedom of expression, under the new Penal Code this is still an offence. In the Code, the total number of offences carrying the death penalty has increased from 40 to 44.

Trials of prisoners of conscience took place both before and after the November 1977 amnesty. Apparently, however, the number of people who have received prison sentences as a result of what were clearly political charges, such as "hostile propaganda", "association with hostile groups abroad" and "incitement to national hatred" has decreased. Most of the new cases taken up by Amnesty International during the past year (July 1977 – June 1978) have been of Croats, although the organization has received information that a number of Albanians from the Kosovo region of Yugoslavia were tried for publicly expressing discontent at the treatment of the Albanian ethnic minority.

Amnesty International adopted Dr Nikola Novakovic, a former member of *Hrvatska Seljacka Strana* – the Croatian Peasant Party in exile – who was arrested by the UDB (Department of State Security) in March 1977. For more than four months before his trial, Dr Novakovic was kept in solitary confinement. He was tried on 3 August 1977 by the district court of Sarajevo on charges of "establishing contacts with hostile groups abroad" and "disseminating hostile propaganda". He was accused of helping to draft the Party's program after 1962, while travelling in England, the Federal Republic of Germany and other European countries. He denied this and stated that while abroad he had visited former colleagues and discussed political, social and cultural issues privately but had never participated in the drafting of "hostile political programs". Dr Novakovic refuted the "hostile propaganda" charge by pointing out that the Yugoslav Constitution guarantees freedom of expression, which includes a public exchange of critical views on the country's economic and political system. The charges brought against Dr Novakovic provided no explanation as to why he was not detained until 1977 even though the charges related to activities as long ago as 1962. He was found guilty and sentenced to twelve years' imprisonment. He was adopted as a prisoner of conscience by Amnesty International and is at present serving his sentence in the prison in Zenica, north west of Sarajevo.

Other non-violent political defendants tried during 1977 and 1978 included Mato Rajic, a fifty-three-year-old Croatian lawyer from Sarajevo, and Stejpan Brajkovic, a forty-six-year-old Roman Catholic priest from Mostar. Both were sentenced to five years' imprisonment, having been charged with "hostile propaganda" because they had written letters complaining about restrictions on national and political rights in Yugoslavia and because they had made derogatory remarks in public about President Tito. Two young Croatians from Mostar (both aged twenty-two) were sentenced in 1977 to fourteen months' and twelve months' imprisonment respectively for singing the pre-war Croatian national anthem

at a village party. They were charged with "inciting national, racial or religious hatred".

Dzemal Zulic, a thirty-one-year-old Muslim from Bosnia-Hercegovina, was arrested in July 1977 on arrival from the Federal Republic of Germany where he had been a migrant worker. He was arrested in the village of Trnopolj, which was cordoned off by armed police and state security troops. Reportedly, many villagers were intimidated and members of Dzemal Zulic's family were interrogated for several hours. He was arrested, apparently, on the basis of a report written by a UDB officer in the Federal Republic of Germany, saying that he had been associating with Croatian extremists in exile. At his trial in Banja Luka in Bosnia-Hercegovina, he was charged with being a member of a terrorist organization. According to information received by Amnesty International, no evidence was given that he had taken part in terrorist or other criminal activities. He was also charged with having "hostile *émigré* papers" in his possession. He was initially sentenced to nine years' imprisonment, which was reduced to three years' under an amnesty in November 1977.

A twenty-two-year-old Croatian electrician, Anton Brkic, was tried by the district court of Slavnoska Pozega in March 1978 on charges of "hostile propaganda" and sentenced to three years' imprisonment. The reason given for his arrest by the court was his possession of Croatian *émigré* publications, some of which are no longer in print.

Amnesty International is still concerned about Yugoslavs of Albanian origin who were tried and sentenced to long terms of imprisonment in Pristina in 1976 for accusing the Yugoslav Federal authorities of discrimination against the Albanian minority. Information available to Amnesty International suggests that they were imprisoned, not for engaging in any violent separatist activities in order to "overthrow the Yugoslav régime", as stated by the court, but for the non-violent exercise of their human rights. The trial of Professor Adam Demaci and his friends (mainly young students at the University of Kosovo) took place in mid January 1976. The defendants were charged with "association against the People and the State", "hostile propaganda" and "crimes endangering the territorial integrity and the independence of the state". The students had apparently met regularly at the home of Adam Demaci, a Marxist professor, linguist and poet, and discussed a petition for a referendum which they planned to submit to the Yugoslav authorities. The proposal for the referendum was that the Albanian minority be given more political and economic rights; it was based on the allegation that the political leadership in Kosovo is dominated by Serbian nationals, even though most of the population is Albanian. The leaflets produced by the group advocating these ideas were confiscated by the UDB. Professor Demaci, the leader of the group, was sentenced to fifteen years' imprisonment and the rest of the defendants to terms ranging from three to twelve years. Professor Demaci had previously served thirteen years in prison, when he had been adopted by Amnesty International as a prisoner of conscience.

Certain aspects of prison conditions in Yugoslavia give cause for concern. In past years, there have been repeated allegations that members of the country's Albanian minority are especially liable to maltreatment. The region of Kosovo, where over one million Albanians live, does not have a penitentiary for convicted adult offenders and Albanian prisoners are sent to serve their sentences in

other parts of the country. The Yugoslav authorities have still not completed the building of a prison in the Kosovo region, as requested some years ago by officials in the region. Several prison riots have taken place because of this situation. In one of them, in Spuz prison, three of the Albanians who had been imprisoned for participating in a nationalist demonstration in Kosovo in 1976 – Isa Kastrati, Nijazi Korca and Zijadin Spahui – were wounded by gunfire from prison guards in the summer of 1977. Amnesty International is investigating the circumstances of this riot. In November 1977, another riot by Albanian prisons in Pozarevec prison in Serbia, led to four Albanian prisoners, A. Seferai, M. Milaim, D. Djerdj and R. Afim, being sentenced to death. Another riot involving Albanian prisoners took place in April 1978 in Belgrade prison. The rioters alleged that they had been systematically beaten by Serbian prison guards who tried to force them to make self-incriminating statements.

The health of some prisoners of conscience adopted by Amnesty International is also of concern to the organization. In May 1978, Amnesty International appealed for the release, on health grounds, of Davor Aras, a university professor serving a six-and-a-half-year prison sentence for expressing views on the Croatian national issue – views which did not involve the use of violence. Although the authorities told Amnesty International's mission to Yugoslavia in 1976 (see *Amnesty International Report 1977*) that prisoners were kept in solitary confinement for no longer than 25 days on end, there have been allegations that Professor Aras (and a number of other political inmates of Croatian prisons) have been held in solitary confinement for periods of up to one year. Professor Aras has been working in the painting section of the furniture factory in Lepoglava prison and has, apparently, as a result contracted inflammation of the lungs. He suffers from a number of ailments, including dormant tuberculosis and heart trouble.

Amnesty International received further allegations during the past year that Yugoslav citizens living abroad and actively opposing the present Yugoslav régime have been kidnapped by members of the UDB. Mileta Perovic, the fifty-four-year-old Secretary General of the underground "Cominform" Party claimed at his trial in January 1978 in Belgrade that he had been kidnapped by UDB agents in Switzerland in July 1977 after spending 20 years in exile. He was found guilty of "counter-revolutionary activities" and sentenced to twenty years' imprisonment. Other members of the Cominformist group who are said to have been kidnapped during the past three years include Alexander Opojevic, Colonel Vladimir Dapcevic and Djoka Stojanovic.

On 29 November 1977, Yugoslavia's National Day, an amnesty was announced which affected 218 political prisoners and 356 people whose cases were being investigated or against whom charges had been brought before the amnesty. Thirteen prisoners whose cases had been taken up by Amnesty International were released under the amnesty and 20 others had their sentences reduced. Amnesty International appealed to the Yugoslav authorities before the date of the amnesty to review all their cases and include them in the amnesty.

Amnesty International learned that Miljenko Hrkac, a thirty-one-year-old Yugoslav citizen who had been sentenced to death four times by Yugoslavian courts between 1969 and 1975, died in prison at about the end of 1977. He had been convicted of belonging to a Croatian right-wing organization abroad and of

having planted a bomb in Belgrade in the summer of 1968, thereby causing the death of one person and serious injuries to a young child. It is not known whether he was executed or whether he died as a result of the strain, both physical and mental, caused by his long period under sentence of death, most of it spent in solitary confinement; both explanations have been put forward. Before his death, it is reported that his weight was half what it had been before he went to prison, that he had lost all his hair and had developed some symptoms of psychological disorder.

In November 1977, four Albanian (Kosovan) prisoners were sentenced to death in connection with a prison riot in Pozarevec. Amnesty International does not know of their subsequent fate.

During the past year, Amnesty International groups have been working for 86 Yugoslav prisoners, as either adoption or investigation cases.

The Middle East and North Africa

During 1977-78, the inadequacy of basic legal safeguards, particularly in respect of detention and trial procedures, has remained the focus of much of Amnesty International's attention in the Middle East. Many of the political prisoners in the area are held without trial. In Iraq, continuing acts of sabotage by the Kurdish armed forces have been followed by the arrest and detention of hundreds of "hostages"—men, women and children related to the alleged Kurdish "saboteurs" who have themselves escaped arrest. These detainees have been the subject of a press release and of action by Amnesty International groups. In Morocco the problem of detention incommunicado for as long as two years before trial was emphasized in a Briefing Paper published in October 1977. In the People's Democratic Republic of Yemen, where information about individual prisoners is difficult to obtain, Amnesty International has adopted a detention center where almost all the inmates are political cases and where not one has been tried.

The subject of detention without trial was taken up with the governments of Syria and Jordan during a high-level mission to these countries in March 1978. In Syria almost all political prisoners are held without trial: Amnesty International is working on behalf of 86, one of whom has been held for 21 years. In addition, administrative detention in Israel and the Occupied Territories was the subject of a group-level campaign in May 1978, to mark the 30th anniversary of both the founding of the State of Israel and the Universal Declaration of Human Rights.

When political detainees are brought to trial in the Middle East, they are very often tried by military or "special" courts, and the trials are often held *in camera.* In Iraq, for example, almost all political cases are tried in secret by special courts, and since advance notice of these trials is seldom given publicly, Amnesty International has been unable to observe a political trial there. In Iran, too, political cases have always been referred to military courts and military trial procedures have been severely criticized as not affording a fair trial, even with the amendments to the Military Code which were introduced in November 1977. In 1978, however, Amnesty International was informed that some political cases had been referred to civilian courts.

In March and April 1978 Amnesty International sent two observers to attend three different trial hearings in Egypt in both state security courts and military courts. Developments in Egypt over the past year have been a cause of concern: President Sadat has continued to exercise the power over the judiciary given him under the State of Emergency legislation, by referring certain political cases to military courts and by referring for retrial one group of political detainees who had previously (by a court decision in 1976) been acquitted. In January 1978 Amnesty International was refused permission to send an observer to the military

trial of two citizens of the Federal Republic of Germany (FRG) and three Palestinians, detained in Israel since January 1976 in connection with an attempt to shoot down an El-Al aircraft in Nairobi (Kenya). Amnesty International was later informed that representatives of the Embassy of the Federal Republic of Germany and of the International Committee of the Red Cross were to be allowed to observe the trial.

As regards torture, there have been two positive developments this past year. It is reported that there has been a decrease in the use of torture in Iran, and the Israeli Government has agreed to allow the International Committee of the Red Cross to visit detainees within 14 days of arrest, even if they are still being interrogated: previously suspects were allowed visits only when interrogation was over. However, allegations of torture have been received from both these countries, as well as from Syria, Egypt, Tunisia, Jordan, Morocco and Iraq. For the first time for many years Amnesty International received a detailed first-hand report of torture in Lebanon, and a medical report on an ex-detainee who had been tortured in Syria was submitted to the Syrian Government.

Reports of poor conditions and overcrowding in prisons have been received from Jordan, Morocco, Iran, Israel and Tunisia. Prisoners in Iran and Morocco staged hunger strikes in protest at prison conditions. A prisoner in Israel whose health was reported to be suffering as a result of conditions in prison, was the subject of an Amnesty International Urgent Action campaign. He was later released.

In Iraq the number of reported executions continues to be extremely high: exact numbers are not known, as executions are usually carried out in secret, but the names of over 200 Iraqis executed since January 1977 have been collected and submitted to the Iraqi Government. Most of them were Kurds executed for political or military involvement in the Kurdish Revolution. In Iran, on the other hand, the number of official executions for political reasons appears to have diminished: during the past year two executions were reported, one for espionage, the other for political killings. Executions have also been reported in Egypt–for sabotage; in Syria–for murder; in Saudi Arabia–for murder, kidnapping and rape, and for adultery. In Algeria the death sentence was passed in May in a case of attempted murder and Amnesty International appealed for the sentence to be commuted on humanitarian grounds. In Israel the death sentence passed in a case of sabotage was commuted. In Jordan death sentences were passed *in absentia* for the selling of land now occupied by Israel.

At the time of writing, Amnesty International groups are working on behalf of 852 prisoners in the Middle East, including prisoners from Morocco, Tunisia and Algeria, countries which, together with Mauritania and the region of the Western Sahara, have this year become the responsibility of the Middle East region in the Research Department in the International Secretariat. New cases have been taken up in Syria, Israel, Iran, Egypt, Tunisia and Morocco, and in Jordan (for the first time), while the first adoption of an entire prison in the Middle East has been taken up in the People's Democratic Republic of Yemen. Certain countries, such as Bahrain, Iraq and Libya, have remained largely unchanged as far as the adoption program is concerned, although other group level and diplomatic initiatives have been taken with regard to them. Amnesty International still has little information about individual prisoners in Saudi Arabia, the Yemen Arab Republic and the Arab Gulf States (excepting Bahrain).

Reports have just been received by Amnesty International that over 100 Saharaoui civilians have been arrested and detained by Moroccan forces in the region of Al Aiun, the capital of the Western Sahara, and Amnesty International is making efforts to investigate the situation of those detained. In Lebanon the organization has no adopted prisoners, although the cases of 44 people reported to have been arrested in Lebanon have been taken up with the Syrian authorities since they–among several hundred others–are believed to have been abducted by Syrian security forces and imprisoned in Syria. In Oman Amnesty International still has only one adopted prisoner–Murad Abdul Wahab–sentenced to ten years' imprisonment after being deported from Bahrain. Amnesty International has been told of other political prisoners in Oman but there is insufficient information to establish whether they are prisoners of conscience or not. In Algeria work continues for Amnesty International's only prisoner there, Ahmad Ben Bella, who has been under house arrest since 1965. He was the subject of a special appeal campaign in May 1978.

Two Amnesty International publications dealing with countries in the region have been produced during 1977-78: a Briefing Paper on *Morocco*, published in October 1977; and a testimony on military trial procedures in Iran, given to the United States Congressional Sub-Committee on International Organizations, published in February 1978.

Fewer high-level missions have been sent to the Middle East in the period under review, mainly because of staff shortages. Delegates visited Jordan and Syria in March 1978 (this was Amnesty International's first high-level mission to Jordan). A number of other missions, however, are planned for 1978-79. In a public statement in January 1978, after publication of the *Morocco* Briefing Paper, the Moroccan Government suggested that Amnesty International send delegates to the country, and this invitation is being followed up. Amnesty International's request to send a delegation to Iraq was turned down by the Iraqi authorities in June 1977.

Algeria (the People's Democratic Republic of)

During the period covered by this report–July 1977-June 1978–Amnesty International adoption groups have continued to work for Ahmed Ben Bella, the former President of Algeria, who has been under strict house arrest since his overthrow in 1965. Following that *coup*, President Houari Boumedienne announced that a list of offences committed by Ahmed Ben Bella would be drawn up, and that he would be tried on the basis of this. The list was, however, never produced, and Ahmed Ben Bella remains in detention without charge or trial. In June 1978, to mark his thirteenth year in detention, Amnesty International launched a special appeal for his release.

Amnesty International believes that there are other prisoners of conscience in Algeria, but is unable to estimate their number because of lack of information.

In May 1978 Juan Antonio Alfonso Gonzalez, a Spanish citizen, was sentenced to death by the State Security Court in Algiers. He had been found guilty of the attempted assassination of Antonio Cubillo, leader of the Movement for the Autonomy and Independence of the Canary Archipelago (MPAIAC). Amnesty International wrote to the President and to the Minister of Justice, Abdul Malik Ben Habilis, expressing concern at the passing of this death sentence and adding

that it "in no way condones acts of violence . . . but respectfully requests that the death sentence passed on Mr Gonzalez be commuted on humanitarian grounds". At the time of writing it is not known whether the sentence has been commuted.

Algeria signed the International Covenant on Civil and Political Rights in December 1968, but has not yet ratified it. Amnesty International is concerned that information about its statutory concerns (see Appendix I) is not made public by the Algerian Government.

Bahrain (the State of)

In Bahrain, the imprisonment of non-violent opponents of the régime–in most cases without trial–the use of torture and the use of the death penalty are Amnesty International's major concerns. The political situation in Bahrain has not changed during the period 1977-78. Since the dissolution of the partially elected National Assembly in August 1975, the country has been ruled by the Amir, Sheikh Isa bin Sulman al-Khalifa, and a Cabinet formed by his brother, Prime Minister Sheikh Khalifa bin Sulman al-Khalifa.

Amnesty International has 24 adopted prisoners in Bahrain, most of them detained without trial. Twelve new cases were taken up during the past year. Yousif al Ajaji, Abbas Awashi and Ahmad al-Thawadi, who were arrested in June 1974 following an industrial dispute at the Aluminium Bahrain Company, have been in prison ever since, without having been either charged or tried. Other prisoners have been detained since August 1975, when many people were arrested before the dissolution of the National Assembly, and since November 1976, when there were many arrests after the murder of a right-wing newspaper publisher. Although the men responsible for the murder were brought to trial and eventually executed, others arrested at the same time are still held without trial. One of those arrested –apparently in connection with the dissolution of the National Assembly–who is still in prison is Muhsin Marhoun, a lawyer and former member of parliament who, before his own imprisonment, acted on behalf of many other political prisoners. He was arrested in December 1975 when he returned to Bahrain from abroad.

In many cases known to Amnesty International the same people have been arrested, released and re-arrested several times over a period of years, without ever having been charged with an offence, and it appears to be the pattern that arrests are made from time to time simply in order to discourage dissent. Amnesty International has received reports that, in March 1978, 35 employees in the shipbuilding and aluminium smelting industries were arrested and imprisoned for several days, during which time they were beaten. These arrests do not seem to have been connected with any particular activities on the part of those detained. For several years, the number of political prisoners held for more than short periods has remained constant at approximately 30, releases being matched roughly by new arrests.

In May 1978 Amnesty International urged the Minister of Justice, Sheikh Abdulla bin Khaled al-Khalifa, to investigate allegations that Mukund and Jayanti Dhanak, Indian citizens living in Bahrain, who were arrested in connection with their father's murder, had been ill-treated during interrogation.

All of Amnesty International's 24 adopted prisoners in Bahrain are held in Safra Prison (to which they were moved during the past year), most of them

having formerly been detained in Jidda Island Prison. Amnesty International has been told that conditions at Safra are inferior to those at Jidda and that the number of permitted family visits has been greatly reduced.

A number of political prisoners were released in an amnesty to mark Bahrain's National Day on 16 December 1977: the exact number is not known–possibly ten.

Egypt (the Arab Republic of)

During 1977-78, Egypt continued to be governed under a State of Emergency. This enables certain security laws to be applied to political cases and accords President Sadat certain powers over the judiciary, including the right to refer cases to military courts and to ratify the decisions of special tribunals concerning political cases. This means in practice that the President may veto a court decision on any political case: an example was his veto of a court decision in 1976 to acquit a group of 19 people who were, in consequence, retried in April 1978.

During 1977, new draft legislation, based on Islamic law, was under discussion. The proposed legislation provided, among other things, for the death penalty for any Muslims who changed their religion. The draft legislation was opposed by members of the Coptic Christian community and several Copts were arrested after having expressed their opposition to it. All were released by the end of October 1977, and plans to put this legislation into effect have since been shelved.

In June, 1977, new legislation was introduced (Law 40 of 1977) concerning the formation of political parties. According to Article 28 of this Law, a new political party may be formed only if at least 20 of its potential members are already members of the People's Assembly, while Articles 22 and 23 provide for sentences of imprisonment for any person who establishes or is a member of an illegal political organization. Article 22 also provides for sentences of up to life imprisonment with hard labour for, among others, those who establish an illegal political organization which is hostile to the order of society.

In May 1978 a new law on "national unity and social peace" was promulgated. This law, which had been approved by referendum, states that any person found guilty of violating national unity, social peace or the country's democratic socialist principles may be barred from political life. The ban also applies to persons who participated in the corruption of political life–including those who held leading positions in political parties–before the 1952 Revolution. In addition, the law introduces new measures to discipline the press, stating that persons who write articles which could jeopardize the state's national interests, or instigate whatever is harmful to social peace and national unity, will be regarded as corrupting political life and subjecting national unity and social peace to danger.

At the end of May, it was announced that over 60 Egyptian journalists, including many working abroad, were to be investigated by the Socialist Prosecutor General on account of articles they had written which were considered to be "defamatory to Egypt and threatening the security of the home front". In addition, five well-known journalists were forbidden to leave the country, and two members of the People's Assembly–Abdul Fattah Hassan, a member of the New Wafd Party and Abu Al Ezz Al Hariri, a member of the left-wing National Progressive Unionist Party–were expelled from the Assembly. Earlier in 1978, another member of the New Wafd Party, Sheikh Ashour Muhammad Nasr, was expelled for allegedly

making abusive remarks in the People's Assembly. At the beginning of June, the New Wafd Party, which had been formed in February 1978, decided to dissolve, and the National Progressive Unionist Party decided to suspend its activities in protest against the new measures.

One of the outstanding events of the year under review was President Sadat's unprecedented visit to Israel in November 1977, where he addressed the *Knesset*. Although this visit received substantial support in Egypt, some Egyptian citizens who expressed their opposition to the initiative by distributing leaflets or posters were arrested and a number of Palestinians, including the Palestine Liberation Organization's representative in Cairo, were expelled from the country.

Amnesty International adoption groups continued to work for approximately 130 prisoners, over 100 of whom were arrested on political grounds following the food riots of 18 and 19 January 1977 (see *Amnesty International Report 1977*). During the year most were released pending trial, due to take place in April 1978. During its first hearing, attended by the Assistant Legal Adviser from the International Secretariat of Amnesty International, the Egyptian Bar Association made a formal request to the tribunal concerning the case dossier for the prosecution. This dossier contained 11,000 pages and the number of copies printed was apparently insufficient for the needs of the lawyers for the defence. In addition, the dossier was only available at 500 Egyptian pounds. The Egyptian Bar Association urged that an adequate number of the prosecution dossiers be printed, and that a complete dossier be given to each defence lawyer free of charge. The tribunal agreed to the first request only, although the price of the dossier was reduced. The trial has since been postponed to 18 October 1978.

During 1977-78, Amnesty International was concerned that a number of political cases were referred by Presidential Decree to military courts. One such case involved a group of 16 people, all adopted by Amnesty International, who were arrested in September 1977. All were charged under Article 98A(a) of the Egyptian Penal Code, concerning the establishment or membership of illegal political organizations–in this case, the Egyptian Communist Party and the Egyptian Workers' Communist Party. Sir Osmond Williams, a British magistrate and a former Chairman of the British Section of Amnesty International, attended part of their trial, which began on 18 March, on Amnesty International's behalf. He had talks with the members of the tribunal, and was later able to meet the Minister of Justice, Ahmed Samih Talaat.

On 15 July 1978, Amnesty International learned that one prisoner had been sentenced to five years' imprisonment, three to three years' imprisonment and two others to two- and one-year terms respectively. The court also acquitted seven people and decided that the cases of three others did not fall within its jurisdiction.

Other cases referred to military courts involved members of the Islamic group *Takfir wa Higra* (Repentance and Flight from Sin, see p. 255) and a group of people, including the well-known poet Ahmed Fu'ad Negm, who had held a political meeting at the University of Ain Shams, Cairo, in November 1977. In the latter case, the court acquitted three defendants, sentenced two others–Muhammad Fathi Mahmoud and Magdi Abdul Hamid Bilal, both students at Ain Shams University–to terms of imprisonment of three years and three months respectively, and sentenced Ahmed Fu'ad Negm to one year's imprisonment. The

court decided that the case of a seventh person did not fall within its jurisdiction. All three convicted were adopted by Amnesty International.

Nineteen people arrested in Alexandria in 1973 and charged under Article 98A(a) of the Penal Code have all been adopted by Amnesty International, and on two occasions during 1975, the organization sent observers to attend parts of their trial. The whole group was finally acquitted in May 1976. During 1977, however, President Sadat vetoed the court decision, with the result that the 19 were retried and were again acquitted by a State Security Court in Alexandria in April 1978. The Assistant Legal Adviser in the International Secretariat of Amnesty International represented the organization at part of their trial.

In 1977, Amnesty International received a report that a student at Cairo University, Ahmed Moustafa Ismail, had been tortured while in detention at the Citadel Prison in Cairo: the maltreatment to which he was subjected by prison officials included the insertion of a stick into his anus. On 4 October Amnesty International wrote to the Egyptian Minister of Justice, Ahmed Samih Talaat, expressing concern at this report and asking to be informed of measures taken by the Egyptian Government to investigate the Ismail case. In December the Egyptian Ambassador in London replied, affirming that Ahmed Moustafa Ismail would receive a fair trial, and that "the Egyptian Government continues to uphold and respect the Constitution in letter and spirit . . . we are committed to the Universal Declaration of Human Rights and endeavour to see it implemented." Answering the Ambassador on 13 January 1978, Amnesty International noted his comments and commended the fact that incidents of torture of political detainees in Egypt during the 1960s continued to be investigated, that many of those responsible for ordering the use of torture had been tried and sentenced, or were currently being tried, and that former victims of torture, or their families, had, on occasion, been awarded compensation by the Egyptian Government. Amnesty International asked for assurance that investigations of a similar nature were being–or had been–undertaken into the reported torture of Ahmed Moustafa Ismail.

In November 1977, members of the Islamic group *Takfir wa Higra* were tried by a military court. Five members of the group, accused of taking part in the kidnapping and murder of a former Egyptian cabinet minister, were sentenced to death. Amnesty International launched Urgent Actions, appealing for the commutation of the death sentences and urging that this group of prisoners be allowed a retrial by a civil court. The judgment of a military court, like the judgments of other special tribunals, is subject only to Presidential ratification, there being no provisions for review by a higher tribunal. In this case, President Sadat ratified the death sentences in January 1978 and the executions were carried out on 19 March.

In January and February 1978, the death sentence was carried out on two more people accused respectively of planting bombs and of collaboration with the Israeli Intelligence Service. In both cases, Amnesty International had appealed on humanitarian grounds to the Egyptian authorities to commute the sentences.

Iran (the Empire of)

Amnesty International's major concerns in Iran are the imprisonment of non-violent opponents of the régime and the use of the death penalty. Investigation into the possible use of torture and of trial procedures involving political prisoners continues.

During the period 1977-78, the Iranian régime has made some changes in the treatment of political prisoners. These appear to reflect a new policy on the part of the authorities. For the first time in many years opponents of the régime–who include prominent lawyers, writers, academics and former political leaders–have expressed their discontent publicly and have appealed for freedom of speech and of association. They have not automatically been imprisoned as would have happened in the past, but Amnesty International has received reports that they are subjected to harassment and persecution. Some of them have been physically assaulted and others have had bombs planted outside their houses. Throughout the past year demonstrations–some of them of a religious nature–have been repressed with great force, resulting in large-scale loss of life and injury.

Amnesty International finds it difficult to judge, on the basis of available information about recent developments, the extent to which the new policy may have benefited political prisoners in Iran, or whether it simply indicates a change of tactics.

Amendments to the Military Code of Procedures which came into force in November 1977 were intended by the authorities to meet some of the criticisms made by Amnesty International and other organizations regarding trial procedures in Iran as applied to political prisoners. These amendments, together with the procedure governing cases coming within the jurisdiction of the military tribunal, were the subject of a memorandum submitted to the Shah on 1 November 1977 and of testimony given on behalf of Amnesty International by British barrister, Brian Wrobel, to the United States Congressional Sub-Committee on International Organizations on 28 February 1978. In this testimony, Mr Wrobel, who observed a political trial in Iran on Amnesty International's behalf in April 1977, stressed that, despite the amendments, fair trials were still not afforded to those people charged with offences over which the military tribunal has jurisdiction. In April 1978 Amnesty International received reports from Iran that some people charged with political offences had been tried by civilian courts and had been allowed to choose their own civilian defence counsel. According to subsequent reports, trials of political prisoners by military tribunals continue.

Amnesty International does not know the number of political prisoners in Iran. An official Iranian estimate, quoted in the British newspaper, the *Guardian*, on 22 February 1978, put the number of political prisoners at about 2,200, but it is known that many arrests took place subsequently, during disturbances all over Iran, so the official figure may have increased. Opposition sources insist that the number of political prisoners is much higher than that given by the authorities. Five amnesties of prisoners have taken place during the past year and, according to official announcements, 561 political prisoners have been released.

Sixty-nine Iranian cases are being worked on by Amnesty International groups, but it is recognized that they almost certainly represent only a very small proportion of the prisoners of conscience in the country. These include left-wing opponents of the régime, religious leaders and activists, and Kurds. Many recent cases taken up by Amnesty International are of students who have been arrested after returning to Iran from studies abroad. It is thought that in these cases the charges are related to alleged political activities in the host countries.

On 30 March 1978 Amnesty International set on foot an Urgent Action on behalf of political prisoners on hunger strike in Qasr Prison as a protest about prison conditions and to demand retrial in civilian courts. The organization was informed on 13 April that the prisoners had ended their hunger strike when the authorities had agreed to comply with some of their requests.

Some allegations of torture have been received during the past year, but Amnesty International has not been able to substantiate them; opposition sources within Iran say that torture continues but has decreased, while the authorities deny that any torture at all has taken place recently. What seems certain is that torture is no longer practised systematically and invariably, as it was in the past.

Official executions of political prisoners have greatly diminished during the past year: Amnesty International knows of only two which have taken place. Mohammed Reza Akhoundi, convicted of killing a translator employed by the US Embassy in Teheran, was executed on 17 October 1977. Major General Ahmad Mogharebi was convicted of espionage and was the subject of an Urgent Action on 21 December 1977, appealing for commutation of the death sentence. He was executed on 25 December.

On 16 January 1978 Amnesty International appealed to the Shah to commute the death sentence passed on Ali Naghi Rabbani, also convicted of espionage. His sentence was subsequently suspended by the Shah. Earlier, on 16 June and 16 December 1977 Amnesty International had appealed to the Shah to commute death sentences passed on six men sentenced to death in Isfahan in April 1977 charged with killing a religious leader. To Amnesty International's knowledge, these men had not been executed at the time of writing, but their present legal position is not known. Amnesty International does not have figures for the total number of executions which have taken place in Iran during the past year.

Iraq (the Republic of)

Iraq continues to be ruled, as it has been since 1968, by a civilian government dominated by the Baath Party, although the real power is firmly in the hands of the twenty-two-member Revolutionary Command Council. The situation in Iraq has continued to cause Amnesty International acute concern: during 1977-78 detention without trial has increased, and the number of executions has been alarmingly high.

Most of the reports of violations of human rights in the following review concern the Kurdish community in Iraq. This is not to say that Amnesty International believes the Kurds to be the only, or even the most significant, category of people subjected to arrest, imprisonment, torture and execution but rather that information on the Kurds is more readily available. In general, information, especially well-substantiated information, is difficult to obtain because of the secrecy which normally surrounds arrests, detention, trials and even executions. Only occasionally does the Iraqi press cover such events, and the authorities sometimes refuse to inform families and friends immediately of the whereabouts and circumstances of someone who is believed to have been arrested.

Allegations of violations of human rights which Amnesty International has over the past year brought to the Government's attention have mostly been denied outright. In March 1978, the Iraqi Government commented on the section on Iraq in the *Amnesty International Report 1975-76*. All the violations of human rights described in that report were discounted as untrue, but nothing has been done to show that the allegations *were* unfounded: there has been no

indication that the Government has set up an independent commission of inquiry into reports of torture; neither have observers been allowed to attend trials by the revolutionary court; and Amnesty International has still been unable to get permission to send a high-level delegation to Iraq to discuss these issues with the authorities.

Among the cases dealt with by Amnesty International groups this year are a group of about 14 elderly Iraqi professional men, who were arrested between February 1973 and November 1974, allegedly for their previous activities as Freemasons. Aged between 59 and 72, they include retired businessmen, academics, civil servants and doctors. Five of them had been sentenced to death in November 1974 on charges of treason, in accordance with Law No. 141 of 1974, but these sentences were later commuted to life imprisonment. The five are held in the General Detention Prison, a special wing of Abu Ghraib prison, near Baghdad. The others, charged with forming an illegal party, were, in accordance with Article 204-1(a), sentenced to up to 15 years' imprisonment. All reports received suggest that they are relatively well treated in prison and are allowed visits from their families.

Work also continues for 15 Iraqi Shii Muslims who were arrested in February 1977, following disturbances in the holy Shii towns of Najaf and Kerbala, and sentenced to life imprisonment. Their arrest, trial on 23 February and sentences of death or life imprisonment were reported in the Iraqi press but no information from any quarter has been received about these prisoners since their cases were taken up by Amnesty International.

By far the largest number of reported arrests this year have involved members of the Kurdish community in Iraq. Amnesty International has collected the names and, in many cases, details of over 760 Kurds who are reported to be in prison or in detention at the time of writing.

About 160 of the 760 are alleged by Kurdish opposition sources to have been arrested at some time since March 1975, either for belonging to one of the illegal Kurdish parties or for supporting or sympathizing with the Kurdish opposition. In none of the cases does Amnesty International know the official charge or the legislation under which they have been tried. They include students, civil servants, teachers, farmers and labourers, and are held variously in Abu Ghraib, Kirkuk, Mosul, Fadhiliya and Suleimaniya prisons. About 45 are known to have been tried and sentenced to between 3 and 20 years' imprisonment. Fifty-eight of the 160 are being worked for individually by Amnesty International groups. The others are being worked for collectively and formed the basis of a group-level campaign in June 1978.

Another category consists of relatives of members of the Kurdish armed forces *(Pesh Mergas)* and includes old people, women, a number of whom were pregnant at the time of arrest, and children, some of them only one or two years old. Since the renewal of hostilities between the Kurds and the Iraqi authorities in May 1976, the Iraqi forces are reported to have been rounding up the families of *Pesh Mergas* whom they cannot find and detaining them instead. None has been charged or tried. The exact numbers held are not known, but Amnesty International has collected the names of over 600 men, women and children arrested in this way. The Chairman of the Executive Council for the (Kurdish) Autonomous Region, Hashim Akrawi, told Amnesty International in March 1978 that these were all

families who had been moved from their villages and housed in temporary accommodation while their new homes were being built. Kurdish sources, however, maintain that this is not so; and while most of the information about these cases has come from organized Kurdish opposition sources, a number of first-hand reports of individual cases has been received by Amnesty International from relatives and friends of detained families. One such case concerns the family of Husain Ramadhan Suleiman, from the village of Saiqa Waihan in Zakho province. Husain decided to join the Kurdish armed forces in February 1977, 19 months after he and his family were deported to the district of Simnel. In the following May, his father, aged 75, his mother, aged 65, his wife and his three children aged four, three and one were arrested and detained in the Sports Stadium in the town of Diwaniya. Reports say that there are 14 prisons and detention centers at present being used for this category of detainee in the towns of Amara, Baghdad, Hawiga, Kut, Mosul, Nasiriya, Ranya, Rumaitha, Samawa, Shatra, Suleimaniya, Sumail, Ramadi, Hit, Falluja, Hilla (where one of the two prisons is specifically for women only) and Diwaniya (where there are five prisons and detention centers).

In a letter to President Al Bakr on 31 October 1977, Amnesty International urged the Government to "take immediate steps to investigate these cases and ensure the early release from prison of all children and other persons who have committed no offence under the law". This was also the subject of a press release on 3 November 1977, and Amnesty International groups wrote to the Iraqi Government, urging the release of all these detainees. Amnesty International has since learnt that a number of families from Hilla prison have been released.

In April 1978 there were rumours that a number of prominent Baath Party members had either been arrested or placed under virtual house arrest. Among them were reported to be several Iraqi ambassadors who had been recalled from their posts, including Abdul Karim Al Sheikhly, formerly Iraqi Foreign Minister and more recently Iraq's Permanent Representative at the United Nations. It was later reported that only Abdul Karim Al Sheikhly had been arrested, and that he had been sentenced to a period of imprisonment. The precise reason for his arrest is not known but unofficial sources claim that it was because of disagreement between him and the Iraqi leadership.

Torture allegations are frequent and almost all those who are arrested are reported to be tortured, either for information or in order to obtain a confession. The bodies of those who are executed, when returned to their families, frequently bear marks of torture, and deaths under torture are also reported. One such case, which was the subject of an Urgent Action campaign in October 1977, was that of Sayyid Muhammad Ismail, an 80-year-old Kurd who was reported to have been arrested in May 1977 in connection with his son's alleged involvement in the blowing up in Arbil of a car belonging to the secret police. He is reported to have died soon after being taken into custody, and his body, when it was returned to his family, was reported to bear the marks of torture.

A first-hand report of torture was received this year from an Assyrian Christian who was arrested by the secret police on three occasions during 1975. They interrogated him about his connections with the Kurdish Revolution and tried to put pressure upon him to become an informer against the Kurds. He stated that he was punched in the back and stomach, beaten on the back, head and stomach with a rope of thick plastic-covered wire, and subjected to electric shock treatment.

Iraqi Government officials have frequently told Amnesty International representatives that in Iraq the death sentence is passed on "saboteurs" and "persons endangering national security". The Iraqi Government, in its comments on the *Amnesty International Report 1975-76*, stated that the death penalty in Iraq is "strictly limited". From information available, however, it is apparent that leaders and prominent members of Kurdish and other illegal parties are liable to execution, as well as those who are militarily involved in the Kurdish Revolution and those who engage in acts of sabotage.

Most of the reported executions have been of Kurds. During 1977-78 Amnesty International received the names of over 200 Kurds who had been executed since January 1976, mostly in Mosul Prison. No charges are known, though opposition sources claim that some were charged with being members of, or in sympathy with, the illegal Kurdish Democratic Party. This list of over 200 formed the basis of a campaign in May 1978 when Amnesty International groups wrote to the Iraqi authorities to express concern at the high number of executions reported over the past 17 months, and at the apparent inadequacy of basic legal safeguards.

One report received by Amnesty International this year from a very reliable source was that 53 Kurds were executed on the same night in Mosul Prison, at the end of June or the beginning of July 1977. Only one name is known, that of Sabri Chaban, a twenty-seven-year-old peasant farmer from the village of Didishki, married, with two children. He was reported to have been charged with belonging to the provisional leadership of the illegal Kurdish Democratic Party.

During the year there have been two occasions when members of the armed forces have been executed for illegal political activities within the Army (that is, forming secret communist cells). Although a number of political parties in Iraq have been legitimized (namely, the pro-Soviet Iraqi Communist Party, a splinter group of the Kurdish Democratic Party and the Revolutionary Kurdistan Democratic Party), political activity within the armed forces is an offence which can be punishable by death. In June 1977 seven officers were reported to have been sentenced to death by a military court for illegal political activity, and these cases were included in a group-level campaign in September 1977. And at the end of May 1978 it was officially reported that 21 members of the armed forces, including officers, had been executed for similar offences. These executions formed the basis of an Amnesty International campaign at national section level in June 1978.

On 24 September 1977, according to official Iraqi sources, a Jordanian student from Basra University, Ra'id Butrus Az Zawayidah, was hanged in Iraq for espionage. He had been arrested on 14 May 1977, tried and sentenced, allegedly on the basis of a signed confession. According to Jordanian official sources, members of his family had been able to visit him in Abu Ghraib prison on 22 September; it was not until October that they were informed that he had been sentenced to death and executed.

There are also serious doubts as to whether those condemned to death receive a fair and open trial. There is no information available to show that any of those who were executed over the past 17 months had access to a lawyer of their choosing before their trials; or that their trials were held in open session; or that the condemned were able to take their cases to a higher court of appeal. The commutation of a death sentence, or the release of a prisoner, whenever this has occurred, has been the result of intervention by someone of influence.

The International Secretariat of Amnesty International and its national sections have continued to have contact with Iraqi embassies and visiting Iraqi officials. Amnesty International's request to send a high-level delegation to Iraq, however, was refused by the Ministry of Foreign Affairs on the grounds that "acceptance of sending such a mission would be tantamount to admission of the allegations made by well-known quarters against Iraq". In his letter to Amnesty International of 28 June 1977, the Iraqi Director General of Public Relations said that " . . . the Iraqi authorities, while being anxious to maintain contact with your organization, regret they are unable to accept the idea of sending the mission . . . or any similar mission of an investigative nature by any quarter." Amnesty International is none the less continuing to press for permission to send a delegation to Iraq.

Israel (the State of) and the Occupied Territories

During the period 1977-78 the Israeli military authorities continued to enforce the Defence (Emergency) Regulations of 1945 which provide for, among other things, detention without trial and trials of civilians by military courts, often *in camera*. These regulations are most rigorously applied in the Occupied Territories, where military governors are appointed to enforce them, and because of this and the tensions which exist between the occupying authorities and the Palestinian population, most of Amnesty International's concerns have tended to be with prisoners from Occupied Territories—in particular the West Bank.

Over the past year, Amnesty International has worked on behalf of 38 adopted cases of people detained in Israel and the Occupied Territories, of whom 19 were released and one deported to Jordan. In November 1977 Amnesty International took up the cases of six students from Bethlehem College who were arrested in March and April of 1977 in connection with the publication of two university magazines, *al-Jami'a* (The University) and *at-Tali'a* (The Vanguard). The students were subsequently charged under Article 94(1) of the Defence (Emergency) Regulations with publishing the magazines without the formal consent of the military governor. They were tried by a military court in January 1978 and sentenced to a suspended period of six months' imprisonment and a fine of 3,000 Israeli pounds.

Amnesty International has also taken up for investigation the cases of a further 12 people arrested in connection with alleged offences under the security regulations. They include a US citizen, Sami Esmail, who was detained on arrival at Ben Gurion Airport, Tel Aviv, on 21 December 1977, and charged with membership in an illegal organization and with contact with a foreign agent. Amnesty International's concerns in this case include the prisoner's having been held incommunicado after his arrest, the allegation that his confession was obtained under extreme duress, and that the definition of "membership" used by the Israeli authorities is potentially so broad that they may define as criminal those acts which, under Article 1(a) of Amnesty International's Statute, are clearly acts of conscience.

Sami Esmail was convicted of membership in an illegal organization but was acquitted of the more serious charge of contact with a foreign agent. In sentencing him to 15 months' imprisonment, Judge Dov Levin, one of the three-judge panel, was reported as saying that "In order to set an example for others, the court has

decided to make the sentence significant" (*Jerusalem Post*, 8 June 1978). Sami Esmail has appealed against the conviction.

Amnesty International's main concern during 1977-78, as in previous years, has been the continuing use of Administrative Detention. This is provided for under Article 111 of the Defence (Emergency) Regulations, whereby any person may be arrested and detained without being formally charged and without public reasons being given for the arrest. Although the Article specifies detention "for a period not exceeding one year", a detention order can be extended indefinitely.

Since July 1977, Amnesty International groups have worked on behalf of 28 administrative detainees, of whom 11 have been released. One of them was Taisir al-Aruri, Professor of Mathematics at Bir Zeit University on the West Bank, whose case Amnesty International took up in February 1975. He was also "prisoner of the month" in the November 1977 *Newsletter*. His detention was extended on a number of occasions before he was finally released in January 1978 after three years and eight months in detention without trial.

Other cases were those of Abdel Hafez Zeidan, a pharmacist arrested in Halhul in November 1975 (who featured in Amnesty International's letter-writing campaigns) and Maher al-Khayyat who was "prisoner of the month" in the May 1978 *Newsletter*. Amnesty International also intervened on behalf of a Palestinian journalist, Raymonda Tawil, who was arrested by Israeli security forces just after midnight on 22 March 1978 and 18 days later was placed under administrative detention for one month. In addition, some of her books, films and tapes were reported to have been confiscated. Amnesty International was particularly concerned by allegations that she had been "beaten . . . blindfolded and forced to walk over a floor strewn with metal objects", reported in the British newspaper, the *Guardian* on 3 May 1978. She was released after spending 45 days in detention. Although no specific charges were laid against her, she is well known among foreign correspondents as representing the views of the Palestinians of the West Bank and for her support of the view that an independent Palestinian state should be set up alongside the state of Israel.

After President Anwar Sadat's visit to Jerusalem in November 1977 and Prime Minister Menahem Begin's visit to Egypt the following month, Amnesty International wrote on 2 February 1978 to Mr Begin, appealing for a general amnesty. In May 1978, Amnesty International groups working on behalf of prisoners in the Middle East took part in a letter-writing campaign, appealing for the release of all administrative detainees to mark the 30th anniversaries of both the State of Israel and the Universal Declaration of Human Rights.

Amnesty International is still waiting for a reply to its request to the Israeli authorities (made in August 1977) for the names of 136 detainees reported to have been released on the occasion of the feast of *Ramadan*. It is not known whether any prisoners adopted by Amnesty International were among them.

The trial by secret military courts of civilians alleged to have committed offences under the Defence (Emergency) Regulations continues to be of concern to Amnesty International. In a letter in November 1977 to the Israeli Minister of Justice Shmuel Tamir, Amnesty International expressed disquiet that two citizens of the Federal Republic of Germany had been held incommunicado for 14 months, part of them in solitary confinement (see *Amnesty International Report 1977*). Allegations that the two prisoners had been tortured during

the period had also arisen. Amnesty International asked permission to send an observer to the trial. Amnesty International learnt later that three Palestinians, believed to have been arrested at the same time, were also being tried. In a letter dated 30 January 1978 the Attorney General of Israel replied that, "Due to the nature of the matter and the classified security information involved therein, the court decided to hold the trial *in camera*. For this reason it will not be possible to permit any outside observers to be present at the trial."

However, the court later decided to allow representatives of the Embassy of the Federal Republic of Germany and the International Committee of the Red Cross to attend the trial. Amnesty International welcomed this decision but expressed regret that the trial would still be held *in camera* and asked that the results of investigations into allegations of torture, made while the prisoners were being held incommunicado, should be published.

Amnesty International has continued to receive allegations that detainees held in connection with security offences have suffered ill treatment and torture.

On 19 June 1977 the British newspaper, the *Sunday Times*, published an extensive report of its five-month investigation of allegations of the use of torture in the Israeli-occupied West Bank and Gaza. One of the conclusions was that "Torture of Arab prisoners is so widespread and systematic that it cannot be dismissed as 'rogue cops' exceeding orders. It appears to be sanctioned as deliberate policy." The investigation team found that Israeli interrogators had beaten prisoners; hooded, blindfolded and hung them by the wrists; sexually assaulted prisoners; administered electric shocks; and in one detention center had confined prisoners in a very small "cupboard" with concrete spikes set in the floor.

In an official response to the *Sunday Times* report, the Israeli Embassy in London denied these allegations, saying: "All Israeli prisons are open to inspection and such inspections are carried out frequently by judges and representatives of the Attorney General and defence counsel. . . ."

However, when this response was made, representatives of the International Committee of the Red Cross had access to prisoners only *after* they reached prison and not while they were still being held in interrogation centers. It is during the period of interrogation, *before* detainees are moved to prison, that ill-treatment and torture are alleged to occur. At the end of 1977 a new agreement was concluded between the Israeli Government and the ICRC, giving representatives of the latter the possibility of visiting people within 14 days of their arrest –within a week, in some cases–even if they are still being interrogated.

Amnesty International was sufficiently concerned by the allegations of torture committed by the Israeli security forces to renew its request, in July 1977, that the Israeli Government permit an independent inquiry into the allegations. To this request–as to Amnesty International's earlier ones–the Israeli authorities have not, at the time of writing, replied.

Amnesty International is also concerned by continuing reports of overcrowding and poor conditions in prisons in Israel and the Occupied Territories. In an interview published in the Israeli newspaper *Yediot Aharonot* (Recent News) in July 1977, Haim Levy, the Prisons Commissioner, again commented on the overcrowding of Israel's prisons and is reported to have said that inmates "could not be kept quiet when they are kept like cattle". In the same month, Amnesty International medical groups took part in an Urgent Action appeal on behalf of

Hani Nassar, a twenty-eight-year-old resident of Ramallah on the West Bank, who had been serving an eighteen-month sentence for belonging to an illegal organization. Amnesty International had received reports that his health was deteriorating because of overcrowding and poor prison conditions and that he was suffering from rheumatism, an infection in the ear and boils. In September 1977, as the result of a mitigation of sentence order, he was released.

In June 1977 an Israeli military appeal court in Lydda commuted to life imprisonment the death sentence passed on Mussa Juma El-Talalka, the only surviving member of an Arab guerilla squad which took over the Savoy Hotel in Tel Aviv in March 1975. Although the death penalty is retained in Israel–for crimes under the Nazi and Nazi Collaborations Law of 1950, the Crime of Genocide Law of 1950, and the Defence (Emergency) Regulations of 1945–the last time it was carried out was in 1961 when Adolf Eichmann was executed.

Jordan (the Hashemite Kingdom of)

The Hashemite Kingdom of Jordan is a monarchy with King Hussein at its head. The legislature consists of a Senate of 30 members nominated by the King, and a newly constituted National Consultative Council of 60 members to replace the suspended Lower House of Parliament. Amnesty International's principal concerns in Jordan during 1977-78 have been long-term detention without trial and reports of prolonged solitary confinement.

Amnesty International estimates that there are between 200 and 250 political detainees in Jordan. Only about half this number are believed to have been tried. The majority (about 170) are reported to be members of Palestinian groups within the Palestine Liberation Organization (PLO), mainly from *Fatah* and the Popular Front for the Liberation of Palestine. Also detained are some members of extremist right-wing religious parties, the Iraqi faction of the Baath Party and the Jordanian Communist Party. No political parties have been allowed to be formed in Jordan. Political prisoners are tried under martial law by military courts.

Amnesty International groups have taken up the cases of three prisoners of conscience, sentenced to 10 years' imprisonment by military court for alleged membership of the Communist Party (a special law prohibiting communist activities was passed in 1953 and still remains in force). Feisal al Za'mi, a student from Irbid, was arrested early in 1977. His sentence was later commuted by the Prime Minister to two years. Imad Mulhim, a medical student at the University of Jordan in Amman, was arrested in about May 1977 for taking part in demonstrations of solidarity with Palestinians living in Israeli-occupied territory. Nabil Ja'nabni, from Madaba, was arrested in 1977, following his election to membership of the Madaba Youth Organization. It was reportedly feared that he would introduce political ideas into this organization. Amnesty International has since learned of the release of Feisal al Za'mi. At the time of writing, the other two men are imprisoned in Mahatta Central Prison in Amman.

Another case, that of Fathi Sultan, forty-three-year-old editor of a weekly magazine for teenagers called *Faris*, detained without trial since 2 January 1975 in Mahatta Central Prison, was taken up with the Minister of the Interior, Suleiman Arar, during an Amnesty International mission in March 1978. Amnesty International has since been told that he was released on 13 June 1978.

Amnesty International medical groups requested an immediate inquiry into the arrest early in 1978 of a twenty-year-old student, Omar Musa Khalil Ajoury, believed to have been a prisoner of conscience, and into his death on 5 June 1978, in the Abdeli security prison in Amman, after an eight-day hunger and thirst strike.

Amnesty International has received reports that over one hundred political detainees have not been tried, although many have been in detention for long periods. This issue was raised with the Minister of the Interior during an Amnesty International mission in March 1978. The Minister affirmed that all political prisoners were fairly tried and that Jordanian law stipulated a time limit within which trial proceedings must take place. Amnesty International asked the Minister to investigate the cases of 47 political detainees in Mahatta Central Prison, believed by Amnesty International to have been held without trial for periods of one to five years. It has since been reported that twenty untried political prisoners were released on 13 June 1978.

Prison conditions are said to be very poor. Amnesty International has had numerous reports, some of them first-hand, of solitary confinement for several months in unlit cells measuring about 1m x 2m, in the Abdeli Security Prison in Amman. Reports of ill treatment and torture in this prison have also been received by Amnesty International, two at first-hand. Serious overcrowding and bad hygiene are widely reported, particularly in Mahatta Central Prison, where, it is alleged, a hunger strike took place in the summer of 1977. During Amnesty International's mission in March 1978, these issues were brought to the attention of the Minister of Interior, who admitted that conditions were poor and told Amnesty International that a new prison was under construction. He affirmed, however, that all prisoners were well treated.

Twelve death sentences for the sale of property in territory now occupied by Israel have been reported to Amnesty International in the past year. On 21 September 1977 it appealed to King Hussein to commute six of the sentences, and was told by the King's Secretary that "no executions for the offence of the sale of land to the enemy have yet been–or will be–carried out since the 1967 war." The accused had been tried *in absentia*. Further information about the trial procedure was given to Amnesty International by the Jordanian Ambassador in London.

A written appeal to King Hussein made in May 1978 on behalf of four more cases similarly sentenced received a prompt response, giving Amnesty International detailed information. Amnesty International made another appeal in June 1978 on behalf of two further cases.

The Amnesty International mission sent to Jordan from 17-20 March was for government and legal talks. The delegates were the Deputy Secretary General of Amnesty International and a member of the Research Department in its International Secretariat. They introduced Amnesty International to the Minister of the Interior, Suleiman Arar, and raised with him the issues of concern to Amnesty International mentioned above. The delegates also discussed Amnesty International's activities in various parts of the world with Faleh al Tawil, Director of International Organizations at the Foreign Ministry. They were told that Jordan shared Amnesty International's views on the death penalty, but that it was still applied in exceptional circumstances. Talks on legal matters took place with the President of the Jordanian Bar Association and other leading lawyers.

Detailed information was obtained about legislation in force under martial-law regulations relating to the full range of Amnesty International's concerns.

Libya (the Socialist People's Libyan Arab Jamahiriya*)*

During 1977-78, Libya continued to be governed by a five-member General Secretariat of the General People's Congress, headed by Colonel Mu'ammar Al Gaddafi. Principles of Islamic law were introduced when the interim Constitution of 1969 was replaced by the Qur'an. The work of the judiciary has, however, not been greatly affected by this change and the system of *Shari'a* (Islamic) Courts has not been introduced.

During the past year, work continued for the one hundred or so prisoners adopted by Amnesty International groups. These included people charged with membership of illegal political parties and also people arrested after taking part in demonstrations, many of them sentenced to life imprisonment.

At the end of December 1977, Amnesty International learned of the release from prison of a group of about ten Libyans, mostly former employees of the Occidental Petroleum Company, who had been arrested in September 1975 and never charged or tried. It also learned of the release during 1977 of two diplomats whose cases it had also taken up.

After a large number of executions took place during the first half of 1977–believed to be the first in the country for 23 years–no more appear to have been carried out. It is a matter of concern to Amnesty International, however, that two men who were charged with membership of illegal Marxist political parties and sentenced to death in February of 1977, Abdul Ghani Khanfar and Al Mabrouk Abdul Mawla Al Zoul, have not had their sentences commuted, nor have five people who had death sentences passed on them in 1969.

In August 1977, Amnesty International sent a report to Colonel Mu'ammar Al Gaddafi, based on the findings of a mission to Libya in October 1976 and drawing attention to the large number of people being held for political reasons, often for lengthy periods before being brought to trial. It also expressed concern at the inadequacy of legal safeguards, at the use of the death penalty, and at reports of torture.

In December 1977, answer came from the Secretariat of Foreign Affairs, stating that "there are currently no political detainees on any charge in its [Libya's] prisons" and that the authorities "guarantee the prisoners all the necessary means of defence and safeguards of justice adequate to the principles contained in the Declaration of Human Rights. They also allow the accused to contact their lawyers and families as soon as possible with respect to the exigencies of interrogation." The reply also stated that the Qur'an is "the law of society" which "takes into consideration the interest of man".

In its reply in May 1978, Amnesty International reiterated the matters of concern to it in Libya. It stressed that the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which the Libyan Government has ratified, guarantee the right to freedom of opinion and expression, as well as the right to a fair and public trial by an independent and impartial tribunal without undue delay, and added that these principles are also consistent with the principles of Islamic Law which the Libyan *Jamahiriya* is currently applying.

Amnesty International pointed out that there were a considerable number of prisoners of conscience in Libya, who had been "arrested, imprisoned, and in some cases actually charged with belonging to a political party which had been declared illegal in the country or for holding or expressing views which oppose those of the government".

In its letter, Amnesty International drew attention to the inadequacy of basic legal safeguards in the country, giving as an instance the case of a group of Libyans held for over two years without charge or trial before they were released. Other prisoners have been held without trial for periods ranging from fourteen months to four years, and in one case a group of 39 people arrested in April 1973 continued to be held in detention for two years after a court had acquitted them. Amnesty International also expressed concern that prisoners were not allowed immediate access to their lawyers and families, as "it is our experience that the ill-treatment of prisoners is more liable to happen in situations where detention procedures are such that a person can be detained without charge or trial for long periods of time and where families and lawyers do not have immediate access to a prisoner."

Amnesty International again expressed concern that a number of political detainees were tried by a People's Court which did not fulfil the standards set by Article 10 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights, since:

(1) its tribunal is composed of representatives of the Government and not of the judiciary;
(2) a court cannot be said to be independent when its decisions can be overridden by administrative decision;
(3) the trials were held in secret;
(4) no appeals were permitted.

Finally, Amnesty International asked for an assurance that the five death sentences passed in 1969 and the two passed in 1977 would be commuted.

At the time of writing, Amnesty International has received no response from the Libyan authorities to this communication, sent in May 1978.

Morocco (the Kingdom of)

In 1977-78, Morocco continued to be ruled as a monarchy by King Hassan II, but several changes in the personnel of the Cabinet took place during this period. In October 1977, King Hassan dismissed the Government and requested the Prime Minister, Ahmed Osman, to form a new Cabinet. This new Cabinet, a coalition, consisted of a majority of independents, strong supporters of the monarchy, and also included eight representatives of the Istiqlal Party, the largest opposition party, and four members of the *Mouvement Populaire.* One member of the opposition *Union Nationale des Forces Populaires* (UNFP), Maati Bouabid, the Minister of Justice, was expelled from his party as a result of his acceptance of the post. Neither the *Union Socialiste des Forces Populaires* (USFP), nor the *Parti du Progrès et du Socialisme* (PPS) was represented in the Cabinet.

In October 1977, Amnesty International published a *Morocco* Briefing Paper. In this were listed the following issues which are of particular concern to the organization:

(1) prolonged pre-trial detention when those arrested for their political activities are held incommunicado by police for periods of up to two years;
(2) the use of torture by police during detention, which has resulted in deaths or disablement;
(3) poor conditions in prisons and detention centers;
(4) the use of the death penalty for political offences.

Amnesty International criticized the Moroccan Penal Code's provisions concerning state security, which have been used to interpret non-violent political activities as offences carrying heavy prison sentences and even the death penalty. In addition, it expressed concern that a number of Marxist-Leninist groups, as well as members of established political parties, had been tried by courts which did not conform to internationally accepted standards of impartiality and that defence lawyers had been hindered and intimidated while defendants had been prevented from stating their cases and reporting torture.

The Briefing Paper stated that, in addition to the approximately 200 known political prisoners currently serving sentences in Morocco, several hundred more people were being held in secret detention, either for their left-wing sympathies or because of their ethnic links with the former Spanish Sahara territory, now in dispute.

From November 1977 to January 1978, over 200 Amnesty International adoption groups participated in a campaign to publicize the human rights issues mentioned in the Briefing Paper. The groups also requested the Moroccan Government to review the human rights situation in its country and to grant an amnesty for all political prisoners.

During the period 1977-78, Amnesty International groups continued to work for approximately 180 prisoners of conscience. These include members of the *Union Nationale des Forces Populaires,* sentenced at various trials in 1967, 1973 and 1976. One of them, Mohammad Atlas, was arrested in 1963 and tried in 1968 when he was sentenced to death. This sentence was commuted to 20 years' imprisonment as the result of an amnesty in November 1977. Other prisoners include members of a radical socialist movement generally known as *Frontistes,* a group of people of Saharaoui origin living in Morocco, some of whom have been detained without charge or trial since 1976, as well as a group of 11 students serving sentences of up to 15 years' imprisonment on charges of plotting against state security.

In May, June and July 1977, a number of people were arrested, including teachers and students who were alleged to have left-wing sympathies. Amnesty International protested against their prolonged detention in police custody, where they were held incommunicado, and launched a series of appeals, asking that those detained be accorded their full rights.

In November 1977, the Minister of Justice, Maître Maati Bouabid, announced that over 100 people had appeared before an examining magistrate and that about 25 of these had been given provisional liberty. Eighty-four were subsequently transferred to Meknes civil prison where they remain in detention. During May 1978, Amnesty International received reports that these detainees had gone on hunger strike in protest against bad prison conditions, poor food and insufficient medical facilities. As far as is known, no date has yet been decided for their trial.

Amnesty International is currently trying to get further information concerning their cases, with a view to adoption.

In November 1977, 137 political prisoners began an unlimited hunger strike. The 137 were *Frontistes* who had been tried and sentenced for political reasons in Casablanca in February 1977. Most of these prisoners were being held in Kenitra prison although four were detained in Casablanca. Since their trial, they had been subjected to prolonged isolation, repeated interrogation and other forms of arbitrary punishment. The hunger strike was in protest against prison conditions as well as the fact that four members of the group were held in a different prison. As a result of it, many of those who took part had to receive medical attention and one of the prisoners, Saida Menebhi, who had already been ill while in prison, died on 11 December 1977. Amnesty International appealed to the Moroccan authorities at the start of the hunger strike and again after the death of Saida Menebhi to make an urgent review of prison conditions and the prisoners' grievances in order to bring the strike to an end.

In December 1977 the Moroccan authorities stated that an independent commission, formed of lawyers, members of parliament and doctors would meet to negotiate with the hunger strikers. As a result of this, the hunger strike ended in the latter part of the month.

In February 1978, this same group of prisoners renewed their hunger strike, now in protest against a statement made by the Minister of Justice in which he had denied that there were any political prisoners in Morocco and stated that the hunger strikers were regarded as *prisonniers de droit commun.* The group also protested that the independent commission had met with them on one occasion only, when their previous hunger strike had ended.

After this new hunger strike, the prisoners were divided and detained in three separate prisons: the central prison of Kenitra, the Prison Agricole Ain Ali Moumen at Settat and Chaouen prison. Amnesty International was concerned that a number of those who were transferred to new prisons were at the time undergoing medical treatment in hospital, as a result of the previous hunger strike, and that many others were in poor health as a result of the previous prolonged hunger strike. It launched an Urgent Action on 9 February 1978, requesting that all prisoners be accorded adequate medical attention in the prisons to which they had been transferred and that their families be told where they were detained.

On 23 November 1977, on the occasion of the Islamic feast day, *Id Al Adha,* King Hassan declared an amnesty when 37 political prisoners were released, 17 of them Amnesty International adopted prisoners. Most of those who benefited from the amnesty were members of the opposition party *Union Nationale des Forces Populaires,* who had been sentenced to varying terms of imprisonment in a series of trials between 1967 and 1976.

Others who were released included eight left-wing students and intellectuals who had been tried and sentenced in 1973 on charges of plotting against state security. This was the first amnesty for political prisoners since 1975.

On 13 January 1978, the Minister of Justice, Maître Maati Bouabid, gave a press interview in which he suggested, among other things, that Amnesty International should send impartial delegates to Morocco, for whom prisons and courts would be open to inspection. Amnesty International wrote in February 1978 to the Moroccan authorities, asking for specific terms of reference for such a mission.

Saudi Arabia (the Kingdom of)

There have been no significant legal changes in the Kingdom of Saudi Arabia in the period 1977-78, and justice continues to be administered according to strict Islamic law. Amnesty International has no adopted prisoners in Saudi Arabia. Because of the difficulty of obtaining information, Amnesty International is unable to say whether anyone is at present detained for political reasons.

As in 1976-77, there have been a number of reports of executions: in November 1977, a young man was beheaded for kidnapping and raping a girl of seven; on 5 December 1977 a man convicted of murdering six people, including his mother, was beheaded. In February 1978 there were reports that a Saudi princess had been shot and her male companion beheaded for adultery: under Islamic law, adultery is a capital offence and official Saudi sources state that both parties were married. The exact date of these two executions is not known for sure: some reports say November 1977; others say as early as the summer of 1977. On 3 April 1978 two Pakistanis were executed in Jeddah. They had been found guilty of axing to death a man and his wife, also Pakistanis. All the above reported executions were carried out in public.

In a letter dated 30 March 1978, Amnesty International approached King Khalid ibn Abdul Aziz of Saudi Arabia about the carrying out of the death penalty in his country. The letter first acknowledged that Islamic law sanctioned the death penalty for certain well-defined offences (namely murder, adultery and brigandage—which includes armed robbery, kidnapping and rape). It continued by explaining Amnesty International's abolitionist position in regard to the death penalty, which it considered to be the ultimate cruel, inhuman and degrading punishment. It then described the growing number of international and non-governmental bodies which are working to bring about the abolition of the death penalty, or at least a restriction of the number of capital offences, with a view to complete abolition in time. The letter concluded by saying:

> "Islam is, we understand, a merciful religion and the Qur'an in many instances advocates mercy and forgiveness . . . [and] with this in mind, and in the light of a growing world-wide consensus against the death penalty, we most respectfully request that you give consideration to the question of the death penalty in your country and the possibility of abolishing its use."

At the time of writing, Amnesty International has received no reply to this letter.

Syria (the Syrian Arab Republic)

On 8 February 1978 Hafez Assad was re-elected by popular referendum as President of the Syrian Arab Republic for a second seven-year term. In his speech to the People's Assembly on 8 March 1978 after taking oath, he said that the use of martial law was prohibited "except in connection with the security of the state as stipulated by the law". He went on to say that "there have been certain cases where martial law regulations were used outside the framework which I have just mentioned." The President's public reference to the misuse of martial law regulations and his prohibition on their further misuse is central to Amnesty International's principal concerns in Syria—namely long-term political detention without trial under martial law provisions and the ill-treatment of prisoners under the jurisdiction of the security forces. The total number of untried political detainees cannot be precisely estimated.

Various human rights provisions contained in the Syrian Constitution of 1973 are suspended by Article 153 of the Constitution (which states that "legislation in effect and issued before the proclamation of the Constitution will remain in effect until amended so as to be compatible with its provisions") as well as by Article 101 which states that "the President of the Republic may declare a state of emergency and may cancel it in the manner defined by law". The principal legal instruments relating to Amnesty International's concerns are Decree No. 51 of 22 December 1962 on the law for a State of Emergency, and Decree No. 47 of 28 March 1968 on the formation of the Supreme State Security Court. All the powers of internal and external security are held by a martial law judge, who is understood by Amnesty International to be the Minister of the Interior by delegation of the Prime Minister. Among his extensive powers are "precautionary arrest of suspects or of anyone endangering public security and order" and "authorization to investigate persons and places" (Decree No. 51, Article 4a).

Political detainees are subject to these decrees and may thus remain in indefinite detention without trial.

Amnesty International groups are currently working on behalf of 45 adoption and 41 investigation cases, all prisoners detained without trial for some years. Among the adoption cases taken up in the past twelve months is that of Ahmed Roummo, a forty-two-year-old history teacher, married, with six children, who is a supporter of the Iraqi wing of the Baath Party. He was arrested in mid 1975, with many others, after a sharp deterioration in Syria's relations with Iraq. He has since been detained in Al Mezze Prison, near Damascus.

Amnesty International continues to work for members of the previous régime —still imprisoned after seven years without trial—with the exception of Professor Anis Kenjo, who was reportedly released in 1977. Zouheir Shulak, a fifty-nine-year-old lawyer and writer, and the father of nine children, is still detained in Al Mezze Prison, seven years after he was abducted from Lebanon for writing newspaper articles critical of the Syrian Government.

Amnesty International has received many reports of continuing abductions from Lebanon. Some hundreds of people are reportedly detained, often after a period of interrogation by Syrian security forces in the detention centers at Shtaura or Mazna in Lebanon. Amnesty International has asked the Syrian Government for information about 44 such detainees.

Amnesty International has adopted the cases of four Lebanese abducted from their country and detained without trial in Al Mezze Prison: they are Dr Omar Abdel Hayy, a university Professor of Law, arrested in Tripoli, 3 December 1976; Fuad Adhami, a government official, arrested in Tripoli, 3 December 1976; Dr Nabil Kulaylat, a physician from Beirut, arrested on 7 November 1977; Dr Adnan Sino, a surgeon from Beirut, arrested on 1 June 1977. All four are believed to be supporters of the Iraqi wing of the Baath Party. At the time of writing, there is no news of their release. Amnesty International has taken up 11 further cases of Lebanese abducted and detained without trial in Syria, initially as investigation cases.

The 8 March 1978 declaration by the President had immediate effect: the announcement of the release of 179 prisoners who had been incorrectly detained under martial law regulations. Amnesty International learned that these cases were mainly of minor civil infractions and that there were very few political cases among them. Amnesty International has, however, asked the Government for the names of 104 political prisoners reportedly released in February 1978.

Numerous acts of sabotage and an increased number of political assassinations of the ruling Alawite minority have occurred in the period 1977-78. An attempted attack on the Syrian Foreign Minister, Abdel Halim Khaddam, in Abu Dhabi in October 1977 was blamed on the Iraqi Government. However, reports received by Amnesty International suggest that the opposition to the Alawite leadership is largely internal. Many arrests have been reported in this connection. No information about trials is available.

Amnesty International has asked for information about the reported death in detention on 10 September 1977 of Abdel Ghani Attar, arrested with his brother and several other prominent businessmen on corruption charges.

The organization has submitted to the Syrian Government a report of a medical examination of a released prisoner, carried out by Amnesty International's Danish medical team. This was consistent with the prisoner's allegations of torture.

Three executions have been reported in the past year. Amnesty International has expressed its concern to the Syrian Government over the public hangings on 23 January and 23 May 1978 of three men convicted of murder, and has requested information concerning the trial procedures.

A mission, composed of the French jurist Christian Bourguet and a member of the Research Department in the International Secretariat of Amnesty International, visited Syria from 11-17 March 1978 on Amnesty International's behalf. They raised with the Minister of Justice, Adib Nahawi, the full range of Amnesty International's concerns in Syria, as well as the cases of individuals for whom Amnesty International is working. They inquired in detail about the legal framework for the detention of political prisoners. The delegates also discussed Amnesty International's activities with Dr Haitham Kelani, Director of International Organizations at the Syrian Foreign Ministry, and with other high-ranking officials.

Legal discussions were held with the President of the Syrian Bar Association, Maître Sabah al Rikabi, the President of the Constitutional Court, Maître Jamal Naamani, and several other leading experts in penal law, with particular regard to the application of martial law regulations within Amnesty International's sphere of concern.

Tunisia (the Republic of)

During the period 1977-78 Tunisia continued to be ruled by the Socialist *Destour* Party of President Habib Bourguiba. However, a number of significant changes have taken place within the Cabinet. In January 1977, a five-year social pact had been signed by representatives of the Government, the *Union Générale des Travailleurs Tunisiens* (UGTT) and other unions. According to one of the provisions of the pact, it was agreed to "maintain social peace, increase production and improve purchasing power and living conditions for wage earners". During 1977, however, as the economic situation worsened and inflation rose, strikes and demonstrations began again. On 23 December 1977, Tahar Belkhodja, Minister of the Interior since 1973, was dismissed from his post, together with Abdul Mejid Bouslana, the Director of Internal Security. Within three days of their dismissal, five other Ministers in the Tunisian Government had resigned in sympathy. The new Cabinet which took office in December 1977 was appointed to deal more strictly with instances of civil unrest. On 26 January 1978 the first general strike since Independence was declared by the *Union Générale des Travailleurs Tunisiens*. In clashes with police and military forces over 100 people were killed and many more wounded; several hundred were arrested and a State of Emergency was declared.

On 14 June 1978, the *Mouvement des Democrates Socialistes* declared that they were seeking permission from the Tunisian authorities to establish a political party to be led by Ahmed Mestiri. If permission were granted, the *Mouvement* would be the first political party to be formed in Tunisia since the country achieved its independence in 1956, the sole existing party being still the Socialist *Destour* Party.

Amnesty International adoption groups continued during 1977-78 to work on behalf of 35 imprisoned left-wing students and intellectuals. (The group includes five leading socialist dissidents who were originally arrested in 1968, granted a conditional amnesty in 1970 and then re-arrested and retried in 1972.) Most of the 35 prisoners were sentenced in 1974 and 1975 after being convicted of plotting against the internal security of the state, of membership of illegal organizations and of spreading false information. They are now serving sentences of between 4 and 16 years' imprisonment and are detained at the Prison du Nador, Bizerte. During the past year, Amnesty International has continued to be concerned over the poor health of many of them: a special appeal was launched for the release of Gilbert Naccache on account of serious illness: he had to receive hospital treatment in December 1977.

During 1978 Amnesty International has also taken up the cases of 33 trade unionists arrested in connection with the events of 26 January 1978 and is making efforts to obtain further information about other detainees with a view to adoption. Those detained include Habib Achour, Secretary General of the UGTT and ten members of its executive bureau, all of whom have been detained in isolation at the Civil Prison in Tunis since their arrest. Other trade union officials and members are held in Tunis Civil Prison as well as in prisons in Sfax, Sousse and other towns. The exact number detained is not known. In February 1978, Amnesty International expressed concern at the large number of arrests and asked the Tunisian authorities to ensure that detainees received their full rights.

Over 30 members of the *Mouvement d'Unité Populaire* (MUP) were brought to trial before the State Security Court in Tunis between June and August 1977. The defendants, who included former government officials and leading trade unionists, had been arrested in March 1977 and were charged with, among other things, distributing leaflets containing false information, membership of a clandestine organization and offences against the dignity of the President. Professor Winfried Hassemer of the University of Frankfurt, who observed the opening of the trial on Amnesty International's behalf, reported that limitations were placed on the defence lawyers and on the defendants themselves in making statements and in pleading their cases. The court acquitted nine of the defendants but passed sentences ranging from six months' to eight years' imprisonment on the rest,

whose cases were taken up for adoption by Amnesty International. Ahmed Ben Salah, who founded the MUP in 1973 and now lives in exile, was sentenced *in absentia* to eight years' imprisonment and five other exiled MUP members received sentences of between five and eight years' imprisonment.

In July 1978, Amnesty International delegated a member of the Research Department in its International Secretariat to attend trials of trade unionists in Sfax and Sousse. Two trials took place at the Sfax Criminal Court, one of which involved 27 people, arrested as a result of a strike in Gafsa in November 1977. Of the 27 accused, 6 were acquitted, 20 were given sentences ranging from four months' to two years and six months' imprisonment and one received a suspended sentence of eight months' imprisonment.

The second trial in Sfax was concerned with 12 trade unionists arrested in the town as a result of the one-day general strike in January 1978. (One of the reasons for the strike in Sfax was that Abderrazak Ghorbal, the Secretary General of the Sfax regional union office, was arrested and taken into preventive detention during January.) The 12 were charged under Articles 131 and 132 of the Penal Code. All the defendants denied the accusations against them, some of them stating that earlier "confessions" made while they were in police custody had been extracted under duress.

Five of the group were sentenced to two years' imprisonment, four were acquitted and three received suspended sentences of two years' imprisonment. Amnesty International is at present taking up the cases of the five who were convicted.

The trial at Sousse Criminal Court involved 101 trade unionists, including eight women, also arrested as a result of the events of 26 January 1978. Charges against the 101 include incitement to armed attack and membership of a group whose aim is incitement to armed attack. Charges against 39 of the defendants carry the death penalty. Many of the defendants claimed that they had made confessions under torture or duress–one person's fingernails had been torn away–and asked that a medical examination be made of their condition. At the time of writing, the trial is still continuing.

No date has yet been decided on for the trial of those detained in Tunis Civil Prison. However, it is known that three of the charges against Habib Achour and the ten members of the executive bureau carry the death penalty. Amnesty International intends to send an observer to attend their trial.

Amnesty International remains concerned at the numerous reports of torture and maltreatment of trade unionists arrested in January and February 1978. Many were held incommunicado in police custody for periods of two months and longer before appearing before a *juge d'instruction* (examining magistrate) and it is during this period that torture is alleged to have occurred. Methods of torture include burns inflicted by cigarettes and the so-called "swing": the prisoner hangs upside down over a bar fixed rigidly behind the knees, with wrists and ankles bound to one another; sensitive parts of the body are beaten with wooden sticks and iron bars. One trade unionist, Houcine El Kouki, who was detained in Sousse, died on 15 February 1978, apparently as a result of torture and bad prison conditions. In August 1978, Amnesty International wrote to the Tunisian Government, expressing deep concern at the above reports and requesting that an independent commission of inquiry be set up to investigate all allegations of torture.

In October 1977, the Tunisian Human Rights League, founded in May 1977, was authorized by the Minister of the Interior to visit the Civil Prison of Tunis and the Prison du Nador, Bizerte–both prisons in which Amnesty International adopted prisoners are held. The League reported that political prisoners had been accorded some privileges not given to common-law prisoners, and that there had been some improvements in prison conditions during the past two years. However, the League stated in its report that prison buildings were overcrowded, that the food was of poor quality and that family visits lasted no more than 15 minutes and took place in the presence of prison guards.

In April 1978, Ahmed Mestiri, a former Government Minister, was charged with defamation of the régime and with spreading false information; he was alleged to have committed the offences during a press conference. In May 1978, Amnesty International learned that Hassib Ben Ammar, a former Minister, President of the Tunisian Human Rights League and Director of *Er-Rai* (Opinion), a newspaper representing the *Mouvement des Democrates Socialistes*, had been accused of defamation of the Army. According to reports, this consisted in his having printed a letter in *Er-Rai* which criticized military intervention in a factory strike in October 1977. His case was referred to a military tribunal on 11 May and on 25 May 1978 he was convicted and fined 300 *dinars*.

On 1 June 1978, Tunisia's Victory Day, Amnesty International adoption groups took part in a campaign in which petitions were sent to President Bourguiba expressing concern at the prolonged detention incommunicado and alleged maltreatment of many of those arrested on 26 January (see p.273). The petitions asked that all detainees be accorded a fair trial and urged that all prisoners of conscience in Tunisia, some of whom have been held since 1968, be granted an amnesty.

Amnesty International learned that President Habib Bourguiba granted an amnesty to 422 prisoners to commemorate Victory Day, but those who benefited were all *prisonniers de droit commun*.

Yemen (the People's Democratic Republic of)

On 26 June 1978 the President of the People's Democratic Republic of Yemen (PDRY), Salem Rubia Ali, was overthrown by the pro-Soviet faction within the Government, headed by the Chairman of the National Liberation Front, Abdul Fattah Ismail. The President and two of his Cabinet Ministers were executed by firing squad. It is as yet too early to say what effect, if any, these events will have on the human rights situation in the country.

Amnesty International is unable to give any estimate of the number of political prisoners currently held in the PDRY, but the 43 cases which Amnesty International groups have been working on this year (33 adoption and 10 investigation cases) almost certainly represent only a very small proportion of the political prisoners in the country. Ten of these cases are people who have "disappeared" and who may no longer be alive. One such case, taken up this year, is Bahadin Ahmad Muhammad who disappeared in March 1972; details of his disappearance have only recently been received by Amnesty International. Bahadin, aged about 40, was a teacher at a technical school at the time of his disappearance. He had studied in England for a number of years, and had returned to Aden in 1967. During 1968 and 1969, he had been arrested on several occasions for short periods

of time, and questioned about his relations with foreigners living in Aden. In 1972 he married, and a week later, while he was at his sister's house, a man came to the door and asked Bahadin to accompany him. He was last seen being driven away in a jeep. He has not been seen since, and despite persistent enquiries, his family has been unable to discover whether he is alive or not. There are, according to reports, hundreds of similar cases of people who have disappeared without trace since the PDRY became independent in 1967.

Another typical case taken up by Amnesty International is that of Al Haj Husain Al Aidrous. A Yemeni living and working in Dubai, he visited Aden in December 1971 on business and was arrested. Reasons for his arrest are not known but he is being held in Al Mansura Prison, and, as far as is known, has not been charged or tried. This prisoner was included in the 1977 Greetings Card Campaign.

Two other adopted cases were included in another Amnesty International campaign. Muhammad Salih bin Abdullah Fadhli, an officer in the federal (pre-Independence) army, and his brother Muhsin Salih bin Abdullah Fadhli, a trained jet-fighter pilot, who have both been detained without charge or trial since 1967, were the subject of one of the Prisoner of Conscience appeals marking the 30th Anniversary of the United Nations Universal Declaration of Human Rights.

To mark the 10th Anniversary of the PDRY's achievement of independence in November 1977, all Amnesty International groups working for PDRY prisoners organized petitions to send to President Salem Rubia Ali, appealing for the release of their particular adopted prisoner and for a general amnesty for all political prisoners in the country.

As in previous years, no replies have been received by any Amnesty International groups from the PDRY authorities; neither has there been any news, from official or unofficial sources, about any of these prisoners.

One of the detention centers in Aden, Mu'askar Al Fatah (Al Fatah camp), was taken up in June 1978 as a "prison adoption". Mu'askar Al Fatah is the main detention center in Aden, and probably the most notorious. Political suspects are usually taken to it in the first place for investigation purposes and are either moved later to Al Mansura Prison in Aden or to some other prison in the country, or else remain in Mu'askar Al Fatah until they are released. None of the inmates is a convicted prisoner. Little, if anything, is known about the many other prisons and detention centers in the PDRY (Amnesty International has collected the names of over 45 of them) but it is probable that conditions in Mu'askar Al Fatah are representative of conditions in other such places throughout the country.

The data collected about Mu'askar Al Fatah from ex-detainees give information on the location and administration of the camp, the composition of the prisoner population, hygiene, food, medical treatment, and the treatment of prisoners. Amnesty International's main concern is the very poor prison conditions in which detainees are held. These fall far below the United Nations Standard Minimum Rules for the Treatment of Prisoners, and differ markedly from conditions in Al Mansura Prison in Aden, which Amnesty International delegates visited in June 1975. Amnesty International is also concerned about the very poor treatment of prisoners in Mu'askar Al Fatah. A number of first- and second-hand reports, covering the period between 1970 and 1976, describe ill-treatment as ranging from frequent and arbitrary harassment of prisoners by prison guards to the most severe and brutal torture, known in some cases to have resulted in paralysis or even death.

Improvements for which Amnesty International is calling are:

- an end to detention without trial; that detainees be told the reason for their arrest; that families be informed of the whereabouts of a prisoner; that prisoners be charged and tried in accordance with the Penal Code, or be released immediately;
- an improvement in conditions in Mu'askar Al Fatah, by the provision of adequate food, medical and recreational facilities, and reading and writing materials;
- the right of prisoners to receive visits from their families or representatives of their families on a regular basis and as soon as possible after their arrest;
- the introduction of measures to guarantee protection for all detainees against torture and ill-treatment.

Missions July 1977 - June 1978

Country	*Date*	*Delegates*	*Purpose*
Nigeria	August	Stephanie Grant (British)	participation in UN World Conference against apartheid
Federal Republic of Germany	August	Professor Fritz Rüter (Dutch) The Reverend Paul Oestreicher (British)	government talks on prisoners' thirst and hunger strikes
France	August	Maître Jacques Schneider (Swiss)	to observe appeal hearing against convictions following Creys Malville demonstration
Thailand	August/ September	Ramsey Clark (American) Huang Wen-hsien (International Secretariat)	talks with government officials, visits to prisons, discussions with lawyers and civil liberties groups
Togo	September/ October	Maître Marie Claire Picard (French)	high level government talks
United States of America	October	Dr Luis Reque (Bolivian)	to observe trial of James Earl Grant, prisoner adopted by Amnesty International
Caribbean	November	Anne Burley (International Secretariat)	to attend death penalty seminar, research
Czechoslovak Socialist Republic	October	Dr Wolfgang Aigner (Austrian)	to observe trial of four people detained in connection with Charter 77
Cuba	November/ December	Thomas Hammarberg (Swedish) Roger Plant (International Secretariat)	talks with government officials and members of legal profession
Northern Ireland	November/ December	Douwe Korff (Dutch) John Humphreys (International Secretariat) Dr Inge Lunde (Danish) Dr Jorgen Kelstrup (Danish)	research
Namibia	November/ December	Gregory Wallance (American)	to observe trial of Victor Nkandi
Ireland	December	Douwe Korff (Dutch) Alfred Heijder (Dutch)	to give evidence to government committee of inquiry set up to recommend changes in the law regarding suspects
Guyana	December	Professor David Weissbrodt (American)	to observe trial of Arnold Rampersaud

Country	*Date*	*Delegates*	*Purpose*
Bangladesh	December	Martin Ennals (International Secretariat)	government talks
India	December/ January	Professor James Fawcett (British) Yvonne Terlingen (International Secretariat)	talks with high-level government officials and members of legal profession, research
United States of America	January	Liyoka Kakula (Zambian) Mwangala Kamwanga (Zambian)	to observe trial of Leonard Peltier, charged with attempted murder of a police officer
Federal Republic of Germany	January	Professor Fritz Rüter (Dutch)	to observe trial of the lawyer Kurt Groenewald
Federal Republic of Germany	January	Theodor Bellakom (Dutch)	to observe trial of the student Hans Sautmann, charged with defamation of the state
Spain	February	Maître Georges Pinet (French)	to observe trial of Els Joglars Mime Group
South Africa	February/ March	Lord Avebury (British)	to attend inquest into death of Dr Hoosen Haffejee
United States of America	February/ March	Brian Wrobel (International Secretariat)	to give testimony on Iran on behalf of Amnesty International to US Congressional sub-committee
Brazil	February/ March	Tricia Feeney (International Secretariat)	research
Lebanon/Syria/ Jordan	March	Christian Bourguet (French) Wendy Levitt (International Secretariat) Dick Oosting (International Secretariat)	research in Lebanon; government and legal talks in Syria; government and legal talks in Jordan, and research
Egypt	March	Sir Osmond Williams (British)	to observe trial of sixteen people charged with belonging to an illegal political party and tried by military court
Federal Republic of Germany	March	Professor Peter Tak (Dutch)	to observe trial of students charged with defamation of the memory of a dead person
Turkey	March/ April	Thomas Hammarberg (Swedish) Anne Burley (International Secretariat)	attendance at Istanbul Bar Association centenary celebrations; government talks and research
Bolivia/Peru	March/ April	Hans Rau (German) Michael McClintock (International Secretariat)	research, high-level government talks, prison visits
United States of America	April	Brian Wrobel (International Secretariat)	to observe Leonard Peltier's appeal against murder conviction
Egypt	April	Olivier Guignabaudet (International Secretariat)	to observe re-trial by State Security Court of nineteen people, following President Sadat's veto of previous court's acquittal
Grenada	June	Herbert Semmel (American)	trial observation

Amnesty International Accounts, Treasurer's and Auditors' Reports

INTERNATIONAL TREASURER'S REPORT FOR THE YEAR ENDED 30 APRIL 1978

The expenditure budget approved by the International Council Meeting at Strasbourg in September 1976 was £750,000 for the financial year ending 30 April 1978.

The International Council Meeting at Bad Honnef in September 1977, on the recommendation of the International Executive Committee, approved a revised budget of £829,000–the National Sections committed £751,292 in the expectation that income from expected growth of Groups and other sundry income would close the gap. This optimistic expectation was almost fulfilled in that National Section contributions for the year were £803,784 which includes £33,844 contributed by two National Sections over and above their commitments.

The audited accounts show a total expenditure of £915,377, an excess of expenditure over the approved budget of £86,377. It should be noted that the provision for salaries and salary-related costs in the approved budget was £514,300. All approved positions were not recruited by the end of the financial year and therefore the budget provision was under-spent by £61,322. Obviously, if full staff recruitment as provided for in the budget had taken place, the total excess of expenditure over budget would have been considerably higher than now shown.

The main areas in which excess expenditure took place were:

Printing and stationery	£ 7,770
Telephone and telex	£19,571
Postage	£12,319
Sundries/service contracts	£ 8,016
Staff travel	£ 5,788
Depreciation on office equipment	£ 6,017
Volunteer and temporary help	£ 3,517
Net cost (after crediting income) of publications	£48,056

These figures are sufficiently significant to merit consideration in the context of budgeting preparation.

Whilst the accumulated fund (reserves) may appear to look healthy, it should be appreciated that in fact it includes certain money already earmarked for special purposes, namely the Nobel Peace Prize (£79,635), which the International Executive Committee decided should be kept available to assist financially weak and developing Sections, and the Erasmus Prize (£21,361) which was specifically donated for use in the Documentation Center. This means that the general accumulated fund (reserves) is £56,152–a comparatively small sum when related to Amnesty International's annual expenditures.

In addition to expenditures made through the budget, certain of Amnesty International's work was financed through the Special Projects Fund. Expenditure under this heading amounted to £87,913. To make a comparison with last year's accounts it should be noted that the Campaign for the Abolition of Torture Special Project Fund which was last year separately accounted has, in this year's accounts, been merged with the Special Projects Fund. The combined expenditure shown for both Funds in last year's accounts was £48,129 so that the increase in

expenditure for Special Projects for the year ended 30 April 1978 amounts to £39,784.

Distribution of relief money continued to be an important element in Amnesty International's work and a total of £190,150 was distributed in the year under review. This also is an increase (of £64,859) over the amount so distributed in the previous financial year.

Money for both these expenditures was contributed by the National Sections over and above their National Section contributions to the budget.

The Promotion Department established to implement the decision of the Eighth International Council (St Gallen) completed its function during the present financial year and has been closed. A detailed report on the results of the promotion and fund-raising aspects of the Campaign conducted by the Promotion Department will be separately made to the Council. I should, however, remark that the purpose of the Eighth International Council decision was stated to be "To create a greater awareness of Amnesty's work." It is clear from reports received from National Sections of increased interest shown in various countries for Amnesty International's work and increased membership of National Sections during the year of the Campaign and the fact that the Nobel Peace Committee made the award of the Nobel Peace Prize during that year that "a greater awareness of Amnesty's work" was in fact created. I feel I should at this point pay tribute to the Director of the Promotion Department, Guy Binsfeld, and to the small staff which assisted him, for the outstanding work they performed for Amnesty International; their capacity and output by any standards was phenomenal and all concerned deserve a tribute and the thanks of this Council.

In conclusion I must again refer to the continuous expansion of Amnesty International's activities and the continuous escalation of expenditures. I recommend the Council to discuss seriously the advisability of planning future activities; decide on targets and limits; provide National Section contributions to cover the estimated cost of such planned activities, and direct the International Executive Committee to control rigidly expenditures of those activities which have been planned and costed.

Kevin T. White
International Treasurer

AUDITORS' REPORT

To the International Executive Committee, Amnesty International:

We have examined the balance sheets of Amnesty International as of 30 April 1978 and 1977 and the related statements of income and expenditure, changes in financial position and sources and applications of relief monies for the years then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying accounts present fairly the financial position of Amnesty International as of 30 April 1978 and 1977, and the results of its operations, changes in financial position and the sources and applications of relief monies for the years then ended, in conformity with generally accepted accounting principles, consistently applied during the periods.

In our auditors' report dated 25 July 1977, we qualified our opinion on the accounts at 30 April 1977, in respect of the effect on the accounts of such adjustments, if any, as might have been disclosed had we been able to determine whether or not relief monies paid out had been applied to the benefit of specific prisoners of conscience or their families. Since that time, no possible adjustments to the 1977 accounts have come to our attention and the organization has improved its procedures for monitoring the payment of relief monies. Accordingly, our opinion on the accounts at 30 April 1977, as presented herein, differs from that expressed in our previous report.

Arthur Andersen & Co.
London
20 June 1978

AMNESTY INTERNATIONAL
BALANCE SHEETS – 30 APRIL 1978 AND 1977

	1978 International Secretariat	1978 Promotion Department	1978 Eliminating entries	1978 Amnesty International (Note 1)	1978 Amnesty International
CURRENT ASSETS:					
Cash, including cash in transit (Note 2)	£279,472	£ 61,914	£ –	£341,386	£265,344
Due from National Sections	57,931	70,683	–	128,614	60,490
Due from The Prisoners of Conscience Fund, net	6,165	–	–	6,165	1,991
Sundry debtors and prepaid expenses	36,494	6,888	–	43,382	8,742
Publications stock (Note 3c)	13,042	2,628	–	15,670	11,013
Due from Promotion Department	16,902	–	(16,902)	–	–
	410,006	142,113	(16,902)	535,217	347,580
CURRENT LIABILITIES:					
Creditors and accrued expenses	128,079	14,388	–	142,467	91,111
Due to National Sections	65,313	–	–	65,313	56,470
Relief obligations per attached statement (Note 2)	69,888	–	–	69,888	34,120
Special Projects Fund (Note 6)	65,229	110,823	–	176,052	34,243
CAT Special Project Fund (Note 6)	–	–	–	–	13,803
Karen O'Donovan Fund	–	–	–	–	671
Loans from National Sections	–	–	–	–	28,539
Due to International Secretariat	–	16,902	(16,902)	–	–
	328,509	142,113	(16,902)	453,720	258,957
Net current assets	81,497	–	–	81,497	88,623
PROPERTY AND EQUIPMENT, net (Notes 3b and 4)	84,931	–	–	84,931	44,020
PAST SERVICE SUPERANNUATION LIABILITY (Note 9)	(9,280)	–	–	(9,280)	(9,860)
Net assets	£157,148	£ –	£ –	£157,148	£122,783
Representing–					
ACCUMULATED FUND (Note 7)	£157,148	£ –	£ –	£157,148	£122,783

The accompanying notes are an integral part of these balance sheets.

AMNESTY INTERNATIONAL
STATEMENTS OF INCOME AND EXPENDITURE
FOR THE YEARS ENDED 30 APRIL 1978 and 1977

	1978 International Secretariat	1978 Promotion Department	1978 Amnesty International (Note 1)	1977 Amnesty International
INCOME:				
National Section contributions (Note 3a)	£803,784	£132,122	£ 935,906	£538,649
Nobel Peace Prize	79,635	–	79,635	–
Donations (Note 3a)	7,217	53,488	60,705	56,684
Donations for capital purposes (Note 3a)	–	–	–	28,613
Publications revenue (Notes 3a and 5)	29,330	72,814	102,144	93,878
Interest income	6,599	1,284	7,883	11,152
Other receipts, including exchange gains (Note 3d)	10,831	7,094	17,925	7,744
	937,396	266,802	1,204,198	736,720
EXPENDITURE (Notes 3 and 5):				
Salaries and related costs	503,540	32,527	536,067	378,158
Production, printing and stationery	98,239	50,619	148,858	122,368
Office costs	122,501	10,695	133,196	73,050
Premises and occupation costs	123,895	2,461	126,356	42,523
Travel and National Section development costs	45,340	3,970	49,310	34,002
Accountancy and audit fees	8,796	11,895	20,691	8,435
Other costs	3,211	24,448	27,659	2,500
Transfer to Special Projects Fund	9,855	–	9,855	–
	915,377	136,615	1,051,992	661,036
Net surplus	22,019	130,187	152,206	75,684
ACCUMULATED FUND (DEFICIT), beginning of year	135,129	(12,346)	122,783	47,099
TRANSFER TO SPECIAL PROJECTS FUND on closure of the Promotion Department (Note 6)	–	(117,841)	(117,841)	–
ACCUMULATED FUND, end of year	£157,148	£ –	£ 157,148	£122,783

The accompanying notes are an integral part of these statements.

AMNESTY INTERNATIONAL

STATEMENTS OF CHANGES IN FINANCIAL POSITION FOR THE YEARS ENDED 30 APRIL 1978 AND 30 APRIL 1977

	Amnesty International 1978	1977
SOURCES OF FUNDS:		
Net surplus for year	£152,206	£ 75,684
Add (deduct): Items not involving cash flow during the year–		
Depreciation	27,065	4,822
Amortization of past service superannuation liability	(580)	(580)
Loss on sale of property and equipment	1,225	–
Total funds from operations	179,916	79,926
Proceeds from sale of property and equipment	546	–
Decrease in working capital	7,126	–
	£187,588	£ 79,926
USES OF FUNDS:		
Purchase of property and equipment	£ 69,747	£ 39,241
Increase in working capital	–	40,685
Transfer of net surplus arising from the Promotion Department	117,841	–
	£187,588	£ 79,926
INCREASE (DECREASE) IN WORKING CAPITAL:		
Increase in due from National Sections	£ 68,124	£ 33,659
Increase (decrease) in receivable from The Prisoners of Conscience Fund	4,174	(1,023)
Increase (decrease) in sundry debtors and prepaid expenses	34,640	(4,325)
Increase in publications stock	4,657	6,468
(Increase) in creditors and accrued expenses	(51,356)	(60,206)
(Increase) in due to National Sections	(8,843)	(56,470)
(Increase) decrease in relief obligations	(35,768)	561
(Increase) in Special Projects Funds	(141,809)	(15,051)
Decrease (increase) in CAT Special Project Fund	13,803	(3,517)
Decrease in Karen O'Donovan Fund	671	146
Decrease (increase) in loans from National Sections	28,539	(28,539)
Movement in net liquid funds–		
Increase in cash	76,042	168,982
(Decrease) increase in working capital	£ (7,126)	£ 40,685

The accompanying notes are an inetgral part of these statements.

AMNESTY INTERNATIONAL

STATEMENTS OF SOURCES AND APPLICATIONS OF RELIEF MONIES FOR THE YEARS ENDED 30 APRIL 1978 AND 30 APRIL 1977

	1978	1977
SOURCES:		
Specific relief monies	£199,605	£102,163
Interest income	2,463	3,667
The Prisoners of Conscience Fund (Note 2)	23,850	18,900
	225,918	124,730
APPLICATIONS:		
Relief monies paid	166,300	106,391
Relief monies paid on behalf of The Prisoners of Conscience Fund (Note 2)	23,850	18,900
	190,150	125,291
Net increase (decrease) in relief obligations	35,768	(561)
BALANCE OF RELIEF OBLIGATIONS, beginning of year	34,120	34,681
BALANCE OF RELIEF OBLIGATIONS, end of year	£ 69,888	£ 34,120

The statement does not include the relief obligations of The Prisoners of Conscience Fund represented by its accumulated fund of £9,056 at 5 April 1978.

The accompanying notes are an integral part of these statements.

NOTES TO ACCOUNTS–30 APRIL 1978 AND 1977

1. *AIMS AND ORGANIZATION:*

Amnesty International is an unincorporated, non-profit organization which has as its object the securing, throughout the world, of the observance of the provisions of the Universal Declaration of Human Rights. The specific objects, the methods to be applied in achieving these objects, and details of its organization are covered by the Statute of Amnesty International, as amended by the Tenth International Council Meeting in Bad Honnef, Federal Republic of Germany, in September 1977.

The objects of Amnesty International include providing assistance to and working towards the release of persons who, in violation of the provisions of the Universal Declaration of Human Rights, are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious, or other conscientiously held beliefs or by reason of their ethnic origin, colour or language (provided that they have not used or advocated violence). These persons are referred to as "prisoners of conscience". One of the main functions of the International Secretariat is to carry out research to identify such prisoners of conscience and to report on its findings. These prisoners of conscience receive relief monies both through Amnesty International and through a United Kingdom registered charity, The Prisoners of Conscience Fund.

Amnesty International is financed principally by contributions from National Sections. The Amnesty International accounts embrace only those finances for which the International Executive Committee is responsible, namely those of the International Secretariat and the Promotion Department, and accordingly exclude amounts related to individual National Sections' resources. The Promotion Department was closed on 15 March 1978.

2. *RELIEF MONIES:*

The International Secretariat is responsible for the administration and disbursement of relief monies. Not all such monies received have been applied, as yet, towards relief. These unpaid funds are held in a separate bank account (the relief account). Relief obligations are reflected as a current liability of Amnesty International.

Certain relief funds are contributed by the managers of The Prisoners of Conscience Fund. To ease administration, these relief monies are paid out through the channels of Amnesty International, using the International Secretariat's relief bank account. Although the managers are advised by Amnesty International, they retain complete discretion as to how these relief monies are disbursed, both as to quantum and direction.

Payments of relief are usually made to prisoners or their families via intermediaries. This relief activity involves entrusting persons whom the International Secretariat consider to be responsible with relief monies and relying extensively on their integrity and dedication to ensure that the proper persons benefit from relief. It is not always possible or practicable to obtain receipts from beneficiaries of relief monies, but the International Secretariat does have additional sources of information which, it believes, would report any significant instances where

relief monies, for one reason or another, did not reach prisoners or their families. No such significant instances have been reported.

Sources and applications of relief monies are summarized in the attached statement; receipts and payments of relief monies do not comprise income and expenditure of Amnesty International.

3. *ACCOUNTING POLICIES:*

a) Income

National Section contributions to the International Secretariat represent the committed share of each Section towards the budget of the International Secretariat. Adequate reserves have been provided against certain unpaid contributions which National Sections have stated they will not or cannot meet.

National Section contributions to the Promotions Department represent receipts and commitments in respect of the Promotion Campaign.

Donations are accounted for on a cash basis. The amounts recorded as income represent cash received during the year.

Publications revenue represents the value of sales of International Secretariat and Promotion Department publications to third parties during the year.

b) Property and equipment

This is recorded at cost less accumulated depreciation. Depreciation is provided, in respect of all assets in use, on a straight-line basis at the following rates–

Leasehold improvements	– over the period of the lease
Office equipment	– 15% per annum

c) Publications stock

Publications stocks are stated at the lower of cost and net realizable value.

d) Foreign currency

Foreign currency assets and liabilities have been translated into pounds sterling at the exchange rates ruling at the balance sheet dates.

Foreign currency income and expenditure are translated into pounds sterling at average exchange rates for the year.

e) Production, printing and stationery costs

These costs include the costs incurred in preparing and printing art posters and other publications, and the costs of items given to third parties for promotional purposes.

f) Promotion Department accounts

The Department's balance sheet and statement of income and expenditure comprise the combined activities of the Luxembourg, London and Dublin locations.

4. *PROPERTY AND EQUIPMENT:*

Movement on the account for the year was–

	Balance, 30 April 1977	Additions/ Provisions	Retirements	Balance, 30 April 1978
Cost–				
Leasehold improvements	£22,173	£25,973	£ –	£ 48,146
Office equipment	32,145	43,774	2,476	73,443
	54,318	£69,747	£2,476	121,589
Accumulated depreciation–				
Leasehold improvements	–	£16,049	£ –	16,049
Office equipment	10,298	11,016	705	20,609
	10,298	£27,065	£ 705	36,658
Net	£44,020			£ 84,931

5. *PUBLICATIONS DEPARTMENT:*

The income and expenditure of the Publications Department of the International Secretariat (included in the statement of income and expenditure) was as follows–

	1978	1977
Publications revenue	£ 29,330	£ 19,039
Publications cost of sales	47,950	32,892
Gross loss	(18,620)	(13,853)
Cost of information literature	(9,163)	(4,559)
Salaries and related costs	(42,047)	(18,676)
Other costs	(30,476)	(6,995)
Deficit for year	£(100,306)	£(44,083)

The above summary excludes the results of the publications activities of the Promotion Department.

The publications revenue for both the International Secretariat and the Promotion Department is derived substantially from National Sections.

6. *SPECIAL PROJECTS FUND:*

Special Projects funds, replenished from time to time by National Sections, are maintained to enable the organization to carry out specific projects for which resources would not otherwise be available. Examples of these projects include missions to attend trials of prisoners of conscience, investigations into prison

conditions and providing information services for certain regions. The following is a summary of Special Projects transactions for the year–

	1978	1977
Receipts (including £7,018 received from the Promotion Department)	£105,096	£ 57,531
Transfer from Special Project Fund for the Campaign for the Abolition of Torture	13,803	–
Payments	(87,913)	(42,480)
	30,986	15,051
Receivable from Promotion Department	110,823	–
Fund, beginning of year	34,243	19,192
Fund, end of year	£176,052	£ 34,243
Comprising–		
Amount allocated to identified projects	£ 83,967	£ 25,133
Unallocated portion	92,085	9,110
	£176,052	£ 34,243

As indicated above, the funds for the Campaign for the Abolition of Torture (CAT) were incorporated with those of the Special Projects Fund during the year. On the recommendation of the International Executive Committee, the net surplus arising from the total operations of the Promotion Department has been transferred to the Special Projects Fund.

7. *ACCUMULATED FUND:*

The accumulated fund represents–

	1978	1977
General accumulated fund	£ 56,152	£112,228
Nobel Peace Prize	79,635	–
Erasmus Prize	21,361	22,901
Promotion Department	–	(12,346)
	£157,148	£122,783

During the year ended 30 April 1978, Amnesty International was awarded the Nobel Peace Prize. On the recommendation of the International Executive Committee, the prize has been placed in a special fund, for the purpose of strengthening the worldwide organization of Amnesty International and for special programs identified with peace. At 30 April 1978 no expenditure had been incurred against this fund.

The Erasmus Prize was awarded to Amnesty International during the year ended 30 April 1977. The prize, which can only be used for specified capital purposes, is to be used to establish a document center. During the year ended 30 April 1978, £1,540 was so expended.

8. *LEASE COMMITMENTS:*

The organization entered into a lease for office premises at Southampton Street, London WC2, with effect from 2 May 1977. The lease is for a period of three years at an annual rental of £49,000 plus a service charge. Under the terms of the lease the organization has paid a deposit of £12,250 as surety, held jointly by the soclicitors of Amnesty International and the lessor until the expiry of the lease.

9. *PAST SERVICE SUPERANNUATION LIABILITY:*

The International Secretariat's Retirement Benefits Scheme became effective in January 1974. The scheme is fully insured and covers certain employees who elected to join. The past service liability at inception of the scheme amounted to £11,600. A provision of this amount was made in 1974, and is being amortized over 20 years on a straight-line basis; the unamortized balance at 30 April 1978 is £9,280.

10. *TAXATION:*

Amnesty International is regarded for tax purposes as a body corporate and is chargeable to corporation tax on profits arising from any trading activity and on interest income. No provision for corporation tax has been made in these accounts as trading losses (from publications) exceed interest income.

Appendices

APPENDIX I

Statute of Amnesty International

As amended by the Tenth International Council meeting in Bad Honnef, Federal Republic of Germany, 16-18 September 1977

OBJECTS

1. CONSIDERING that every person has the right freely to hold and to express his convictions and the obligation to extend a like freedom to others, the objects of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:
   a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "Prisoners of Conscience");
   b) opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to recognized norms to ensure a fair trial;
   c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

METHODS

2. In order to achieve the aforesaid objects, AMNESTY INTERNATIONAL shall:
   a) at all times maintain an overall balance between its activities in relation to countries adhering to the different world political ideologies and groupings;
   b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in article 1 hereof;
   c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;
   d) take all necessary steps to establish an effective organization of national sections, affiliated groups and individual members;
   e) secure the adoption by groups of members or supporters of individual Prisoners of Conscience or entrust to such groups other tasks in support of the objects set out in article 1;
   f) provide financial and other relief to Prisoners of Conscience and their dependendants and to persons who have lately been Prisoners of Conscience or who might reasonably be expected to be Prisoners of Conscience or to become Prisoners of Conscience if convicted or if they were to return to their own countries, and to the dependants of such persons;

g) work for the improvement of conditions for Prisoners of Conscience and political prisoners;

h) provide legal aid, where necessary and possible, to Prisoners of Conscience and to persons who might reasonably be expected to be Prisoners of Conscience or to become Prisoners of Conscience if convicted or if they were to return to their own countries, and where desirable, send observers to attend the trials of such persons;

i) publicize the cases of Prisoners of Conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;

j) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;

k) make representations to international organizations and to governments whenever it appears that an individual is a Prisoner of Conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;

l) promote and support the granting of general amnesties of which the beneficiaries will include Prisoners of Conscience;

m) adopt any other appropriate methods for the securing of its objects.

ORGANIZATION

3. AMNESTY INTERNATIONAL shall consist of national sections, affiliated groups, individual members and corporate members.
4. The directive authority for the conduct of the affairs of AMNESTY INTERNATIONAL is vested in the International Council.
5. Between meetings of the International Council, the International Executive Committee shall be responsible for the conduct of the affairs of AMNESTY INTERNATIONAL and for the implementation of the decisions of the International Council.
6. The day to day affairs of AMNESTY INTERNATIONAL shall be conducted by the International Secretariat headed by a Secretary General under the direction of the International Executive Committee.
7. The office of the International Secretariat shall be in London or such other place as the International Executive Committee shall decide and which is ratified by at least one-half of national sections.

NATIONAL SECTIONS

8. A national section of AMNESTY INTERNATIONAL may be established in any country, state or territory with the consent of the International Executive Committee. In order to be recognized as such, a national section shall (a) consist of not less than two groups or 10 members (b) submit its statute to the International Executive Committee for approval (c) pay such annual fee as may be determined by the International Council (d) be registered as such with the International Secretariat on the decision of the International Executive Committee. National sections shall take no action on matters that do not fall within the stated objects of AMNESTY INTERNATIONAL. The International Secretariat shall maintain a register of national sections.
9. Groups of not less than three members or supporters may, on payment of an annual fee determined by the International Council, become affiliated to AMNESTY INTERNATIONAL or a national section thereof. Any dispute as to whether a group should be or remain affiliated shall be decided by the International Executive Committee. An affiliated adoption group shall accept for adoption such prisoners as may from time to time be allotted to it by the International Secretariat, and shall adopt no others as long as it remains affiliated to AMNESTY INTERNATIONAL. No group shall be allotted a Prisoner of Conscience detained in its own country. The International Secretariat shall maintain a register of affiliated adoption groups. Groups shall take no action on matters that do not fall within the stated objects of AMNESTY INTERNATIONAL.

INDIVIDUAL MEMBERSHIP

10. Individuals residing in countries where there is no national section may, on payment to the International Secretariat of an annual subscription fee determined by the International Executive Committee, become members of AMNESTY INTERNATIONAL. In countries where a national section exists, individuals may become members of AMNESTY INTERNATIONAL with the consent of the national section. The International Secretariat shall maintain a register of such members.

CORPORATE MEMBERSHIP

11. Organizations may, at the discretion of the International Executive Committee and on payment of an annual subscription fee determined by the International Executive Committee, become corporate members of AMNESTY INTERNATIONAL. The International Secretariat shall maintain a register of corporate members.

INTERNATIONAL COUNCIL

12. The International Council shall consist of the members of the International Executive Committee and of representatives of national sections and shall meet at intervals of approximately one year but in any event of not more than two years on a date fixed by the International Executive Committee. Only re representatives of national sections and elected members of the International Executive Committee shall have the right to vote on the International Council.
13. All national sections shall have the right to appoint one representative to the International Council and in addition may appoint representatives as follows:

10 – 49 groups	:	1 representative
50 – 99 groups	:	2 representatives
100 – 199 groups	:	3 representatives
200 – 399 groups	:	4 representatives
400 groups or over	:	5 representatives

National sections consisting primarily of individual members rather than groups may in alternative appoint additional representatives as follows:

500–2,499	:	1 representative
2,500 and over	:	2 representatives

Only sections having paid in full their annual fee as assessed by the International Council for the previous financial year shall vote at the International Council. This requirement may be waived in whole or in part by the International Executive Committee.

14. Representatives of groups not forming part of a national section may with the permission of the Secretary General attend a meeting of the International Council as observers and may speak thereat but shall not be entitled to vote.
15. A national section unable to participate in an International Council may appoint a proxy or proxies to vote on its behalf and a national section represented by a lesser number of persons than its entitlement under article 13 hereof may authorize its representative or representatives to cast votes up to its maximum entitlement under article 13 hereof.
16. Notice of the number of representatives proposing to attend an International Council, and of the appointment of proxies, shall be given to the International Secretariat not later than one month before the meeting of the International Council. This requirement may be waived by the International Executive Committee.
17. A quorum shall consist of the representatives or proxies of not less than one quarter of the national sections entitled to be represented.
18. The Chairman of the International Executive Committee, or such other person as the International Executive Committee may appoint, shall open the proceedings of the International Council, which shall elect a chairman. Thereafter the elected Chairman, or such other person as he may appoint, shall preside at the International Council.
19. Except as otherwise provided in this statute, the International Council shall make its decisions by a simple majority of the votes cast. In case of an equality of votes the Chairman of the International Council shall have a casting vote.
20. The International Council shall be convened by the International Secretariat by notice to all national sections and affiliated groups not later than 90 days before the date thereof.
21. The Chairman of the International Executive Committee shall at the request of the Committee or of not less than one-third of the national sections call an extraordinary meeting of the International Council by giving not less than 21 days' notice in writing to all national sections.
22. The International Council shall elect a Treasurer, who shall be a member of the International Executive Committee.
23. The International Council may appoint one or more Honorary Presidents of AMNESTY INTERNATIONAL to hold office for a period not exceeding three years.
24. The agenda for meetings of the International Council shall be prepared by the International Secretariat under the direction of the Chairman of the International Executive Committee.

INTERNATIONAL EXECUTIVE COMMITTEE

25. a) The International Executive Committee shall consist of the Treasurer, one representative of the staff of the International Secretariat and seven regular members, who shall be members of AMNESTY INTERNATIONAL, or of a national section, or of an affiliated group, elected by the International Council by proportional representation by the method of the single transferable vote in accordance with the regulations published by the Electoral Reform Society. Not more than one member of any national section or affiliated group may be elected as a regular member to the Committee, and once one member of any national section or affiliated group has received sufficient votes to be elected, any votes cast for other members of that national section or affiliated group shall be disregarded.

    b) Members of the permanent staff, paid and unpaid, shall have the right to elect one representative among the staff who has completed not less than two years' service to be a voting member of the International Executive Committee. Such member shall hold office for one year and shall be eligible for re-election. The method of voting shall be subject to approval by the International Executive Committee on the proposal of the staff members.

26. The International Executive Committee shall meet not less than twice a year at a place to be decided by itself.
27. Members of the International Executive Committee, other than the representative of the staff, shall hold office for a period of two years and shall be eligible for re-election. Except in the case of elections to fill vacancies resulting from unexpired terms of office, the members of the Committee, other than the representative of the staff, shall be subjected to election in equal proportions on alternate years.
28. The Committee may co-opt not more than four additional members who shall hold office for a period of one year; they shall be eligible to be re-co-opted. Co-opted members shall not have the right to vote.
29. In the event of a vacancy occurring on the Committee, other than in respect of the representative of the staff, it may co-opt a further member to fill the vacancy until the next meeting of the International Council, which shall elect such members as are necessary to replace retiring members and to fill the vacancy. In the event of a vacancy occurring on the Committee in respect of the representative of the staff, the staff shall have the right to elect a successor representative to fill the unexpired term of office.
30. If a member of the Committee is unable to attend a meeting, he may appoint an alternate.
31. The Committee shall each year appoint one of its members to act as Chairman.
32. The Chairman may, and at the request of the majority of the Committee shall, summon meetings of the Committee.
33. A quorum shall consist of not less than five members of the Committee or their alternates.
34. The agenda for meetings of the Committee shall be prepared by the International Secretariat under the direction of the Chairman.
35. The Committee may make regulations for the conduct of the affairs of AMNESTY INTERNATIONAL, and for the procedure to be followed at the International Council.

INTERNATIONAL SECRETARIAT

36. The International Executive Committee may appoint a Secretary General who shall be responsible under its direction for the conduct of the affairs of AMNESTY INTERNATIONAL and for the implementation of the decisions of the International Council.
37. The Secretary General may, after consultation with the Chairman of the International Executive Committee, and subject to confirmation by that Committee, appoint such executive and professional staff as appear to him to

be necessary for the proper conduct of the affairs of AMNESTY INTERNATIONAL, and may appoint such other staff as appear to him to be necessary.

38. In the case of the absence or illness of the Secretary General, or of a vacancy in the post of Secretary General, the Chairman of the International Executive Committee shall, after consultation with the members of that Committee, appoint an acting Secretary General to act until the next meeting of the Committee.

39. The Secretary General or Acting Secretary General, and such members of the International Secretariat as may appear to the Chairman of the International Executive Committee to be necessary shall attend meetings of the International Council and of the International Executive Committee and may speak thereat but shall not be entitled to vote.

TERMINATION OF MEMBERSHIP

40. Membership of or affiliation to AMNESTY INTERNATIONAL may be terminated at any time by resignation in writing.

41. The International Council may, upon the proposal of the International Executive Committee or of a national section, by a three-fourths majority of the votes cast deprive a national section, an affiliated group or a member of membership of AMNESTY INTERNATIONAL if in its opinion that national section, affiliated group or member does not act within the spirit of the objects and methods set out in articles 1 and 2 or does not observe any of the provisions of this statute. Before taking such action, all national sections shall be informed and the Secretary General shall also inform the national section, affiliated group or member of the grounds on which it is proposed to deprive it or him of membership, and such national section, affiliated group or member shall be provided with an opportunity of presenting its or his case to the International Council.

42. A national section, affiliated group or member who fails to pay the annual fee fixed in accordance with this statute within six months after the close of the financial year shall cease to be affiliated to AMNESTY INTERNATIONAL unless the International Executive Committee decides otherwise.

FINANCE

43. An auditor appointed by the International Council shall annually audit the accounts of AMNESTY INTERNATIONAL, which shall be prepared by the International Secretariat and presented to the International Executive Committee and the International Council.

44. No part of the income or property of AMNESTY INTERNATIONAL shall directly or indirectly be paid or transferred otherwise than for valuable and sufficient consideration to any of its members by way of dividend,gift, division, bonus or otherwise howsoever by way of profit.

AMENDMENTS OF STATUTE

45. The statute may be amended by the International Council by a majority of not less than two-thirds of the votes cast. Amendments may be submitted by the International Executive Committee or by a national section. Proposed amendments shall be submitted to the International Secretariat not less than two

months before the International Council meets, and presentation to the International Council shall be supported in writing by at least five national sections. Proposed amendments shall be communicated by the International Secretariat to all national sections and to members of the International Executive Committee.

APPENDIX II

Amnesty International
Conference on the Abolition of the Death Penalty

DECLARATION OF STOCKHOLM
11 December 1977

The Stockholm Conference on the Abolition of the Death Penalty, composed of more than 200 delegates and participants from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region,

RECALLS THAT:

- The death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life.

CONSIDERS THAT:

- The death penalty is frequently used as an instrument of repression against opposition, racial, ethnic, religious and underprivileged groups,
- Execution is an act of violence, and violence tends to provoke violence,
- The imposition and infliction of the death penalty is brutalizing to all who are involved in the process,
- The death penalty has never been shown to have a special deterrent effect,
- The death penalty is increasingly taking the form of unexplained disappearances, extra-judicial executions and political murders,
- Execution is irrevocable and can be inflicted on the innocent.

AFFIRMS THAT:

- It is the duty of the state to protect the life of all persons within its jurisdiction without exception,
- Executions for the purposes of political coercion, whether by government agencies or others, are equally unacceptable,
- Abolition of the death penalty is imperative for the achievement of declared international standards.

DECLARES:

- Its total and unconditional opposition to the death penalty,
- Its condemnation of all executions, in whatever form, committed or condoned by governments,
- Its commitment to work for the universal abolition of the death penalty.

CALLS UPON:

- Non-governmental organizations, both national and international, to work collectively and individually to provide public information materials directed towards the abolition of the death penalty,
- All governments to bring about the immediate and total abolition of the death penalty,
- The United Nations unambiguously to declare that the death penalty is contrary to international law.

APPENDIX III

United Nations General Assembly Resolution 32/61 of 8 December 1977 on Capital Punishment

The General Assembly,

HAVING REGARD to article 3 of the Universal Declaration of Human Rights[20] which affirms everyone's right to life, and article 6 of the International Covenant on Civil and Political Rights,[21] which also affirms the right to life as inherent to every human being,

RECALLING its resolution 1396 (XIV) of 20 November 1959, 2393 (XXIII) of 26 November 1968, 2857 (XXVI) of 20 December 1971 and 3011 (XXVII) of 18 December 1972 as well as Economic and Social Council resolutions 934 (XXXV) of 9 April 1963, 1574 (L) of 20 May 1971, 1656 (LII) of 1 June 1972, 1745 (LIV) of 16 May 1973 and 1930 (LVIII) of 6 May 1975, which confirm the continuing interest of the United Nations in the study of the question of capital punishment with a view to promoting full respect for everyone's right to life,

CONCERNED at the fact that only 32 Governments responded to the questionnaire on capital punishment addressed to them for the preparation of the first five-year report of 1975 on capital punishment,[22] submitted in accordance with General Assembly resolution 1745 (LIV),

NOTING WITH CONCERN that, notwithstanding the limited progress mentioned in the first five-year report of the Secretary-General of 1975 on capital punishment, it remains extremely doubtful whether there is any progression towards the restriction of the use of the death penalty, thus justifying the conclusions drawn by the Secretary-General in the aforementioned report,

CONSIDERING that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be held in 1980,

TAKING NOTE of the request of the Economic and Social Council, in its resolution 1930 (LVIII), to the Secretary-General, in accordance with General Assembly resolution 2857 (XXVI), to proceed with the report on practices and statutory rules which may govern the right of a person sentenced to capital punishment to petition for pardon, commutation or reprieve, and to report on these questions to the Council at the latest at its sixty-eighth session, together with the basic report of 1980 on capital punishment,

EXPRESSING the desirability of continuing and expanding the consideration of the question of capital punishment by the United Nations,

1. REAFFIRMS that, as established by the General Assembly in resolution 2857 (XXVI) and by the Economic and Social Council in resolutions 1574 (L), 1745 (LIV) and 1930 (LVIII), the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which

20 General Assembly resolution 217 A (III)
21 General Assembly resolution 2200 A (XXI), annex.
22 E/5616 and Corr. 1 and 2 and Add. 1.

the death penalty may be imposed with a view to the desirability of abolishing this punishment;

2. URGES Member States to provide the Secretary-General with relevant information for his preparation of the second five-year report of 1980 on capital punishment and of the report on practices and statutory rules which may govern the right of a person sentenced to capital punishment to petition for pardon, commutation or reprieve;

3. INVITES the Economic and Social Council to report to the General Assembly at its thirty-fifth session on its deliberation and recommendations on the basis of the aforementioned reports of the Secretary-General and of the study to be submitted by the Committee on Crime Prevention and Control in accordance with Council resolution 1930 (LVIII);

4. CALLS UPON the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to discuss the various aspects of the use of capital punishment and the possible restriction thereof, including a more generous application of rules relating to pardon, commutation or reprieve, and to report thereon, with recommendations, to the General Assembly at its thirty-fifth session;

5. REQUESTS the Committee on Crime Prevention and Control to give consideration to the appropriate place on the agenda of the Sixth Congress of the issue mentioned in paragraph 4 above, and to prepare documentation on the question;

6. DECIDES to consider, with high priority, at its thirty-fifth session the question of capital punishment.

APPENDIX IV

Resolution Adopted Unanimously by the 11th Conference of European Ministers of Justice Copenhagen, 21-22 June 1978

The Ministers taking part in the 11th Conference of European Ministers of Justice,

Having regard to the principles on which the Council of Europe member States base their legal systems and, in particular, to their common respect for the dignity and rights of all human beings;

Believing that in the face of the spread of violence in society it is important to appreciate the full value of those principles;

Having considered the memorandum submitted by the Minister of Justice of Austria,

RECOMMEND that the Committee of Ministers of the Council of Europe refer questions concerning the death penalty to the appropriate Council of Europe bodies for study as part of the Council's work programme, especially in the light of the Austrian memorandum and the exchange of views at the present Conference, with a view to their being further discussed at the 12th Conference of European Ministers of Justice.

APPENDIX V

Amnesty International News Releases 1977-78

1977

3 June	AI publishes medical studies of torture
12 June	AI appeals to Helsinki Final Act signatories to implement provisions on rights of conscience
15 June	AI condemns killing of German woman by security forces in *Argentina*
26 June	AI regrets lack of concern for fundamental legal rights in *Uruguay* after four years of military rule
4 July	AI "shocked" at sentences on Soviet "Helsinki Monitors"
22 July	*Samizdat* book on Soviet psychiatry reaches AI
9 August	AI urges a *United States* Governor to release Wilmington Ten
13 August	AI expresses concern for lives of prisoners on thirst strike in the *Federal Republic of Germany*
15 August	AI publishes report on *Nicaragua*
18 August	AI barred from observing a trial in *Czechoslovakia*
25 August	AI asks Romanian President to release seven prisoners of conscience
26 August	AI delegation discusses "Red Army Fraction" prisoners
5 September	AI lists 62 members of parliament detained for political reasons in 17 countries
18 September	Final press release following end of International Council Meeting in Bad Honnef, *Federal Republic of Germany*
26 September	AI condemns continuing killings of lay religious leaders in *El Salvador*
10 October	AI welcomes award of Nobel Prize and urges all governments to release all prisoners of conscience
10 October	AI reports on human rights violations in the *German Democratic Republic*
18 October	Publication of AI report on *Indonesia*
19 October	AI says mandate of Irish Government's special committee to study allegations of ill-treatment is too limited
19 October	AI states that it did not observe autopsies in *Federal Republic of Germany*
25 October	AI concerned at *Chile* Government's denial of detention of "disappeared" prisoners
28 October	AI disturbed at large-scale executions in *Bangladesh*
31 October	AI says political opponents of Moroccan Government subjected to prolonged detention, torture and unjust trials
3 November	AI concerned at fate of Kurdish detainees
9 November	AI urges public inquiry into death of detainee in *South Africa*
10 November	AI concerned for lives of three women on hunger strike in *Brazil*
14 November	AI urges *Haiti* to publish information on dead prisoners
17 November	AI *publica estudios médicos sobre la tortura*

28 November	AI lists 92 medical personnel imprisoned for political reasons in 25 countries
28 November	AI deplores death sentences passed in *The Philippines*
1 December	AI criticizes *Indonesia* for refusing to allow Red Cross to visit East Timor
5 December	AI appeals to all parties in Western Sahara dispute to observe Geneva Conventions and UN Standard Minimum Rules for the Treatment of Prisoners
7 December	AI presents worldwide petition to the United Nations
8 December	AI commemorates 29th Anniversary of the Universal Declaration of Human Rights with events in New York, London, Stockholm and Oslo
11 December	Final news release issued after international Conference on the Abolition of the Death Penalty
16 December	AI responds to invitation to visit detention centers in *Mexico*
20 December	News release on *Indonesia*
22 December	AI urges inquiry into death in military custody in *Uruguay*

N.B.—There was also a *Comunicado de Prensa* on the *Guatemala* Briefing Paper in Spanish which did not have an embargo date.

1978

6 January	AI repeats concern at continuing torture and disappearances in *Chile*
18 January	AI publishes report on political imprisonment in *South Africa*
19 January	AI reacts to Strasbourg ruling on interrogation practices used by the UK in *Northern Ireland*
24 January	AI continues to urge *USA* to pardon and release Wilmington Ten
26 January	AI urges independent inquiry into torture in *Namibia*
2 February	AI publishes updated *Singapore* Briefing Paper as Government opponents enter sixteenth year of detention without trial
10 February	AI reports delivered to UN Commission on Human Rights
15 February	AI urges French President to commute death sentences
17 February	Correction to AI news release of 15 February: AI urges French President to commute death sentences
22 February	AI publicizes 113 cases of death squad killings and "disappearances" in *Guatemala*
27 February	AI releases report of mission to *Bangladesh*
28 February	AI says political prisoners still receive unfair trials in *Iran*
6 March	AI receives new evidence of continuing psychiatric abuses in *Soviet Union*
8 March	AI calls on Government of *Argentina* to investigate killing of four political prisoners
11 March	AI doctors meet in Athens to discuss "Torture and the Medical Profession"
16 March	AI calls for immediate investigation into dead South African dentist's 16 hours in detention

20 March	AI calls upon *Pakistan* Government to commute death sentences passed on former Prime Minister Bhutto
30 March	AI urges *Democratic Kampuchea* [Cambodia] to respond to allegations of summary executions
5 April	AI appeals to Shah on behalf of Iranian hunger strikers
13 April	AI concerned at arrests in *Ghana*
17 April	AI appeals for life of Aldo Moro
18 April	AI urges Government of *Uruguay* to publish names of imprisoned refugees
21 April	AI mission visits *Peru*
4 May	AI urges *Afghanistan's* new President to prevent further killings
4 May	AI urges President of *Brazil* to intervene in mass hunger strike of political prisoners
5 May	AI releases text of letter to the Minister of Justice in the *Republic of Ireland*, concerning record of communication between AI and the Irish Government, following AI's mission to the country
9 May	AI welcomes opportunity to study "special prison" conditions in *Italy*
15 May	AI releases mission report on *Pakistan*
17 May	AI appeals on behalf of political prisoners in *Thailand*
19 May	AI statement on imprisoned "Helsinki Monitors"
23 May	AI calls on Government of *Dominica* to free detained electoral commissioners
23 May	AI calls on the Government of *Dominican Republic* to free detained electoral commissioners
13 June	*Northern Ireland*
13 June	Additional AI statement on *Northern Ireland*
18 June	AI appeals for kidnap victims in *Northern Ireland*
21 June	AI reports on human rights violations in the *Republic of Guinea*
23 June	AI concerned at secrecy of official inquiry into torture and killings of political prisoners in Andhra Pradesh in *India*
26 June	Presentación del *Informe de Amnistía Internacional 1977* (Edición en Castellano)

APPENDIX VI

Amnesty International Publications 1977-78

Amnesty International publications are available in the following languages: English, Danish, Dutch, Finnish, French, German, Greek, Italian, Japanese, Norwegian, Spanish and Swedish. Copies may be obtained from the offices of national sections both in the language of the section and in English. For addresses please see page 315.

Annual Report: *Amnesty International Report 1977* (1977) ISBN 0 900058 68 4
Guinea: *Amnesty International Briefing Number 14* (1978) ISBN 0 900058 75 7
Morocco: *Amnesty International Briefing Number 13* (1977) ISBN 0 900058 66 8
Paraguay: *Deaths under Torture and Disappearance of Political Prisoners in Paraguay* (1978) AI Index: PUB 75/00/78
Singapore: *Amnesty International Briefing Number 1* (1978) (2nd edition) ISBN 0 900058 71 4
South Africa: *Political Imprisonment in South Africa* (1978) ISBN 0 900058 70 6

Leaflets

Amnesty International—Impartiality and the Defence of Human Rights (1978) AI Index: PUB 85/00/78
Amnesty International—The Use of Violence (1978) AI Index: PUB 99/00/78
Campaign for the Abolition of Torture (1978) AI Index: PUB 86/00/78
Deaths under Torture and Disappearance of Political Prisoners in Paraguay (1978) AI Index: PUB 75/00/78
Amnesty International Statutes (1978) AI Index: STA 01/00/78
South Africa—*Political Imprisonment and Torture* (1978) AI Index: PUB 82/00/78
Uruguay—*Deaths under Torture 1975-77* (1978) AI Index: PUB 84/00/78
Declaration of Stockholm (1978)

A Chronicle of Current Events (the *samizdat* journal of the human rights movement in the USSR) is translated and published by Amnesty International. Both back and current issues are obtainable on subscription from Routledge Journals, Broadway House, Newton Road, Henley on Thames, Oxon, RG9 1EN, England. US orders, may be sent to: Routledge Journals, 9 Park Street, Boston, Mass. 02108, USA.

A Chronicle of Current Events, Numbers 34, 35, 36 (1978) ISBN 0 900058 35 8
A Chronicle of Current Events, Number 46 (1978) ISBN 0 900058 73 0
A Chronicle of Current Events, Numbers 37, 38, 39 (1978) ISBN 0 900058 74 9
A Chronicle of Current Events, Number 47 (1978) ISBN 0 900058 77 3
A Chronicle of Current Events, Number 48 (1978) ISBN 0 900058 79 X

In addition to major reports, Amnesty International also publishes documents on its missions and related research work.

Report of an Amnesty International Mission to Bangladesh (4-12 April 1977), (1978) AI Index: ASA 13/03/78
Human Rights Violations in Ethiopia, Report, AI Index: (1977) AFR 25/07/77

Human Rights in Iran: Testimony on behalf of Amnesty International by Brian Wrobel LL.B (Hons.), LL.M. (Lond.) *before the Subcommittee on International Organizations of the Committee on International Relations, House of Representatives, United States Congress* (1978) AI Index: MDE 13/01/78
Short Report of an Amnesty International Mission to the Islamic Republic of Pakistan (20-25 January 1978) (1978) AI Index: ASA 33/03/78
Human Rights in Uganda, Report, (1978) AI Index: AFR 59/05/78
Report of an Amnesty International Mission to Northern Ireland (28 November-6 December 1977) (1978) AI Index: EUR 45/01/78

APPENDIX VII

National Sections and Committees

Australia: Amnesty International, Box X2258, GPO Perth, Western Australia 6001
Branch Addresses:
New South Wales: Amnesty International, New South Wales Branch, PO Box 2598, GPO Sydney, New South Wales 2001
Queensland: Amnesty International, Queensland Branch, PO Box 87, Clayfield, Brisbane, Queensland 4011
South Australia: Ms Margaret Illman, 16 Tester Drive, Blackwood, South Australia 5051
Tasmania: Mrs B.E.G. Rolls, 194 Waterworks Road, Hobart, Tasmania 7005
Victoria: Amnesty International, Victoria Branch, PO Box 28, St Kilda, 3182 Victoria
Western Australia: Mrs G. Graham, Box X2258, GPO Perth, Western Australia 6001

Austria: Amnesty International, Austrian Section, Franz Hochedlingergasse 6/22, A-1020 Wien

Bangladesh: Amnesty International Bangladesh, GPO Box 2095, Dacca

Belgium: *(Dutch/Flemish-speaking)* Amnesty International, Blijde Inkomststraat 98, 3000 Leuven
(French-speaking) Amnesty International Belgique, rue Royale 185, 1030 Bruxelles

Canada: *(English-speaking)* Amnesty International, PO Box 6033, 2101 Algonquin Avenue, Ottawa, Ontario K2A 1T1
(French-speaking) François Martin, Amnistie Internationale, 3836 St Hubert Street, Montreal, Quebec H2L 4A5

Denmark: Amnesty International, Frederiksborggade 1, 1360 København K

Faroe Islands: Anette Wang, Tróndargøta 47, Post Box 23, 3800 Tórshavn

Finland: Amnesty International, Finnish Section, Laivasillankatu 10A, Helsinki 14

France: Amnesty International, Section française, 18 rue de Varenne, 75007 Paris

Germany, Federal Republic of: Amnesty International, Section of the Federal Republic of Germany, Venusbergweg 48, 5300 Bonn

Ghana: Dr I.S. Ephson, Ilen Chambers, PO Box 6354, Accra

Greece: Amnesty International, Greek Section, 22 Kleitomachou Street, Athens 501

Iceland: Amnesty International, Icelandic Section, Hafnarstraeti 15, PO Box 7124, 127 Reykjavik

India: Amnesty International, Indian Section, D-19 Annexe, Gulmohar Park, New Delhi 110049

Ireland: Amnesty International, Irish Section, 39 Dartry Road, Dublin 6

Israel: Amnesty International, Israel National Section, PO Box 37638, Tel Aviv

Italy: Amnesty International, Italian Section, Via della Penna 51, Rome

Japan: Amnesty International, Japanese Section, Room 74, 3-18 Nishi-Waseda 2-chome, Shinjuku-ku, Tokyo 160
Korea, Republic of: Amnesty Korean Committee Fifth floor, Donhwamoon Building, 64-1 Kwonnongdong, Chongnoku, Seoul
Luxembourg: Amnesty International Luxembourg, Boite Postale 1914, Luxembourg-Gare
Mexico: Amnistia Internacional, Sección Mexicana, Apartado Postal No. 20-217, México 20 DF
Nepal: Veerenda Keshari, 1/227 Kalikasthan, Katmandu
Netherlands: Amnesty International, Dutch Section, 3e Hugo de Grootstraat 7, Amsterdam
New Zealand: Amnesty International, New Zealand Section, PO Box 3597, Wellington
Nigeria: Amnesty International, Nigerian Section, 15 Onayade Street, Fadeyi-Yaba, Lagos
Norway: Amnesty International, Norwegian Section, Akersgaten 39, II, Oslo 1
Pakistan: Amnesty International, Pakistan Section, 15 Beauty House, Abdullah Haroon Road, Karachi
Peru: Edificio San José, Jirón Pachitea 279 Of. 500, Lima
Spain: (Registered address in Madrid)
Secretariat of the Spanish Section: Rambla del Prat 21, 1°, Barcelona 12
Madrid: Columela 2, 1°, dcha. Madrid 1
San Sebastián: Apartado 1109, San Sebastián
Sri Lanka: E.A.G. de Silva, 79/15 Dr C.W.W. Kannangara Mawatha, Colombo 7
Sweden: Amnesty International, Smålandsgatan 2, 114 34 Stockholm
Switzerland: Amnesty International, Swiss Section, PO Box 1051, CH-3001 Bern
USA:
New York: Amnesty International USA, 2112 Broadway, New York NY 10023
San Francisco: Amnesty International USA, Western Region Office, 3618 Sacramento Street, San Francisco CA 94118
United Kingdom: Amnesty International, British Section, 8-14 Southampton Street, London WC2E 7HF
Venezuela: Amnesty International, Venezuelan Section, Apartado 51184, Caracas 105

There are Amnesty International individual members, subscribers and supporters in:

Algeria
Argentina
Bahamas
Barbados
Bermuda
Bolivia
Botswana
Brazil
Cameroun
Chad
Chile
Colombia
Congo
Costa Rica (group)
Cuba
Curaçao (group)
Cyprus (group)
Czechoslovakia
Dominican Republic
Ecuador
Egypt
El Salvador
Fiji
Gambia
Guatemala
Guyana
Haiti
Honduras
Hong Kong (group)
Hungary
Indonesia
Iran
Iraq
Ivory Coast
Jamaica
Jordan
Kenya
Kuwait
Lebanon
Lesotho
Liberia
Libyan Arab Republic
Malagasy Republic
Malawi
Malaysia
Malta
Martinique
Mauritania
Mauritius
Monaco
Morocco
Mozambique
New Guinea
Nicaragua
Panama (group)
Paraguay
The Philippines
Poland
Portugal
Puerto Rico
Rhodesia/ Zimbabwe
Rwanda
Saint Lucia
Saudia Arabia
Senegal
Seychelles
Sierra Leone
Singapore
South Africa
Sudan
Surinam
Swaziland (group)
Taiwan
Tanzania
Thailand
Trinidad (group)
Tunisia
Turkey
United Arab Emirates
USSR (group)
Vietnam (Republic of)
Yemen (People's Democratic Republic of)
Yugoslavia
Zambia

APPENDIX VIII

International Executive Committee

Andrew Blane, New York
Dirk Börner, Hamburg
Thomas Hammarberg, Stockholm
Alfred Heijder, Amsterdam
Irmgard Hutter, Vienna
Dick Oosting, London (to January 1978)
Michael McClintock, London (from January 1978)
Marie-José Protais, Paris
Mümtaz Soysal, Ankara
Kevin White, Dublin (International Treasurer)
Suriya Wickremasinghe, Colombo (co-opted)
José Zalaquett, Santiago (co-opted)

APPENDIX IX

Some Amnesty International Statistics

As of 1 July 1978 there were:
2,173 adoption groups in 33 countries, an increase of 228 groups over 1976-77
more than 200,000 individual members and supporters in 111 countries, an increase of 32,000 members and supporters and 4 countries over 1976-77.
There are national sections in 35 of these countries.
4,726 prisoners under adoption or investigation.

During the period 1 July 1977–30 June 1978:
2,219 new prisoners were taken up and 1,801 prisoners released
217 Urgent Actions were taken on behalf of individuals or groups in emergency cases.

During the same period Amnesty International:
took action on violations of human rights in 110 countries
sent missions and observers to 27 countries
issued 76 news releases on 38 countries.

During the financial year 1 May–30 April, the International Secretariat of Amnesty International dispensed more than £190,000 (US $342,000) in relief to prisoners and their families.

AMNESTY INTERNATIONAL PUBLICATIONS

Report on Allegations of Torture in Brazil, A5, 108 pages, first edition September 1972, re-set with updated preface March 1976: £1.20.
Report on an Amnesty International Mission to Spain, A5, 24 pages in English, 28 pages in Spanish, September 1975: 35 pence.
Prisoners of Conscience in the USSR: Their Treatment and Conditions, A5, 154 pages, November 1975: £1.00.
AI in Quotes, A5, 24 pages, May 1976, 25 pence.
Amnesty International 1961–1976: A chronology, May 1976: 20 pence.
Professional Codes of Ethics, A5, 32 pages, October 1976: 40 pence.
Report of an Amnesty International Mission to Sri Lanka, A4, 52 pages, second edition December 1976: 75 pence.
Los Abogados Contra La Tortura, A4, 31 pages, first published in Spanish, January 1977: 60 pesetas, 50 pence.
Report of an Amnesty International Mission to the Republic of the Philippines, A5, 60 pages, first published September 1976, second (updated) edition March 1977: £1.00.
Dossier on Political Prisoners Held in Secret Detention Camps in Chile, A4, March 1977: £1.45.
Report of an Amnesty International Mission to Argentina, A4, 92 pages, March 1977: £1.00.
Torture in Greece: The First Torturers' Trial 1975, A5, 98 pages, April 1977: 85 pence.
Islamic Republic of Pakistan. An Amnesty International Report including the findings of a Mission, A4, 96 pages, May 1977: 75 pence.
Evidence of Torture: Studies by the Amnesty International Danish Medical Group, A5, 40 pages, June 1977: 50 pence.
Report of an Amnesty International Mission to the Republic of Korea, A4, 46 pages, first published April 1976, second edition June 1977: 75 pence.
The Republic of Nicaragua. An Amnesty International Report, including the findings of a Mission to Nicaragua 10–15 May 1976, A4, 75 pages, July 1977: 75 pence.
Indonesia. An Amnesty International Report, A5, 148 pages, October 1977: £2.00.
Amnesty International Report 1977, A5, 352 pages, December 1977: £2.00.
Political Imprisonment in South Africa, A5, 105 pages, January 1978: £1.00.
Political Imprisonment in the People's Republic of China, A5, 192 pages, November 1978, £1.50.

In addition to these major reports, Amnesty International also publishes a monthly **Newsletter**, an annual **Report** and a series of **Amnesty International Briefing Papers**:

Amnesty International Newsletter and annual Report: The **Newsletter** is a six-page monthly account of Amnesty International's work for human rights in countries throughout the world and includes a two-page bulletin on the work of the Campaign for the Abolition of Torture. The annual **Report** gives a country-by-country survey of human rights violations which have come to the attention of Amnesty International. Yearly subscription £6.00 (US $15.00) inclusive.

Amnesty International Briefing Papers: a series of human rights reference booklets on individual countries, averaging between 12 and 16 pages in A5 format.
Briefing Papers Numbers 1–14:

Singapore	**Malawi**	**Taiwan (Republic of China)**
Paraguay*	**Guatemala***	**Czechoslovakia***
Iran	**Turkey**	**German Democratic Republic (GDR)***
Namibia	**People's Democratic Republic of Yemen**	**Morocco**
Rhodesia/Zimbabwe		

*also available in Spanish

Subscription price for series of 10 Briefing Papers: £6.00 (US $15). Price includes postage and packing. Single copies 40 pence (US $1.00), plus 20 pence (50 cents) for postage and handling.

Amnesty International Publications may be obtained from the following national sections both in the language of the section and in English

ENGLISH:

Australia: Amnesty International, Box X2258, GPO Perth, Western Australia 6001
Bangladesh: Amnesty International Bangladesh, GPO Box 2095, Dacca
Canada: Amnesty International, P O Box 6033, 2101 Algonquin Avenue, Ottawa, Ontario K2A 1T1
Ghana: Dr I S Ephson, Ilen Chambers, P O Box 6354, Accra
India: Amnesty Indian Section, D-19 Annexe, Gulmohar Park, New Delhi 110049
Ireland: Amnesty International, Irish Section, 39 Dartry Road, Dublin 6
Israel: Amnesty International, Israel National Section, P O Box 37638, Tel Aviv
Korea, Republic of: Amnesty Korean Committee, Fifth floor, Donhwamoon Building, 64-1 Kwonnongdong, Chongnoku, Seoul
Nepal: Veerendra Keshari, 1/227 Kalikasthan, Kathmandu
New Zealand: Amnesty International, New Zealand Section, P O Box 3597, Wellington
Nigeria: Amnesty International, Nigerian Section, 15 Onayade Street, Fadeyi-Yaba, Lagos
Pakistan: Amnesty International, Pakistan Section, 15 Beauty House, Abdullah Haroon Road, Karachi
Sri Lanka: Amnesty International, South Asia Publications Service, 6, Independence Avenue, Colombo 7
United Kingdom: Amnesty International, British Section, 8-14 Southampton Street, London WC2E 7HF
USA: AIUSA, 2112 Broadway, New York NY 10023 and AIUSA, Western Region Office, 3618 Sacramento Street, San Francisco CA94118

DANISH and ENGLISH:

Denmark: Amnesty International, Frederiksborggade 1, 1360 København K
Faroe Islands: Anette Wang, Tróndargóta 47, Post Box 23, 3800 Tórshavn

DUTCH and ENGLISH:

Netherlands: Amnesty International, Dutch Section, 3e Hugo de Grootstraat 7, Amsterdam
Belgium: Amnesty International, Blijde Inkomststraat 98, Leuven

FINNISH and ENGLISH:

Finland: Amnesty International, Finnish Section, Laivasillankatu 10 A, 00140 Helsinki 14

FRENCH and ENGLISH:

Belgium: Amnesty International Belgique, rue Royale 185, 1030 Bruxelles
Canada: Amnistie Internationale, François Martin, 3836 St Hubert Street, Montreal, Quebec H2L 4A5
France: Amnesty International, Section française, 18 rue de Varenne, 75007 Paris
Luxembourg: Amnesty International Luxembourg, Boîte Postale 1914, Luxembourg-Gare
Switzerland: Amnesty International, Suisse Romande, Boîte Postale 1051, CH-3001 Bern

GERMAN and ENGLISH:

Germany, Federal Republic: Amnesty International, Sektion der Bundesrepublik, Deutschland e.V., Venusbergweg 48, 5300 Bonn
Austria: Amnesty International, Osterreichische Sektion, Franz Hochedlingergasse 6/22, A-1020 Wien
Switzerland: Amnesty International, Sektion der Schweiz, Postfach 1051, CH-3001 Bern

GREEK and ENGLISH:

Greece: Amnesty International, Greek Section, 22 Kleitomachou Street, Athens 501

ITALIAN and ENGLISH:

Italy: Amnesty International, Italian Section, Via della Penna 51, Rome

JAPANESE and ENGLISH:

Japan: Amnesty International, Japanese Section, Room 74, 3-18 Nishi-Waseda 2-chome, Shinjuku-ku, Tokyo 160

NORWEGIAN and ENGLISH:

Norway: Amnesty International, Norwegian Section, Akersgaten 39 II, Oslo 1

SPANISH and ENGLISH:

Costa Rica: Publicaciones Amnistia Internacional (PAI), Apartado 6306, San José
Spain: Secretariado de la Sección de España, Rambla del Prat 21, 1º, Barcelona 12
(Madrid): Columela 2, 1º-dcha., Madrid 1
(San Sebastián): Apartado 1109, San Sebastián
Venezuela: Amnesty International, Venezuelan Section, Apartado 51184, Caracas 105

SWEDISH and ENGLISH:

Sweden: Amnesty International, Smålandsgatan 2, 114 34 Stockholm