AMNESTY INTERNATIONAL REPORT 1980

AMNESTY INTERNATIONAL REPORT 1980

AMNESTY INTERNATIONAL REPORT 1980

This report covers the period
1 May 1979 to 30 April 1980

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

— It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed "*prisoners of conscience*".

— It advocates *fair and early trials* for *all political prisoners* and works on behalf of such persons detained without charge or without trial.

— It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

AMNESTY INTERNATIONAL acts on behalf 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 39 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members, subscribers and supporters in a further 86 countries. Each adoption group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

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 is a member of the Coordinating Committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.

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 1980

Amnesty International Publications
10 Southampton Street ● London WC2E 7HF ● England

First published 1980 by Amnesty International Publications
10 Southampton Street, London WC2E 7HF, England

© Copyright Amnesty International Publications October 1980

ISBN 0 86210 020 8
AI Index: POL/01/03/80
Original Language: English

Printed, designed and typeset in Great Britain by
Redesign, 7a Duncan Terrace, London N1

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording and/or otherwise, without the prior permission of the publishers.

Regional maps have been included in this report to indicate the location of countries cited in the text. For technical reasons, it is impossible on the small scale used to indicate the precise definition of political boundaries. Where large areas are the subject of dispute, these have been indicated by a grey tone. Amnesty International takes no position on territorial disputes.

Contents

1 ***Preface***
by José Zalaquett, Chairperson, International Executive Committee
6 ***Amnesty International in the Eighties***
by Martin Ennals
15 ***International Initiatives***
15 Work for individual prisoners
16 Campaigns about countries and themes
18 Campaign for the abolition of torture
19 Program against the death penalty
21 International law and relations with international organizations
25 Refugees
25 Relief
27 ***Africa***
30 Angola (the People's Republic of)
31 Benin (the People's Republic of)
33 Burundi (the Republic of)
34 Cameroon (the United Republic of)
35 Central African Republic (the), formerly Central African Empire (the)
38 Chad (the Republic of)
39 Comoros (the Federal Islamic Republic of)
40 Congo (the People's Republic of)
41 Djibouti (the Republic of)
43 Equatorial Guinea (the Republic of)
45 Ethiopia
48 Gabon (the Gabonese Republic)
49 Ghana (the Republic of)
51 Guinea (the Revolutionary People's Republic of)
52 Ivory Coast (the Republic of)
53 Lesotho (the Kingdom of)
54 Liberia (the Republic of)
57 Madagascar (the Democratic Republic of)
58 Malawi (the Republic of)
59 Mali (the Republic of)
62 Mauritania (the Islamic Republic of)
63 Mozambique (the People's Republic of)
65 Namibia
67 Nigeria (the Federal Republic of)

69 São Tomé and Príncipe (the Democratic Republic of)
70 Seychelles (the Republic of)
71 Somalia (the Somali Democratic Republic)
74 South Africa (the Republic of)
79 Sudan (the Democratic Republic of the)
81 Swaziland (the Kingdom of)
82 Tanzania (the United Republic of)
84 Togo (the Togolese Republic)
86 Uganda (the Republic of)
88 Zaire (the Republic of)
92 Zambia (the Republic of)
93 Zimbabwe (the Republic of)

101 ***The Americas***
103 Argentina (the Argentine Republic)
112 Bolivia (the Republic of)
113 Brazil (the Federative Republic of)
116 Chile (the Republic of)
122 Colombia (the Republic of)
126 Cuba (the Republic of)
129 Dominican Republic (the)
130 Ecuador (the Republic of)
131 El Salvador (the Republic of)
138 Grenada
139 Guatemala (the Republic of)
145 Guyana (the Republic of)
146 Haiti (the Republic of)
149 Honduras (the Republic of)
150 Mexico (the United Mexican States)
153 Nicaragua (the Republic of)
158 Paraguay (the Republic of)
161 Peru (the Republic of)
162 United States of America (the)
165 Uruguay (the Eastern Republic of)
170 Venezuela (the Republic of)

173 ***Asia***
176 Afghanistan (the Democratic Republic of)
183 Bangladesh (the People's Republic of)
186 Brunei (the Sultanate of)
187 Burma (the Socialist Republic of the Union of)
188 China (the People's Republic of)
194 India (the Republic of)
198 Indonesia (the Republic of)
204 Japan
204 Kampuchea (Democratic Kampuchea and the People's Republic of Kampuchea)
206 Korea (the Democratic People's Republic of) (North)
207 Korea (the Republic of) (South)

212 Laos (the Lao People's Democratic Republic)
216 Malaysia (the Federation of)
219 Nepal (the Kingdom of)
221 Pakistan (the Islamic Republic of)
225 The Philippines (the Republic of)
228 Singapore (the Republic of)
231 Sri Lanka (the Democratic Socialist Republic of)
235 Taiwan (the Republic of China)
239 Thailand (the Kingdom of)
241 Viet Nam (the Socialist Republic of)

247 ***Europe***
253 Albania (the People's Socialist Republic of)
256 Bulgaria (the People's Republic of)
260 Cyprus (the Republic of)
260 Czechoslovakia (the Czechoslovak Socialist Republic)
265 France (the French Republic)
269 German Democratic Republic (the)
272 Federal Republic of Germany (the)
276 Greece (the Hellenic Republic)
277 Hungary (the Hungarian People's Republic)
279 Ireland (the Republic of)
279 Italy (the Italian Republic)
283 Poland (the Polish People's Republic)
288 Portugal (the Portuguese Republic)
290 Romania (the Socialist Republic of)
296 Spain (the Spanish State)
300 Turkey (the Republic of)
302 Union of Soviet Socialist Republics (the)
310 United Kingdom (of Great Britain and Northern Ireland, the)
313 Yugoslavia (the Socialist Federal Republic of)

319 ***The Middle East and North Africa***
321 Algeria (the People's Democratic Republic of)
323 Bahrain (the State of)
325 Democratic Yemen (the People's Democratic Republic of)
326 Egypt (the Arab Republic of)
329 Iran (the Islamic Republic of)
331 Iraq (the Republic of)
337 Israel (the State of) and the Occupied Territories
342 Jordan (the Hashemite Kingdom of)
344 Libya (the Socialist People's Libyan Arab Jamahiriya)
347 Morocco (the Kingdom of) and Western Sahara
351 Saudi Arabia (the Kingdom of)
352 Syria (the Syrian Arab Republic)
355 Tunisia (the Republic of)

359 ***Missions: May 1979 – April 1980***

367 ***Amnesty International Accounts, Treasurer's and Auditors' Reports***

383 ***Appendices***
383 I Statute of Amnesty International
391 II Amnesty International News Releases, May 1979 – April 1980
399 III Amnesty International Publications, May 1979 – April 1980
401 IV United Nations Code of Conduct for Law Enforcement Officials
402 V Appeal to the United Nations for the Abolition of the Death Penalty
403 VI Resolution 727 adopted by the Parliamentary Assembly of the Council of Europe on 22 April 1980 and Recommendation 891 adopted by the Parliamentary Assembly of the Council of Europe on 22 April 1980
403 VII National Sections and Committees
406 VIII Countries where there are individual subscribers or supporters
407 IX International Executive Committee
408 X Some Amnesty International Statistics

Preface

by José Zalaquett, Chairperson, International Executive Committee

Publication of an annual report is the main opportunity for Amnesty International to inform the public about its work. For the most part the report is a country-by-country survey of available information about political imprisonment, torture and executions and of the actions taken by Amnesty International in response. The emphasis is on Amnesty International's objectives rather than on the organization. Information about the movement is also included, however, in keeping with our principle of public accountability.

Amnesty International is a worldwide movement, with open membership, based on the work and support of its members and ruled democratically by them. We have a limited mandate which, within the framework of the Universal Declaration of Human Rights, commits us to work for certain basic civil and political rights. We proclaim our independence and impartiality: ours is a campaigning organization employing open working methods supported by research that is as accurate as possible.

Little, it would seem, can be added to this description from one year to another. However, we do review our basic principles and methods and periodically come up with refinements or innovations. This was the case recently with our mandate. In substance, it continues the same: to work for the release of all prisoners of conscience and for prompt and fair trials for all political prisoners; to seek the eradication of torture and extrajudicial killings and the abolition of the death penalty. However, in the twelve months covered by this report, from May 1979 to April 1980, we have concluded studies to clarify our mandate on numerous borderline situations, and have adopted the policy of seeking the cessation of military, security and police transfers if they have been or are known to be used by recipient governments for the systematic violations of those human rights that fall within Amnesty International's mandate.

Our principles and methods are being constantly tested in practice. A case in point: five governments notorious for cruelty inflicted on political prisoners collapsed, were removed from office or were overthrown between May 1979 and April 1980. In the aftermath of those changes it still remains impossible to assess the full extent of the arbitrary detentions, torture and political murder that became commonplace in those countries — Afghanistan, the Central African Empire, Equatorial Guinea, Nicaragua and Rhodesia. All were countries, like Iran, Kampuchea and Uganda before them, where criticism of the *ancien régime* brought the issue of widespread, systematic human rights violations sharply into focus.

Amnesty International has been asked to evaluate these upheavals. We have been asked if we would not like to see all repressive governments overthrown. Whatever the views any of us may have as individuals, as members of Amnesty International we share a common, constant position: we neither oppose nor support any government or political system. We are committed to carrying out our mandate regardless of politics, universally and impartially. The real test is to live up to this principle by continuing to monitor human rights developments after a change of regime, with the same interest and purpose as before.

This report shows that we have made a point of meeting that challenge. The cause for concern varies from country to country, whether it be the difficulty of assessing reports of fresh human rights violations from those countries now in the grip of armed conflict, whether it be to urge that trials of those now held for political reasons be expedited and carried out in accordance with international standards, whether it be the need for aftercare for the many victims of the previous repression, or whether it be the urgency of mobilizing international appeals in an effort to stem the latest wave of reprisals and executions.

Our methods of work also face frequent tests. Patterns of repression change with time, even under the same regime, and different techniques on the part of human rights workers are often required to meet such changes. Some of our methods may begin to be ineffective; we may need to generate new ones. In the past year we have therefore undertaken a thorough evaluation of all the methods by which we work for the release of prisoners of conscience and by which we campaign against torture and the death penalty.

Amnesty International action is based on continuous research. Some elements of that research have remained constant. The first task is to collect and evaluate allegations of human rights violations. For this we use public sources, interview released prisoners and contact legal experts or others who can provide information on laws, trials and

prisoners. We work openly. Wherever possible we send missions to countries to talk to government authorities. If governments refuse to respond to our appeals or refuse to admit our representatives, we reserve the right to make that fact public — as we do with several countries in this report. Similarly if governments do respond, we are prepared to publish their replies. The task of collecting information underway, we make a clear distinction between allegation and fact. We are judged not only by our impartiality, but also by our accuracy.

Growing strains and challenges are put on our research work. Demands for more work on human rights violations in more countries increase. We are also expected to improve the accuracy and comprehensiveness of our information, as well as the intellectual grasp of the problems examined.

All these efforts to keep on adapting, improving, expanding our work must be seen against a deeply disturbing background. The death toll from executions and political murders recorded in these pages is a matter of the gravest and most urgent concern. In 1979 Amnesty International proposed that the Security Council of the United Nations be called into session to discuss the rise in political killings, a development we believed ought to be regarded as constituting a threat to international peace and security. More than a year later there are almost daily reports of new executions, some involving deliberate, prolonged cruelty. Political abductions, frequently ending in the murder and mutilation of the victims, continue. The term "disappearance", having acquired a new, dark meaning, has entered the vocabulary of journalism and political science.

Against this portrait of human rights violations must be set the efforts of organizations like Amnesty International to combat these abuses and to secure protection for the victims. There are now more than 250,000 members, subscribers and supporters of Amnesty International in 134 countries. In 39 countries there are national sections, whose delegates each year comprise the movement's supreme governing body, the International Council. To carry out its decisions, the council elects a nine-member International Executive Committee. Between May 1979 and April 1980, the committee authorized the sending of 45 missions to 33 countries and the publication of 24 reports and major research documents. It approved the disbursement of £202,172 in relief to prisoners of conscience and their families and oversaw a total expenditure for program activities of £1,876,467 by an International Secretariat which coordinated work on more than 4,000 individual cases of prisoners of conscience and numerous urgent actions and country campaigns.

This report is a record of that activity. It is not and it cannot be complete. It does not, nor could it, cover every country in the world.

The report is not balanced diplomatically: no effort has been made to make our work seem word-for-word equivalent on countries that oppose each other. We have simply reported what we have learned reliably about political imprisonment, torture and executions and what we have been able to do on behalf of the victims.

There are other ways in which our work is limited. We cover a limited spectrum of rights, but not because we ignore the importance of all other rights. We believe there is a close relation between all human rights but we recognize we can only achieve concrete results within set limits.

Our approach to the rights within our mandate may also be seen as limited. We do not seek to explain the root causes of political repression nor do we attempt to advance political solutions for their eradication. We recognize the legitimacy and importance of such analysis and proposals. Our policy is based on what we believe is most effective in our work.

Amnesty International is founded on the twin propositions that just as human rights transcend the boundaries of nation, race and belief, so does the international responsibility for the protection of these rights. We believe that ordinary individuals, from all ethnic, cultural and national backgrounds and of different persuasions, can and must play a central role in this task. By necessity, an organization embracing the human rights activism of thousands of members throughout the world must be based on some universally shared values, leaving all other matters aside.

Our efforts join those of many other individuals and organizations who also believe in the principle of international responsibility for the protection of human rights. This principle, which was still being forged when Peter Benenson launched the Amnesty International movement in 1961, has today become defined in international human rights treaties and standards.

Among those treaties, the International Covenant on Civil and Political Rights and its Optional Protocol (granting the individual rights of petition) are of particular relevance to Amnesty International. We welcome the work being done by the Human Rights Committee, set up under the covenant. But we deplore the failure of a majority of the member states of the United Nations to ratify either the covenant or its protocol. Among those items on the agenda of the community of nations that demand urgent attention, Amnesty International strongly pleads that there is an urgent need for all states to accept the treaty commitments to human rights established in the covenant and its protocol — and to bring their own human rights policies and practices into conformity with those commitments.

Tasks for the human rights movement are constantly unfolding.

More than an unfinished agenda, one can speak of a continuous one. But gains have been made and behind each of them there can be recognized the efforts of concerned men and women everywhere. The momentum will be kept up by people who believe that their own involvement can make a difference. We openly invite all those who believe in that to join us.

Amnesty International in the Eighties

by Martin Ennals

In 1970 the international budget of Amnesty International was £28,741. The International Secretariat employed 19 people. There were 27 national sections and 850 groups. The idea of releasing prisoners of conscience by writing letters to governments seemed a little pretentious, but reflected proof of determination and concern. In 1980 the budget is £1,666,280; the International Secretariat has a staff of 150; there are 39 national sections and 2,200 groups. In 1970 the idea of the growth of Amnesty International into the type of structure or institution which exists in 1980 was unthinkable, or at least unthought.

The development of Amnesty International in the seventies was based on membership, research and action. The growth of membership enabled the recruitment of more researchers and then more support staff. The action program grew with experience and with increasing demands being placed on the International Secretariat by a membership hungry for work and eager to respond to ideas and facts. The novelty of the Amnesty International idea was replaced in the mind of the press and the public by an awareness of the accuracy of Amnesty International information. In the seventies Amnesty International became the first organization in the field of human rights to collect, systematically and impartially, information about the violation of a very limited number of human rights.

The Amnesty International mandate has been frequently debated but there is little doubt that it is largely because of its strict limitations that Amnesty International was able to develop effectively both its membership and its action program. Opposition to imprisonment of prisoners of conscience, to torture and to the death penalty is a program which unites people of all political and geographical backgrounds. Every society is capable of providing and does provide examples of violations of the rights which its constitution guarantees.

All nations have contradictions within their systems which create the tensions which lead to human rights abuses. Amnesty International has made no attempt to offer solutions to economic or political problems — solutions which are hard to find and which would divide the membership. On the other hand it has tried as an organization to establish through its work within the United Nations and in other governmental and non-governmental arenas, standards of conduct and laws which would make the violation of human rights more difficult in any political system and would make the exposure of human rights violations more simple.

Above all, however, Amnesty International in the seventies built up a reputation based on careful use of factual information collected and applied with the same impartiality. Governments still use the allegations of human rights violations as a weapon against their supposed enemies and governments still defend their supposed friends, despite their apparent violations of human rights. International trading, arming and aiding between nations has been little influenced by the internal repression which remained rampant throughout the decade.

On the other hand there were clear indications throughout the seventies that governments and, more especially, peoples were beginning to accept that human rights and their defence is a matter of international responsibility. The confirmation of the international standards of human rights spelled out first in the Universal Declaration of Human Rights and later in the conventions and international covenants which came into effect in the latter half of the decade confirmed Amnesty International's absolute belief that despite differences of environment, human rights are universal. In the definition of human rights there cannot be enemies and friends, rich or poor: only people.

As Amnesty International enters the eighties, therefore, it is a different organization in its capacities. But it is the same organization in its purposes. The challenge in 1970 was to develop the organization into a recognized instrument for the protection of human rights in a definite field. Amnesty International had to still the doubts of those who saw it as a tool of right or left; as an emanation of a western liberal ethic, or as a well meaning body of amateurs playing at international do-goodism. The critics of Amnesty International will always use such arguments; but the pattern of the criticism and of the movement's program is today so well recognized that Amnesty International no longer has to defend its existence: only its standards of accuracy and impartiality.

The challenge of the eighties is more complex and more daunting. To create and grow on an incoming tide of enthusiasm and recognition

is delicate but exciting. To stabilize, structure and build with patience in a world where governments often seem innured against, if not immune to, criticism is probably more difficult but equally exciting. The stabilization has to start at the centre. The central component of personnel at the International Secretariat cannot and should not increase as in the past. The balance between the centre and the membership requires a strengthening in national structures and an expansion of the membership into new areas both of geography and participation. New techniques have to be developed which will enable better and more rapid use of information received and evaluated at the centre. The growth at the centre must be as a result of increased efficiency, not achieved by a substantial increase in staff. The growth, however, must be maintained: stagnation would lead to decline in capacities and use of resources.

New and better techniques must be evolved to harness the skills of the membership without losing the common language and style of the movement. It is indeed this very complexity of relating languages, styles and political and economic circumstances which is the challenge. Discipline within a voluntary and universal organization is difficult to apply and maintain. Finance is essential but the financial resources within the membership vary considerably. It is not the present complexity which is the problem. The problem we face comprises: the need to increase the complexities by adding new membership in areas hitherto unapproached; the need for new financial methods which will permit, without irritation, the coexistence within a democratic decision-making organization of those who pay and those who cannot; the need to develop new techniques which will enable a much wider use of Amnesty International knowledge and research, without the almost familial links which have until now existed within the membership.

In the seventies the centre struggled to keep up with the growth of members. But the organization remained very much rooted in the wealthy countries of the North with only tentacles slowly reaching the South.

The North/South dilemma is as much one for Amnesty International as for the rest of the world. The solutions may be as far reaching and, within the tiny context of Amnesty International, as revolutionary.

The first need within Amnesty International is to grow in areas where no Amnesty International movement yet exists. In the last decade Amnesty International has paid attention to development outside the capitalist and largely European countries where it first was born and later grew. Insufficient attention, however, was probably paid to the real dimensions of development. Amnesty International could not be identified and harnessed in Third World countries in the

same fashion and with the same methods as in the highly developed economies of the West. It was a point of principle to have sections in Asia, Latin America and Africa, but the differences of culture, finance, attitude towards non-governmental organizations and means of expression were not always appreciated in either practical or conceptual terms. At the same time it became accepted that there were countries where Amnesty International could develop and countries where it would be impractical or ill-advised for political or human rights reasons. This dimension and limitation on development will need to be examined and probably challenged in the eighties.

The fundamental and central aspects of Amnesty International which need to be protected in any scheme of widespread development into new areas and therefore new styles can be summarized as:

— the impartiality of the work for the release of prisoners of conscience everywhere;
— the total opposition to the use of torture or the death penalty;
— the right to fair trial for political prisoners without undue delay in accordance with international standards;
— the collection and use of accurate information within the areas of Amnesty International's mandate;
— the fact that members do not work for prisoners in their own countries;
— the fact that research is the responsibility of the central bodies of the organization;
— the control of the movement by its participating membership;
— the protection by all possible means of sources of information;
— the legal and overt nature of Amnesty International's activities;
— the significance attached by Amnesty International to the application by governments of international agreements, conventions, standards and commitments;
— the independent and self-generated financing of the movement as a whole.

The question to be answered is how, with these essential features preserved, can Amnesty International establish contact with, become recognized and active in, countries where there is little tradition of non-governmental activity, countries where the political bias of human rights activists is mistrusted, where tension and deprivation result from the low level of economic and social rights, where a one-party-state prevails or where the regime is run by a dictator. In all communities there are people deeply committed to the protection of human rights. Too often, indeed, the first stage in repression of a

population is a governmental attack on the fundamental rights of freedom of speech and religion. In such circumstances Amnesty International has the problem of explaining to governments and to potential members of Amnesty International that participation in the movement is related to the protection of human rights elsewhere and that it is the role of the members in other countries to exercise and express concern about violations in the country in question. This is a difficult educational task.

In itself, however, the task is important because it carries with it the idea that the first line of defence of human rights is the knowledge that those rights exist, yet everywhere people are deprived of them. Amnesty International has yet to establish its priority in the field of human rights education. Its role has been seen as a catalyst to the role of others but there is no other organization which has the information on violations of human rights, the committed membership and the mandate to work in this field. Always education is low on the list of priorities and the importance of education in active protection of human rights is often overlooked.

The United Nations and Specialized Agencies have failed to promote serious teaching programs about existing international mechanisms for the protection of human rights. Governments and national organizations have failed to include human rights teaching programs as part of their support activities for the international organizations to which they belong. By supporting the development of international human rights education policies, Amnesty International can further protect those human rights with which it is concerned and encourage an interest in the work of the organization itself. Such support may also serve to reassure governments that Amnesty International's program coincides with policies already endorsed by the governments themselves. A major program of explanation to governments about the true nature of Amnesty International's activities and mandate is thus imperative if this target of universality of Amnesty International membership and activity is to be achieved.

It is not only governments, however, that are concerned. Efforts are needed to work with national organizations in countries where no Amnesty International membership is yet assured. National organizations in many parts of the world are close to governments in personnel and policies. To involve and collaborate with trade unions and professional bodies is to go a long way towards explaining to governments that Amnesty International's activities are impartial, motivated only by internationally accepted objectives and totally independent of any outside control other than its membership, which is open to all who accept the Statute.

The active participation in Amnesty International activities by

interested organizations and individuals in Eastern Europe, China, USSR, Vietnam and Cuba is long overdue. There is a danger that unless Amnesty International makes a conscious effort to avoid it, the support for Amnesty International will come in some countries only from movements sometimes called "dissident". There are, however, many within the government framework who are concerned about human rights issues and who would willingly work internationally to help forward the objectives of Amnesty International if this distinction could be conveyed: that Amnesty International members are not responsible for Amnesty International activities in their own countries and that the organization applies the same impartial standards of information gathering and evaluation everywhere.

The same principles must be applied when exploring growth in areas where the need to develop in accordance with economic and social rights is used as a justification for the suppression of civil and political rights. The member states of the United Nations have repeatedly passed resolutions stating that all human rights are interrelated and of equal importance. There is sometimes a tendency in the West to excuse violations in some areas because of the economic deprivation which creates the contrasts and apparent conflicts in priorities between civil and political rights and economic and social rights. Amnesty International in trying to strengthen human rights activities, human rights awareness and the protection of human rights, must be ready to confront these arguments and extend its membership in the process.

Amnesty International has already acquired some experience in this field but is probably still too rigid, seeking a style and structure which may pose difficulties in countries of Africa, Asia, the Middle East and Latin America. Membership possibilities in the Middle East have so far been little explored by Amnesty International, apart from early contacts in Beirut and a committee not yet formalized in Egypt. Like Latin America there is an immense population with a common language but Amnesty International has not yet faced the challenge of large-scale membership action from countries with educational and economic development problems. In Latin America there are sections of Amnesty International in Mexico, Peru, Venezuela, Ecuador and Costa Rica. Yet much remains to be achieved in seeking and finding the type of Amnesty International activities to help prisoners which can best be carried out from these areas. Africa has no common language; ex-colonial languages are spread widely but to a limited proportion of the population. Similarly, in parts of Asia, the use of a common language results not in unity, but in a division of the population into those who can and those who cannot speak the second language of national and international communication.

The third category of countries where Amnesty International has yet to develop satisfactorily is those with consistently poor records of human rights violations. The risk of members in such countries becoming hostages to government has to be appreciated, but the challenge of the eighties includes finding the means of safely and effectively recruiting Amnesty International activists in countries whose governments by and large until now have been responsible for the violations of human rights which Amnesty International has tried to combat.

The purpose of extending activity in this way is to extend the protection of the rights which fall within the Amnesty International mandate. This is not an attempt to extend growth for the sake of size or wider representation. The purpose must be to extend respect for human rights and to involve more and more people in that objective. It does not matter if Amnesty International information is used by others, as long as it is used to help prisoners of conscience. It does not matter if others are selective in the use to which the information is put. What matters is that the information which Amnesty International gathers is well used and well understood. What also matters is that the reputation and standing of Amnesty International with regard to the impartiality and accuracy of its information should be maintained and respected. Growth in the eighties will come from greater efficiency in information techniques at the centre and widely differing action techniques in these new areas into which Amnesty International develops.

The problems of such an extension are considerable. There may be a need to look yet again at the movement's structure in order to regulate the separation of functions between and within research and membership activities, or to protect sources. It may be necessary to look at other international bodies with similar problems — the Red Cross (with its tripartite structure) and other bodies which cross the boundaries of ideologies, cultures and continents. More investment is needed to communicate the meaning of Amnesty International activities in many languages. Massive efforts must be made to convince even the most repressive of regimes that Amnesty International is what it claims to be and that Amnesty International membership is acceptable and not subversive, supportive of human rights and not hostile to governments, independent and yet disciplined in its attitudes and in its program. Most of all, it must be shown that Amnesty International members are not involved in or responsible for Amnesty International activities in response to human rights violations in their own countries. As with education, this process of convincing governments can in itself increase protection of human rights. The more governments accept that Amnesty International is impartial, independent and

universal, the easier it will be for them to accept Amnesty International standards and respond to Amnesty International criticisms.

Amnesty International is and must remain activist, effective and restricted in its mandate but not its membership. To achieve this will be difficult. It is a daunting prospect to try to convince governments that their critics are not only sincere but right. The finances of Amnesty International will require new examination and inventiveness to find the means of involving more people to meet the new thresholds of expenditure to finance research and travel.

The *Amnesty International Report 1980* concentrates on the work of Amnesty International for its objectives through central research and the actions undertaken by the International Executive Committee and the membership. The report is intended for unrestricted circulation and is addressed as much to the international public as to the Amnesty International membership. It should, however, be read with a view to analysing where more and better things could be done: not only by Amnesty International but also by others acting individually or collectively, as organizations or as governments.

To summarize the challenge for Amnesty International for the eighties:

Amnesty International must:

— improve at all levels the gathering and using of information about prisoners whose cases fall within Amnesty International's mandate;
— find the ways whereby Amnesty International members, associates and supporters, individually or collectively from all parts of the world, of all political persuasions and regardless of economic resources can work on behalf of those prisoners;
— find ways to convince governments and peoples that human rights are universal and that their protection demands a universally shared responsibility;
— find ways to raise the level of awareness of the very existence of human rights to the point where knowledge is positive and mobile between agencies and peoples.

When Amnesty International meets the nineties it should be universally active both in working for prisoners and identifying prisoners to be assisted. The sophistication of impartiality must be accepted and appreciated by governments and opposition movements. Amnesty International is not and should not be a movement of dissidents or opposition elements in national internal affairs. Instead it should be working for the recognition that dissidents have rights and governments and peoples have the duty to protect their societies against abuses that result or may result in imprisonment, torture or

death. To convince governments of this fact, which in principle they accept and to which they have in public committed themselves, is an amazing ambition. But so was Peter Benenson's contention that prisoners of conscience could be released by writing letters to governments.

Martin Ennals
Amnesty International Secretary General
1968 – 1980

The first introduction by Martin Ennals to an Amnesty International annual report appeared in the report for 1968-1969. In it he wrote:

> "Amnesty is and must remain committed. Not to a policy of Western liberalism, parliamentary democracy or national liberation, but committed to human rights as laid down in the Universal Declaration and incorporated in most national constitutions but disregarded by many governments.
>
> For a small organization based in London this is a mammoth objective. To be successful a wider membership is needed and greater financial resources. The target is the international recognition that human rights of individuals are the concern of everyone in every country.... In some areas the problems of establishing Amnesty may prove insuperable for years to come but a more determined effort is still needed to apply the principle that international responsibility for human rights starts with the individual and does not stop with the governments."

During the 12 years that he served the movement as its Secretary General he remained true to that vision and that commitment. As the principal representative and coordinator of the movement, he sought to secure for it a clear and unchallengeable role in the world community. That role was to be based on the principle of international responsibility for human rights and a reputation for accuracy, impartiality and integrity in defence of that principle.

The extent to which this ideal has entered the life blood of the movement is testimony to Martin Ennals' indefatigable vision and determination, an extraordinary contribution to the fight against political imprisonment, torture and executions.

International Initiatives

Work for individual prisoners

Casework

The concern of Amnesty International for individual victims of human rights violations is translated into practical action through a continuous program of casework. Research into cases of possible prisoners of conscience is carried out at the International Secretariat of Amnesty International. Individual prisoner dossiers are compiled. These are then sent to adoption groups and national sections throughout the world. Each group usually works on behalf of at least two individual prisoner cases in countries which are balanced geographically and politically to ensure impartiality. The Amnesty International groups adopt prisoners of conscience and work for the prisoners' immediate and unconditional release. For the same reason, and to stress international responsibility for human rights, no group may take up a case pertaining to its own country. Often groups *investigate* cases of possible prisoners of conscience in order to obtain conclusive information to form the basis of adoption.

This year, the International Secretariat learned of the release of 1,729 prisoners whose cases had been either investigated or adopted. It also took up 1,707 new cases.

Urgent Actions

Urgent action appeals are now issued on behalf of prisoners in need of medical treatment, individuals under sentence of death, in cases of "disappearance", as well as on behalf of victims and possible victims of torture.

In many cases, to hasten action, appeals are telexed to national sections of Amnesty International who channel the action recommendations to the appropriate groups or individuals. "Specialist" appeals such as those to medical groups or groups of lawyers recommending action have proved to be of increasing value.

During the year there were 244 urgent action appeals on behalf of 169 individuals, and 101 groups in 55 countries. These urgent actions

were launched in aid of 46 people who had "disappeared", 38 individuals undergoing or facing torture, 61 individuals suffering serious health problems, including those related to hunger-strikes, 28 people threatened with execution, 53 cases involving immediate legal concerns and 18 other cases, including those of victims of mass arrests, people who died in detention and victims of possible extrajudicial execution — all requiring swift action.

Campaigns about countries and themes

For several years, in seeking to defend human rights, Amnesty International has used the technique of extensive public campaigning about countries whose records on human rights warranted full publicity. The major Amnesty International country campaigns during the year sought to draw attention to violations of human rights in Guatemala and the Soviet Union (USSR). There was also a follow-up action to the Argentina campaign which Amnesty International had begun at the time of the 1978 World Football Cup. In addition, there were internationally coordinated campaigning actions focused on numerous countries, as well as on selected themes such as the imprisonment of trade unionists (to coincide with International Labour Day — 1 May 1979) and the imprisonment of children, during the Amnesty International Prisoner of Conscience Week (15 to 22 October 1979).

The Guatemala Campaign drew attention to thousands of political killings and "disappearances" as well as to the use of torture in that country. Victims included peasants, trade unionists, opposition political leaders, lawyers and students. Bodies have often been found mutilated in such a way as to make identification impossible, and at a great distance from the place of abduction, further complicating the process of identification. The campaign began on Guatemala Independence Day, 15 September 1979, and continued for some five months. Amnesty International focused publicity on its chronological record of human rights abuses — The Human Rights Year in Guatemala — A Calendar of Abuses — which covered events beginning on 29 May 1978, the day on which more than 100 Indian peasants peacefully protesting against the seizure of land they had used for generations, were massacred by official security forces in the northern town of Panzós.

The Amnesty International campaign on human rights violations

in the USSR began with an open letter to President Leonid Brezhnev in October 1979, on the occasion of the anniversary of the Soviet Revolution, requesting his government to release all prisoners of conscience and end the forcible confinement of individuals to psychiatric institutions for political reasons. The campaign sought also to use the opportunity provided by the holding of the summer 1980 Olympic Games in Moscow to draw public attention to particular human rights abuses in the USSR. This was in conformity with Amnesty International policy, which, although strict in its refusal to support or oppose boycotts, can regard a major international sporting event as an opportunity to inform the general public about violations of human rights. Following an extensive letter-writing action to Soviet authorities by Amnesty International members and publicity drives by its national sections and local groups, the campaign culminated in the publication on 28 April 1980 of the second edition of the Amnesty International report, *Prisoners of Conscience in the USSR: Their Treatment and Conditions*, emphasizing violations of human rights in the USSR during the past five years.

The year 1979 was the first in which Amnesty International prepared a special campaign and appeal for International Labour Day. Trade unionists, industrial workers and peasants in prison on 1 May, the day on which the international labour movement celebrates its struggle for civil, political, social and economic freedom, were the focus of this special action. The national sections of Amnesty International have developed an increasing number of contacts with national and local trade unionists, which allowed widespread distribution of Amnesty International appeals for the release of prisoners of conscience who are industrial workers, peasants and trade unionists.

For the theme of its annual Prisoner of Conscience Week, held in October 1979, Amnesty International chose the plight of children who are tortured, killed, imprisoned, kidnapped, forcibly removed from their parents or harassed because of their own or their parents' race, religion or political ideology. To increase awareness about this issue, Amnesty International produced a publication, *Children*, documenting 35 case histories of children whose human rights have been violated in this way, and listing many other incidents in which children and young people in Africa, Asia, Europe and the Americas have suffered similar abuses. The booklet and the campaign were part of the Amnesty International effort to draw attention to the rights of children during the United Nations International Year of the Child.

Campaign for the abolition of torture

In addition to the regular urgent action appeals for individuals in danger of torture, Amnesty International took several new initiatives in its work against torture. At the intergovernmental level, it supported or promoted codes of conduct for those professions most often in contact with victims of torture, in particular the Code of Conduct for Law Enforcement Officials adopted by the United Nations General Assembly in December 1979 (see Appendix II). At regional level it sent a medical mission to four Latin American nations and held a seminar in Costa Rica on "Torture, Deaths and Disappearances of Political Detainees in Latin America".

A three-delegate Amnesty International medical mission visited Latin America in July 1979 to discuss medical aspects of torture with members of the medical profession. The delegates discussed the Amnesty International medical program, the fact that torture is frequently carried out with the complicity of the medical profession, and the role doctors, nurses and other medical personnel can play in the campaign for the eradication of torture.

Sixty people from all over Latin America, including lawyers, doctors, trade unionists, religious leaders, peasant leaders and human rights activists were invited to San José, Costa Rica, from 11-15 January 1980, to discuss the issues of torture, political killings and "disappearances" in Latin America. The meeting made a number of practical recommendations in the legal, medical, social, religious and public information fields, all directed towards the eradication of torture and the halting of political killings and "disappearances" in the region.

A similar initiative in the campaign against torture was taken at a seminar, convened by the Amnesty International Medical Advisory Board, in Geneva in 1979. This seminar proposed a set of draft principles on financial compensation for torture victims and recommended that such compensation should be understood to imply that the States Parties to the draft United Nations Convention against Torture agree that torture and other cruel, inhuman or degrading treatment or punishment constitute legal grounds for a claim of restitution against the State; that torture inflicted in a public building or compound, regardless of whether the torturer acts in an official or personal capacity, is *prima facie* evidence that torture was carried out or instigated by a public official, thus indicating the responsibility and liability of the State.

Restitution should include not only expenses for medical treatment and rehabilitation necessary for restoring the physical and mental health and the working capacity of the victim, but also financial

compensation for the pain and suffering that the victim has experienced. Any such claims should not be frustrated by a domestic statute of limitations so long as the claiming party is not able to raise a claim in front of a competent court. The findings of the authorized United Nations bodies ascertaining acts of torture should be fully taken into account in proceedings concerning claims for restitution.

As part of its efforts to gain intergovernmental recognition that states responsible for torture must also be held responsible for its long-term medical and social consequences for the victims, Amnesty International decided to present these draft principles in a submission to the 6th United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Program against the death penalty

Amnesty International is committed by its Statute to "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".

During the period 1 May 1979 to 30 April 1980 positive developments towards the abolition of the death penalty included its total abolition in three countries, Luxembourg, Norway and Nicaragua. Peru drafted a new constitution, scheduled to come into force in July 1980, abolishing the death penalty for crimes other than those related to wartime offences. Moves to reintroduce the death penalty were defeated in the United Kingdom, Switzerland and several states of the United States of America.

On 22 April 1980 the Parliamentary Assembly of the Council of Europe adopted a resolution and, by a vote of 98 to 25, a recommendation favouring the abolition of the death penalty for crimes other than those related to wartime offences in all 21 member states of the Council of Europe (see Appendix III). Amnesty International had submitted a statement on the abolition of the death penalty to the Council of Europe in August 1979, and the members of its national sections had appealed to their countries' representatives in the Parliamentary Assembly to support abolition.

As of 30 April 1980, 20 countries had abolished the death penalty for all offences, and 17 others had abolished it for ordinary crimes only. However, less encouraging is the fact that the other countries still retained the death penalty for certain ordinary crimes, although

some of these countries had not carried out executions in recent years. During the year January to December 1979, 975 people are known by Amnesty International to have been executed; the actual figure is certainly higher.

During the nine-month period from August 1979 to April 1980, executions are known to have been carried out in the following 26 countries: Afghanistan, Bahamas, China, Czechoslovakia, Egypt, Equatorial Guinea, Ethiopia, Indonesia, Iran, Iraq, the Republic of Korea, Liberia, Malaysia, Mozambique, Nigeria, Pakistan, Poland, Rhodesia (now Zimbabwe), Saudi Arabia, Singapore, South Africa, Syria, Tunisia, the Soviet Union, the United States of America and Yugoslavia. This list includes only countries with cases known to Amnesty International. In addition a number of "executions" of prisoners by opposition groups were reported during this period.

Amnesty International is currently maintaining a worldwide program for the abolition of the death penalty. In September 1979 the Amnesty International report, *The Death Penalty* (concentrating on the years 1973 to 1976 but also taking into account major changes in legislation and significant trends in practice up to mid-1979) was published. The report provides a country-by-country survey of death penalty laws and practices in 134 countries, and includes an analysis of the international legal norms which impose restrictions on the use of the death penalty. It deals also with extrajudicial execution, described in the report as "murder committed or acquiesced in by government". According to the report more than 7,500 people are known to have been sentenced to death throughout the world during the 1970s. More than 2,000 of these sentences were passed in political cases or cases with a political background. Of those sentenced, more than 5,000 are known to have been executed during the decade. More than half a million are known to have been the victims of extrajudicial political murders, in many instances committed either with the connivance or acquiesence of governments.

Amnesty International members throughout the world circulated an appeal to the United Nations for the Abolition of the Death Penalty, wrote to the appropriate authorities in countries that retain the death penalty urging them to abolish it and appealed for clemency in all death sentences that came to the attention of the organization.

International law and relations with international organizations

United Nations

The Amnesty International consultative status (category II) enables it to supply information within its mandate under the various procedures set up by the United Nations to monitor human rights violations. In May 1979, under the procedure set up to examine reports alleging a "consistent pattern of gross violations", Amnesty International submitted information on Afghanistan, Argentina, Ethiopia, Indonesia, Paraguay, Tunisia, Uganda and Uruguay. In March 1980 the Chairman of the United Nations Commission on Human Rights announced publicly that, in confidential session, decisions had been taken on Argentina, Bolivia, the Central African Republic, Ethiopia, Indonesia, Paraguay, the Republic of Korea and Uruguay.

Other written submissions by Amnesty International to the United Nations included a communication on human rights violations in Nicaragua, a general submission on people subjected to any form of detention or imprisonment and a statement submitted, together with several other non-governmental organizations (NGOs), encouraging states to ratify the international human rights instruments. Amnesty International representatives also made oral statements on the abuse of psychiatry to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the human rights situation in Rhodesia to the Commission on Human Rights and on repression in South Africa to the Special Committee against *Apartheid*.

An encouraging development within the United Nations was the new procedure established by it to deal with the matter of "disappeared persons". Amnesty International had called attention to "disappearances" in oral interventions before the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights. In February 1980 the Commission on Human Rights decided to set up an expert working group to examine questions relevant to "disappearances". The working group was requested to "respond effectively" to information that would come before it. An important step towards the setting of standards of conduct was taken with the adoption by the General Assembly in December 1979 of a Code of Conduct for Law Enforcement Officials (see Appendix II).

In September 1979, in keeping with its policy of supporting regional initiatives for the protection of human rights, Amnesty International attended the United Nations Seminar on the Establish-

ment of a Regional Commission on Human Rights with Special Reference to Africa, held in Monrovia, Liberia. The seminar drafted a proposal for the setting up of an African Commission on Human Rights.

Amnesty International has continued to supply the United Nations High Commissioner for Refugees with information where it believes its assessment of human rights in a country can contribute to the application by states of the *non-refoulement* principle: that is, the principle whereby a refugee ought not be expelled or returned to a country "where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular group or political opinion".

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Throughout the year Amnesty International has continued to provide UNESCO with information on human rights issues within its mandate that touch upon UNESCO's competence and has responded to specific requests, in accordance with its consultative status.

Of particular interest to Amnesty International have been initiatives in the field of human rights. At the 17th Conference of Non-Governmental Organizations in Paris in November 1979, the representatives of Amnesty International emphasized the importance of human rights education at all levels of education as a means of protecting human rights. The conclusion of the International Congress on the Teaching of Human Rights in Vienna in September 1978 and the resolutions adopted by the UNESCO General Conference in November 1978 led the Director General of UNESCO to invite the Secretary General of Amnesty International to serve on a Committee of Experts to draw up a draft six-year plan for the development of the teaching of human rights. The committee met in Paris in June 1979.

An Amnesty International representative took part in a meeting of Experts on the "Place of Human Rights in Cultural and Religious Traditions" held in Bangkok in December 1979, as well as in various consultative meetings under the auspices of UNESCO, within the competence of Amnesty International, including a consultative meeting on International Documentation on Human Rights in March 1980.

International Labour Organisation

Although Amnesty International has no formal status with the International Labour Organisation (ILO), information which it has received on such issues as forced labour, imprisonment and "disappearances" of trade unionists and interference with the right of

freedom of association have been regularly chanelled to the ILO through appropriate organizations, governments and individuals.

Council of Europe

During the year under review the Parliamentary Assembly of the Council of Europe adopted resolutions in two important areas of Amnesty International concern. In May 1979 the assembly adopted a "Declaration on the Police" containing a code of ethics for police officers. The national sections of Amnesty International in Western Europe have subsequently tried to ensure that their governments incorporate elements of the declaration in training programs for police officials.

In August 1979, Amnesty International submitted a memorandum to the Council of Europe, drawing attention to the trend towards non-application of the death penalty in Western Europe and calling for the abolition of the death penalty for all offences in all member states of the Council of Europe. In April 1980 the Parliamentary Assembly of the Council adopted a resolution calling for the abolition of the death penalty in member states of the Council of Europe for all offences committed in peacetime. The assembly also recommended that the European Convention on Human Rights be amended accordingly (see Appendix III).

European Communities

The first directly elected European Parliament has shown a welcome interest in human rights. Between June 1979 and March 1980, 89 motions were related to human rights, although, as some members pointed out, only one dealt with a member state of the European Communities. Amnesty International has received funds from this source for the exclusive use of its relief program for humanitarian assistance to prisoners and their families.

The main activity of Amnesty International as regards the institutions of the European Communities has been to make available to them its public information on violations of human rights.

Organization of American States

When possible Amnesty International has continued to bring relevant information to the attention of the Inter-American Commission on Human Rights (IACHR), the organ of the Organization of American States (OAS) responsible for promoting and defending human rights in the member states.

It made available information about Argentina on the occasion of the visit made by the Commission to that country in September 1979. In April 1980 the Commission published its report on Argentina. In December 1979 the Secretary General of Amnesty International gave oral testimony on Guatemala to the IACHR. In April 1980 Amnesty International submitted a written brief on El Salvador to document the human rights situation there since the change of government in October 1979. In January 1980 it sent a mission to Colombia. Information obtained was subsequently provided on request to the IACHR which had been invited to Colombia in order to make an on-the-spot observation.

In October 1979 an Amnesty International delegation attended as a "special guest" the General Assembly which took place in La Paz, Bolivia. It has recommended that formal consultative mechanisms should be created by the OAS to make possible enhanced cooperation with non-governmental organizations (see United Nations above).

Organization of African Unity

Amnesty International is a member of the Organization of African Unity's Coordinating Committee of the Bureau for the Placement and Education for African Refugees, and as such it attended the ninth meeting of this committee, held in Addis Ababa in April 1979.

Amnesty International attended a United Nations seminar held in Monrovia, Liberia, in September 1979, which recommended that the OAU adopt its draft proposals for a possible model of an African Commission on Human Rights.

Non-Governmental Organizations

Amnesty International continued to be represented at regular meetings of joint NGO bodies in Geneva (United Nations), New York (United Nations), Paris (UNESCO) and Strasbourg (Council of Europe). These forums often provide the opportunity to express joint concern on issues within the Amnesty International mandate. Forty-two NGOs, for example, have now signed the NGO death penalty resolution. There has also been cooperation with various NGOs concerned with the welfare of children, (who took action on material which Amnesty International prepared for Prisoner of Conscience Week 1979 during the International Year of the Child), as well as with international trade union bodies and lawyers' organizations on behalf of imprisoned trade unionists and lawyers adopted as prisoners of conscience by Amnesty International.

During the year Amnesty International has also submitted information on imprisoned members of parliament in Bahrain, Djibouti, Indonesia, Singapore, Taiwan and Uruguay to the Special Committee on Violations of the Human Rights of Parliamentarians of the Inter-Parliamentary Union. The majority of these cases were taken up by the Inter-Parliamentary Union.

Amnesty International representatives or experts attended, among other meetings convened by NGOs, an International Association Penal Law conference on the protection of human rights in the Islamic criminal justice system, an International Institute of Humanitarian Law round table on the question of a torture convention and a World Confederation of Labour colloquy on human rights administration.

Refugees

Amnesty International is not a refugee organization. However, through its opposition to the involuntary return of people to countries where, because of their beliefs, their personal security would be at risk and through its assistance to its former adopted prisoners of conscience released from prison on condition that they leave the country where they were held, Amnesty International has become increasingly involved in refugee activities.

In October 1979 an international meeting of Amnesty International refugee coordinators took place in London and agreed to guidelines for its work, which were approved by the International Executive Committee.

Amnesty International recognizes that it is not competent to deal with extensive refugee problems and so focuses its attention on individual cases that fall within its mandate. Its national sections have been active in this field in a variety of ways. They have, for example, provided governments and refugee agencies in receiving countries with background information on the countries from which refugees come. They have also applied to their own governments for visas or letters of consent for prisoners held in certain Latin American countries who have not been charged or tried and whose only alternative to indefinite imprisonment is exile.

Relief

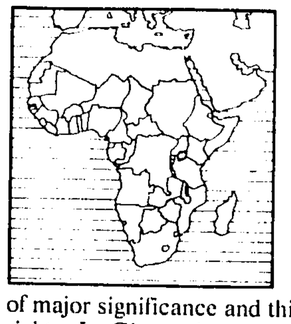
During the year under review the International Secretariat of Amnesty International distributed £202,172 in relief. In addition, a

considerable amount of relief was distributed direct by its national sections and adoption groups. In this way thousands of prisoners and their families were assisted in all parts of the world.

The work of Amnesty International in the collection and distribution of relief is ancillary to its main purpose: work for the release of prisoners of conscience and fair trials for all political prisoners, for the prevention of torture and of cruel, inhuman or degrading treatment of prisoners and for the abolition of the death penalty. Its relief program seeks to alleviate the suffering of prisoners of conscience and their families and to assist the recovery of victims of torture.

When relief payments are distributed by intermediaries or bodies outside Amnesty International, the organization is careful to stipulate the precise, prisoner-related purposes for which the relief is intended, and whenever possible obtains documentation of receipt from the intended beneficiary. The relief program of the International Secretariat is supervised by a sub-committee of the International Executive Committee. The Relief Committee also advises national sections on their relief activities. In previous years the emphasis in the work of the Relief Committee has been on the development of a program of relief to ensure that the increasing relief funds at the disposal of Amnesty International were applied without undue delay for the benefit of prisoners. This program had largely been achieved by the start of the year under review, permitting attention to be directed to ensuring that the relief work is well coordinated, efficient and in full conformity with the Amnesty International mandate.

Africa



Major political changes took place in Africa during the year covered by this Report — 1 May 1979 to 30 April 1980. The most momentous developments undoubtedly occurred in Zimbabwe, where the advent of majority rule and independence brought not only peace, after seven years' war, but also far-reaching improvements in human rights. In Nigeria, the orderly and peaceful return to civilian rule was also an event of major significance and this too had its beneficial effect for human rights. In Ghana, however, the transfer of power from military to civilian authorities was, for a time at least, neither so orderly nor so peaceful. Civilian rule was re-established in September 1979 but the process was marred by the execution of General Frederick Akuffo, overthrown in a military coup d'état in June, and two other former heads of state, Generals Akwasi Afrifa and Ignatius Acheampong.

Three long-established governments were also overthrown by force during the year. In each case those who seized power claimed that their actions had been motivated by, among other reasons, a desire to end abuses of and restore respect for human rights. In August President Masie Nguema of Equatorial Guinea, whose 11-year rule was notable for its brutality, was ousted in a coup led by his Defence Minister. In September the deposed President was put on trial for mass murder and systematic violations of human rights. He was sentenced to death and executed. In the same month, another government which had become notorious for disrespect for human rights, that of the self-styled Emperor Bokassa in the Central African Empire, was overthrown. His removal took place five months after the killing of some 100 schoolchildren and students in Bangui Central Prison (Ngaragba) provoked a storm of international protest. Bokassa was abroad when the coup occurred. He was subsequently granted asylum in Ivory Coast.

In April 1980 after months of political turmoil in Liberia the

government of President William Tolbert (incumbent Chairman of the Organization of African Unity) was also overthrown. Here too the new government announced its determination to restore human rights and took immediate action to release political prisoners. However, within days 13 former ministers and other high officials were summarily tried for treason and publicly executed on a beach near Monrovia.

In September 1979 Monrovia had been the venue for an important seminar on the establishment of a regional commission on human rights for Africa. The seminar, sponsored by the United Nations, brought together representatives from some 30 African countries. They produced a draft proposal for an African commission on human rights which was then transmitted to the Organization of African Unity (OAU) for consideration. In July 1979, at the annual summit (also held in Monrovia) of the OAU heads of state, it had been agreed that an African Charter of Human Rights and Rights of People should be drafted and adopted by OAU member states. The draft charter was expected to be available for the OAU summit due to be held at Freetown, Sierra Leone, in July 1980, although in March 1980, a meeting to consider proposals was postponed because too few countries sent representatives. Despite this complication and the protracted nature of the proceedings, the apparent acceptance by African countries of the need to establish some form of regional mechanism to protect human rights was encouraging and provided a foundation upon which to build.

There were other encouraging developments. Possibly the most significant was the decision, taken at a meeting of French-speaking heads of state in Rwanda in May 1979, to establish a unique five-nation inquiry into the alleged killing of schoolchildren in the Central African Empire. As a result a high-level commission of inquiry visited Bangui to investigate the allegations at first hand and obtained and subsequently publicized confirmation of the killings.

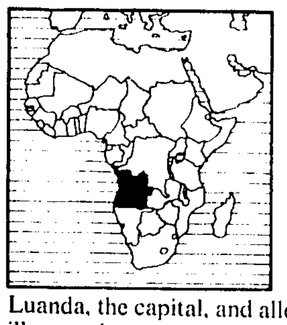
At another level, Amnesty International was encouraged by the release of many prisoners of conscience. Some had been imprisoned for long periods. Among them were former Archbishop Raymond-Marie Tchidimbo in Guinea, former President Hamani Diori and Djibo Bakary in Niger, Hornisdas Mbanda in Rwanda, and Clemens Dumisa Dlamini in Swaziland.

Despite such releases and other positive developments which occurred during the year, there is clearly no room for complacency about human rights in Africa. Major problems remain. Detention without trial is widely used by governments to suppress real or suspected opposition and there are often inadequate safeguards for the treatment of detainees. The past year has seen striking examples

of ill-treatment in such countries as Zaire, where conditions at Ekafera camp and other detention centres are notoriously harsh; Cameroon, where many detainees in special "administrative internment centres" have been held incommunicado for four years; and Ethiopia, where a number of long-term detainees disappeared after being removed from their place of imprisonment and are feared to have been killed on government orders. Schoolchildren and students were killed in detention in Central African Empire in 1979, and in Zaire in January 1980. In March a student leader was killed in detention in Mali. In South Africa, too, schoolchildren were prominent among those detained incommunicado and without trial for long periods under Section 6 of the Terrorism Act, the provision used to seize Steve Biko and others who died in detention in previous years. Young people captured in May 1978 at Kassinga, Angola, were held incommunicado throughout the year by South African authorities in Namibia.

The death penalty remains one of the principal concerns of Amnesty International. All African countries retain the death penalty although in several no executions have been reported in recent years. In Nigeria, the civilian government of President Shehu Shagari took positive steps to reduce the number of executions. Similar developments occurred in Kenya. In Zimbabwe (then Rhodesia), secret executions were halted shortly before the arrival of the British Governor, who then commuted outstanding death sentences. However, public executions followed the successful coups in Ghana and Liberia. In South Africa, the high rate of judicial executions continued unabated.

Throughout the year, Amnesty International sought to confront these and other problems in its work for human rights in Africa. It sent missions to Djibouti, Seychelles, Togo, Zimbabwe and Namibia and published information on a number of other countries. Formal submissions on Ethiopia, South Africa, Zimbabwe, Namibia and Uganda were presented to the UN Commission on Human Rights. In addition to these actions, Amnesty International members throughout the world have continued to seek the release of prisoners of conscience and to assist other victims of human rights violations in Africa.



Angola

Amnesty International continued to be concerned about the imprisonment of suspected members of armed opposition parties and other political factions in Angola. Considerable numbers of political prisoners were, however, reported to have been released during the year. It was concerned also about reports of a hunger-strike at São Paulo prison in Luanda, the capital, and allegations that political detainees had been ill-treated.

Major changes occurred in the government during 1979; some as a result of the death of President Agostinho Neto in September 1979. The central committee of the *Movimento Popular de Libertação de Angola* (MPLA), People's Movement for the Liberation of Angola, swiftly appointed the former Minister of Planning, José Eduardo dos Santos, as new head of state. Shortly before his death, President Neto had disbanded the *Direcção de Informação e Segurança de Angola* (DISA), the security police force, and delegated responsibility for matters relating to internal security was to a newly-created Ministry of the Interior. In May 1979 the powers of the Ministry of Defence were bolstered by the appointment of five vice-ministers. In early 1980, however, the Minister of Defence, Colonel "Iko" Carreira, was dismissed from office.

In 1979 and early 1980, the government faced continuing problems of internal security, particularly in the south of the country where the guerrilla forces of Dr Jonas Savimbi's *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, remained active and South African forces mounted a series of air attacks on Angolan military and civilian targets which, according to Angolan sources, resulted in more than a thousand casualties. It is reported that, during 1979, clashes also occurred in the Cabinda enclave, where government forces were opposed by the secessionist *Frente de Libertação do Enclave de Cabinda* (FLEC), Cabinda Enclave Liberation Front. Sporadic acts of sabotage, some of which resulted in the death and injury of civilians, were reported in Luanda.

A number of long-term political detainees, including those alleged to be members of the *Organização dos Comunistas de Angola* (OCA), Organization of Angolan Communists, and other dissident groups, were released in 1979. However, in August some 50 detainees at São Paulo prison in Luanda, a number of whom had been held since 1976, organized a protest against their continued imprisonment. They appealed to the *Procurador Geral*, State Public Prosecutor, to order their release from imprisonment which, they claimed, was illegal. As a result some were released, but in December it was reported that 19 who were still held had gone on hunger-strike to protest against their continued detention. In January 1980, when Amnesty International appealed to the government on their behalf it was informed that at least one had been released.

Although Amnesty International was not able to estimate the number of political prisoners still held at the end of 1979, it is known to include civilians suspected of supporting UNITA or the *Frente Nacional de Libertação de Angola* (FNLA), Angola National Liberation Front, another organization involved in armed opposition to the government. It is also believed that a number of suspects arrested after the abortive coup led by Nito Alves in May 1977 are still being held.

In March 1980 President dos Santos announced that clemency would be granted to most political prisoners, though not to the leaders of opposition political groups. However, the number of prisoners released in this amnesty is uncertain.

Benin

The main concerns of Amnesty International were detention without trial of political opponents, political imprisonment after unfair trials and the death penalty.

Between June and November 1979, as many as 50 students were arrested during renewed unrest at the University of Benin and several other higher education establishments. These events recall those of 1978, when at least 15 students and teachers suspected of sympathy with the clandestine *Parti communiste du Dahomey* (PCD), Dahomey Communist Party, had been detained. In early 1979 university students formed the *Groupe d'unité d'action des universitaires* (GUAU), Students' United Action Group, to oppose the university "cooperative", a government-controlled body established to represent student views and to implement government policy making agricultural work obligatory for students. GUAU also called for improved facilities and greater freedom of speech and association. A five-day strike was

called to protest against the arrest of seven students on 13 June. Army units occupied several university buildings and more students and teachers were arrested at mass protest rallies. It is believed that although the majority have been released, some of the students and teachers are still being held without charge or trial in prisons and police headquarters. They have been adopted by Amnesty International as prisoners of conscience.

Shortly before Benin's National Day on 30 November, Amnesty International appealed to President Mathieu Kerekou to release these students and teachers, as well as a number of long-term detainees, who had also been adopted as prisoners of conscience. The government did not respond to this appeal.

Three former Presidents, Hubert Maga, Sourou Migan Apithy and Justin Ahomadegbe, have been held under house arrest without charge or trial since October 1972, when the civilian government was overthrown by a military coup. Father Alphonse Quenum and former Agriculture Minister Adrien Glele are among the 13 prisoners held in various prisons after being arrested and convicted in 1975 of participation in coup attempts. None was given a fair trial in accordance with internationally recognized standards. Amnesty International believes them to be innocent of charges of attempting to overthrow the state.

In May 1979 it was reported that the 73-member National Council of the Revolution, sitting as a Revolutionary Tribunal, had passed 100 death sentences *in absentia* for participation in the January 1977 attack on the capital, Cotonou, by an airborne mercenary force. Of those sentenced to death, 89 were said to be African and European mercenaries and 11 were described as "Beninese traitors".

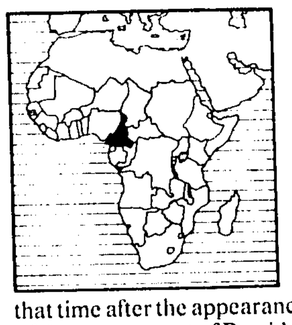
Although conditions at Cotonou prison appear to be much improved, Amnesty International is concerned that many prisoners are not informed of the charges against them and are prevented from attending their own trials. On several occasions prisoners have learnt only from official radio broadcasts the nature of the charges against them and the length of their sentences.

Burundi

Renewed tension between the majority Hutu and ruling minority Tutsi ethnic groups resulted in the arrest, in May 1979, of a number of leading Hutu. It is reported that they included school and university teachers, students and minor officials. Some leading members of the Hutu community were alleged to have been secretly detained or killed, but the accuracy of these reports could not be confirmed. The government of President Jean-Baptiste Bagaza denied that there had been any arrests or killings and maintained that it was holding no political prisoners.

After international publicity about the events, the government invited Amnesty International to visit Burundi to confirm that no Hutu had been arrested or killed. Amnesty International asked for further details about this invitation and two months later, in August 1979, was informed that although there were no political prisoners, the government was ready to collaborate. However, a further inquiry by Amnesty International about two prisoners arrested in September 1978 remained unanswered. They were the former Minister of the Interior, Gabriel Ndikumana and a student, Philippe Ngendakumana, who was held with several others, apparently for opposing the government's policies towards the Hutu community. Both Gabriel Ndikumana and Philippe Ngendakumana are members of the Tutsi ethnic group.

In early December 1979 Amnesty International learned of the arrest of five people accused of "violent verbal propaganda" shortly before the congress of the *Union pour le progrès national* (UPRONA), the Unity and Progress Party. Four were released at the end of December under an amnesty which benefitted most convicted prisoners but it is not known what happened to the fifth person or whether the amnesty was extended to other untried political prisoners such as Gabriel Ndikumana and Philippe Ngendakumana.



Cameroon

The major concerns of Amnesty International were political imprisonment, detention without trial, torture and poor prison conditions. Throughout the year Amnesty International continued to seek the release of some 50 students, teachers and white-collar workers who have been held without trial since July 1976. They were among some 200 people arrested at that time after the appearance in several urban centres of tracts critical of the government of President Ahmadou Ahidjo. They are being held at special "administrative internment centres", directly administered by the President's office and not controlled by the usual prison authorities. Amnesty International believes that they are prisoners of conscience, imprisoned for their political opinions.

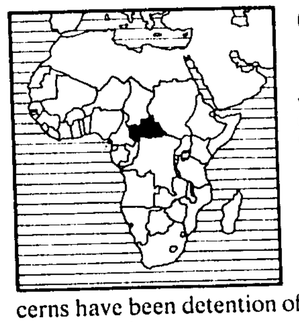
According to legislation enacted in the early 1960s, the distribution of literature critical of the government is an offence against the "internal security of the State". An accused person is liable to be tried before a permanent military tribunal but is denied defence counsel and right of appeal. Since independence in 1960 this tribunal is known to have convicted a large number of opponents of the government, some of whom have remained in prison for almost 20 years. The total number of political prisoners is uncertain but Amnesty International has received reports that it may be as high as 200.

Most untried political prisoners are held at two "administrative internment centres", at Tchollire in north Cameroon and at Yoko near Yaounde. At Tchollire, reported to be the harsher of the two, detainees are believed to be held in overcrowded cells, with poor food and no medical treatment. Contact with the outside world by letters or visits is very restricted. Torture during interrogation is known to be inflicted. Suspects have been brutally beaten and some have been subjected to electric shocks to various parts of the body.

On 20 October 1979 army commandos are reported to have killed between 50 and 200 people at the village of Dolle in north Cameroon as a reprisal for the killing of several government officials in the village a few days earlier. In a letter to the President, Amnesty International requested that an official inquiry into the events at Dolle be instituted to establish responsibility for the reported killings. No answer has been received.

In February 1980 Amnesty International appealed publicly to all delegates attending the National Congress of the *Union nationale camerounaise* (UNC), National Union of Cameroon, the sole

political party, to give serious attention to the issue of human rights violations in the country, including the high incidence of detention without charge or trial, poor prison conditions and the use of torture. At the Congress, which is held once every five years, President Ahidjo is reported to have rejected the Amnesty International estimate of the number of prisoners in Cameroon and to have stated that only four of those arrested in 1976 remained in prison. In his closing speech, President Ahidjo referred extensively to human rights and condemned Cameroon's "detractors", who, "under false and sordid pretexts, among which human rights, the last of their discoveries and the last battle horse, are now trying to . . . take advantage of the good faith and goodwill of the ill-informed". Subsequently, Amnesty International publicly reaffirmed its belief that some 50 people detained in 1976 were still being held and that the total number of political prisoners was some 200. It requested the government to permit the inspection of prisons by an independent humanitarian organization. The request was not acknowledged and no action is believed to have been taken by President Ahidjo's government.



Central African Republic

Jean-Bedel Bokassa, self-styled Emperor of Central Africa, was overthrown by a bloodless coup in September 1979. He was absent from the country at the time and was replaced by David Dacko, a former President whom Emperor Bokassa himself had ousted in early 1966. Since September Amnesty International concerns have been detention of political opponents without trial and the death penalty.

Emperor Bokassa's 14 years in power were marked by large-scale violations of human rights. Hundreds of people disappeared and were killed in prison; hundreds of others were held without trial for political reasons, often for long periods and in appalling conditions. He was overthrown only a few months after what was probably the most brutal incident of his violent reign, the killing of some 100 schoolchildren at Ngaragba prison between 18 and 20 April 1979. These killings, which followed the arbitrary arrest of many schoolchildren and students in Bangui, the capital, caused a storm of international

protest and condemnation and led to the creation of a unique five-nation inquiry into the circumstances surrounding the incident.

Three months before the killings, hundreds of students and schoolchildren in Bangui demonstrated against Emperor Bokassa's decree that they should all buy and wear a special uniform. The five-nation commission of inquiry found that as many as 150 of the demonstrators had been killed by government security forces.

The wave of arrests in April was carried out with great brutality by members of Emperor Bokassa's imperial guard. Most of those held were aged between 12 and 16 but they also included children aged between eight and 12. Some were killed on the way to Ngaragba prison; others were taken to three special unventilated cells at the side of the prison where as many as 30 detainees were crammed into a space measuring only about two metres square. According to one eye-witness who survived this experience, 22 out of 30 detainees in his cell died because of severe overcrowding and lack of air and water. Later, when more detainees were brought to the cell, 11 more deaths occurred. In addition to those who died from suffocation within cells, others are reported to have been deliberately tortured and killed. Some eye-witnesses claim that the Emperor himself visited the prison at this time and participated personally in the killings.

Amnesty International first publicized the killings at Ngaragba prison on 14 May 1979, reporting that between 50 and 100 deaths had occurred. At first, the government denied that any children under 16 had been arrested or that any of those held had been killed and on 17 May the Emperor even claimed commitment to the Universal Declaration of Human Rights. A week later, however, while attending a conference in Rwanda of French-speaking African heads of state, he admitted to the press that some young people had been killed in April. Almost simultaneously, his ambassador in Paris, Sylvestre Bangui, held a news conference at which he publicly confirmed the accuracy of the report by Amnesty International.

At the conference in Rwanda, five governments — Ivory Coast, Liberia, Rwanda, Senegal and Togo — undertook to send a commission of inquiry to Bangui to investigate the alleged killings. The commission, the first of its kind in Africa, visited Bangui almost immediately and obtained eye-witness testimonies and other evidence confirming the killings. Members of the commission also visited London and held formal discussions with Amnesty International. The commission reported confidentially to the heads of state who had attended the Franco-African summit conference in Rwanda. A month later, on 16 August, the commission's report was made public. By that time several of those who had given evidence to the commission were reported executed or arrested. The Emperor who had become almost

totally isolated left for Libya to solicit assistance. During his absence French troops arrived in Bangui and installed David Dacko as the new President. The former Emperor successfully sought asylum in Ivory Coast.

President Dacko's government took swift action to remedy abuses of human rights. Political prisoners were released from Ngaragba and a major reorganization of the security forces was begun. A commission of inquiry was established to investigate violations of human rights under Emperor Bokassa. In October and November 1979 a number of politicians formerly prominent in his administration were arrested but, by the end of April 1980, they had not been brought to trial. However, 34 former officials and members of the security forces also arrested in late 1979 were put on trial before the central criminal court in February. At the trial, which was held in Bangui's main sports stadium, six of the accused were sentenced to death and most of the others received prison sentences ranging from six months' suspended sentence to life imprisonment. Three of those sentenced to death were alleged to have murdered political prisoners and killed children held in Ngaragba prison on the personal instructions of the former emperor. In view of the fact that death penalties were imposed on six of those convicted, Amnesty International appealed to the Deputy Public Prosecutor to ensure that their right of appeal would be respected.

Despite the significant improvements affecting human rights made by the Dacko government, new problems arose in October following the return from exile of Ange Patasse, a former Prime Minister who had been a major political opponent of Emperor Bokassa. On his return, Ange Patasse, leader of the *Mouvement de libération du peuple centrafricain* (MLPC), Central African People's Liberation Movement, entered into negotiations with President Dacko about the possible formation of a government of national unity. The negotiations were short-lived and unsuccessful and Ange Patasse and other MLPC leaders including former Health Minister Simon Bedaya Ngaro were placed under house arrest or detained. Almost immediately there were major demonstrations in Bangui to demand further negotiations and to protest against the restrictions imposed on the MLPC leaders. During one of these demonstrations on 29 October, 30 people are reported to have been injured and subsequently many more were briefly held. The government held Ange Patasse and the MLPC leaders responsible for both the demonstration and the injuries.

In November 1979 charges were brought against most of the MLPC leaders in prison. They were charged with offences including grievous bodily harm and Ange Patasse was accused of distributing drugs and endangering state security. Some of the detainees were

officially "released" and *assigné à résidence*, placed under house arrest, in towns such as Birao, Mboki and Yalinga, hundreds of kilometres away from Bangui. Several of the prisoners were eventually released: they included Simon Bedaya Ngaro and the former student leader Albert Ndode, who played a leading role in organizing opposition to Emperor Bokassa in early 1979. Ndode was freed in January 1980. At least eight others were still being held in April 1980, when Amnesty International urged that they be released. All, including Ange Patasse, were believed to be prisoners of conscience.

Chad

Amnesty International is concerned about reports of serious human rights violations affecting prisoners taken by different political groupings in Chad. It has received information about summary executions and disappearances but has not been able to verify or document individual cases. Its work on behalf of victims of human rights violations has been impeded by the general breakdown of administration.

Events continued to be dominated by the protracted power struggle between the *Front de libération nationale du Tchad* (FROLINAT), Chad National Liberation Front, headed by Goukouni Oueddei, and the *Forces armées du Nord* (FAN), Armed Forces of the North, led by Hissène Habré. For a time these and other factions were brought together in an uneasy coalition under the terms of a settlement agreed by the rival organizations in August 1979, at a meeting convened in Lagos, under the auspices of the Nigerian Government. As a result of the agreement, a transitional government of national unity was formed with Goukouni Oueddei as executive President. Hissène Habré was given the important post of Defence Minister, and Wadal Abdoulkader Kamougue, the acknowledged political leader of the country's southern population, became Vice-President.

The agreement signed in August, like an earlier agreement reached in March 1979, stipulated that each of the factions should release its political prisoners and other prisoners taken during the course of the conflict. It is uncertain how many prisoners were released. Soldiers from the south, for example, who were held at Faya Largeau in Chad's northern region, were not released by FROLINAT.

All parties to the August agreement also undertook to withdraw their military forces from the capital, N'Djamena, but again this condition was not observed. Further serious fighting broke out between FROLINAT and FAN in March 1980 and more than one thousand people were believed to have been killed by the end of April.

Comoros

Amnesty International remained concerned about 43 political detainees held without trial since the government of President Ahmed Abdallah came to power in May 1978. They include Salim Himidi, former Interior Minister, Ali Toihir 'Keke', former Secretary General for Defence, and other officials, security officers and *jeunesse révolutionnaire*, revolutionary youth, leaders of the overthrown government of President Ali Soilih. In May 1979, on the new government's first anniversary, Salim Himidi and others were reportedly taken to Voidjou military camp and severely beaten.

In late September 1979 Amnesty International received information which suggested that Salim Himidi, Ali Toihir and two other detainees had been sentenced to death by a secret tribunal. They were said to be in imminent danger of execution. On 1 October Amnesty International publicly expressed concern over these reports, but noted assurances by Foreign Minister Ali Mroudjae that the detainees would receive public trials with the right to be represented by lawyers of their choice. After further communications with the government, Amnesty International publicly stated on 24 October that there was no longer any basis for fears that the prisoners' lives were in danger. It asked the government for details of the legal procedures under which they would be tried.

Amnesty International later learned that the Federal Assembly had approved a presidential bill on 29 August 1979 to establish a special court of justice for these trials, to include two 15-member commissions, one referred to as *juridiction d'instruction*, investigation, and the other as *juridiction de jugement*, trial. The members of the commissions were not nominated until 7 March 1980. The investigation commission was composed of government officials and security officers, while the trial commission included the Prosecutor General. By the end of April 1980 the government had given no information about the date or nature of the proposed trials.

On 12 January 1980 the government again denied that there were political prisoners in Comoros. It said that the detainees were held for common crimes such as theft and murder. In the view of Amnesty International the prolongation of detention and the creation of a special court in conditions of near secrecy point to political considerations. While awaiting the government's statement on the proposed trial, to which it was invited to send an observer, Amnesty International pursued its investigations into the cases of those detainees whom it believed were prisoners of conscience, such as Salim Himidi, Ali Toihir, the Radio Comoros journalists Dini Zaid and Salim Youssouf and others. Amnesty International called on the government to bring the detainees to early trial or release them.

A number of unrelated political arrests were reported during 1979 and 1980. Five students, who were without legal representation, were sentenced to short terms of imprisonment in August 1979 for holding student protest meetings in Moroni, the capital, and elsewhere. Amnesty International believed they were prisoners of conscience. Other short-term political detentions, further details of which could not be obtained, were reported from Anjouan in October 1979.

Those detained since 1978 are held in poor conditions in Moroni Central Prison. Family visits, denied totally at first, are still very restricted. Prisoners sleep on mats on the cement floor. Medical treatment is poor; however, seriously ill prisoners are given hospital treatment. Little reading material is allowed. Amnesty International urged the government to improve the prison conditions of the detainees.

Congo

The year was one of consolidation and reorganization in the ruling military committee of the *Parti congolais du travail* (PCT), Congolese Labour Party, after the replacement of President Joachim Yhombi-Opango in February 1979 by Colonel Denis Sassou-Nguesso. It was widely expected in the Congo that after Joachim Yhombi-Opango's arrest in March 1979 he would soon be brought to trial on charges of treason, corruption and embezzlement but by the end of April 1980 no date had been set for the trial and no formal charges had been brought against him. In December 1979 Amnesty International expressed its

concern to the government that Joachim Yhombi-Opango had been held for nine months without trial, and its hope that his trial would be fair and open and held before an independent tribunal.

Amnesty International repeatedly appealed for the release of detainees held in connection with an alleged conspiracy in August 1978 and of prisoners tried and sentenced in 1977 in connection with the assassination of President Ngouabi. On 14 August 1979, shortly after his investiture, President Sassou-Nguesso granted an amnesty to all these prisoners. They included the former Prime Minister, Pascal Lissouba. Many were reinstated in their former positions.

Djibouti

Amnesty International has been concerned about well-documented reports of torture on a number of occasions since independence in 1977, and other violations of human rights. The government denied such allegations and invited Amnesty International to send a mission of inquiry. The invitation followed publicly expressed concern by Amnesty International and its call for an inquiry into the use of torture against many of those arrested in connection with an armed attack on Randa military barracks in March 1979; one torture victim, Omar Mohamed Omar, had subsequently died. In January 1980, Maître Amand D'Hondt of Belgium visited Djibouti as a delegate of Amnesty International. He met President Hassan Gouled and other government officials and interviewed several detainees awaiting trial in Gabote and Dikhil prisons.

Amnesty International was concerned about two other incidents involving torture in 1979. After an alleged assassination attempt had been made on the Director of Security, Ismael Omar Guelle, in June 1979, a number of critics of the government including two parliamentary deputies were detained and tortured. One of the deputies, Mohamed Houmed Mohamed "Souleh", had recently delivered a speech in parliament denouncing the use of torture and other violations of human rights. The deputies received suspended sentences at their trial before a special state security court, against which there is no right of appeal. Other defendants were imprisoned. The Inter-Parliamentary Union was apprised of this case. According to information available to Amnesty International there is considerable doubt whether any assassination attempt took place. No substantive

evidence has been made public to justify the convictions of the nine accused. Amnesty International believed them to be prisoners of conscience.

In the second incident, an armed attack on Khor Angar military outpost on 5 July 1979, five soldiers were killed. Amnesty International cabled President Gouled on 16 July protesting against the torture of a considerable number of arrested suspects and the deaths under torture of Kamil Ali Mohamed and Abdulkader Hassan Hanfare. During his visit to Djibouti the Amnesty International delegate received first-hand confirmation from victims, witnesses and physicians of the systematic pattern of torture in all security or politically-related incidents since independence as well as in many non-political cases. Torture was used to extract "confessions", often the sole evidence against the accused in court. Formal complaints lodged by torture victims who had retracted their "confessions" in court had not resulted in any official investigation. Torture was inflicted by the *Brigade spéciale de recherche*, special security unit, in an undesignated detention centre known as Villa d'Ambouli or Villa Christophe — no longer in use — during the 10-day legal limit on detention *garde à vue*, or, for military detainees, by military security officers at army barracks. During this period, legal safeguards against torture, such as access to a doctor or lawyer, were ineffective.

Well-attested torture methods included: *la balançoire*, the swing, on which the victim is suspended naked from a horizontal bar placed between tied wrists and feet; forcible swallowing of soapy water or disinfectant; beatings with electric cables and rubber pipes; electric shocks; the insertion of a bottle into the anus; near-asphyxiation through intense exposure to heat and smoke. The names of torturers were given to the delegate, who provided them to the government.

President Hassan Gouled formally assured the delegate that he would undertake to eliminate the use of torture. The delegate also discussed legal questions such as the inadequacy of safeguards during *garde à vue* custody, the length of pre-trial detention, the restrictions on legal rights in the security court and the apparently arbitrary arrests of political opponents such as members of the banned Afar political party *Mouvement populaire de libération*, Popular Liberation Movement, after violent incidents against the government. In no recent case has the prosecution obtained convictions on charges of using violence against the state. At the time of the delegate's visit, 41 detainees were awaiting trial in connection with the Randa and Khor Angar incidents.

Amnesty International later submitted a report to the government recommending the implementation of the articles of the United Nations Declaration on the Protection of all Persons from Torture

and calling for improvements in the protection of legal rights and an end to arbitrary arrests.

Equatorial Guinea

The main concerns of Amnesty International were detention without trial, prison conditions, extrajudicial executions and the death penalty. President Masie Nguema, whose 10 years in power had been characterized by serious and large-scale violations of human rights, was overthrown in a military coup on 3 August 1979. After the coup, a Supreme Military Council was established under the leadership of Colonel Obiang Nguema Mbasogo, who had been Defence Minister under Masie Nguema.

One of the first actions of the new government was to order the release of all political prisoners, although it is not known precisely how many prisoners were freed. Among those known to have been released was the country's best known prisoner of conscience, Ildefonso Obama, the acting Roman Catholic Bishop of Bata, who had been detained without trial on repeated occasions since 1976. Salvador Ela Nseng, who was also freed, was immediately appointed to the Supreme Military Council and subsequently served as Second Vice-President until his resignation in February 1980.

Initially, the coup led by Colonel Mbasogo was carried out without bloodshed. However, the deposed President refused to surrender, and instead launched a counter-attack from his headquarters near Mongomo in the eastern part of the country's mainland province, Rio Muni. He also ordered the execution of anyone suspected of disloyalty to him. Hundreds of people were killed when forces under control of Colonel Obiang Nguema Mbasogo clashed with soldiers remaining loyal to President Masie near Niefang in central Rio Muni. President Masie's troops were defeated and the deposed President fled. He was not arrested until 18 August, more than 10 days later.

In September 1979 the new government decided to create a Special Military Tribunal to try the deposed President and 10 others accused of genocide, mass murder and the systematic violation of human rights. The trial began on 24 September 1979 and lasted four days. The deposed President was offered the services of a defence lawyer but largely undertook his own defence. He repeatedly justified all his past actions on the grounds that he was head of state and refused

to acknowledge the jurisdiction of the court. Substantial evidence was presented to indicate that President Masie Nguema had been responsible for the deaths of hundreds of prisoners and had directly intervened to cause some killings. Although not all the other charges were fully proved, President Masie Nguema was sentenced to death. The charges against some of the other defendants, who included a former Vice-President and several prison guards, also involved complicity in murder. However the public prosecutor demanded the death penalty only for the deposed President, and in the case of Miguel Eyegue, the former Vice-President, asked merely that he be imprisoned for one year. Nevertheless, after two days' deliberation the court passed seven death sentences and sentenced four others to periods of imprisonment. Miguel Eyegue was among those condemned to death. There was no right of appeal against these sentences, and the seven men condemned to death, including President Masie Nguema, were executed by firing squad less than five hours after they had been sentenced.

In addition to the seven executions on 29 September, at least one other former government official is known to have been executed in the aftermath of the August coup. Many others were briefly detained, including a number of refugees returning to Equatorial Guinea from abroad, in spite of an amnesty for all refugees granted by President Obiang Mbasogo in October 1979.

In November 1979 a Special Rapporteur — appointed in March 1979 by the United Nations' Commission on Human Rights — visited Equatorial Guinea to study the human rights situation. Although the Special Rapporteur had been appointed while President Masie Nguema was still in power, the new government invited him to see that the situation had improved. He established that people were still being held for political reasons and recommended that the Commission on Human Rights should keep the situation in Equatorial Guinea under review.

In December 1979 a former Minister of Finance, Daniel Mba Oyono, was arrested and detained after he refused to acquiesce in the requisition of a butchery which he owned. He was held in detention incommunicado for 11 days. Amnesty International was informed by Equatorial Guinean authorities, in response to an inquiry, that he had been fined and released. Later in December 1979 four members of an opposition political party, the *Alianza Nacional de Restauración Democrática* (ANRD), National Alliance for the Restoration of Democracy, were beaten up by former members of the militia (once known as the "Youth Marching with Macias"), and claimed that this had been done with official connivance.

Ethiopia

Extensive violations of human rights continued throughout the year. The concerns enumerated by Amnesty International in its third major submission on Ethiopia to the United Nations Commission on Human Rights in May 1979 remained valid a year later: large-scale political imprisonment, torture and killings; long-term detention without trial of former government officials and their families and a wide range of political opponents; and harsh prison conditions. Although the scale of such violations had been greater, the pattern of abuses and government hostility to those who protested against it remained unchanged.

Fighting continued between government forces and opposition movements in Eritrea, Tigre, the Ogaden and the south. Large numbers of refugees fled from armed conflict and political persecution to Somalia and other neighbouring countries. The United Nations and the governments of those countries involved appealed for international aid for almost two million refugees from Ethiopia and for the one million or more displaced persons and drought victims within Ethiopia. The Vice-President of Sudan visited Ethiopia in March 1980, but there was no evidence that this would lead to the return of refugees, since the grounds for their fears of persecution were unaltered. The offer by the Ethiopian Government of an amnesty contained no legal guarantees and was not unconditional. Some who sought asylum were forcibly returned to Ethiopia from Eastern Europe, where they had been studying; they were reportedly detained on arrival.

On the fifth anniversary of the revolution, in September 1979, the *Derg*, the Provisional Military Government, appointed a committee, chaired by the head of state, to establish a single Marxist-Leninist party intended to proceed eventually to assume governmental powers. Penalties of up to 10 years' imprisonment were decreed for opposition to the committee's work. The military government also took stronger central control over political imprisonment and interrogation. It restricted the powers of imprisonment formerly permitted to local-level administrative units, such as *kebelles*, the urban-dwellers' associations. These powers had been virtually unlimited during the 1977 and 1978 "Red Terror" campaign. The government, however, has not acted on the Amnesty International requests to bring all political prisoners within the framework of the rule of law. The majority of the several thousand political prisoners were detained or

sentenced administratively without trial, although nine prominent prisoners, three *Derg* members and six senior civil servants, mostly of Oromo ethnic origin did receive the benefit of trials beginning in early 1980 before the supreme military tribunal on charges including espionage.

Amnesty International remained concerned that in Eritrea the previous pattern of widespread arbitrary arrests and summary executions continued, especially after military set-backs suffered by the government forces. Many of those accused by secret informers of "secessionist sympathies" were arrested, tortured and executed without trial. Relatives of people suspected of fleeing to join the independence movements were routinely detained.

Similarly Oromos were arrested as a reprisal for increased activity by the Oromo Liberation Front (OLF), fighting the government in the south. Amnesty International was informed that many people of Oromo ethnic origin living in Addis Ababa and other towns were arrested and interrogated for alleged "narrow nationalist" sympathies. In early May 1979 massacres of political prisoners took place in Dire Dawa and also in Harar in October and November, after increased OLF activity. In February 1980 several hundred Oromo, women and men, were arrested in Addis Ababa, including senior government officials such as the Minister of Justice Zegeye Asfaw, a High Court judge, the All-Ethiopia Trade Union Vice-President, journalists, students and workers. Some were reportedly tortured. Those still held in April 1980 included Tsehai Tolessa, wife of the Reverend Gudina Tumsa.

The non-orthodox Protestant churches were the subject of a government-inspired campaign of persecution for "anti-revolutionary activities under the cover of religion". Many members of the Ethiopian Evangelical Mekane Yesus Church were arrested on these grounds in May and June 1979 and April 1980, in Addis Ababa, Wollega and other regions. Youth members, particularly of smaller evangelical and pentecostal churches such as the Full Gospel Church, Meseret Kristos Church and Kale Hiwot Church, were imprisoned and tortured. Their churches were closed in Kaffa, Illubabor, Wollega and Gemu Goffa provinces. In Yirga Alem, on three successive days from 15 October 1979, about 30 Christian youths were publicly flogged while suspended from their ankles and subjected to near-drowning and other beatings. They were reportedly arrested for refusing revolutionary commands which they considered incompatible with their beliefs. Others were tortured in prison. They were beaten on their feet and bodies while tied in contorted positions and were forced to crawl on stones and thorns. In Arba Minch in late 1979, Christian youths were frequently arrested on the slightest

pretext, such as carrying a Bible or singing in a church choir. The government did not respond to Amnesty International's protests against the arrest and torture of church members.

A feature new to human rights violations in Ethiopia was the disappearance in July 1979 of some long-term political detainees and the abduction of a prominent church leader. On 26 July Amnesty International publicly expressed fears for the safety of a number of prominent political prisoners whose food, which was brought in daily, had been turned away by the prison authorities. This usually means that the prisoner has been summarily executed. Amnesty International cabled the head of state Lieutenant Colonel Mengistu Haile Mariam, urgently requesting assurance of the prisoners' safety and information concerning their whereabouts. No reply was received. No reliable information concerning their fate or whereabouts was subsequently received, and there was no corroboration of statements by government representatives that they had been transferred to other undisclosed prisons. At the end of July 1979, about 20 other long-term political detainees were released.

On 22 April 1980 Amnesty International published the names of those who had disappeared in the hope that the international publicity might protect them if they were still alive. It had previously avoided naming Ethiopian prisoners for fear of reprisals against them or their relatives. The "disappeared" former officials of Emperor Haile Selassie's government included Kassa Wolde Mariam, Minister of Agriculture and former university president; Tefera Worq Kidane Wold, the emperor's private secretary; government ministers Yohannes Kidane Mariam and Seifu Meheteme Selassie; Abebe Kebede, director of the Haile Selassie Foundation; Haregot Abaye, Mayor of Asmara. The deposed Patriarch of the Ethiopian Orthodox Church, Abuna Tewoflos, disappeared from prison also.

Five leaders of *Meisone*, the All Ethiopia Socialist Movement, disappeared at the same time: Haile Fida, Chairman of the Central Committee; Dr Negist Adane, head of the Women's Organization; Desta Tadesse, Permanent Secretary in the Ministry of Culture and Sports; Kongit Kebede and Hailu Gerbaba.

On 28 July 1979 in Addis Ababa the Reverend Gudina Tumsa, General Secretary of the Mekane Yesus Church (an affiliate of the Lutheran World Federation) was abducted by plain-clothes gunmen believed to be government security agents. His wife, kidnapped at the same time, was freed shortly afterwards. Pastor Tumsa had been detained twice in the preceding months, possibly because of his protests against excesses committed in the name of the revolution and persecution of the church (which had never opposed the revolution as such), or on suspicion of Oromo resistance sympathies. Amnesty

International issued a special appeal urging the government to provide information about his disappearance.

The United Nations Staff Council also appealed to the government on Human Rights Day, 10 December 1979, on behalf of two Ethiopian staff members, employees of the United Nations Economic Commission for Africa, who had been detained and not seen since 1978. They are Belay Melaku, a research assistant, and Azeb Abaye, a secretary.

The cases of the "disappeared" are the first individual Ethiopian prisoners on whose behalf Amnesty International groups have worked since 1974; Amnesty International continued to campaign for the release of all prisoners of conscience, for the fair trial of all political prisoners and for an end to torture and political killings.

Gabon

During the year Amnesty International was concerned about the imprisonment of prisoners of conscience and about the death penalty.

In January 1980 President Omar Bongo granted an amnesty to mark his re-election for a second term as head of state. Those released included at least 10 political prisoners, whose sentences were reduced. One of those freed, Alexis Koumba-Mopangou, had reportedly been imprisoned continuously for 21 years, and was said to have been convicted and sentenced to a total of 90 years' imprisonment in 1958.

Amnesty International adopted as prisoners of conscience two long-term detainees who did not benefit from the amnesty. Dominique Diata and Augustin Irigo, both soldiers by profession, have been held without trial since March 1978, when they were arrested on suspicion of left-wing sympathies. At the beginning of 1980, they were reportedly held incommunicado at Libreville prison. According to the government, they have not been tried because the case against them is still in preparation, even though they have now been held for more than two years.

Public executions were carried out for the first time in July 1979 when two convicted murderers were shot by firing squad on a beach at Libreville. The executions were attended by a large crowd and were broadcast on the local television service. Amnesty International wrote to President Bongo deploring these executions and requesting him to take steps to abolish the death penalty.

Ghana

The main concerns of Amnesty International were the death penalty, unfair trials and continued detention after acquittal.

On 4 June 1979 the government of General Frederick Akuffo was overthrown by a coup after heavy fighting in the capital, Accra, and was replaced by a new military administration called the Armed Forces Revolutionary Council (AFRC). The coup, led by Flight Lieutenant Jerry Rawlings, said to be the leader of a previous but unsuccessful uprising on 15 May 1979, was supported by the bulk of the lower ranks of Ghana's armed forces. The coup leaders stated that their aim was to redeem the image of the armed forces by punishing corrupt officials of previous military governments prior to a planned return to civilian rule in 1979.

In the first measures of the so-called "house-cleaning" exercise, the AFRC ordered the arrest of some 100 wealthy businessmen and former high officials, both military and civilian, who had occupied executive and managerial positions in previous administrations. On 16 June 1979 former Head of State General Ignatius Acheampong and a high-ranking officer were executed for "using their position to amass wealth while in office and recklessly dissipating state funds to the detriment of the country". Ten days later, two other former Heads of State, Generals Frederick Akuffo and Akwasi Afrifa, and four senior officers were also executed. None of the executed was allowed a fair trial or the right of appeal. At the same time the "house-cleaning" exercise was being pursued throughout the country in a vigorous but arbitrary manner by the lower ranks of the armed forces; traders, minor officials and individuals suspected of personal links with officials of previous military governments were variously flogged publicly, beaten and detained in army camps. In mid-June Amnesty International urged Flight Lieutenant Jerry Rawlings to call a halt to executions and to ensure that fair and open trials were given to all those detained.

On 24 June 1979 the AFRC published a decree which established military Special Courts for the trial of individuals accused of "economic crimes", which ranged from "doing any act with intent to sabotage the economy of Ghana" to "selling above the controlled price". Penalties ranged from three years' imprisonment to death by firing-squad. The offences for which each penalty would be imposed were not specified. The Special Courts held hearings throughout July.

August and September 1979. During this period at least 55 military officers, former officials and wealthy businessmen were sentenced to heavy prison sentences, ranging from six months to 95 years, at the principal Special Court at Peduase Lodge, near Accra. A large number, possibly as many as 100, were reported to have been sentenced to imprisonment by regional Special Courts. All trials are believed to have been hurried, with insufficient judicial investigations being conducted before the hearings. Defendants were allowed neither defence counsel nor the right of appeal, and a number were beaten by troops. Shortly before the return to civilian rule in September 1979, a list of 68 individuals sentenced *in absentia* to death by firing-squad or to various terms of imprisonment was published by the AFRC.

On 24 September 1979 civilian government was restored in Ghana, after the July elections in which Dr Hilla Limann's PNP party obtained a majority of votes. The civilian government established a new tribunal, under Justice I.K. Abban, to supervise the continuation of the "house-cleaning". This tribunal is reported to have sentenced at least five individuals to various terms of imprisonment for corrupt practices. A number of appeals for the quashing of sentences passed by the AFRC and for the return of confiscated property have been lodged before this court. However, such reversals of judicial decisions taken during the period of AFRC rule are prohibited by the "Transitional Provisions" clauses of Ghana's new constitution and only four individuals are reported to have had confiscated assets returned.

In late February 1980 Amnesty International urged President Hilla Limann to effect a judicial review of all sentences passed by the AFRC in view of the retrospective nature of the legislation invoked and of the unfair trials of the defendants, and to release those prisoners acquitted by the Special Tribunals who nevertheless remained in detention. There has been no response to these appeals. On 21 September 1979, 258 prisoners arrested before the 4 June coup and held in Nsawam prison were amnestied, including some 40 whose cases were being investigated by Amnesty International.

Guinea

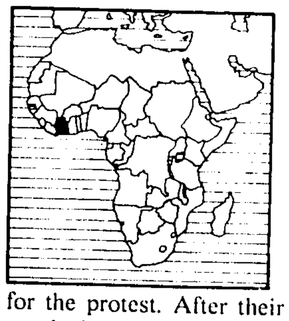
Major concerns of Amnesty International were political imprisonment, detention without trial, torture and poor prison conditions. Several political prisoners whose cases received considerable international publicity were released during the year. In early August 1979 Monseigneur Raymond-Marie Tchidimbo, former Archbishop of Conakry, was released from Boiro prison camp after almost nine years in detention. In January 1971 the Supreme Revolutionary Tribunal sentenced him to life imprisonment with hard labour on charges of conducting "fifth column" activities at the time of the abortive invasion of Conakry by Portuguese-led forces in November 1970. In early 1980 two other prisoners sentenced to life imprisonment on the same occasion, Alassane Diop and Edouard Lambin, also were released.

In 1979 Amnesty International received reports which suggest that fewer than 20 long-term political prisoners out of the thousands reported arrested in 1971 and 1976 are still held in Boiro camp. Among those believed to be detained there and adopted as prisoners of conscience by Amnesty International are: Nabanian Cherif, President of the Guinean National Islamic Council; Baba Kourouma, a physician and former Governor of Conakry; and El-Hadj Mamadou Fofana, Director of the Economic Affairs division. A significant number of prisoners is known to have been released in 1977 and 1978, but there are strong reasons to believe that many others, including numerous former government ministers, civil servants and high-ranking military officers, were killed in prison or died as a direct result of ill-treatment and poor conditions. Five hundred political prisoners, known by name to Amnesty International, have not reappeared and there are serious fears that they have died in detention. According to some opposition sources, possibly as many as 4,000 prisoners did not survive their imprisonment. Amnesty International has not been able to verify this claim, as no information has been forthcoming from the government and no independent humanitarian organization has been allowed to inspect Boiro camp or other prisons. Prisoners at Boiro camp are reportedly still held incommunicado, although it would appear that there have been some minor improvements in prison conditions, including better food and more exercise.

In August 1979 some 15 people, including a well-known Guinean exile who had returned to Guinea, were arrested in Conakry and Boke and were taken to Boiro prison camp. The Guinean authorities claim

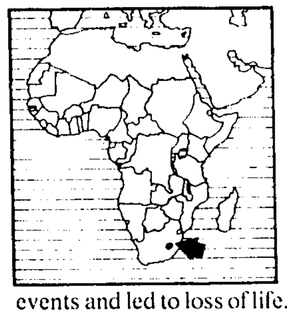
that the prisoners were involved in a plot to cause instability in the country by blowing up several public buildings and produced arms which they alleged the prisoners had brought to Guinea for that purpose. Six of those arrested have reportedly since died in detention, after having been deprived of food and water for several days, and "confessions" are reported to have been obtained by torture. None of the prisoners is believed to have been released.

During the year President Sekou Toure again made strong criticisms of international efforts for the protection of human rights. He has not replied to Amnesty International's inquiries about the conditions of detention at Boiro prison camp or about the number of political prisoners still held there.



Ivory Coast

The distribution of leaflets protesting against increases in urban transport fares led to the arrest of 12 students in August 1978. The students were suspected supporters of the banned *Union nationale des eleves et etudiants de la Côte-d'Ivoire* (UNEECI), the National Union of Pupils and Students of the Ivory Coast, which the government claimed was responsible for the protest. After their arrest, the students' scholarships were revoked and they were forcibly conscripted. This measure, carried out without any legal procedure, had been used in the past as a form of punishment. The conscripts are subjected to a special regime of hardship, involving physical exercise to the point of exhaustion, and leave is refused for the entire period of military service. In June 1979 Amnesty International publicly appealed to the Government of the Ivory Coast to release the students. On 25 September 1979 they were freed and returned to their studies.



Lesotho

The Amnesty International concerns were detention without trial and alleged killings of civilians by anti- and pro-government forces.

Long-standing antagonism between the ruling National Party of Chief Leabua Jonathan and supporters of the exiled Basutoland Congress Party (BCP) leader Ntsu Mokhehle, once more dominated events and led to loss of life. In May 1979 there were bomb explosions in Maseru, and a serious clash occurred between armed insurgents reportedly supporting Mokhehle and members of the paramilitary Police Mobile Unit (PMU). Other more protracted disturbances took place in November 1979. Following the murder by insurgents of Chief Lepatoa Mou, a cabinet minister, the government took strong retaliatory action and a number of civilians in the Butha-Buthe district were reported to have been killed or assaulted by the PMU. According to refugees from the area, more than 600 of whom had fled across the border to South Africa by the end of December, some 50 or more suspected supporters of Mr Mokhehle were killed by the PMU. This was denied by the government. By April 1980 the situation appeared calmer. It was reported that at least 180 out of a total of some 780 refugees had returned home after the government guaranteed their safe conduct.

The disturbances of 1979 appeared to originate in events during 1970 when, faced with apparent defeat at the hands of the BCP, the government of Prime Minister Chief Jonathan cancelled the first post-independence election, declared a state of emergency and detained a number of BCP leaders, including Ntsu Mokhehle. Subsequently, in January 1974, what appears to have been an ill-organized and abortive coup attempt by the BCP led to a number of civilian deaths and the detention of more than 170 BCP supporters, some 40 of whom were ultimately brought to trial and convicted of treason or other offences.

A number of arrests are also believed to have been made following the disturbances in 1979 but none of those detained were known to have been brought to trial by the end of April 1980. In early April Amnesty International requested the government to supply information about a prominent church leader, MacDonald Mabote, who was detained without trial on 15 March. On 15 April the government informed Amnesty International that MacDonald Mabote, a Vice-President of the Evangelical Church, had been released a few days

earlier after signing a confession statement in which he admitted providing financial and other support to Ntsu Mokhehle.

Liberia

The main concerns of Amnesty International were the arrest and ill-treatment of political opponents of the Tolbert government and, since its overthrow, unfair trials and executions.

After the 14 April 1979 "rice riots" in the capital, Monrovia, in which over 40 people died and some 500 were wounded when police opened fire, the Liberian Government issued warrants for the arrest of 32 people. They included leading members of students' organizations, and of the Progressive Alliance of Liberia (PAL) opposition group which had planned the demonstrations against government proposals to increase the price of rice. By early May 1979 approximately 30 people for whom the government issued arrest warrants had surrendered to the authorities. All were charged with treason, an offence which carries the death penalty in Liberia. Possibly as many as 200 people were arrested in rural areas in the same period, although none is believed to have been charged.

All the prisoners were released on 26 June 1979, when the late President William Tolbert declared an amnesty for those arrested in connection with the events of 14 April. He also ordered the re-opening of Liberia's universities and a lowering in the price of rice. These measures are believed to have been recommended to him by the National Reconstruction Commission, a body established after 14 April to consider the causes of unrest in the country and to recommend possible remedies. During May and June 1979 Amnesty International appealed several times to the government for the release of the detainees.

In October 1979, 14 employees of the Lamco steel corporation, including two trade union officials, were arrested for allegedly committing violent acts at the time of steelworkers strikes in August 1979. All of the prisoners were released by presidential order in late October.

On 5 February 1980 three student leaders were arrested in Monrovia and charged with treason, after having sent a letter to the Embassy of Sierra Leone, protesting against the occupation of Njala College, Sierra Leone, by the Sierra Leone army. The letter also contained references to the 14 April 1979 "rice riots" and suggested

that official figures seriously underestimated the number of people killed. The students were held in Post Stockade prison, Monrovia, where one of them, Conmany Wesseh, was reported to have been whipped and beaten on several occasions. Shortly after their arrest, Amnesty International called for the release of the students. They were set free on 15 February.

The attempts by PAL to secure its recognition as a legal opposition party succeeded in early January 1980 when it was officially registered as the People's Progressive Party (PPP). In mid-February 1980 eight PPP members were arrested and charged with treason. They were alleged to have encouraged the non-payment of taxes. On 3 March 1980 a demonstration organized by the PPP marched through Monrovia, calling on the government to release the detained PPP members. In a public meeting held several days later, the leader of the PPP, Gabriel Baccus Matthews, called for a general strike to begin and appealed to President Tolbert and his Vice-President to resign. The government promptly ordered the arrest of leading PPP members, alleging that the party was conspiring to overthrow the state by violent means. Official sources claimed that attempts to seize Monrovia's telecommunications centre and to blow up the capital's main bridge had been made by PPP members at the time of the 3 March demonstration. By the end of March 1980, when the PPP was banned, some 90 PPP members had been arrested and variously charged with treason or sedition. The government announced that initial trial proceedings against the accused would take place in Monrovia on 14 April 1980.

In early April, Amnesty International urged President Tolbert to put an end to the beatings and ill-treatment to which several detained PPP members in the Post Stockade prison were said to have been subjected. Amnesty International expressed concern about reports that many of those in detention had been arrested solely on the basis of their sympathy with the PPP, and called for an open trial of the accused. The President did not reply. On 9 April Amnesty International publicly called on the government to withdraw "Wanted, Dead or Alive" notices, which offered rewards ranging from 1,500 to 2,500 US dollars for the capture or assassination of 20 suspected PPP members. In statements to the press the late Minister of Justice, Joseph Chesson, denied that these notices had been issued and claimed that Liberia was "in the vanguard of democracy and human rights".

On 12 April 1980 the government was overthrown in a military coup led by Master Sergeant Samuel Doe. In the assault on the Executive Mansion, President Tolbert and 27 others were killed. In his first public statements, the new head of state declared that the coup

had been necessary because of "rampant corruption and the continuous failure by the government to effectively handle the affairs of the Liberian people". He also announced the release of the PPP detainees. The new military rulers formed the People's Redemption Council (PRC), a body vested with supreme executive and legislative powers and composed entirely of members of junior ranks of the army. A civilian administration, which included several former ministers of the Tolbert administration and leading members of former opposition groupings, was nominated by the PRC. Only hours after the coup it was announced that former officials of the previous administration would be tried before a military tribunal on charges of "rampant corruption, high treason and gross violations of human rights". Some 100 former officials and administrators were arrested and held in the Post Stockade prison.

On 17 April 1980 proceedings against a first group of 14 prisoners began in Monrovia. No prior judicial investigations appear to have been undertaken. The defendants were allowed neither defence counsel nor the right to present evidence in their own defence. All the defendants denied charges of treason. After hurried proceedings the military tribunal submitted its verdict on 13 of the accused to the PRC, which ordered that they be executed. On 22 April the 13 prisoners were publicly executed by firing-squad on a beach near the capital; they included the former Ministers of Justice, Foreign Affairs, Planning and Economic Affairs, Finance, and Agriculture, the Speaker of the House of Representatives, the President of the Senate, and the Chief Justice. Only five days previously three soldiers and a civilian had been executed at the same place — it had been alleged that they had committed murder and had looted in the wake of the coup.

On 14 April 1980 Amnesty International appealed to the head of state to ensure that the trial of former officials conformed to internationally recognized standards, including the provision of defence counsel and the application of non-retroactive law. In a second appeal to the new head of state, Amnesty International called for an end to all executions. On 29 April Sergeant Doe announced that he would accede to international pressure and call a halt to the executions of former government officials. At the end of April 1980 proceedings continued against the remaining 101 officials still in detention.

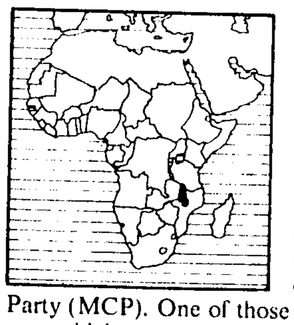
Madagascar

Amnesty International was concerned about the prolonged pre-trial detention of three Malagasy officers, who have been detained incommunicado since October 1977. The detained officers are Commandant Richard Andriamaholison, former Minister of Information in Colonel Ratsimandrava's government, army captain Marson Rakotinirina, and Captain Jean Rakoto-Abel. They were charged with plotting against the security of the state but by April 1980 no notice of their trial had been given. Amnesty International took up their cases for investigation because it believed that they could be prisoners of conscience detained for their political views.

Two other cases of prolonged pre-trial detention being investigated by Amnesty International were those of Milan Knezic (also known as Kristo Milanovic), a Yugoslav refugee, and Dimitar Valev Dimitrov, a Bulgarian refugee. They were detained in March 1978, after their arrival in Madagascar without the necessary travel documents, publicly accused of being mercenaries and charged with offences against the security of the state. For the first five months of detention they were held incommunicado at the *Direction générale de documentation intérieure et extérieure* (DGDIE), security headquarters, in Ambohibao, a suburb of the capital Antananarivo.

A number of people, including foreigners, were also reported detained without any legal recourse by the DGDIE or held for investigation in prolonged pre-trial detention.

Amnesty International received several allegations of torture at the DGDIE headquarters. The director of DGDIE is Colonel Bien-Aimé Raveloson-Mahasampa. Amnesty International also sought to confirm reports of the poor prison conditions in which sentenced common-law prisoners and some untried detainees were held, in Antananarivo civil prison, provincial prisons, and on Nosy Lava prison island.



Malawi

The main concerns of Amnesty International remained detention without trial, harsh prison conditions and the treatment of Jehovah's Witnesses.

There were signs of renewed tension in early 1980 when it was announced that several prominent political figures had been dismissed from office and expelled from the ruling Malawi Congress Party (MCP). One of those dismissed, Gwanda Chakuamba Phiri, was widely regarded as a close confidant of President Hastings Kamuzu Banda. Before his removal from office in February 1980, Gwanda Chakuamba Phiri held two ministerial portfolios, with responsibility for both the Southern Region and for Youth and Culture. He was responsible also for the Young Pioneers — the youth wing of the party. They remain a powerful force in Malawi politics. After his dismissal, Gwanda Chakuamba Phiri was reported to have been detained.

Among other senior figures removed from office early in 1980 was Aleke Banda, a former Secretary General of the MCP and in recent years managing director of the nationally important Press Holdings company and other national institutions. He was dismissed from all his posts in January, for alleged "gross breaches of party discipline". The same allegation was made against David Basa Kaunda, another former cabinet minister, on his expulsion from the MCP on 13 February, six weeks after his dismissal as Minister of Local Government. As all members of parliament must be members of the MCP — the only legal political party — David Basa Kaunda automatically lost his parliamentary seat when he was expelled from the MCP. According to some reports, he has been detained.

The use of detention without trial has been a persistent problem throughout the years since independence in 1964. It does not, however, appear to have been used extensively since 1977, when more than two thousand long-term political detainees were released. At that time, Albert Muwalo Nqumayo, a former Minister of State in the President's office, was blamed for the widespread use of detention. However, despite Muwalo's execution for treason in September 1977, the government has yet to introduce any significant reforms affecting human rights and remains obdurate in its refusal to respond to inquiries, interventions or appeals from abroad. In March 1980 the United Nations Commission on Human Rights drew attention to this obduracy and publicly criticized the government for its failure to

cooperate or even reply to the Commission, which since 1977 had been trying to investigate the alleged persecution of Jehovah's Witnesses.

Amnesty International was not able to estimate the number of political detainees. They were believed to include several former associates of Albert Muwalo Nqumayo, at least one former government minister and two chiefs arrested in 1973. Late in 1979, Amnesty International learned of the rearrest of a former political detainee who had been held for several months in 1977, and in March 1980 made a formal inquiry about him to the Commissioner of Police but no response was received. Late in March 1980, Amnesty International urged President Banda to order the immediate and unconditional release of all prisoners of conscience and long-term political detainees, to mark the 20th anniversary of his own release from detention on 1 April 1960 during the nationalist struggle for independence.

Mali

The concerns of Amnesty International included political imprisonment, detention without trial of government opponents, political killings, torture, poor prison conditions and the death penalty.

The *Union démocratique du peuple malien* (UDPM), the Democratic Union of the Malian People, the sole political party, was officially launched at the end of March 1979 to pave the way for the return to civilian government in June 1979. On 3 April 1979 eight people were arrested in connection with the publication of a tract critical of the new party and of its leadership. Among them were several former officials of the government of the late President Modibo Keita, which had been overthrown by a military coup in November 1968. In the months following their interrogation, during which torture was reportedly used to extract confessions, four of the prisoners were released. The remaining four were brought to trial on 2 October 1979, charged with "insulting the Head of State" and "constituting a secret association". An additional charge of possessing a military firearm was brought against Dr Mamadou Gologo, former Information Minister, one of the four arrested.

After hurried court proceedings Dr Gologo and Idrissa Diakite were sentenced to four years' imprisonment, and the remaining two to one year and to six months. Amnesty International requested the

authorities to permit it to send an observer to the proceedings but received no response. In late February 1980, at an appeal hearing in Bamako, the sentences passed in October 1979 were upheld. During the year Amnesty International called on the government on several occasions to adhere to the freedom of expression and fair trial provisions of the International Covenant on Civil and Political Rights, which had been ratified by Mali in July 1974. The three convicted prisoners remaining in detention at the end of 1979 were adopted as prisoners of conscience by Amnesty International.

Unrest in schools and higher education establishments first became apparent in March 1979, when the independent *Union nationale des élèves et étudiants du Mali* (UNEEM), Malian National Union of Pupils and Students, refused to be assimilated into the youth organization of the newly-formed political party. On 16 November 1979 pupils and students went on strike in the capital, Bamako, and in several regional centres, calling, among other things, for a halt to government plans for standardized school curricula and common entrance examinations for the civil service. On 30 November one student was shot in the arm and some 40 others were arrested during violent clashes with the police in several towns. In early December the government announced its decision forcibly to conscript some 300 pupils and students, including 267 UNEEM members. On 15 and 16 December protest demonstrations against the order led to renewed clashes with the police, who charged the demonstrators with bayonets and opened fire. At least 15 people are believed to have died and some 50 to have been injured. After further popular protests against the forced conscription of young people, the government announced its decision to revoke the order. The student strike came to an end.

In mid-February 1980, however, new disturbances occurred in schools near the town of Segou. Police again opened fire on demonstrators, leaving two students greviously wounded, one of whom is reported to have died. Arrests were made and a teacher and a student were sentenced *in camera* to prison terms of eight and three months respectively. On 8 March a major demonstration by pupils and students against these prison sentences took place in Bamako, during which some shops were burnt and several cars destroyed. According to eye-witness accounts, the ensuing police intervention was of the utmost brutality — young people were indiscriminately clubbed and beaten with rifle butts in the streets of Bamako, in police stations, schools and homes. More than 300 young people were detained. Many of the injured were later taken to Djikoroni military camp, where they were reportedly stripped and given further beatings. In their attempts to force student leaders to give themselves up, police

arrested and ill-treated their relatives, including young children under the age of 10. More than 90 students and pupils were forcibly conscripted and dispatched to military camps in the remote north of the country. Three teachers, who had organized a public meeting several days before the 8 March demonstration, were arrested, tortured and transported to a remote northern location.

On 21 March 1980 the government announced the death in detention of Abdul Karim Camara, the Secretary General of UNEEM, five days after his arrest. On 25 March 1980 Amnesty International publicly called for an official inquiry into the circumstances surrounding his death. Abdul Karim Camara is said to have died after being beaten repeatedly and hung by his feet. Amnesty International also called for reassurances about the conditions of several other students and pupils reported to have been tortured. It expressed concern about the forced conscription of more than 90 youths. This measure, carried out without any legal procedure, had been used in the past as a form of punishment, subjecting conscripts to a special regime of hardship.

On 29 March 1980, after strong popular protests against police brutality and a call for the return of the body of Abdul Karim Camara to his family, President Moussa Traore announced that all the pupils and students detained would be released. This order is believed to have benefited all the student and pupil detainees known to Amnesty International, although the safe return of some young people remains to be confirmed.

Conditions of detention in two of Mali's prisons, the Taoudenit "Special Re-Education Centre" and Kidal camp, both in the Sahara region of the country, are reported to be harsh. The extreme temperatures and the severity of the prison regime make incarceration a brutal form of punishment. Prisoners are reported to have died from exhaustion, poor nutrition and chronic illness. Despite reference in previous issues of the *Amnesty International Report* to these conditions, they appear to have remained unchanged; no international humanitarian organizations have been given access to these prisons. Torture, including beating and the use of electric shocks, is reported to be inflicted at the Bamako police headquarters and Djikoroni military camp.

It was announced in July 1979 that the sentences passed by the State Security Court in March 1979 on several former government officials had been quashed and that new proceedings would be instituted. At the March hearing Kissima Doukara, former Minister for Defence, Interior and Security, had been sentenced to death and three others to imprisonment; all had been accused of corruption. During the year presidential clemency was granted on two occasions: in late July 1979, 35 prisoners were released, including several

convicted of political offences, and a further 65 had their sentences reduced; and on 1 January 1980 six prisoners were freed, including Malick Diallo, whose case Amnesty International had investigated. Seven other prisoners had their sentences reduced. On 3 April 1980 Amnesty International appealed for presidential clemency in the case of Nouhoun Dembele, who had been sentenced to death in March for embezzlement. At the time of writing no report of his execution had been received.

On 17 April 1980 President Moussa Traore granted Amnesty International delegates in Paris an audience during which all of Amnesty International's concerns were discussed.

Mauritania

The main concerns of Amnesty International were arrest and detention without trial of political opponents of the government.

During a year of political instability Mauritania saw several changes of government and important shifts in foreign policy. In a bloodless reshuffle on 3 June 1979 Lieutenant-Colonel Mustapha Ould Saleck was ousted as President of the Republic and replaced by Lieutenant-Colonel Mohammed Mahmoud Ould Louly. On 5 August 1979 Mauritania signed a peace treaty with the *Frente Popular para la Liberación de Saguia el Hamra y Rio de Oro* (POLISARIO), People's Front for the Liberation of Saguia el Hamra and Rio de Oro, thereby renouncing all claims to the disputed Tiris el Gharbia region of former Spanish Sahara. On 7 January 1980 Lieutenant-Colonel Mohammed Khouna Ould Haidalla became President, adding to his other portfolios of Prime Minister and of Minister of Defence.

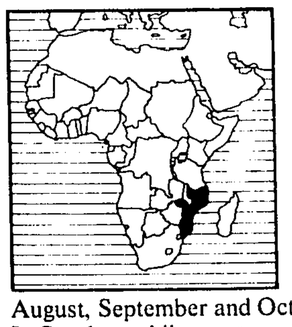
On 10 July 1979 the government announced the release of 22 detainees, arrested in May 1979 — this followed protests by the black communities against government proposals to strengthen the "Arabization" of school curricula. This educational policy was widely seen by the non Arabic-speaking black communities as a means to increase the power of the politically dominant Maure (Arab-Berber) community, by restricting the educational advance of black pupils. After the release of the detainees in July 1979 the government ordered a six-year moratorium on its "Arabization" plans.

On 4 October 1979 former President Moktar Ould Daddah, overthrown by a military coup in July 1978, was reportedly freed from

detention and allowed to travel abroad. One week later three former ministers of his government, Hamdi Ould Mouknass, Ahmed Ould Mohammed Salah and Boubakar Alpha, were placed under house arrest. Amnesty International appealed to the Government of Mauritania for the release of these prisoners and of a former member of parliament, Mohammed Lamine Ould Hormatallah, arrested earlier in the year. The government has not answered this appeal.

On 1 April 1980 the government announced that it had arrested and would bring to trial an unspecified number of members of a clandestine movement in favour of greater equality for the *Haratine*, Arabic-speaking freed slaves of the Maures. Amnesty International has received reports that possibly as many as 50 suspected members of this movement were arrested after demonstrations on 10 March 1980 in the capital, Nouakchott, and several other towns. It is reported that they will be tried for offences against the security of the state.

Amnesty International has received reports of the house arrest in mid-April 1980 of several former high officials, including the Chief of Staff and the director of the nationalized SNIM company, both named Ahmedou Ould Abdallah. These arrests are believed to have taken place after renewed disagreements about Mauritania's relationship to its Arab neighbours, Morocco and Algeria, in the wake of its withdrawal from the Saharan war. At the time of writing Amnesty International was investigating their cases.



Mozambique

Amnesty International's main concerns were detention without trial, political imprisonment and the death penalty.

Large numbers of detainees were released in 1979 and 1980 as the government of President Samora Machel entered its fifth year in office. Those freed included more than 60 Portuguese nationals, groups of whom were periodically released in August, September and October. Most were repatriated to Portugal. In October, while on a tour of Niassa province, President Machel also announced the release of some 600 people who had reportedly been imprisoned for deserting the *Frente de Libertação de Moçambique* (FRELIMO), Front for the Liberation of Mozambique, during the pre-1975 struggle against Portugese colonial rule. On the same

occasion, the President announced the release of more than 500 inmates from Unango "re-education camp" in Niassa. Those released were told, however, to remain in the Unango area and assist in its development.

More than 60 people detained in connection with the Zimbabwe conflict were released also and repatriated after the Lancaster House agreement and the installation of a temporary British administration in Salisbury. At the end of January, after strong diplomatic pressure from that British administration, some 60 "dissidents" detained by the Mozambican authorities on behalf of Robert Mugabe's Zimbabwe African National Union (ZANU) were freed and flown to Salisbury. Some had been held since January 1977; others had been arrested in early 1978. Amnesty International had appealed several times to Robert Mugabe, most recently in January 1980, for the release of these prisoners. Two white civilians taken from Rhodesia by ZANU guerrilla forces several months before also were released and allowed to return home.

Despite these releases, detainees are still being held in prisons and "re-education camps" throughout the country, many on criminal grounds but some for political reasons. They include more than 50 officials arrested in early 1980, when President Machel personally initiated a country-wide purge of alleged corruption, maladministration and negligence in state-run enterprises.

Some political prisoners are still serving sentences imposed by the Revolutionary Military Tribunal, a military court established in March 1979 to try people charged with treason or other security offences. In one major trial in December, the tribunal convicted 17 accused of offences ranging from high treason and espionage to membership of a clandestine, anti-government organization. Five of those convicted were sentenced to death and executed by firing squad; the others received prison sentences of from two to 30 years.

At least 11 other people were sentenced to death during the year after being convicted by the tribunal of treason, espionage and sabotage. In all cases, executions were reportedly carried out within a few days of sentence.

Namibia

The main concerns of Amnesty International were the detention without trial of prisoners of conscience, prison conditions and torture.

Protracted negotiations for an internationally acceptable constitutional settlement in Namibia continued throughout the year, but by April 1980 little real progress appeared to have been made.

At a series of meetings initiated by the United Nations and the "Contact Group" of five Western countries involving, on the one side, South Africa and internal political groups in Namibia and, on the other, the African "front-line" states and the South West Africa People's Organization (SWAPO), discussions centred largely on the demilitarized zone and other aspects of a proposed UN plan for majority rule elections and independence in Namibia. The process of negotiation was slow and in May 1979 the creation of a National Assembly, to which certain limited powers were delegated by the South African Administrator-General, raised doubts concerning Pretoria's commitment to an international settlement. However, in an attempt to quicken the pace of negotiations, United Nations Secretary-General Kurt Waldheim proposed at the end of March that the UN plan for a constitutional settlement should be implemented with effect from 15 June 1980.

As negotiations continued at the international level, so developments within Namibia followed an all too familiar pattern. At the end of April 1979, a new wave of arrests occurred, similar to those which took place in late March 1978 and in previous years. More than 70 members of SWAPO — almost its entire internal leadership — were detained under the provisions of Proclamation AG.26 of 1978. The detainees were almost completely isolated, first in Gobabis Prison and later also in Windhoek Prison. Not only were they denied visits, but they were permitted to receive neither news nor any reading material other than the Bible.

In May 1979 martial law powers, in force in Ovamboland and other areas of northern Namibia since November 1977, were extended to six more districts situated between Ovamboland and the capital, Windhoek. As a result, an estimated 80 per cent of the population reside in the so-called "Security Districts" where martial law is in force. At the same time, Proclamation AG.9 of 1977, which provides the legal basis for the introduction of martial law, was amended. All members of the security forces were empowered to

arrest and detain any person on suspicion for a period of 30 days. Such detainees are held incommunicado. The initial period of detention can be extended indefinitely at the discretion of the Administrator-General. Since its introduction, many SWAPO sympathizers are believed to have been detained without trial under the provisions of AG.9, particularly in northern Namibia and the Windhoek area. It is impossible to estimate precisely the number of people detained under this provision at any one time; and no official figures have been made available by the South African authorities.

At the beginning of August 1979, the South African Government replaced Justice Steyn, the Administrator-General, in response to pressure from the conservative *Aksie Turnhalle* (AKTUR) party, the dominant force in white politics. Soon after Dr Gerrit Viljoen, the new Administrator-General, took office, a number of the detainees held under AG.26 were released. However, at the end of September, another SWAPO official, Tommy Drotsky, was detained under AG.26. At that time he was about to reopen the party office in Windhoek, which had been closed after the previous series of arrests. Earlier, in August, the wife of another detainee, Hewat Beukes, attempted to obtain her husband's release by bringing a court action to challenge the validity of detentions under AG.26. This action was not resolved until December, when it was rejected by the Windhoek Supreme Court. Hewat Beukes was eventually released from detention in January 1980.

Another legal action was brought in the Windhoek Supreme Court in late October, when relatives of three men believed to have been detained sought court orders for their immediate release. This action was brought after the South African authorities had denied that the three men concerned, all SWAPO supporters, had been detained. By April 1980 the action had not been resolved.

More AG.26 detainees were released in late 1979, and in the first two months of 1980, when more than 20 were released. However, almost without exception, those released in early 1980 were not freed unconditionally. Although most had been held without charge or trial for more than eight months, at the time of their release they were issued with so-called "release warrants". These imposed a number of restrictions, similar in some ways to those imposed on banned people in South Africa, which affect freedom of movement and association. They are prohibited from receiving visitors at their place of residence and are placed under house arrest during the hours of darkness. In addition, they are not permitted to attend any gathering of more than five people and may not leave the locality to which they are restricted without written permission from the police. Those who were teachers prior to their arrest were prohibited from returning to their profession.

Some former detainees, such as Dr Thomas Ihuhua — who at the time of his detention was one of the few black physicians practising in Ovamboland — were restricted to localities far from their homes or former places of residence. Unlike banning orders in South Africa, however, which are normally imposed for two- or five-year periods at a time, the restrictions imposed on former detainees in Namibia are of unlimited duration.

In April 1980, at the time of a visit by an Amnesty International representative to Windhoek, where discussions were held with the Administrator-General, seven people remained in detention under AG.26. They included Axel Johannes, Administrative Secretary of SWAPO, who was most recently detained in April 1979. Axel Johannes has spent a total of more than four years in prison since 1974, although he has yet to be convicted of any serious offence. He is an Amnesty International adopted prisoner of conscience.

In December 1979 Amnesty International urged the Administrator-General to supply information about some 200 Namibian refugees reportedly detained in secret at a special camp near Mariental, south of Windhoek. The refugees were said to have been captured in May 1978, when South African military forces attacked Kassinga camp in southern Angola. Subsequently, in April 1980, the Administrator-General informed Amnesty International that a total of 118 detainees were being held at Mariental and admitted that they had indeed been taken prisoner at Kassinga. Throughout the two years of their imprisonment the detainees have been held incommunicado and their identities have not been disclosed by the South African authorities.

Amnesty International continued throughout the year to make strong representations to the South African authorities for the release of Namibian prisoners of conscience. In addition, Amnesty International groups provided substantial relief and material assistance to victims of human rights violations.

Nigeria

The major concern of Amnesty International continued to be the death penalty.

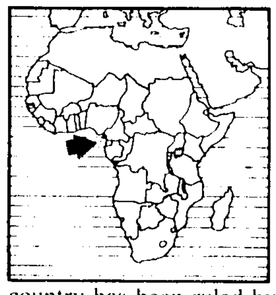
Nigeria returned to civilian rule on 1 October 1979, when the military authorities duly handed over power to the government of President Shehu Shagari. The new Nigerian constitution either repealed or modified several decrees enacted during military rule. Of particular

significance was the abolition of special military tribunals which imposed mandatory death sentences, without the possibility of appeal, for seven offences, including armed robbery and treason. Although the death penalty still remained mandatory for a reduced number of offences, all of these were placed under the jurisdiction of the High Courts, with the possibility of appeal to the Federal Court of Appeal and the Supreme Court. In a presidential amnesty on 1 October 687 prisoners convicted of criminal offences were released.

During the first months of office the new administration took several positive measures regarding executions and prisoners convicted under retroactive legislation. On 4 October 1979 the Chief of Army Staff, Major-General T.Y. Danjuma, announced that there would be no more public executions, arguing that their deterrent effect had "worn off". In his New Year address of 1 January 1980 President Shehu Shagari announced the release of 31 prisoners arrested in early 1977 and convicted according to the Foreign Exchange Anti-Sabotage Decree of August 1977, which was repealed in October 1979. Referring to its retroactive use, President Shehu Shagari declared that "the element of backdating laws to suit the offences is repugnant to the fundamental human rights of our citizens, as enshrined in our Constitution". In late January 1980 the Nigerian authorities announced that all prisoners sentenced to death for armed robbery whose sentences had not been confirmed by 30 September 1979 would no longer be executed. These prisoners are to be given a new trial before the Federal High Court. Amnesty International has been unable to ascertain the precise number of prisoners on death row at the time of this announcement although it may have been as high as 500.

In the five months before the return to civilian rule, 25 death sentences were reported to have been passed for armed robbery. On 30 January 1980 the Abakaliki High Court sentenced 32 people to death in connection with an incident in February 1973, when three police officers and one councillor were killed. The only reported executions for armed robbery since the advent of civilian rule took place on 8 December 1979, when four people were executed by firing-squad.

On 3 March 1980, 50 detainees held on vagrancy charges died of suffocation in a police van while they were being transported from Lagos to Ikoyi prison. Following the deaths, the government ordered an official inquiry and five police officers and one investigating magistrate were taken into custody.



Sao Tome and Principe

Amnesty International was concerned about the continuing imprisonment of several people convicted in March 1979 of plotting against the state and about the detention without trial of the former Prime Minister, Miguel Trovoada.

Since Sao Tome and Principe became independent from Portugal in 1975, the country has been ruled by the only legal party, the *Movimento do Libertação de São Tomè e Principe* (MLSTP), Movement for the Liberation of Sao Tome and Principe, under the leadership of President Manuel Pinto da Costa. On repeated occasions since 1975 the government has alleged that the two islands were in danger of invasion or that its citizens had been plotting against the government.

Seven people arrested in late 1977 and early 1978 in connection with a plot to invade Sao Tome and Principe were brought to trial in March 1979. Five people were convicted, three being given lengthy prison sentences. Amnesty International believes that some of these prisoners were convicted because of their political opinions and allegiances rather than because they had actually taken part in a plot.

In April 1979 the Prime Minister Miguel Trovoada, a leading figure in the "liberal" wing of the party, was demoted to Minister for Industry and Commerce and the post of Prime Minister was abolished. In August 1979 a proposed population census had to be called off after serious disturbances arising from widespread fear that the census was merely a prelude to conscription into forced labour, as had been the practice in colonial time.

At a special meeting of the MLSTP in September Miguel Trovoada was held partly responsible for these disturbances and was accused of plotting to overthrow the government. Miguel Trovoada subsequently sought asylum at the Portugese embassy, and when this was refused he went to the offices of the only other international organization in Sao Tome, the United Nations Development Program (UNDP), and remained there for 10 days. The UNDP representative, based in Gabon, went to discuss the situation with the authorities of Sao Tome, but before the discussions could be completed security forces broke into the UNDP offices and arrested Miguel Trovoada. By the end of April 1980, despite its repeated inquiries, Amnesty International had received no further details about his detention or about the likelihood of his being brought to trial.

In June 1979 the death penalty was introduced in Sao Tome for

the crimes of "economic sabotage", "being a mercenary" and "colluding with imperialism".

Seychelles

Amnesty International was concerned about the use of detention without trial and the prison conditions of the detainees.

In November 1979 President Albert René detained 78 men and women under the Preservation of Public Security Regulations. He publicly accused them of involvement in a plot to create internal disturbances with the intention of facilitating a mercenary invasion allegedly organized by former President James Mancham, who had been overthrown in 1977. In March 1980 Amnesty International, at the invitation of the government, sent a mission to Seychelles to inquire into these detentions. Those detained included senior French police adviser, Jacques Chevallereau, former Finance Minister Chamery Chetty, principal immigration officer Gerard Hoarau, journalist Bernard Verlaque (whose independent newspaper *Weekend Life* had earlier been banned), a former member of parliament, civil servants, business people, teachers, taxi drivers and others. By the time of the Amnesty International mission, 60 detainees, of whom five were women, had been freed unconditionally, including Jacques Chevallereau and Chamery Chetty.

Internal disturbances in Seychelles included student demonstrations on 10 October 1979 protesting against proposals to make national service compulsory (these were later withdrawn) and the circulation of anti-government pamphlets by a clandestine group called *Mouvement pour la résistance* (MPR), Resistance Movement.

The Amnesty International mission delegate, S. Amos Wako of Kenya, Secretary General of the African Bar Association, interviewed detainees in Union Vale prison, Victoria, and in hospital. He had meetings with President Albert René and other members of the government. Amnesty International later sent a report based on the mission's findings to the government, in which it stated it believed that the majority of detainees were prisoners of conscience, imprisoned because of their political opinions or associations. The report called for the trial or release of the few detainees against whom the government claimed it had substantial evidence of involvement in the alleged plot. It criticized the use of indefinite detention without charge

or trial and the absence of legal safeguards against abuse. It also called for improvements in prison conditions, including the return of the detainees from military jurisdiction to the prison administration; the lifting of the ban on family visits, on correspondence and on access to lawyers and priests; improvements in diet, hygiene and medical attention.

Somalia

The foremost concerns of Amnesty International were imprisonment of political prisoners without trial, poor prison conditions including solitary confinement, and the death penalty. Its attempts to send a mission to Somalia to discuss the question of political imprisonment have been unsuccessful.

Somalia gained a new constitution by referendum in August 1979, 10 years after the army seized power and suspended the previous constitution. It has since been ruled by presidential decree. The new constitution declares Somalia to be a socialist state whose religion is Islam. The constitution formalized many existing governmental structures and created a legislative assembly elected on 30 December 1979; according to official figures 99.91 per cent of voters accepted the national list of candidates nominated by the sole party, the Somali Revolutionary Socialist Party. Major-General Siyad Barre was then unanimously elected President by parliament for a new six-year term.

Somalia appealed for international assistance for an estimated 1.3 million recently arrived refugees. Most were of Somali ethnic origin, fleeing the guerrilla war in the Ogaden desert in Ethiopia, where Somalia supports two armed movements fighting Ethiopia for control of the area. Ethiopia supports a Somali opposition organization, the Somali Salvation Action Front (SOSAF), which broadcasts to Somalia, and has had some armed clashes with the Somalia army. There have been border incidents between Somalia and Ethiopia.

At least 100 people and possibly many more are believed to be held on political grounds, without charge or trial. Prominent among these are former Prime Minister Mohamed Haji Ibrahim Egal, former Brigadiers Mohamed Abshir Musse and Abdullahi Farah Ali "Holif", and Secretary General of the former Somali Democratic Union Yusuf Osman Samantar (known as "Barde Ad"). The first three have been continually held over more than 10 years, since the overthrow of the

civilian government. Other detainees adopted by Amnesty International as prisoners of conscience include Sheikh Abdirahman Abdishakur "Aswad", a lawyer; Yusuf Ali Barre, a schoolteacher and poet; Sheikh Mohammed Moallim Hassan, Assistant Director of Religious Affairs in the Ministry of Justice and Religious Affairs. An unknown number of people who have been held without trial or have been sentenced to imprisonment by the National Security Courts in circumstances which suggest to Amnesty International that the arrests may have been politically motivated and that some of those held may be prisoners of conscience.

Amnesty International has taken up for investigation more than 30 cases. They include those of civil servants, business people, students and untried military prisoners. Amnesty International has experienced difficulties in obtaining precise information on political prisoners since relatives fear reprisals for publicizing their cases. Information on releases is equally difficult to obtain and has often reached Amnesty International after several months' delay.

Many of those arrested on political grounds are not even interrogated while in custody. Prisoners are not physically ill-treated although conditions are harsh. Political prisoners are usually held either in Lanta Bur prison near Afgoi or Labatan Jirow prison near Baidowa. Both prisons provide for solitary confinement for more than 60 prisoners and can accommodate larger numbers of other prisoners. Those being held are kept in solitary confinement in small, permanently lit, basement cells. They are denied family visits and access to lawyers but by "correct behaviour" they can "earn" certain privileges such as books to read, association with other detainees and exercise in the fresh air. Diet is poor and adequate medical treatment difficult to obtain, in part because of the remoteness of the prisons. Conditions in Labatan Jirow are worse than in Lanta Bur; prominent political prisoners are kept there and are denied books and all but the minimum of the privileges previously mentioned. Some sources claim that prisoners have refused offers of release made conditional on their support for President Barre. It has been reported that tribal elders concerned about these detentions have received promises from the President that the prisoners would be released; these have not been honoured.

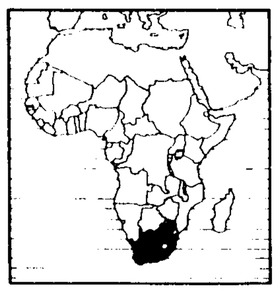
Conditions of sentenced prisoners held in Mogadishu general prison are less restrictive, although some prisoners are reported to have gone on hunger-strike in December 1979 in protest against overcrowding, lack of hygiene, supervision of the short weekly family visits and other complaints. Amnesty International received no reply to its cable to President Barre asking for information and for his intervention in these matters.

On 16 April 1980, 2,658 prisoners were freed under a special presidential amnesty. At the time of writing, Amnesty International was attempting to discover whether any of its adopted prisoners of conscience or investigation cases were among those released.

A number of death sentences were passed by security courts for offences such as murder, treason and misappropriation of large sums of government funds. Two boy and two girl students, one of whom was believed to be under 18, were sentenced to death in Garowe in June 1979 for demonstrating against the government. It is believed that the sentences have not been carried out. All four students, convicted when they had exercised the right to freedom of opinion and expression, have been adopted by Amnesty International as prisoners of conscience.

In addition to its concerns about arbitrary arrest and interrogation by the all-pervasive National Security Service, Amnesty International is disturbed that suspected political opponents are being designated *kaandeed*, anti-revolutionaries, by party cadres or security agents during the compulsory regular attendance at local "orientation centres". This designation, against which there is no legal recourse, is frequently applied also to released detainees, and can lead to dismissal from employment, denial of the right to work and loss of other civil rights.

During 1979 Amnesty International twice attempted to send a mission to Somalia to discuss these concerns with the government. The first proposed mission had to be cancelled in June when visa applications met with no response; the second mission was cancelled in November on instructions from the Somali authorities, although one of the Amnesty International delegates had been granted a visa. On 10 December Amnesty International wrote to the government expressing disappointment that the Government of Somalia should decline to accept an Amnesty International delegation to discuss the question of human rights.



South Africa

The main concerns of Amnesty International were political imprisonment, detention without trial and banning, torture, prison conditions and the death penalty.

Political debate in South Africa during 1979 and 1980 was dominated by the apparent acceptance by Prime Minister P.W. Botha and his government of the need to introduce reforms in the *apartheid* system to reduce racial tension and promote national unity. Government statements concerning plans for possible liberalization in areas as diverse as black trade union rights and labour relations, job reservation and the Immorality Act, raised expectations of change. By April 1980, however, very little had been achieved to justify the optimism and expectation aroused since mid-1979. In no area was this more marked than in the area of human rights. During the year there were new waves of arrests and detentions, a further spate of political trials and the government continued to use banning orders to restrict and suppress political opposition.

There were also ominous signs that the government's "total strategy" concept, which provides a context for some limited and controlled liberalization, has as its corollary a commitment to greater ruthlessness in dealing with real or perceived enemies of the state. This was presaged in a number of ways: by increased spending on defence, by closer involvement of the military command in government decision making and by tighter control over press reporting of sensitive issues such as defence and internal security. It was seen also in the government's reaction to an incident in January 1980, when three alleged members of the African National Congress (ANC) seized a bank in Pretoria and took a number of hostages. They are reported to have demanded the release of Nelson Mandela, the ANC leader, who has been held at Robben Island maximum security prison since he was sentenced to life imprisonment in 1964. Police soon stormed the bank and killed the three guerrillas, who were widely denounced in the white press and community but almost equally acclaimed as heroes by blacks. Subsequently, the Steyn commission of inquiry into press reporting of defence matters recommended that the press should in future be prohibited from reporting demands made by guerrillas in such situations.

After the Pretoria incident, nine alleged members of the ANC were charged with treason. They were the second group within a year

to face such charges, rather than charges under the more familiar Terrorism and Internal Security Acts commonly used against political offenders in recent years. This, too, was a new development. Prior to September 1979, when 12 members of the ANC were brought to trial in the Pietermaritzburg Supreme Court, treason charges had not been used for political offenders since the marathon treason trial of the late 1950s, when 156 prominent opponents of *apartheid* were tried and eventually acquitted.

Several new black political organizations were formed during the year to articulate black grievances and fill the vacuum caused by the banning of the Black Consciousness movement in October 1977. Within a very short time, however, such organizations as the Congress of South African Students (COSAS) and the Port Elizabeth Black Civic Organization (PEBCO) became the object of security police harassment and official repression. Ephraim Mogale and other leading members of COSAS were detained under Section 6 of the Terrorism Act in November 1979 and held incommunicado for five months until April 1980. Most were freed without being charged. Ephraim Mogale and another student, Thabo Makunyane, were, however, brought to trial on political charges in late April.

Further detentions occurred at the beginning of 1980, after a strike by black workers at the Ford Motor Company in Port Elizabeth. The strike was sparked off by the dismissal of Thozamile Botha, leader of PEBCO, who was subsequently detained by security police on 10 January together with two other leading members of PEBCO. They were held incommunicado for six weeks and then released and immediately restricted under five-year banning orders, the terms of which prohibited all three from having further contact with PEBCO and made it impossible for Thozamile Botha to continue working at Ford.

The banned former leader of the Azanian People's Organization (AZAPO), Ishmael Mkhabela, was detained in March 1980 and held incommunicado for several weeks. He had previously been detained without trial for more than six months after the formation of AZAPO in May 1978. Shortly after Ishmael Mkhabela's release without being charged in April, Minister of Police Louis le Grange publicly threatened further action against AZAPO, COSAS and other black organizations. He claimed that by commemorating in March the 20th anniversary of the Sharpeville killings and by supporting the major campaign by blacks for the release of Nelson Mandela, prompted by Robert Mugabe's election victory in Zimbabwe, they were furthering the aims of banned nationalist organizations.

In late April Marais Steyn, Minister of Coloured Relations, made similar allegations of agitation after the start of a widespread boycott of

schools by "Coloured" students protesting against discrimination and the marked disparities in their education. The Minister singled out for particular criticism Curtis Nkondo, leader of the Soweto Teachers' Action Committee and prominent member of AZAPO. Curtis Nkondo was detained without trial by security police on 23 April. Several other black leaders and students suspected of involvement in the organization of the boycott also were detained incommunicado.

The lack of adequate safeguards in the treatment of detainees held incommunicado under the Terrorism Act and similar security legislation was again amply illustrated during the year by new allegations of torture made by former detainees and by defendants and witnesses at several political trials. In at least one case, that of Cynthia Montwedi, the Minister of Police agreed to an out-of-court settlement while denying liability, after Cynthia Montwedi instituted a legal action for damages. She alleged that after her detention in April 1978 she had been subjected to electric shocks and physical assaults during interrogation by security police at John Vorster Square police station in Johannesburg. A similar settlement was agreed in July 1979, when the family of Steve Biko, the Black Consciousness leader who died in detention in September 1977, received compensation for his death in custody. However, in making the award the government again refused to accept liability for the ill-treatment which caused Steve Biko's death. The government effectively forestalled the family's attempts to ascertain the full extent of such ill-treatment by agreeing to a settlement out of court. Thus the government prevented any opportunity for the further cross-examination in court of the security police officers who had custody of Steve Biko, and whose disclosures at the official inquest in November 1977 had caused widespread protest.

A further development in the Biko case occurred in April 1980 when the Medical and Dental Council announced, after what it called a preliminary investigation, that no disciplinary action would be taken against three doctors who had attended Steve Biko shortly before his death. The Council's assertion that there was no obvious evidence of improper conduct, which appeared to take no account of statements made by the doctors themselves at the inquest, was met with widespread incredulity.

Allegations of torture were made at two long-running political trials, which concluded in mid-1979. In the first, Sechaba Daniel Montsitsi and three other Soweto student leaders were convicted of sedition and sent to prison for terms of two to four years in May 1979. Seven other defendants received suspended sentences. The second major trial, that of 66-year-old Zeph Mothopeng and 17 other alleged members of the banned Pan-Africanist Congress of Azania (PAC) ended in June with all but one of the accused being convicted under

the Terrorism Act. They were sentenced to terms of effectively five to 15 years' imprisonment. In all, 13 of the 18 defendants alleged torture during pre-trial interrogation by security police, including Johnson Nyathi, who claimed that he had been thrown out of a window by security police and seriously injured. His claim was dismissed and he was subsequently convicted of attempted escape and given an extra year's sentence to add to the 10-year term already imposed.

Of a number of new political trials taking place during the year, possibly the most significant was the treason trial which began in September 1979, not only because the accused were charged with treason but also for the following two reasons. During the course of the trial, the defendants dismissed their counsel and refused to take any further part in the proceedings when the judge ruled that certain state witnesses would be heard in closed session. At the conclusion of the trial in November 1979, 11 of the accused were convicted and sentenced to prison terms ranging from 13 to 18 years. The other defendant, James Mange, was sentenced to death. This was the first death sentence to be imposed for treason since the Second World War. No one has been executed for treason since 1914. James Mange was given leave to appeal against sentence in January. By April 1980 the appeal had not been heard.

The sentence imposed on James Mange, and the execution in May 1979 of Solomon Mahlangu, the first person to be hanged for a politically motivated offence since the mid-1960s, appeared to indicate a move towards greater use of the death penalty in political cases. The execution of criminal offenders also continued at a high rate during the year. According to figures issued by the Minister of Police in February 1980, a total of 133 people under sentence of death were hanged during 1979. All but two of those hanged were blacks.

Several incidents drew attention to the plight of convicted political prisoners, some 500 of whom were reported to be serving sentences at the beginning of 1980, and suggested increasing tension between prisoners and prison staff. In mid-1979, five male prisoners on Robben Island and two women in Kroonstad prison received additional sentences. It was alleged that they had attacked prison officers. Disciplinary charges were brought against four women in Potchefstroom Female Prison in March 1980. At Pretoria Central Prison the escape of three white political prisoners in December 1979 appears to have resulted in harsher conditions for those who remain. The campaign in early 1980 for the release of Nelson Mandela, imprisoned for the past 17 years, served also to highlight one of the main problems facing convicted prisoners, that is the government's continued refusal to grant political prisoners remission of sentence.

The government maintained its policy of extending the punishment of political offenders through the use of banning orders. For example, several long-term prisoners released from Robben Island in late 1979 were almost immediately restricted under banning orders, as was Isaiah Moeng at the time of his release in April 1980 after an eight-year prison sentence. Earlier, in June 1979, after the replacement of Justice Minister James Kruger, there appeared to be a prospect of some reduction in the use of administrative banning orders. This possibility was openly suggested that same June by Dr Piet Koornhof, Minister of Cooperation and Development, in an address to the United States National Press Club. In August, James Kruger's successor, Alwyn Schlebusch, announced the establishment of a judicial commission of inquiry into security legislation and soon afterwards revoked existing banning orders on several white trade union organizers who had been restricted in late 1976. At about the same time, however, the optimism aroused was dispelled when a banning order was imposed on Priscilla Jana, a prominent defence attorney in political cases, and several existing banning orders were renewed. In December, two former detainees prominent in PEBCO, Lizo Pityana and Moki Cekesani, were banned and placed under partial house arrest, and at the end of 1979 more than 150 banning orders were in force. Prosecutions for alleged contraventions of individual banning orders also continued and in one case, that of the Anglican priest David Russell, resulted in a prison sentence of 12 months being imposed in February 1980. The next month Lilian Ngoyi, a veteran campaigner against *apartheid*, died having spent the last 15 years of her life under a banning order.

A pattern of human rights violations similar to that prevailing in the four provinces directly administered by the South African Government was also to be found in the three African "homelands" which the South African Government has declared "independent". In the Transkei particularly, many critics or suspected opponents of the Matanzima administration were detained incommunicado and without trial during the year. They included several journalists, and Fikile Bam, a former political prisoner, on whose behalf Amnesty International appealed in November 1979. He was released soon after this appeal was made. By April 1980, however, other detainees for whom Amnesty International campaigned were still believed to be held incommunicado.

In addition to its work for individual prisoners of conscience and other victims of human rights violations, Amnesty International campaigned against the use of banning orders and against the death penalty, reporting on these issues to the United Nations Commission on Human Rights and other appropriate United Nations bodies. In

March 1980, in an address made in New York to the United Nations Special Committee Against *Apartheid*, it called on the South African Government to implement immediately certain specified reforms as an earnest indication of its intention to promote fundamental change. These included: the revocation of all banning orders; the removal of indefinite incommunicado detention; the repeal of repressive legislation, particularly that providing for mandatory minimum sentences and for unlimited detention of potential state witnesses; the granting of remission to all political prisoners; the immediate release of those who are old or infirm preparatory to granting a general amnesty to all political prisoners before the end of 1980.

Sudan

The main concern of Amnesty International was the detention without trial of political opponents.

The renewed use of presidential detention powers between May and August 1979 against two groups of political opponents, Ba'athists and Communists indicated a further weakening of the 1977 "national reconciliation" policy. All political parties are banned except the government-supported Sudanese Socialist Union. Several hundred people were detained without charge or trial, many of them in the wake of widespread demonstrations and trade union strikes against government economic policies.

The first detentions since 1977 under the State Security Law, which provides for indefinite detention without charge or trial, took place in April 1979, when a considerable number of alleged members of the banned Arab Ba'athist Socialist Party were detained. They included Youssif Himad Hassan, a bank manager; Mohamed Ali Jadeen, Under-Secretary in the Finance Ministry and advocate Mohamedeen Omer Mohager. On 1 May 1979 Amnesty International expressed concern to President Gaafar Numeiri about these detentions and the breakdown in the "national reconciliation" policy, under which all political prisoners had earlier been freed.

It is believed that these people were detained because of their opposition to President Numeiri's support for the terms of Egypt's peace treaty with Israel. They were accused of contact with the Iraqi Ba'athist Government, which had imposed an oil boycott on Sudan on these grounds. Amnesty International called for their trial or release

and, where sufficient details were available, proceeded to adopt them as individual prisoners of conscience. Some detainees were to be tried in early 1980 on charges of membership of an illegal organization. Amnesty International requested further details from the Attorney General and expressed its belief that the detainees were prisoners of conscience.

The largest group of political detainees were members or alleged sympathizers of the banned Sudan Communist Party, which the government accused of instigating the demonstrations and strikes of August 1979 and of succeeding months. Those detained included former known leaders of the Communist Party, such as Saudi Daraj and Youssif Hussein, as well as hundreds of other left-wing opponents. Among them were trade unionists Mokhtar Abdullah and Mahgoub Seed Ahmed; lawyers Kamal el-Gizooli and Abdullah Saleh; academics Mohamed Murad (history), Mohamed Seed el-Gaddal (history), Mohamed Suleman (chemistry), Hashim Sidig el-Malik (drama); the well-known poet Mahgoub Sharif; former youth movement leader Khalil Elias; southern member of parliament Tartisio Morgan. The veteran trade unionist Gasim Amin was released after suffering a stroke shortly after his arrest. He subsequently died in hospital in Prague.

On 17 August 1979 Amnesty International informed President Numeiri of its concern about these large-scale arrests and called for the detainees to be charged and tried if it was alleged they had committed a criminal offence or otherwise released. No charges were brought and, where sufficient information was available, Amnesty International adopted them as prisoners of conscience. In March 1980 Amnesty International focused particular attention on the plight of the prisoner of conscience, Saudi Daraj.

By April 1980 many detainees had been freed unconditionally, some were released on medical grounds after suffering serious illness. Some 300 are still detained without trial. Several detainees had been adopted by Amnesty International as prisoners of conscience during previous periods of detention.

The Vice-President of the Southern Region High Executive Council, Samuel Aru, was detained on 3 June 1979 and publicly accused of plotting to change the southern constitutional arrangement. His case was taken up for investigation by Amnesty International. He was freed without being charged in early 1980.

On 28 November 1979 detainees in Kober prison in Khartoum and other prisons throughout Sudan went on hunger-strike in protest against the denial of family visits, poor food and delays in obtaining adequate medical treatment. The strike ended three days later when some improvements were obtained.

Amnesty International learned of allegations of torture which were made in May 1979, during a court-martial of 45 military officers and former officers in Jebel Awlia army barracks. They were charged with conspiring to use violence against the government. The government appointed a commission of inquiry into the allegations, the conclusions of which are not known.

Swaziland

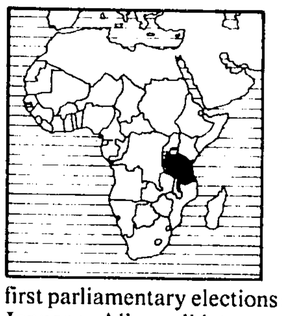
Amnesty International continued throughout the year to work for the release of several long-term political detainees, most of whom are associated with the former main opposition Ngwane National Liberatory Congress (NNLC) party led by Dr Ambrose Zwane. Among the prisoners of conscience adopted by Amnesty International was Musa Shongwe, a prominent and widely respected defence attorney. He was arrested in early August 1978 shortly after having represented three South African refugees, all members of the Pan-Africanist Congress of Azania (PAC), on trial in the High Court on charges of unlawful possession of arms and ammunition. During the course of the trial, Musa Shongwe caused some embarrassment by asking the judge to recuse himself on the grounds that as a white South African he might be prejudiced against the three accused. He also argued that the Government of Swaziland should have no objection to PAC members bearing arms because Swaziland, as a member of the Organization of African Unity, had endorsed the view that the armed struggle for majority rule in South Africa, in which the accused had attempted to engage, was legitimate.

Since his arrest in 1978, Musa Shongwe has been held under a succession of detention orders, each of 60 days' duration, the maximum permissible period of any detention order. Several of the NNLC supporters have been detained longer, most of them since early 1978. They remain in prison even though Dr Zwane, the NNLC leader, was permitted to return to Swaziland "without fear of persecution" under a special amnesty extended to him personally by King Sobhuza II in July 1979. At that time Dr Zwane was living in exile in Tanzania. He had left Swaziland in August 1978 when, owing to an administrative error, he was able to escape from detention at Malkerns and cross the border into neighbouring Mozambique. After

this incident, three prison officials, who had been on duty at Dr Zwane's place of detention in Malkerns, and a long-time NNLC supporter Longidi Gamedze, who lived near the point at which Zwane crossed the border, were held under 60-day detention orders. They were still being held at the end of April 1980.

Some prisoners of conscience adopted by Amnesty International were released during the year. Three of these were South African refugees who had been detained as prohibited immigrants since April 1978. They were freed only when arrangements had been completed for their resettlement in other countries. However, one other South African refugee who had been declared a prohibited immigrant and detained in April 1978, John Dube Manzi, was permitted to remain in Swaziland after his release in December. In early April 1980, the most prominent of the Swazi nationals in detention, Prince Clemens Dumisa Dlamini, a prominent trade unionist and close relative of the King, who had been detained continuously since July 1977 under a series of 60-day detention orders, was released.

After the death of Prime Minister Prince Maphevu Dlamini, Amnesty International appealed in late November to his successor, Prince Mabandla Fred Dlamini, urging him to inaugurate his premiership "in a humanitarian spirit" by ordering the immediate release of all political detainees. In December Amnesty International issued a major appeal for the release of Obert Mpangele Mabuza, a former leader of the small Swazi United Front party, who was detained without trial in October 1978. He and other long-term detainees have been adopted as prisoners of conscience by Amnesty International.



Tanzania

The concerns of Amnesty International in Tanzania were the continued refusal of the Zanzibar authorities to allow a "forced bride" to leave the country to achieve her freedom, and the continued use of the death penalty.

On 12 January 1980 the new Zanzibar constitution ended 16 years of rule by decree of the Revolutionary Council. The first parliamentary elections since the 1964 revolution were held on 7 January. All candidates were nominated by the sole ruling party, *Chama Cha Mapinduzi*, Revolutionary Party. The constitution made reforms in the judicial structure but the only permitted legal

representation is still by the office of the Attorney General, which conducts all prosecutions.

The case of the Zanzibar "forced bride", Nasreen Mohamed Hussein, appeared to be nearing resolution in April 1980. The Tanzanian Attorney General gave an undertaking that she could leave to join her family in Iran. The Amnesty International mission to Zanzibar in 1978 had obtained a similar agreement from the Zanzibar authorities, after having ascertained that she was adamant in her refusal of the forced "marriage" in 1971 to a Zanzibar security officer, Ali Foum Kimara (now Lieutenant Commander), but the agreement was not fulfilled. The Anti-Slavery Society has also been active in this case, which it believes involves a "slavery-type practice".

More than half the 100 or more people held in mainland Tanzania under preventive detention legislation were released in June 1979. James Magoti, a bank manager held under the Preventive Detention Act since 1976 in connection with a theft, was released without having been charged or tried. He still suffers from the after-effects of severe torture in 1976 by electric shocks and other means for which three security officers were sentenced to imprisonment. His brother, Adam Magoti, a Nairobi University student, who was detained and tortured at the same time, died in detention on 1 June. On 15 June Amnesty International requested the Attorney General to supply information on the cause of death. The circumstances of Adam Magoti's death have yet to be explained.

On 10 July 1979 Amnesty International wrote to the Tanzanian Attorney General about the security restrictions placed on released detainees and political prisoners which prevented many from obtaining passports or state employment. The Attorney General did not reply.

No allegations of torture were received during the year. However further torture trials of senior police and security officials accused of causing deaths under torture in 1975 and 1976, when several hundred people in Mwanza and Shinyanga regions had been arrested and tortured, were at the preliminary stage by April 1980.

The death penalty was imposed on a number of occasions. It is not known whether the executions took place.

Togo

The major concerns of Amnesty International were detention without trial, unsatisfactory trial procedures, poor prison conditions and the death penalty.

Throughout the year, the so-called "mercenaries affair" of October 1977 — a reportedly thwarted conspiracy to overthrow the government of President Gnassingbe Eyadema — continued to weigh heavily on Togolese political life. Arrests in connection with the so-called plot had begun in November 1978, when Saturnin Ayite, Kouassivi de Souza and Komlan de Souza were detained. In 1979 more than 30 people (including seven children under the age of 12) were arrested and held without charge or trial for periods ranging from a few days to several months. All were members of Togo's "Southern" families, officially suspected of having backed the "plot"; they were usually friends or relatives of individuals whom the government was seeking to arrest in connection with the "plot".

On 3 June 1979, two Togolese exiles, Kodjovi de Souza and Teyi Lawson, were kidnapped in Ghana and forcibly returned to Togo. Shortly afterwards, the government-controlled newspaper published statements alleged to have been made by Kodjovi de Souza, in which he confessed to an involvement in the preparation of the "plot" of October 1977. On the basis of these "confessions", which available information suggests were extracted under torture, other individuals were arrested, including Major Kouao Sanvee and businessman Lanyo Savi de Tove. In early July, when 10 people remained in detention, the government announced its decision to convene the State Security Court to try those charged with complicity in the "mercenaries affair".

On 19 July 1979 Amnesty International made public its fear that the forthcoming State Security Court trial would not provide the accused with a fair and impartial hearing. High-ranking government officials, including two of the State Security Court's judges, had publicly proclaimed the guilt of the accused in June 1979. The independence of the judiciary had been formally abolished in 1976, when magistrates came under the direct control of the state. In its communique, Amnesty International reiterated its appeal to the government to allow an observer to attend the trial proceedings and expressed its concern at the continuing recourse to detention without charge or trial, the practice of torture, the poor conditions prevalent in Togolese prisons and what appeared to be a deliberate government

policy of harassment of "Southern" families. In a public statement a few days later, the Togolese Government rebutted these charges and declared its willingness to accept international observers at the trial.

The State Security Court sat on 23 and 24 August 1979 and was attended by the public and international observers. Two of the seven accused were acquitted and five were found guilty of "conspiring . . . to overthrow or change the Togolese Government . . . of committing or beginning acts in preparation of its execution . . . and of possessing arms . . .". Kodjovi de Souza and Kouao Sanvee were sentenced to death, three others were given prison sentences of from five to 10 years. Eight other accused were sentenced to death *in absentia*. On 30 August 1979 President Eyadema commuted the death sentences passed on Kodjovi de Souza and Kouao Sanvee to life imprisonment. Three of those arrested in connection with this affair were not brought to trial. According to official reports, Saturnin Ayite and Arthur Yehouessi were among 34 detainees freed in a presidential amnesty on 13 January 1980. The third, Barnabas Aku, died in hospital in late 1979 only two weeks after his release from prison. Amnesty International remains concerned about the fate of Saturnin Ayite, whose state of health and whereabouts have been the subject of several inquiries to the Togolese Government.

In its report on the trial, Amnesty International stated that, despite strict regard for procedure during the hearing, the degree of guilt of the accused was not adequately established in court and that the sentences passed accordingly appeared unwarranted and severe. Further, the report noted that the right to defence counsel at all stages of the judicial process had not been respected and that material given wide coverage in the Togolese press during June 1979 had constituted an essential part of the prosecution's case. Amnesty International called on the Togolese authorities to release or to retry the prisoners. The government has replied that it will not accede to this appeal. In late April 1980 an Amnesty International mission was received in Lome by President Eyadema.

Amnesty International has received numerous reports that arrest and detention without charge or trial in Togo are both known to and encouraged by President Eyadema. The available information suggests that he has played an active part in interrogating individuals suspected of holding views critical of the government and uses his personal authority to "sentence" them often to unspecified terms of imprisonment. In such cases there is no access whatsoever to judicial redress. Amnesty International has appealed to the President on several occasions during the year for the release of individuals imprisoned often on the slightest of pretexts and without charge or public trial. It has also interceded with the government with regard to the two cases

of kidnapping of suspected opponents: in June 1979 Kodjovi de Souza and Teyi Lawson were seized in Ghana, and in October 1979 Benis Lawson, a French citizen of Togolese origin, was taken back to Togo from Niger by Togolese military personnel. He was released in November 1979.

Conditions of imprisonment at the Gendarmerie and the Tokoin military camp in Lome, in Lama Kara prison and at the Temedja paracommando camp are reported to be harsh. Amnesty International has received reports of severe overcrowding, poor nutrition and hygiene, insufficient medical facilities and the restriction of visits by families and friends at the two Lome detention centres. These poor conditions have led to a high incidence of illness among detainees. Amnesty International remains concerned about the number of deaths of political detainees and that these have not resulted in an official inquest. The deaths have occurred either in detention or shortly after release and have included during the year the cases of four customs officials, one gendarme and Barnabas Aku.

Two prisoners held without charge or trial since December 1979, Quist Crosby and Antoine Lawson, were released in April 1980, after appeals from several organizations including Amnesty International.

Uganda

The government of Idi Amin was overthrown in April 1979 by the Tanzanian army and militia and Ugandan guerrilla groups. After eight years of systematic violations of basic human rights, Uganda faced enormous problems of security and reconstruction.

Amnesty International followed its campaigns against human rights violations in Uganda by an international fund-raising campaign in aid of the estimated one million widows and orphans of those tortured to death or otherwise murdered by Amin's security forces. The Amnesty International campaigns were commended by the new Ugandan President Godfrey Binaisa in an address to the General Assembly of the United Nations on 28 September 1979. The government frequently referred to its special commitment to the protection of human rights.

Uganda experienced a major political crisis in June 1979. Yusuf Lule, who had been elected Chairman of the Uganda National Liberation Front (UNLF) at a conference of Ugandan exiles in Moshi, Tanzania, shortly before the overthrow of Idi Amin, was

deposed from the presidency by the National Consultative Council (Uganda's interim parliament) on 20 June 1979, after 10 weeks in office, and forcibly flown to Tanzania. He was detained in President Nyerere's residence, State House, for two weeks, under pressure to recognize the newly chosen President, Godfrey Binaisa. Amnesty International appealed to President Nyerere for Yusuf Lule's release into exile. He was freed unconditionally on 9 July and allowed to leave Tanzania.

In early 1980 President Binaisa's government announced that elections to the presidency and parliament would be held later in the year. Political parties other than the UNLF "umbrella organization" would remain banned but there was to be no bar on any individual standing for elections, such as former Presidents Milton Obote and Yusuf Lule.

Despite this ban on political parties, Uganda, during the first year after the overthrow of Idi Amin, experienced considerable political activity, with a revived range of freedom of expression in the press. This freedom was, however, restricted at times by government threats to close opposition newspapers and by the use of presidential powers of detention. The first detainee in the post-Amin era was the President of the Uganda Law Society, Samuel Njuba, who was detained in September 1979. Other government critics, including politicians and journalists, were detained shortly afterwards. On 2 October Minister of the Interior Paulo Muwanga, responding to an inquiry by Amnesty International, replied that Samuel Njuba had been detained pending investigations of violent conspiracies against the government. He and others were released without charge in mid-October. A further 200 to 300 detainees arrested by the newly created secret National Security Service were freed after widespread protests in parliament, the press and the legal profession against arbitrary and politically motivated detentions. President Binaisa, who in 1967 had resigned as Attorney General under President Obote's government in protest against the use of detention powers, then stated his intention to replace the 1967 Public Order and Security Act with a "less restrictive law".

However, by April 1980, no steps had been taken to implement this undertaking. Journalist, Ben-Bella Ilakut, Editor of the government-owned *Uganda Times*, was detained in January 1980 for reporting on the "Kajansi incident", in which Tanzanian troops assaulted many people of Kajansi, a village near Kampala, killing five villagers as a reprisal for the killing of three Tanzanian soldiers. The government later established a commission of inquiry into the incident, which highlighted the growing hostility to the Tanzanian forces still in control of the country's security. Ben-Bella Ilakut was released two weeks later as a result of protest within Uganda. Amnesty Inter-

national believed that he and a number of other detainees were prisoners of conscience.

The largest group of detainees were members of Idi Amin's security forces, numbering more than 5,500. The new government initially stated that they would stand trial in the normal courts for offences under the penal code such as murder and armed robbery, which carry the death penalty. A year later no such legal proceedings had begun. In February 1980 Attorney General Stephen Ariko presented a bill to parliament to establish special "human rights courts" to try former members of Amin's security units which had been involved in violations of human rights — these units included the State Research Bureau, Public Safety Unit and Military Police, as well as the Anti-Corruption Unit, Idi Amin's close advisers and Idi Amin himself, who had fled the country. Because of opposition to the limitations of normal legal rights in the proposed special courts, the bill was withdrawn. Conditions in Luzira prison, where these detainees were held, were said to be very poor. A further 700 soldiers and 400 civilians, captured during the fighting and taken as prisoners to Tanzania, were returned to custody in Uganda in March 1980.

There were waves of murders, especially in the capital, Kampala, with at times as many as 100 people killed a week, some for criminal and some for political reasons. Blame for politically motivated killings has been placed in various quarters. The victims represented a wide range of pro- and anti-government opinion.

In May 1979 Amnesty International communicated a proposal to the United Nations Commission on Human Rights that it conclude its work on human rights in Uganda by making a detailed study of the violations committed by the former government of Idi Amin. A year later, no such study has been initiated, either by the United Nations or by the succeeding Uganda Government.

Zaire

Amnesty International approached the government about a wide range of human rights issues during the year. In February 1980 it submitted a 22-page memorandum outlining its concerns and suggesting a series of measures which would improve the situation and help prevent further violations of human rights. These concerns included the arrest and detention without trial of people suspected of criticizing or opposing the

government; the continuing imprisonment of political prisoners in spite of an amnesty in July 1978 for all prisoners convicted of offences against the security of the state; the harsh conditions of imprisonment in many prisons and detention centres; the use of torture; the high rate of mortality among political prisoners and untried detainees and the lack of safeguards to protect them; the frequency with which the death penalty is imposed and carried out.

The political situation in Zaire appeared more stable than during the previous two years, when there were armed rebellions against President Mobutu Sese Seko's government in the south of the country. There were, however, a number of illegal strikes in Kinshasa in late 1979 as a result of the government's policy of restraining wages while repeatedly devaluing the currency. After student unrest on campuses throughout the country in February and March 1979, students in Kinshasa demonstrated for higher grants in November and December. There were strikes in November 1979 at the *Institut supérieur de techniques appliquées* (ISTA), Higher Institute for Applied Technology, in Kinshasa, as a result of which many students were arrested. In January 1980 the State Commissioner (Minister) for Higher Education, Mungul Diaka, was dismissed from office and placed under house arrest. He had been appointed in March 1979 in a gesture of conciliation toward the student community, with whom he was generally popular. In January 1980 he was accused of embezzling public funds. However, he escaped from house arrest before being brought to trial. It was not clear whether he was guilty of embezzlement or whether, as many people in Zaire suggested, the charges were merely a pretext for his dismissal and arrest. After his arrest, employees of the Department for Higher Education were reported to have been arrested and students demonstrated in favour of his reinstatement. In March and April 1980 there were further disturbances in Kinshasa and students were once again detained. At the end of April President Mobutu ordered the Kinshasa university campus to close. Several days later, while visiting Brussels, the Secretary of State for International Cooperation claimed that no students were in detention but it was impossible to verify this claim.

Amnesty International appealed for the release of more than 30 long-term prisoners of conscience. In June 1979 Amnesty International focused particular attention on Mwarabu Mak Lubia, a former member of the armed forces, and made a worldwide appeal on his behalf to President Mobutu. Later in the year the President ordered the release of Mwarabu and 17 others convicted in 1975 of plotting the overthrow of the state. Amnesty International believed that their trial had been unfair and that many of those convicted were prisoners of conscience. All 18 men released in October 1979 from Angenga

military prison were sent to their home towns and villages where, in early 1980, they remained under a form of house arrest.

After the October releases Amnesty International remained concerned about more than 20 people convicted in March 1978 of complicity in a similar alleged plot against President Mobutu. Several civilians convicted in March 1978 were released in November 1979. In February 1980 Amnesty International issued concerted appeals on behalf of Kisonga N'Sunda, a woman sentenced to death in March 1978 whose sentence had subsequently been commuted to life imprisonment. Kisonga N'Sunda was accused of complicity in a plot against the President but the only evidence against here was that her sister owned a bar in Kinshasa named after Kisonga N'Sunda; here, according to the military prosecutor, soldiers had met to plan a campaign of terrorism against President Mobutu. Kisonga N'Sunda had also been present at a church service in memory of one of her husband's dead colleagues which, the prosecutor alleged, had been a meeting of conspirators. At the end of April 1980 reports from Kinshasa indicated that Kisonga N'Sunda had been released.

In May 1979 a number of senior lawyers in Kinshasa and in the east of Zaire were arrested. The President of the Kinshasa Bar Association, Maître Matunga, was detained for two weeks after he had refused on behalf of other lawyers to accept a government proposition that all lawyers should give up their independent status and become civil servants. The proposition was made by the President of the Council of Justice (head of the judiciary), Kengo-wa-Dondo. The government alleged that Maître Matunga and several other lawyers had been involved in smuggling and other common-law offences but it is evident that the real reason for their arrests was political. Eight months later, in January 1980, the structure of the judiciary was changed and Kengo-wa-Dendo was dismissed, both as President of the Council of Justice and as *Procureur général de la République*, State Prosecutor.

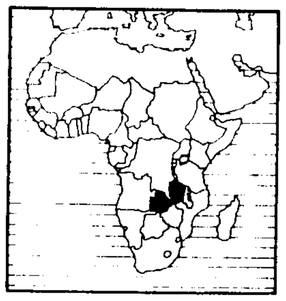
In late 1979 Amnesty International learned of the arrest of a number of students and workers at Kinshasa and of seven people in eastern Kivu region who were detained because of their links with Zairean opposition leaders living in exile. In November 1979 Amnesty International sent appeals to various officials on behalf of six men and one woman from Ilakala-Swima who were detained in Uvira prison. No formal charges were brought against them but they were held in harsh conditions and given no food. They were eventually released in February 1980. Among those detained in Kinshasa in late 1979 were teachers and workers accused of fomenting strikes, and students from the *Institut supérieur de techniques appliquées*. Three PETROZAIRE workers and five ISTA students were reported to

have been killed while in the custody of the *Centre national de documentation* (CND), National Documentation Centre, in late 1979 and early 1980. Other detainees are known to have been transferred from Kinshasa to Ekafera detention camp, near Befale in Equateur region. In late 1979 a senior official described this camp as a "re-education camp for young people out of work". The camp has been described by its inmates as a concentration camp where hundreds of detainees have died over the last few years.

In July 1979 civilians were reportedly shot dead during two separate clashes with the armed forces. The first incident occurred in northern Shaba region when the armed forces apparently attempted to supress unauthorized local religious cults. The number of people killed or detained was not known and the incident received very little publicity. The second incident, which occurred in neighbouring Kasai Oriental region on 19 July 1979, received more widespread publicity. More than a hundred people were reported to have died in a diamond-mining area near the regional capital, Mbuji-Mayi, when troops first ordered hundreds of people searching for alluvial diamonds to disperse and then opened fire. Several people in the crowd were shot dead and many more drowned after they tried to escape by swimming the Lubilanshi river. During the ensuing chaos, other civilians were arrested and detained for several days. Five local parliamentary representatives immediately called for a parliamentary inquiry into the killings, but this was refused by President Mobutu, who criticized them and went so far as to accuse the entire Baluba ethnic group (which had been involved in both the incidents in Shaba and Kasai Oriental) of betraying him.

The killings near Mbuji-Mayi received considerable publicity in November 1979, after the International Federation of Human Rights had drawn public attention to the incident, reporting that 215 people had been killed. The Zairian authorities responded by claiming that only three people had been shot dead during an exchange of gunfire between police and armed diamond miners. The State Commissioner for Foreign Affairs (Foreign Minister), Nguza Karl-i-Bond, invited several international organizations, including Amnesty International, to form a commission of inquiry to investigate the claims made by the International Federation of Human Rights. Amnesty International declined the invitation because it seemed unlikely that an investigation would be able to establish exactly what had happened four months earlier and because it was concerned about a wide range of human rights violations in Zaire and did not wish to restrict its dialogue with the government to this one incident. The International Federation of Human Rights continued to press for an inquiry but by March 1980 it had still not been permitted to enter Zaire.

In addition to the killings in July 1979, Amnesty International was also concerned about the number of death sentences and executions during 1979 and early 1980. The precise number of executions is not known but in July 1979, for example, two executions in Makala prison were publicized by the authorities and one person was reportedly executed in public in Bukavu prison. In January 1980 the trial of more than 30 people on charges including murder and armed robbery was broadcast on television. At the end of January 1980, 28 people were condemned to death; they are believed to have been allowed to appeal against the sentences. In March 1980 six people, including two civilians, were condemned to death by a military court from which there was no right of appeal or *cassation*. By April 1980 more than one hundred people were believed to be under sentence of death in Zaire.



Zambia

Amnesty International remained concerned about the use of administrative detention orders imposed under the Preservation of Public Security Regulations. Such detention orders, which are authorized by the President, have an unlimited duration and cannot be challenged in the courts. *Habeas corpus* is not available to those detained under the regulations; they are neither charged nor brought to trial. Their only recourse is to appeal to a review tribunal presided over by a High Court judge, but the President is not obliged to accept the recommendations of the tribunal and can order continued detention even in cases in which the tribunal finds insufficient grounds to warrant it.

Those detained under the Preservation of Public Security Regulations in 1979 and early 1980 were a disparate group. They included former supporters of the opposition United Progressive Party (UPP), which was banned in 1972 when Zambia became a one-party state; members of the so-called "Mushala gang", said to be responsible for a series of attacks on civilians in the northwest of the country, and several foreign nationals suspected of espionage. Most of the suspected UPP sympathizers were detained in August 1979, when at least 12 arrests were made after a strongly-worded letter calling for his resignation was sent to President Kenneth Kaunda. However, a number of other former UPP supporters have been detained under presidential orders since September 1978. They were arrested after

an incident at Chililabombwe, where a fire at a hall was said to have been started deliberately and was officially attributed to disgruntled supporters of Simon Kapwepwe, the former UPP leader, who had attempted unsuccessfully to challenge Dr Kaunda for the presidency. Those detained included John Chisata and Faustino Lombe, both close associates of Simon Kapwepwe. They have not been charged in connection with the Chililabombwe incident and were still being detained without trial in April 1980. They have been adopted as prisoners of conscience by Amnesty International.

A number of detainees were released during the year. In May 1979 William Chipango, a former Mayor of Livingstone, and three other former members of the banned African National Congress (ANC), were freed after more than six years in prison. Having been detained in 1973, they were tried on treason charges and sentenced to death in 1976. In October 1978 their convictions were overturned by the Appeal Court, which also awarded them damages for ill-treatment in detention, but they were again detained under presidential orders until their release in May 1979. In October 1979 at least six political detainees were among the more than a hundred prisoners freed by President Kaunda in an amnesty marking the 15th anniversary of independence. In the same month, several foreign nationals suspected of espionage for the government of Bishop Abel Muzorewa in Rhodesia were released also. They included two airline pilots arrested four months earlier after Rhodesian military raids on Zimbabwean refugee camps and guerrilla bases in Zambia. Further releases occurred in March 1980, when several other foreigners detained in connection with the Rhodesian conflict were freed after Robert Mugabe's election victory had brought that conflict to an end.

Zimbabwe

Zimbabwe achieved independence from the United Kingdom on 18 April 1980, and became the 50th country to join the Organization of African Unity and the 43rd member state of the Commonwealth. The new government headed by Prime Minister Robert Mugabe, which formally took power at independence, was the fourth administration within a year. After elections in 1979, in which the Patriotic Front (PF) parties did not participate, the so-called Transitional Government headed by Ian

Smith was replaced at the beginning of June 1979 by a new government under the leadership of Bishop Abel Muzorewa. This in turn was replaced in December 1979. Following the Lancaster House agreement in London, which provided for a return to legality some 14 years after the Unilateral Declaration of Independence (UDI), an interim British administration was established under a Governor, Lord Soames, to supervise majority rule elections as a prelude to the granting of independence. These elections, held in February 1980, resulted in a convincing victory for the two PF parties, which won 77 out of the 80 seats reserved for Africans. Fifty-seven of those seats, an outright majority in Parliament, were won by Robert Mugabe's Zimbabwe African National Union (ZANU-PF) party. All 20 seats reserved for whites were won by the Rhodesian Front party led by the former Prime Minister, Ian Smith.

The period up to the end of 1979 was characterized by further large-scale violations of human rights as the war between the internal administration and the externally-based Patriotic Front continued and increased in intensity. The establishment of a new government under Bishop Abel Muzorewa in June had no ameliorative effect. The pattern of repression established under previous governments continued unchanged and was indeed further extended when in July the new government renewed the state of emergency for another six months and in September further extended martial law. Some 150 long-term political detainees held under the Emergency Powers Regulations were released in July and August, at the time of the Commonwealth Heads of Government meeting in Lusaka, Zambia. However, the government refused to free other prominent political detainees at the outset of the Lancaster House Conference in September and it was not until November, when the conference was near its end, that detained political leaders such as the Reverend Canaan Banana and Enos Nkala were released. Even at that time there were conditions attached to their release and it was not until Lord Soames took office as Governor that they were freed of all restrictions. Similarly, some 80 long-term political detainees remained in detention under the Emergency Powers Regulations until January 1980, when Lord Soames ordered their unconditional release.

The most severe violations of human rights prior to the Governor's arrival undoubtedly occurred within the framework of martial law. By May 1979, the martial law regulations first introduced in September 1978 had been imposed in some 90 per cent of the country, giving the Rhodesian security forces and any person assisting them extensive powers of arbitrary arrest and detention without trial. As a result, many thousands of African civilians suspected of supporting or assisting nationalist guerrillas were detained without trial during the

period of Bishop Muzorewa's administration. So great were the numbers of those detained that in October 1979 the Ministry of Combined Operations announced that all prisons, including those in the main towns not under martial law, were being declared martial law areas. This was necessary because the prisons and detention camps situated within the 95 per cent of the country by then under martial law could not accommodate all those who had been detained. Details of the numbers of detainees under martial law were at no time revealed by the government but authoritative unofficial sources estimated in August 1979 that there were at least seven thousand. Subsequently, in October, reports suggested that the number of those detained or imprisoned under martial law had risen to between eight and 15 thousand.

The use of torture, already a long-standing problem, increased drastically after the introduction of martial law and as a result of the extension of arbitrary powers to all members of the security forces, including the auxiliaries recruited in large numbers to support Bishop Muzorewa's United African National Council (UANC) and the Zimbabwe African National Union (ZANU) party led by the Reverend Ndabaningi Sithole. In October 1979, an Amnesty International representative informed a United States Congressional committee that the use of torture had by that time reached "epidemic proportions".

With the introduction of martial law, new military courts — Special Courts Martial — were created with jurisdiction to try political cases in martial law areas. They were given sentencing powers equal to those of the High Court, including the power to impose the death penalty. They were staffed by military officers, often without legal training; no case is known of in which an accused was permitted defence representation. Trials before Special Courts Martial were conducted summarily and in many cases — although precisely how many has never been divulged — those convicted were sentenced to death. Death sentences passed by Special Courts Martial, unlike those of the High Court, were not subject to review by the Appeal Court. Instead, they were referred to a specially established Review Authority, whose unidentified members sat *in camera*. Also, before 2 May 1979, martial law prisoners sentenced to death had no right to petition the President for clemency, unlike prisoners sentenced to death by the High Court. A preliminary court ruling then upheld the rights of martial law prisoners to seek clemency, but in mid-June this decision was overturned by the Appeal Court. Almost immediately, executions held in abeyance pending the outcome of the Appeal Court hearing were carried out and at least 27 prisoners are believed to have been hanged in the last two weeks of June. At the end of July, Bishop

Muzorewa's government announced that no martial law prisoners would be executed until their sentences had been confirmed by the President, Josiah Gumede. However, it is uncertain to what extent this decision resulted in a reduction in executions.

No information is available concerning the number of people sentenced to death under martial law. Nor is it possible to know how many executions were carried out, either of martial law prisoners or those sentenced by the High Court, in the period May to December 1979, as all executions have been carried out in secret since April 1977. However, all the indications are that many hangings were carried out in Salisbury's Central Prison, at least until the end of October, at which time they were said to have been discontinued following a request made by British Government representatives at the Lancaster House Conference in London.

The Lancaster House Conference concluded in December with an agreement between the parties to the conflict, the Patriotic Front and the internal administration of Bishop Muzorewa, to return Rhodesia to legality under British rule as a prelude to majority rule elections and independence. As soon as this agreement was achieved, Bishop Muzorewa and his government resigned and in mid-December Lord Soames took up his post in Salisbury as Governor of Rhodesia. Shortly before his arrival, the outgoing administration released some 2,000 convicted political prisoners. However, several thousand other convicted political prisoners were still being held when the Governor took office.

On 18 December 1979 Amnesty International publicly appealed to the Governor to seize the "unique opportunity" presented by the resumption of British authority to end abuses and promote future respect for human rights. It called on Lord Soames to implement immediately an eight-point program including the unconditional release of all political detainees and the revocation of restriction orders; the abolition of Special Courts Martial and suspension of other political trials; and immediate ending of the use of the death penalty. Amnesty International also urged the Governor publicly to ban torture and establish machinery for investigating torture allegations; to issue an assurance that all political prisoners should be released and to begin preparations for this; and to publish the names of and other relevant details about all people sentenced to death and executed since UDI in 1965. The program also requested that the British authorities should permit the International Committee of the Red Cross access to prisons and detention camps used to hold martial law detainees and sentenced political prisoners in order to investigate their treatment and facilitate their release. Such permission had always been denied by previous administrations.

A number of these measures were implemented on the Governor's arrival in Salisbury. Special Courts Martial were suspended with immediate effect and restriction orders imposed on former detainees were revoked. The Governor made clear his intention not to use the death penalty by commuting 11 outstanding death sentences to terms of imprisonment. Consequently no executions took place during the Governor's four-month tenure of office.

Despite these improvements, major issues affecting human rights were still unresolved when an Amnesty International mission visited Salisbury in early January 1980. Detention without trial was still in use, with an estimated 5,000 people still held under the martial law regulations and smaller numbers of detainees held under provisions of the Emergency Powers Regulations. Some releases had occurred but it was not until mid-January that the Governor ordered the release of the last group of long-term detainees held under ministerial order. In addition the Governor maintained previous Rhodesian policy by refusing to grant the International Committee of the Red Cross access to martial law detainees and sentenced political prisoners. In January this latter group of prisoners was estimated by Amnesty International to number between 3,000 and 6,000, but subsequent releases in March and April indicate that the actual total was considerably higher. Very few convicted political prisoners had been released by the time of the mission, although the Governor had set up a review of all convicted prisoners' cases to establish which of them could be classified as political prisoners and released "in the spirit" of the Amnesty Ordinance issued by the Governor on 21 December 1979. This review, in the first instance at least, was carried out by Rhodesian officials with the Governor's administration playing a passive role.

During the Amnesty International mission and in a subsequent public statement issued on 17 January, Amnesty International criticized the Governor's failure to proceed more quickly with the release of detainees and convicted prisoners. Concern was also expressed about the administration's failure to take affirmative action on the question of torture and its refusal to divulge the names of those secretly executed by former Rhodesian administrations. In response, the Governor claimed that torture was already illegal under Rhodesian law and said that it would be "gratuitously offensive" to the police and other Rhodesian forces if he were to take the sort of action suggested by Amnesty International. The Governor also dismissed as "absurdly high" Amnesty International's estimate of 5,000 martial law detainees still held but he did not at this time issue alternative figures and he did not accede to its request that independent humanitarian bodies be granted access to them.

The concern of Amnesty International about continuing human

rights violations was, in January, brought to the attention also of the leaders of the five main black political parties contesting the election, including former Prime Minister Muzorewa and the joint leaders of the Patriotic Front, Joshua Nkomo and Robert Mugabe. At the same time, Amnesty International appealed to each of these leaders to do everything possible to ensure that their political supporters refrained from any actions that would be contrary to the spirit of reconciliation. A specific request was also made to Robert Mugabe to order the immediate and unconditional release of more than sixty ZANU "dissidents" detained without trial in Mozambique. The British authorities also exerted strong pressure for the release of this group of prisoners. They were freed and allowed to return home from Mozambique at the end of January.

The run-up to the election at the end of February was marked by widespread reports of intimidation and human rights violations, most of which were officially attributed to supporters of Robert Mugabe's ZANU (PF) party. However, many reports were also received, largely from unofficial sources, about alleged violations committed by Rhodesian security forces and the auxiliaries. Several well-known political figures were arrested or detained, although in most cases only briefly, in the weeks immediately prior to the election. They included Garfield Todd, former Prime Minister from 1954 to 1958, and senior ZANU (PF) officials such as Dzingai Mutumbuka and Justin Nyoka. One week before the election, on 21 February, Amnesty International again appealed publicly to the Governor to make immediate improvements affecting human rights. While welcoming the significant progress already made, particularly the reduction in the number of martial law detainees to below 2,000, Amnesty International condemned the administration's continued use of repressive legislation inherited from the former government and its failure to act more decisively to end outstanding abuses.

Despite this renewed appeal, further progress in restoring human rights was achieved only after the election, held from 27 to 29 February, had resulted in an outright victory for Robert Mugabe's ZANU (PF) party. The release of the remaining martial law detainees, numbering some 1,300, was completed within the next two weeks and martial law was lifted throughout the country on 20 March. The release of convicted political prisoners, only 109 of whom had been recommended for release prior to the election, was also greatly accelerated. A new Amnesty (General Pardon) Ordinance was signed by the Governor on 20 March. This extended the terms of the earlier Amnesty Ordinance of 21 December, by extending a free pardon to all prisoners convicted and imprisoned for politically-motivated offences committed before 1 March 1980. According to

official sources, it was expected that "some hundreds" of prisoners would benefit from this measure but this appears to have been a gross underestimate. On 10 April, a week before independence, the Justice Ministry reported that more than 7,600 prisoners had been released under the Governor's amnesty programme, probably one third of whom were convicted political prisoners.

In March, the first steps were also taken to dismantle the system of so-called "protected villages". Since the beginning of guerrilla warfare in the early 1970s, some 200 of these fenced and fortified encampments had been established by the Rhodesian authorities in an attempt to prevent contact between the nationalist guerrillas and the African rural population. By the end of 1979 some 600,000 African civilians had been forcibly removed from their homes into "protected villages", to which they were usually restricted throughout the hours of darkness and in some cases also for much of the day. This situation was ended on 11 March, when all restrictions governing entry into or departure from "protected villages" were lifted; the inhabitants were told that they were free to move back to their former places of residence.

The significant improvements affecting human rights made during the seven weeks between the election and independence were introduced by the Governor in consultation with, and on behalf of, the incoming coalition government headed by the Prime Minister designate, Robert Mugabe. However, action was taken almost immediately after independence by the new government, several of whose leading members, including Robert Mugabe, were former prisoners of conscience adopted by Amnesty International. On 21 April President Canaan Banana, also a former prisoner of conscience, acting on the advice of the Cabinet, granted a further amnesty for prisoners who had been excluded in the Governor's amnesty of 20 March. As a result, a further 10,000 prisoners were reported to have been released by 25 April. However, one problem remaining at the end of the period under review was the continuation of the state of emergency, which had been renewed by the Governor in January, for a further six months.

Amnesty International continued throughout the year to campaign for the release of all prisoners of conscience and for a general amnesty for political prisoners. Substantial relief assistance was made available to individual prisoners of conscience and their dependants by the worldwide membership of Amnesty International. In April 1980 an Amnesty International representative attended the Zimbabwe independence celebrations at the invitation of the government of Prime Minister Robert Mugabe.

The Americas

Violations of human rights continued to be widespread in the Americas during the year covered by this Report -- 1 May 1979 to 30 April 1980. Torture, disappearances, arbitrary arrests and extrajudicial killings were reported in many countries in the region and especially in Argentina, Chile, El Salvador, Guatemala, Uruguay and Paraguay, where violations of human rights seem to be a permanent feature of government policy dealing with dissenting political groups or individuals.

Among the major concerns of Amnesty International were the political killings and disappearances carried out or acquiesced in by the governments of El Salvador and Guatemala, which led to thousands of deaths; the fate of "disappeared" people in Argentina, Brazil, Chile, Haiti and Mexico; the denial of trial to more than 600 people held in Argentina at the disposal of the National Executive Power (PEN), many of whom have been detained for more than four years without charge; use of the death penalty in the United States of America (USA), Barbados, Jamaica, Trinidad and Cuba. The responses of Amnesty International included a campaign on Guatemala, reports on Uruguay and Argentina and submissions on human rights violations in a number of countries to the United Nations and other intergovernmental organizations.

Amnesty International is dismayed at reports that refugees and workers without proper documents are subject to various forms of ill-treatment in several countries, among them: Haitians in the Dominican Republic, Colombians in Venezuela and Mexicans and Haitians in the USA. In the USA instances of police brutality, especially towards ethnic minorities, were severe and resulted in deaths. Amnesty International is concerned also about reports that Haitians arriving illegally in the USA were summarily sent back to Haiti, where some

were reportedly imprisoned and tortured. In December 1979 Amnesty International testified before a federal court in Miami, Florida, about human rights in Haiti in a legal case concerning the deportation of Haitian refugees.

In contrast to the high incidence of human rights violations in the region during the year, there were also important events that reflected a great and growing awareness of human rights issues. The new government in Nicaragua incorporated international human rights norms into its legislation. The issue of the death penalty received official attention during the year. Committees were set up in Barbados, Jamaica and Trinidad. Local human rights groups continued their work even under very difficult and dangerous circumstances, such as those in Argentina, El Salvador, Bolivia, Chile and Guatemala. There were several international meetings of human rights activists, such as the one organized in November 1979 in Quito, Ecuador, by the *Instituto Latinoamericano de Investigaciones Sociales* (ILDIS), Latin American Institute for Social Research, on the subject of human rights in Latin America, and the meeting organized by Amnesty International in San José, Costa Rica, in January 1980, to discuss continental action against torture, "disappearances" and extrajudicial killings. On the intergovernmental side, the Organization of American States (OAS) ratified the statutes of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, and produced reports of importance on Chile, Uruguay, Paraguay, El Salvador, Haiti and Argentina. Following growing international concern over the problem of "disappeared" prisoners, especially in Chile and Argentina, the United Nations set up a special working group to examine this issue and consider the implementation of emergency procedures. The Human Rights Committee, set up under the International Covenant on Civil and Political Rights, during its seventh session on 15 August 1979, for the first time concluded consideration of a communication submitted to it under the Optional Protocol. It was the Committee's view that the communication in question revealed a number of violations by Uruguay, the State Party involved, of the provisions of the Covenant. The communication concerned the case of José Luis Massera Lerena, an Amnesty International adopted prisoner of conscience.

The mission of Amnesty International to Colombia in January 1980 prompted an important public debate on and awareness of human rights in that country.

Amnesty International missions were sent also to the USA, Nicaragua, Guatemala, Bolivia, Mexico, Chile and Brazil.

Argentina

The concern of Amnesty International centred on the question of illegal deprivation of life and liberty and detention without trial. The rights to life, liberty and the security of person, and to a fair trial and due process of law continued to be systematically violated. Many of the abuses of human rights have resulted from the state of siege, now in its sixth year, which suspends all constitutional guarantees and gives the President extraordinary powers of arrest and detention. International pressure on the military government has, however, increased. In September 1979 the Inter-American Commission on Human Rights of the Organization of American States visited Argentina; the report of its findings was published on 11 April 1980.

There are an estimated 1,900 political prisoners. Amnesty International has taken up 300 prisoners for adoption or investigation. More than 1,000 prisoners are held in preventive detention by presidential decree *a la disposición del Poder Ejecutivo Nacional* (PEN), at the disposal of the national executive authority; no charges have been brought against them. Most of those adopted by Amnesty International as prisoners of conscience fall into this category. The remaining prisoners are awaiting trial on charges of subversion or have been sentenced by civilian or military tribunals. When challenged about prolonged and indeterminate detention the authorities claim that those detained under PEN are "terrorist delinquents" and a danger to national security. Argentinian lawyers have contested the right of the executive to keep prisoners indefinitely in preventive detention, arguing that it is unconstitutional. According to Article 23 of the constitution PEN prisoners are not to be punished, yet the conditions in which they are held are punitive. The President is not allowed to pass sentence (as this would mean he had taken upon himself the functions of the judiciary), yet many PEN prisoners have been detained for more than five years.

Other categories of prisoners detained under PEN include prisoners who have been tried but acquitted and prisoners who have been convicted but whose sentences have expired. There is substantial evidence that many prisoners have been subjected to cruel, inhuman and degrading treatment. In March 1980 Amnesty International campaigned on behalf of a particular prisoner of conscience, Gustavo

Westerkamp, who has been detained at the disposal of the executive power since 1975. Gustavo Westerkamp was tortured for two days while handcuffed and blindfolded. He was given electric shocks and beaten on the genitals with chains. His blindfold was sprayed with teargas, which caused burns about his eyes. He was left lying on the floor, and those who passed kicked him and spat and urinated on him. During a transfer in September 1976 from Villa Devoto Prison to Sierra Chica near Olavarría, Gustavo Westerkamp and other prisoners were brutally beaten. He was forced to sign a statement saying that the marks left on him were the result of an accident. At Sierra Chica, where in winter the temperature falls to minus 10°C, he was kept in an unheated cell with no glass in the window.

The Supreme Court has ruled that although the declaration of the state of siege is a political act beyond the judgment of the judiciary, it is the latter's responsibility to ensure that the state of siege is reasonably implemented by the executive power. In cases reaching the Supreme Court in which PEN prisoners have complained of the effective denial of the right to a fair trial, the Court has nonetheless found prolonged detention under PEN reasonable.

The state of siege has in effect been used to justify extensive arbitrary detention of many non-violent opponents of the military government such as trade unionists, officials of the ousted Peronist government, students, journalists and lawyers who had defended political prisoners.

Amnesty International continues to be concerned about the conditions in which prisoners are held. The *Asamblea Permanente por los Derechos Humanos*, Argentine Permanent Assembly for Human Rights — an unofficial body, created after the 1976 coup, composed of leading religious and political figures — in a letter to the Minister of Justice on 21 March 1980, reported that the prison system seemed designed to produce the "psychological destruction of the political prisoners". The Permanent Assembly stated that prisoners live in a state of permanent tension. The guards constantly and without warning change the regulations: an unfastened shirt button, sitting down, crossing one's legs or any other insignificant or trivial act may constitute sufficient motive to be set upon, insulted or sent to the punishment cell. The cells are insanitary, the quality and quantity of the food are inadequate (prisoners in Rawson maximum security prison, for example, show symptoms of avitaminosis — vitamin deficiency) and medical attention is deficient.

In 1979 and the early part of 1980 Amnesty International has interceded on behalf of several prisoners whose health has given cause for concern. On 26 February 1979 Amnesty International appealed for the release of Flavio Koutzii, a Brazilian national, who had been in

prison since 1975 and who was suffering from a serious heart condition and arterial hypertension. He was expelled from Argentina in June 1979; it is believed that the Brazilian Government had intervened in his case.

Amnesty International appeals were issued in July 1979 for Osvaldo Cambiasso, another prisoner who is gravely ill, asking for his release on humanitarian grounds. Despite the admission by the prison doctor that he cannot be adequately treated in the prison hospital in Rawson, Osvaldo Cambiasso has still not been released.

Amnesty International received many complaints regarding the "model prison" of Caseros in Buenos Aires. Although it is a modern building it has a number of features which may have an adverse effect on the physical and psychological health of the prisoners. At the time it was built psychiatric advisers, who had understood that the prison would be used only for common prisoners and as a transit jail, recommended that prisoners should in no circumstances be held there for more than three months, as serious mental problems might be caused. There are prisoners now in Caseros serving 20-year sentences or being held indefinitely in preventive detention. Prisoners spend 22 and a half hours of the day alone in small cells in to which sunlight and fresh air can enter only through bars near the ceiling with an opening of six centimetres. Prisoners are not allowed to exercise in the open air, nor are they allowed to do manual work or play sports. Recreation is taken in a room which has no windows. Many of those who have been adopted by Amnesty International are reported to show signs of stress. Amnesty International concurs with the conclusion of the Permanent Assembly in its letter to the Minister of Justice that "it is clear that the above conditions not only violate the elementary principles of humanity but also do not conform to the spirit and letter of Article 18 of the constitution nor with the international standards now in force".

Amnesty International continued to work on behalf of several refugees from neighbouring countries detained in Argentina. Most are under the protection of the United Nations High Commissioner for Refugees.

Foreign nationals detained without charge or whose sentence has expired may be deported to their country of origin — which for many would entail further political persecution — or they may be issued with an expulsion decree and allowed to go to another country of asylum. In March 1980 Amnesty International learned that expulsion decrees had been issued for the Uruguayan prisoners of conscience Adolfo Ricardo Campbell Martínez and his wife Marta Edith Lockhart Santellan, who have visas for Belgium; the order has now been put into effect. A Paraguayan prisoner of conscience, Juan de

Dios Acosta Mena, who was arrested in August 1976, was issued with an expulsion decree in November 1976 which was never implemented. He was sentenced by a military court to three years' imprisonment, a term which he has now served. He has had a visa for Switzerland for several years.

An increasing number of prisoners of conscience are being released into *libertad vigilada*, restricted liberty, which may entail some or all of the following restrictions: weekly reporting to police; no association with former political or professional colleagues; no attendance at public meetings (this may be taken to include a visit to a cinema); confinement to a specified part of the country. *Libertad vigilada* is imposed for an initial period of six months at the end of which time a prisoner may be granted complete freedom. In January 1980 the prisoner of conscience Victor Carlos Marchesini was the focus of an Amnesty International campaign. Dr Marchesini, a 49-year-old lawyer and secondary school teacher had been in prison for more than three years without being charged. The authorities had given as one reason for his continued detention the fact that he had defended "subversive elements". In April 1980 Amnesty International learned that Dr Marchesini had been released from La Plata prison into *libertad vigilada*.

Most of the 60 prisoners adopted as prisoners of conscience or under investigation by Amnesty International were released during the year and have gone into exile. Among them was former President Héctor Cámpora, who was finally given safe conduct by the Argentinian authorities on the grounds of serious ill-health, and who was allowed to leave the Mexican Embassy in Buenos Aires where he had taken refuge on the day of the coup, 24 March 1976. He is now living in Mexico. Jacobo Timerman, editor of *La Opinión*, was released from house arrest on the order of the Supreme Court in September 1979; he is now in Israel. Jacobo Timerman was stripped of his Argentine citizenship.

In its work for prisoners of conscience detained without charge at the disposal of the executive power Amnesty International has frequently protested to the authorities against both their failure to release the prisoners unconditionally and their refusal to implement the right of option, which is enshrined in Article 23 of the constitution and entitles any citizen detained under PEN to go into exile as an alternative to imprisonment. After the military take-over in March 1976 this right was first suspended and then re-introduced in a highly restricted form. Thus, what was formerly an unconditional right has been converted unconstitutionally into a discretionary power of the President.

In April 1980 Amnesty International launched a campaign

highlighting the problems resulting from the many obstacles and arbitrary delays in the granting of the right of option to prisoners on whose behalf the national sections of Amnesty International had obtained certificates of entry. The case of María de las Esperanzas Beltramino de Loto is an example: she and her husband Daniel Roberto Loto were arrested in September 1975. She was placed at the disposal of the executive power, but her husband "disappeared". She was issued with a "certificate of acceptability" by the United States of America (USA), under the Hemispheric Parole Program, after having been interviewed by a consular official. In early January 1980 the Argentine authorities announced that María Beltramino de Loto had been granted the right of option. A few weeks later the USA Embassy was informed that the Argentinian Government had "reconsidered" her case and her option approval had been "rescinded". No explanation was offered. This decision and the limitation of the right of option for other prisoners were contrary to the assurance given by President Videla to members of the Inter-American Commission on Human Rights of the Organization of American States (OAS) during their mission to Argentina in September 1979 that "in future it would be more generous and offered more expeditiously".

Many political prisoners charged with crimes of subversion have been brought before military tribunals, which have generally handed down heavy prison sentences. In November 1979 Amnesty International made urgent appeals on behalf of Victor Ruben Porter Holzman, a 22-year-old seized on 2 November in Buenos Aires. During his incommunicado detention he was allegedly tortured. His arrest, however, was officially acknowledged a week later. In January 1980 he was sentenced by a military tribunal to 11 years' imprisonment on a charge of having links with the *Montoneros*, a Peronist-based revolutionary organization. There can be little confidence that the military courts, which afford political defendants inadequate safeguards and deny them the right of defence by civilian lawyers, give any guarantee of a fair and impartial trial.

Amnesty International continued to give priority to work on behalf of prisoners who "disappeared" after arrest by the authorities. On 20 June 1979 it released a computer list of 2,665 documented cases of "disappearance". Four representatives of the Mothers of the Plaza de Mayo, a movement of relatives of "disappeared" people who were in Europe to appeal for international support for their campaign for information about their missing sons and daughters, participated in the Amnesty International news conference in London. A revised computer list consisting of more than 3,600 cases was released in March 1980. Copies of both lists were sent to the authorities calling them to account for those people registered as missing.

For the International Year of the Child, Amnesty International groups campaigned particularly on behalf of the Missing Children of Argentina. Most had "disappeared" after the arrest of their parents. Evidence suggested that many had been sent to orphanages or illegally adopted. Two Uruguayan children, Anatole and Victoria Eva Julien Grisonas, who "disappeared" in Buenos Aires in September 1976, were located in July 1979, living with adoptive parents in Chile. In March 1980, Amnesty International received confirmation that two other children had been traced. Tatiana Ruarte Britos and her sister Laura Malena Jotar Britos, abducted in 1977 with their parents at the ages of four years and two months respectively, were identified by a Juvenile Magistrate in San Martín, Province of Buenos Aires, just as formalities for their legal adoption were being finalized.

The campaign on behalf of the Missing Children of Argentina included appeals for information about adolescents who had "disappeared" after arrest. Some had belonged to the Union of Secondary Students or had participated in occupations of schools in 1973. Pablo Enrique Fernández Meijide, aged 17, was arrested at his parents' home in Buenos Aires in October 1976. He was a pupil at the *Colegio Nacional de Vicente López*. That same evening three of his school friends aged between 17 and 18 were abducted also.

On 12 September 1979 the government brought into effect a new law which allows all those who have been reported missing during the past five years to be declared dead: Law 22068 on the Presumption of Death because of Disappearance. The OAS report commented that Law 22068, while implicitly recognizing the problem of missing people, fails to deal with the "fundamental question: whether these persons are still alive or have died. If they are alive, it is necessary to know where they are; if they have died, it is necessary to know where, when and under what circumstances they lost their lives and where their remains are buried." One aspect of Law 22068 which has caused great concern is that the state can seek a declaration of presumed death despite opposition from the family. Once a judicial ruling has been made the relatives of a missing person may not bring a criminal action or initiate *habeas corpus* proceedings to investigate the "disappearance". In December 1979 Amnesty International wrote to members of the Supreme Court to express concern at the possible effects of the new legislation.

More testimonies from individuals illegally deprived of their liberty were given to Amnesty International, which in August 1979 submitted to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities the testimony of Estrella Iglesias and Cecilia Vázquez de Lutzky who had been held incommunicado as "disappeared" prisoners in the Infantry Regiment of La

Tablada in Buenos Aires for three months, after their abduction in July and August 1978. They testified that they had been detained with 22 other people, who had been abducted during the same period but about whom the authorities persistently denied that they had any information. Among the prisoners in La Tablada were the lawyer Abraham Hochman and the psychologist Beatriz Perosio. Estrella Iglesias had been moved to an official prison in November 1978 after a personal intervention on her behalf by the King of Spain. She was released into exile in May 1979. Amnesty International adopted all 22 prisoners in La Tablada as prisoners of conscience. Despite appeals to the government, no information on their present whereabouts has been forthcoming.

On 27 February 1980 Amnesty International published *Testimony on Secret Detention Camps in Argentina*, the testimony of two men, Oscar Alfredo González and Horacio Cid de la Paz, who had been detained for approximately 15 months in five camps. They testified how politically motivated abductions were supervised in meticulous detail by members of various branches of Argentina's military and police forces. Torture and interrogation were used systematically. Some of the prisoners died under torture or from untreated wounds, infection or suicide. The relatives were never informed nor were the bodies returned to them for burial. The majority were "transferred", a term understood by the survivors to mean summary execution. In February 1980 the government denied that it had set up secret camps for political prisoners and for suspected "subversives".

Other important testimonies have been received corroborating many of the details supplied by these witnesses. In October 1979 three women, Ana María Martí, María Alicia de Pirles and Sara Solarz de Osatinsky published their account of their two years' imprisonment as *"desaparecidas"* in the *Escuela de Mecánica de la Armada* (ESMA); the principal naval training college in Buenos Aires. One of the most horrifying aspects of their testimony is the revelation that ESMA was used as the "maternity unit" of secret detention camps in the capital. Pregnant women who survived the torture were taken to have their babies in a special wing. They were attended by a doctor from the Naval Hospital. Once the baby was born the mothers were usually "transferred". It has been reported that some of the babies were given to childless couples in the armed forces. In March 1980 Amnesty International urgently requested information from the authorities about the fate of 64 children apparently born to prisoners in such circumstances.

On 11 April 1980 the Swedish Government, after three years of diplomatic efforts to resolve the case of Dagmar Hagelin, publicly rejected the assertion by the Argentinian Government that she was

not in their custody. Ola Ullsten, the Foreign Minister, stated that the Swedish Government had definite evidence that Dagmar Hagelin had been taken to the detention centre of the ESMA after her abduction on 27 January 1977. A former prisoner and friend of Dagmar Hagelin, Norma Susana Burgos, testified that she had seen the young Swedish girl in ESMA and that she had been wounded. The practice of abduction, although less frequent, has not been stopped. Between April 1979 and March 1980 Amnesty International intervened on behalf of more than 50 individuals who had "disappeared": 14 new cases were reported in the first quarter of 1980.

These testimonies, together with the testimony of Graciela Geuna who was held in La Perla Camp in Córdoba for 21 months in similar conditions, will be submitted to the newly-created working group on disappearances which was set up by the United Nations Commission on Human Rights after its session in February 1980.

The OAS mission of inquiry in the conclusion to its report confirmed the accuracy of allegations that "disappeared" prisoners were summarily executed by members of the armed forces: "due to the actions or the failure to act on the part of the governmental authorities and their agents, numerous serious violations of fundamental human rights were committed in the Republic of Argentina between the period covered by this report 1975-1979 . . . persons belonging to or connected with government security agencies have killed numerous men and women subsequent to their being placed in detention" (Report of the Inter-American Commission on Human Rights). On 24 January 1980 General Santiago Omar Riveros, a former senior officer in the Argentine Army, confirmed these conclusions by acknowledging, in a speech in Washington, the collective responsibility of the armed forces for the abuses: "we made war with the doctrine [of national security] in our hands, on the written orders of our superiors, we never needed paramilitary organizations . . . we had a surplus of our own forces . . . in an unconventional war".

In March 1976 the military reintroduced the death penalty, which had been abolished in 1972; however, few death sentences have been handed down. Amnesty International interceded on 21 November 1979 on behalf of Daniel Pose, a non-commissioned officer convicted of murder and sentenced to death. An appeal is pending in the Supreme Court. Amnesty International knows of only one political prisoner sentenced to death — Eduardo Porta, who was arrested in Córdoba in 1977 and sentenced to death by a military tribunal in 1978. He has lodged an appeal.

On 3 April 1980 the authorities announced that they were contemplating an amendment to the penal code to establish the death penalty as an alternative to life imprisonment.

Amnesty International frequently protested against the harassment and arrest of people actively engaged in human rights work in Argentina during 1979 and 1980. On 13 August 1979 it called upon the government to stop the harassment of human rights organizations. The appeal followed the security agents' raid, on 10 August 1979, on the Buenos Aires offices of three leading human rights organizations, during which documents on missing people were confiscated. Amnesty International stated that the raids were intended to prevent or discourage people from presenting testimonies on arrests and abductions to the OAS mission of inquiry. On 21 March 1980 it sent a cable to President Videla after a group of 30 relatives of missing people were arrested by police in the Plaza de Mayo in Buenos Aires. These relatives had gone to the square on 20 March to request an audience with the President to obtain information on the fate of the "disappeared" prisoners. Four representatives were allowed to hand over a petition to an official in Government House: when they had left the building they and those waiting in the square were arrested. They were detained in a nearby police station for almost 30 hours. Amnesty International received reliable reports that one mother had been admitted to hospital after being beaten by a police officer.

On 30 January 1980 the police raided the Mendoza office of the human rights organization, *Liga Argentina por los Derechos del Hombre*, the Argentine League for the Rights of Man, and claimed that it had found explosives and subversive literature on the premises. This was denied by the organization, which stated that the material had been planted. Amnesty International adopted as prisoners of conscience two members of the Mendoza branch of the *Liga* who were arrested and subsequently charged with subversion: Marta Rosa Agüero and Albino Pérez. The latter had started to work with the *Liga* after the abduction of three members of his family in 1976.

In December 1979, Robert Cox, the British editor of the English language newspaper, *The Buenos Aires Herald*, which had consistently reported human rights violations, was forced to leave Argentina with his family after receiving a series of death threats.

During the year Amnesty International submitted details of human rights violations in Argentina to the Inter-Parliamentary Union, the United Nations and the OAS.

Bolivia

The major concerns of Amnesty International were political killings and torture. Political instability led to renewed bloodshed during the year. Amnesty International was concerned about acts of violence perpetrated by members of the army against the civilian population, particularly against trade unionists. In July 1979 the military government of General David Padilla stepped down and allowed elections to take place. As no civilian candidate had an overall majority, Walter Guevara Arce took over as caretaker president until new elections could be held in 1980. His government was ousted in a violent, but short-lived coup in November 1979, led by Colonel Alberto Natusch Busch, in which as many as 200 unarmed civilians were killed by the army. After only two weeks in power Colonel Natusch Busch was forced to stand down and another civilian caretaker President, Lidia Gueiler, was installed.

On 7 November 1979 Amnesty International protested to the military commanders about these deaths, calling for the immediate release of trade unionists, Liber Forti and Simón Reyes, who had been arrested on the day of the coup.

On 25 March 1980 Amnesty International urged the President to initiate an inquiry into the brutal murder of Jesuit priest Luis Espinal and expressed its concern that his death signalled the start of a campaign of politically motivated killings. According to reports, a death list of suspected left-wing sympathizers and trade union leaders had been drawn up and many people had been threatened.

Father Espinal, an outspoken critic of the right-wing military and of former President Banzer, was found dead on 22 March 1980, bound and gagged. He had been shot several times and the Medical College of La Paz confirmed that he had been tortured. Father Espinal, who was born in Spain but adopted Bolivian nationality, was a member of the Bolivian Permanent Assembly for Human Rights and founder of the moderate left-wing weekly magazine *Aqui*, whose offices had been bombed several weeks earlier.

The murder of Father Espinal prompted protests by the trade unions and caused the resignation of the Minister of the Interior who accused the right wing of carrying out a destabilization campaign to provoke another military coup. The Minister of the Interior alleged

that the army intelligence service had raided his offices in March, removed documentation and detained and tortured four officials.

Brazil

The concerns of Amnesty International were political killings, "disappearances" and torture. These concerns have, however, altered during the year. This alteration has resulted from reforms to the Law of National Security, which took effect in January 1979 and reduced penalties for crimes of subversion, and from an amnesty formally approved in August 1979. Although both measures fell short of opposition demands for a general amnesty and the dismantling of the law of national security, they have nevertheless brought about in the space of one year the release of most political prisoners and the return of most exiles. The amnesty immediately benefited 14 Amnesty International adopted prisoners of conscience.

On 24 August 1979 Amnesty International cabled President João Baptista de Oliveira Figueiredo to welcome the amnesty as "a positive step towards a return to the rule of law in Brazil", and urged President Figueiredo to consider granting a pardon to those prisoners and exiles who had been excluded. It reaffirmed the hope that the problem of the "disappeared" prisoners would be investigated by a special commission of inquiry. In March 1979 it had submitted a list of about 60 cases of people who had "disappeared" after arrest, many of whom were believed, on the basis of sworn testimonies, to have died under torture in official custody.

In September 1979 Amnesty International began a campaign on behalf of 30 political prisoners (out of a total of 56) who would be excluded from the amnesty because they had been convicted of crimes of violence. Although most of these prisoners could not be considered for adoption as prisoners of conscience, many had been subjected to torture and unfair trials. Amnesty International made a special appeal for their release on humanitarian grounds in accordance with Article 2(1) of its statute which states that Amnesty International shall "promote and support the granting of general amnesties of which the beneficiaries will include prisoners of conscience". Political prisoners throughout the country staged hunger-strikes in protest at the

arbitrary terms of the amnesty and Amnesty International interceded with the authorities on their behalf. In August 1979, it sent telegrams urging the authorities to review the cases of 14 political prisoners in Rio de Janeiro who had gone on hunger-strike in July 1979. Rholine Sonde Cavalcanti and Luciano Almeida, who were prisoners in the Itamaracá penitentiary in northeast Brazil and who had originally been sentenced to life imprisonment plus 65 years and 80 years respectively, began a hunger-strike in December 1979. Their health deteriorated seriously and in January 1980 Amnesty International appealed to the authorities to speed up the process of review. By April 1980 all but one prisoner had been given conditional freedom after *readequação das penas*, a review of the cases, by the Superior Military Tribunal. The remaining political prisoner, José Francisco Sales de Oliveira, is expected to be released in May 1980.

In the past year there have been relatively few arrests. Those that have occurred have led to short-term detentions after a strike or a political demonstration. Police violence was responsible for the death of a number of strikers. In October 1979 Santo Dias da Silva was shot dead by the police. He was a well-known and respected member of the Roman Catholic Church labour commission in São Paulo. His death gave rise to fears that union activists might increasingly become targets of repression. These fears were substantiated in April 1980, when the president of the São Bernardo metalworkers' union, Luis Ignacio da Silva, and 16 union officials from São Bernardo and Santo André were arrested after a strike by metalworkers in São Paulo had been declared illegal by an industrial court. One of the chief objectives of the strike had been to achieve job security for workers in the car industry. On 28 April 1980 Amnesty International, in telegrams to the authorities, expressed concern that the trade unionists had been held incommunicado in the São Paulo police headquarters, *Departamento de Ordem Política e Social* (DOPS), the Department of Political and Social Order, and deplored the fact that they had been charged under Article 36 of the Law of National Security, which punishes "incitement to strike" with a sentence of from two to 12 years' imprisonment for the non-violent exercise of legitimate trade union rights. All the amnestied trade unionists were subsequently released on bail. It is not known whether they will be brought to trial.

Although Amnesty International has received no allegations of torture in connection with these last mentioned arrests, it would be incorrect to assume that torture has ceased to be a problem. The Roman Catholic weekly newspaper, *O São Paulo*, in an editorial in its issue of 15/21 February 1980, stated that: "The enormous abuses which still exist are perpetrated against common prisoners". According to the paper, suspects when arrested soon come to know "the routine

practice in our police stations. *Pau-de-arara*, electric shocks, beatings, blows and kicks . . . impunity engenders the practice of torture".

One recent example of the routine brutality was described in a letter printed in the left-wing paper *Reporter* in April 1980. Two workers, Adão Rosa, aged 56, and Alfredo Henrique Batista, aged 34, were arrested by military police on 5 March 1980 after having failed to pay for a drink in a bar. They were taken to a barracks in Vila Americana, Volta Redonda, and there tied up; their mouths were forced open and a truncheon was rammed down their throats. They were beaten about the ribs, head and chest. The military police officers eventually took them to hospital but on the way beat them again. Adão Rosa lost his spleen and his liver was perforated. Alfredo Henrique Batista's spinal column was injured and he suffered serious bruising to his throat and oesophagus.

In February 1980 Dr Tomas B. Ferreira, a member of the Amnesty International Canadian Medical Group involved in the Campaign for the Abolition of Torture, visited Brazil to attend disciplinary hearings of physician Dr Harry Shibata, the head of the São Paulo Medical Legal Institute, which supervises all forensic medical work in the city of São Paulo. Dr Shibata was accused of signing two false medical certificates. One of the complaints before the Medical Council concerns the case of Vladimir Herzog, the Brazilian journalist who died on 25 October 1975, hours after presenting himself for questioning at the *Departamento de Operações de Informações — Coordenação da Defesa Interna* (DOI-CODI), the Army Intelligence headquarters. Dr Shibata signed a death certificate giving suicide as the cause of death, but pictures of Vladimir Herzog's body taken by the police led medical experts to challenge this verdict. During this mission Dr Ferreira obtained information on another 10 cases of physicians accused of similar malpractices. The result of confidential deliberation by the Medical Council is not yet known.

The Roman Catholic Church land commission has reported that squatters and small-holders in rural areas, mostly in the Amazonia region, are being systematically tortured, detained and flogged as a means of forcing them to leave their property. Similar practices affect Indians. In December 1979 and January 1980 two Indian chiefs, Ângelo Pereira Xavier and Ângelo Kertã, were killed. Both had protested about unlawful invasion by large companies of Indian lands.

Chile

There was a marked deterioration in the human rights situation during the year. The major concerns of Amnesty International were political killings, political imprisonment and torture. There were many arbitrary detentions, allegations of torture and harassment of trade unionists, members of youth organizations, human rights activists, members of church organizations, political opponents and the poor. Amnesty International issued numerous appeals concerning such cases, prepared and distributed information about its concerns in Chile and submitted information to appropriate inter-governmental and non-governmental organizations.

The government has stated several times that its new constitution, currently being drafted without participation of or consultation with independent lawyers, will have no place for political parties. A group of independent lawyers, known as the Group of 24, which prepared alternative texts for the constitution has been harassed and forbidden to hold public meetings. The new labour code has been enforced amid strong criticism from the few remaining independent trade union federations. Several trade union leaders have been arrested and charged with involving themselves in politics because they signed a petition concerning the "disappeared" prisoners whose bodies were found in Lonquén.

On 7 February 1980 the state of emergency was again renewed — this has taken place as a matter of routine every six months since 1973, when President Pinochet came to power as a result of a coup. All political parties remain banned and, according to Decree 3177 of 9 February 1980, all political activity connected with the banned political parties is to be considered an offence under the jurisdiction of ordinary courts. Before this decree was promulgated, this type of offence was dealt with by the Court of Appeal. Independent lawyers consider ordinary courts to be even less independent from the executive than the Court of Appeal, and delays are longer.

During the year two other decree laws were promulgated which further restrict the right to defence and fair trial of political detainees. Decree Law 2621 of 28 April 1979, the so-called Anti-Terrorist Law, amends articles of the Law of Internal State Security, the Penal Code and the Code of Penal Procedure. The law has been widely

criticized by members of the legal profession on legal and political grounds because it assumes an organization is illegal if one or more of its members — even if they were not acting in their capacity as members of that organization — commits an offence under the law. The Minister of Justice stated that "organizations of all kinds will, therefore, have to take care not to admit to membership people performing such acts, since all their members will be brought to trial as constituting an illegal organization, an offence which exists by the mere fact of having formed such an organization, and will be required to prove whether or not they are innocent". This directly contravenes Article 11 of the Universal Declaration of Human Rights, which states that a person shall be assumed innocent until proved guilty. The United Nations Special Rapporteur on Chile, in his report on the protection of human rights in Chile published on 21 November 1979, concluded his examination of the law as follows:

> "Decree Law 2621, which was apparently promulgated in order to combat terrorism, contains elements which may transform it into an instrument for violating human rights. In particular, it affects the right of persons to be presumed innocent until they are proved guilty, the right of association, and the right of a person not to be subjected to arbitrary interference with his privacy, or to unlawful attacks on his honour and reputation. The possible social implications of this legislation for community life in Chile are particularly serious in view of the intimidating nature of its provisions as they were explained to the population by the Minister of Justice."

On 6 February 1980 Decree Law 3168 was promulgated which gave the Minister of the Interior power to order the detention of people for up to five days and to assign them to residence in remote areas for disturbing public order or for attempting to disturb public order, without any rights to defence, trial or appeal. This decree gives the government powers under the present state of emergency that it formerly had only under the state of siege. To avoid the possibility that the Supreme Court might deem this decree law unconstitutional, the junta invoked legislative powers which it had assumed after the coup of 1973. Furthermore, arrests under Decree Law 3168 are not under the control of the *Contraloría General de la República*, the public body that oversees state administrative procedures.

Decree Law 3168 was applied to people who demonstrated peacefully on 8 March 1980, International Women's Day. Hundreds of demonstrators took to the streets for a rally organized by the women's section of the *Coordinadora Nacional Sindical* (CNS), the National Trade Union Coordinating Body. The CNS had requested

permission for the march from the government but had been refused because of the "political intention" of the rally. Peaceful demonstrations took place in Chile's main cities, Santiago, Concepción and Valparaíso. The police detained more than a hundred people in Santiago and 26 in Valparaíso. Detainees were reportedly subjected to interrogation by the *Central Nacional de Informaciones* (CNI), the National Centre of Information, as the secret police are now called, and kept incommunicado for five days.

On 13 March the Minister of the Interior announced that 12 of the detainees were to be banished by order of President Pinochet, each for a period of three months, to remote villages in the far north or south of Chile. The other detainees were released "under observation". They, too, may be banished if they are detained again as a result of participating in any sort of protest; the people who were banished were referred to as "repeated offenders".

Towards the end of March 1980 the Minister of the Interior stated that a further five people who had been arrested on 8 March were to be banished. The five people concerned had been freed "under observation" but "new evidence" made it necessary to banish them.

Amnesty International believed that those restricted under Decree Law 3168 were prisoners of conscience and appealed to the government for their immediate and unconditional release.

In June 1979 the magazine *Hoy* was banned for two months after having published a statement made by the Special Investigating Judge appointed to look into the case of bodies found at Lonquén. The government stated that the reason for the banning was the planned publication of interviews with exiled leaders of the Socialist Party. The measure was taken by the military commander of the Santiago area under the state of emergency.

During 1979 the *Comité Pro Retorno* was formed by relatives of those exiled with the purpose of campaigning for their return in accordance with various international agreements to which Chile is a signatory, for example, the United Nations Universal Declaration of Human Rights and the United Nations International Covenant on Civil and Political Rights. Individuals applying to return to Chile have been refused re-entry, often without any apparent motive, since many of them left voluntarily and were not involved in any political activity abroad.

Between 1,500 and 2,000 people were arrested for political reasons during 1979 and at the beginning of 1980, mostly for participating in public and peaceful demonstrations, still systematically forbidden by the government. Several hundreds were arrested in their homes, at their places of work or in public places by members of the security forces who commonly took them to secret detention centres where

they were interrogated and tortured or suffered other forms of ill-treatment, and then released a few days later.

An Amnesty International survey of some 1,500 detentions during 1979 reveals that most of those arrested by the CNI or by armed civilians (who probably belong to the CNI) were taken to secret places of detention and tortured by, among other methods, electric shock, suspension and severe beatings.

The government attempted to prevent a large turnout on Labour Day 1979, by means of short-term arrests in the preceding weeks and many arrests on the day. However, more than 10,000 people took to the streets. Many of those arrested were severely ill-treated and some tortured, by methods including electric shock. Most were released after a few days, although 57 were detained for several weeks. Twelve who had been arrested in or near the San Francisco church in Santiago were accused of *agresión contra carabineros*, aggression against police officers, and after torture and interrogation were sent to the *Cárcel Pública*, Public Prison. After internal and international pressure, including a hunger-strike by relatives in Santiago, they were released on bail and finally acquitted.

On 28 May 1979 José Nazario Reyes Valenzuela was arrested, put into the boot of a taxi and taken to a secret place where he was held in a windowless room only 1.6 metres square. There he was stripped, suspended and constantly given electric shocks. He was interrogated about his alleged connection with the *Vicaría de la Solidaridad*, a human rights organization of the Chilean Roman Catholic Church. He was released without charge on 4 June.

Another victim (whose name is withheld by Amnesty International) was arrested in April 1979. He testifies:

> "During my interrogation they applied electricity to me through the *parrilla*, metal bed frame. They applied electricity to my tongue, ears, genitals, hands, head and feet... later... they took me to another room where once again they stripped me completely and sat me down in a chair the arms of which were made of metal. This time they applied electricity to my hands and pounded me on the face."

He stated that a doctor was present to observe his reactions and to assess his level of physical resistance.

Amnesty International has received dozens of detailed testimonies of torture during the past year. In January 1980 a submission was made on this subject to the Rapporteur on the state of human rights in Chile of the United Nations Commission on Human Rights. Despite the fact that many *recursos de amparo*, a procedure similar to *habeas corpus*, containing allegations of torture are filed with the Court of

Appeal in Santiago and other Chilean cities, no action has yet been taken by the government to remedy this serious violation of the right of Chilean people to be protected against cruel, degrading or inhuman treatment by law enforcement agencies.

This inaction on the part of the government and the courts resulted in the death of a teacher, Federico Alvarez Santibáñez, who was detained and tortured by the CNI. Federico Alvarez died while the granting of a *recurso de amparo* was delayed in the courts. He was detained on 15 August 1979 by a police officer while distributing pamphlets. After being treated for lesions of a minor nature he was taken by members of the CNI to one of their units and held until 20 August. He was then placed at the disposition of the *Primera Fiscalia Militar de Santiago*, Santiago First Military Court. After interrogation the court ordered him to be detained incommunicado in the Santiago Penitentiary's infirmary because of his condition. When that deteriorated, the duty doctor ordered him to be taken to the central emergency hospital, where he died at 6.50 am on 21 August. The post-mortem examination found the cause of death to be a complex fracture of the skull and that complications included aspiration of blood, final incipient bilateral bronchopneumonia and final aspiration of vomit. The fracture of the skull was produced by a direct blow and there was no evidence of self-wounding. *Ministro en Visita*, Special Investigating Judge, Alberto Chaigneau, submitted a report which concluded that "at this stage of the process, it can be presumed that the investigated facts constitute a crime of homicide in which it is necessary to accuse as co-authors the functionary of the *carabineros*, uniformed police, who carried out the arrest and the functionaries of the CNI who submitted him to interrogations, and, as an accessory after the fact, the doctor who provided a certificate stating that Alvarez Santibáñez was in a good state of health when he left the said CNI institution".

Although it is not the policy of Amnesty International to request specific forms of punishment, it believes that individual responsibility for serious violations of human rights should be established under the law of the country. The medical groups of Amnesty International were also particularly concerned that a physician failed to follow the code of professional ethics in making a false statement on the health of Alvarez Santibañez and asked its medical groups to express their concern.

The unlawful activities of the CNI are also responsible for several unexplained deaths of political opponents of the government. Police allege that Alberto Salazar Briceño and Iris Yolanda Vega were killed when a bomb they were carrying exploded accidentally. Reports suggest, however, that the couple had been arrested two days before

and were in police custody at the time they were killed.

Further confirmation of the methods used by the CNI to eliminate potential opponents was provided by the death of Daniel Acuña who, according to the police, committed suicide by exploding a bomb while they were attempting to arrest him. The official explanation of the death of this venerable socialist leader was sufficiently incredible, and the material evidence so overwhelmingly against it, that a Special Investigating Judge was appointed. Because there was the evidence of unlawful killing by the military the judge soon declared herself incompetent. A military judge is now dealing with the case.

Short-term detentions and harassment of political leaders and trade unionists were common during the year. At the end of November 1979, 46 members of the banned Christian Democrat Party were detained, a seminar on the rights of youth was forbidden and invited foreign delegates were expelled or prevented from entering the country. In November 1979 alone Amnesty International estimates that more than 600 people were detained, mostly from shanty towns in Santiago, while police were allegedly looking for members of the *Movimiento de Izquierda Revolucionaria* (MIR), the Movement of the Revolutionary Left, banned since 1973.

In April 1980, 12 peasant leaders were detained on the grounds that they were planning agitation for 1 May. Juan Jara, the leader of the taxi-drivers' union, was also detained and held for several days for criticizing the government's economic policy.

On 16 April 1980 it was announced that the Supreme Court had upheld the acquittal of eight *carabineros* who murdered 14 peasants shortly after the 1973 coup — bodies had been discovered at the end of 1978 in a mine in Lonquén. The court ratified the ruling of a military tribunal which in 1979 declared that the eight *carabineros* were protected by the Amnesty Law of April 1978 — a law benefiting those who committed crimes between September 1973 and March 1978.

Since 1973 the government has disregarded the interests and feelings of the relatives of disappeared prisoners. In September 1979 the Military Court announced that the bodies found in Lonquén would be returned to their families. The relatives then received the news that their dead had been buried secretly. The Cardinal of Santiago immediately issued a condemnation stating "human dignity has been violated in the most extreme manner".

In October 1979, 18 bodies were found in a secret grave in the cemetery at Yumbel near Concepción. It has now been established that they were workers from a paper factory, teachers and railway workers from Laja and San Rosendo, who had been detained by the police in September 1973 or had gone voluntarily to the police station

accompanied by priests. The explanation of the government that "disappearances" were the result of civil war was again offered, but all the evidence shows that the victims were "unarmed, handcuffed and adequately guarded". They were taken from the police station to be transferred, it was stated, to the Los Angeles Regiment's political prisoners' camp. They never arrived there, but were killed and secretly buried, remaining "disappeared" until the discovery and identification of their bodies at the end of 1979.

Other secret graves have been discovered in Mulchén in the Eighth Region of Chile and other places; unmarked graves in site 29 of Santiago Cemetery are believed to contain more than 300 bodies, many of which may be those of "disappeared" prisoners.

During the year threats were made on several occasions against members of the *Agrupación de Familiares de Presos Desaparecidos*, Association of Relatives of Disappeared Prisoners, by a group calling itself the *Comando Carevic*, named after a police officer who died while allegedly dismantling a bomb left in Santiago by "terrorists". This appears to be a right-wing group, and has so far done no more than make threats. Other reports of harassment of relatives of "disappeared" prisoners are common. In August 1979 Amnesty International appealed for the protection of the safety of the wife of a "disappeared" prisoner, Pedro Silva Bustos, after she had received a death threat signed by *Comando Carevic*. Amnesty International requested the Chilean Government to take steps to end the illegal activities of the *Comando Carevic*.

Colombia

The concerns of Amnesty International were: the lack of effective protection of human rights curtailed by emergency measures such as the prolonged state of siege and the Security Statute; the denial of the right of defence before military tribunals; arrest and detention procedures; human rights violations in peasant and Indian territories; the imprisonment of trade unionists and professional people; the widespread use of torture.

Throughout most of 1979 Amnesty International received allegations of large-scale political arrests, the infliction of torture, inadequate

defence guarantees in trials of civilians before military tribunals and the use of emergency legislation that led to serious violations of the human rights of trade unionists, peasants, professional people and Indians.

An Amnesty International mission visited Colombia from 15 to 31 January 1980. It submitted recommendations to the government on 1 April 1980. The mission met President Julio César Turbay Ayala, Supreme Court magistrates, members of parliament, military authorities and members of professional associations, human rights groups, trade unions, peasant and indigenous organizations, and political parties and social movements. The mission, which also visited 11 prisons in seven cities and met more than 400 political prisoners, concluded that political prisoners were being systematically tortured in military installations in Colombia. The mission identified 33 centres where torture had been reported, including the *Cuevas de Sacromonte*, Caves of Sacromonte, and the *Escuela de Caballería*, the Cavalry School, in the Usaquén, Cundimarca area and *La Remonta* and the *Batallón Pichincha* in Cali, Valle del Cauca. Numerous methods of torture, ranging from the psychological to beatings, burning, the use of drugs and electric shock were reported to the mission.

The recommendations to the government, which were published in full in major Colombian newspapers, dealt with the main Amnesty International concerns.

The effective protection of human rights: The system of emergency measures including the prolonged state of siege which has been in force almost continuously since 9 November 1949, the Security Statute of 6 September 1978 and related decree laws and the use of Article 28 of the constitution which permits detention without charge for up to 10 days, had produced a quasi-permanent suspension of the human rights guarantees enshrined in the Colombian constitution and in international agreements to which the country is a signatory. Amnesty International urged the government to consider lifting the state of siege "since its virtually permanent imposition, the manner in which it has been employed, the ends to which it has been directed and the decree laws to which it has given rise have contributed to the present upsurge of human rights violations in Colombia". It also recommended the repeal of the Security Statute under which a wide range of actions and offences including the ill-defined charge of "disturbance of public order" are placed under military jurisdiction. It called for specific safeguards to protect people detained under Article 28 of the Colombian constitution.

The right to defence before military tribunals: It recommended that civilians no longer be tried by military courts, in which the

military constitute both judge and prosecutor, often in mass trials conducted as special *Consejos verbales de guerra*, Oral Courts Martial. Normal defence rights are denied and a number of defence lawyers have been imprisoned or threatened.

Arrest and detention procedures: The mission noted that arrest and detention procedures were indiscriminate and lacked effective guarantees against arbitrary detention. Prisoners have been held in military installations beyond ordinary judicial control. Amnesty International called for a high-level review of these procedures by either the Council of State or the Supreme Court, with a view to establishing effective independent structures, capable of investigating the legality of every detention.

Torture: A series of recommendations intended to end widespread torture of prisoners was submitted. These included the creation of commissions, including independent doctors and lawyers, to investigate allegations of torture and to report publicly on their findings; new instructions on interrogation procedures to be issued to the military and police; allowing detainees to contact their lawyers and families within 24 hours of arrest and thereafter; regular medical examinations; indemnities to torture victims. It recommended also the rigorous application of the principle that statements or confessions obtained under torture should be inadmissible as evidence; strict adherence to the United Nations Standard Minimum Rules for the Treatment of Prisoners; non-discrimination against political prisoners.

Imprisonment and killings, particularly in peasant areas occupied by the military and on Indian territories: The mission recommended that the government should strictly define, publicly and in writing, military and police powers in areas under military control and that it should take action against paramilitary groups operating in Indian areas that have carried out arbitrary arrests, ill-treatment and assassinations of peasants and rural Indians. Among the evidence collected by the mission was testimony concerning the murders of 48 members, mostly leaders, of the Regional Indian Council of the Cauca since 1973.

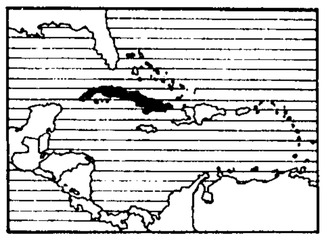
Imprisonment of Trade Unionists: Information received in the course of meetings with trade unionists throughout the country led the mission to conclude that they had been particularly affected by arrests and harassment while taking part in trade union activities such as conducting legal strikes, holding workers' meetings and circulating petitions for the enforcement of their rights. Such arrests and harassment have occurred when the authorities have attributed political motives to such activities. In addition, trade unionists testified to the mission that there is a clear tendency on the part of the authorities to equate the legitimate activities of the trade unions with various forms of "subversion" or "disturbance of public order" and to presume hastily the existence of a link between such activities and those of armed revolutionary groups. The report called for the release of trade unionists arrested for the peaceful exercise of their rights and for speedy, impartial, public trials for those who face criminal charges.

Freedom of conscience, expression, political and professional rights: Doctors, lawyers, priests, teachers and journalists were among those arrested. Amnesty International received reports that in many cases they had been detained for giving professional attention to members of the political opposition or to alleged members of revolutionary movements. The mission urged that members of the professions should be protected from arrest or harassment because of adherence to professional ethics. While recognizing the existence of guerrilla movements and violent opposition to the government in Colombia, Amnesty International at the same time called on the authorities to establish clear and precise definitions of "subversion" and "disturbance of public order", so that political rights could be safeguarded.

Constitutional reform of 1979 and the new penal code of 1980: Amnesty International called for a review of the Constitutional Reform of 1979, related to the administration of justice, as well as of the new penal code in view of the last-mentioned recommendation. It recommended that a special effort should be made to guarantee greater independence and impartiality to the judiciary and to ensure the effective protection of human rights in Colombia.

In a nationwide radio and television address, President Turbay rejected the findings and recommendations of the mission and charged Amnesty International with infringing the national sovereignty of Colombia. Subsequently, a national political debate focusing on the human rights issue in general and the recommendations of Amnesty International in particular, took place, with the participation of political parties, professional associations, human rights groups and the mass media.

In the second half of April the Inter-American Commission on Human Rights (IACHR) of the Organization of American States visited Colombia to study the climate of human rights there and to observe the trials of civilians before military tribunals. Before that visit Amnesty International had submitted its documentation on human rights violations to the IACHR.



Cuba

In November 1979 the government announced the end of a program by means of which some 3,600 political prisoners had been released since December 1978. These included many prisoners of conscience, such as Dr Martha Frayde Barraqué. Most of the prisoners who had been given additional sentences for their refusal to cooperate with the prison authorities were released. Eduardo Cuencio Sobrino, arrested in 1962 for "counter-revolutionary" activities and given a 10-year sentence, was re-sentenced four times for a total of 13 additional years but freed through the release program in May 1979. The re-sentencing of political prisoners due for release continued to be a major concern of Amnesty International. In December 1977 an Amnesty International delegation visiting Cuba was informed by the government that political prisoners Servando Infante Jiménez, Fermín Álvarez Santos and Pascual Espinoza Álvarez had been given additional sentences due to expire in 1978. They are, however, reported to be still in prison. This suggests they may have been sentenced again to further imprisonment.

The *Amnesty International Report 1979* noted the number of offences punishable by the death penalty in a new penal code approved in December 1978, enacted in December 1979. Amnesty International was concerned that a few days before the new code came into force two men were sentenced under Law 425 of 1959, aimed at preventing terrorist activities, which was abolished under the new penal code. The two, American citizens, were given 24-year sentences for dropping religious literature while flying over Cuba and for illegal entry when they landed because of a shortage of fuel.

According to its Article 3(2) the new penal code shall be applied retroactively to offences committed before it came into force if this favours the accused. Article 60 of the Cuban constitution also states that penal laws have retroactive effect if favourable to the accused. However, Angel Cuadra Landrove, an Amnesty International adopted prisoner of conscience, was one such accused who has not benefited from these provisions. Amnesty International lawyers' group appealed for his immediate release.

Armando Valladares Pérez, a prisoner of conscience since 1961, who is reported to be virtually paralysed after undertaking several hunger-strikes, was in an orthopaedic hospital, from which on 2 April 1980 he was taken back to the hospital of the Combinado del Este Prison in Havana. It is feared that his condition may worsen.

Amnesty International issued urgent appeals on his behalf.

During 1979 the political prisoners known as *plantados* — those political prisoners who have refused prison discipline as a protest against their treatment as common criminals — twice went on hunger-strike to protest, first, against the harassment and ill-treatment of a political prisoner, Eloy Gutiérrez Menoyo, and, second, against the transportation, allegedly in appalling conditions, of some 100 prisoners from Combinado del Este Prison to Boniato Prison at the end of July 1979. It is reported that prisoners were taken in small vans totally inadequate to cover the distance of approximately 1,000 kilometres. It is claimed that in Boniato the political prisoners are subject to harassment from the guards and from the common criminals held in the same prison. Amnesty International conveyed its concern about the transfer to the Vice-President.

Amnesty International has obtained information about several political trials held in 1978. Eduardo Gómez Boix was arrested on 30 July 1978, held incommunicado for 45 days on the premises of *Seguridad del Estado*, state security police, tried and convicted of activities against the security and stability of the nation and sentenced to eight years' imprisonment. In fact, his alleged "crime" consisted only of his having written against the official ideology of the Cuban state, although he never published or distributed his writings. After being held in *Seguridad del Estado*, he was put under observation for several weeks in a psychiatric hospital among mental patients. He reported that he was subjected to psychological pressure by the medical staff of the institution. From the hospital he was transferred to Combinado del Este Prison where he remained until his release in September 1979. The following is the wording of the judgment passed on Eduardo Gómez Boix:

> "Having proved that the accused Amaro Eduardo Gómez Boix, 43 years of age and who is described above, an individual known to be reactionary from his statements and declarations, who several years ago was dismissed from his job as journalist at the Cuban Broadcasting Institute and for that reason began to write several literary works in which he directed his hatred at our revolution, stating among other things that the communist ideology is the cause of all the sorrows and sufferings of the soviet people, that Lenin, Stalin and other communist leaders are all the same since they are the product of a brutal and despotic system, praises and defends the bourgeois way of life and blames the socialist countries and the Palestinians for the wars in Indochina, Africa, America and the Middle East, written works a great quantity of which were taken possession in

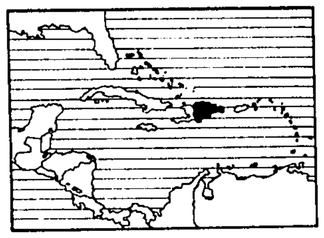
a search carried out for that purpose in the home of the accused by members of the Department of State Security . . . That the facts that are declared to have been proved constitute an offence AGAINST THE SECURITY AND STABILITY OF THE NATION . . . since the accused, through the production of written propaganda, incited against the Socialist Order and International Solidarity . . . The accused Amaro Eduardo Gómez Boix is sentenced as a perpetrator of a crime against the security and stability of the Nation to eight years' loss of liberty . . .".

During 1979 hundreds of Cubans tried to leave Cuba illegally because of difficulties in obtaining passports and entry visas to the United States of America (USA) or other countries or for political or economic reasons and in some cases to escape prosecution. Those who were caught are reported to have been imprisoned in La Cabaña Prison in Havana. There were several attempts to force entry into the embassies of Peru and Venezuela. These resulted in injuries and in one case in April 1980 a Cuban guard was killed. After the latter incident the government withdrew police protection from the Peruvian Embassy and some 10,000 Cubans rushed onto the premises seeking political asylum. Later, the government decided to grant passports to any person wanting to leave Cuba and provided facilities for them. At the time of writing more than 100,000 Cubans have arrived in the USA.

Amnesty International estimates that at least 250 long-term political prisoners are still held in Cuba. On several occasions, both by letter and in meetings, Amnesty International has requested Cuban officials to provide information about the precise charges against these prisoners and details of their trials, which in most cases are reported to have been summary, with insufficient opportunities for the defence. Amnesty International has requested the government to explain case by case the precise reasons for the exclusion of these prisoners from the release program which came to an end in November 1979. Although the government stated that only terrorists and war criminals would be excluded, many were in fact released. Amnesty International possesses information showing that in most cases the prisoners ought to have qualified for the amnesty. Relatives have alleged that the decision to hold these prisoners is arbitrary and motivated by their longstanding opposition to the government. Dissimilar treatment seems to have been accorded to prisoners convicted of identical crimes at the same trial: some have been released, others not.

Amnesty International continued to receive information about

Jehovah's Witnesses convicted of "crimes" related to their religious beliefs. The religious group is forbidden in Cuba. It is reported that in November 1979 there were at least 20 Jehovah's Witnesses in the women's prison of Nuevo Amanecer in Havana.



Dominican Republic

The concerns of Amnesty International were political short-term detention, police brutality and the treatment of Haitian refugees.

Since President Antonio Guzmán Fernández took office in August 1978, several important measures have been taken to protect human rights. The first decree passed was the Amnesty Law of 9 September 1978, which freed all political prisoners. At the same time the law forbidding the activities and organization of the Communist Party was abolished. In November of the same year the government repealed laws restricting the right to *habeas corpus*. Other measures were taken to lift restrictions on freedom of movement and travel abroad.

During 1979 allegations were made of police brutality in dealing with demonstrations. In August 1979 plain-clothes agents are alleged to have killed several people and injured many others after violent demonstrations in support of the drivers' strike.

There have been reports of short-term political detentions, such as that of the Secretary General of the Communist Party, who was taken into custody in March 1980 reportedly for putting up posters. Other political leaders were detained for short periods, reportedly for protesting against the presence of a US Navy ship in Santo Domingo.

The Dominican Republic has traditionally served as a land of exile for Haitian refugees. Thousands of these refugees live peacefully in the country. Amnesty International is, however, concerned about the predicament of Haitian workers in the Dominican Republic, more especially because it is alleged that Haitian *tontons macoutes*, paramilitary groups, are operating in the Dominican Republic. At the end of February 1980 two Haitian refugees, Paul Denis and Robert Moïse, were deported from the Dominican Republic. Paul Denis, who was responsible for a medical assistance and literacy project for Haitian cane cutters, was arrested on 23 February 1980, and the next day deported without explanation to Curaçao. Curaçao authorities

deported him to Venezuela, from where he was returned to the Dominican Republic, to be imprisoned in the police station near the international airport of Santo Domingo, the capital. On 1 March a Dominican court accepted a writ of *habeas corpus* presented on his behalf and ordered his immediate release. Despite this judicial order, Paul Denis was expelled to Belgium on 2 March. On 28 February 1980 Amnesty International had urged President Guzmán not to deport Paul Denis and Robert Moïse. Earlier attempts to deport foreign citizens affected, among others, one Haitian, Louis Eugène Athis and a Bolivian teacher, Marta Quirós. As a result of the latter incident President Guzmán dismissed the Director of Immigration.

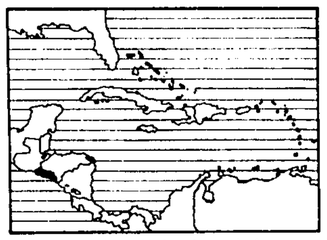
Sergeant Willi Joseph, having deserted from the Haitian army in early 1978 and crossed the border into the Dominican Republic with his four children, was detained in April 1978 and taken to Fort Dajabon in the western part of the Dominican Republic. On 1 April 1979 Sergeant Joseph was removed from Fort Dajabon by military personnel. He has not been seen or heard of since.

Amnesty International has received allegations of police brutality towards Haitian immigrant workers in the Dominican Republic and reports that they have been forcibly returned to Haiti where they face political persecution. This particularly affected Haitians who engaged in protests against their economic conditions in the Dominican Republic; these have been described by the Anti-Slavery Society in a 1979 report to the United Nations Working Group of Experts on Slavery as "abject, unprotected subservience for reasons of private and governmental profit".

Ecuador

A general political amnesty marked the return to civilian rule after almost eight years of military administrations. President Jaime Roldós was elected in April 1979 and assumed office on August 1979. Although Amnesty International welcomed the proclamation of a general amnesty, not all the political prisoners arrested during the former military administration were released.

More than 100 students and trade unionists were arrested during public protests against price rises in January 1980. All were released within several days.



El Salvador

Amnesty International concerns before and after the 15 October 1979 military coup that overthrew the government of General Carlos Humberto Romero included the torture and murder of prisoners, the "disappearance" and probable murder of suspected political activists and violence directed against individuals and institutions involved in monitoring and defending human rights.

Archbishop of San Salvador Oscar Arnulfo Romero, an outspoken critic of human rights violations who offered sympathy, support and a hearing to victims of torture and imprisonment and to the relatives of the murdered and "disappeared", was shot dead by an unidentified assassin on 24 March 1980 as he was saying mass. Prior to the assassination Amnesty International, in a press statement of 17 March, gave warning that the Archbishop had been made the target of death threats since the start of a campaign of political murder and abduction begun by the government after its imposition of a state of siege on 9 March 1980.

In a communication to the Inter-American Commission on Human Rights on 21 March, Amnesty International called attention to the dangers faced by Archbishop Romero and other defenders of human rights in El Salvador and to the placing of a bomb in the sacristy of the San Salvador cathedral on 16 March. In its later public statement of 25 March, condemning the murder of the Archbishop, who had been denounced by government and military for his critical stance towards them, Amnesty International stated that he "had been martyred in the cause of human rights", and stressed the evident dangers facing members of the church and others associated with the Archbishop in El Salvador. It called particular attention to the bombing earlier in March of the Salvadorian Human Rights Commission.

On Sunday 23 March, the day before his murder, the Archbishop said in his homily, broadcast nationwide on the church radio stations, that security forces in the countryside were "sowing terror" and called on soldiers to refuse to obey orders to kill that "were against the law of God". A military spokesman immediately condemned the call to disobedience as a "crime".

The Archbishop was not the only defender of human rights threatened or attacked with violence for anti-government criticism. All members of the Salvadorian Human Rights Commission have repeatedly been threatened with murder should they continue their activities. On several occasions Amnesty International has appealed

to the authorities to ensure their safety. In July 1979 Amnesty International appealed for the protection of Commission member José Napoleón González, who was later forced into exile. The office of his newspaper, *La Crónica*, was burned to the ground in late July 1979 and its new premises were destroyed by bombs in March 1980. The offices of the Commission itself have been attacked with gunfire, and immediately after a bomb attack on 13 March 1980 documentation on human rights abuses was confiscated by police.

Amnesty International appealed also for the protection of lay religious leaders, catechists and "Delegates of the Word" in rural areas and for clergy persecuted for their teaching of a doctrine of "social justice", such as Father Rafael Palacios, killed on 20 June 1979 in Santa Tecla. Several days earlier, a white hand — a symbol of death squads in some countries of Central America — had been painted on his door. Another priest, linked by authorities to peasant organizations, Father Alivio Napoleón Macías, was shot dead on 5 August by unknown gunmen while saying mass in the village of San Esteban Catarina. As in the case of Archbishop Romero, he was killed at the altar, while lifting up a chalice. Several priests and nuns were arrested and summarily expelled from El Salvador in 1979.

Amnesty International issued many urgent appeals on behalf of "disappeared" prisoners during the last six months of the government of General Romero. Most of the "disappeared" were subsequently found dead; several survivors of "disappearance" and witnesses of summary execution told of the murder by beheading with machetes of members of trade unions and peasant organizations supporting political opposition movements.

A Christian Democrat *campesino*, peasant farmer, detained on 19 May 1979 by the National Guard near San Vincente was tortured by electric shock in the local Guard headquarters and then taken with others to the Pacific shore, where he was hacked nearly to death and then thrown into the sea. He survived to give sworn testimony to the "execution" by beheading of his four companions, whose bodies were later found at a nearby beach resort.

Most of the victims of "disappearance" and murder were individuals believed to be linked to the three opposition movements, all largely trade union based, the *Bloque Popular Revolucionario* (BPR), Popular Revolutionary Bloc; the *Ligas Populares 28 de Febrero* (LP-28), Popular Leagues of 28 February; the *Frente de Acción Popular Unificada* (FAPU), Popular Front of Unified Action. Moves to crush the opposition movements were met by increasingly militant activity. Left-wing guerrilla organizations also stepped up anti-government activity, including kidnappings and killings.

Throughout the final months of the Romero administration and even now up to the time of writing the Salvadorian authorities refused to recognize the mass political organizations FAPU, BPR and LP-28 as lawful political organizations, or to negotiate with their leaders. By October 1979, after months of street demonstrations and increasingly militant protest actions by the opposition, including bloody actions by guerrilla groups, polarization between government and opposition was extreme.

On 15 October a military coup overthrew the government of President Romero. He and chief security officials fled to Guatemala. The coup leaders, Colonels Adolfo Majano and Jaime Abdul Gutiérrez, announced an amnesty for political prisoners, the restoration of human rights and the implementation of agrarian reform. A junta was formed with the two colonels and three civilian representatives of centre opposition parties. The political organizations that had called for the overthrow of Romero were not represented.

In a memorandum to the new government, on 19 October 1979, Amnesty International welcomed the statement of the junta that human rights would be restored and political prisoners released. It presented documentation on 257 Salvadorians murdered or detained or who had "disappeared" because of their political, trade union or religious activities in 1979. The documentation included 60 cases of prisoners who had not been acknowledged to be in detention and were considered "disappeared" and 114, almost all *campesinos*, whose murder by official or semi-official security forces was confirmed. The memorandum did not include all of the cases reported in 1979; the Salvadorian Human Rights Commission compiled documentation on 312 "political killings" alleged to have been perpetrated by official forces between January and July 1979, including individuals killed in demonstrations, and on 267 political arrests between January and August 1979. In February 1980 Amnesty International confirmed that 27 of the 60 "disappeared" cited in the memorandum had been released and that eight had been murdered in official custody.

The major opposition groups denounced the new junta as a continuation of military government. Security forces acted with the same brutality as those under Romero. One day after the coup security forces of police and army moved to dislodge striking workers from several San Salvador factories, detaining 78, some of whom were then tortured, and killing 18. Within a week, the new government was held responsible for more than 100 killings of demonstrators and striking workers who had been occupying farms and factories.

Although the new government was composed largely of civilians with longstanding commitment to social change, some of them former exiles and political prisoners, from its first days it manifested a high

level of governmental violence. The mass resignation of most of the civilians from the government on 3 January 1980 came when civilian ministers, most of whom immediately went into exile, denounced the unchecked violations of human rights that were beyond their power to control.

In the weeks after the resignations and the appointment of a new cabinet, the major opposition groups increased their protests against government policies. Authorities responded with violence, killing at least 52 when a street demonstration was dispersed by gunfire on 22 January, and at least 11 in attacks on another demonstration on 12 February; they also carried out hundreds of arrests and abductions.

During this period violent take-overs of embassies and public buildings and occupations with the threat of violence were among those methods used by the mass political organizations to demand the release of their "disappeared" leaders. In addition, guerrilla groups demanded prisoner releases, ransoms and the publication of political manifestos in exchange for the lives of their kidnapped victims.

On 6 February 1980 Amnesty International sent cables to the government and to Archbishop Romero in connection with official killings and three kidnappings in which left-wing guerrillas had threatened "execution" of their "prisoners" and several cases in which hostages were threatened with violence. The cables requested the church and government to make it clear that Amnesty International "condemns every case of the execution of prisoners, kidnap victims, or hostages by governments or other organizations of whatever political orientation". The text of the cable was read the next day by Archbishop Romero in his sermon, broadcast on nationwide radio; the Archbishop had himself condemned kidnapping and the taking of hostages on several occasions. But killings by left-wing guerrilla forces continued as did many more by the government.

In mid-February press reports indicated that the United States of America (USA) would provide military assistance to El Salvador. Advisers were to be provided to train the army in "logistics, communications and intelligence". In a letter to President Carter on 17 February, Archbishop Romero sharply criticized the proposal and asked that it be withdrawn "to avoid a greater spilling of blood in this suffering nation".

On 29 February Amnesty International wrote to US Deputy Secretary of State Warren Christopher noting that the provision of some 200,000 dollars worth of training and material for crowd control by the USA in November 1979 was followed by scores of deaths when demonstrations were dispersed. In the conditions prevailing in El Salvador after 3 January, the nature of the newly proposed aid, believed to be for the police and public order operations of the

military, could be expected to lead to further violations of human rights. The letter requested official information on the nature and intent of the assistance. No reply was received.

On 17 March Amnesty International publicly urged the Government of El Salvador to call a halt to the campaign of murder and abduction of peasants which followed the announcement on 9 March of agrarian reform and a state of siege. Hundreds of men, women and children were reported "disappeared", shot dead, or forced to flee to the capital, where they had sought refuge under the protection of the Roman Catholic Church. In Chalatenango Department, underbrush was set on fire around one village, the inhabitants of which were supporters of opposition unions, to prevent local people escaping; troops then entered the village, killing at least 40 people. Other villages were razed and crops destroyed in the countryside, particularly in Morazán, Cuscatlán and Chalatenango departments.

The authorities stated that troops moved into the rural areas to occupy plantations intended for expropriation in the agrarian reform. Local sources said, however, that villages supporting peasant unions, such as the Christian Federation of Salvadorian Peasants and the Union of Rural Workers, were attacked by troops, and the land seized was handed over to members of government organizations, including the *Unión Comunal Salvadoreña*, the Salvadorian Communal Union farmers organization and the *Organización Democrática Nacionalista* (ORDEN), a movement organized to use clandestine terror against government opponents.

In a submission to the Inter-American Commission on Human Rights on 21 March, Amnesty International described human rights violations that had continued or worsened since the October coup. These included 32 cases of unacknowledged detention — "disappearance" — and 131 cases in which individuals in the hands of security forces were reported summarily executed, all occurring between 3 January and 13 March. Most were peasant farmers said to be supporters of opposition peasant unions. The cases did not include "persons killed when street demonstrators, some of whom may have borne arms, were attacked by government and auxiliary forces"; nor did it include any case in which there was the least evidence "that the victim was either the attacker, bearing arms, or resisting arrest".

Several cases concerned the murder of children. The 29 individuals detained and killed by combined National Guard and ORDEN forces in the Las Vueltas area of Chalatenango between 29 December and 16 January included three young brothers, Adán Recinos aged 11, Santos Recinos aged 16, Francisco Recinos aged 18, and another boy, Alfonso Navarro aged 14.

The submission noted that Amnesty International was studying a

total of 102 cases of people reported killed in rural areas and 30 in urban areas in January; 248 rural and 23 urban killings in February; and 130 killings, largely in rural areas, reported in the first week of March alone, which may have been summary executions.

The submission commented on the progress towards implementation of recommendations made in the Commission's own report of November 1978. Amnesty International paid particular attention to the following recommendations: that the paramilitary organization ORDEN be dissolved; that *campesinos* be protected in the full exercise of their rights; that reports of individuals killed, arrested, tortured or missing after arrest be investigated and the authorities responsible be investigated, tried and punished; that the persecution of members of the Roman Catholic Church be halted.

In a news conference on 7 November 1979, junta member Dr Guillermo Ungo (who resigned on 3 January 1980) said that ORDEN had been a part of "the repressive machinery" and that a staff of 40 people had directed ORDEN from offices in the Presidential Palace, although ORDEN "had neither statutes nor legal status, that is to say that legally it did not exist". Although a decree of 6 November ordered ORDEN to be dissolved, it continued to be a principal auxiliary of lawful security forces. Local ORDEN personnel were named in innumerable reports since November 1979 as having assisted security forces in identifying suspected "subversives" and in their detention and murder of these individuals. No concrete measures were taken to dismantle the ORDEN organization nor to break the relationship between the police and military and ORDEN. No arms were confiscated from the tens of thousands of ORDEN members nor was any member reported arrested for abuses of human rights.

The plight of the *campesinos* clearly worsened after 3 January 1980. Amnesty International emphasized that at the time of the Commission's own 1978 report and thereafter the authorities continued to regard *campesino* organizations as "subversive" and to subject them to the same repression as members of avowedly violent guerrilla groups.

The submission noted that a Special Commission of Inquiry, created by the junta in November 1979 to investigate the whereabouts of political prisoners and the "disappeared", reported the discovery of 67 unidentified bodies and identified 25 bodies of the "disappeared". The Special Commission recommended that trial proceedings be opened against the individual military officers who it claimed had been responsible for the human rights abuses. In its final report on 3 January 1980, the Special Commission stated that although none of the "disappeared" had been found alive it had acquired "proof of the capture of many of them, by various public security forces, or in

several cases, of their detention in the barracks of the same forces . . .. We have found a great quantity of cadavers, among which those that have been identified correspond to disappeared persons . . .".

The junta's Special Commission concluded that all the individuals who "disappeared" under the Romero and previous governments should be considered to have died in the custody of security forces. The Amnesty International submission, while not disputing the findings of the junta's Special Commission, noted that the government had taken no steps to bring to justice individuals named by the Special Commission as responsible for torture and murder of prisoners.

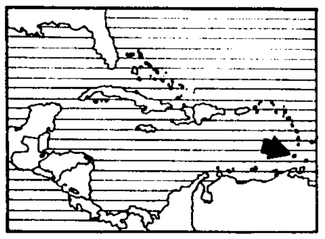
Amnesty International recommended that the threat to dignitaries of the Roman Catholic Church should be understood within the larger context of the threat to all organizations and individuals who conscientiously monitor and report on human rights; and that all such organizations and individuals should be protected from threats of this kind. The submission called special attention to the threats against the person of Archbishop Romero, members of the *Socorro Jurídico*, Legal Aid, department of the Archbishopric of San Salvador, the Salvadorian Commission of Justice and Peace and the Salvadorian Human Rights Commission.

Many individual appeals were made on behalf of members of trade union and political opposition groups. In several cases the authorities at first denied the arrests, notably those of Juan Ángel Chacón, Secretary General of the Popular Revolutionary Bloc (BPR), detained with his wife and baby on 27 February, and Enrique Álvarez Córdova, Secretary General of the *Frente Democrático Revolucionario*, the Revolutionary Democratic Front (which brings together most opposition groups from the BPR to social democrats), detained on 21 April. National Police later acknowledged custody of these prisoners and released them after mass protests. Amnesty International appealed for the safety of a "disappeared" prisoner, Norma Guevara, Youth Secretary of the *Unión Democrática Nacionalista* (UDN), the Democratic Nationalist Union, who "disappeared" after arrest by the National Police. While police denied the arrest, the army-linked "death squad" *Unión Guerrera Blanca* (UGB), the White Warrior's Union, said Norma Guevara was in their custody and would be "executed" if hostages then held by an opposition group were not released. On 26 February police admitted that they were holding her. She was subsequently released for lack of evidence.

A total of 44 cases of "disappeared" prisoners having been investigated by Amnesty International groups since 1977 were closed in February 1980 when it became evident that these "disapppeared" had been killed.

On 30 November 1979 El Salvador ratified the United Nations

International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.



Grenada

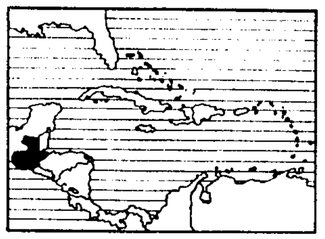
In March 1979, after the overthrow of the government of Eric Gairy, many ministers, officials and supporters of the previous government were arrested and held without charge or trial, some for more than a year. Amnesty International first expressed concern about these detentions to the new Prime Minister, Maurice Bishop, in April 1979. Further appeals were made in July and August 1979. More arrests took place in October and November 1979 of people alleged by the government to be plotting its overthrow. Amnesty International wrote to Maurice Bishop: "Our concern is that all those who are at present detained, including those recently arrested and accused of intending the violent overthrow of the government, should be given a fair and public trial".

On 26 November 1979 Amnesty International informed Maurice Bishop that it had received allegations that some detainees had been subjected to ill-treatment. A reply received from the Prime Minister's Office stated that: ". . . any allegation of ill-treatment of any detainee is entirely false".

In March 1980 Amnesty International again raised the subject of the detainees with Maurice Bishop and urged him that: ". . . in the interests of human rights, all those people at present detained should be charged with specific offences or released".

Cases of detainees have been reviewed at intervals by special tribunals established for this purpose, but these hearings have been held *in camera* and detainees have not been allowed legal representation. Releases have taken place from time to time. On 15 December 1979 the *Grenada Newsletter*, a local publication, estimated the number of detainees to be 77 but said that the figure was provisional. On 31 December 1979 the same publication announced the release of 37 detainees during December and on 29 March 1980 reported a further 13 releases. According to information given to Amnesty International by the Grenada Council for Human Rights, there were 56 people detained in April 1980.

In November 1979 Amnesty International wrote to Maurice Bishop appealing for a commutation of the death sentence passed on Septimus Gilbert, convicted of murder.



Guatemala

The foremost concerns in Guatemala of Amnesty International were the torture and murder of prisoners, and killings by government forces (these include paramilitary groups auxiliary to conventional military and police forces).

Despite the existence of anti-government guerrilla movements and government statements accusing the leadership of universities, trade unions and legal opposition parties of "subversion", no cases of long-term political imprisonment have been reported. But hundreds have been held, interrogated, tortured and eventually murdered. The government has routinely denied responsibility for the killings.

During the year an estimated 1,800 people were reported held, "disappeared" and killed, or shot outright. Evidence indicates that the government used illegal and arbitrary forms of execution.

The government attributes the killings to "independent", "anti-communist" groups acting outside official control. It has not, however, denied that the killings took place. The government distinguishes between the killings of "common criminals", which it maintains were carried out by the semi-clandestine *Escuadrón de la Muerte*, Death Squad, and killings of "communists" and "subversives", which it attributes to the *Ejército Secreto Anticomunista* (ESA), Secret Anti-communist Army. The justification by the government for these distinctions is not easily supported by the available evidence.

Most of the killings occurred after the victims had been held without a warrant and after they had "disappeared"; the authorities always denied responsibility. The bodies were generally found some time later, in rural areas, often far from the place of abduction, mutilated and showing signs of torture — cigarette burns, traces of insecticide in the hair, multiple cuts, castration, severed hands. The removal of victims from local areas and mutilation of faces, amputation of hands or decapitation appear to be intended to prevent identification.

According to press reports, one unidentified *campesino*, peasant farmer, found murdered in San Marcos Department on 1 December 1979 was "crucified in Roman style". His hands were bound behind his head and he was suspended from a pole placed through the triangles formed by his arms.

Evidence of torture and the testimony of the few survivors of "disappearance" suggest that one objective of detention is interrogation, although secondary to that of murder. Survivors have described the interrogation as extensive and sophisticated. It includes the use of

tape recordings concerning the political activities both of those under interrogation and of their acquaintances. A 16-year-old girl, on whose behalf Amnesty International appealed in October 1979, was hooded, beaten and raped after being held by detectives of the National Police for having handed out trade union leaflets. She was released after several weeks. The injuries she sustained caused her to suffer temporary blindness.

In April 1979 Interior Minister Donaldo Álvarez Ruiz, responsible for the police, referred to the murders attributed to the death squads as the liquidation of criminals. He said the level of action compared favourably with that of the "famous Brazilian *Escuadrão da Morte*". In 1979 police spokesmen issued statistics to the press on Death Squad killings, reporting that 1,142 men and 82 women had been killed between January and June 1979. In November 1979, according to one Guatemalan newspaper, the cases of 3,252 victims of the Death Squad had been reported in the first 10 months of 1979 alone. In January 1979 National Police spokesmen informed the press that the Death Squad was responsible for an average of five killings a day.

While authorities attributed most of the killings and "disappearances" to the Death Squad, threats and killings of trade unionists, academics, and political opposition figures were officially attributed to the ESA, Secret Anti-communist Army. In March and April 1980 Amnesty International repeatedly appealed on behalf of threatened students and academics of the national University of San Carlos. At least 28 students, teachers and administrators were killed during this time, including three members of the university governing council (which is independent of government control).

Despite the death toll, which authorities attributed to the ESA, President Lucas García refused to meet those university administrators who had survived the attacks. He continued to maintain — as did handbills signed "ESA" — that the university was a centre of subversion.

In May 1979 Amnesty International appealed on behalf of Rector Saúl Osorio, whose name together with those of other educationalists, had featured on an ESA death list. Rector Osorio went into exile in early April 1980. Interior Minister Alvarez had warned university personnel in 1979 that those threatened by the ESA would have to "take their own precautions" and that nothing whatsoever could be done "if these people participate in demonstrations and public gatherings".

Members of the university council labelled subversives by the authorities and subsequently found murdered included Dr Hugo Melgar, murdered on 24 March 1980 together with his chauffeur after receiving death threats. Dr Melgar, a professor of law for 18 years,

had assisted the university legal aid office, which the government had attacked for assisting the relatives of the "disappeared" and for advising trade unions. Council member Dr Julio Afonso Figueroa, economist and Director of the Institute of Social and Economic Research at the university, was killed together with his wife on 27 March. The student representative on the Council, 27-year-old engineering student Alejandro Coti López, was abducted in the presence of uniformed members of the National Police on 5 March by men in three unmarked cars near the university. The next day he was found dead in a ravine about 22 kilometres from the capital. His hands were bound and his hair was impregnated with an insecticide called Gamezán. He had apparently been asphyxiated. Torture by means of a rubber hood dusted with Gamezán has reportedly been a common practice of the National Police since the 1960s — *Guatemala: Amnesty International Briefing Paper* (1976).

On 11 March Interior Minister Alvarez was questioned by the local press about the killings at the university. The Minister said that the University of San Carlos was "the same thing" as the guerrilla organizations active in Guatemala, and that Alejandro Coti López had been killed by the ESA because he was a "member of the *Ejército Guerrillero de los Pobres*" (EGP), the Guerrilla Army of the Poor.

In the last week of March the university council reported that an army unit had taken over the School of Veterinary Medicine experimental farm in Patutal, Suchitepéquez. The troops painted death threats and the initials of the ESA on the buildings.

One of the most recent killings was that of law professor John Dahinten who was shot dead on 9 April. Professor Dahinten had headed a commission of inquiry in July 1978 into the Panzós massacre of May 1978. The commission had been severely critical of army actions.

Amnesty International groups repeatedly appealed on behalf of victims who had "disappeared" in rural areas. Among these were nine Indian *campesinos* from Uspantán, El Quiché Department, detained between 19 August and 9 September by uniformed Army troops. On 26 September a delegation of Indians from Uspantán, who had been refused an audience with President Lucas, went to the capital to protest against the "disappearance" of the nine to the National Congress. A member of parliament agreed to read their statement. On 7 December seven of the nine "disappeared" were found shot dead.

In January Uspantán Indians sent another delegation, this time of some 400 men, women and children to Guatemala City to ask that the killings, new detentions and "disappearances" be investigated and that the virtual military occupation of the Uspantán area (where guerrillas had been active) be ended. Indian representatives reported

almost 60 killings and "disappearances", which they attributed to army forces in the area acting without provocation. For three weeks the delegates unsuccessfully requested audiences with government officials. During its time in the capital the group, which was being housed by Roman Catholic nuns of the Belgian School, was denounced as a guerrilla force by the *Jefe del Cuerpo de Detectives de la Policía Nacional,* Chief, Detective Corps of the National Police, Manuel Valiente Tellez.

On 24 January the National Police arrested labour lawyer and leader of the moderate opposition party *Frente Unido de la Revolución* (FUR), the United Front of the Revolution, Abraham Ruben Iscamparic, as he was leaving his office after meeting the Indian delegation. Its members had asked him to support their request for an audience with the National Congress to ask for the withdrawal of troops from their region. Later that same day he was found dead; before his murder he had evidently been tortured.

On 31 January some 22 members of the delegation went to the Spanish Embassy hoping to gain assistance in their attempts to obtain a hearing from the Guatemalan authorities. Informed of the peasants' presence, the police surrounded the building. When the delegates saw the police outside, they at first refused to leave. Despite a demand by Ambassador Máximo Cajal y López that police stay out of the embassy and the agreement of the delegation to withdraw peacefully, police stormed the embassy. Thirty-eight people died, some from gunshot wounds and others in an ensuing fire. Only the Ambassador and Gregorio Yuja Xona, a Quiché Indian, survived. First reports concerning the incident claimed that the delegates had taken hostages in the embassy. Amnesty International made a statement to the effect that, while it did not condone the taking of hostages in any circumstances, it deplored the police attack on the embassy and feared for the lives of other Quiché Indians in the capital who were urging the government to guarantee human rights. The statement said that since 1976 government troops were known to have kidnapped and killed hundreds of Indians in the Indian townships of El Quiché Department.

The sole survivor of the Indian delegation to the Spanish Embassy, Gregorio Yuja Xona, was taken badly injured to the same private hospital as the Ambassador, at the Ambassador's insistence. Kept there under police guard, Gregorio Yuja Xona was abducted that night. The next day he was found dead, evidently the victim of torture, and with a note pinned to his body warning that "the Ambassador will be next". Police denied responsibility for his murder. The chain of police-linked killings continued.

On 2 February student Liliana Negreros was arrested when

members of the *Comando Seis*, riot squad of the National Police, attacked the funeral procession of the 21 Indian peasants who died in the Spanish Embassy. Her arrest by *Comando Seis* was widely reported in the Guatemalan newspapers. On 19 March an estimated 38 decomposing bodies were found in a deep ravine in San Juan Comalapa by Indians searching for the "disappeared" rural leader Nehemías Cumes; few of these bodies could be identified. The press reported that one of the dead was Liliana Negreros. All the bodies were found with short ropes around their necks; these had apparently been tightened by the use of a stick. Each victim had a bullet in the head. Among others identified were student Rodolfo Palencia, "disappeared" on 7 March, and trade unionist César Aníbal Cano García, an employee of the glass factory CAVISA, who was detained on 21 February by detectives of the National Police.

Others who were murdered in hospital while apparently in police custody included César Augusto Ramírez Orellana, survivor of five gunshot wounds in a death squad attack, who was murdered in his hospital bed in Zacapa on 15 January 1979; police remarked that he was a "common criminal". Juan José Reyes España, a 30-year-old prisoner receiving medical treatment, was shot on 15 May 1979 in Chiquimula hospital by masked men while police guards stood by. Rolando Eddy Troche Cisneros, wounded by police in Solola in October 1979 and taken to hospital in Quetzaltenango under police guard, was then removed from the hospital, tortured and shot dead.

Prisoners killed while in police custody included Carlos Humberto García Archila, aged 28, who was abducted and killed while being taken by National Police officers to Zacapa Hospital on 18 November 1979. Moisés García Ortiz, Prudencio Ramírez and José Esteban García Zabaleta were abducted and killed on 16 January 1980 during transfer from Zacapa city jail to the Salama Prison Farm. On 28 January 1980 Marina Elizabeth Montenegro Herra, aged 30, was abducted and killed during transfer from a women's prison to the Salama Prison Farm. It is reported that many others have been killed immediately after their release from the El Pavón Prison Farm outside Guatemala City, from the Jutiapa Prison, or from other detention centres.

An Amnesty International mission visited Guatemala from 10 to 15 August 1979. The delegation comprised Dan Gallin, Secretary General of the International Union of Food and Allied Workers (IUF); Fernando Álvarez de Miranda, member and former President of the Spanish *Cortes*, Parliament; and a member of the International Secretariat of Amnesty International. The mission was received by Vice-President Dr Francisco Villagrán Kramer, Minister of the Interior Donaldo Álvarez Ruiz and Minister of Labour Carlos

Alarcón Monsanto. During the five days of the mission the local press reported that death squads had killed 42 people.

In a memorandum to President Lucas García, which incorporated the findings of the mission, the Secretary General of Amnesty International expressed grave concern about the increase since mid-1978 in the killings and "disappearances" of trade unionists, academics, lawyers, *campesinos* and local church leaders. It included representative cases of "disappearance" and apparent extrajudicial execution and estimated that in the previous 18 months the government had acquiesced in the killing of "well over 2,000 people" and that abuses continued: "On some days, as many as 17 unidentified bodies were found". The memorandum drew special attention to the murders of trade unionists, noting that "to be a union leader or active member of a trade union in Guatemala today means risking one's life", and to the murder and intimidation of opposition leaders. In no case was Amnesty International aware that investigations into the murders had been carried out or that the perpetrators had been held accountable under the law. The memorandum recommended that the Organization of American States be invited to investigate human rights in Guatemala.

Amnesty International testified to the Inter-American Commission on Human Rights of the Organization of American States on 3 December 1979. It detailed individual cases of human rights violations and noted that in Guatemala the disappearances of political opponents, organized or tolerated by the government, and political killings, were two of the most serious violations of human rights.

On 12 September 1979 Amnesty International began a campaign focusing attention on the political murder encouraged by the Guatemalan Government, by publicizing the details of repression and by issuing appeals from its worldwide membership urging the authorities to call a halt to the killings. An Amnesty International survey, *The Human Rights Year in Guatemala — A Calendar of Abuses*, covering the period beginning 29 May 1978, when over 100 Kekchi Indians were killed by the army in Panzos, Alta Verapaz, to 29 May 1979. It documented cases of "disappearance", torture and political murder day by day. Other campaign documents covered the plight of trade unionists, religious persecution, the killing of political opposition leaders and measures taken against *campesinos*, journalists, academics and lawyers.

The government's reply was to deny responsibility for political violence, and in the domestic news media in Guatemala it accused Amnesty International of being pro-communist, terrorist and an agent of the British Crown. The authorities refused to examine the substance of reports or individual cases submitted by Amnesty International. Vice-President Dr Francisco Villagrán Kramer called, however, for the cases to be investigated and for the government to invite the Organization of American States to Guatemala for this purpose. Vice-President Villagrán, who has repeatedly threatened to resign on the issue of human rights, has consistently criticized his own government. In March 1979 he remarked to the foreign press that "death or exile is the fate of those who fight for justice in Guatemala". In February 1980 he commented that "there are no political prisoners but only political murders in Guatemala".

On 18 January 1980 Amnesty International wrote to President Lucas García recalling the questions raised in the 1979 Memorandum and noting the absence of an official response. It reaffirmed its interest in establishing a direct and formal dialogue with the government. No response has been received.

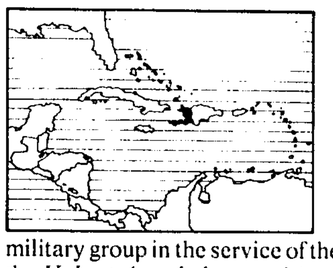
On 11 March 1980 the United Nations Commission on Human Rights expressed its profound concern about the situation in Guatemala, and urged the government "to take the necessary measures to ensure full respect for the human rights and fundamental freedoms of the people of Guatemala". The Commission decided to keep the human rights situation there under review.

Guyana

In July 1979 Drs Walter Rodney, Rupert Roopnarine and Omawale, leading members of the opposition Working People's Alliance, were charged with arson after the destruction by fire of a government ministry and offices of the ruling People's National Congress party. Amnesty International arranged for an observer to attend the trial, which was postponed several times as a result of the application by the defence for the case to be heard by a jury rather than by a magistrate alone. The Administration of Justice Act 1977 removed the automatic right to trial by jury in certain cases.

On 25 February 1980 Edward Dublin, also a member of the Working People's Alliance, was killed by police, who alleged that he had been caught in the act of stealing sacks of cement and had resisted arrest. After receiving reports of the killing which stressed that Edward Dublin was unarmed and that eye-witness accounts did not support the police version, Amnesty International wrote to Prime

Minister Forbes Burnham asking whether any invesigation into the killing had taken place and, if so, requesting to be informed of the findings. By April 1980 no reply had been received. Amnesty International continues to monitor events in Guyana.



Haiti

Since the parliamentary elections in February 1979 respect for and observance of human rights has again deteriorated. Amnesty International concerns include arbitrary detentions, torture and harassment by the police and the *tontons macoutes*, a paramilitary group in the service of the government and known officially as the *Voluntaires de la sécurité nationale*, directed at all sectors of the population but especially at political leaders, journalists and human rights activists. It is also concerned about deaths in prison and about the illegal deportation of suspected political opponents.

Amnesty International is investigating the cases of Ulrich Désiré, Emmanuel Noel, Robert Thelesuma and Gustave Colas, all arrested in February 1979 and still in detention at the *Pénitencier National*, State Penitentiary. Reports indicate that they have been kept incommunicado in very poor conditions, ill-treated and denied visits and legal counsel. In December 1979 Amnesty International appealed on behalf of these and other prisoners reported to be in poor health. The Minister of Foreign Affairs said that Ulrich Désiré, a former customs officer, had been involved with a group of terrorists who were trying to import arms and explosives illegally for subversive purposes. Amnesty International believes that Ulrich Désiré is being held for the peaceful expression of his political beliefs.

The case of Sylvio Claude, arrested in February 1979 and again in August, is an example of the violation of civil and human rights. According to the constitution, the accused must be brought before a judge within 48 hours. This was not carried out in any of the politically motivated arrests and specifically not in the case of Sylvio Claude. Intimidation impelled him to withdraw from the February 1979 elections in which he intended to stand against Max Adolphe, known for her brutal methods of interrogation of political prisoners. Shortly after the elections, Sylvio Claude was arrested by plain-clothes agents, taken to Casernes Dessalines; here, he reported later, he had been beaten and given electric shocks to the soles of his feet; he was

then put on an aircraft and deported to Colombia. He returned to Haiti a few months later, and in July 1979 he announced the formation of the *Parti démocrate chrétien haïtien*, Haitian Christian Democrat Party. On 30 August he was arrested and wounded by a gun shot. He was first held in Casernes Dessalines and later transferred to the *Pénitencier National*. In February he went on hunger-strike together with other political prisoners, apparently members of his party, whose names were not known at that time by Amnesty International: Lévy Jean-Baptiste, Jeane-Lionel Jean-Baptiste, Clothaire Saintus, Lorius Dorange, Antoine Cangé and Louis Gilles. Amnesty International wrote to the Minister of Foreign Affairs expressing concern about Sylvio Claude and requested information on the others. Names of other political prisoners brought to the attention of Amnesty International are: Roland Jeannite, Gérard Civil, Beauchard Jocelin, Morin J. Beauvais, Hilaire Joseph, Andréas Baptiste and Louis Jules.

Amnesty International received a number of allegations of brutality, torture and in some cases killings carried out by the *tontons macoutes*. In August 1979 a *tonton macoute* called Ti-Crab was reported to have killed an unarmed civilian. Harassment of the population was reported in the small town of Source-Matelas. In November 1979 a former member of the *tontons macoutes* testified in a federal court of the United States of America that individuals imprisoned in the François Duvalier Barracks at Cayes were "beaten in the head" and "often their hands and feet are tied together and a hard piece of wood or a metal bar is passed behind their knees". He said that political prisoners were not allowed to consult lawyers. In one case, the killing of Robert Taylor in July 1979, the *tonton macoute* responsible was promptly brought to trial and sentenced. This appears to be an isolated case.

The rights of assembly, association, expression, thought and information were severely repressed during the year. The two political parties founded in 1979, the *Parti démocrate chrétien haitien*, founded by Sylvio Claude, and the *Parti démocrate chrétien du 26-Juin*, founded by Gregoire Eugène, were both obliged to suspend their activities, as a result of the arrest or continuous harassment of their leaders and members. A journalist from a radio station was arrested but later discharged; others have been prosecuted. The Press Law which was finally promulgated in April 1980 makes it an offence to criticize the President-For-Life or his mother. On 9 November 1979 men armed with clubs broke up a meeting organized by the *Ligue haïtienne des droits humains*, the Haitian Human Rights League. Its President, Gérard Gourgues, sustained head injuries; some foreign diplomats who attended the meeting were injured also. The government has reportedly tried to deport Sylvio Claude to another country

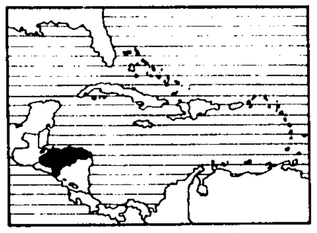
against his will or to place him in a psychiatric institution, after a psychiatrist who examined him in prison had stated that he was not responsible for his actions. Sylvio Claude's family strongly denied that he was mentally ill.

Protection against arbitrary detention and observance of the right to trial have not improved during the year. The State Security Tribunal, established in 1977 to provide remedies against such violations of human rights, did not function, and in December 1979 the government informed the Inter-American Commission on Human Rights that the tribunal had been integrated into the existing judicial structure in order to ensure that defendants should have the right to legal counsel and appeal. None of the political detainees has so far been protected against arbitrary detention or ill-treatment. In response to international concern about the detention without charge or trial of many political prisoners, including Sylvio Claude, the Minister of Foreign Affairs, Georges Salomon, announced the creation of a human rights division in his Ministry.

In February 1980 Sylvio Claude, an adopted prisoner of conscience, was the focus of an Amnesty International campaign. He was released in April 1980.

No new information has been received about prisoners adopted as prisoners of conscience by Amnesty International who were missing. The Inter-American Commission on Human Rights, in a report published at the beginning of 1980, produced a list of 151 people who, between 1974 and 1977, were reportedly executed or who died in prison for lack of medical attention.

During the year several Haitian citizens including Haitians living abroad who had returned home to visit were arbitrarily detained and expelled after vague accusations of subversion or of being communist agitators. One such returning citizen, Franz Voltaire, who visited Haiti in August 1979, was held in the *Pénitencier National* for three days and then put on an aircraft to New York. At the *Pénitencier National* he came across several other political prisoners, and later described conditions as wholly inadequate.



Honduras

Amnesty International concerns were limited to several cases of trade unionists arrested in the course of disputes with employers and held in very poor conditions for considerable periods.

The major initiative taken by Amnesty International was on behalf of several prisoners held in connection with a strike in March 1979 at the textile factory Bemis-Handal in San Pedro Sula on the Caribbean coast. On 7 March 1979 three striking workers were killed and some 150 arrested when police moved in to clear the factory; at the same time a fire broke out which largely destroyed much of the factory. Appeals made by Amnesty International in March and April 1979 urged that the detained trade unionists be formally brought to trial or released.

Although most of the Bemis-Handal prisoners were released within a matter of weeks, seven leaders of the Bemis-Handal union, their legal adviser, Adalberto Córdova Turcios, and a writer of a trade union newspaper, Tomas Nativi Gálvez, remained in prison until December 1979, awaiting prosecution for "instigating" the deliberate burning of the factory and "arson, sabotage, homicide and disrespect for authority".

The prisoners claimed, as did other sources, that the fire may have been deliberately set by the factory managers, who were about to replace obsolete machinery that was heavily insured, and who allegedly ordered the removal of fire-fighting equipment from the factory shortly before the police assault. Local trade union representatives claimed it was unlikely that trade unionists would act to destroy their own livelihood by burning the factory. The use of tear gas by the police, which can be highly flammable in enclosed areas, could provide a third explanation of the fire.

The last of the prisoners to be released were Córdova Turcios, lawyer and university professor, and Nativi Gálvez. Both were held in poor conditions in the crumbling Central Penitentiary in the capital city Tegucigalpa. Some 250 men were being housed in each of the large cells, where beds were stacked four high and sanitary facilities were inadequate. Córdova Turcios and Nativi Gálvez declared a hunger-strike on 10 December 1979 in protest at prison conditions and to demand their release. On 19 December Amnesty International groups appealed on behalf of the two men; it was later learned that both had been released on 24 December. Although charges have not formally been dropped, informed sources report that the case will

probably not be reopened.

Appeals were made also on behalf of three leaders of the *Unión Nacional de Campesinos* (UNC), the National Union of Peasant Farmers: Ricardo Sauceda, Rolando Turcios and Gustavo Reyes, arrested on 14 June 1979 in Olancho Department by agents of the *Departamento de Investigación Nacional* (DIN), the National Department of Investigation. Amnesty International subsequently learned that all had been released within four days of arrest. (At Olancho seven leaders of the UNC and two Roman Catholic priests had been murdered in July 1975.) In February 1978 two army officers were convicted of those murders.

On 20 April 1980 the first elections for a constituent assembly since the military coup of 1972 took place. The assembly is to rewrite the constitution, appoint an interim President of the Republic and arrange for presidential elections. Only the two traditional parties, the Liberals and the Conservatives, and the tiny conservative grouping *Partido Innovación y Unidad* (PINU), the Party for Innovation and Unity, were permitted to take part in the election, as registration was denied the centre and left parties, including the relatively large Christian Democratic Party. The Liberal party won the election, despite allegations of official military support for the Conservative party.

There are no prisoners of conscience adopted by Amnesty International in Honduras.

Mexico

The findings of an Amnesty International mission to Mexico in January 1980 confirmed the concerns noted in previous *Amnesty International Reports*. These concerns include irregular detention procedures, including prolonged periods of detention incommunicado and torture; convictions reportedly obtained solely on the basis of a confession extracted under torture without other supporting evidence; unrecognized arrests or "disappearances"; and the authorities' failure to investigate complaints against the security force called the *Brigada Blanca*, White Brigade.

The Amnesty International delegates on the mission to Mexico

were Salvadorian lawyer Roberto Cuéllar and a member of the International Secretariat of Amnesty International. The mission met defence lawyers and other jurists, journalists, members of parliament, church people, organizations of *campesinos* (peasant farmers) and of *indígenas*, native Indians, local defence committees for political prisoners and a national committee for prisoners and the "disappeared", and people who had themselves been victims of unacknowledged arrest and "disappearance". The delegates visited two prisons: the state penitentiaries of Cuernavaca (in the State of Morelos) and of Puebla (in the State of Puebla) which are common prisons but hold a number of prisoners considered to be held for political reasons.

The mission reported its particular concern about the high incidence of such unlawful activities in rural areas, by the army and several police forces as well as by groups of *pistoleros*, gunmen, attached to local landowners.

The legal and political structure formally provides safeguards against violations of human rights: excellent constitutional and legal provisions to guarantee individual rights; a political reform carried out by the administration of President José López Portillo which has provided for parliamentary seats for several opposition parties, including the Communist Party; a visible freedom of the press to publicize violations of human rights; considerable opportunities for voicing public complaints. Nevertheless, the mission noted scepticism among victims and their advisers about the effectiveness of safeguards and remedies in political cases. The mission considered this scepticism justified, in particular with regard to *amparo*, (*habeas corpus*) and investigation, carried out by law enforcement agencies, of abuse of authority in regard to political suspects.

During 1979 the government continued to implement the amnesty law of September 1978. The fifth phase (August 1979) benefited 919 people, including 832 people listed as *campesinos*. Several prisoners investigated by Amnesty International were released during this period: Pedro Pérez Castillo, sentenced to 20 years and five months; Agripino Juárez de la Cruz, sentenced to 13 years; Juan Martínez Perea, sentenced to 20 years and five months; José Carlos Luciano Tapia, sentenced to 20 years and five months. The last was killed in uncertain circumstances shortly after his release. Amnesty International investigated a further nine cases from the Cuernavaca prison. Although all were convicted on charges of serious non-political crimes, their convictions were reportedly based solely on confessions extracted under torture, and the accusations are alleged to be false. One such prisoner in Cuernavaca, Simón Hipólito Castro, whose case Amnesty International was investigating, was able to publish a book after his release in 1979 containing a detailed account of his

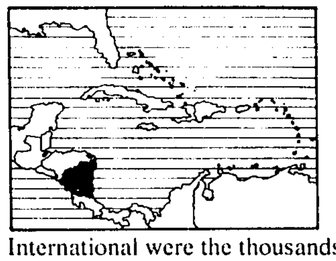
arrest, torture and harassment in prison. He had been sentenced to 36 years but was released after three and a half.

Amnesty International estimates that there are from 50 to 100 political prisoners. However, this figure does not include possibly large numbers of *campesinos* and *indígenas* held in local jails in provincial towns, about whom very little information is available. From just one region — the *Huasteca Hidalguense* — 14 *campesinos* have reportedly been imprisoned, 26 "disappeared" after arrest, one died in prison as a result of torture, and four have been murdered by local hired killers since August 1979. In the past year Amnesty International approached local authorities concerning the imprisonment and treatment of several groups of *campesinos* and *indígenas*.

In view of the evident failure of federal and state attorneys general to initiate investigations into alleged abuse of authority by army and several police forces, Amnesty International made relevant information available to lawyers in various countries. This information included Mexican press reports presenting official documents on the *Brigada Blanca*, whose existence the government has persistently denied in recent years. The documents identify the *Brigada Blanca* as the ninth army brigade, based in *Campo Militar No. 1* in Mexico City. This is the detention and torture centre that is most commonly cited in testimonies by victims of incommunicado detention and torture. Amnesty International also provided the lawyers with testimonies by victims of "disappearances", among them that of Bertha Alicia López García de Zazueta. She and several of her elatives were arrested without warrant in April 1979, held incommunicado in secret detention centres and tortured. The methods included beatings with fists and truncheons; *la chicharra*, torture by electric shock to all parts of the body including eyes, teeth and genitals; forcing mineral water up the nostrils; immersing the head or the whole body in dirty water until the victim is near drowning. Bertha Alicia López García de Zazueta alleges that her one-year-old daughter was given electric shocks in her presence. All those released after several months' abduction were able to identify other people held in secret detention at the time or who had previously been held in the same cells of the *Campo Militar No. 1*. They have also indicated that doctors were present at the torture sessions. Recent lists compiled by a Mexican committee founded by relatives of "disappeared" prisoners contain 470 names of people "disappeared" since 1972. The list does not include numerous peasants from remote areas who are reported to have suffered the same fate.

In April 1980 Amnesty International wrote to the Mexican President José López Portillo presenting the conclusions and recommendations of its mission. While emphasizing the government's

"notable role in promoting instruments for the protection of human rights" in the international field and the assistance given to refugees from other parts of Latin America, it outlined its serious concerns regarding the protection of human rights within Mexico itself. On the basis of the mission and other information it recommended that the Mexican Government: review further political cases under the amnesty laws, in particular where the interrogation was alleged or proved to have taken place under torture; implement Article 12 of the United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: "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"; establish independent inquiries into allegations of torture and punish or remove from office law enforcement personnel found to be responsible for such abuse of authority; provide remedies [compensation] to victims of unlawful arrest and torture and, in case of death, to the victim's family; establish a full enquiry into the *Brigada Blanca* and its activities and make public the findings and measures taken; pay particular attention to the human rights of *campesinos* and *indígenas* as the most vulnerable sectors of society; and study the possibility of including education and training in questions of human rights in the curricula at different levels of the educational system. The letter also noted Mexico's recent ratification of the International Covenant on the Repression and Punishment of the Crime of *Apartheid* but pointed out that Mexico has not ratified the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, nor the American Convention of Human Rights.



Nicaragua

The defeat of the government of Anastasio Somoza Debayle by revolutionary forces on 17 July 1979 ended nearly 50 years rule by the Somoza family and a civil war that cost as many as 50,000 lives. Before 17 July the major concerns of Amnesty International were the thousands of seemingly arbitrary arrests, and summary executions carried out by the National Guard. Since that time Amnesty International concerns included large-scale detentions and delays in trial proceedings.

Most detentions under the Somoza government were not acknowledged by the authorities. They often led to murder. Appeals were issued by Amnesty International on behalf of hundreds of people reported "disappeared" after arrest, including members of Nicaragua's private Commission of Human Rights, trade union and political leaders, journalists, local Red Cross officials and members of the *Frente Sandinista de Liberación Nacional* (FSLN), the Sandinist National Liberation Front.

The systematic arrest and murder of young men in some areas during National Guard counter-insurgency operations, was reported and later confirmed in a report by the Inter-American Commission on Human Rights. Most Nicaraguan cities were partially destroyed by bombing when popular uprisings, organized around the FSLN, took control of urban areas.

After the success of the revolution a junta was established of five members representing those sectors of society that had contributed to the downfall of President Somoza, including two representatives of the FSLN.

A Government of National Reconstruction was established on 20 July, headed by the *Junta de Gobierno*, junta of government. It issued its *Estatuto Fundamental*, Fundamental Law, the same day, which replaced the constitution of 1974; declared the organizational structure of the new government; dissolved and replaced the legislature and the judicial system; dissolved the National Guard, the Office of National Security (the secret police arm of the National Guard), and the Military Intelligence Service.

Article 6 of the Fundamental Law gives full recognition to the human rights established in the Universal Declaration of Human Rights, the United Nations Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, and the American Declaration on the Rights and Duties of Man. The *Estatuto sobre Derechos y Garantías de los Nicaragüenses*, the Statute on Rights and Guarantees of Nicaraguans, which elaborates Article 6, was promulgated on 21 August 1979 and can be considered an essential part of the Fundamental Law.

The Statute on Rights and Guarantees includes title II on traditional civil and political rights, such as the right to life, physical integrity, legal guarantees, freedom of expression, freedom from servitude, and freedom of conscience and religion. It specifically abolishes the death penalty and the use of torture and cruel, inhuman and degrading treatment. Another part concerns economic, social and cultural rights, such as the right to work, the right to union membership and the right to strike.

Article 49 of the Statute on Rights and Guarantees sets out the

conditions which need to be satisfied before certain rights and guarantees can be suspended, including the threat of international or civil war, or "reasons of public order or state security". Certain guarantees can in no circumstances be suspended, including freedom of conscience and religion. A decree of 24 November 1979 pointed out that the right to life had, in error, been omitted from the list of guarantees that cannot be suspended, and amended the Statute to include it.

The final part of the Statute on Rights and Guarantees (title V) includes transitory provisions, notably the suspension of rights — those that can be suspended — "for those individuals who are under investigation for crimes included in the Penal Code and the International Covenants, committed during the Somoza regime". This suspension of guarantees remained in effect until the state of emergency, decreed on 22 July 1979, was ended on 28 April 1980. The restriction on the right to *habeas corpus* was widespread during the first months of the new government. Administrative problems in locating, accounting for, and beginning legal proceedings against political prisoners were aggravated by the development of new prison and court systems and may have contributed to making *habeas corpus* ineffective.

Other items in the new legislation relevant to Amnesty International included the *Ley sobre el Mantenimiento del Orden y Seguridad Pública*, Law for the Maintenance of Order and Public Security, which punished crimes related to public order and state security ranging from drug trafficking, to possession of firearms and destruction of property. This law also lapsed on 28 April 1980 when the state of emergency was lifted.

In the weeks after the collapse of the Somoza government, an estimated 7,000 to 9,000 people were detained by revolutionary forces, and held in former National Guard barracks and prisons, camps under Nicaraguan Red Cross supervision and improvised detention camps. Most of the detained were former members of the National Guard, local police officials, members of the political police and former members of the Somoza government and participants in Somoza family enterprises.

There were some reports of executions of National Guardsmen after they had surrendered in the final days of the conflict. On 28 July 1979 Interior Minister Tomás Borge, a principal Sandinista leader and revolutionary government spokesman, now a member of the junta, said that immediate steps would be taken to prevent misconduct by Sandinista forces, declaring that no prisoner would be ill-treated and that neither the death penalty nor torture would exist after the revolution. In November 1979, however, Tomás Borge told the press that investigations had revealed that more than 100 National

Guardsmen had been executed in the first days after the overthrow of the previous government and that strict measures to stop the abuse had led to the arrest of several hundred supporters of the revolution.

The first of a planned series of Amnesty International visits to Nicaragua and attendances at trials as observers took place from 15 to 22 January 1980. The Amnesty International delegate, Dr Roberto Alvarez, a lawyer and former official of the Inter-American Commission on Human Rights, met members of the government, including the Deputy Minister of the Interior, Hugo Torres. As the Amnesty International mission was concerned primarily with the trials of individuals detained for alleged crimes under the former government and with the new court system, Dr Alvarez met officials charged with administration of the Special Tribunals hearing the cases, Dr Nora Astorga Gadea and Dr Mario Mejía Alvarez, Attorney General Dr Ernesto Castillo, President of the Supreme Court of Justice, Dr Roberto Argüello Hurtado and trial lawyers, and examined documentation of the trial proceedings.

Dr Alvarez met also José Esteban González, Coordinator of the Permanent Commission for Human Rights of Nicaragua, a private organization that was instrumental in the monitoring and international reporting of abuses of human rights under the Somoza government. It maintains a critical stance towards the present government.

As trial proceedings under the Special Tribunals opened only shortly before the Amnesty International mission to Nicaragua took place, few cases in which trials were completed could be examined fully. During the mission emphasis was placed on assessing the procedural aspects of the trials and on raising points of law relevant to the new court structure and the due process of law with responsible authorities. A report on the legal system under the new government and the new procedures applied in the first few cases is being prepared. A second mission for the purpose of observing the trials is planned for mid-1980.

Amnesty International now estimates that from 5,000 to 5,300 people are imprisoned for crimes said to have been committed under the orders of the former government. A complete list of prisoners has not yet been published or made available to Amnesty International by the government. At the invitation of the government, the January mission visited the principal prisons in or near Managua, including the former Model Prison of Tipitapa, renamed *Centro de Readaptación Jorge Navarro*, where about 2,100 prisoners of whom 13 are women, are held, and the *Centro de Readaptación Héroes y Mártires de Nueva Guinea* in Managua, known as the *Zona Franca*, with about 1,300 prisoners, of whom 35 are women. Overcrowding is a major problem in both prisons. Prisoners who have been sentenced are to be

transferred to a prison at Coyotepe, in Masaya, which was reportedly not yet ready for use at the time of the mission. Small groups of prisoners are also held under the authority of the Special Tribunals in former National Guard barracks in most provincial capitals, to which the tribunals will travel for hearings.

Amnesty International has written to the authorities on several occasions to inquire into individual cases of imprisonment under the new government. At the end of March information was requested concerning four individuals connected with the now closed left-wing newspaper *Pueblo* that had been highly critical of the political course taken by the revolutionary government. It is reported that Melvin Wallace Simpson, Carlos Domingo Cuadra, Juan Alberto Rodríguez Oporta and Isidro Téllez Toruno were to be tried under the Law for Maintenance of Order and Public Security. The relevant section of the law establishes a sentence of up to two years of *obras públicas*, public works, for individuals who publish "proclamations or manifestos that seek to injure the popular interests and abolish the victories achieved by the people". Amnesty International expressed concern that individuals detained under this provision could in certain circumstances be considered prisoners of conscience. Amnesty International has sought to determine whether any prisoners, including the *Pueblo* group, were still in detention after conviction under the Law for the Maintenance of Order and Public Security, which had lapsed on 28 April 1980.

No prisoners of conscience were adopted by Amnesty International during the year.

On 25 September 1979 the government ratified the American Convention on Human Rights and, on 12 March 1980, ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Optional Protocol to the latter covenant granting the right of individual petition to the Human Rights Committee established by the covenant.

Paraguay

The positive trend noted in the previous *Amnesty International Report* on the state of human rights in Paraguay was partly reversed during the period covered by this present report. Once again the main target of persecution appears to be members of the peasant organization, *Ligas Agrarias*, which was created in the late 1950s and supported by the Roman Catholic Church. The state of siege, which has been renewed as a matter of routine every three months throughout the 26 years of General Alfredo Stroessner's presidency, continued in force in Asunción, the capital. The government claims, contrary to the opinion of prominent jurists, that this constitutional provision gives the President the right to keep people in indefinite detention without charge or trial. Furthermore, when the state of siege became limited to the capital, the tribunals ruled that people arrested in other parts of Paraguay could be transferred to Asunción and there be held under the state of siege. The state of siege combined with the wide powers of the police and the inability of the judiciary to achieve independence from the executive provides the framework for violations of human rights: prolonged detention without trial, ineffectiveness of *habeas corpus*, detention incommunicado, torture and unacknowledged detentions or "disappearances".

The Amnesty International adopted prisoners of conscience Severo Acosta Aranda, aged about 50, detained without trial since 1964, and Argentinian lawyer Amílcar Santucho, aged 57, detained since 1975, were released during the year. Amnesty International continued to campaign for the release of telecommunications engineer Virgilio Bareiro, aged 51, detained without charge or trial since 1964. It re-adopted Alfonso Silva Quintana, aged 48 and his wife, María Saturnina Almada de Silva, aged 50, who had earlier spent 10 years in detention without trial until their release in early 1978. Their rearrest in 1979 is attributed to the couple's humanitarian assistance to Severo Acosta Aranda and to other people who remained in detention after their own release and who had no close relatives to assist them. The food parcels the couple had delivered to the prison for these detainees were deemed by the authorities to be "logistic support". Trial proceedings against the couple were begun, but since about September 1979 have been in abeyance.

Amnesty International was also investigating the cases of 12 people arrested in the past year and alleged to be held in secret detention without trial in the *Departamento de Investigaciones*, police headquarters, and other notorious detention centres in Asunción. Peasant leader Constantino Coronel, aged 48, previously detained from April 1976 to July 1978, who after his release narrowly escaped several assassination attempts, was himself later charged with a criminal rather than political offence. He is being held in an ordinary prison in the town of Encarnación, where he has been reported to be chained to the wall. Independent observers have, however, concluded that it was his position as a peasant leader that directly led to his present condition.

New information has come to light in the past year on three of those listed as "disappeared" after their arrest at the end of 1975 and whose cases were first presented in *Deaths under Torture and Disappearance of Political Prisoners in Paraguay*, Amnesty International (1977). These were Miguel Angel Soler, Secretary General of the Paraguayan Communist Party, Derlis Villagra and Rubén González Acosta, also Communist Party members. On 3 October 1979 Amnesty International released news that it had submitted testimony to the Paraguayan Supreme Court as new elements for the *habeas corpus* proceedings. It detailed the torture and mutilation while in police custody that led to the deaths of the three men a few days after arrest. This information was also sent to the United Nations Secretary-General for consideration by the United Nations Commission on Human Rights. Paraguay has been listed by the Commission for the past three years as being on its confidential agenda. The Minister of the Interior responded by issuing a communique denying that the three men had even been living in Paraguay. In a public refutation in February 1980 Amnesty International offered several testimonies affirming that these arrests had taken place before eye-witnesses in Asunción. In April 1980 Amnesty International prepared a submission for the United Nations giving an account of the secret disposal of three tortured bodies in the River Paraguay, from which they were later washed ashore. One was identified by witnesses as Derlis Villagra.

Irregular detention procedures and the infliction of torture on political detainees in Paraguay caused Amnesty International to issue urgent appeals on behalf of 32 people. These included the reported "disappearances", in May 1979, of 16 people and, in March 1980, of seven peasant farmers, two of whom were wounded women, and one of whom, Apolonia Flores, was 12 years old. The Paraguayan Government made the seven's names public in an official communique, which also listed 10 people as "killed in a shoot-out". Although the Paraguayan press was forbidden to report on the matter, it later

became clear that some 300 people had been taken to the *Departamento de Investigaciones* in Asunción and that an unknown number of peasants were being held in Villarrica and Paraguarí. The ostensible reason for these large-scale raids on peasant communities was a hold-up of a bus by a small group of peasants, who demanded to be taken to Asunción to draw attention to peasants being evicted from their land and to their living conditions. Although the official communique described them as "common delinquents", the government's response was a raid on villages in different parts of the country involving an estimated 5,000 soldiers, militia, and local government supporters. Among those arrested and killed were a number of well-known leaders of the *Ligas Agrarias*, whose members have had a long history of harassment, detention without trial and torture. Amnesty International cabled President Stroessner expressing concern about the large number of arrests and the physical safety of the detainees. It made reference to the ill repute of the infantry division of Villarrica in dealings with peasants. On 2 April Amnesty International publicly stated that the raids "appeared to be a renewal of repressive campaigns which have followed attempts by the peasants to organize themselves".

A Brazilian state deputy who went to investigate these arrests was able to speak to a prisoner who after one year's secret detention had been removed from *Investigaciones* to a barracks because of the arrival of numerous new detainees. He was Remigio Jiménez, who had lived for 20 years in Brazil. In May 1979 Amnesty International issued urgent appeals on his behalf. He has remained in detention incommunicado since that time.

The government does not normally respond to international communications about human rights. One exception was its response to the August 1979 Amnesty International appeal concerning the arrest in Paraguay of an Argentinian couple and their three-year-old child. The Foreign Ministry replied that they were detained "for forging personal documents for terrorist elements to enable them to enter Argentina" and that they had given false names. They were released shortly afterwards.

In June 1979 Amnesty International interceded on behalf of a lawyer, Mario Milciades Melgarejo, himself a member of the ruling Colorado party who was imprisoned between June and August 1979 for "subversion" — he had acted as a lawyer for the inhabitants of the township of Fernando de la Mora against the Paraguayan authorities.

The Inter-American Commission on Human Rights (IACHR) presented a new report on Paraguay which led to the adoption of a resolution by the General Assembly of the Organization of American States in La Paz in October 1979. The Commission's report

recommended that the Paraguayan Government give a precise date for an on-site investigation, that the state of siege be lifted in the whole territory and that the prisoners remaining untried in detention be released or brought to trial. Despite giving its agreement to such an investigation by the IACHR more than two years ago, the government has not permitted it to take place.

Peru

Throughout 1979 and the early part of 1980 the concerns of Amnesty International continued to be the periodic large-scale, short-term arrests of trade unionists, political activists and community leaders of the *pueblos jóvenes* (the poor neighbourhoods surrounding the coastal cities); the taking over of the administration of justice by the army so that civilians were brought as a matter of routine before military courts for a broad range of offences; the ineffectiveness of *habeas corpus* and the lack of the right to appeal to civilian courts; consistent allegations of severe ill-treatment during interrogation of peasant communities by members of the investigative police and of harsh measures taken by the *Batallón Sinchi*, a special assault unit of the *Guardia Civil*, the Civil Guard.

Massive political arrests of people involved in social protest took place in May 1975, in January and July 1976, in July 1977, in May 1978 and in January and June 1979. On each occasion thousands were arrested in connection with demonstrations against the deteriorating standard of living or attempts at a general strike. At the same time, imprisonment and ill-treatment of peasants and Indians belonging to rural communities involved in land disputes increased. Amnesty International protested against the arrests of *campesinos*, peasant farmers, and the attack on peasant communities of Alto Piura, Bagua Chica and San Juan de Ondores. In Alto Piura, 58 *campesinos* were arrested. In San Juan de Ondores, 300 members of the *Batallón Sinchi* took military action against the peasants in a dawn raid on 18 December 1979. Two people died, 15 were wounded and 44 were arrested; huts were sacked and burned and cattle and sheep killed.

Another major concern was the detention of hundreds of teachers during the 108-day strike of *Sindicato Unico de Trabajadores de la*

Educación del Perú (SUTEP), the Peruvian teachers' union. The strike began on 4 June 1979, demanding unconditional recognition of the teachers' trade union and an increase in salaries.

In the first month alone, more than 700 teachers were detained and some 2,000 dismissed from their jobs. By September, the 100,000-member organization claimed, the military and police repression had left at least 30 dead, many of them teachers, women and school children, as well as hundreds wounded.

Shortly before Christmas 1979 the government announced an amnesty for political prisoners: 28 SUTEP teachers adopted by Amnesty International as prisoners of conscience were released. Twenty-five Cromotex textile workers, whose cases had been investigated by Amnesty International were released also.

The process of political "normalization" in Peru, initiated by the Constituent Assembly elections and furthered by the drafting of a new constitution (finished on 12 July 1979), now faces crucial tests. The new constitution, whose provisions include the abolition of the death penalty, limits the jurisdiction of military courts, reinforces the right of *habeas corpus* and guarantees freedom of expression and political rights; it is scheduled to take effect in July 1980, when a civilian government elected in May 1980 takes over from the military rulers who have governed Peru since October 1968.

United States of America

Amnesty International has continued to strive for the abolition of the death penalty and against impending executions; this has been its highest priority during the past year. In the early months of 1980 more than 600 people were on death rows throughout the United States of America (USA). Two executions took place in 1979. In May, John Spenkelink was electrocuted in Florida; and in October Jesse Bishop was gassed to death in Nevada. In both cases Amnesty International issued international appeals for clemency. On 29 and 30 May 1979 an Amnesty International mission went to Florida to plead with state officials for the commutation of death sentences facing more than 130 prisoners in that state. In December 1979 an Amnesty International

mission visited California, Ohio, Georgia and Washington, D.C., for discussions with state and federal officials concerning the death penalty. At the conclusion of this mission Amnesty International called upon President Carter to establish a presidential commission on the death penalty in the USA, and in April 1980 a detailed proposal for such a commission was presented to the President.

During the year four prisoners of conscience adopted by Amnesty International in the USA were released on parole: James Earl Grant and T.J. Reddy of the "Charlotte Three"; Ben Chavis of the "Wilmington Ten"; Imari Obadele (*Amnesty International Report 1978* and *Amnesty International Report 1979*). Many other cases were investigated, some involving attendance at trials. In two cases, which had been studied for several years, those of Gary Tyler and Elmer "Geronimo" Pratt, Amnesty International decided that there were grounds to doubt the validity of the convictions. Gary Tyler, a black youth, was sentenced to death in November 1975 on a charge of murdering a white youth in October 1974 during a racial incident in Louisiana. His sentence was subsequently commuted to life imprisonment. In February 1980 Amnesty International urged Governor Edwin Edwards of Louisiana to grant Gary Tyler a new trial or to release him. "Geronimo" Pratt, a former leader of the Black Panther Party, was convicted in 1972 of the murder in 1968 of a white woman in Santa Monica, California. He has consistently maintained his innocence and witnesses testified at his trial that at the time of the murder he was at a meeting in Oakland, California. In 1979 documents obtained under the Freedom of Information Act showed that "Geronimo" Pratt was a subject of COINTELPRO, the Federal Bureau of Investigation counter-intelligence program, designed to disrupt groups considered to be subversive and to discredit their leaders. In December 1979 Amnesty International stated that "the interests of justice can only be served by granting Mr Pratt a retrial".

After publication of the report of the Commission on Security and Cooperation in Europe (CSCE), *Fulfilling Our Promises: The United States and the Helsinki Final Act*, Amnesty International wrote to Attorney General Benjamin Civiletti in April 1980 welcoming the Commission's recommendations that: ". . . the Justice Department should establish a more effective mechanism to review cases brought to its attention by the CSCE, the State Department, Amnesty International, reputable private groups or other CSCE signatory states". Amnesty International noted the Commission's statement that, "We cannot state conclusively that there have not been varying degrees of racial discrimination or localized political motivation in accusing, arresting and prosecuting certain of these individuals or in meting out unusually harsh sentences".

Many inquiries were directed to state and federal authorities concerning allegations of ill-treatment of prisoners throughout the USA. In May 1979 Amnesty International wrote to Norman A. Carlson, Director of the US Bureau of Prisons, about an alleged assault by guards on prisoners in Lewisburg Penitentiary on 16 December 1978. In his reply Norman Carlson agreed that force had been used by prison staff, but stated that: "After reviewing the reports of the incidents, I am convinced the force used was necessary, given the nature of the disturbance and the demonstrated assaultiveness of the inmates involved".

On 28 August 1979 Amnesty International urged Governor Dixie Lee Ray of the state of Washington to arrange for independent investigation into the treatment of prisoners at Walla Walla State Penitentiary. Amnesty International referred to reports it had received of the severe ill-treatment of prisoners at Walla Walla on 8 July 1979, in particular of Carl Harp, and said that: "For some time now we have been receiving information about conditions at Walla Walla which leads us to believe that the incidents which occurred on 8 July are not unprecedented . . .". In a reply from the Department of Social and Health Services it was stated that: "The situation you described together with other alleged incidents is being thoroughly investigated by independent bodies. Corrective action consistent with investigative findings will be instigated."

Research was continued into allegations that undocumented Mexican workers in the USA and Mexican-Americans were being subjected to ill-treatment by the authorities. After extensive interviews in California, New Mexico and Texas with Mexican-American organizations and individuals and with lawyers, a report was submitted to the International Executive Committee of Amnesty International. Its conclusions were that:

> ". . . there is no systematic physical ill-treatment of undocumented workers by the Immigration and Naturalization Service (INS), but that there is systematic psychological ill-treatment designed to deter them from asserting their rights under US law. In addition, or perhaps as part of the same pressure, INS officials and Border Patrol agents behave with quite unnecessary rudeness and roughness in their dealings with undocumented workers. It is difficult to escape the conclusion that this behaviour is due to racial discrimination. Border Patrol agents are much more likely to use physical brutality when apprehending undocumented workers . . . . Police brutality, especially towards members of ethnic minorities is widespread and severe, resulting in death in many cases. Although it is probably not due to official policy, it is undoubtedly able to occur so frequently because it is officially tolerated. Prosecutions of policemen do take place, but nearly always result in acquittals or very light sentences."

Work continued on a special study of individual cases of American Indians and Blacks alleging political motivation for criminal charges.

Uruguay

Amnesty International concerns in Uruguay are the high number of prisoners of conscience, torture, unconstitutional detention procedures and trial proceedings that do not conform to recognized standards of fair trial. On 27 June 1979 Amnesty International issued a report *Political Imprisonment in Uruguay* to coincide with the sixth anniversary of the dissolution of the elected parliament which marked Uruguay's transition to *de facto* military rule.

Among the 14 prisoners of conscience whose cases were presented in the report are: retired general Líber Seregni, aged 63, presidential candidate in the 1971 elections; trade union leader Héctor Rodríguez, aged 61, former member of parliament and labour delegate to the International Labour Organisation; primary school teacher Didaskó Pérez Baccino, aged 43, Secretary General of the *Federación Uruguaya de Magisterio*, Uruguayan Teachers' Federation, at the time of his arrest; nurse Ana María Salvo, aged 25, abducted by joint Uruguayan and Argentinian security forces in Argentina and clandestinely transferred to Uruguay; Alfonso Fernández Cabrelli, municipal lawyer, historian and journalist; Julio Castro, aged 70, educator, journalist and UNESCO expert on literacy training, who remains "disappeared" since his arrest in August 1977. They were charged with "attack on the morale of the Army and the Navy", "subversive association" or "assistance to a subversive association" because of their writings, trade union work or political affiliation. The charge of subversive association applied to present or past support for the main trade union organization *Convención Nacional de Trabajadores*, National Convention of Workers, or any of the 14 political groups and parties outlawed by decree in 1973.

The report scrutinizes the system of military justice which deals with all cases of people accused of political or trade union activities. The Law of National Security of 1972 brought civilians under military justice despite a clear provision to the contrary in the constitution. A decree law of 1975 made military justice retroactively applicable to cases where the alleged offences had been committed before 1972. Because civilian defence lawyers have been severely harassed, most prisoners have had a military officer without legal training appointed by the state as defence counsel. Thus, members of the armed forces intervene at all stages of a case in which it is alleged that a political offence has been committed: the citizens are arrested without warrant by members of the armed forces; they are hooded and subjected to various forms of violence, and taken to some military barracks for interrogation and torture; after "confession" they are brought before a military examining magistrate to ratify their statements; either they do not dare to retract them, for fear of being returned for renewed torture, or, if they do so, the *juez de instrucción*, military examining magistrate, takes no notice of their retractions and allegations of ill-treatment; the prosecutor is a military officer, and so in most cases is defence counsel; the *juez de primera instancia*, trial judge, is a military officer, as are all the members of the *Supremo Tribunal Militar*, the Supreme Military Tribunal, who hear the appeals, compulsory in all cases where the sentence is more than three years' imprisonment. Amnesty International stated, when publishing its report, that this closed circle of military justice for those who are believed to disagree with the ideology and policies of the ruling armed forces has ensured that "all safeguards against unlawful detention have been eliminated" and that "there are no longer any domestic remedies against arbitrary imprisonment, torture and death at the hands of the armed forces and the police".

The report examined conditions in a variety of detention centres and prisons. Political detainees are first held incommunicado in military barracks or police departments for a considerable time. This is where interrogation takes place, and torture has become routine practice: — *plantón*, prolonged standing; *submarino*, immersion in water until near drowning; *picana eléctrica*, electric shocks; hanging by the wrists.

After presentation before the *juez de instrucción*, military examining magistrate, most prisoners are transferred to military prisons, the men to the *Establecimiento Militar de Reclusión No. 1* (EMR 1) also called the *Penal de Libertad* after the small town in which it is situated, the women to *Establecimiento Militar de Reclusión No. 2* (EMR 2) or *Penal de Punta de Rieles*, a district of the capital Montevideo. Some prisoners were held in a special sector of the

common prison *Punta Carretas* until mid-1979 when most of them were transferred to EMR 1. It is interesting to note that the 20 imprisoned military officers are not held in the military prison under the authority of the Ministry of Defence but in *Punta Carretas* and in the police headquarters, both of which are under the authority of the Ministry of the Interior and the civilian administration of the Director of Penal Institutions.

The report also contained an interview with former First Lieutenant Julio César Cooper, who had himself taken part in the torture of political detainees and was able to confirm the information on torture held by Amnesty International from his own experience in the armed forces. "Ninety per cent of the members of the armed forces take an active part in the torture of political detainees", Lieutenant Cooper affirmed.

Amnesty International concluded by urging the government to "release all prisoners of conscience; ensure that law enforcement agencies observe the legal safeguards enshrined in the constitution and international instruments to which Uruguay is a party; return to ordinary justice in accordance with the Uruguayan Constitution (Article 253); establish an independent inquiry into all allegations of unlawful arrest and detention, ill-treatment and torture, and in proven cases provide for compensation for the victims, according to Uruguay's undertakings under the International Covenant on Civil and Political Rights".

The government has neither replied to these recommendations nor implemented them.

A considerable number of prisoners have been released in the past year, mostly at the expiry of sentences ranging from three to six years. Several prisoners died from a combination of illness, neglect and ill-treatment in prison, while others, such as Amnesty International adopted prisoners of conscience Ruben Porteiro Pérez and Héctor Gómez, were released a few days before their deaths from terminal illnesses. Arrests and reports of torture have decreased since the waves of arrests that took place from 1975 to 1977.

However, there are still at least 1,500 prisoners of conscience and other political prisoners (in a population of two and a half million); those "disappeared" after arrest have not yet been accounted for, either dead or alive; no investigations of torture allegations have taken place and people are still being arrested without legal guarantees.

Amnesty International allocated the cases of 164 people to its groups for adoption as prisoners of conscience or for further investigation, bringing the total number of prisoners on whose behalf it worked to more than 400.

It issued nine urgent appeals, mostly concerning prisoners' serious

ill-health. Several prisoners were in urgent need of operations or other medical treatment that cannot be provided by the military prison hospital. One such appeal urged the release on humanitarian grounds of Mario Walter Soto who was suffering from terminal cancer.

An urgent appeal was issued on behalf of Carlos Ramos, arrested with a number of other people in early December 1979 and held incommunicado in the police headquarters. Amnesty International lawyers' groups interceded on behalf of lawyer Dr Ramón Díaz, editor of the economic review *Búsqueda* who was arrested in March for an article he had written in 1977 criticizing changes in the legal system by Institutional Act No. 8. Charged with *desacato*, insulting behaviour, he was pardoned by President Aparicio Méndez and released after a week's detention. Amnesty International also pleaded on behalf of those prisoners who had served their sentence or whose release the military judge had granted before the expiry of their sentence, when the executive power ignored the judicial ruling and kept them in detention under *Medidas Prontas de Seguridad* (MPS), prompt security measures. Textile worker and trade union leader Juan Ángel Toledo Reyes, aged 48, was arrested in mid-1977 and sentenced to two years' imprisonment. In December 1978 he was granted provisional release but instead was transferred to the Fourth Cavalry Regiment, where detainees under MPS are held in disused railway carriages, in conditions of overcrowding and in notably unhygienic conditions, plagued by flies and rats. Although the military doctor had exempted Juan Ángel Toledo from physical work because of knee injuries, he was reportedly obliged to perform forced hard labour such as quarrying stone, carrying bricks and hoeing the land. Amnesty International has also expressed concern about several people "retained" under MPS after the expiry of a comparatively short sentence, in the Artillery Group No. 4 in the town of San Ramón, and several women in similar situations held in military barracks in the town of Paso de los Toros.

Amnesty International made public eight detailed testimonies of torture and other illegal procedures to which political detainees have been subjected. It had adopted as a prisoner of conscience Alcides Lanza, aged 61, an experienced trade unionist and leader of the shop employees' union, who was released in July 1979 after three and a half years' imprisonment. In his testimony he described a method of torture applied to male prisoners previously unknown to Amnesty International, *el chanchito*, the little pig. The prisoner is put in a wooden box, lying for hours on end on a narrow iron bar, with his hands handcuffed behind his back. Another and more severe variation of this torture involves the use of a T-shaped iron bar with the sharp end upwards; the prisoner is raised towards the lid of the box with his

toes hardly touching the floor. The constant pressure on his testicles makes any movement impossible. "After many hours of this torture, I was unable to move, and my legs, hips and arms were completely numb," Alcides Lanza stated.

In September 1979 there were persistent reports that harassment had greatly increased in the *Penal de Libertad*. Frequent exercise drills at night accompanied by various forms of brutality and violence, and the placing of some common law prisoners in this strictly political prison gave rise to speculations that there was a premeditated plan to provoke an uprising among the prisoners. This prisoner protest, it was suggested, would then give the prison guards a pretext for shooting down a number of prisoners. Although there could be no conclusive evidence that such a plan existed, Amnesty International considered the fears of the relatives and the incidents that did take place serious enough for it to express its concern to the authorities.

After three years' suspension the International Committee of the Red Cross was able at the beginning of 1980 to resume its visits to Uruguayan prisons.

International intergovernmental organizations have remained critical of the failure by the government to honour its international undertakings in the field of human rights. At the General Assembly of the Organization of America States (OAS), held in La Paz in October 1979, the Inter-American Commission on Human Rights (IACHR) again presented a critical report on Uruguay which led to the adoption of a resolution by the assembly. The government continues to refuse the IACHR permission to conduct an on-site investigation.

In August 1979 the Human Rights Committee established under the International Covenant on Civil and Political Rights adopted its first resolution on a complaint submitted to it: the case of former member of parliament José Luis Massera Lerena and members of his family. The Committee resolved that there had been breaches of Articles 7, 9 (2,3,4), 10 (1), 14 (1,2,3) and 25, and declared that the government "is under an obligation to take immediate steps to ensure strict observance of the provisions of the Covenant and to provide effective remedies to the victims". The government has not yet complied with its obligation to submit a report on the human rights situation to the Committee.

Amnesty International submitted information on Uruguay to the Secretary-General of the United Nations for consideration at the United Nations Commission on Human Rights. Uruguay has been listed by the Commission for the past three years as being on its confidential agenda.

The Uruguayan Government announced in 1979 that the draft of a new constitution would be submitted to a referendum in November

1980. The text has not yet been made public. According to a government representative, several of the Institutional Acts decreed by the government since 1976 will be incorporated in the new constitution.

Venezuela

During the year Amnesty International has been mainly concerned about allegations of arbitrary imprisonment and short-term detention, "disappearances", killings and torture by security forces.

The government of President Luis Herrera Campins, which took office in March 1979, set free more than 100 political prisoners, most of whom had been charged with guerrilla activities and were being tried by military courts. It is reported that about 20 political prisoners remain in detention in Cuartel San Carlos in Caracas and La Pica Prison in the state of Monagas. Twelve of these prisoners are held in connection with the kidnapping of an American industrialist, William Niehous. There is also a group of peasants charged with the killing of several soldiers in 1973. The *pacificación*, amnesty, has been extended to those who, like Douglas Bravo (who was in hiding), were active in the guerrilla movement during the 60s.

During 1979 and the beginning of 1980 there have been allegations of some arbitrary arrests, torture and killings by the security forces: *Dirección de Inteligencia Militar* (DIM), *Policía Técnica Judicial* (PTJ) and *Dirección de Seguridad e Inteligencia Política* (DISIP), as well as by the Metropolitan Police. Allegations that plain-clothes security agents have caused the deaths of many people, sometimes at the moment of their arrest and sometimes during peaceful demonstrations, have been extensively reported in the Venezuelan press — the deaths, for instance, of Rubén Cipriano Bustamante, aged 16, Andrés Hernández Rosales, aged 19, Rafael Humberto Hernández Rondón, aged 17 and Marisol Valera Villegas, aged 19. Many others have been injured.

The former political prisoner Nicolás Montes Beltrán "disappeared" after visiting the *Cárcel Modelo* at the end of March 1980. He was reportedly seen later in the DIM, but DIM Director General Rafael

Machado Santana has denied this. Ángel Rodríguez "disappeared" on 8 February after leaving his family in Barquisimeto. It is reported that he had previously been detained by the PTJ. Amnesty International issued urgent appeals on behalf of both Nicolás Montes and Ángel Rodríguez.

Amnesty International is also concerned about allegations that Argentinian security forces may have been operating in Venezuela. Two Argentinian nationals, Mónica Susana Pinus de Binstock and Horacio Campiglia, reportedly left Mexico to travel to Brazil, via Panama and Caracas on 11 March 1980. No trace of them has been reported in Brazil and it is feared that they may have been abducted and forcibly repatriated to Argentina during their stopover in Caracas. Amnesty International cabled its concern to the Venezuelan Minister of Foreign Affairs.

In October 1979 a demonstration of workers, organized by the *Confederacion de Trabajadores de Venezuela* (CTV), the Venezuelan trade union central, in support of a draft bill to increase salaries, was violently broken up by the police. On the previous day, in Valencia, 150 kilometres west of Caracas, a political meeting was prevented by the National Guard and one man was killed. On 30 October the Chamber of Deputies passed a resolution condemning "the indescribable attack by the Metropolitan Police and the Valencia Police".

Arbitrary detentions are reported to continue. Illegal searches by the DISIP are common. For example, on 12 August 1979, the DISIP illegally entered the *Instituto Universitario Pedagógico de Caracas*, Teachers' Training College, and detained five workers at gun-point, without producing a warrant or identifying themselves. The workers were later released.

In November 1979 two members of the staff of *Diario de Caracas*, chief editor Tomás Eloy Martínez and journalist Elisabeth Fuentes, were held in custody and interrogated by DISIP for publishing a prediction by a Brazilian clairvoyant that President Luis Herrera would not complete his term of office. Journalist Olmedo Lugo was detained in December 1979 and held for 22 days for criticizing the Minister of Tourism. In January 1980 the DISIP arbitrarily detained journalist Los Arcos Ayape.

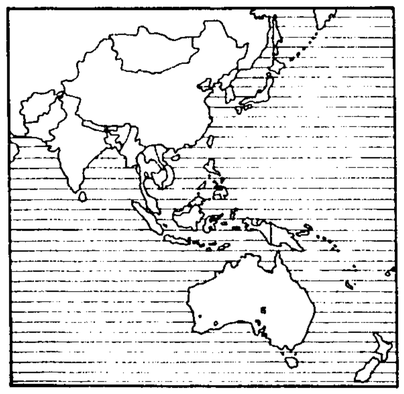
Mutinies in Sabaneta Prison in April 1979 and in the *Cárcel Modelo* in Caracas in November 1979 resulted in the deaths of at least 17 prisoners; these highlighted the overcrowded conditions in the prisons, as well as slow legal proceedings, allegations of corruption in the judiciary and ill-treatment of prisoners by the guards.

There have been reports that Colombians illegally working in Venezuela are ill-treated and are sometimes killed or "disappear". Amnesty International has therefore welcomed assurances from the

Venezuelan Government that allegations that Colombians had been killed in Venezuela would be investigated. The results of such investigations have so far not been made public. In January 1980 a Colombian, Petra Sierra de Mendez, sent the Presidents of Colombia and Venezuela detailed information about her son, Pedro Antonio Méndez, who had been detained by the Venezuelan authorities on 14 July 1978 and who has since "disappeared".

In many cases of allegations of misconduct by members of the security forces, inquiries are opened by the Venezuelan authorities; these sometimes lead to the conviction of security forces' agents. In February 1980 a tribunal sentenced to nine years' imprisonment four former agents of the DISIP found guilty of killing Jorge Rodríguez, founder and Secretary General of the *Liga Socialista*, the Socialist League, in 1976.

Asia



The vast scale of political imprisonment in Asia – which usually takes the form of detention without trial – has meant that more general initiatives have been employed by Amnesty International to complement the more specific methods traditionally used in work on behalf of political prisoners. During recent years Amnesty International has published reports on most countries of Asia. These detail the findings in different countries of violations of human rights, specifically within the statutory concerns of Amnesty International. They also urge governments to grant amnesties to prisoners of conscience and to extend full legal safeguards to other political prisoners. The countries thus covered are: Bangladesh, the People's Republic of China, India, Indonesia, the Democratic People's Republic of Korea, the Republic of Korea, Pakistan, the Philippines, Sri Lanka, Taiwan, Viet Nam and, more recently, Malaysia (August 1979), Singapore (January 1980), Afghanistan (September 1979), Taiwan (revised edition — March 1980), and Laos (March 1980).

In May 1979 Amnesty International submitted evidence to the United Nations revealing a consistent pattern of gross violations of human rights in Afghanistan. It also requested the United Nations to keep human rights in Indonesia under review.

A major and positive development in Asia was the release by the Indonesian Government of untried political prisoners allegedly involved in the 1965 coup. Throughout the past 15 years Amnesty International has given the highest priority to its work for the release of these many thousands of political prisoners, held without trial and without any form of legal protection or redress. Their release has been

widely welcomed. There are signs, however, that a similar pattern of repression including widespread long-term detention without trial, has developed elsewhere in Asia. In other countries, such as Viet Nam and Laos, thousands of political prisoners detained for many years in "re-education" camps face the prospect of indefinite detention. It is apparent that this practice is being justified on the grounds that the release of such prisoners would constitute a threat to the security of the state.

Observers from Amnesty International and other international organizations have noted that in those relatively rare instances in which political prisoners have been tried, most of the trials have lacked the basic safeguards necessary to ensure a fair trial. In Taiwan, for example, the court does not usually allow defence witnesses to be called in trials of political prisoners. Prisoners awaiting trial are often held for long periods incommunicado during which they are said to make "confessions". The facilities essential to the preparation of a defence are inadequate. In the Republic of Korea similar violations of internationally recognized norms for ensuring fair trial have been documented during the trials of several dissidents. In Pakistan summary military courts do not allow political prisoners to be represented by a lawyer or to appeal against judgment. In the People's Republic of China the trials in October 1979 of two dissenters were closed to the public and to foreign observers; the court did not admit defence witnesses.

The adoption of new legislation in China has not, as was expected, been accompanied by an increased protection of fundamental rights and freedoms; indeed, a trend to curtail civil liberties has been observed. In Bangladesh, although the Emergency Powers Act and Emergency Powers Regulations were revoked in November 1979, the government retained special powers under the Special Powers Act. In Sri Lanka the government introduced Emergency Regulations on proclaiming a state of emergency in July 1979, and although these were allowed to lapse in December, similar special powers were retained under the Prevention of Terrorism Act and other special legislation.

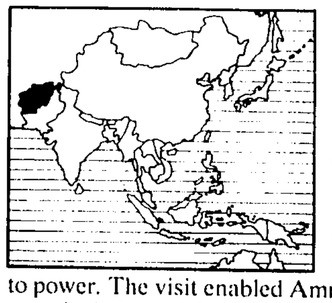
Amnesty International has received allegations from several Asian countries concerning the phenomenon of the "disappearance" of political prisoners. In Afghanistan such "disappearances" were a major problem. The previous government of President Hafizullah Amin had, in November 1979, itself published a list of 12,000 people, mainly political prisoners, nearly all of whom, the government said, had "died in detention" in Kabul prisons in the period after April 1978. Reports from the Philippines of abductions by the military followed by extrajudicial killings, a practice known as "salvaging", have become more numerous in recent years, particularly from those areas of the country where the military is engaged in activity against guerrilla movements. In the instances of both these countries, Amnesty International is studying the dimensions of the problem and considering what appropriate measures should be taken by the countries concerned, in line with Resolution 33/173 on "Disappeared Persons" adopted by the United Nations General Assembly on 20 December 1978.

Amnesty International is also concerned about the increased use of the death penalty. In the People's Republic of China more than 40 executions were reported between October 1979 and January 1980. In Malaysia nine men were executed between 14 March and 4 April 1980; more were convicted under special legislation. The death penalty has remained a concern also in Pakistan, the Republic of Korea, Bangladesh, Taiwan, Thailand, Viet Nam, Japan, India and Singapore.

Amnesty International delegations visited Viet Nam in December 1979 and Afghanistan in February 1980. In both instances discussions on issues pertaining to human rights were held with the heads of state, government officials, other institutions, associations and individuals. In February 1980 a delegation went to Taiwan and in March 1980 an Amnesty International delegate was sent to Taipei to observe the trial of leading dissidents. Amnesty International also sent a delegate to Sri Lanka in August 1979 both to discuss its concerns on that country with government officials and to observe the Lawasia Conference.

Amnesty International submitted memoranda, based on the findings of these visits outlining the areas about which it remained concerned, to the governments of Afghanistan, Viet Nam and Sri Lanka. In March 1980 it submitted an *aide mémoire* to the new Indian Government concerning matters such as preventive detention, the treatment of prisoners and the incidence of police brutality.

The Lawasia Conference, which held its sixth meeting in Colombo, adopted an important resolution reaffirming the validity and applicability of the Universal Declaration of Human Rights to all people within the Lawasia region; establishing a Permanent Standing Committee on Human Rights; urging the ratification of the international covenants relating to human rights by governments within the Lawasia region; and encouraging its Standing Committee to work towards adherence to the United Nations international instruments relating to human rights, including those concerning law enforcement and refugees.



Afghanistan

In September 1979 Amnesty International published evidence that "a consistent pattern of gross violations of human rights" existed in the country. In February 1980 an Amnesty International delegation visited Afghanistan, two months after the new government of President Babrak Karmal had come to power. The visit enabled Amnesty International to confirm on the spot the human rights violations it had previously reported. The new government assured the mission that in future it would no longer tolerate such violations of human rights as had been noted. Amnesty International subsequently presented a memorandum to the government of President Karmal containing recommendations to ensure the protection of these rights, and it was concerned that steps should be taken for the assurances to be fully and effectively implemented. Since then, however, it has expressed concern that its recommendations should be implemented to include those alleged supporters of the previous government already in detention at the time of the mission, and the many hundreds of political prisoners subsequently arrested by the government in February and April 1980 after anti-government demonstrations.

On 19 September 1979 the Amnesty International report *Violations of Human Rights and Fundamental Freedoms in Afghanistan* released details of consistent violations during the government of President Taraki. The report covered the period from April 1978 to May 1979.

It was estimated that thousands of political prisoners were being held without trial — some 12,000 in Kabul's Pul-e-Charchi prison alone; these included instances where whole families, women and children included, had been arrested together with those suspected of political offences. It described a government policy of imprisoning any individual or member of a political group the government considered was in actual or potential opposition to its policies. Amnesty International was concerned that all political prisoners arrested since April 1978 were being held without trial. It was not known under which laws, if any, political prisoners were being held. In most cases political prisoners were denied all contact with their families and with the outside world.

Prisoners were summarily executed without trial and many others simply "disappeared" after arrest. An Amnesty International list of "disappeared" individuals believed to have been executed or killed

while in detention under the government of the People's Democratic Party (PDP) included two ministers of the government of former President Daud and the well-known scholar and statesman Mohammed Moosa Shafiq, who had been Prime Minister of Afghanistan in 1973.

It was found that torture was frequently used, including electric shock, whipping, beating and pulling of finger-nails. The Amnesty International report identifies by name three members of the Afghan armed forces who are believed to have died in prison as a result of torture.

On 16 September 1979 Hafizullah Amin ousted President Noor Mohammed Taraki, who, it was announced a month later by President Amin, had "died after a severe illness". However, the new government of President Karmal later charged three men with killing President Taraki on the orders of Hafizullah Amin.

On the date of publication of the report Amnesty International urged President Amin to release all untried political prisoners immediately, to halt all executions and to protect the physical integrity of all those imprisoned. It was subsequently learned that former Minister of Defence General Abdul Qader, former Minister of Planning Sultan Ali Keshtmand and former Minister of Public Works Major Mohammed Rafee had been tried and sentenced, apparently *in camera*; the government had not honoured its previous assurances to Amnesty International that its delegates would be permitted to attend their trial. On 10 October 1979 Amnesty International requested President Amin to supply full details of the trial and to include a transcript of the trial proceedings.

The gross pattern of violations at that time was confirmed by the administration itself: on 16 November 1979 the Ministry of the Interior had reportedly begun publication of a list of as many as 12,000 names, mainly of political prisoners, who according to the government had died in Kabul jails in the period after April 1978. It was also evidently intended to publish at a later date the names of other prisoners who had died in the provinces. According to press reports, the names of the dead included "professors, teachers, students, civil servants, mullahs, merchants, shopkeepers and 'counter-revolutionaries' ". In a letter of 23 November to President Amin Amnesty International said it was shocked to read reports of publication of such lists, and also drew attention to reports that 800 children were named among those "disappeared", and requested that these lists, with full details pertaining to the 12,000 names, be furnished immediately. No response was received to this or to any other inquiry addressed either to President Taraki or later to President Amin after the Amnesty International mission of October 1978.

The previous government of President Hafizullah Amin had been

overthrown on 27 December 1979 in a military coup in which the President, two members of his family and the wife of the Foreign Minister were killed. A report on Kabul radio the same day announced that the President, his younger brother Abdullah and his nephew Assadullah had been executed, having been found guilty of "crimes against the Afghan people".

On 28 December 1979 Amnesty International cabled the new President, Babrak Karmal, welcoming his government's stated intention of releasing all political prisoners and of extending "democratic freedoms". Recalling the recent grave violations of human rights in Afghanistan, it requested public assurance that the new government would observe human rights established in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

In his first policy statement of 1 January 1980, published in the *Kabul Times*, President Karmal was reported as having said that the new government deemed it its urgent duty to "proclaim the release of all political prisoners . . . and abolish executions under favourable conditions". On 7 January 1980 Amnesty International welcomed the announced release by the President of 2,000 political prisoners, suggesting that the names of those released should be published in the press. In the days after the amnesty announcement several thousand political prisoners were released from Pul-e-Charchi prison, Kabul.

On 5 January 1980 Foreign Minister Shah Mohammed Dost in a statement to the Security Council of the United Nations invited Amnesty International to visit Afghanistan. The same delegation which had visited Kabul in October 1978 was sent to Afghanistan to discuss with the new government the statutory concerns of Amnesty International and the establishment of effective safeguards to protect the right to life and security of person, the right to a fair and open trial, and freedom from torture and from arbitrary arrest and detention, as guaranteed in the International Covenant on Civil and Political Rights. The United Nations was in receipt of the Amnesty International communication of May 1979 noting that these rights were being grossly and consistently violated.

The two delegates, Professor Mümtaz Soysal, a Turkish constitutional lawyer, and a member of the International Secretariat of Amnesty International visited Kabul from 11 to 17 February 1980. The delegates did not travel beyond the capital. They met President Babrak Karmal, the Ministers of the Interior, of Justice and of Foreign Affairs and various other officials on request. They also met several former political prisoners released under the general amnesty of December 1979. In Pul-e-Charchi prison, the delegates were permitted to interview six prisoners; officials were not present during

these interviews.

The government assured the delegates that a number of the human rights encompassed by the Amnesty International Statute would be protected; that no political prisoners would be arrested for holding beliefs or expressing opinions, provided that they had not been involved in violence; that all political prisoners arrested would be treated "in accordance with the principles of law and legality"; and that no political prisoners would be tortured or killed. The President also said his government was considering steps to establish the independence of the judiciary and that it was considering the abolition of the death penalty "under favourable conditions in the country". Government ministers informed Amnesty International that the hearings of trials of political prisoners would be open to the public and to Amnesty International observers. In a letter of 26 February to President Karmal Amnesty International acknowledged the cooperation of the President during its recent mission and set out the assurances given to its delegates concerning prisoners arrested for their political beliefs. It further expressed the hope that the implementation of these assurances would form the basis of dialogue between Amnesty International and the Government of Afghanistan.

On 26 March 1980 Amnesty International sent the President the text of its memorandum based on the findings of its mission. It recommended that the government should as a matter of priority consider ratifying the International Covenant on Civil and Political Rights and on Economic, Social and Cultural Rights, as well as the Optional Protocol to the first Covenant. Amnesty International noted that thousands of Afghan citizens had "disappeared" after arrest during the period prior to 27 December 1979. It had been informed by those released that prisoners had been taken from Pul-e-Charchi prison at night and not seen again. Others had simply "disappeared" after arrest, and were believed to have been killed while in the custody of the security forces. The Ministry of the Interior revealed that it possessed a list of 4,854 people killed whose names it had not published; the list was far from complete. Many inquiries had been received about the fate of 9,000 individuals who had "disappeared" after arrest in the Kabul area. The government stated that those political prisoners who had not been released under the general amnesty of 28 December 1979 were presumed to have been killed before 28 December 1979. In the absence of details about their fate, Amnesty International stated that relatives of "disappeared" people continued to hope that these were still alive and remained imprisoned in Afghanistan or elsewhere. The Amnesty International delegation presented the Minister of the Interior with some 450 names, listed by profession, of individuals arrested before 27 December 1979; it

requested information about their release or fate. The memorandum, noting the United Nations Resolution 33/173 adopted by the General Assembly on 20 December 1978, recommended that the government should undertake a full investigation of the cases of all individuals who had "disappeared" after arrest prior to 27 December 1979, and that it should publish the outcome of its investigations. The memorandum recommended that the government should avail itself of help from independent international organizations when tracing these people. It also recommended that the government should make financial assistance available to the families who had lost their principal means of financial support as a result of the execution, "disappearance" or disablement through torture of the breadwinner.

The mission was informed that 15,084 prisoners had been released in the general amnesty of 28 December 1979. However, independent sources in Kabul estimated that between 3,000 and 4,000 prisoners had been released from Kabul's Pul-e-Charchi prison. Official statistics published in the January 1980 issue of the *Kabul Times* put the total number of prisoners released under the general amnesty from Pul-e-Charchi prison at 6,146. When questioned on the discrepancy in these figures, the Ministry of the Interior attributed the difference to the release of prisoners outside Kabul: a list of their names was in preparation. Amnesty International requested that it be sent a copy of the list; by the end of April this had not been received. The Amnesty International memorandum recommended that the government should publish the names of all political prisoners released in Kabul and the provinces, and where possible should give full details.

Discussions were held with the Ministers of the Interior and Justice, the Head of the Intelligence Service and the Commander of Pul-e-Charchi prison, in which provisions were outlined for the protection from torture as laid down in the United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the United Nations Code of Conduct for Law Enforcement Officials. The Minister of Justice stated that the government considered the prohibition of torture to be absolute, even in times of a "foreign threat to the country". After its February 1980 visit, however, Amnesty International noted for investigation reports from foreign nationals, arrested in connection with the civil disturbances in Kabul of 22 and 23 February 1980, who alleged that Afghan prisoners were being tortured. Amnesty International has requested the government to investigate a specific allegation.

The Amnesty International memorandum stated that it remained concerned that a number of steps had yet to be taken if torture was to

be effectively prevented in Afghanistan, particularly since it had been authoritatively informed that many people associated with past atrocities had continued to hold official positions. Specific recommendations included the institution of a full, impartial investigation into past torture practices and "disappearances" and, if such allegations were substantiated, the institution of criminal or disciplinary proceedings against the individuals involved. Families of arrested individuals should be immediately informed of the arrest and the place of detention of those arrested; detainees should immediately be allowed regular visits by relatives. It was further recommended that detainees should not be kept in places of detention or interrogation such as existed under the previous governments of President Taraki and President Amin, in which torture was regularly practised, but that detainees should be kept in regular prisons. It was further recommended that the government should establish rules regarding conditions of detention in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners. It was also recommended that these international legal instruments, as well as the United Nations Declaration on the Prevention of Torture should be translated into Dari and Pushtu, published in the national press and included in the instructions for all law enforcement personnel.

At the time of the February 1980 mission, Amnesty International was informed by the Ministry of the Interior that there were 42 political prisoners in Pul-e-Charchi prison; its delegation was given their names: nearly all had held official positions under the previous administration after April 1978. However, other officials stated that there were a total of 91 political prisoners. The mission learned that a number of political prisoners, including Siddiq Alam Yar, a former Minister of Planning, Iqbal Waseri, an official in the Defence Ministry, and Mr Jalili, a former Minister of Agriculture, were not on the list of political prisoners said to be in Pul-e-Charchi prison. The mission was informed that their cases were "under investigation" but not where they were being kept. The Minister of the Interior stated that five or six of these political prisoners would be tried before the end of June; the trial would be open to the public and to Amnesty International observers. The Amnesty International memorandum recommended that all these political prisoners should immediately be informed of the charges against them and of the laws under which they were being held; it urged that they should be tried by the ordinary courts with full legal safeguards rather than by Revolutionary Courts. It also recommended that the government should enact legislation to establish the independence of the judiciary.

The memorandum also expressed concern that the political prisoners to whom its delegation had spoken in Pul-e-Charchi prison

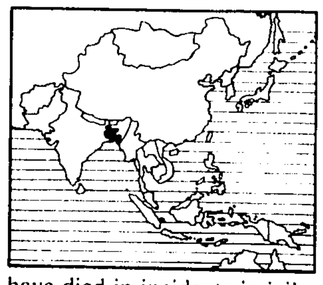
had been denied all contact with the outside world. Correspondence with their relatives was extremely limited. Some had not been allowed any exercise. It recommended that provisions should be made for prisoners to receive regular visits from their relatives and legal advisers, to obtain writing and reading materials, to listen to the radio and to undertake daily exercise, in accordance with specific provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

The Amnesty International memorandum confined itself to the organization's statutory concerns. It did not deal with human rights concerns of a more general nature, such as those relating to armed conflict, which fall within the mandate of other international organizations such as the International Committee of the Red Cross and bodies of the United Nations. It emphasized, however, that even if special circumstances prevailed — such as situations of armed conflict or the presence of foreign troops in a country — the government still had an obligation under international law to protect the fundamental rights of its citizens.

The Amnesty International memorandum was conveyed to President Karmal on 26 March 1980 and to all the other officials met by its delegation in Kabul. At the end of April Amnesty International was still awaiting the government's response to its recommendations. In an accompanying letter to President Karmal it pointed out that the observations and recommendations made in the memorandum — although based on the discussions of its delegation during its visit to Kabul — applied equally to prisoners subsequently arrested, including individuals arrested in connection with the civil disturbances in Kabul subsequent to the mission on 22 and 23 February 1980, during which several hundred people were killed. It asked the government for details about the arrests and urged that those arrested should be immediately released if no evidence could be supplied to prove that they had been directly involved in acts of violence. Foreign observers estimated that at least 2,000 arrests were made in the days following those events.

On 28 February 1980 Amnesty International cabled the President about reports from Islamabad which Amnesty International subsequently could not substantiate, that Islamic leaders were being executed in Kabul prisons in the wake of the disturbances. The government informed Amnesty International on 10 March 1980 that "the majority of people taken into custody have already been released" and that "none of the persons taken into custody have been executed". On 31 March 1980 Amnesty International was informed by the government that "those remaining in custody will stand a fair trial after an investigation which will be concluded as expeditiously as

possible". However, by the end of April 1980 Amnesty International had not been informed of the total number of prisoners arrested in connection with the February disturbances. On 27 March 1980 it wrote to the Minister of Justice, Abdul Rashid Aryan, requesting details of the charges and the date of the trial of these and other political prisoners, which he had invited Amnesty International to observe.



Bangladesh

During the year Amnesty International has mainly been concerned about the continuing imprisonment of political prisoners despite the release of some under general amnesties. It has been concerned also about the inadequacy of measures to protect the safety of political prisoners, several of whom have died in incidents in jails during recent years.

On 27 November 1979 the government announced that the Emergency — proclaimed on 28 December 1974 — had been revoked and that the Emergency Powers Act and the Emergency Powers Rules of 1975 forthwith ceased to exist. However, as a result of the Fifth Amendment to the Constitution, passed in April 1979, political prisoners have continued to serve sentences passed by military courts during the three and a half years in which martial law was in force. Others are still being held under the 1974 Special Powers Act and releases of some political prisoners during the year have been followed by new arrests on political grounds. Amnesty International cabled President Ziaur Rahman on 30 November 1979, welcoming the government's announcement and pointing out that many political prisoners had been held without trial under the provisions of this Emergency legislation. It also asked for a list of the 730 people said by the government to have been released after the revocation of the Emergency.

The release of political prisoners became one of the major demands made by opposition parties, who boycotted parliament's first session in 1980. The deaths of political prisoners as a result of shooting incidents in jail were the subject of widespread protests on the part of the opposition during the first two months of 1980.

On 18 March 1980, 381 prisoners, mostly political, began a hunger-strike in Dacca Central Jail, for the release of all prisoners

held without trial — the official number of detainees was stated by Home Minister, Lieutenant-Colonel Mustafizur Rahman, to be 286. They also urged that all prisoners sentenced by special military courts be given the right to appeal against their sentences. Special military tribunals had been set up after the proclamation of martial law on 15 August 1975 and some 1,000 prisoners are estimated to have been convicted by them, without the right of appeal or other legal safeguards. Later, in Dacca Central Jail 2,700 other prisoners joined in the hunger-strike and on 22 March 1980 political prisoners in Mymensingh Jail went on hunger-strike also.

On 24 March 1980 the government announced the release of five political leaders: the former President of the Democratic League, Khandokar Moshtaque Ahmed; Major (Ret'd) M.A. Jalil and Major (Ret'd) Ziauddin of the *Jatiyo Samajtantrik Dal* (JSD), the National Socialist Party; Gazi Golam Mostafa of the *Awami* League; M.A. Mannan of the *Sramik* League, the Labour League. They had all been convicted by military courts, some on charges of corruption, others of sedition. The following day, 25 March, Bangladesh Independence Day, the government announced the release of 793 other prisoners. They apparently included some political prisoners; the government specifically stated that there were 41 detainees among them. However, political prisoners still held under the Special Powers Act were not released; some have been held for six years without trial and Amnesty International had adopted 10 of these individuals as prisoners of conscience. In addition, the government has not released or decided to review the cases of other political prisoners who have been sentenced to long terms of imprisonment by military courts, all without the right of appeal.

In earlier reports on Bangladesh Amnesty International has criticized the procedures applied by military courts and special courts which, it has said, "fell far short of international standards". In a cable to President Ziaur Rahman on 25 March 1980, which it subsequently published, Amnesty International welcomed the release of the five named politicians but expressed concern that over one thousand other prisoners, including many members of the JSD, remained imprisoned as a result of convictions by military courts, without the right of appeal. Amnesty International pointed out that the recommendations it had made in its February 1978 report had unfortunately remained unimplemented. It had then urged that all those convicted by special military courts and tribunals be retried before ordinary criminal courts applying normal legal safeguards, such as those laid down in Articles 9 and 14 of the International Covenant on Civil and Political Rights. It called upon the government to order the immediate retrial of all those so convicted or to release them pending retrial.

However, on 29 March 1980, in an inaugural address to the Bangladesh Bar Council, the President stated that "no such amnesty could be granted *en masse* to all convicts under martial law", and that "a trial, conviction or sentence could not be called bad simply because it had been held or given by a special court under a special law . . .. Special laws were made to tackle a special situation and special courts were necessary for trial of offences under extraordinary situations".

The release of various political prisoners under amnesties coincided with reports of new arrests, made in the wake of countrywide strikes of workers and government employees during the spring of 1980. During the first two weeks of April 1980, the government arrested 53 members of the Communist Party of Bangladesh, including its General Secretary, Mohammed Farhad. The Bangladesh press reported that the arrests were made in connection with a speech during which Mohammed Farhad was reported to have said that the party would welcome "an Afghan-style revolution" in Bangladesh. On 3 April 1980 Amnesty International wrote to Lieutenant-Colonel Mustafizur Rahman, the Home Minister, expressing concern about the new arrests and asking for further details, as no specific charges appear to have been made at the time of arrest. Amnesty International is investigating the case of Mohammed Farhad. Its groups have adopted 44 of these Communist Party members, arrested without charge.

On 31 January 1980 an incident occurred in Rashahi Central Jail in which warders used firearms. Three prisoners died as a result, one of whom was reportedly a member of the East Pakistan Communist Party, and 37 individuals, including prison staff, were injured. On 2 February 1980 the government set up a one-man judicial inquiry into the incident which was to report to it by 15 February 1980, but as far as Amnesty International is aware, the findings of the inquiry have not been published. An earlier incident had occurred on 5 December 1979 in Jessore Jail when it was reported that two prisoners died and 56 were wounded during a fight between rival groups in the prison. In a cable of 25 March 1980 to the President, Amnesty International stated that it was dismayed to learn about the Rashahi Jail incident and expressed its concern that "measures for the safety of political prisoners in Bangladesh jails appear wholly inadequate". In its previous reports Amnesty International had noted that the government had failed to publish the findings of commissions which it had set up to investigate other incidents of prison killings. One such commission, set up to investigate the killing of four *Awami* League ministers in Dacca Central Jail in November 1975, had been dissolved by the government without having reached any conclusions. Amnesty International renewed its appeal to the government to institute

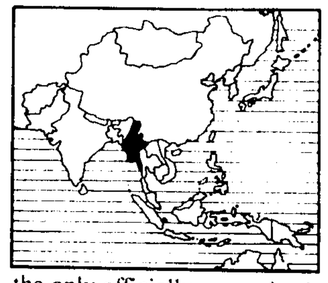
impartial judicial inquiries into these incidents and to make their findings public.

Brunei

During the year Amnesty International continued to work for the release of nine prisoners who have been held without trial for more than 17 years. They are believed to be the only political prisoners still held out of the approximately 2,500 people detained after an anti-government revolt led by *Partai Rakyat Brunei* (PRB), Brunei People's Party, in December 1962.

The nine are all former members of the PRB. This party won all the elective seats to the Legislative Council in elections held in August 1962 but did not hold a majority on the council because its representatives were outnumbered by members constitutionally nominated by the Sultan. Subsequently, in December 1962, after the PRB had indicated that it would attempt to introduce amendments to the constitution, the government postponed the first post-election session of the Council. It was in response to this postponement that the PRB attempted to form a government. This action led to the party's being suppressed by the Sultan, who declared a state of emergency and, with the help of British troops, put down the revolt and arrested many members and supporters of the opposition.

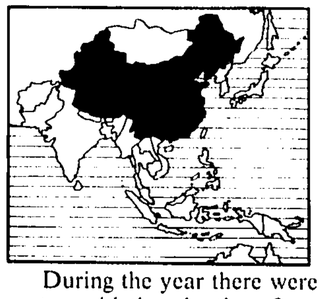
Those still imprisoned have been held for more than 17 years without charge or trial under the state of emergency still in force, although the government has released others allegedly involved in the revolt (including 40 whose cases had been taken up for investigation or adoption as prisoners of conscience by Amnesty International). Amnesty International continued to urge the immediate and unconditional release of those still in detention.



Burma

During the year Amnesty International received reports of the imprisonment and torture of both actual and alleged members of the opposition. Throughout the period under review, Ne Win continued to hold the key positions of Head of State and Chairman of the ruling Burma Socialist Program Party, the only officially recognized political party in Burma. A number of changes in the government and the military occurred but, unlike those of previous years, these changes did not result in the arrest or trial of any of those removed from office during the course of events.

The government severely restricts access to the country by outside observers and the press is strictly controlled. However, during the year Amnesty International received several allegations of imprisonment and torture, all of which were being investigated. It was also reported that some of those arrested for alleged involvement in the demonstrations that occurred after the funeral in Rangoon in December 1974 of the Burmese former United Nations Secretary-General U Thant were still in detention. Penalties for individuals expressing opinions critical of the administration appeared to be harsh: Amnesty International received information concerning the trial in November 1978 of a man accused of having in his possession books of poetry deemed by the authorities to defame the Republic; he was sentenced to life imprisonment. Amnesty International also received several reports of the torture of two brothers belonging to the Karen tribal minority. Amnesty International was investigating these and other allegations of human rights violations which fall within its mandate.



China

Amnesty International has continued to work for the release of prisoners of conscience. It has been concerned about new arrests and the trials of people for the non-violent exercise of their human rights, and by a large number of executions since October 1979.

During the year there were important developments in the legal system with the adoption of new laws but there was, at the same time, a curtailment of civil liberties.

On 1 January 1980 the new Criminal Law and the Law of Criminal Procedure, as well as other laws adopted by the National People's Congress (NPC) in June 1979, came into effect. However, the reforms brought about by the new laws are in some respects limited as regards protection of human rights. The new Criminal Law still includes provisions which may be used against people exercising their constitutional rights to freedom of expression, who can be accused of "spreading counter-revolutionary propaganda" if they disagree with the current policy of the government. Furthermore, according to a resolution passed in November 1979 by the NPC Standing Committee, all laws and decrees enacted since 1949 are to remain in effect except those conflicting with the new laws and constitution. Thus, various old laws which limit freedom of expression are still in force. These include the Act for the Punishment of Counter-Revolution, a law adopted in 1951 specifically to punish political offenders; the Provisional Regulations on Guarding State Secrets (1951), under which virtually any information not printed in the official press can be considered a state secret; the Decision on the Question of Re-education-Through-Labour adopted by the State Council in 1957, which permits the detention of petty criminals and dissenters whose cases are not considered sufficiently serious for them to be charged with a crime and brought to trial. In November 1979, the NPC Standing Committee adopted supplementary regulations on Re-education-Through-Labour establishing "management committees" to control the system of re-education-through-labour under the supervision of the people's procuratorates. The supplementary regulations fix a term for re-education of from one to four years and prohibit discrimination in employment or schooling after release for those concerned or their families. The supplementary regulations, however, do not change the main provisions of the 1957 law in allowing people to be detained without charge or trial for up to four

years for expressing their opinions.

One of those held under these provisions is Wei Yuehua who has been adopted by Amnesty International as a prisoner of conscience. She was assigned to "re-education-through-labour" in January 1980, accused of "disturbing law and order" because she had displayed big-character posters and banners in the streets of her native city, Hangzhou. She was accused also of "launching vicious personal attacks" against some local cadres and of going to Peking to present her "unreasonable" demands to the central authorities. These demands seem to have involved her personal grievances against the local administration. According to the official account of her case, she had undergone a first period of "re-education-through-labour" from 1972 to 1974 but continued to "create trouble" after her release. The provincial Public Security Bureau, with the approval of the people's Procuratorate of Zhejiang province, had then decided that she should once again undergo "re-education-through-labour", but no information has been disclosed about the length of the punishment.

Two well-known dissenters were brought to trial in Peking in October 1979. One is Wei Jingsheng, a 29-year-old editor of *Tansuo (Exploration)*, one of the unofficial magazines which were banned in Peking in 1979. He has been adopted by Amnesty International as a prisoner of conscience. At his trial by the Peking Intermediate People's Court on 16 October 1979, Wei Jingsheng was convicted of passing on "military secrets" to a foreigner and of conducting "counter-revolutionary propaganda and agitation" through his writings. He was sentenced to 15 years' imprisonment with an additional three years' deprivation of civil rights. Amnesty International has expressed concern about the conditions under which the trial was held. The hearing, which lasted only a few hours, was not open to foreigners or to the public, but was limited to a selected audience who were provided in advance with tickets which allowed them into the courtroom. Reports on the proceedings by the official press dealt mainly with the prosecution case against Wei Jingsheng, but an unofficial transcript was circulated a few days after the trial. This is the first transcript of a dissenter's trial ever to have become available outside China. According to it, three judges conducted all the proceedings, including the examination of the defendant, Wei Jingsheng, and of the two prosecution witnesses. No defence witnesses were called. There was no defence lawyer, apparently because Wei Jingsheng had requested to conduct his own defence. The first charge of "passing on military secrets to a foreigner" related to information on the China-Viet Nam border conflict which Wei Jingsheng was accused of having given to a foreigner in February 1979. During the examination of the defendant the question of whether or not this

information was secret was not even mentioned by the judges. Wei Jingsheng said in his own defence that he never thought such information was secret as it was already circulating widely among Chinese citizens. The second charge, "conducting counter-revolutionary agitation and propaganda", was based entirely on the criticism of the leadership and of China's social system made by Wei Jingsheng in several of his articles. Wei Jingsheng was sentenced under the 1951 Act for Punishment of Counter-Revolution, in particular Article 6, paragraph 1, which provides punishment for "supplying intelligence to a domestic or foreign enemy", and Article 10, paragraphs 2 and 3, which provides punishment for "provoking dissension" and "conducting counter-revolutionary propaganda and agitation". As far as Amnesty International is aware, Wei Jingsheng was not in fact convicted of committing the offence specified in Article 6(1); instead Article 16, which embodies the principle of analogy, was applied and the court found him guilty of an action which was "comparable" to the offence specified in Article 6(1). Wei Jingsheng appealed against the verdict to the Peking High People's Court on 6 November 1979, but that court confirmed the verdict and the sentence against him. Chinese law allows only one appeal and the judgment of the High People's Court is final.

Appeals were made by Amnesty International also on behalf of Fu Yuehua, a 35-year-old woman detained since January 1979. She was brought to trial in Peking on 17 October 1979, on charges of "slander", for accusing a cadre at her former work place of raping her, and of "disturbing public order" by leading a demonstration in Peking a few days before her arrest. The trial was adjourned after the first day's hearing on account of the "discovery of new evidence", and the charge of slander was later dropped. On 24 December 1979, however, Fu Yuehua was sentenced to two years' imprisonment on the charge of "disturbing public order". In January 1980, in an attempt to justify the sentence against her, the official New China News Agency (NCNA) accused her of being a thief, a cheat and a trouble-maker who did not deserve the sympathy which had characterized descriptions of her abroad.

A few other political trials have been reported. Some of them reveal that, contrary to the spirit of the new legislation, "mass meetings" and rallies are still used to try cases. According to a radio broadcast from Zhengzhou, Henan province, on 18 December 1979, the Xinxiang municipal "political and legal organs" held a rally on 9 December "to arrest and pass judgment" on "17 counter-revolutionaries and criminals who were sentenced by the Municipal Intermediate People's Court". One of them, Guo Shuzhang, was accused of having sent "counter-revolutionary letters" and of putting

up "counter-revolutionary posters" in support of Wei Jingsheng on 25 October 1979. For this, Guo Shuzhang was sentenced to eight years' imprisonment and deprived of civil rights for 13 years. Other "mass public trials" have been reported, as well as some cases of people sentenced to long prison terms as alleged "followers of the gang of four". The latter are usually accused of instigating "large-scale violence" for political reasons.

Amnesty International has been concerned also about continuing arrests. On 11 November 1979, three young men were arrested by the police at the "democracy wall" in Peking while distributing the unofficial transcript of Wei Jingsheng's trial. Others were arrested later when they went to the police station to inquire about the three earlier arrests. They included Liu Qing, a 33-year-old technician and Editor of *The April Fifth Forum*, one of the rare unofficial magazines which continued to appear in Peking in late 1979. Liu Qing was reported to be still in "administrative detention" in April 1980. As far as is known, he has not been charged. One of the three arrested on 11 November, Zhao Jianming, was also said to be still in detention in early 1980. In Shanghai, several demonstrators who had occupied the offices of the municipal administration to present petitions were arrested by the police in early November 1979. At about the same time, the *People's Daily* reported that three "agitators" arrested during demonstrations in Fushun in north-east China would soon be tried for having "illegally put up big-character posters and gathered petitioners to organize disturbances" between 16 October and 3 November 1979.

These arrests, and other measures taken by the authorities, such as the closure in December 1979 of the "democracy wall" at the Xidan crossroads in Peking, were part of an official campaign to "restore law and order", to put an end to unofficial publishing and discourage potential dissenters. Other restrictions were announced in early 1980.

In a key speech addressed to several thousand cadres on 16 January 1980 in Peking, the Vice-Premier, Deng Xiaoping, stated that the Central Committee of the Chinese Communist Party (CCP) was preparing to submit a motion to the National People's Congress (NPC) that the provisions allowing wall-posters should be deleted from the constitution. Commenting at length on the need to curb certain freedoms in the interests of stability and unity, the Vice-Premier stated:

> "Factionalist elements still exist . . .. There are also so-called democrats and dissidents who openly oppose the socialist system and the CCP leadership, such as Wei Jingsheng and his

ilk . . .. Although they sometimes say that they support Chairman Mao and the CCP, they actually want to oppose the CCP leadership and socialism . . .. They are quite capable of banding together under certain conditions and forming a sabotage force capable of causing a great deal of turmoil and damage . . ..

"It is the unswerving principle of our Party to persevere in developing democracy and the legal system. However . . . they must be carried out step by step and in a controlled way. Otherwise, they may only encourage turmoil and impede the four modernizations, democracy and the legal system . . ..

"It is absolutely impermissible to publicize any freedom of speech, publication, assembly or to form associations which involve counter-revolutionaries. It is absolutely impermissible for any persons to contact these people behind the Party's back . . .. For instance, certain secret publications are printed beautifully. Where does the paper come from? These people do not have printing presses. Are there any Party members in the printing works who print these things? Some of the people who support these activities are Party members and quite a few of them are even cadres. We must tell these Party members clearly that their standpoint is very erroneous and dangerous and if they do not correct it immediately and completely they will be liable for Party disciplinary punishment."

According to the NCNA of 14 April 1980, the NPC Standing Committee had adopted the motion proposed by the CCP Central Committee to amend Article 45 of the constitution by deleting the stipulation that citizens "have the right to speak out freely, air their views fully, hold great debates and write big-character posters". These guarantees are known in China as the "four greats" or "four freedoms"; they were a slogan of the cultural revolution to invite popular participation in political debates. The NCNA reported that the motion would be presented for decision to the third session of the full NPC in August 1980. If adopted, Article 45 would simply read: "Citizens enjoy freedom of speech, correspondence, the press, assembly, association, procession, demonstration and the freedom to strike." Yang Xiufeng, the Deputy Chairman of the Commission on Legislative Affairs of the NPC Standing Committee, stated in an official commentary that the inclusion of the "four greats" in the constitution "had provided an opportunity for a small number of bad people" — including "people like Wei Jingsheng" — "to take advantage of it from the legal angle".

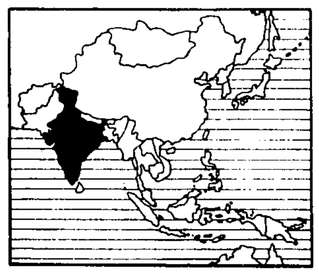
Amnesty International has renewed appeals for the release of other adopted prisoners of conscience. They include Ren Wanding, the leader of the "Chinese Human Rights Alliance", detained since April 1979; Chen Lu, a 37-year-old technician and member of the same group, who was arrested on 29 March 1979 (very little has been heard of either of them since their arrest and the charges against them are not known); Kung Pengmei, the 79-year-old former Roman Catholic Bishop of Shanghai who is still imprisoned after 25 years in detention despite his old age; and Tsering Dhondup, one of the Tibetan prisoners whose cases have been taken up by Amnesty International. Arrested in 1966 in Lhasa on accusations of being a "rightist", he was last heard of in 1973 when he was reported to be working as a "prison labourer" in Sangyip prison near Lhasa. It is not known, however, whether Tsering Dhondup's case has been reviewed in the course of the movement started in 1978 to rehabilitate people "wrongly labelled as rightists".

An important development during the past three years has been the official review of a considerable number of cases involving miscarriages of justice. According to official sources, several million people have had their reputations and jobs restored, of whom some three million had been either sentenced to imprisonment or subjected to other formal punishments. These figures were given by Vice-Premier Deng Xiaoping during his speech to Party cadres on 16 January 1980 in Peking: "According to incomplete statistics, 2,900,000 people have now been rehabilitated, and many more have been rehabilitated whose cases were not put on file or tried."

While such extensive rehabilitations were taking place, Amnesty International also learned of a few individual releases, including that of Wang Mingdao, a Protestant pastor imprisoned since 1957, who was released in early 1980; Lin Xiling, a former student, arrested in 1957 at the age of 20, who reappeared in Peking in 1979 and is said to have been rehabilitated; Zheng Chaolin, a former Trotskyist leader detained since 1952 in Shanghai who was released in June 1979 with other Trotskyist sympathizers arrested during the same period.

Amnesty International has been concerned about the extensive use of the death penalty since the autumn of 1979 and has continued to appeal to the government for the commutation of all death sentences on humanitarian grounds. Some 60 death sentences — many of them followed by execution — were reported from October 1979 to January 1980 and executions continued in February, March and April 1980. In December 1979, for instance, the following cases were reported: in the southern city of Kunming four people, including the leader of a smuggling gang, were shot by firing-squad after a "mass trial" on 10 December; six young criminal offenders were executed in Nanking on 24 December, some of them charged with rape and others with murder; five people were executed in Changchun and Taiyuan

(in the northeast) on 23 December for criminal offences; in Shenyang (Liaoning province), two men who had murdered a driver in order to steal his jeep were executed on 6 December, while a third man was sentenced to death, with suspension of execution for two years; in Peking, a woman and her ex-husband were shot by firing-squad on 29 December for murdering a black-marketeer, while a week earlier a man was executed for rape and murder after his appeal had been rejected by the Peking High People's Court. Some death penalty cases were given much publicity by the official news media, in particular that of twin brothers from Hangzhou who were convicted of gang rape and blackmail during a "public trial" on 14 November 1979; the execution of one of them was shown on television. The majority of executions were of people convicted of murder or rape, but others were reported, such as that of the manageress of a fuel company in Heilongjiang province who was executed in October 1979 for embezzlement. In December 1979 it was reported that the Supreme People's Court had discussed the provisions of the Criminal Procedure Law dealing with review procedure in death penalty cases. The nature of these discussions was not, however, revealed. On 25 February 1980, the *People's Daily* published an article by two members of the Law Faculty of Peking University, who justified the continuing use of the death penalty by its deterrent effect but who also said that it should be resorted to as little as possible to avoid "mistakes" which "can never be corrected".



India

The main concerns of Amnesty International in India during this year related to the reintroduction of statutory provisions for preventive detention, the persistence of serious police brutality, giving rise to occasional reports of deaths in police custody and to the fact that several political prisoners have been held, awaiting trial, for a number of years. It has continued to be concerned also about the application of the death penalty.

In August 1979 the *Lok Sabha* (Lower House of the Indian Parliament) was dissolved and during the January 1980 general elections Indira Gandhi's Congress Party obtained an absolute majority. With the support of allied political parties, the new

government had the two-thirds majority required to change the constitution.

In the face of rising prices and increased inflation the caretaker government of Charan Singh had in October 1979 promulgated the Prevention of Black-marketeering and Maintenance of Supplies of Essential Commodities Ordinance, authorizing preventive detention for a period of three months, after which a detainee had to be brought before an advisory committee. In a cable of 5 October 1979 Amnesty International expressed concern about the government's plans to reintroduce preventive detention legislation in India and urged it to withdraw the ordinance immediately. Indira Gandhi, then leading the Congress Party in opposition, was reported to have expressed fears that the ordinance could be used against political opponents. However, when it came to power, the Congress government introduced a bill containing similar provisions, and on 14 February 1980 Amnesty International cabled President Neelam Sanjiva Reddy, reaffirming its concern about the preventive detention provisions of the new law, the Prevention of Black-marketeering and Maintenance of Supplies of Essential Commodities Act.

During the first half of 1979 Amnesty International received allegations of the torture of some of the 48 army officers who had been arrested in the state of Jammu and Kashmir on charges of espionage. Three of them, Captain Rataur, Captain A.K. Rana and Raghbir Singh had allegedly been tortured by being beaten on the soles of the feet; one of them had reportedly been subjected to burning with cigarettes and to having sharp objects inserted into his rectum. Amnesty International wrote to Jagjivan Ram, the Minister of Defence, on 21 June 1979 about the allegations and the Ministry of Defence, in its reply of 8 August 1979, dismissed the allegations as baseless and informed Amnesty International that the accused had the right to be assisted by lawyers of their choice and that they had access to other legal safeguards. However, in a letter of 5 December 1979, Amnesty International expressed concern that not all allegations of ill-treatment and torture had been investigated by an independent body, as it had recommended, and it asked for the report of the inquiry which the Defence Ministry was reported to have ordered into the death of Sergeant Ram Swaroop, who had died while in military custody four months after his arrest in October 1978. At the time of writing Amnesty International has received no reply.

Archana Guha, a schoolteacher from Calcutta, who had been tortured in 1974 and whose case had been described in the *Amnesty International Report 1979*, received extensive medical treatment in Copenhagen, arranged by the Danish Medical Group of Amnesty International from 9 January until 30 March 1980. As a result of

torture and subsequent imprisonment she was suffering from a lesion of the lower part of the spinal cord and was unable to walk. She is now able to walk short distances as a result of her treatment in Denmark.

In the wake of a Supreme Court verdict of May 1979, directing state governments throughout India to free all prisoners held for more than six months without being charged, Amnesty International wrote to the Chief Minister of Andhra Pradesh on 5 July 1979, urging that the three political prisoners in the state, who had been held for longer than this period, should be released.

At the time of writing Amnesty International was investigating the cases of four political prisoners on trial in Kerala, two in Bihar and three in Andhra Pradesh, out of a total of 28 cases which it had taken up for investigation after its 1978 mission. Of the 28, 11 have been acquitted, five have been released on bail, two cases have been withdrawn and only two of those tried have been convicted: they were given life sentences.

In a cable to Prime Minister Indira Gandhi on 18 January 1980, congratulating her on her election, Amnesty International expressed the hope that the new government would consider ratifying at an early stage the Optional Protocol to the International Covenant on Civil and Political Rights. The two international covenants had been ratified by the previous government in April 1979.

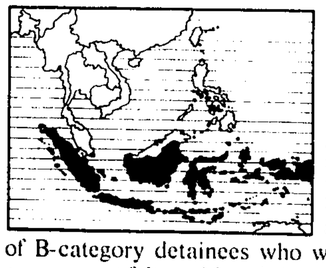
In April 1980 Amnesty International wrote to the Prime Minister, thanking her for replying personally to questions from an Amnesty International group in Canada about Kadavathu Peedikayil Amir, who had been held in the state of Kerala since at least July 1976. It also requested information about those political prisoners whose cases it was investigating and expressed concern that all of them had been held pending trial, since their arrest in 1976. At the same time it sent the Prime Minister an *aide-mémoire*, outlining its immediate concerns in India. In this it observed that an increasing number of people were being arrested under the new preventive detention legislation, introduced in February 1980 except in West Bengal, Kerala and Tripura, whose Communist Party of India (Marxist) governments have not brought in this legislation. It explained that in the experience of Amnesty International, preventive detention legislation introduced in India in the past for limited offences only, had in due course been used to detain peaceful opponents of the government. It therefore urged the new government to take steps to repeal preventive detention laws and ultimately to remove preventive detention provisions from the Indian constitution.

The *aide-mémoire* welcomed the Prime Minister's recent expression of concern about police violence and in particular her statement that there was "the need for a new orientation to their [the police's] training so that they should not treat everybody as guilty". The *aide-mémoire* said that these matters had also been of longstanding concern to Amnesty International.

In the *aide-memoire*, Amnesty International stated that, each year, it received reports from most Indian states about prisoners who had died in the custody of the police and that it was writing to the Chief Ministers of the states of Karnataka, Madhya Pradesh, Uttar Pradesh and West Bengal, where such incidents had most recently been reported. The *aide-mémoire* recalled that in the *Report of an Amnesty International Mission to India, 31 December 1977 – 18 January 1978*, Amnesty International had already documented cases of political prisoners who had died in police custody in the states of Kerala, Andhra Pradesh and West Bengal. It noted that official investigations had been ordered in only a few cases in which prisoners had died in police custody (according to a report in the *Statesman* of 11 March 1980, "some action" had been taken in only two out of nine cases occurring in West Bengal during 1979) and urged that all such allegations should be investigated by impartial commissions of inquiry, functioning openly and being subject to public scrutiny. Amnesty International recommended that the new government consider putting into effect the detailed recommendations for the prevention of torture made in its 1979 mission report. It recommended also that a Code of Conduct for Law Enforcement Officials should be established in India and that the government should make arrangements for the translation into Hindi and other Indian languages of both the Code of Conduct for Law Enforcement Officials adopted by the United Nations General Assembly on 17 December 1979, and the United Nations Declaration on the Protection of All Persons from Cruel, Inhuman or Degrading Treatment or Punishment. It urged that these documents should become part of the routine training of all law enforcement officials in the police and prison services.

The *aide-mémoire* recalled that the Supreme Court, in a judgment of 21 December 1979 (*Sunil Batra* vs. *Delhi Administration*), had urged implementation of specific provisions of these two international legal documents when it found that a prisoner in New Delhi's Tihar Jail, Prem Chand, "had been tortured". Amnesty International expressed the hope that the important directives for the protection of prisoners made by the Supreme Court would be put into effect without delay. Among other things they provided for lawyers to make regular visits to prisons where they could talk to prisoners in strict confidence, for visits by district and sessions judges to serve "as an effective grievance mechanism" and for the State to "take steps to keep up the Standard Minimum Rules for the Treatment of Prisoners recommended by the United Nations".

In three out of four cases involving the death penalty which came before the Supreme Court between February and May 1979, judges raised doubts about whether the death penalty was constitutional, and on 17 October 1979 the Supreme Court stayed all executions, pending judgment on a petition challenging its constitutional validity.



Indonesia

Amnesty International welcomed the Indonesian Government's further implementation, during 1979, of its plan to release political prisoners held without trial after their alleged involvement in the 1965 coup; it had always urged the unconditional release of B-category detainees who were, by definition, those whom the government felt unable to bring to trial and who were therefore neither charged with nor convicted of any crime. It asked the United Nations Human Rights Commission to keep the implementation of the release program under review, and the commission agreed to do so.

Amnesty International continued to be concerned about the restrictions imposed on these prisoners after release and about the detention of several hundred other political prisoners whose cases fell outside the scope of the release program. It was concerned also about reliable reports of severe violations of human rights in East Timor, including imprisonment without trial and executions.

In December 1976 the government had announced that it would begin, in December 1977, to release all those prisoners, detained for alleged involvement in the coup of 30 September 1965, who had not been tried and for whom no trial was planned. This "phased release program" of so-called B-category prisoners was to have been completed by the end of 1979.

From 27 April to 21 November 1979 a total of 7,135 B-category prisoners were released. Reports received by Amnesty International in November suggested that not all B-category detainees would be released by the end of 1979 as scheduled. In telegrams sent on 26 November to President Suharto and to the Foreign Minister, Mochtar Kusumaatmadja, Amnesty International requested confirmation of assurances it had received a few days earlier from the Foreign Minister. In a meeting at the Indonesian Embassy in London on 15 November 1979, during President Suharto's state visit to the United

Kingdom, Mochtar Kusumaatmadja had informed Amnesty International that all prisoners scheduled for release would be freed as planned. In November and December 1979, the government announced further releases, but 105 detainees, including the novelist Pramudya Ananta Toer, the poet Rivai Apin and a former member of parliament, Karel Supit, who according to the authorities had all been "uncooperative", were not set free until 20 December, by which time all other B-category prisoners had reportedly been released.

With the release of the 105, the government announced that all B-category detainees had been "returned to their families" and that the release program was completed. According to Admiral Sudomo, the Commander of the state security organization KOPKAMTIB (Command for the Restoration of Security and Order), speaking at a release ceremony in Yogyakarta on 8 December 1979, when all but the final 105 B-category prisoners had been freed, 32,989 people had been released between 1975 and 1979.

On 21 December, Amnesty International sent a cable to President Suharto welcoming reports that the government had set free all B-category prisoners, and asking for a list of names as confirmation of the latest releases. Although the authorities made no response to this request, Amnesty International has no reason to doubt their claim to have released all B-category prisoners from detention.

Amnesty International has, however, been concerned that as well as the normal problems of adjustment facing people who have been in detention for as long as 14 years — problems compounded in many cases by chronic ill-health directly attributable to prison conditions — those released from prison have had to face harassment from the administration and economic discrimination. Restrictions on those released from prison have taken the following forms: an outright ban on their employment in government service and in "vital industries"; a continuing informal requirement that for employment in any sector they have a "certificate of non-involvement" in the 1965 coup; a marking of their identity cards (which all Indonesians must carry) with a code identifying the bearer as former detainees. They have to give, as a condition of release, a pledge in writing to report to the authorities at any time and to abjure all claims to have been wrongfully imprisoned or ill-treated while in prison. They must report to the military authorities regularly — in the case of those most recently released, every week; if they wish to travel, they must apply for permission from KOPKAMTIB; they may not stand as candidates in elections; they may not submit books or articles for publication without permission from the authorities, nor may they speak at public meetings; finally, they have often been denied property or pension rights.

In addition, those who have been released have been warned that they are liable to re-arrest at any time and subjected to periodic summonses from the military authorities to receive instructions about new restrictions affecting their freedom of movement and expression and orders to fill in questionnaires, which among other things ask whether the respondent is willing to "transmigrate" — that is, to resettle in a remote area of the Archipelago.

Amnesty International believes that former prisoners have been so circumscribed by these restrictions that a general feeling of fear and uncertainty about their true status still prevails among them. Moreover, the practical consequence of these restrictions is to limit severely their ability to readjust to society. Possibly no more than five per cent of former detainees have been able to find regular employment since their release. A number of Amnesty International groups which have ceased working on Indonesian cases as a result of the releases will continue to appeal to the authorities to lift restrictions on those who have been released.

At the 12 April 1980 meeting of the Inter-Parliamentary Council, the Secretariat of the Inter-Parliamentary Union submitted a draft resolution about three former members of parliament, Eddy Abdurachman Martalogawa, Richard Paingot Situmeang and Karel Supit, expressing the hope that the remaining restrictions on their freedom and political rights would be lifted.

Some prisoners who have been formally released have not been permitted to return to their homes, despite their wish to do so. They are officially described as "transmigrants" who voluntarily resettled in areas outside Java. Although Amnesty International accepts that a number of them have voluntarily chosen the government's offer to join its "transmigration" program, it remains concerned that, in some instances, former prisoners have been resettled against their will. These include at least 35 people who married while in prison on Buru Island and who remain there with the official status of "transmigrants". These 35 are believed to be the only remaining inhabitants of the former Savanajaya Unit, where detainees who were joined by their families were settled, still remaining on Buru Island against their will after completion of the release program. In May 1979, Amnesty International appealed to the government on behalf of those among the 207 released Savanajaya detainees with families who wanted to leave Buru. In September 1979, 115 Savanajaya families left Buru for Java, although they had to pay their own expenses.

Other people have been refused permission to return to their homes from resettlement areas. The Indonesian news magazine *Tempo* reported the case of a man at present living in Amborawang, East Kalimantan: "He would like to go home and join his wife and

family . . . 'But the local command of KOPKAMTIB has asked us to stay here' says Kusdi, a former member of the Indonesian Peasants Front (BTI) . . . 'I can't go home and here there are no facilities'." Amnesty International has learned that 51 people formally released from imprisonment and resettled in Nanga-nanga, Kendari, South Sulawesi, have not been issued with identity cards and are therefore not able legally to move from the settlement.

Although the government has officially completed its release program, there are some 3,000 people whose present whereabouts are unknown. The number include some who may have been detained and others who are known to have been detained but who have not been either tried or released. Amnesty International has received information that more than 2,800 people detained on Java after the 1965 coup have not been released. They have neither been brought to trial nor are they awaiting trial and their present place of detention is unknown.

As regards the A-category prisoners, those against whom the government has alleged that there was direct evidence of involvement in the 1965 coup, according to official Indonesian figures, by December 1979, 1,014 had been tried. Of these, 262 had already completed their sentences. In November 1979 President Suharto issued an instruction to the Minister of Justice that political prisoners who had been sentenced were now eligible for remission on the same terms as criminal prisoners. Previously, political prisoners who had been tried had had to serve their full sentence. As a result of the new presidential instruction, 331 A-category prisoners who had been brought to trial received remission of sentence: 118 of them were released in December 1979. In addition, approximately 450 A-category prisoners who had not been tried were reclassified as B-category and released during 1979. At the end of that year, 23 A-category prisoners were still detained, awaiting trial. There were therefore 657 A-category prisoners, both tried and not tried, still officially acknowledged to be in prison at the end of 1979.

Amnesty International believes that a substantial number of those in A-category still imprisoned are prisoners of conscience, people who have neither used nor advocated violence. It believes that the sentences passed on all those already tried should be reviewed, on the grounds that, in all cases known to Amnesty International, a fair trial was denied the defendants. All A-category prisoners have been tried on vaguely defined charges under the 1963 Subversion Law, criticized in recent years by prominent Indonesian lawyers on the grounds of its "catch-all" nature. The government, recognizing these defects, is reported to have drafted a National Security Law to replace the Subversion Law.

While welcoming the government's November 1979 policy on

remission, Amnesty International has been disturbed to learn that the new regulation governing remission of sentence is not being applied uniformly. It knows of cases of people who would be eligible for release if the new regulation was being consistently applied but who are still in detention. In Balikpapan, East Kalimantan, for example, there are people still in prison whose sentences should have expired if their remission of sentence had been taken into account, but who are being held because an appeal by the prosecutor is still pending, despite the fact that some prosecutors have been instructed to drop pending appeals so that detainees may be released. In other cases, the sentence is counted from the date of sentencing rather than from the date of detention, even when the court handed down a sentence to run from the date of detention.

In addition to the political prisoners held in connection with the 1965 coup, there are other political prisoners in Indonesia, whose cases fall outside the scope of the release program and some of whom Amnesty International regards as prisoners of conscience. Among them are students and Moslems arrested in connection with the protests of 1977 and 1978 against the re-election of President Suharto, and people kept in detention for their alleged association with secessionist movements. In Aceh (northern Sumatra), approximately 125 people have been held in detention since 1977 and 1978 for alleged involvement in *Gerakan Aceh Merdeka* (the Free Aceh Movement). Many were reportedly tortured after arrest and most of them have not yet been brought to trial. Amnesty International continued to work on the cases of five people sentenced in 1978 in Irian Jaya (formerly Dutch New Guinea) on subversion charges, for circulating a petition calling for greater regional autonomy. One was released in early 1980.

In late January 1979 trials began in eight cities of 36 student leaders charged primarily with insulting the head of state, state officials and state institutions under laws taken over from the Dutch Colonial Code. The charges arose out of the protests of 1977 and 1978, which took the form of peaceful demonstrations and meetings, petitions to the government and the setting up of a mock parliament to discuss pressing issues of the day. The students and their lawyers have claimed that these activities were protected under Article 28 of the 1945 constitution which guarantees freedom of expression. By April 1979, 22 of the students had been sentenced to periods of imprisonment ranging from six months to two years and one had been acquitted. The sentences were far lighter than those demanded by the prosecutors; for example Irzadi Mirwan, who was the focus of an Amnesty International campaign in June 1979, was sentenced to 18 months, although the prosecutor had asked for six years. Among the first to be

sentenced were Mohammed Sholeh, Maqdir Ismail and Lala Mustafa, on whose behalf Amnesty International appealed in July 1979. In a number of cases, the court declared the students guilty of insulting state institutions but not guilty of insulting the head of state or of the most serious charge of having obstructed the government's development program for which the maximum penalty is death.

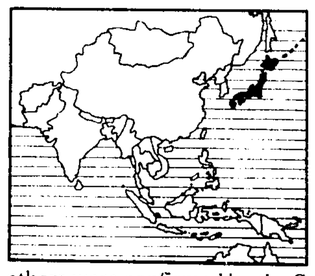
A number of prominent Moslem politicians and their followers also were arrested in the period before and after the presidential elections of March 1978, and some of them are still in detention. In February 1980, one of the detainees, the former Editor of the newspaper *Abadi* ("Eternal"), Soemarso Soemarsono, who had been adopted as a prisoner of conscience by Amnesty International, was put on trial on subversion charges.

Amnesty International is concerned also about violations of the human rights which come within its mandate that have occurred and are still occurring in East Timor. It has received reliable reports that, during 1979, a number of supporters of *Frente Revolucionaria do Timor Leste Independente* (Fretilin), the Revolutionary Front for an Independent East Timor, disappeared after capture or surrender under the terms of an amnesty guaranteeing their safety and may have been executed. Moreover, it believes that approximately 800 people were being held in prisons in the capital, Dili, alone, some of whom took no part in the fighting either before or after the Indonesian invasion of December 1975 and could therefore be regarded as prisoners of conscience.

In a letter to President Suharto on 28 April 1980, expressing concern about these human rights violations in East Timor, Amnesty International appealed for investigations into the whereabouts of people who have "disappeared" and into the conditions in whch East Timorese were imprisoned. The letter asked also for the President's cooperation in ensuring that the International Committee of the Red Cross be permitted to expand its activities in East Timor to include the tracing of missing people and prison visits.

Amnesty International continued to be concerned about the application of the death penalty in Indonesia. On 5 January and 6 February 1980, two men convicted of murder, Henky Tupanwael and Kusni Kasdut, were executed. A telegram expressing the concern of Amnesty International about the execution of Henky Tupanwael was sent to President Suharto on 23 January 1980. After the second execution, on 11 February 1980, a letter was sent to the President expressing the deep regret of Amnesty International at his decision not to set aside the death sentence passed on Kusni Kasdut, on whose behalf it had already sent telegrams containing appeals for clemency. In the letter it was noted that Indonesia was a country where

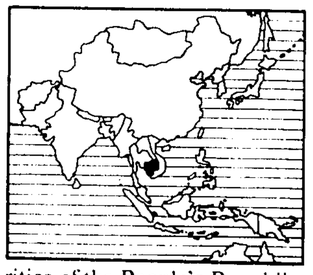
executions of common criminals had only rarely been carried out: before these executions in January and February 1980, the only known execution of a person sentenced in a civil court to have been carried out since independence in 1949 occurred in September 1978, when Husin bin Umar was executed. An estimated 35 people are, at the time of writing, under sentence of death: five of them have been convicted under ordinary criminal law and 30 were convicted under the Subversion Law.



Japan

Amnesty International has continued to be concerned about the use of the death penalty as a punishment for a number of criminal offences. At the time of writing, 19 people were known to be on death row, one of them since 1950. During the year, an unknown number of death sentences were passed; others were confirmed by the Supreme Court, but to the knowledge of Amnesty International none was commuted. The exact number of executions is not known because such information is not published by the authorities. Amnesty International urged the authorities to declare a moratorium on executions pending the abolition of the death penalty.

On 21 June 1979 Japan ratified the International Covenant on Civil and Political Rights and on Economic, Social and Cultural Rights.



Kampuchea

Amnesty International concerns centred on the forcible repatriation of Kampuchean refugees to Kampuchea where there was danger of their being imprisoned for political reasons, ill-treated or executed. Amnesty International was concerned also about the detention of people by the authorities of the People's Republic of Kampuchea (PRK) for the purpose of "re-education".

During the year, fighting continued between the forces of the

Government of the People's Republic of Kampuchea, established in Phnom Penh, and those of the Government of Democratic Kampuchea, usually referred to as "*Khmer Rouge*", which had been overthrown in January 1979. The latter still controls some areas of the country as well as refugee camps on the Thai border, while the population of other refugee camps along the border with Thailand are controlled by groups of anti-communist opposition forces. More than 150,000 Kampucheans have fled across the border into Thailand to escape the fighting and resulting food shortages.

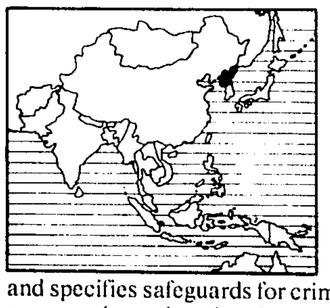
After having received reliable reports that some civilian Kampucheans had been killed for either planning to escape to Thailand or on being returned from there to Kampuchea, Amnesty International cabled the Prime Minister of Thailand, on 30 April 1979, urging him to grant asylum to all Kampuchean civilians seeking refuge there. On 31 May 1979 Amnesty International also asked representatives of Democratic Kampuchea to "ensure the safety of those civilians who had forcibly been returned to its authority and to abjure any forms of reprisal". After about 40,000 refugees, the majority women and children, were forcibly repatriated at the beginning of June, Amnesty International again cabled the Prime Minister of Thailand, on 15 June 1979, urging him to grant temporary asylum to refugees who faced the risk of being returned.

The plight of the Indochinese refugees, their ever-growing numbers and the increasing inability of the countries to which they fled to cope with a situation of such immense proportions, led to an international conference in Geneva on Indochinese refugees. On 18 July 1979, Amnesty International cabled Dr Kurt Waldheim, the Secretary-General of the United Nations, at the opening of the conference expressing concern for Kampuchean refugees threatened with possible death, torture or political imprisonment, if returned to their country or not rescued from the border region where thousands were concentrated. It urged the conference to ensure that no further *refoulement* of Kampuchean refugees take place, that the tens of thousands forcibly repatriated during the previous months be allowed to re-enter camps in Thailand and that all participating countries make every possible effort to assist the Thai authorities to find a more lasting solution. Since May 1979, the national sections of Amnesty International had been urging the governments in their countries to facilitate such a solution, more especially when there were reports in early 1980 that groups of refugees were subjected to ill-treatment in the camps in Thailand and again faced increased danger of forcible repatriation.

In August 1979 a special tribunal established by the PRK tried *in absentia* Pol Pot and Ieng Sary, the Prime Minister and Foreign Minister in the overthrown Government of Democratic Kampuchea.

They were charged with genocide and both were condemned to death. During the trial, witnesses testified to having participated in arrests for political reasons and in torture and killings committed on the orders of the authorities of Democratic Kampuchea. Victims of imprisonment and torture also testified against the accused *Khmer Rouge* leaders. Documents on prisons and mass graves also were presented to the court.

Amnesty International received little documented information about people who were tried and sentenced to a term of "re-education" after the directive of the Kampuchea People's Revolutionary Council (KPRC) of 15 April 1979. Throughout the year under review, broadcasts from Radio Phnom Penh reported that soldiers of the armed forces of Democratic Kampuchea who had been captured or who had surrendered to the new authorities were allowed to rejoin their families after a short period of "re-education" and after they had, according to the broadcasts, "promised to do their best to redeem themselves and become new citizens". In mid-November 1979, the KPRC issued a memorandum on an amnesty, to take effect on 7 January 1980, the first anniversary of the overthrow of the government of Democratic Kampuchea. The memorandum specified that "prisoners detained after investigation showing that they owed only a small blood debt to the people, who after successful re-education have become awakened, grasped the line of the Kampuchea National United Front for National Salvation (KNUFNS) and KPRC, confessed and admitted their wrongdoing done to the nation and people, and have pledged to reform and follow the line of the KNUFNS and KPRC, will be released . . .". Amnesty International has, at the time of writing, not received any confirmation of those releases.



Korea (the Democratic People's Republic of)

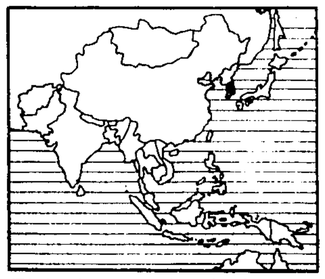
Although the country's 1972 constitution enumerates many rights, including freedom of speech, of the press, of assembly and association, and specifies safeguards for criminal accused, Amnesty International cannot substantiate that the protections guaranteed by the constitution apply to people charged with political offences. The constitution

requires the courts to act independently of political authority. An official statement by Marshall (now President) Kim Il Sung in 1958 indicated that in practice they were not in a position to do this.

The government maintains severe restrictions on access to, travel in, and dissemination of information in, the country. It therefore continues to be very difficult to collect information on human rights concerns within Amnesty International's mandate.

The only detailed account of political imprisonment in North Korea received by Amnesty International to date remains that of the former prisoner, Venezuelan poet Ali Lameda, who was held in Suriwon prison camp until his release in 1974. In testimony to Amnesty International he reported ill-treatment, severe prison conditions and a large prison population. Amnesty International is, however, not able to corroborate the account of this single prisoner.

The total number of political prisoners in North Korea is not known, although their existence has been officially acknowledged in 1978 at the time of an amnesty for "those who committed crimes against the state".



Korea (the Republic of)

The main concerns of Amnesty International continued to be political imprisonment, torture and the death penalty. On 26 October 1979 President Park Chung-hee was assassinated by the Director of the Korean Central Intelligence Agency, Kim Jae-kyu. Eight days previously the government had declared martial law in the city of Pusan in the face of student demonstrations and rioting. After President Park's death, martial law was extended to many other parts of the country and a series of martial law provisions was promulgated. On 6 December former Prime Minister Choi Kyu-hah was elected President and gave public assurances that he would promote freedom in South Korea. Amnesty International sent a cable to President Choi on 6 December congratulating him on his election and urging him to consider repealing Emergency Regulation No. 9 (ER9) under which an estimated 200 prisoners were then held. It also appealed for the release of all prisoners of conscience. On 7 December President Choi announced that ER9 was rescinded and that 68 prisoners were being released that day.

Amnesty International wrote to President Choi on 14 December welcoming these steps and requesting specifically to be informed whether the government would release Kim Chi-ha, the poet, Kang Hee-nam, Presbyterian Minister, and Lee Woo-jae and six other members of the Korean Christian Academy who were among its adopted prisoners of conscience. Amnesty International subsequently learned that the Reverend Kang Hee-nam, who was serving a 10-year sentence, had been released in late December 1979 but that the others remained in prison. On 19 December the government announced an amnesty to celebrate the inauguration of President Choi, including the release of eight prisoners jailed under ER9 but those convicted under other legislation used to suppress political dissent, the Anti-Communist Law and the National Security Law, had not been affected.

ER9 had been used since May 1975 to restrict freedom of expression and suppress political opposition. It prohibited criticism of the constitution, of the government and of ER9 itself and the reporting of dissent and banned political meetings and demonstrations. The majority of prisoners of conscience adopted by Amnesty International since May 1975 had been convicted under the provisions of ER9 restricting freedom of expression. Amnesty International had adopted as prisoners of conscience 10 journalists formerly employed by the Dong-A company, arrested in late 1978 for publishing *A Log of Democracy and Human Rights*. They had previously been dismissed from the Dong-A for publishing accounts of arrests and detention of students. In May 1979 seven of the journalists were sentenced to terms of imprisonment of one-and-a-half to two-and-a-half years but all were released in November and December 1979. Others released on the repeal of ER9 were religious leaders and politicians adopted by Amnesty International as prisoners of conscience, including Cho t ae-won and Noh Nyung-koo, two students arrested in April and sentenced in August to prison terms of one year and two and a half years respectively for possession of a document critical of the government; Hahn Hwa-kap (press secretary to Kim Dae-jung, a prominent member of the opposition New Democratic Party) arrested in December 1978 for distributing copies of a statement by Kim Dae-jung which contained criticism of the constitution, the use of ER9 and the detention of political prisoners; Father Chung Ho-kyung arrested in August for criticizing the arrest of Oh Won-chon, a member of the Catholic Farmers' Association; and two Presbyterian Ministers Kim Kyung-sup and Baik Yoon-suk, arrested in August for criticizing the government.

Other prisoners of conscience adopted by Amnesty International had been released under amnesties between May and August 1979. In total 160 political prisoners were freed, nearly all convicted for

violations of ER9.

On 3 May the government paroled five students convicted under ER9, who were due for release between May and October. A further 16 were released on 12 May following their "repentance of past deeds", and on 17 July 86 political prisoners, including 64 students, were released by suspension of execution of sentence or on special parole. These included the Reverend Park Hyung-kyu, a Presbyterian minister sentenced to five years' imprisonment for making a speech critical of the government, and Yang Sung-oo, a poet arrested in July 1977, sentenced to five years' imprisonment under ER9 and Article 104 of the Criminal Code for "defamation of the state". On 15 August a further 53 were conditionally released including eight Koreans formerly resident in Japan who had been convicted under the Anti-Communist Law and National Security Law.

Most of these prisoners were released conditionally and were liable to re-imprisonment without a new trial. This happened in the cases of three prisoners of conscience adopted by Amnesty International. The Reverend Moon Ik-hwan, Father Moon Chung-hyun and Father Hahm Se-woong had been arrested in connection with a declaration calling for the restoration of basic freedoms and the release of political prisoners. They were re-arrested during 1978 and 1979 for peaceful criticism of the government and imprisoned when the government cancelled suspension of execution of their sentence. They were released in early December 1979.

During January and February 1980 there were some developments towards the restoration of civil rights for former political prisoners. Some universities said they were prepared to reinstate students earlier expelled for political activity. On 15 February Seoul National University announced the reinstatement of the two professors dismissed for their political activities and 243 students of a total of 296 expelled for violations of the emergency decrees. On 29 February President Choi Kyu-hah ordered the restoration of civil rights of 648 people who had previously been convicted of violations of the Emergency Regulations, including Kim Dae-jung and former president Yun Po Sun. People convicted under other legislation were not affected.

Amnesty International continued to work for the release of prisoners of conscience not affected by these developments because they had been tried under other legislation such as the Anti-Communist Law or the National Security Law. Prosecutions were brought in May 1979 against six staff members of the Korea Christian Academy and a professor who worked with the Academy. On 17 April 1979 the Korean press reported that the seven had been arrested on suspicion of forming a "pro-communist group" in June 1976 because they had listened to North Korean radio broadcasts,

possessed Marxist-Leninist books published in North Korea and had tried to "organize a base involving peasants, workers, youths, students and women and spread the secret cell with an aim of building a Socialist State in South Korea". Under the Anti-Communist Law, under which the seven were tried, people who belong to, or are affiliated with, praise, or in any other way encourage or benefit an anti-state organization, may be punished with imprisonment for five to seven years. By 20 April 1979 only three of the accused had been allowed access to their lawyers. None was allowed to see members of their families until 12 May 1979 and Amnesty International received reports that during the trial, which started on 14 July, all the defendants stated that they had been tortured in order to compel them to sign "confessions".

The allegations included prolonged beatings, burning with cigarettes, threats of execution and deprivation of sleep. On the grounds of these allegations, the judge dismissed the testimony obtained by the Korean Central Intelligence Agency (KCIA) and the prosecutor during interrogation but found all seven guilty on other evidence and sentenced them to terms of imprisonment of between one-and-a-half and seven years. In January 1980 the Appeal Court reduced five of the sentences and acquitted two of the defendants. Another two were given suspended sentences and released. All had been adopted by Amnesty International as prisoners of conscience.

Amnesty International continued to work for the release of Professor Lee Yong-hui convicted in May 1978 under the Anti-Communist Law. He was released in January at the expiry of his sentence.

Amnesty International has repeatedly urged the release of other of its adopted prisoners of conscience, some of them imprisoned for many years. They included those imprisoned in 1974 in connection with the People's Revolutionary Party (PRP) case. In November and December 1979 Amnesty International appealed on humanitarian grounds to President Choi for the release of the poet Kim Chi-ha after it had been learned that he was again seriously ill with tuberculosis. In November he was moved to Seoul Sudaemoon Prison Hospital. He has been imprisoned since 1975.

Amnesty International also continued to appeal for the release of Soh Sung and Soh Joon-shik arrested in 1971 for their part in widespread student demonstrations in connection with presidential elections. Soh Sung is serving a sentence of life imprisonment. His brother Soh Joon-shik remains imprisoned under the provisions of the Public Security Law, although his sentence expired in May 1978. This Law, passed on 8 July 1975, allows for continued imprisonment to "control anti-state criminals and espionage agents for North Korea

even after they have finished prison terms".

Eight people were arrested after women workers of the YH Trading Co. protested against the closure of their factories by holding a demonstration at the Seoul office of the New Democratic Party, the main opposition party. Police stormed the building on 11 August 1979. One woman died and on 13 August police arrested the Reverend In Myung-jin of the Urban Industrial Mission, and the Reverend Moon Dong-hwan and Suh Kyung-suk of the Korean Christian Action Organization and Dr Lee Moon-young and Koh Eun, and three leaders of the women's union. They were charged with instigating the workers' protest actions, under the Law on Assemblies and Demonstrations which prohibits meetings called to protest against or criticize the government or its policies. They were adopted by Amnesty International as prisoners of conscience. All were subsequently released on bail in December 1979.

During October and November 1979 up to 140 people were detained in connection with an alleged pro-communist group, the "South Korean National Liberation Front". On 14 November the government announced the arrest of 23 people including Lee Jae-oh, Secretary-General of the Amnesty International Korean Committee in South Korea, who had been adopted by Amnesty International as a prisoner of conscience after his arrest in August for violations of ER9, and Im Hon-yong, literary critic and member of the Executive Board of the Amnesty International Korean Committee. In cables to President Choi, on 16 November, 27 November and 6 December, Amnesty International expressed concern at the arrests and requested full details of the charges. No reply has been received. In February 1980 Amnesty International learned that the trial of 73 of the defendants had opened at Seoul District Court. They were accused under the Anti-Communist Law and National Security Law. On 15 April Amnesty International cabled President Choi expressing concern that the prosecution had requested the death sentence for eight defendants. Sentences announced on 2 May included four death sentences and four terms of life imprisonment; 29 defendants received suspended sentences, the others terms of imprisonment ranging from two years to life imprisonment.

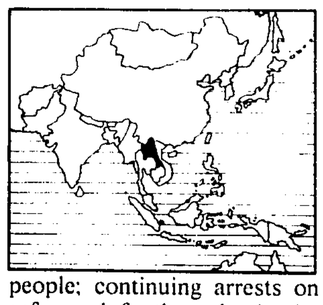
A number of political prisoners have been tried under the martial law provisions. These had severely restricted political meetings and discussion of recent events and temporarily closed colleges and universities. On 14 December Amnesty International wrote to President Choi Kyu-hah to request a copy of the martial law provisions and to inquire about people arrested under them, particularly Lee Bu-yong, former reporter on the *Dong-A Ilbo* and the Reverend Yun Ban-ung, both former Amnesty International adopted prisoners

of conscience. They had been sentenced to three years and two years respectively for their involvement with the movement for increased democracy. Yun Ban-ung was exempted from serving his sentence and released on 17 March 1980.

On 27 November Amnesty International sent a cable to President Choi expressing concern at the arrest under martial law of 123 people including Quaker leader Ham Suk-hon and former president Yun Po-sun for organizing a peaceful meeting at Seoul Young Womens' Christian Association (YWCA) to protest against the indirect presidential elections. In February 1980 Amnesty International addressed President Choi about allegations that some 20 of those arrested had been systematically beaten at the Army Security Command Investigation Centre.

Fifty-nine of those arrested were given Summary Court sentences of from 15 to 20 days. Some of the others were released after investigation. Eighteen stood trial for violations of the martial law provisions and were given sentences of imprisonment ranging from two to four years. On 29 January the Seoul garrison commander exempted Ham Sok-hon and Yun Po-sun from serving their prison terms of two years and one year respectively but confirmed sentences of from one to four years on the other 15 defendants.

Amnesty International continued to appeal for the commutation of the death sentences of six Korean residents in Japan and also to press for re-trials to consider evidence of alibi. During the year under review, one of the sentences imposed on Lee Chul was commuted to life imprisonment in the 15 August amnesty. Amnesty International appealed for clemency for all other individuals known to have been sentenced to death, including the seven men convicted of assassinating President Park Chung-hee.



Laos

Amnesty International has described its concerns in detail in *Political prisoners in the People's Democratic Republic of Laos*, published on 15 April 1980. These concerns are the continuing detention without charge or trial since 1975 of thousands of former civil servants and professional people; continuing arrests on political grounds and lack of legal safeguards for those detained on such grounds; lack of proper medical

care for detainees who need specialized or continuous treatment; isolation of detainees from their families. Five years after the change of government which marked the end of the "neutralist" coalition in Laos, thousands of members of the former administration who were sent to "re-edcuation camps" in 1975 are still detained. This remains the major human rights issue.

The precise number of people held on political grounds without charge or trial is not known. Since 1975 estimates of the number of detainees in "re-education camps" have varied, but the lowest estimates have set the figure at some 10,000. As regards former party cadres believed to be detained, a senior Lao communist defector is reported to have stated in 1979: "After the 1975 communist takeover, about 2,500 party cadres were purged for their anti-Vietnamese views and sent for re-education. Another 200, most of them soldiers, were jailed and at least 100 more were alleged to have been killed", (*Far Eastern Economic Review*, 24 August 1979). The place where this category of detainees is held is not known. As regards members of the previous administration, the former Prime Minister, Souvanna Phouma, who is now adviser to the present government, stated in March 1979 that 10,000 to 15,000 former civilian officials and military officers have been detained since 1975 (*New York Times*, 25 March 1979). A foreign journalist who visited Laos in mid-1979 wrote: "It is presumed that at least one third of the 10,000 or so inmates in the camps are trained professionals, working alongside top military and political figures of the old regime" (*Washington Post*, 7 May 1979).

A large number of political detainees are known to be held in the north and northeast, particularly in Phong Saly and Houa Phan (Sam Neua) provinces. Three camps are reported to exist at present in Houa Phan province, including Camp 06, which is about 110 kilometres from Muong Viengsay and 4 kilometres from Muong Het, very near the border with Vietnam, and Camp 05, set up in 1976, reportedly to hold the highest-ranking military and civilian personnel in the former administration. There are also camps in various other provinces, including Vientiane, Xieng Kouang and Savannaket.

In a letter to the Prime Minister, Kaysone Phomvihane, on 27 March 1980, Amnesty International appealed for the release of all those detained because of their beliefs, political activities or functions under the former government. It also submitted a list of such detainees known to it and recalled a statement made on 10 May 1976 by Souvannalat Saignafong, a member of the Supreme People's Council, about detainees in camps. He had said in an interview with foreign journalists that "more and more people" who had been sent to "seminars" in the northeast would return to Vientiane in groups so that they would be able to take part in the reconstruction of the

country. Four years have now passed since that interview but very few have returned to Vientiane.

Amnesty International has continued to work on behalf of more than a hundred individuals. These cases include those of former civilian or military officials and professional people who have been held in camps without charge or trial or who have been reported "missing" since their assignment to a camp in 1975. Those detained include Padab Pangdarind, a military doctor by profession, who has been held since October 1975 in a camp in northeast Laos and is now reported to be suffering from a serious articular ailment and other illnesses; Chansamone Voravong, the 49-year-old former Director of the National Geographical Institute of Laos, whose health is said to have deteriorated seriously after four and a half years in a camp; Soukpraseuth Sithimolada, a 47-year-old diplomat detained since July 1975; Tenh Teso, the former Director of the Royal Institute of Law and Administration; Khamouane Ratanavong, the former Secretary General of the National Bank of Laos, who is reported to have lost 20 kilograms and to suffer from gallstones.

Amnesty International has been concerned about the inadequacy of food and medical care in the camps, the effects of which are made more acute by the fact that detainees are usually required to undertake hard manual labour. Amnesty International is concerned also about the isolation to which the detainees are subjected. Many of the detainees known to Amnesty International have spent more than four years in detention without being allowed visits from their relatives. The receipt of parcels and mail is restricted and irregular. Some detainees have been forbidden at times to send or receive mail. In some cases, there has been no communication between detainees and their families for several years and their whereabouts are unknown.

Amnesty International has also sent repeated appeals and inquiries to the Lao authorities about people who have been reported "missing" after their assignment to a camp or since their arrest. It is particularly concerned about the case of seven medical students, all in their late twenties, who have "disappeared" since their arrest on 12 October 1976, when they were summoned to the Chinaimo military camp in Vientiane and taken away from the camp without being able to see their families. The latter were reportedly told by the authorities that the students were being taken to attend a "political seminar", and have received no news of them. The authorities have so far failed to give any information about these seven students.

Arrests of members of the Lao People's Revolutionary Party (LPRP) were reported during 1979 but the total is unknown. In June 1979 the Lao Minister of Post, Telegraph and Telecommunications, Khampheng Boupha, was reported to have been arrested and sent to a

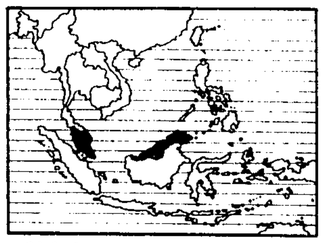
camp in Houa Phan province for planning to flee the country. In August 1979, two important members of the LPRP were reported to have been sent for "re-education" to Vietnam because of their "anti-Vietnamese acts". One of them was Khamsouk Sayaseng, the Minister of Production and Agriculture. More arrests were reported in the autumn of 1979, including that of Khamphan Chantara, Director of Higher Education, and other members of the Education Ministry. They were alleged to have been taken to Samkhe prison near Vientiane. Several of those arrested in late 1979 are believed to have been released after a few weeks.

Very few trials have been reported since 1975. Several groups of people have been convicted either of murder or of "plotting to assassinate government officials" or of "carrying out sabotage activities". All the sentences which have been reported were passed by Vientiane People's Court. The Lao People's Democratic Republic has not yet promulgated any legislation and the country's constitution is still being drafted. However, in a report to the Supreme People's Council (SPC) on 26 December 1979, the Prime Minister, Kaysone Phomvihane, stressed the need to promulgate "laws on the people's fundamental rights, interests and responsibilities" and to publicize them "extensively". He also stated:

> "The Justice and Interior Ministries must take quick action in arresting and detaining private individuals. Those arrested with complete evidence should be brought to court for trial immediately. Those arrested without valid evidence must be free. The Justice and Interior Ministries must draft laws on arrest and detention, searching property and houses and confiscating property, for enactment and promulgation by the SPC. Any state employees found to be abusing their power by intimidating the people by illegally arresting and detaining them, searching or confiscating their property, must be strictly dealt with."

Amnesty International learned of a few individual releases, including that of a Thai citizen Vanida Sungthornmongkol, who was held for three years in prison without charge. There were also reports of releases from camps in the northern province of Phong Saly. According to a former prisoner, about 200 people — mainly intellectuals, doctors, teachers and civil servants — were released in 1979 from a camp in the province. He did not identify the camp saying only that it was in an isolated area, surrounded by mountains (*Agence France Presse*, Vientiane, 13 December 1979). Another former detainee, Somchine Phisayavong, said that nearly 500 political prisoners at the Boun Neua camp (Phong Saly province) were released in 1979 (*L'Express*, 23-29 February 1979).

On 30 April 1980 Amnesty International wrote to the government, inquiring about unconfirmed reports that "re-education camps" had been closed down throughout the country. It said it knew of individuals still detained in Camps 05 and 06 in Houa Phan province and had received no information confirming that extensive releases had taken place.



Malaysia

Amnesty International continued to be concerned about the arrests and indefinite detention without trial of some 1,000 Malaysians under the Internal Security Act 1960 (ISA). The *Report of an Amnesty International Mission to the Federation of Malaysia*, published in August 1979, focused on the plight of these prisoners, many of whom have suffered serious ill-treatment, in some cases amounting to torture.

Under the ISA, a person may be held if the Minister of Home Affairs decides detention is "necessary with a view to preventing him from acting in any manner prejudicial to the security of Malaysia". Detainees are held for an initial interrogation period of 60 days during which they are usually kept incommunicado in a Special Branch Holding Centre, where they are subjected to prolonged periods of interrogation. After 60 days, at the discretion of the Minister of Home Affairs, the detainee may be served with a two-year detention order or released. If a detention order is served, the detainee is usually transferred to one of two prisons, the Batu Gajah Special Detention Camp or the Taiping Detention Camp, which hold approximately 100 and 800 detainees respectively. Amnesty International knows of detainees served with detention orders who have remained in holding centres beyond the stipulated 60 days or have been transferred to "safe houses" for further interrogation. The journalist and essayist, Samad Ismail, who was arrested in June 1976 has been kept continuously in solitary confinement in a secret place of detention in Kuala Lumpur where he has received only irregular visits from his family and is deprived of all reading material except the Koran. In its publication on Malaysia, Amnesty International urged that Samad Ismail be released immediately or that he be transferred to a recognized prison pending trial.

The Amnesty International report also contained a recommendation that the government repeal the ISA on the grounds that it violates

basic human rights to liberty, to the presumption of innocence and to a fair, open and speedy trial. The report recommends also that the government institute full and open commissions of inquiry into allegations of torture and ill-treatment of detainees, and that the systematic use of solitary confinement and prolonged interrogation cease immediately. To help safeguard against such abuses the report also recommended that access to legal counsel and medical examination be permitted to all detainees.

The report further stated that the conditions in which prisoners are held beyond the 60-day interrogation period were inadequate by the standards set forth in the United Nations Standard Minimum Rules for the Treatment of Prisoners. In Batu Gajah conditions have deteriorated in recent years due to overcrowding and to the introduction in 1977 of harsher rules governing visits, correspondence and hours of exercise outside prisoners' cells. In both Batu Gajah and Taiping medical attention also was found to be inadequate.

The Malaysian authorities to whom Amnesty International sent the report for comment before its publication on 29 August 1979, classified it as a subversive publication under the ISA, thus prohibiting possession of the report or its dissemination. In a speech to the Fifth Biennial Law Conference on 25 October 1979, the Prime Minister Datuk Hussein Onn said that "the price for doing away with the ISA is the destruction of our democratic system and our way of life" and that the act would not be repealed. Shortly after publication of the Amnesty International report, the leader of the opposition Democratic Action Party, Lim Kit Siang, described it as "devastating" and stated that he would seek a debate on it when parliament reconvened. Although unable to secure a debate, Lim Kit Siang did ask the Deputy Prime Minister, Datuk Sri Dr Mahattir Mohammed, in parliamentary question time on 23 November 1979, whether the government would consider amending the ISA so as to subject ministerial powers of detention to judicial control. Dr Mahattir replied that the government had to be able to resort to preventive measures for reasons of national security. On 17 December 1979, the Minister of Home Affairs, Tan Sri Ghazali Shafie, justified the banning of the report to members of the *Dewan Negara* (Upper House) on the grounds that it was misleading and could affect the nation's security.

The ISA, as noted in the Amnesty International report, had been used to detain members of legal opposition parties, including the Democratic Action Party (DAP), the now defunct Labour Party of Malaya and the *Partai Sosialis Rakyat Malaysia* (PSRM), Malaysian People's Socialist Party, as well as trade unionists engaged in legitimate trade union activity. Kong Hoi, a former Labour Party member, has now been in detention under the ISA for more than 15

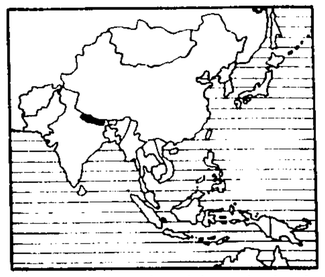
years. Tan Hock Hin, formerly Assistant Secretary General of the Labour Party, has been in continuous detention since July 1967 when he was arrested for demonstrating against United States intervention in Vietnam and for protesting against the government's decision to ban the United Malayan Estate Workers' Union. Two elected members of parliament representing the DAP — Chan Kok Kit and Chian Heng Kai — were imprisoned in November 1976; both retained their seats in the 1978 parliamentary elections while in detention. In November 1976, the government for the first time under the ISA arrested members of the ruling United Malays National Organization, Datuk Abdullah Ahmad, a former Deputy Minister for Science and Technology, and Abdullah Majid, a former Deputy Minister for Labour and Manpower. In April 1980 both were still in detention. Two prominent leaders of the PSRM — Kassim Ahmad, its Chairman, and Dr Syed Husin Ali, an internationally recognized sociologist — remain in detention in Taiping Detention Camp. While in prison both have managed to continue writing, but the authorities have confiscated their manuscripts.

When the Amnesty International mission visited Malaysia in November 1978, it was informed by Malaysian officials that political detainees held in Taiping and Batu Gajah were not regarded as individuals who had used or advocated violence. The Amnesty International delegates were informed also that the Minister for Home Affairs had refused to approve a standing recommendation of the Advisory Board that all detainees held in Batu Gajah since 1971 or before 1971 — a total of some 53 detainees — should be released on the grounds that they could no longer be considered a threat to national security. One of them, Hooi Chin Han a former member of the PSRM, was the focus of an Amnesty International campaign in December 1979, the 10th anniversary of his arrest under the ISA.

Although some people held under the ISA have been released during the year, including Amnesty International adopted prisoners of conscience, Law Heng Neng, Lai Sin Siang and Cheah Leong Seng, Amnesty International has learned of new arrests. It believes that the total number of people detained under the Act is still approximately 1,000 including those who have not been served with detention orders. In December 1979, two committee members of the Johore Baru Branch of the PSRM were detained, reportedly for supporting squatters. They were however released before being served with detention orders. In January 1980, 15 members of the local branch of the legal opposition Pan Malayan Islamic Party (PMIP) were detained in Kedah for allegedly being members of an underground Moslem organization, *Pertubuhan Angkatan Sabillullah* (PAS), Organization of Warriors of Allah. They were arrested

shortly after peasant demonstrations against the introduction of a voucher system for payment of rice subsidies which it was alleged they had incited and shortly before a local by-election which the PMIP candidate was regarded as having a strong chance of winning.

Amnesty International has been concerned also about the extension of the application of the death penalty in Malaysia. Since 1975, under amendments to the ISA, the death sentence has been mandatory for individuals found in possession of firearms in designated "security areas" or in circumstances "which raise a reasonable presumption that the [person] intends or is about to act, or has recently acted, in a manner prejudicial to public security". An amendment to the Narcotics Act, also passed in 1975, made drug trafficking a capital offence. Moreover, the Essential (Security Cases) Regulations introduced in October 1975 and enacted in January 1979 stripped the defendant in security cases of basic legal safeguards and abolished the distinction between adults and juveniles. At the end of 1979, 37 people were reported to have been sentenced to death under the ISA. On four consecutive Fridays between 14 March and 4 April 1980, individuals sentenced under the ISA amendments and Essential Regulations were executed. During this period, a total of nine men were executed, eight of whom had been sentenced to death under the ISA, six for arms possession and two for murder. The ninth man had been sentenced under the Narcotics Act. Amnesty International cabled Prime Minister Datuk Hussein Onn on 19 and 24 March 1980 expressing its concern about the executions. In a letter to the Prime Minister sent on 26 March 1980, it said it was disturbed by the recent spate of executions particularly in view of the government's former reluctance to enforce the death penalty. It urged the government to commute all remaining death sentences.



Nepal

Amnesty International remained concerned about continuing arrest and imprisonment on political grounds. However, during the year it welcomed the release of many political prisoners.

On 13 April 1980 King Birendra announced a general amnesty for all political prisoners and exiles except those charged with criminal offences. The amnesty, announced shortly before a referendum which was due to be held on 2 May 1980,

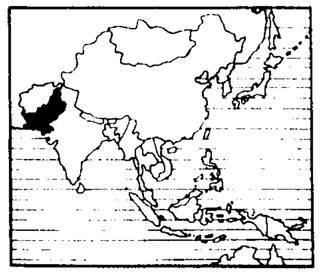
is reported to have affected more than 150 people held under the Raj Kaj Act and the Public Security Act 1961 (PSA), legislation under which the majority of political prisoners have been held.

On 25 May 1979, after riots and demonstrations in support of political reform which had, it was reported, led to more than 40 deaths, King Birendra promised a referendum to offer citizens the choice of maintaining the existing *panchayat* (partyless) system or replacing it with a multi-party system. After the King's proclamation, a ban on public meetings, demonstrations and freedom of speech was lifted although political parties remained illegal pending the outcome of the referendum. At the same time a number of people arrested both before and during the anti-government demonstrations were released. Among those freed in June 1979 were four individuals whose cases had been taken up for investigation or adoption as prisoners of conscience by Amnesty International — Ram Chandra Rai, Ashok Upadhya, Mahanth Thakur and Ram Chandra Tiwari.

Although political parties were still formally banned after the May 1979 proclamation of the referendum, vigorous campaigning for and against the restoration of the multi-party system was allowed to take place. However, this was accompanied by reports of violence on both sides. Moreover, despite the releases that occurred in the period immediately after the announcement of the referendum, many people charged with political offences, some of whom had been in detention without trial since 1974, remained in detention and new arrests were made including the rearrest of people who had been released in June 1979. On 8 March 1980 former detainees, Brikesh Chandra and Ram Chandra Tiwari, were rearrested for protesting against rises in the cost of living.

The legislation under which people may be charged for political reasons — the Raj Kaj Act, the PSA and the Organizations Control Act — also remained in force during the interim period of the referendum campaign. The Raj Kaj Act covers the offences of rebellion and treason, for which the maximum penalty is death, and sedition, for which the maximum penalty is three years' imprisonment and a fine of 3,000 Rupees. Under the PSA, people may be held in preventive detention under renewable nine-month detention orders up to a maximum of three years, although cases of continuous detention for as long as nine years have been reported. The Organizations Control Act stipulates conditions under which associations may be formed while prohibiting all political parties or advocacy of support for the party system.

In a telegram to the King on 17 April 1980, Amnesty International welcomed the amnesty but expressed concern about the recent arrest of more than 250 members of the Nepal National Teachers' Association reportedly under the Organizations Control Act. It subsequently learned that the teachers had been released on 12 April 1980 but not as part of the general amnesty.



Pakistan

Amnesty International continued to be concerned about the government's practice of trying large numbers of civilians, among them political detainees before military courts which apply summary rules of procedure and deny the defendant the right to defence by lawyers as well as the right to appeal. Despite releases of leaders of political parties, other prisoners of conscience remain detained under preventive detention legislation. Many people, including political prisoners, have been flogged; others have been sentenced to amputation, although there are as yet no known cases where this sentence has been carried out. Amnesty International is also especially concerned about the high number of death sentences imposed by the criminal and military courts and allegations that a number of prisoners have died in the custody of the police.

On 16 October 1979 President Zia ul-Haq announced that the general elections scheduled for 21 November 1979 were again to be postponed, this time indefinitely. All political parties were banned and membership of them declared illegal. The government at the same time banned all trade union activity and imposed total censorship on the press. The constitution was amended by Presidential Order so that the verdicts of military courts would be final and could no longer be challenged by the civilian courts. Well known opposition leaders, including Air Marshal (Ret'd) Asghar Khan, the leader of the *Tehrik-i-Istiqlal*, and the leaders of the Pakistan People's Party, Begum Bhutto, Benazir Bhutto and Secretary General Farooq Leghari, were arrested under the detention provisions of Martial Law Order No. 12. Whereas most arrests were of members of the Pakistan People's Party, they also included members of other opposition parties such as the National Democratic Party and the Muslim League. Several members of the former National Assembly and the Provincial Assemblies were also among them. According to Amnesty International estimates, in the days following the 16 October announcement some 300 political prisoners were arrested under martial law

provisions, adding to the many already imprisoned by military courts. In April 1980, Asghar Khan, Begum Bhutto and Benazir Bhutto were released.

At the end of April 1980 Amnesty International was working on the cases of 120 political prisoners; nearly all have been adopted by Amnesty International as prisoners of conscience. Some of them are held under the detention provisions of Martial Law Order No. 12, allowing detention for "activities prejudicial to public order". Others have been convicted by summary military courts under martial law provisions for engaging in peaceful political activities. Martial Law Regulation No. 33 prohibits all political activity, while Martial Law Regulation No. 13 provides that "No person shall... bring into hatred or contempt or excite or attempt to excite disaffection towards the Armed Forces or any members thereof". On several occasions Pakistan Embassies have responded to Amnesty International inquiries with details of the imprisonment and, in some cases, notification of the release of the prisoner involved.

Amnesty International sent a cable to President Zia ul-Haq on 18 October 1979 urging the government to release immediately all prisoners of conscience. On 1 November 1979 it sent him a detailed letter pertaining to the extensive violations of human rights in Pakistan and proposed a number of specific recommendations which included the restoration of the rule of law. On 4 November 1979 it issued a press statement expressing concern about the deterioration of human rights in Pakistan, with specific reference to its recent letter to the President. The Amnesty International letter advanced legal grounds for its opposition to the government measures which had resulted in the ill-treatment of prisoners and abuse of human rights. It stated: "The powers of the military courts in Pakistan have been further extended to a degree which has been described in the international press as unprecedented at the cost of further limiting the jurisdiction of Pakistan's judiciary". It went on to express concern about the passing of the Constitution (Second Amendment) Order on 16 October 1979, which prevents the civil courts, including the widely respected High Courts, from reviewing the decisions of the military courts whose decision was now final. In the letter to President Zia it points out that the implementation of the constitutional amendment could exceed the limitations on martial law determined by the Supreme Court in a judgment in November 1977. The court ruled that martial law had a legal basis only insofar as the civil courts retained the right "to judge the validity of any act or action of the martial law authorities". The letter urged the government immediately to restore the supervisory jurisdiction of the civil courts over the military courts as a step towards abolishing the trials before military

courts of civilians, and political prisoners in particular.

Before the amendment adding Article 212A to the constitution, the civilian courts had used their powers of supervisory jursidiction to set aside some of the decisions of military courts such as the sentence of flogging. The letter notes that the amendment further eroded the powers of the civil courts to protect prisoners from such infringements of human rights and that in the two weeks after the 16 October 1979 amendment, Amnesty International estimated that 80 people had been flogged. Other observers reported the actual number to be about 200. In several cases cited by Amnesty International the protective covering, usually applied to the victim's lower back to shield the kidneys from permanent damage, had not been used. In many instances prisoners were reported to have fallen unconscious while being whipped. The letter made it clear that Amnesty International considered flogging to be "cruel, inhuman and degrading punishment", prohibited under Article 2 of the United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It urged the government to set up an independent review of the cases of all political prisoners held without trial, to release immediately all those against whom there was no evidence that a criminal offence had been committed and to abolish the punishments of flogging and amputation. The letter was augmented by worldwide appeals from Amnesty International members urging the government to implement the recommendations contained therein.

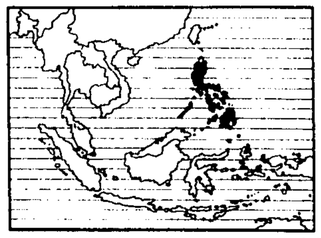
Although the number of public floggings apparently declined after November 1979, Amnesty International continued to receive reports that several prisoners were flogged every month inside jails after conviction by summary military courts of offences such as corruption, hoarding and smuggling. It also received reports that several prisoners were sentenced to amputation of a hand after conviction of theft by *Shariat* (Islamic law) courts and by sessions courts. Amnesty International continued to learn of such sentences up to December 1979. Some of the accused were said to have made appeals to the High Courts against the sentence and in several cases Additional Sessions judges are known to have ordered suspension of the sentence. Amnesty International appealed many times to the authorities not to carry out amputations on convicted prisoners Maju Shah, Ghulam Ali, Mohammad Yakub, Fid Hussain, Majoo Shah, Mustafa Shah, Ghulam Mustafa and Allah Ditta. To the knowledge of Amnesty International, no amputation has so far been carried out in Pakistan.

Amnesty International also received several reports during 1979 that prisoners had died while in the custody of the police, allegedly as a result of torture. On 10 December 1979 Amnesty International sent

a cable to Mahmoud A. Haroon, the Minister of the Interior, to express its concern that Shaukat Shah had died in police custody in Jaranwala on 24 November 1979 and requested that an independent inquiry be held into the circumstances of his death. On 24 April 1980 it again wrote to the Minister of Home Affairs and also to the Inspector General of Police, Sindh, inquiring whether the investigation had taken place and expressing concern about reports that another prisoner, Kalu Brahmani, a college student, had died in the Khairpur Nathanshah Police Station during 1979, allegedly as a result of torture. It drew the attention of the government to Articles 9 and 10 of the United Nations Declaration on the Protection of All Persons from Torture and Cruel, Inhuman or Degrading Treatment or Punishment on the necessity of establishing impartial investigations into allegations of torture. It asked to be informed about the steps taken by the government to investigate the deaths of these two prisoners and whether any measures had been taken to bring the text of the United Nations Declaration as well as the text of the United Nations Code of Conduct for Law Enforcement Officials to the notice of all law enforcement personnel in Pakistan.

During the year Amnesty International addressed a number of appeals to the President to commute the numerous death sentences imposed on prisoners by the Pakistan courts, including the special military courts. On 24 July 1979 Amnesty International made an urgent appeal to the President to save the lives of Mian Muhammad Abbas, Arshad Iqbal, Ghulam Mustafa and Rana Iftikar Ahmad, who had been sentenced to death together with former Prime Minister Bhutto. They were nevertheless executed the next day. In May 1979 it appealed for clemency for Ghulam Rasool, Mohammed Asraf and Munir Ahmad, who had been sentenced to death by a special military court and in November 1979 it appealed on behalf of Sayed Hussain, sentenced to death by a military court for hijacking a plane. On 28 January 1980 it urged that clemency be granted to Safar Iqbal, a college student, sentenced to death by a special military court in Rawalpindi. On 19 March 1980 appeals for clemency were made on behalf of Mohammad Ashraf, Mohammad Sadiq and Nazir Ahmed. The international press has reported that in all cases where clemency petitions have been addressed to the President by condemned people and their families and lawyers they have been rejected.

Pakistan Press International reported on 18 September 1979 that there were 1,275 prisoners awaiting a final decision in death cells in the Punjab, one of Pakistan's four provinces. According to Punjab prison sources, most of the condemned prisoners were waiting for decisions on their appeals either in the High Court or in the Supreme Court.



Philippines

The main concerns of Amnesty International have been detention without trial under martial law, torture, disappearances and extrajudicial killings, and the death penalty. On 21 September 1979 President Marcos entered his eighth year as president under martial law. As opposition to martial law has become more pronounced by various elements of Philippine society — the church, the pre-martial law parliamentary opposition, peasants, trade unionists, students and the guerrilla movements, the New People's Army (NPA) and the Moro National Liberation Front (MNLF) — the role of the armed forces in suppressing dissent has grown. As arrests and imprisonment without trial continued, reports of military abuses, including extrajudicial killings, have increased.

Government officials assert that there are no political prisoners but only "public order violators". These are individuals accused of subversion, sedition and rebellion including the possession or dissemination of subversive material and illegal assembly. In a census undertaken in October 1979 by the Office of Detainee Affairs on the orders of President Marcos, it was found that 1,852 people were being held in military detention, 579 of whom were "public order violators". But many others who Amnesty International believes were detained without trial for non-violent expression of their political beliefs have been held without trial for alleged criminal offences, including murder and illegal arms possession. At the time of writing, Amnesty International believed that more than 2,000 people were being held for political reasons.

Reports received by Amnesty International indicate that among those imprisoned were individuals simply caught in the conflict between the army and the guerrilla movements. Mass arrests of peasants have occurred in areas such as Samar, Pampanga and Mindanao, where the military was engaged in operations against the NPA and MNLF. In September 1979, a unit of the Philippines armed forces entered the town of Pikit in Mindanao, southern Philippines, in search of members of the Moslem secessionist MNLF. Having failed to find any secessionists, they arrested 27 peasants and students. Amnesty International issued an appeal on their behalf. They were subsequently released after a sit-down strike by their relatives.

Among those arrested during the year under review were persons accused of bill-posting during the local elections, tribesmen protesting

against development projects on their ancestral lands, students demonstrating against United States policy towards Iran, organizers of the urban poor and clergy. Two members of the church — Rafael Labutin, a lay worker from Samar, and Jerry Aquino, a minister of the independent Aglipayan Church, arrested with three others in Mountain Province in September 1979 — were still in detention in April 1980. Both have been adopted as prisoners of conscience by Amnesty International.

A number of detainees continued to be held for long periods without trial — in some cases they had been arrested before martial law was declared — for alleged subversion and rebellion. Many have been held as co-defendants in several well-known cases, such as *People of the Philippines* v. *Father Ed de la Torre et al.; People of the Philippines* v. *Jose Maria Sison et al.*, and the *People of the Philippines* v. *Luzvimindo David et al.* Several of these detainees have been released during previous years; more were released during the period May 1979 to April 1980. These included two principal defendants, Luzvimindo David and Father Ed de la Torre, and also Eufemio Villanueva, Augustin Pagusara, Tomario Rivera, Ernesto Luneta, Domingo Luneta, Francisco Luneta, Anacleto Ocampo, Manuel Chiongson, Edgar Pilapil, Peter Mutuc and Winifredo Hilao. All had been adopted as prisoners of conscience by Amnesty International. Some of these, however, were granted only "temporary release" with charges still pending and the defendants required to report regularly to the authorities. Among those granted permanent release was Pepito Lopez, an Amnesty International adopted prisoner of conscience, who had been arrested in May 1973. After seven years in confinement, Pepito Lopez was released in March 1980 when the municipal court in Tarlac where he had been arrested confirmed, after an inquiry from the Amnesty Commission, that there were no charges pending against him. The same court confirmed that no charges had been brought against another Amnesty International adopted prisoner of conscience, Roberto Sunga, but, as of the end of April 1980, Roberto Sunga still remained in detention. Two presidential amnesties were announced on 10 and 15 September 1979 respectively in commemoration of the seventh anniversary of martial law and President Marcos' birthday. The two amnesties affected a total of 1,910 prisoners, a few of whom were reported to be "public order violators".

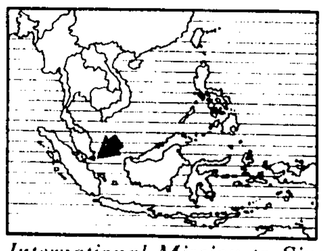
During the year Amnesty International continued to receive reports of arrests made without regard to proper legal procedure. Reports of arrests by military authorities without an Arrest, Search and Seizure Order (ASSO) which must be issued by the President or the Ministry of Defence, have been particularly frequent. Amnesty International has also learned of abductions of people by the military.

In April 1979 Sixto Carlos Jr, a former teacher of political science, was taken away by military personnel in a suburb of Manila. For more than four months his father, Sixto Carlos Sr, formerly a military Judge Advocate General, and his mother used their influence to try and trace their son. It later became known that during this period Sixto Carlos Jr had been held for interrogation in a "safe house" where he had been tortured severely.

Reports of torture and ill-treatment have been especially frequent in areas of guerrilla activity, such as Samar and Mindanao. However, torture is also still believed to occur in the prisons visited in December 1975 by an Amnesty International delegation whose findings on torture were published in the *Amnesty International Report on the Philippines*, April 1976. One of the prisons is Bicutan, since renamed Bagong Diwa, which the government has put forward as a model prison. On receiving reports that a number of the 15 people arrested with Eduardo Olaguer had been tortured in Bicutan, Amnesty International appealed to the government in December 1979 concerning their safety. They were allegedly associated with members of the pre-martial law opposition who were said to have planned a wave of terrorism. Eighteen students arrested in June 1979 and detained in Camp Crame were also reported to have been subjected to torture by electric shocks and beatings.

Reports received by Amnesty International gave cause for concern about abductions by the military followed by extrajudicial killings, a practice known as "salvaging", which has, in recent years, become more widespread. Some individuals known to have been taken by the authorities have disappeared without trace; in other instances the body has been found. Amnesty International continued to work on behalf of six "disappeared" individuals, including Herman Lagman, a labour lawyer, and Jessica Sales, a student.

Also of concern to Amnesty International are the 814 people who, in July 1979, were reported to be held in prisons under sentence of death; some had been condemned more than 20 years ago. Of these, the cases of 775 people were reported to be still under review by the Supreme Court. A bill seeking to abolish the death penalty, co-sponsored by the then Minister of Information, Francisco Tatad, was introduced in the Interim National Assembly in May 1979. However, a series of martial law decrees introduced in early 1980 extended the number of offences liable to the death penalty. Under these decrees the death penalty became the maximum sentence for individuals convicted of selling drugs to minors; for the importation, sale or manufacture of a number of controlled drugs, in addition to narcotics; and for fraud involving rural banks and co-operatives, and the misappropriation of funds solicited by corporations from the public.



Singapore

Amnesty International continued to be concerned about the arrests and indefinite detention without trial under the Internal Security Act (ISA) of individuals alleged to have acted in a manner prejudicial to the security of the state. In the *Report of an Amnesty International Mission to Singapore 30 November to 5 December 1978*, published on 31 January 1980, Amnesty International expressed its long-standing concern about the systematic use of preventive detention without charge or trial under the ISA and about evidence of widespread physical and psychological ill-treatment of detainees, in some cases amounting to torture. During the year, Amnesty International continued to work on behalf of 20 individuals under adoption and investigation and urged the implementation of the recommendations it had made to the government in its report. Amnesty International also expressed concern about the executions which took place in October 1979.

According to Section 8 of the ISA, an individual may be detained should the President be satisfied that this was necessary, "with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein". Such detention can be for periods of up to two years and the two-year detention order may be renewed an indefinite number of times. In the Amnesty International mission report it was estimated that some 50 people were detained under the ISA at Moon Crescent Detention Centre and that an unknown number of people were detained at the Whitley Road Holding Centre, the main Special Branch interrogation centre. The report also calls attention to the use by the government of a variety of techniques to induce mental and spiritual collapse, such as the denial of medication, with the aim of extracting self-incriminating statements to be used as confessions, and points out that the practice of imputing guilt by such means rather than by establishing the validity of evidence through normal legal procedures violates elementary rules of law.

The Amnesty International report recommended that the Singapore Government should take immediate steps to sign and ratify the International Covenant on Civil and Political Rights, introduce legislation for the abolition of the ISA and ensure that all persons held at present under the ISA should be released immediately and unconditionally or be brought to trial at an early date in an open court.

It further recommended that the government should institute immediate, independent and public commissions of inquiry into the allegations of torture and ill-treatment of detainees and implement the recommendation of the 1966 Constitutional Commission by making the right to freedom from torture a specific provision of the Singapore Constitution.

In response to the recommendations of Amnesty International, Prime Minister Lee Kuan Yew subsequently instituted a commission of inquiry into the procedures in the interrogation and detention centres, with particular reference to those instances of torture and ill-treatment cited in its report. The commission was headed by S. Dhanabalan, Senior Minister of State, Ministry of Foreign Affairs, and included Professor Jayakumar, Dean of the Law Faculty of the University of Singapore and Michael Cheok of the Ministry of Foreign Affairs. The Prime Minister's Office issued a statement on 31 March 1980 saying that the report of the commission of inquiry concluded that "the process of interrogation does involve psychological stress. But there is no basis for the lurid accounts of torture and assault described in the Amnesty International report". However, as far as Amnesty International is aware, the commission examined the cases of only three of the 21 detainees listed in the Amnesty International report as having been ill-treated. As far as can be ascertained from the press statement issued by the Prime Minister's Office, the commission did not, for example, investigate the case of Ho Piao whose sworn affidavit is reproduced in the Amnesty International report. Nor, to the knowledge of Amnesty International did the government publish in full the medical records it was stated had been examined by commission members Dhanabalan and Cheok. It is for these reasons that Amnesty International believes that the inquiry did not meet the criteria for a full, open and independent investigation into all cases of reported ill-treatment and publication of the whole of the commission's findings as had been recommended in the Amnesty International report.

During the year, the situation of a few long-term detainees was reported to have improved, however, Amnesty International also learned of new arrests under the ISA. On 11 September 1979, Amnesty International wrote to Prime Minister Lee to welcome the release of Said Zahari, a journalist and poet who had been arrested in "Operation Cold Store", a security operation on 2 February 1963 in which 133 participants of the anti-government opposition were arrested. Said Zahari, who had been adopted by Amnesty International as a prisoner of conscience, was never tried but was exiled in November 1978 to Pulau Ubin from which he was subsequently released. Another person arrested in "Operation Cold Store", Dr Lim Hock Siew, a leader of the *Barisan Sosialis*, Socialist Front,

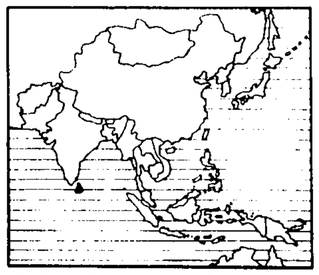
who had also been adopted as a prisoner of conscience by Amnesty International, is still held in Pulau Tekong, to which he had been exiled in November 1978. In February 1980, Lee Tze Tong, a trade union leader who had been elected to the Singapore Assembly for the *Barisan Sosialis* in the 1963 elections, and who had been in detention since October 1963, was released into exile in Pulau Ubin. On 15 February 1980, Amnesty International wrote to Prime Minister Lee welcoming the improvement in Lee Tze Tong's situation but urging that he be released unconditionally.

Ho Piao, a former Secretary of the National Seamen's Union who was also arrested in "Operation Cold Store", has been held without trial continuously since 1963. During his detention, Ho Piao has undergone long periods of solitary confinement and has been subjected to rigorous interrogation in a room deliberately maintained at an artificially cold temperature where he was repeatedly doused with cold water and assaulted. Ho Piao's plight was described in the Amnesty International *Newsletter* in September 1979 and various appeals were made on his behalf.

In April 1979 nine students and teachers were arrested for alleged involvement in pro-communist activities and for attempting to overthrow the government by means of an armed struggle. All but one were subsequently released, and at least six of them were released before the 30-day interrogation period had expired. However, Tan Peng Lim, a 33-year-old lecturer in mathematics at the Singapore Polytechnic, was still in detention at the end of April 1980. He is also reported to have been deprived of his Singapore citizenship. Under the Banishment Act (Banishment Ordinance) 1959, any Singapore citizen who is a citizen by registration or naturalization may be deprived of his citizenship should the government be satisfied "that it is not conducive to the public good that the person should continue to be a citizen of Singapore". At the end of April 1980 five people were believed to be detained under the Banishment Act and held indefinitely in Singapore jails because of their refusal to accept banishment to another country.

Another concern of Amnesty International was the death penalty. On 5 October 1979 Amnesty International cabled President Benjamin Sheares expressing concern about the execution of Wong Kee Chin and of Lee Kin Kheong on 19 October 1979. Both men had been sentenced to death for drug trafficking. At the same time, it appealed for commutation on behalf of 11 prisoners believed to be under sentence of death. On 2 November 1979, Amnesty International cabled President Sheares urging him to commute the death sentence recently confirmed by the Singapore Criminal Court of Appeal on Siti

Aminah Binti Jaffar, also sentenced to death for drug trafficking. She was 18 years old at the time of the offence.



Sri Lanka

Amnesty International has been concerned about the suspension of legal safeguards under special and emergency legislation introduced in 1978 and 1979 providing for wide powers of arrest and detention. It was concerned about torture allegations and of deaths in police custody particularly during the period after the Emergency was declared in July 1979.

Continuing demands for the establishment of a separate state *Tamil Eelam*, for the Tamil minority, in the northern region were accompanied by several violent incidents, including the killing of 12 policemen in the period after the United National Party (UNP) government assumed office. On 11 July 1979 President Jayewardene's government declared a state of emergency for the Jaffna district, where most of the Tamils live, and the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 1979 came into force, providing for wide powers to arrest and detain suspects in police custody for 15 days. The government could order prolonged detention of people without trial. A week later the Prevention of Terrorism (Temporary Provisions) Bill No. 48 of 1979 was put before Parliament and, after brief debate, became law the next day, 20 July 1979. The Prevention of Terrorism Act is valid for three years; Sections 6 and 7 allow detention in police custody for up to 72 hours. The provisions of both the Emergency Regulations and the Prevention of Terrorism Act do not allow for any form of judicial or other independent control. People arrested need not be produced before a magistrate within 24 hours of arrest, as is the normal rule in Sri Lanka, nor need they be allowed access to a lawyer and to their families during the period of police custody. Under Section 9 the Ministry of Defence can order detention without trial for a period not exceeding 18 months, a provision similar to that already in force under Section 11 of the 1978 Proscribing of Liberation Tigers of Tamil Eelam and Other Similar Organizations Law.

Although the July 1979 Emergency Regulations were allowed to lapse in December 1979, the Prevention of Terrorism Act and the Proscribing of Liberation Tigers of Tamil Eelam and Other Similar

Organizations Law continue in force. Nearly all the approximately one hundred people, mostly members of the Tamil minority, who were detained at some length during the Emergency under those special legal provisions have now been released. Amnesty International believes, however, that in the period immediately after the emergency declaration a pattern of arbitrary arrest and detention existed and that torture was used systematically. The allegations that six young men, reported arrested in the days after the Emergency declaration, died in the custody of the police after having been tortured and that the bodies of three of them have still not been found, are the subject of an inquiry by a Parliamentary Select Committee.

On 19 July 1979 Amnesty International sent a cable to President Jayewardene expressing concern about the introduction of the Emergency Regulations and the provisions under these and the Prevention of Terrorism Bill for prolonged detention without trial and the denial of bail. It also mentioned its deep concern about reports that the mutilated bodies of two young Tamils, Visvajothiratnam alias Inpam and Selvaratnam, had been found under a bridge near Jaffna on 14 July 1979, the same morning as that of their reported arrest. It asked that the government institute a formal inquiry into their deaths, and also investigate the whereabouts of S. Parameswaran, S. Rajeswaran, Rajakili and R. Balendran, who were also believed to have been arrested on 14 July 1979, and reported missing.

Three of those named by Amnesty International, R. Balendran, S. Rajeswaran and S. Parameswaran "disappeared" after their reported arrest on 14 July 1979, and their bodies have not been found. The government established a Parliamentary Select Committee to inquire into the six cases of deaths alleged to have occurred in police custody. At the time of writing, the findings of the Committee were not known. Another Tamil, Iyathurai Indrarajah, also arrested on 14 July 1979, was admitted to Jaffna hospital the next day with many injuries. He died in hospital on 21 July 1979. Inquests were ordered into the circumstances of three of these deaths. On 8 January 1980 the Jaffna magistrate returned a verdict of homicide in the inquest on Iyathurai Indrarajah, stating: "There is evidence of assault by the police".

In view of the serious allegations of human rights violations it received in the period immediately after the Emergency proclamation, Amnesty International commissioned Stephanie Grant, Director of the national section office in Washington, its observer attending the Sixth Lawasia Conference in Colombo, in late August 1979, to discuss with the authorities those human rights developments that gave cause for concern. The Amnesty International representative met the Minister of Trade, who is also the Chairman of the Parliamentary Select Committee, the Deputy Minister of Foreign

Affairs and the Inspector General of Police. In Jaffna she met the Commander of the Security Forces in charge in the northern district and the Government Agent. She also met former political prisoners and relatives of young Tamils who had "disappeared".

Amnesty International subsequently wrote to President Jayewardene on 12 October 1979 to inquire whether the government was taking steps to investigate allegations of torture, particularly those which Amnesty International had received from various sources about members of the Tamil Refugees Rehabilitation Organization, a body established to assist the victims of the 1977 communal disturbances. It also asked the President about reports it had received that relatives of wanted individuals were arrested if the wanted person could not be found. The Ministry of Foreign Affairs, in a letter of 7 January 1980, responded to inquiries made by Amnesty International regarding six people about whom it was concerned. The letter said that two of the people had been arrested for investigation "into their own complicity with terrorism" and that the other four "had been brought in mainly for questioning". But Amnesty International has not received information about any steps the government has taken to investigate the allegations of torture.

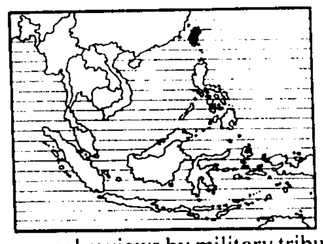
When the Emergency was declared, the President had instructed the Commander of the Security Forces in the Jaffna district to carry out his mandate before 31 December 1979 and on 27 December 1979 the state of Emergency was allowed to lapse. In a subsequent letter to President Jayewardene Amnesty International welcomed this and the fact that nearly all the approximately one hundred people, mostly members of the Tamil minority, detained after the Emergency declaration had been released. At the time of writing, six of these people were reported still to be in detention. However, Amnesty International stressed its concern that fundamental legal safeguards remained suspended under the Prevention of Terrorism Act and the Proscription of Liberation Tigers of Tamil Eelam and Other Similar Organizations Law, and said it believed that the human rights violations reported to it in the period after the July 1979 Emergency declaration were directly related to the suspension of those legal safeguards. It said it had recently received testimonies which indicated that serious violations of the right of freedom from torture and from arbitrary arrest, detention and punishment — rights also guaranteed in Sections 11 and 13 of the Sri Lanka Constitution — had occurred in the months after the Emergency declaration. It expressed concern to the President that, even after the lifting of the Emergency, legal and other conditions still existed under which serious human rights violations within the Amnesty International mandate could easily occur and said that "a number of steps had yet to be taken if the

fundamental rights, guaranteed in Sri Lanka's Constitution, were to be effectively protected, and if further abuse of the wide powers of the army and police forces to arrest and detain suspects was to be prevented".

Together with its letter Amnesty International presented the text of a memorandum which contained a summary of its concerns. In the memorandum it was stated that people had been arrested by the police and the army who were often not in uniform; that the people arrested were not informed of the reason for their arrest, the law under which the arrest was made or the place where they were being taken; that detainees had been denied access to a lawyer for more than a week and in some cases were also not allowed visits by their relatives during the period they were kept in police custody and that they were not produced before a magistrate within 24 hours of arrest. Prisoners were not able to instruct their lawyers freely because prison officials were present at all such meetings. Prisoners were also threatened that disclosure of any information about their treatment while in police custody would meet with serious consequences. The memorandum contained a list of various methods of torture stated by Amnesty International to have been used both by the police and the army in the period immediately after the Emergency declaration, including suspending people upside down by the toes while placing the head in a bag with suffocating fumes of burning chillis, prolonged and severe beatings, insertion of pins in the fingertips and the application of broken chillis and biting ants to sensitive parts of the body and threats of execution. After these and other methods of torture had been applied, statements were extracted and recorded. One victim reported: "I was assaulted on the head with an object that looked like a baton as a result of which I became concussed and dizzy. I was then interrogated and whatever I said was recorded by means of a tape recorder".

Amnesty International urged the government to restore at once the legal safeguards which had been curtailed under the special and emergency legislation. It recommended that all prisoners should be informed at the time of arrest of the reasons and grounds for arrest, that they and their relatives should be informed of the place where they were being taken and that immediate access to lawyers and regular family visits should be guaranteed to all prisoners. It also expressed concern about changes in the normal rules of evidence made by Emergency Regulation No. 59 and Section 16 of the Prevention of Terrorism Act which allows statements and confessions made to the police, otherwise inadmissible in Sri Lanka law, to be used as evidence. The Amnesty International memorandum recommended that these special legal provisions should be abolished and

that the government should establish a structure for the independent investigation of complaints of police brutality and torture. It also recommended that important international legal instruments, adopted by the United Nations and designed to protect people in custody, should be translated into Sinhalese and Tamil and that the government should consider ratifying, in line with the Resolution adopted by the Sixth Lawasia Conference, the International Covenants on human rights and the Optional Protocol to the International Covenant on Civil and Political Rights.



Taiwan

Amnesty International was concerned about new arrests and the continued detention of suspected political opponents on charges of sedition under the provisions of martial law drawn up after the state of siege was declared in 1949; the holding of trials and appeal reviews by military tribunals and the inadequacy of basic legal safeguards; instances of torture and ill-treatment during interrogation and the use of the death penalty as punishment for certain criminal and political offences. These concerns were described in *Taiwan (Republic of China): Amnesty International Briefing Paper*, published on 20 March 1980. Also mentioned were the cases of several among the more than 110 political prisoners whose cases have been taken up by Amnesty International, 53 of these were adopted by Amnesty International as prisoners of conscience. In this publication it was stated that several hundred were believed to be detained on political grounds. The exact figure was not certain.

During mid-1979, several writers were detained for short periods. Among them were Chen Po-wen, a 43-year-old Taiwanese writer, and Yang Yu-jung, owner of a printing company. Both were arrested on 7 August 1979 at Yang Yu-jung's printing company where issue No. 46 of *Ch'ao liu* (Time) was being printed, a hand-written mimeographed paper which covered the sessions of the Taiwan Provincial Assembly and the activities of the opposition. Both were released on bail on 23 August 1979. Chen Po-wen was re-arrested in December 1979 for his participation in a demonstration in Kaohsiung.

In early September 1979, Amnesty International appealed for the

release of Hung Chi-liang, publisher of *Fubao Chihsheng* (Demo Voice). Hung Chi-liang, who was a candidate in the December 1978 supplementary parliamentary elections, was arrested on 30 August 1979 on suspicion of sedition in connection with a visit he had made to the People's Republic of China earlier that year. Amnesty International issued similar appeals for the release of Chang Hua-min, a 54-year-old historian, who was arrested on 4 September 1979 on suspicion of sedition in connection with his writings. He had previously been adopted by Amnesty International as a prisoner of conscience when, in 1966, he was sentenced to eight years' imprisonment on charges of making pro-communist propaganda. After his release in 1974 he continued to write political essays, most of which were banned, and actively supported an opposition candidate during the December 1978 election campaign. On 30 October 1979 Amnesty International wrote to Prime Minister Sun Yuan-Suan expressing concern about the continued detention incommunicado of both Hung Chi-liang and Chang Hua-min, requesting information of the charges against them and recommending that they should be allowed immediate access to a lawyer of their choice. Chang Hua-min was charged with making pro-communist propaganda and sentenced to 10 years' imprisonment by a military court which tried him *in camera* at the end of January 1980. He was again adopted by Amnesty International as a prisoner of conscience. Hung Chi-liang was charged on 29 December 1979 with accepting Communist instructions to conduct opposition activities advocating peaceful reunification with the People's Republic of China and to overthrow the government. He was tried by military court on 11 April 1980. At the time of writing, the verdict had not been announced. Amnesty International also urged the unconditional release of Li Ching-jung, a 53-year-old journalist and editor of *Fubao Chihsheng* who was detained for one day on 3 October 1979 on suspicion of sedition, re-arrested on 26 December 1979 and subsequently held incommunicado for almost four months. Li Ching-jung was eventually charged with sedition for writing articles advocating the peaceful reunification of Taiwan with the People's Republic of China and spreading propaganda beneficial to the Communists and was tried by a military tribunal on 25 April 1980. At the time of writing, the verdict had not yet been announced.

Mass arrests took place after a Human Rights Day demonstration in Kaohsiung on 10 December 1979 (known as the "Kaohsiung incident"). The demonstration was organized by the *Meilitao* (Formosa) magazine which began publication in August 1979 and whose editorial board comprised a coalition of the different strands of opposition to the Nationalist government. It ended in violent clashes with the police. On 13 December 1979 Amnesty International cabled

President Chiang Ching-kuo, asking for confirmation of the arrests and requesting to be informed of the specific charges. In another cable on 18 December 1979, it urged the immediate release of all those detained in violation of the right to freedom of expression. Upon receiving reports of ill-treatment of some detainees including Lin Yi-hsiung, Amnesty International cabled the President on 10 January 1980, requesting his government to investigate these reports and to allow all prisoners immediate access to their lawyers and families, and also urging his government to release immediately people against whom no evidence had been produced showing that they were directly involved with the violence which occurred at the end of the demonstration. On 11 January 1980 Taiwan military authorities stated they had detained more than 150 people in connection with the Kaohsiung incident of which, they said, 87 had already been released. Amnesty International received a communication from the Government Information Office dated 5 February 1980, saying that "the government has carefully investigated the reports of maltreatment during the interrogation of prisoners and attests that they are completely false".

Also, in February 1980, Amnesty International sent a two-member delegation to Taiwan, Professor C. F. Rüter, a Dutch Professor of Criminal Law, and a member of its International Secretariat, to convey to the appropriate authorities the concern of Amnesty International about the recent arrests and to inquire about the legal situation of those detained. The delegation expressed concern about the fact that detainees had already been held incommunicado for more than two months; the validity of confessions made under such circumstances and requested assurances that the rights of defence would be fully respected. The delegates also met members of the prisoners' families and their lawyers, and visited Green Island prison where, according to the authorities, 115 detainees were then held. The delegates interviewed political prisoners whose cases were known to Amnesty International, some had been detained for almost 30 years.

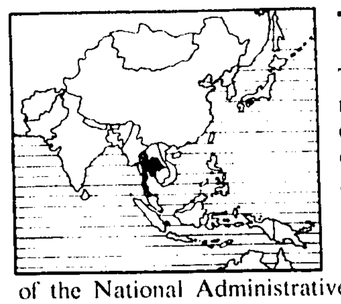
The trial by military court of eight people charged with sedition commenced on 18 March and lasted nine days. Amnesty International commissioned Dr M. Sandor, lecturer in law at Hong Kong university, to observe it. The accused were: Huang Hsin-chieh, member of the Legislative Yuan; Shih Ming-teh, general manager of Formosa; Yao Chia-wen, attorney-at-law; Chang Chun-hung, member of the Taiwan Provincial Assembly; Lin Yi-hsiung, lawyer and member of the Taiwan Provincial Assembly; Lin Hung-hsuan; Lu Hsiu-lien, lawyer and director of a publishing house; and Chen Chu. All had either executive or editorial functions on the *Meilitao* magazine. The government alleged that the *Meilitao* magazine was a legal cover for

subversion and had been used to instigate the Kaohsiung incident and increase public violence to that end. The defendants made statements in court in which they denied the charges and withdrew confessions which they said had been obtained by illegal means, including deprivation of sleep, threats, fraud, intimidation and violence. On 18 April 1980 the defendants were all found guilty: Huang Hsin-chieh was sentenced to 14 years' imprisonment; Shih Ming-teh to life imprisonment and the other six to 12 years. The court based its decision on confessions made during interrogation and the pre-trial hearings from which the defendants' own lawyers were barred. It dismissed objections to trial by a military court and to the validity of the retracted confessions and refused defence requests to produce and cross-examine witnesses as well as other material evidence. The eight defendants jointly appealed and requested that the case be transferred to a civil court.

Thirty-three others, many of them writers who contributed to *Meilitao* magazine, or office staff, also arrested for their involvement in the Kaohsiung incident, were charged with "interference in public functions" or committing "acts of violence or threats" against policemen and directing others to do so. Investigation hearings by a civilian court were held from 16 to 18 April 1980. A number of defendants revoked their previous depositions which, they said, had been extracted through "illegal means" and in some cases had been "fabricated" by their interrogators.

On 30 April 1980, 10 others were charged by a military prosecutor with helping one of the defendants in the previous trial to escape arrest. Eight were held incommunicado at the beginning of January. Another, C.M. Kao, Secretary General of the Presbyterian Church, was arrested on 24 April 1980. On 25 April 1980, Amnesty International sent a cable to President Chiang Ching-kuo, expressing its concern about his arrest.

In early 1980 Amnesty International welcomed the release on bail for medical reasons of Yu Teng-fa, one of its adopted prisoners of conscience who had been tried in March 1979 and sentenced to eight years' imprisonment. It also expressed its concern about the execution on 29 May 1979 of Wu Tai-an, an alleged communist "agent" who had been sentenced to death for "conspiracy" in April 1979 after appearing as a prosecution witness in the March 1979 trial of Yu Teng-fa.



Thailand

The concerns of Amnesty International were prisoners of conscience, detention of political prisoners without trial, the death penalty and the *refoulement* of Kampuchean refugees.

On 1 August 1979 the Thai Parliament repealed one martial law provision, Martial Law Decree No. 22 of the National Administrative Reform Council (promulgated in 1976), which provided for the indefinite detention of prisoners without trial for "endangering society". On 9 November 1977 the government had stated that 887 prisoners were held under that decree, many were believed by Amnesty International to be held for political reasons. Prime Minister Kriangsak Chamanand had himself expressed concern about the application of this legislation when stating in parliament that "as time passed by there were complaints against the abuse of powers".

The repeal of Decree No. 22 was welcomed by Amnesty International in a cable to General Kriangsak on 7 August 1979. Amnesty International also requested a list of names of the released prisoners and information about two of its adopted prisoners of conscience, Vichai and Somboon Barnlu-Silp, who had been arrested in October 1976 under the Anti-Communist Law. Both were subsequently acquitted and released in February 1980.

Further information about the release of prisoners was obtained from official sources on 9 August 1979 when a spokesman for the Corrections Department was reported as having stated that 500 people would be due for release as a result of the repeal but that more than one third were expected to be held on other charges. It was reported that 351 of the detainees were held in prison and that 200 were held in police stations. Of the detainees in prison, but due for release, 103 were rearrested immediately on other unspecified charges.

Despite the repeal of the martial law provisions, restrictive legislation such as the February 1979 Prevention of Communist Activities Act, under which political prisoners can still be held without trial, continued in force. Prison sentences of up to 10 years or even life can be imposed for "communist activities" which are broadly defined by the Act. Suspects can be held without trial for 180 days on the orders of the Director General of the Police Department and a court can order further detention of 270 days. Under Decrees No. 8 and 29 of October 1976, individuals arrested for offences under

the Act are to be tried by a special military court and have no right of appeal.

Amnesty International learned that detainees about whom it was concerned, Supap Pas-Ong and six others, who had been arrested in connection with trade union activities in March 1976 and tried on charges of "communist activity", had been acquitted and released on 15 August 1979. It had investigated their cases and had urged that their trial be expedited.

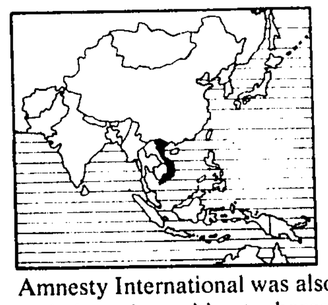
On 20 November 1979 the criminal court of Bangkok acquitted Udom Pkakrom and 10 co-defendants of charges of involvement in an attack by communist insurgents on a military camp, resulting in the killing of soldiers and civilians. The defendants had denied any involvement in the attack, and claimed that they were arrested on false charges for having been critical of the authorities. Two of the accused, Chao Chainarong and Vinai Boonwan were reported to have been rearrested on respective charges of robbery and possessoin of narcotics but, to the knowledge of Amnesty International, they have not been tried. Their cases are at present being investigated by Amnesty International.

Early in 1980 General Kriangsak resigned in the face of growing discontent with the economic policies of his government. On 3 March 1980 General Prem Tinsulanonda, Chief of the Army and Defence Minister, was elected Prime Minister.

Shortly after the new government came to power, the Interior Minister, Pratnang Kiratiburti, announced that the police had been instructed to take coordinated action to fight crime and that he would formally propose to the government and parliament that the death penalty be made mandatory for "the most serious offences" including rape, kidnapping and murder. In April 1980 Amnesty International expressed concern about this proposal to several government ministers and stated that it was unconditionally opposed to the death penalty.

During the year Amnesty International was concerned about the plight of refugees from Kampuchea who crossed the border into Thailand. After receiving reports that 42,000 Kampuchean refugees had been forcibly repatriated from 2 to 12 June 1979 by Thai police and that police brutality occurred during the repatriation, Amnesty International appealed on 15 July to the Secretary-General of the United Nations urging the conference held under the auspices of the United Nations High Commissioner for Refugees that "no further *refoulement* of Kampuchean refugees take place, that the tens of thousands of refugees forcibly repatriated during the past months be allowed to re-enter transit camps in Thailand and that all participating countries make every possible effort to assist the Thai authorities in finding a more permanent solution". Earlier, in May 1979, Amnesty

International had appealed to the Thai Prime Minister to stop further *refoulement* of the thousands of Kampuchean refugees who had crossed the border. Amnesty International welcomed the subsequent action of the Thai authorities in allowing the refugees to remain in Thailand.



Viet Nam

The main concerns of Amnesty International remained the detention without charge or trial of many thousands of people held in "re-education" camps since 1975. Although no widespread releases from such camps have been reported during the year, some individuals have, however, been released. Amnesty International was also concerned about subsequent arrests and detention without charge or trial of people for non-violent opposition to the government or for trying to flee the country by boat. It was concerned, too, about death sentences passed since mid-1979.

Many people held in "re-education" camps are former members of the administration, army or police of the previous South Vietnamese Government led by Nguyen Van Thieu, and others are former members of political parties and organizations which were classified as reactionary after the change of government in the south in April 1975. They have now been held without charge or trial for more than five years despite the undertaking of the government that they would be released within three years of the end of the war.

This question was raised by an Amnesty International delegation visiting Viet Nam from 10 to 21 December 1979. It met Prime Minister Pham Van Dong and held detailed discussions with members of the Vietnamese Lawyers' Association and other officials. It also visited prisoners in four places of detention. After the visit Amnesty International prepared a Memorandum for submission to the government outlining its main concerns.

The exact number of people who have undergone "re-education" since 1975 is not clear to Amnesty International. The government had previously stated on several occasions that approximately one million people have undergone "re-education" during the months which followed the change of government in South Vietnam in April 1975. The figure obviously includes large numbers of people who were released after attending short-term "re-education" courses. According to information provided by the government to the Amnesty

International delegation, several thousand people who were detained for longer periods have also now been released. The Amnesty International delegation was informed in Hanoi in December 1979 that 26,000 people remain in detention and that 14,000 have been released since 1975. Amnesty International was told that the 40,000 detained for "re-education" since 1975 included "29,000 puppet military personnel, 7,000 civilian officials, 3,000 policemen and security officials and 900 members of reactionary parties and organizations". However, it remains to be clarified whether these four categories covered all people placed in "re-education" camps in 1975 and also people brought to those camps thereafter.

In its discussions with the Vietnamese authorities and legal representatives, the Amnesty International delegation was keen to establish why the Vietnamese Government continues to detain large numbers of people without charge or trial far in excess of the three-year period. Amnesty International was informed that since the unification of Viet Nam on 2 July 1976, the law of what was formerly the Democratic Republic of Vietnam (North Viet Nam) now applies to the whole country. Although decrees of the Provisional Revolutionary Government were still valid, the existing law of the Democratic Republic of Vietnam was paramount. In particular, the Vietnamese authorities referred the Amnesty International delegation to Resolution 49-NQ/TVQH of the National Assembly of 1961. This Resolution provides for "re-education" for two categories of people: (a) "obstinate counter-revolutionary elements who threaten public security" and (b) "all professional scoundrels". There are no provisions in Resolution 49 of 1961 that those individuals sent for "re-education" be brought before a court or sentenced. Although the period of "re-education" mentioned is three years, the Resolution also allows for the period of detention to be extended, something for which the Provisional Revolutionary Government Policy Statement of May 1976 did not provide. Amnesty International is concerned therefore that the Vietnamese Government now states that Resolution 49 of 1961 applies to those individuals held after the cessation of hostilities in 1975.

Although the system of detention in "re-education" camps in Viet Nam may not have been regarded as administrative detention without trial in its conception, it appears that the element of "re-education" has now receded considerably. The Amnesty International delegation was told during its visit that new and unexpected considerations of security have arisen during the last two years which have made it impossible to release all detainees in "re-education" camps within the time period first envisaged; in particular reference was made to the situation in Kampuchea and to Viet Nam's relations with

the People's Republic of China. Grounds for the continued detention of these people, therefore, seems to have shifted from past misdeeds and present behaviour to the external situation, namely national security. These prisoners are therefore being held in what is usually termed administrative detention without trial.

The effect of this new policy is that thousands of people who had expected to be released after three years are still kept in detention without charge or trial and without knowing when they will be released, resulting in severe hardship for the detainees and their families.

Lists of names of prisoners of conscience were also prepared for submission to the government in addition to cases of detainees who were old and weak or seriously ill and who could be released under the terms of Article 7 of the Policy Statement on "re-education" (No. 02/CS/76) issued in May 1976 by the Provisional Revolutionary Government of South Viet Nam. The delegation which visited Viet Nam in December 1979 also submitted to the authorities several lists of names of political detainees.

Amnesty International later learned of several dozen individual releases. Among those released during the early months of 1980 were Doan Quoc Sy, a well-known writer, who at the time of his release was detained in a camp in central Viet Nam; Nguyen Dinh Toan, a writer and poet who had been in detention since 1977; Dang Ngoc Lan, a former military officer who had been held for five years, reportedly in poor health (having had one leg amputated prior to his detention in 1975) and Nguyen Thi Khiet, arrested in 1976 together with her son while attempting to leave the country by boat; both had been detained in the Mekong delta area since then.

Those held since 1975 on account of their past office or political affiliation include former civil servants, politicians, journalists and teachers: Truong Vi Tri, a 38-year-old former member of parliament and editor of a Chinese-language weekly, who was last known to be held in a "re-education" camp in Thanh Hoa province (south of Hanoi); Tran Cong Be, a 59-year-old pharmacist who had been an honorary adviser to a political party which supported the former South Vietnamese Government; Pham Dinh Khiem, a journalist and editor who worked as Presidential Press Attache until 1975 and is now held in a camp in Thanh Hoa province; and Le Ngoc Chan, a 65-year-old former ambassador and lawyer who is held in Ha Nam Ninh province. Others who, like the already-mentioned detainees, have been held for more than five years without charge or trial include military officers, such as Huynh Minh Quang, a 55-year-old former officer in the air force whose work until his arrest in 1975 was that of Head of the Personnel Department at Ton San Nhut Airport in

Saigon. Amnesty International received information about military chaplains and Roman Catholic priests held in "re-education" camps since 1975. One of them, Phung Canh, a 51-year-old military chaplain, who worked in an orphanage at Dalat for several years before commencing service as a military chaplain in the early 1960s, was sent for "re-education" in June 1975. In early 1980 he was reported still held in a camp in Vinh Phu province.

Amnesty International was also concerned about the cases of people arrested after 1975 on account of their dissenting views or suspected opposition to the government. Most have not been charged or tried and are held either in prisons or "re-education" camps. One such person is Trieu Ba Thiep, a 42-year-old lawyer who was arrested in April 1977 in Ho Chi Minh City after having signed a declaration criticizing the government's record on human rights which was read in public by several of its authors. Trieu Ba Thiep was first detained in prison in Ho Chi Minh City and later transferred to a "re-education" camp. He is now held in a camp at Xuan Loc, in Dong Nai province. Those arrested since 1975 include many writers, journalists and academics, such as the author Duyen Anh, who has been held without charge or trial for more than four years. Duyen Anh's books, mainly children's stories based on his own experience as an orphan, have been classified as "reactionary". His health was reported to have declined during his detention. In February 1980 Amnesty International learned that he had been moved from the Xuyen Moc camp in Dong Nai province to another camp. Priests and monks were also among those detained. Amnesty International received the names of more than 60 priests and religious leaders of the Roman Catholic, Buddhist or Protestant faiths who have been arrested since 1975.

Another matter of concern to Amnesty International was the arrest and detention of people who attempt to leave Viet Nam by boat. One of them is Tran Than Thuy, a 47-year-old former teacher of English and French who worked in the Ministry of Education in Saigon until 1975 and has been adopted by Amnesty International as a prisoner of conscience. Tran Than Thuy is married and has two children; since 1971, however, his wife and children have lived abroad. According to information received by Amnesty International, Tran Than Thuy, in his capacity as a civil servant, reported to the new authorities after the change of government in South Viet Nam in 1975. His action resulted in his having to spend seven months is a "re-education" camp. He was allowed to return to Ho Chi Minh City at the end of 1975 and his citizen's rights were restored in 1976. Tran Than Thuy subsequently applied for permission to leave Viet Nam to join his wife abroad. He received no news of his application for several months during which time he learned that his wife had become ill. In

May 1978 he resolved to leave the country by boat but he was arrested during the attempt. Five months after his arrest, the authorities of the district in Ho Chi Minh City where he used to live visited his house to announce that his request to leave Viet Nam had been granted. However, despite this, Tran Than Thuy was still detained at the provisional dentention centre at Ban Tranh in Ben Tre province at the end of April 1980.

Amnesty International has appealed on behalf of prisoners reported to be in poor health and more especially on behalf of Ho Huu Tuong, a 69-year-old writer and journalist detained since 1977 in the Xuyen Moc camp where his health had deteriorated; Vo Van Thanh, a former military officer reported to be suffering from a hernia and to have been struck in the eye by a fragment of wood while working in the camp where he was held in Nghe Tinh province; and Trinh Quang Quy, a 76-year-old former judge and senator suffering from various illnesses. In March 1980 Amnesty International learned that Trinh Quang Quy had been released. The condition of other detainees on whose behalf it had appealed was not known as of April 1980.

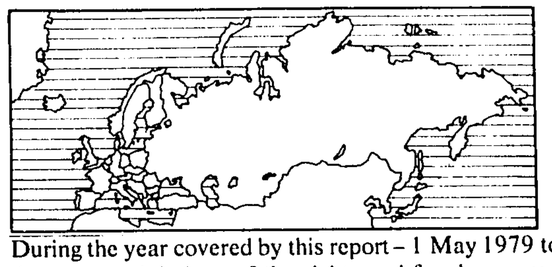
The Amnesty International delegation which visited Viet Nam in December 1979 had the opportunity to visit three "re-education" camps and one prison. The delegation informed the authorities that it was not competent to make a general assessment of conditions in "re-education" camps and prisons in Viet Nam, nor to make detailed comments on the places of imprisonment it visited, including the more positive aspects of what it was shown. In its subsequent memorandum to the government Amnesty International made recommendations regarding the need for detailed regulations pertaining to conditions in places of imprisonment, prisoners' visiting rights and correspondence, the system of medical care for prisoners and the system of prison inspections.

Since the mission Amnesty International has continued to receive complaints from relatives and prisoners regarding their conditions of imprisonment. Most such complaints relate to the lack of food and proper medical care and to difficulties over access for visits.

A number of trials and death sentences have been reported. Most trials involved people accused of attempting to flee the country illegally or of "organizing illegal departures". There were also trials of people charged with engaging in violent opposition to the government; death sentences were passed in several such cases. In Ho Chi Minh City in July 1979 on two men convicted of organizing a clandestine organization, the "National Salvation Front"; in Dong Nai province on an "organizer of illegal departure", Nguyen Ngoc Tam, who was also accused of bank robbery; and in Quang Nam-Danang, on three men convicted of hijacking a boat and killing two crewmen in an

attempt to flee the country. Death sentences in similar cases continued to be reported in late 1979 and early 1980. Amnesty International has appealed to the government to commute all death sentences on humanitarian grounds. However, in most cases it is not known whether executions were carried out or what procedures are used for appeal and review of such cases.

Europe



During the year covered by this report – 1 May 1979 to April 1980 – there were violations of the rights and freedoms proclaimed in the Universal Declaration of Human Rights and guaranteed by the International Covenant on Civil and Political Rights in a number of countries in both Eastern and Western Europe.

In Eastern Europe Amnesty International adopted as prisoners of conscience many people imprisoned — often on the basis of overtly repressive legislation — for beliefs conscientiously held and for the exercise of their fundamental rights.

Crimes such as "anti-Soviet propaganda" (Union of Soviet Socialist Republics – USSR); "anti-socialist propaganda" (Albania); "incitement to hatred of the constitutional order" (Hungary); "hostile propaganda" (Yugoslavia); "passing on of non-secret information to the disadvantage of the interests of the state" (German Democratic Republic); and "disseminating anti-state texts" (Czechoslovakia); are all applied in such a way as to restrict the right to freedom of opinion and expression, which includes the "freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (Article 19 of the Universal Declaration of Human Rights). In the wide interpretation of the law by the courts in many Eastern European countries regarding the expression of opinions, political criticism is also often held to constitute such vaguely defined offences as "dissemination of fabrications known to be false which defame the Soviet state and

socialist system" (the USSR); "disseminating untruthful remarks which might incite mistrust of the state powers or cause confusion in society" (Bulgaria) or "instigation of anti-social behaviour" (Romania). Amnesty International adopted as prisoners of conscience individuals imprisoned under these and similar pieces of legislation throughout Eastern Europe.

Other crimes with which people in Eastern Europe are often charged because of the expression of their opinions include "insulting a public official", "insulting a state organ" or — in relation to protests in particular — "disturbance of the public peace". Charges such as "hooliganism" or "parasitism" (the USSR in particular) are often related to political or religious activities disapproved of by the authorities, and currency regulations (German Democratic Republic, Bulgaria, Romania) are occasionally used to suppress non-violent dissent. Some dissenters have been charged with crimes ostensibly unrelated to their political activities, such as "theft" (the USSR, Poland), "homosexual acts" (Romania) or "rape" (the USSR). On investigation Amnesty International came to the conclusion that these charges were unfounded in many cases and that they were brought because of the political activities of the accused. It has adopted as prisoners of conscience all those who have been imprisoned for their beliefs under such charges.

Some people holding religious beliefs disapproved of by the authorities and practised outside the framework of recognized religious denominations were imprisoned in the USSR, Romania and Bulgaria. In Czechoslovakia a number of Roman Catholics were detained because of their religious activities. Albania "recognizes no religion and carries out atheist propaganda" (Article 37 of the constitution), pursuing a policy of suppression of religion which has led to the imprisonment of people for their beliefs. In the USSR many campaigners for national or minority rights were imprisoned, contrary to Article 27 of the International Covenant on Civil and Political Rights. Ethnic Albanians in Yugoslavia have been imprisoned for protesting against alleged discrimination. Amnesty International worked on behalf of prisoners from religious or nationalist groups from a variety of countries.

In contravention of Article 22 of the International Covenant on Civil and Political Rights, workers organizing themselves in trade unions not recognized by the state have been subjected to harassment and repeated arrests in Poland and to confinement in psychiatric

institutions or imprisonment in Romania and the USSR.

It was reported during the year that Poland had introduced an alternative to military service, but Amnesty International has not yet been able to assess its effect. All other Eastern European countries retain legislation allowing for the imprisonment of conscientious objectors, many of whom have been adopted as prisoners of conscience by Amnesty International.

Although the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights proclaim that everyone has the right "to leave any country, including his own", this right is systematically denied in most Eastern European countries. The German Democratic Republic (GDR), imprisons hundreds who wish to exercise this right in a non-violent way and the USSR, Romania, Bulgaria, Albania and Czechoslovakia also imprison people for this reason. Amnesty International adopted as prisoners of conscience all those imprisoned on this basis of whom it learned.

In the course of its work on behalf of prisoners of conscience, Amnesty International has continued to report on the harsh conditions in many prisons and labour camps in which its adopted prisoners of conscience are detained. Inadequate food, unhealthy conditions and inadequate medical care, were reported in many institutions in all Eastern European countries, and heavy labour and long working hours in unsafe conditions prevail in labour camps in the USSR and prisons in Romania, Poland, Albania, Yugoslavia and, in particular, in Bulgaria. Amnesty International issued numerous urgent appeals on behalf of many prisoners of conscience whose health was affected while they were in prison.

Prisoners of conscience are often convicted in proceedings which fall short of international norms, in particular as regards access to a lawyer at the pre-trial stage, the right of the accused to choose his or her own defence lawyer and the amount of time available to prepare the defence and to study relevant documents, which are often withheld until shortly before the trial. In the USSR and Poland access to a lawyer is denied until the investigation is concluded and denial of access to a lawyer has been reported also in the GDR and Romania. In the USSR, Czechoslovakia, Yugoslavia and Bulgaria, prisoners of conscience have been denied a lawyer of their own choice; they have been convicted in summary trials without due legal safeguards in Romania and Poland. Trials of prisoners of conscience are seldom actually public. They are usually officially closed in cases of people charged with "espionage" and in many countries in other cases of

offences against the state. In the GDR all trials of prisoners of conscience known to Amnesty International are held *in camera*: even close relatives are not allowed to attend. In the USSR cases that are officially open are often packed with an officially selected "public" so as to deny the general public and relatives entry; and in Poland and Czechoslovakia, too, interested members of the public and relatives have been prohibited from attending political trials.

Procedural irregularities — including the denial of the right to appeal, contrary to the law — have been reported in the USSR, and prisoners of conscience have also been denied due legal safeguards in Czechoslovakia. Intimidation of witnesses has been reported from Bulgaria. In many cases in which prisoners of conscience were tried, judges showed bias in their conduct and judgment. Amnesty International sent observers to trials in Poland, Czechoslovakia and the GDR.

The abuse of psychiatry for political reasons, leading to the detention in psychiatric hospitals of dissenters against whom no criminal charges have been brought, continued in the USSR and Romania. Ill-treatment through the abuse of drugs in these hospitals is well documented. Amnesty International adopted as prisoners of conscience individuals detained in psychiatric hospitals for their beliefs rather than on medical grounds and also brought this issue to the attention of the World Psychiatric Association.

Apart from imprisonment and confinement in psychiatric institutions, interference with the right to liberty and security of the person (Article 3 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights) included arbitrary arrest and detention of dissenters for short periods in police stations (contrary also to Article 9 of the Universal Declaration of Human Rights). During these periods they were often reported to have been ill-treated. Such reports relate to Poland in particular, as well as to Romania and Czechoslovakia, and occasionally to other countries. Dissenters have also been attacked by unidentified assailants in Czechoslovakia, Poland, Romania and, increasingly, in the USSR.

Of the individuals adopted by Amnesty International as prisoners of conscience in Western Europe, most were objectors to military service, imprisoned for their refusal on grounds of conscience to perform such service and denied an alternative civilian service outside the "war machine", whose duration does not, in itself, constitute a punishment. The guiding principles of Amnesty International for the adoption of conscientious objectors are based on Resolution 337 (1967) of the General Assembly of the Council of Europe, the Draft Universal Charter on Conscientious Objection of the International Peace Bureau, the SODEPAX Report on the 1970 Baden Consultation and the 1970 World Conference on Religion and Peace in Kyoto.

The law of Switzerland defies international norms by not providing any form of alternative service and Amnesty International adopted as prisoners of conscience conscientious objectors who were imprisoned as a result.

Greece, which had previously sentenced conscientious objectors to terms of imprisonment of up to 18 years, has introduced an alternative service of four and a half years, twice as long as military service. Conscientious objectors refusing to perform this alternative service — all Jehovah's Witnesses — are still sentenced to imprisonment, although now mostly for terms of the same length as the alternative service. Amnesty International adopted as prisoners of conscience conscientious objectors in Italy and France.

Amnesty International remained concerned about legislation which can be used to restrict freedom of speech and political criticism. Although imprisonment of people solely because of political expressions which do not advocate violence is rare in most Western European countries, fines, suspended prison sentences and — in Turkey and Spain — actual imprisonment have been imposed in such cases. In Turkey, the mere recognition of Kurds as a separate ethnic group is held to constitute the crime of "making propaganda for separatism" and the singing of the *Internationale* by trade unionists also led to criminal charges. In the FRG and Spain people expressing non-violent opinions have been charged with "defaming" the state or "insulting" state organs such as the police or the army. Amnesty International adopted as prisoners of conscience people imprisoned on such charges in Turkey and Spain; people on whose behalf Amnesty International interceded in the FRG were given suspended prison sentences.

Charges such as "moral complicity" in terrorist crimes (France and Portugal) or "speaking out in defence of" such crimes (*apologia* — Spain) can also be used to stifle the non-violent expression of dissent; Amnesty International sent observers to trials of people charged with such offences in France and Portugal.

In Italy people are imprisoned on the vaguest of suspicions of "subversive association", and in most cases are released because of lack of evidence — often after long periods of preventive detention. Amnesty International groups took up one such case where political abuse of the criminal justice system appeared to have occurred.

Many of these offences have been introduced in response to terrorist violence, but it is clear that in their application they can threaten the rights and liberties of the individual. The same applies to the extension of police powers of search, arrest and detention, and to special courts and special criminal procedures introduced in many Western European countries to combat political violence.

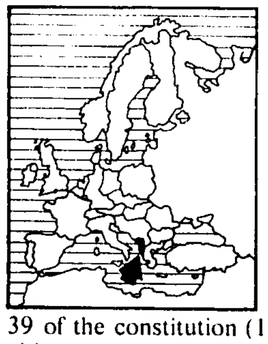
In the experience of Amnesty International, prolonged incommunicado detention of suspects in the sole custody of security forces inevitably leads to allegations of irregularities and ill-treatment. An Amnesty International mission to Spain found that ill-treatment and torture had taken place in such circumstances. The findings of Amnesty International in Turkey confirmed reports that the use of torture by police and military personnel was widespread and had increased during the year under review.

Although allegations of irregularities and ill-treatment decreased considerably in Northern Ireland and the Republic of Ireland after reports by Amnesty International and government committees of inquiry, Amnesty International remained concerned about the operation of special courts in both jurisdictions. In these courts the issue of ill-treatment often arose in the context of the admissibility of statements made by the accused while in police detention. In the Republic of Ireland the Appeal Court found in an important case on this issue that the Special Criminal Court had wrongly applied the law in this respect. Amnesty International sent an observer to the appeal hearing.

In Northern Ireland the discretion of the trial judges in the special courts has been extended specifically with regard to the admissibility of statements, with a consequent reduction in supervision by higher courts. In Spain, too, the special procedures reducing judicial control and denying access to counsel in cases relating to the security of the state diminish legal safeguards against abuse of prisoners. In France, an Amnesty International observer at a trial relating to demonstrations found grave deficiencies in the summary procedures and criticized interrogation procedures in pre-trial detention. Another Amnesty International observer at a trial in France was critical of the procedures of the Court of State Security. The observation by Amnesty International of a trial in Portugal raised grave doubts as to whether the proceedings conformed to internationally recognized norms.

The work of Amnesty International against torture, inhuman and degrading treatment or punishment included — apart from the issue of ill-treatment of people detained by the security forces — research into prison conditions in a number of Western European countries. In the course of its work on the FRG, it concluded that severe forms of isolation caused serious mental and physical illness. It hopes that its published work will contribute to the urgently required setting of standards for high security imprisonment on an international level. It also hopes that its general conclusions on the effects of isolation may contribute to the discussion on the use of solitary confinement in Denmark, Switzerland and some other countries.

Amnesty International published detailed information on the use of the death penalty in Europe in its report, *The Death Penalty*, published in September 1979. During the year it received reports of executions in Hungary, Poland, Romania, the USSR and Yugoslavia. Similar reports relating to Albania and Bulgaria could not be confirmed.



Albania

The concerns of Amnesty International were legislation creating political offences, political imprisonment, inadequate trial procedures, prison conditions and the death penalty. Information is scarce and difficult to obtain.

Albania is a member of the United Nations; it has not, however, ratified the international human rights covenants. Article 39 of the constitution (1976) states that "The rights and duties of citizens are established on the basis of the reconciliation of the interests of the individual and those of the socialist society, with priority given to the general interest. The rights of citizens are inseparable from the fulfilment of their duties and cannot be exercised in opposition to the socialist order." Article 1 of the penal code (1977) defines the main task of penal legislation as the defence of "the whole socialist order from socially dangerous acts", and refers to "bureaucratism and liberalism" as the "chief dangers to the state of the dictatorship of the proletariat". In the same spirit, Article 16 defines penalties as a "means of compulsion of a political and ideological character used by the socialist state in the class struggle". The official view of human rights is also reflected in an article in the Albanian legal journal *Drejtesia Popullore* (Popular Justice) of 1979, which criticizes "capitalist" and "revisionist" states for disguising, in the name of "equal rights for all", the class character of their penal legislation, whereas Albanian penal legislation, it is claimed, "does not conceal, on the contrary it greatly stresses, that the interests of the party, as the tip of the sword of the working class . . . are predominant throughout its composition". This claim is borne out by a number of provisions of the constitution and penal code, explicitly restricting the exercise of certain human rights by people whose views and beliefs are disapproved of by the authorities. Thus, while Article 53 of the constitution guarantees freedom of opinion, expression and association, Article 55 prohibits "fascist, anti-democratic, religious or anti-socialist"

organizations or propaganda. This prohibition is reinforced by Article 55 of the penal code which makes "anti-state agitation or propaganda" punishable by terms of from three to 10 years' imprisonment. That the expression of views which are not in line with official political thinking is severely restricted in practice is suggested by an article in *Drejtesia Popullore* of 1977 which states that "in our country there is no freedom of thought for enemy elements who, speculating on democracy, try to spread their anti-socialist, reactionary, liberal and decadent bourgeois or revisionist views and ideas in order to introduce disruption and degeneration into all spheres of life, art, culture, the economy, the army . . .." During the year Amnesty International has learnt of three people, two of whom are members of the Greek minority, who have been sentenced under Article 55 since 1977. It has also received allegations that many people are at present serving sentences for "anti-state propaganda" but, in the absence of relevant information in the Albanian news media or of reliable, well-documented information from other sources, it has not been able to verify these reports.

Article 37 of the constitution states that "the state recognizes no religion and supports and carries out atheist propaganda". In 1967 Albania was officially proclaimed the first atheist state in the world and churches and mosques were closed or demolished. Religious leaders of the Roman Catholic, Orthodox and Moslem faiths were prohibited from exercising their functions and persecuted. Many are reported to have been sentenced to long terms of imprisonment or banishment for attempting to exercise their right to freedom of conscience. One such case reported to Amnesty International concerns a group of Orthodox priests from the Sarande area who, in 1967, were brought to the town of Delvine, where they were publicly defrocked and had their beards shaved before a jeering crowd. One member of the group, who resisted this treatment, was reported to have been sentenced to eight years' imprisonment for "anti-state agitation"; his subsequent fate is not known. In 1977 Amnesty International members appealed on behalf of three Roman Catholic titular bishops, Nikoll Troshani, Ernest Coba and Antonin Fishta, reported to have disappeared in the mid-1970s after having conducted religious ceremonies in private. Information reaching Amnesty International since then indicates that Bishop Fishta has died and that Bishops Coba and Troshani were in 1975 interned on collective farms in central Albania. The Albanian official press has continued to denounce the persistence of religious practices amongst certain sections of the population and called for their eradication.

The Albanian Constitution does not guarantee freedom of movement: Article 127 of the penal code makes "illegal passage across the

border of the state" punishable by up to five years' imprisonment, while Article 47 makes "flight from the state and refusal to return to the fatherland on the part of a person sent on service or allowed to leave the state" a treasonable offence, punishable with imprisonment for not less than 10 years or by death. In past years, Amnesty International has received reports of a number of cases of people sentenced for having attempted to leave Albania without authorization; it is also reported that there have been cases in which Albanian citizens who fled across the border into Yugoslavia were forcibly returned to Albania by the Yugoslav authorities.

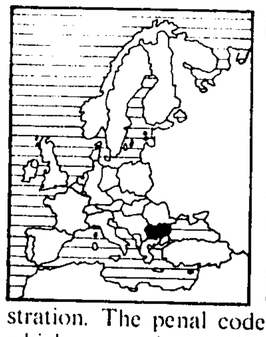
In June 1979 the Presidium of the People's Assembly passed a decree on "Internment and Banishment as Administrative Measures", thereby abrogating previous decrees in this field. Under the terms of this decree (No. 5912) the Internment and Banishment Commission (composed on the Deputy Chairman of the Council of Ministers, the Minister of the Interior, the Chairman of the Supreme Court and the Attorney General) may order the internment or banishment of those who "present a danger to the social system of the People's Republic of Albania". This decree refers to the schedules of Articles 26 and 27 of the penal code, under which a court may impose the penalties of internment ("the obligation to remain in a specified place") and banishment ("removal of a person from his place of residence with or without prohibition to stay in one or more specified places") for a term of from one to five years. Decree No. 5912, however, states that these penalties, when imposed as an administrative measure, may be revoked, curtailed or prolonged (for unspecified periods) on the decision of the commission. Amnesty International is concerned that under the terms of this decree, people may be interned or banished without trial (in contravention of Article 56 of the constitution) for unspecified periods. Furthermore, Article 2 of the decree states that this measure may be used "against members of the family of fugitives living inside or outside the state" — that is, as a reprisal against people who have not themselves necessarily violated Albanian law.

Reports of trial procedures and conditions of imprisonment have also given grounds for concern. Although Article 115 of the penal code makes the extraction of confessions by force punishable by up to eight years' imprisonment, Amnesty International has received a number of allegations in recent years of convictions on the basis of confessions extracted under torture; it is also reported that, in a number of cases, pre-trial investigation has consisted of up to six months' solitary confinement in cells without daylight, during which time there has been no access to family or lawyer. The legislative program initiated by the 1976 constitution and the new penal code of 1977 has been supplemented by the drawing up of a new Penal

Procedure Code, a draft of which was discussed on 25 December 1979 by the People's Assembly. At the time of writing Amnesty International was not yet in possession of the text.

Recent reports of conditions of imprisonment confirm that political prisoners continue to be sent to labour camps, such as the copper-mining camp of Spaci, that medical care is poor and that prisoners receive inadequate food, requiring supplementation by parcels from their families. Prisons and camps in which political prisoners are reported to have been held in recent years include those of Tirana, Burreli, Tepelene, Bulqize, Ballsh, Kakarriq, Fier and Rrshen.

The penal code lists 34 crimes (of which 23 are political and military crimes) punishable by the discretionary death sentence.



Bulgaria

The concerns of Amnesty International were legislation creating political offences, political imprisonment, the treatment of ethnic and religious minorities, ill-treatment and torture, poor prison conditions and the death penalty.

Article 54 of the Bulgarian Constitution guarantees freedom of speech, of the press, of assembly and of association and demonstration. The penal code, however, contains a number of articles which are used to punish individuals by imprisonment for the non-violent exercise of these freedoms in a manner not approved of by the authorities. For example, Article 108 makes "anti-state agitation or propaganda" an offence punishable by up to five years' imprisonment; Article 273 prescribes up to two years' imprisonment or corrective labour for disseminating "untruthful remarks which might incite mistrust of the state power or cause confusion in society". Article 109 prescribes three to 12 years' imprisonment for "forming or being a member of an organization whose activities are aimed at committing offences against the state" (which include the already mentioned offences), while Article 113 makes people who commit these offences against another workers' state liable to the same penalty. It is Amnesty International's view that the very general formulation of these articles renders them liable to abuse, leaving the exercise of the rights of freedom of expression and association largely to the discretion of the authorities. In practice, they have been used to punish people who have openly criticized the philosophy or policies of the government.

Amnesty International has continued to work for the release of Ljuben Sobadschiev, a former employee of the Bulgarian Danube shipping line, who, in 1978, was sentenced to four and a half years' imprisonment under Articles 108, 109 and 113 for having distributed leaflets in 1977 in a local supermarket, criticizing official economic policy and complaining of food shortages. His two co-defendants, who received shorter sentences, have since been released.

Emigration is severely limited by the government and in past years Amnesty International has adopted a number of people who have been imprisoned for having attempted to leave their country without official permission to emigrate or travel abroad. This is an offence punishable under Article 279 of the penal code by up to five years' imprisonment and a fine of up to 3,000 *levas*. In 1979 Amnesty International took up the case of Dimiter Kolev, imprisoned for having allegedly sought to leave illegally. Dimiter Kolev is 69 years old; he has served several terms of imprisonment as a political prisoner in the past, as a result of which he has a long history of severe illness. In January 1980, having received news of a further deterioration in his health, Amnesty International appealed to the authorities. In March it was learnt that he had been moved from the prison camp in Buhovo to a prison hospital for treatment for kidney and prostate complaints.

Amnesty International continues to work on a number of cases of people serving long sentences for espionage. Characteristic of these cases is that they all involve people who either have relatives abroad with whom they maintained contact, or who were acquainted with foreigners living in Bulgaria. One of them, Dr Peter Kondofersky, who had been very ill, was released early in 1979; three others, Solomon Ben Joseph, Nicholas Chamurlisky and Yusuf Husnu, are still serving their sentences. In April 1979 Amnesty International took up the case of the lawyer Dr Hans Klein, a 59-year-old Bulgarian of Austrian and German extraction, who had worked as a legal adviser to a number of foreign embassies in Sofia. In 1976 he was sentenced to 10 years' imprisonment on charges of espionage. Reports state that at his trial it was proved that one of the key pieces of evidence against him, a document purportedly written by him, offering his services to a foreign government, was a forgery. Dr Klein was allowed by the authorities to appoint a lawyer of his own choice only shortly before the trial, as a result of which the lawyer had little time to prepare his client's defence. Dr Klein is at present serving his sentence in Stara Zagora prison.

During the year Amnesty International received further reports alleging the persecution and imprisonment over the past decade of Bulgarian Moslems, both members of the Turkish minority and

Pomaks (ethnic Bulgarians of the Moslem faith). According to these reports, a number of Turkish teachers have been imprisoned for protesting against the closure of Turkish language schools. Both Turks and Pomaks have been subjected to considerable official pressure to induce them to exchange their Moslem names for traditional Bulgarian names and, in effect, to renounce their religious and ethnic identity. Amnesty International has taken up the cases of three Pomaks: Bajram Gaitov, Jumer Ilanski and a Mr Bunzev (the latter two cases are being investigated by Amnesty International). All three have been sentenced to long terms of imprisonment for having taken part in protests in 1973 against an official and systematic campaign of assimilation. In March 1973 the authorities sent security forces into a number of Pomak villages after the inhabitants had refused to change their names. Violent clashes ensued and many villagers were arrested and sentenced. Jumer Ilanski and Mr Bunzev were subsequently tried in Blagoevgrad in 1973 on charges of "instigating a riot"; they received death sentences which were afterwards commuted to 15 and 20 years' imprisonment respectively. At least six other Pomaks were reported to have been tried and sentenced together with these two men. Amnesty International has received further reports of the persecution and imprisonment of Pomaks from the districts of Blagoevgrad, Pazardzhik, Smolyan, Plovdiv, Razgrad and Turgovishte during the mid-1970s. Many were sent to serve their sentences at the island prison of Belene on the Danube. Pomak prisoners allegedly suffer particularly harsh treatment in prison. If they fail to use or to respond to the Bulgarian names assigned to them by the authorities, they risk being deprived of the right to visits from their families.

Article 53, paragraph 1 of the constitution states that "Citizens are guaranteed freedom of conscience and of creed. They may perform religious rites and conduct anti-religious propaganda". The right to propagate religious belief is not guaranteed. In 1979 Amnesty International appealed to the authorities on behalf of five Pentecostalists, Georgi Todorov, Bancho Banchev, Natanail Tsachev, Dimiter Zhekov and Petar Janev, convicted of systematic infringement of foreign currency regulations and the illegal import of goods — Bibles, duplicating equipment and tape-recorders. Printing facilities are not available to religious denominations other than the Orthodox Church. While it appears that the accused may have infringed currency regulations, the severity of the sentences imposed suggests that the underlying reason for their arrest was their contacts with foreign evangelical missions, their unofficial evangelistic activities and their distribution and duplication of Christian literature. Information reaching Amnesty International indicates that the money and goods

they received from abroad were used for pastoral, not commercial, activities. They received sentences ranging from three to six years' imprisonment, reduced on appeal to between one and four and a half years' imprisonment. All five were fined substantial amounts.

Amnesty International is concerned about allegations recently received of the ill-treatment and torture of political and criminal prisoners held in Razvigor Street State Security Centre in Sofia. According to these reports, prisoners have been subjected to long and repeated interrogations, during which they have been threatened, deprived of sleep and adequate food and severely beaten with fists and with rubber truncheons reinforced with metal. Two former prisoners have also alleged that during preventive detention they were taken to a psychiatric clinic and forcibly given drugs. Political prisoners have frequently been denied a lawyer of their choice or been obliged to accept a state-appointed lawyer. It has also been reported that witnesses have been intimidated by the police into testifying against the accused and that the defendant's family and friends have been excluded from the court-room during the trial.

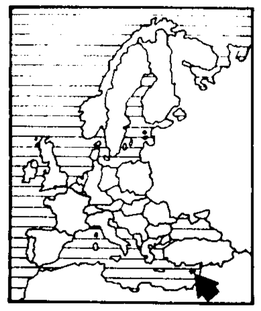
The majority of prisoners of conscience adopted by Amnesty International are at present serving their sentences in Stara Zagora, the chief maximum security prison. Recent accounts of conditions in Stara Zagora confirm reports previously received, including persistent allegations of severe ill-treatment by guards. Cells are overcrowded (usually four people in an area less than four metres square), with inadequate heat, lighting and ventilation. Prisoners have complained particularly of being subjected to a constant barrage of noise from loudspeakers installed in cells. Food is reportedly poor and prisoners are permitted only one hour's exercise a week. Medical care is primitive and there is no prison dentist. Prisoners work long hours in workshops producing furniture and computer parts; they have not always been allowed to receive visits from their families; they have been punished by solitary confinement for up to 28 days in basement cells without light or washing facilities and by severely reduced food rations.

Amnesty International has continued to investigate five cases of people banished during the 1970s to remote towns or villages. The authorities have failed to respond to repeated requests by Amnesty International for information about the present circumstances of these people.

Amnesty International has received a detailed account, dated from 1977, of the forcible confinement in a psychiatric clinic (the "Fourth Kilometre" psychiatric hospital in Sofia) of one prisoner of conscience: it has not, however, received reports of this form of repression during the year. However, in view of the general difficulty

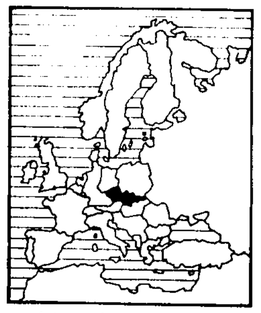
in obtaining reliable and detailed information on prisoners of conscience in Bulgaria this may not mean that it has stopped.

The penal code retains the death penalty for 29 crimes. Amnesty International has learned of two cases in which the death penalty was imposed in the year covered by this report.



Cyprus

Amnesty International had no adopted prisoners of conscience in Cyprus but was concerned about the fate of people missing since the hostilities of 1974. It followed closely developments towards establishing an independent Committee on Missing Persons as proposed by the Secretary General of the United Nations, which would investigate the fate of missing people from both communities.



Czechoslovakia

The main concerns of Amnesty International were: imprisonment of people for expressing opinions disapproved of by the authorities; poor prison conditions for those convicted of political offences; harassment and ill-treatment of dissenters by the police; the death penalty.

International interest in human rights in Czechoslovakia centred on the persecution and imprisonment of members of the Committee for the Defence of the Unjustly Persecuted, *Vybor na obranu nespravedlive stihanych* (VONS), which was established in April 1978 to monitor violations of human rights in Czechoslovakia. VONS is the most active section of the Czechoslovak unofficial human rights movement, Charter 77.

On 29 May 1979 the State Security Police arrested 10 VONS members suspected of actions hostile to the interest of the state. On 30 July Amnesty International informed the Czechoslovak President that it had adopted the 10 in pre-trial detention as prisoners of conscience and asked him to order that judicial proceedings against them be discontinued. On 11 September the Office of the Federal

Procurator ruled that the cases of four of the accused, Jarmila Belikova, Dr Ladislav Lis, Vaclav Maly and Dr Jiri Nemec be removed from the indictment of the other six. The four were released on 22 December but criminal proceedings against them were still continuing in April 1980.

The trial of the other six VONS members was held on 22 and 23 October 1979 before the Prague Municipal Court. The prosecution charged that the accused had prepared statements about people whom they considered to be "unjustly persecuted" and had circulated this information in Czechoslovakia as well as abroad with the intention that it be used against the Republic. On 23 October the court found all six defendants guilty of subversion "in collusion with foreign powers" and "on a large scale" (Article 98, part 1 and 2, sub-section (a) and (b) of the penal code) and sentenced Petr Uhl, an engineer, to five years' imprisonment; Vaclav Havel, a playwright, to four and a half years; Dr Vaclav Benda, a philosopher and mathematician, to four years and Otta Bednarova and Jiri Dienstbier, both journalists, to three years. Dana Nemcova, a psychologist, was given a two-year sentence suspended for five years.

Amnesty International delegated an Austrian lawyer, Henry Goldmann, to observe the trial and the appeal hearing. He was excluded from both proceedings. On 20 December, he was detained for four and a half hours and expelled from the country for "interfering in Czechoslovakia's internal affairs". On 7 January 1980 Amnesty International protested to the Minister of Justice against the exclusion, detention and expulsion of its representative.

In a letter to the judicial authorities on 2 November 1979 and in an internationally distributed document about the trial, Amnesty International detailed the inadequacies of the proceedings: the trial was not public; it was hasty (each of the two days' proceedings lasted from 10 to 11 hours); no one was allowed to take notes of the proceedings; no defence witnesses were called and the defendants were frequently interrupted and were thus unable to present a proper defence.

Another VONS member, Albert Cerny, a former actor who had been arrested on 26 March 1979 on charges of subversion (Article 98, part 1 of the penal code) was sentenced by the Regional Court in Brno on 27 November 1979 to three and a half years' imprisonment for participation in VONS and for possessing and disseminating "anti-state" texts.

Other cases of people sentenced to terms of imprisonment for exercising their right to freedom of expression and adopted as prisoners of conscience by Amnesty International during the year include Professor Jaroslav Sabata, a psychologist and Charter 77 spokesman, serving a nine months' prison sentence who had 18

months added to his sentence. He was first sentenced in 1972 to six and a half years' imprisonment for subversion and was released in December 1976 on three years' probation. In May 1979 the District Court of Prague 6 ordered that the 18 months remaining from his first sentence be added to the second nine months' sentence. An Amnesty International observer was refused a visa. Jan Zmatlik, a sociologist and Charter 77 signatory, who had been in pre-trial detention since August 1978, was convicted in July 1979 by the Prague Municipal Court of producing and attempting to disseminate "anti-state" materials and sentenced to three and a half years' imprisonment for "making preparations for the subversion of the Republic" (Article 7, part 1, and Article 98, part 1 of the penal code). In October 1979 his sentence was reduced to two and a half years' on appeal. Dr Jaromir Savrda, a writer, was found guilty in August 1979 by the District Court in Ostrava of duplicating and circulating copies of the *samizdat* (unofficial) literary journal *Petlice* (Padlock) and sentenced to two and a half years' imprisonment for incitement (Article 100), after 11 months in pre-trial detention. Dr Josef Danisz, a lawyer who defended many Charter 77 signatories, was convicted in January 1980 by the District Court in Hradec-Kralove of "insulting a public official" (Article 156, part 2) and "insulting a state organ" (Article 154, part 2) and sentenced to 10 months' imprisonment. The court also disbarred him for two years. In September 1979, acting as defence lawyer for Professor Jaroslav Sabata, he criticized the Chairman of the Court for his conduct of a trial in 1978 and complained about the brutal treatment of another Charter 77 signatory by the police. The persecution of Dr Danisz goes back to the autumn of 1975 when he complained to the authorities that a public official had threatened him with assault. In March 1979, the Association of Prague Lawyers expelled him for unprofessional conduct. Petr Cibulka, a worker and Charter 77 signatory serving a two-year sentence, went on hunger strike because of unacceptable working conditions in prison and repeated physical attacks on him by non-political prisoners. For this he was tried in January 1980 by the Plzen Municipal Court and sentenced to a further six months' for "frustrating the purpose of custody". The Procurator appealed against the verdict and called for a five-year sentence. In March 1980 the appeal court quashed the six-month sentence and imposed a one-year sentence.

Widespread harassment of Roman Catholic priests and laity was reported in the second part of 1979. According to incomplete reports, by the end of December 1979 at least 20 people had had their homes searched, at least 40 had been questioned by the police and in Moravia and Slovakia alone at least 10 were detained for up to 48 hours. During house searches police seized large quantities of religious

literature, pictures and photographs and printing and copying equipment. Eleven people were charged and six of them remanded in custody: Josef Adamek, a retired printer; Jiri Kaplan, an engineer; Jan Krumphole and Josef Vlcek, both workers and two Jesuit priests, Frantisek Lizna and Rudolf Smahel. The remaining five, Josef Brtnik, Svatopluk Krumphole, Tomas Kvapil, Dr Mecislav Razik and the well-known theologian, Dr Josef Zverina, were released from detention but the authorities continue to investigate their cases.

Jiri Kaplan and Dr Josef Zverina were charged with "obstructing the state supervision of churches and religious societies" (Article 176) and the remaining nine with "illicit trading" (Article 118). The six who were remanded in custody have been adopted by Amnesty International as prisoners of conscience. Jiri Kaplan was released from custody at the end of December 1979 and the remaining five early in January 1980. At the time of writing Amnesty International had not learned that criminal proceedings against any of the 11 have been dropped.

On 16 November 1979 the police searched the homes of five Slovak Roman Catholic priests and a number of Roman Catholic laity in Presov in Slovakia. Criminal proceedings were initiated against the 65-year-old Jesuit priest, Oskar Formanek, accused of saying mass in private houses, of condemning communist atheism, of having loaned religious books and of having been in contact with religious bodies in the West. It is alleged that he was interrogated on 12 occasions and that he had to be taken to hospital. His condition has been described as serious. His trial was to be held on 12 January 1980 in Presov but it has been postponed twice.

During the year prison conditions continued to fall below internationally accepted standards.

Petr Cibulka has been continually beaten up by fellow prisoners and forced to carry out work for which he is not physically fit. In May 1979 he was punished by being transferred to an underground cell and put on half rations. Amnesty International appealed to the authorities on his behalf in May and July 1979, and in September 1979 when reports about his ill-treatment persisted, urged the Minister of Justice to see that he was treated humanely. In February 1980 it learned that he had again been placed in an underground cell, that his food ration had been cut and that the beatings by non-political prisoners were still happening.

During the year under review many people holding views disapproved of by the authorities were persecuted in ways which did not involve imprisonment. Many dissenters were repeatedly detained, mostly for up to 48 hours, and summoned for questioning by the police; their homes were searched, in some cases without a police warrant, and

they were brutally treated by the police.

On 30 October 1979 State Security Police took Jiri Legerski, a former miner and a Roman Catholic, who is suffering from a malignant cancer, from the hospital in Opava. They searched his home twice and took him twice to the police station for interrogation in connection with criminal proceedings instituted against a group of Roman Catholics accused of disseminating religious literature. When he refused to answer any further questions, he was taken back to the hospital, completely exhausted, in the middle of the night.

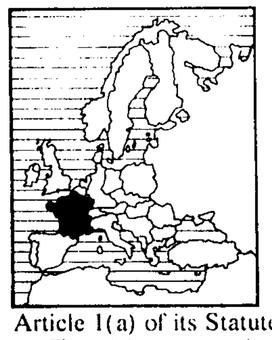
On 4 November Ivan Kynel was beaten up by the police for refusing to be photographed and fingerprinted during a 48-hour detention. He was one of nine people who had been arrested on 2 November on suspicion that they were preparing an act of terrorism. All nine were released without charge after 48 hours.

On 25 January 1980, after police had broken up a private performance in the flat of their friend, Rudolf Battek and Ivan Kynel were handcuffed and taken separately to a remote village some 60 kilometres from Prague and abandoned there after questioning.

Two people known to the authorities for their dissenting views were forcibly confined in psychiatric institutions. Tomas Liska, a student, was confined to the psychiatric hospital in Prague-Bohnice on 23 August. On 31 August he was transferred to another psychiatric clinic in Prague from which he was released on 3 September. Tomas Liska and two friends had been arrested on 20 August in Poland when they tried to join Polish human rights activists in a hunger-strike to protest against the detention of 11 VONS members in Czechoslovakia. They were escorted to Prague and Tomas Liska's two associates were released on 23 August. Professor Julius Tomin, one of the dissenters subjected to continuous harassment, was arrested on 5 October 1979 in northern Bohemia and taken to the psychiatric clinic in Horni Berkovice, where he was given injections against his will. He was released on 8 October.

During the year Amnesty International learned of the execution of two Czechoslovak citizens convicted of murder. One of them was Robert Bares, whose death sentence in September 1978 provoked strong protests in Czechoslovakia as well as abroad.

In April 1980 Amnesty International had 38 cases under adoption and investigation.



France

The French Government has not introduced laws on conscientious objection conforming to existing international recommended norms. The practice has continued of imprisoning conscientious objectors who refuse to do military service when their applications for conscientious objector status have been rejected. Amnesty International considers them to be prisoners of conscience under Article 1(a) of its Statute.

The right to conscientious objection is restricted to those who, under Article 41 of the *Code du service national*, National Service Code, "are opposed unconditionally to the personal use of arms because of religious or philosophical convictions". Amnesty International has, however, consistently urged that France should adhere to the principles of Resolution 337 of the Parliamentary Assembly of 1967 of the Council of Europe. This declares in its basic principles that, with respect to Article 9 of the European Convention on Human Rights, individuals should be released from the obligation to perform armed service if they refuse to do so for "religious, ethical, moral, humanitarian, philosophical or similar motives". In early 1979 Amnesty International began a campaign to bring this question forcefully to the attention of certain European governments, including that of France.

Conscientious objectors whose applications are refused face trial in a military court and a sentence of up to two years' imprisonment if they refuse to join their regiment. Between October 1979 and March 1980, more than 30 conscientious objectors were imprisoned on these grounds. This shows an increase over recent years.

In most of these cases, the objectors had submitted identical letters to the *Commission juridictionnelle*, responsible for deciding on conscientious objector applications, in which each declared his "unconditional opposition to the personal use of arms, on grounds of philosophical conviction". While some 500 applications for conscientious objector status on these grounds were granted by the commission between 1975 and 1978, all such applications made since that period have been systematically rejected by the commission. More than 160 applications have been refused between August 1979 and the time of writing.

Most of the objectors had appealed to the *Conseil d'Etat*, the French Council of State, against the rejection of their applications by

the commission. In March 1980 the Council of State ruled in favour of a large number of the appeals before it, with the result that all those at that time in prison were released. In its ruling, the Council of State said that the commission had been wrong to reject their applications simply because of their collective nature, without examining each case on its own merits. The Council of State thus sent the cases back to the commission for reconsideration. However, the Council of State had made an identical ruling in the case of another objector in December 1979, whose application for conscientious objector status was again refused by the commission in March 1980. Therefore, it seems possible that the commission might refuse on similar grounds the applications returned to it in March 1980. This would mean that those objectors could face re-arrest and imprisonment at the time of the next date of national call-up in June 1980.

Amnesty International has set up a special action network of adoption groups to help French conscientious objectors who are serving short sentences.

Christian Grimaux, a conscientious objector adopted by Amnesty International, went on hunger-strike in September 1979 to protest against his imprisonment. Amnesty International issued urgent appeals on his behalf in view of his deteriorating state of health. He was released in November 1979 and exempted from military service. However, at his trial in March 1980 by the *Tribunal permanent des forces armees*, Permanent Tribunal of the Armed Forces, on the original charges of insubordination and refusal to obey, he was sentenced to 12 months' imprisonment with six months suspended.

Alain Coraud, a Breton pacifist who refused to apply for conscientious objector status, was sentenced to 15 months' imprisonment in September 1978 for refusal to perform military service. At the time of his trial he had been granted provisional liberty after a hunger-strike lasting 19 days. However, in January 1980, he was re-arrested and is now in prison serving his sentence. In February 1980, two Jehovah's Witnesses, Joel Fernandez and Michel Picarotta, who also refused to apply for conscientious objector status, were sentenced to 16 months' imprisonment for refusal to perform military service. Amnesty International appealed for the release of those prisoners in March 1980.

Amnesty International is concerned about the prosecution in summary courts of people arrested during demonstrations. They are usually accused, under Article 314 of the penal code, of acts of violence and tried under the procedure known as *flagrant delit*, a special summary procedure governed by Law No. 75-701 of 6 August 1975. It is Amnesty International's view that the use of this special summary procedure in the interests of rapid judgments impedes the

conduct of a fair trial in cases where the facts of the matter are in dispute. This is principally because *l'administration des preuves*, the establishment of proof, is made difficult, if not impossible, for the defence, while, at the same time, the summary courts tend to give excessive weight to police evidence.

On 10 May 1979, Maître Amand D'Hondt of Brussels attended the appeal hearing in Paris of Gilles Desraisses and Pierre Le Gall who were sentenced to 15 months' imprisonment following disturbances at the demonstration of 23 March, organized by the *Confédération générale du travail*, the General Confederation of Labour, in support of Lorraine steel workers. Both had been sentenced at a summary hearing in March to 15 months' imprisonment for throwing stones at the police. The Amnesty International observer noted that the trials had a strong political character and that considerations of public order took precedence over consideration of the facts of the case. He concluded that the prosecution had not proved its case beyond reasonable doubt, in view of the contradictions between police evidence and the statements of witnesses for the defence.

He found that the sentences were excessive and did not take into consideration the individual circumstances of the defendants, which indicated a political influence on the court. Amnesty International wrote to the Minister of Justice, Alain Peyrefitte, requesting a review of these two cases. The Appeal Court, however, increased the sentences and the cases were taken up for investigation by Amnesty International.

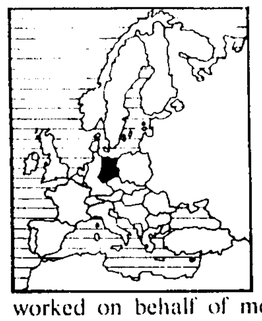
On 17 March 1980 Amnesty International sent Maître Eric Thiry of Brussels to the second session of the summary trial in Quimper of nine people arrested during a demonstration against the construction of a nuclear power station in Brittany. The trial had been interrupted because of the suspension of a defending lawyer for 10 days. The nine were accused of taking part in a clash with French police and paratroopers in the neighbouring village of Plogoff. It was the conclusion of the Amnesty International observer that, while the proceedings of that part of the trial which he attended could not be said to have violated the human rights of the defendants, the deficiencies in the summary procedures mentioned above should be pointed out. Eight defendants were sentenced to terms varying from one month to 15 days' but all were immediately released. The ninth was acquitted.

In April 1979 Amnesty International undertook a research mission to Brittany to investigate the allegations of maltreatment of 25 people then awaiting trial before the Court of State Security, accused of acts which were considered to represent a danger to the state. This trial raised concerns in every aspect of Amnesty International's mandate: the imprisonment of Michel Salomon, who, in the

absence of any charges relating to the use of violence, appeared to be tried only for his beliefs; the fairness of the procedures of the Court of State Security when dealing with political prisoners and the substantive allegations of ill-treatment of certain detainees while held for interrogation.

Amnesty International therefore sent an observer, Maître Amand D'Hondt of Brussels to their trial in Paris, which lasted from 17 September to 20 October 1979. Maître D'Hondt noted three areas of concern to Amnesty International. First, he thought that the discrepancy between the powers given to the prosecution and those given to the defence, by Articles 29 and 30 in the procedure of the Law on State Security number 63-23 of 15 January 1963, was not consonant with the spirit of Article 6 of the European Convention on Human Rights. Second, he expressed concern about the question of ill-treatment of detainees whose period of detention by the police for interrogation could be extended to six days. Some of the accused were continuously interrogated for very long periods. Third, he drew particular attention to the case of Michel Salomon, who was detained for 15 months. He was the only defendant who was never accused of committing any act of violence and he was acquitted. Of the 24 defendants, six were acquitted and 18 found guilty — two *in absentia* — and given sentences ranging from 15 years' imprisonment to two years' suspended.

France still permits the use of the death penalty and was one of the major target countries for the Amnesty International program against the death penalty. On 11 March 1980 Norbert Garceau was sentenced to life imprisonment for murder by the Court of Assizes of the Haute Garonne. In June 1979 the Court of Assizes of the Tarn had sentenced him to death but the verdict was quashed by the *Cour de cassation*, Court of Cassation, and a retrial ordered. He had served a previous sentence for murder and was released in 1972. There were no executions during the year under review.



German Democratic Republic

The main concern of Amnesty International continued to be the arrest and imprisonment of people for their non-violent exercise of human rights, in particular the right of the individual to leave his or her country and the right to freedom of expression and information. During the year its groups worked on behalf of more than 200 people under adoption and investigation. Almost all the people involved were detained under legislation which explicitly restricts the exercise of human rights. On 30 June 1979 the Third Criminal Law Amendment Act, a major piece of legislative reform, was passed by the People's Chamber, the supreme legislative body of the German Democratic Republic (GDR), and came into force on 1 August. This Act imposed further restrictions on the exercise of human rights, in particular the right to freedom of information. Amnesty International is concerned also about certain aspects of the judicial process, the treatment of political prisoners and the retention of the death penalty, although no executions were reported during the year under review.

The majority of people adopted by Amnesty International as prisoners of conscience were imprisoned as a result of their efforts to exercise their right to leave their country. To leave the GDR, except to go to other Warsaw Pact countries requires special permission which is very difficult to obtain. Those caught leaving without permission face prosecution under Article 213 of the penal code for "illegal crossing of the border". Because of the difficulties involved in crossing the heavily guarded border dividing the two Germanies, many would-be emigrants seek the help of professional escape organizations, an activity proscribed by Article 100 of the penal code. The Third Criminal Law Amendment Act extended the maximum punishments under Article 213 from five to eight years' imprisonment and under Article 100 from five to 10 years' imprisonment.

Those who attempt to emigrate legally are also liable to arrest and imprisonment. During the year those who persisted in their efforts to obtain exit permits, and who thereby came into conflict with local government officials, were arrested on charges such as "impeding the activity of public bodies" (Article 214 of the penal code). One such prisoner is Klaus Dieter Wolf who was sentenced to 15 months' imprisonment under Article 214 after trying for more than a year to obtain permission to emigrate. The Third Criminal Law Amendment

Act extended the maximum sentence for this offence from two to three years' imprisonment. Many would-be emigrants who had applied repeatedly but without success for permission to emigrate, sought help from organizations and individuals outside the GDR. Before the enactment of the Third Criminal Law Amendment Act such people were frequently prosecuted under Article 98 of the penal code (collecting information) for collecting and passing on to organizations and individuals, whose activity was directed against the GDR, information suited to support such activity. The new legislation has broadened the definition both of the information that may not be passed on and the recipients to whom it may not be passed. The newly formulated Article 99 of the penal code (treasonable passing on of information) proscribes the passing on of non-secret information "to the disadvantage of the interests of the GDR" to "foreign powers and organizations as well as their helpers". Article 219 (taking up illegal contacts) now proscribes distributing information "suited for damaging the interests of the GDR" abroad. The first arrest under these new laws known to Amnesty International was of Gunter Beyer on 29 November 1979. Before his arrest he had sought permission to leave the country for more than three years and had written appealing for support in his efforts to the Government of the Federal Republic of Germany (FRG), to the Secretary-General of the United Nations and to other organizations abroad. In his letters he referred to provisions concerning the right of emigration in international human rights instruments. He was tried on 14 February 1980 and sentenced to three years' and three months' imprisonment for "treasonable passing on of information".

The newly formulated Articles 99 and 219 of the penal code also facilitate the arrest of writers and authors who turn to foreign publishers because of the difficulties in getting their works published in the GDR, if they contain criticism of the country. Even before the new legislation was passed, writers whose works were published abroad without permission risked prosecution under the currency laws for any money earned. In May 1979 Robert Havemann and Stefan Heym, two well-known writers, were fined for royalties received from abroad and could have been imprisoned for up to two years. An interview with Stefan Heym was given coverage in the news media of the FRG: in it he claimed that the currency laws were effectively being used to stifle freedom of expression. On 7 June 1979 nine writers were expelled from the Writers' Union of the GDR, five of whom had publicly criticized the currency charges brought against Stefan Heym. Amnesty International has adopted as prisoners of conscience seven people arrested after criticizing government policy towards writers. These include Thomas Klein and Jutta Brabant, who

collected signatures for a petition to Erich Honecker, Chairman of the State Council, protesting against the expulsion of the nine writers from the Writers' Union, and Heinrich Saar, a former professor of philosophy, who wrote a letter to the authorities responsible for cultural policy, protesting against the restrictions imposed on writers.

The Third Criminal Law Amendment Act, passed in June 1979, imposed new restrictions on the exercise of a number of other rights as well as those of freedom of movement and freedom of information. Freedom of association is restricted by Article 107 of the penal code, which proscribes the founding or membership of "associations hostile to the constitution". The new version also proscribes advocating such associations or supporting them in any other way. The exercise of the right to freedom of expression is further restricted by new clauses in Articles 106 (incitement hostile to the state) and 220 (public vilification) of the penal code. Article 106 now proscribes the "discrediting" of the GDR's ties of friendship and alliance as well as conditions within the GDR itself. Article 220 has a new section proscribing the dissemination of "written materials, objects or symbols which encroach upon the state or public order" or make it "contemptible", or which disturb the socialist way of life. The maximum sentence under Section 1 of Article 106 has been extended from five to eight years and under Article 220 from two to three years.

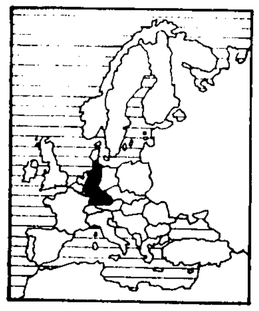
While it is not yet possible to assess the full effect of the Third Criminal Law Amendment Act, Amnesty International is concerned that it increases the likelihood of arrests and the imposition of longer prison sentences for the exercise of human rights proclaimed in the United Nations International Covenant on Civil and Political Rights (to which the GDR is party). Amnesty International wrote to the authorities expressing concern about the passing of this act and asking for its repeal.

On 25 September 1979 the State Council issued a decree announcing that there would be an amnesty for convicted prisoners to mark the 30th anniversary of the GDR on 7 October. According to official sources in the GDR, 21,928 prisoners were released. It is not known how many of these were political prisoners but of some 80 convicted prisoners under adoption or investigation by Amnesty International groups at the time, more than 55 were released. Although the majority of these wished to emigrate, at the time of writing only four — Rudolf Bahro, Nico Hübner, Werner Schaelicke and Christine Wolf — have been allowed to do so. Those released in the GDR were reportedly still subject to certain restrictions, including police surveillance and arbitrary house searches. They were not allowed to leave the district in which they reside without permission nor to be away from home from 10 pm to 6 am. Under the terms of the

amnesty decree, if rearrested within three years, they will have to serve the remainder of their sentences in addition to any new sentence imposed. Amnesty International has learned of the rearrest of four amnestied prisoners.

Large numbers of political prisoners are released annually to the FRG before completing their sentences in exchange for sums of money paid by the Government of the FRG. The GDR authorities suspended this practice for five months following the amnesty but it was resumed in March 1980.

On 15 November 1979, Dr Alfred Frisch, an Austrian lawyer, went to Erfurt on behalf of Amnesty International to observe the trial of Reiner Hoefer, one of its adopted prisoners of conscience. Reiner Hoefer was arrested after the text of a letter written by him to Erich Honecker, criticizing various aspects of the political and educational system in the GDR, had been published in the FRG weekly, *Der Spiegel*. Dr Frisch was able to gain admission to the court-room as the trial was beginning in order to ask the Chairman of the Court for permission to observe the trial. This was refused on the grounds that the trial concerned matters of "state security", although the information available to Amnesty International indicated that the charges related solely to material already made public. The trial was then held *in camera*, as is usual in the case of prisoners of conscience in the GDR, and Reiner Hoefer was sentenced to four years' and six months' imprisonment for "incitement hostile to the state".



Federal Republic of Germany

The main concern of Amnesty International has been related to prison conditions. Its concern about legislation which can be used to restrict political criticism and the freedom of speech of the individual has not led to the adoption of anyone as a prisoner of conscience. However, it has occasionally interceded where it appeared likely that the prosecution of individuals might result in their imprisonment for political and conscientiously held beliefs unrelated to the use or advocacy or violence.

On 17 May 1979 Amnesty International sent a message to the public prosecutor of the *Landgericht* Nuremberg/Fürth in connection with the trial of people charged with, among other things, use of

insulting language (*Beleidigung* — paragraph 185 of the penal code, and *Verleumdung* — paragraph 187 of the penal code) and defamation of the state (*Verunglimpfung des Staates* — paragraph 90a of the penal code). The charges concerned a number of texts published by members of the *Knastgruppe Nürnberg*, Nuremberg Prison Group, about the case of Herr Günther Braun. Günther Braun died in Ansbach district hospital on 10 February 1978 a few days after sustaining injuries in Nuremberg Prison.

Referring to Articles 2 and 19 of the Universal Declaration of Human Rights, Amnesty International wrote: "Having read the paragraphs in the indictment which form the basis of the above-mentioned charges and having also read in their entirety the pamphlets and press statements published by this group, Amnesty International is of the opinion that the suppression of the expression of the opinions contained in these publications would be in contravention of the Universal Declaration of Human Rights." It therefore urged that the criminal charges against the defendants which related to the contents of the publications be dropped. Although a number of people were convicted in the lengthy and complex proceedings (which were not restricted to the charges of insulting language and defamation), no one was imprisoned because of the opinions expressed in the publications and none of the accused was therefore adopted as a prisoner of conscience.

Amnesty International has followed closely the cases of defence lawyers charged with offences relating to their work for clients accused of politically motivated crimes. Among these was the case of Kurt Groenewold who, in July 1976, was charged with "support of a criminal association" (Article 129 of the penal code) in the course of his defence of a member of the Red Army Fraction. Kurt Groenewold was accused of, among other things, establishing, financing and running an "Info-System" between 1973 and 1976, which was said to have provided the Red Army Fraction prisoners held in Stuttgart-Stammheim Prison with information designed to maintain their "criminal consciousness". Amnesty International delegated Professor C.F. Rüter, a Dutch criminal lawyer, to observe the trial, which took place in 1978. In its judgment the court held that most of Kurt Groenewold's activities relating to the defence of his clients had been legal and, indeed, that he had acted "fundamentally honourably". Contrary to the claim made in the indictment, the so-called "Info-System" and "defence lawyer's circulars" were not as such unlawful. However, a minor part of Kurt Groenewold's activities did contravene the criminal law. The court accepted that Kurt Groenewold had honestly believed that his acts were not criminal but held that this error of law did not constitute a defence. Kurt Groenewold was

therefore sentenced to two years' imprisonment, which was suspended, and to a fine. The court did not disbar him as the prosecution had requested. In his report, Professor Rüter expressed the personal view that Kurt Groenewold's error of law was excusable and that on this issue the court did not take sufficiently into account the highly charged atmosphere in which Kurt Groenewold had to work or the part the authorities themselves had played in creating this atmosphere. He concluded that Kurt Groenewold had nevertheless received a fair trial with full opportunity to defend himself; that the judgment was in conformity with the law; that the court could reasonably arrive at its judgment; that the findings of the court (both in fact and law) were supported by the reasoning in the judgment; and that the sentence was not exceptionally high by standards in the Federal Republic of Germany (FRG). However, Professor Rüter criticized the practice of requiring all members of the public attending the trial to show their identity cards and allow the cards to be photographed.

Amnesty International continued its work on the prison conditions of people suspected or convicted of politically motivated crimes on the basis of the conclusions of its own special study project, which were submitted to the federal government in a memorandum on 13 February 1979. The memorandum concluded that the forms of isolation in which these prisoners — mainly members of the Red Army Fraction, 2 June Movement and the Revolutionary Cells — were detained had severely damaged the health of some of them and had led to intellectual and emotional disturbances as well as to disturbances of the autonomic nervous system. It urged the authorities to abolish solitary confinement and small-group isolation as regular forms of imprisonment. On 5 June 1979 a meeting to discuss the subject took place in Bonn between representatives of the Federal Ministry of Justice and an Amnesty International delegation. During this meeting the authorities expressed their willingness to lessen the isolation of the prisoners, but pointed out the difficulties posed by the prisoners themselves. Amnesty International, while recognizing these, stressed its belief that it was possible to combine the demands of security with humane treatment, avoiding extreme forms of isolation. After this meeting, the memorandum, already submitted to the federal government, was sent to the *Land* authorities with the same appeal to abolish the severe forms of isolation inherent in the prisoners' conditions. Amnesty International requested that the memorandum be discussed at the 50th session of the *Strafvollzugsausschuss*, Standing Committee on Penal Affairs, of the Justice Ministries of the *Länder*, convened by the Ministry of Justice of Baden-Württemberg in October 1979. Amnesty International informed the *Land* authorities of its delegates' recommendation to establish an independent advisory committee

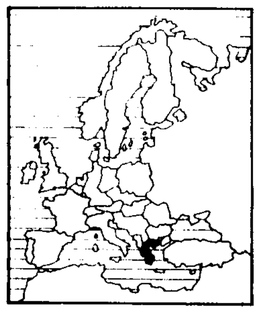
with authority to order medical examinations of prisoners. The delegates recommended that "if on the basis of a medical examination ordered by the Committee, with which the prisoner in question has cooperated fully, the Committee recommends changes in the prisoner's conditions of imprisonment, such as a widening of social contacts, the authorities without delay seek to implement such recommendations". In a letter of 14 January 1980 the Minister of Justice of Baden-Württemberg replied on behalf of all the *Länder*. The reply did not comment on the substance of the Amnesty International memorandum but rejected the proposals.

On 28 May 1980 Amnesty International published a dossier on its work on the prison conditions of people suspected or convicted of politically motivated crimes in the FRG. This contained the text of the memorandum, the report of the meeting with the federal authorities of 5 June 1979 and relevant correspondence. It was decided to publish the dossier, not only because Amnesty International believed that it described important matter relevant to the treatment of prisoners in the FRG, but also because it took the view that its material might contribute to the setting of international standards for high security imprisonment.

In late April 1979 some prisoners began a hunger-strike in which as many as 70 members of the Red Army Fraction, 2 June Movement and Revolutionary Cells became involved. On 15 June Amnesty International sent a message to the Baden-Württemberg and federal authorities about reports that the hunger-strike had reached a critical stage for a number of prisoners. It was particularly concerned about the state of health of Irmgard Möller, imprisoned at Stuttgart-Stammheim, and said that, although it could not support the specific demands made by the prisoners on hunger-strike, it had already expressed to the federal government its general concerns about prison conditions in the context of solitary confinement and small-group isolation of politically motivated prisoners.

On 13 October, a letter was sent to the Senator for Justice of West Berlin, Dr Gerhard Meyer, in connection with the hunger- and thirst-strike of prisoners held in small-group isolation in Moabit Prison. The strike was reportedly caused by a decision to transfer one of the prisoners to another jail, a move which would have further intensified the isolation of the remaining prisoners in the group in Moabit. The letter stated that alternatives could be found to solitary confinement and small-group isolation and recalled previous correspondence in which Dr Meyer had observed that where integration of prisoners in the normal prison regime was impossible, it was his aim to detain them in conditions of such security as provided them with social contacts "as closely as possible comparable to those of the other prisoners".

On 6 February 1980 Amnesty International sent an urgent communication to the state government of Schleswig-Holstein about five prisoners who had gone on hunger-strike in the prison of Lübeck-Lauerhof after a strip-search and transfer to cells in a new high-security wing. It urged that "the prisoners be detained in accordance with the willingness expressed by the FRG authorities to lessen the isolation of prisoners" and reiterated its request, contained in the memorandum, that solitary confinement and small-group isolation be abolished as regular forms of imprisonment. It also asked that "the five prisoners be retained in hospital until sufficiently recovered and until a proper solution regarding their future imprisonment has been established in line with our recommendations". After a period in the prison hospital in Hamburg the prisoners were returned to Lübeck-Lauerhof. It was reported that plans were being made to enlarge their social contacts but it is not known when or if these plans will be put into effect.



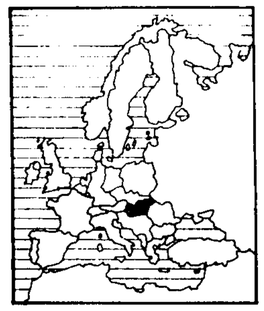
Greece

During the year Amnesty International was concerned about its adopted prisoners of conscience, all of whom were Jehovah's Witnesses, imprisoned because of their refusal to perform military service. In October 1977, the government introduced Law 731/77 which took conscientious objection into account for the first time. It gives conscientious objectors the alternative of performing unarmed military service for a period of four and a half years, twice as long as armed military service. However, Jehovah's Witnesses refuse to perform any form of alternative military service and continue to be imprisoned for their conscientious objection.

In the past, conscientious objectors were given long sentences: for example Vassilis Spanoyiannis was sentenced to 10 years' and Emmanuel Gazis to 18 years' imprisonment. However Vassilis Spanoyiannis subsequently agreed to perform military service and Emmanuel Gazis's sentence was reduced to four and a half years on appeal. Most sentences are four and a half years or are reduced to four and a half years on appeal. The one clear improvement in the position of conscientious objectors brought about by law 731/77 is that they now serve one period of imprisonment for their refusal to perform unarmed military service instead of the repeated sentences to which

they were previously subjected. For conscientious objectors detained in the agricultural prison of Kassandra, every day spent on agricultural labour counts as two days of the sentence.

In April 1980 Amnesty International was working for the release of 99 imprisoned Jehovah's Witnesses.



Hungary

The main concerns of Amnesty International related to legislation restricting freedom of expression, the imprisonment of those attempting to exercise their right of freedom of movement and the death penalty.

A new penal code, enacted in December 1978, came into force on 1 July 1979. It contains a number of features distinguishing it from the previous penal code of 1961. Certain minor offences are no longer punished under the penal code, being dealt with instead under the law concerning petty offences, the civil and labour codes or state administrative law. Penalties other than imprisonment (primarily fines or corrective labour) have been introduced for lesser crimes. Recidivists are sentenced more severely than previously; the minimum period of imprisonment has been raised from 30 days to three months. The maximum sentence of 15 years, or 20 in the case of multiple offences, has remained unchanged.

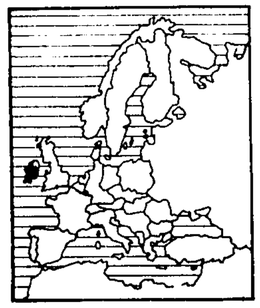
Under Article 148 of the new penal code dealing with incitement (retaining, with minor alterations, the provisions of the former Article 127) those who publicly criticize official policies are liable to conviction. As before, those who commit an act liable to "incite" others to "hatred" of Hungary's constitutional order or Hungary's allies, as well as those who "incite" to national, racial or religious "hatred", are punishable by from one to eight years' imprisonment. "Preparations" to commit such an act of incitement before a large public or as a member of a group are now punishable by up to two years' imprisonment (up to three years' under the previous penal code). There have been reports that an unspecified number of peasants, workers and students have been sentenced to short terms of imprisonment under this article but Amnesty International has not been able to confirm them.

Freedom of movement is restricted and Article 217 of the new penal code makes "unauthorized crossing of the border" an offence punishable by up to three years' imprisonment; the penalty under the

previous penal code for this offence was six months' to five years' imprisonment. Paragraph 5 of Article 217 prescribes up to two years' imprisonment for people convicted of making preparations aimed at an unauthorized crossing of the border. On 11 October 1979, Gyor County Court sentenced Erhard Franz Haller, a 49-year-old citizen of the Federal Republic of Germany (FRG) to six months' imprisonment under Article 217; he had tried to cross the Hungarian border into Austria with a friend from the German Democratic Republic (GDR) and her child. His friend was extradited to the GDR. In a similar case in March 1980, Gyor County Court sentenced an FRG citizen to five months' imprisonment for having attempted to smuggle a young Pole across the Hungarian border into Austria. The Pole was extradited to Poland where he was reportedly due for trial.

Amnesty International noted that Zsolt Takacs, an adopted prisoner of conscience released in February 1979 after serving a sentence for attempting to leave Hungary without authorization in order to join his wife in Switzerland, had, by the end of 1979, left for Switzerland with official permission.

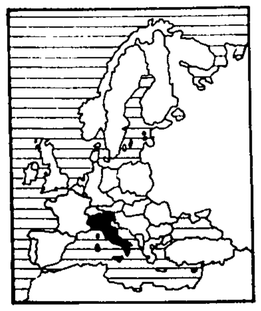
The new penal code retains the death penalty for a number of political and military offences as well as aggravated cases of murder; economic crimes are, however, no longer punishable by death. In the period under review, Amnesty International learned of two cases in which the death penalty was carried out and one in which it was commuted to a life sentence. On 6 December 1979 Henrik Molnar was executed; he had been convicted of the murder of a 13-year-old girl and of seriously wounding a boy. On 28 March 1980 Joszef Magyar, convicted of killing a woman, was executed. On 1 October 1979 Karoly Dobay, a soldier who deserted from his unit and wounded two police officers while trying to escape, was sentenced to death. The next day Amnesty International appealed to the head of state, Janos Kadar, for a commutation of this sentence. On 30 November 1979 the Presidential Council commuted Karoly Dobay's sentence to life imprisonment.



Ireland

During the year Amnesty International had no adopted prisoners of conscience in the Republic of Ireland. There was no pattern of allegations of police ill-treatment of suspects, as in previous years, although recommendations made by an independent committee of inquiry had been rejected by the Irish Government. This committee, which the government had set up after an Amnesty International submission on ill-treatment of suspects detained by the police, had put forward what Amnesty International believes were carefully considered and practicable safeguards.

Amnesty International is concerned about the refusal of the government to introduce these safeguards. Another concern is the continuing operation of a Special Criminal Court, which sits with three judges but without a jury, and which was set up specifically to try cases of politically motivated crimes affecting the security of the state. In its 1977 submission to the government, Amnesty International concluded that the non-jury court "has seemingly failed or refused to scrutinize allegations of maltreatment according to the principles of law which govern the burden of proof with regard to the admissibility of statements". In April 1980 it sent an observer to the appeal hearing of Osgur Breatnach, a member of the Irish Republican Socialist Party who was convicted of armed robbery in the Special Criminal Court. Its concern about this case arose from reports that Osgur Breatnach was convicted solely on the basis of a confession which he alleges he made as a result of ill-treatment by the police while he was held incommunicado for a prolonged period in police custody.



Italy

Amnesty International remained concerned about the lengthy periods spent in detention while under judicial investigation by individuals holding minority political views. The usual reason given for their detention is to permit investigation into their suspected links with members of political groups which use violence. The offences are largely covered in the penal code under Article 270

(subversive association), Article 305 (political conspiracy by association) and Article 306 (participation in an armed band). In many investigations the degree of participation in or association with crimes is unclear or tenuous. In most of them the detained person has eventually been released by the investigating judge because of lack of evidence, after a lengthy period in custody and without ever being brought to trial.

Special powers of search, surveillance and detention are frequently used. It was therefore a matter of concern to Amnesty International when the government introduced a new decree law on 15 December 1979 dealing with "urgent measures for the protection of the democratic order and security of the public". With a few modifications the decree law was approved by the Chamber of Deputies and the Senate and became Law No. 15 of 6 February 1980.

Four articles are of particular interest: Article 3 introduces a new offence of "association for purposes of terrorism and the destruction of the democratic order" which becomes Article 270 (bis) of the penal code and lays down substantial penalties on conviction: four to eight years for those who participate in acts of terrorism and seven to 15 years for those who organize them. This is in addition to Article 270 on subversive association.

Article 6 is a *norma straordinaria*, extraordinary measure, which lapses at the end of one year. It authorizes the detention (*fermo di polizia*) of individuals suspected of being about to, or likely to, commit an offence under Article 305 (mentioned above) or Article 416 of the penal code. The detainee may be searched and held in a police station for 48 hours; the Procurator of the Republic must be immediately informed and reasons for the detention given within a further 48 hours.

Article 9 increases the powers of search and permits them to be used in urgent cases without obtaining the authorization of the competent magistrate. The Procurator of the Republic must be informed without delay.

Article 10, in cases involving terrorism, extends by one third the maximum period spent in preventive detention at every judicial stage. This means that the procedure may, in the most extreme cases, now legally take up to 10 years and eight months.

It is the view of Amnesty International that these new measures, legal in themselves, represent a diminution in the rights of citizens, especially since the already existing legislation gave sufficiently wide powers to the police and the judiciary. Further delays are permitted in bringing people to trial in a country which is already notorious for its lengthy legal procedures. This also represents a considerable reduction of the value of the right under Article 25 of individual petitions against

violations of the European Convention on Human Rights. Such applications can be admitted only after the exhaustion of all domestic remedies.

A case which Amnesty International has been following closely concerns the people arrested on 7 April 1979 and held on suspicion of connection with the kidnapping and murder of the former Prime Minister, Aldo Moro. Many suspects have since been released for lack of evidence, after being held for several months on a charge of, among other things, "subversive association". For example, Alisa Del Re, a lecturer at the Institute of Political Science of the University of Padua, was freed in December 1979 after 10 months in custody.

Giustino Cortiana, a marketing adviser, was arrested in Milan on 2 February 1979 and has since been awaiting trial on charges of subversive association with and participation in an armed band. He has now been held for more than a year in a number of different prisons throughout Italy, and, for a short time, in a psychiatric asylum. The only evidence against him known to Amnesty International is that of his co-defendant who subsequently stated that he wished to alter his original testimony. Although Amnesty International cannot at this stage evaluate the evidence against Giustino Cortiana, it is investigating his case in view of the length of time he has been held awaiting trial.

Amnesty International had nine adopted prisoners of conscience during the year, all of them conscientious objectors or total resisters to military service. There are three types: those who apply for the status of conscientious objector and are willing to undertake alternative civilian service but are refused on the grounds that their religious, philosophical or moral objections to military service have not been sufficiently proved; those who have already been recognized as conscientious objectors and who have carried out alternative service for at least the 12 months required of regular conscripts but refuse to serve the extra time (eight months) required in alternative service; those who refuse either military or alternative civilian service and who are adopted as prisoners of conscience on the grounds that the length of alternative service may be considered punishment for refusal to perform military service.

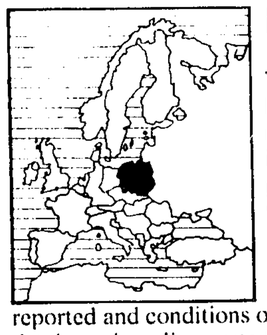
Amnesty International adopted a total resister, Sergio Andreis, who has been serving a 13-month sentence in Gaeta military prison since 10 July 1979. He now faces a further charge under military law since he obtained and attempted to publish information of a confidential nature concerning the *reclusorio militare*, military prison. This charge arises in connection with his campaign against prison conditions at Gaeta, which he holds to be in breach of international norms and of the Italian Prison Reform Law of 1975. A report he wrote on prison

conditions in Gaeta has been published in German and Italian newspapers; so have extracts of letters sent by him to the President of the Italian Republic, Alessandro Pertini, and to the former Minister of Defence. He protested about "arbitrary and indiscriminate" isolation of prisoners, inadequate medical treatment and insanitary conditions. Sergio Andreis maintains that he is being subjected to especially restrictive measures in prison because of his campaign.

During the year Amnesty International interceded in three cases under Article 1(c) of its Statute concerning cruel, inhuman and degrading treatment or punishment. On 12 November 1979 it wrote to the *giudice di sorveglianza*, a judicial official with responsibility for the surveillance of prisoners, at Pisa to express concern about the medical condition of Alberto Buonoconto. It requested precise information about his prison conditions and medical state and asked what measures were being taken to improve his health if the description given in medical reports were accurate. Arrested in October 1975 as a member of the Armed Proletarian Nuclei and sentenced to eight years' imprisonment for "participation in an armed band", he had reportedly been suffering from a steady deterioration in health. According to medical experts, he was suffering from serious physical and mental problems which ensued from, and were aggravated by lengthy periods of isolation and consequent sensory deprivation. He was incapable of walking or sitting upright or of eating without the aid of a cellmate.

On 20 November Dr Antonio Barsotti, the *giudice di sorveglianza*, replied that "nothing had been omitted to ensure that the conditions of the prisoner were being carefully supervised" by the competent authorities. On 12 December 1979 he was released on the grounds of grave physical infirmity and his sentence was deferred.

Amnesty International also interceded in the cases of Alberto Galeotto and Ivo Galimberti, who were held for a year in Padua prison in connection with an inquiry into the Autonomia movement and who are at present being held in the neurological clinic of Padua University. On 18 April 1980 Amnesty International wrote to the investigating judge, Dr Giovanni Palombarini, about these two prisoners in the light of reports by several doctors and experts who had found them in a "serious state of physical and mental exhaustion". The letter referred to the judge's own decision of 4 March 1980 to grant the prisoners provisional liberty on health grounds, and asked why this decision had been rejected by the General Procurator of Venice, Dr La Monaca. No answer has been received.



Poland

The major concerns of Amnesty International have been the official persecution of human rights activists by a variety of methods, including detention for up to 48 hours in police custody, summarily imposed sentences of imprisonment of up to three months and politically motivated arrest, trial and conviction on false criminal charges. Instances of police brutality have been reported and conditions of detention — in particular the treatment of detainees in police custody and investigative detention — give cause for serious concern. In certain cases reported to Amnesty International, legal safeguards and trial procedures have been deficient. The death penalty is still in force and there were some executions during the year.

The period under review has seen an intensification of repressive measures applied by the authorities to members of and sympathizers with unofficial groups established to protect human and civil rights. At the same time, there has been a continued growth in the membership and activity of those groups, which originated in autumn 1976 with the creation by a group of intellectuals in Warsaw of the *Komitet Obrony Robotnikow* (KOR), the Workers' Self-Defence Committee, to provide financial and legal assistance to workers prosecuted or imprisoned after the strikes and disturbances in Radom and Ursus in June 1976. Such groups now include the *Komitet Samoobrony Spolecznej* (KSS), Committee for Social Self-Defence (formerly KOR), the Movement for the Defence of Human and Civil Rights, Farmers' Self-Defence Committees, Believers' Self-Defence Committees, Student Solidarity Committees, the Society for Educational Courses and (in Radom, Gdansk, Sopot, Katowice and Szczecin) Free Trade Unions. Unofficial publications produced by these groups regularly provide information about arbitrary and unconstitutional acts by the authorities and about individual victims of human rights violations.

Detention in police custody for up to 48 hours (the maximum period for which a person may be detained without being formally charged) has been widely and, Amnesty International believes, increasingly used in an attempt to intimidate members and supporters of unofficial human rights groups. Many leading activists, including KSS "KOR" members Jacek Kuron, Henryk Wujec, Jan Litynski, Piotr Naimski and Adam Michnik, have been repeatedly detained; some have been held for periods considerably exceeding 48 hours,

having been rearrested immediately after formal release. It has been reported, for instance, that Miroslaw Chojecki, Manager of the unofficial publishing house, *Niezalezna Oficyna Wydawnicza* (NOWA), had spent a total of approximately five months in police custody (without being sentenced) between September 1976 and March 1980. Meetings of KSS "KOR" have on a number of occasions been prevented by the expedient of arresting those taking part. As a result of similar harassment, the Society for Educational Courses, which was founded to make good alleged deficiencies in the official educational program and which started a new season of lectures in November 1979, was obliged to cancel its public lectures and hold small seminars.

In September 1979, when *Robotnik*, "The Worker", published a "Charter of Workers' Rights", many of the signatories were arrested and detained for questioning in Gdansk, Szczecin, Radom and Katowice.

The authorities have on a number of occasions resorted to mass detentions in an attempt to forestall unofficial demonstrations commemorating events in Polish history. At least 90 people in Warsaw, Krakow, Gdansk and Lublin are believed to have been arrested before 11 November 1979, the 61st anniversary of the restoration of Polish independence. During the 10 days preceding the commemoration on 13 December 1979 of workers killed during riots in Gdansk in 1970, some 200 people, including leading members of Free Trade Unions, were reported to have been detained. A number of workers at the Elektromontaz factory in Gdansk who took part in the demonstration were subsequently dismissed from their jobs. One of them, Tadeusz Szczepanski, a 20-year-old driver and an associate of the unofficial Founding Committee of the Coastal Free Trade Unions, "disappeared" on 16 January 1980, the day after his dismissal; his severely mutilated body was reportedly found in a river on 18 March. The cause of his death has not been established.

Widespread detentions took place also in Warsaw, Krakow, Wroclaw, Poznan, Lublin, Gdansk, Sopot and Gdynia before the elections of 23 March, after KSS "KOR" and other unofficial groups had distributed leaflets calling for a boycott of elections. These groups themselves estimate that from 1 to 23 March 1980, 168 people were detained and 126 houses were searched. A number of people detained by police during the past year have reported that, during interrogation, they were threatened with beating, assassination, charges of theft or espionage, or with confinement in a psychiatric institution if they did not agree to stop their activities in defence of human rights. Others have allegedly been beaten, kicked and otherwise physically assaulted during detention. Jan Switon of Katowice, a collaborator in the journal *Robotnik*, is alleged to have had his face burned with a

cigarette while being detained by police at Zawiercie on 23 February 1980. On 18 March 1980, Tomasz Michalak, a photographer and worker for NOWA publishing house, was reportedly kicked downstairs by police in Warsaw after he had been detained for 48 hours. On 21 and 22 March he was again detained and allegedly beaten by police.

On 25 February 1980 Krzysztof Lechowski, a student supporter of KSS "KOR" and contributor to *Robotnik*, was summoned to the Voivodship Militia Command in the Mostowski Palace, Warsaw. According to his written statement, he was punched and his head was banged against the wall when he refused to answer questions during interrogation; one interrogator held a pencil to his ear, threatening to perforate his eardrum and hot water was poured over him; he was also threatened with being doused with boiling water and given electric shocks. This treatment came to an end only when he agreed to sign a statement that he would cease to cooperate with KSS "KOR".

The authorities do not appear to have taken steps to deal with police brutality; it is reported that victims who filed complaints have only rarely obtained redress. The only such case that has come to the attention of Amnesty International was a private action brought in March 1980 by Tomasz Kosciewicz of Slupsk, which led to the conviction and imprisonment of two police officers on charges of having beaten him up after he had refused to clean a lavatory while in detention.

In recent years dissenters have not, in general, been formally charged and tried. This situation has changed during the year; since September 1979 at least six human rights activists have been sentenced by a "Court for Petty Offences" to summarily imposed terms of imprisonment of up to three months. Thus, on 24 March 1980 Adam Wojciechowski, a leading member of the Movement for the Defence of Human Rights and an Amnesty International member, together with Anatol Lawina, a member of KSS "KOR", were sentenced to two and three months' imprisonment respectively on charges of disturbing public peace and littering a public place after they had distributed leaflets calling for a boycott of the 23 March elections. Adam Wojciechowski had previously been sentenced to two months' imprisonment in September 1979 after attempting to prevent a search of his flat by police officers on the grounds that their search warrant was incorrect.

On 10 December 1979 Andrzej Czuma, Wojciech Ziembinski, Jozef Jankowski and Bronislaw Komorowski were sentenced to terms of imprisonment of up to three months on charges of having "slighted the Polish people by asserting that they were not free", "holding an illegal gathering" and "obstructing traffic", after they had spoken at an unauthorized demonstration on the 61st anniversary of Poland's

independence. People serving these summarily imposed sentences are normally sent to work camps, where they work a seven-day week, doing heavy manual labour, such as cleaning and building for local authorities. In addition, there has been a tendency since 1979 to penalize dissenters by bringing what Amnesty International believes to have been false criminal charges against them. Kazimierz Switon, one of the founders of the Committee of Free Trade Unions in Katowice and a member of the editorial board of *Robotnik*, was sentenced in March 1979 to a year's imprisonment on charges of "assaulting police officers". A farmer, Jan Kozlowski, a founding member of the Provisional Committee of the Independent Farmers' Trade Union, and editor of an unofficial paper published by the independent peasant's movement, was sentenced to two years' imprisonment on 1 February 1980 on charges of assault. In April 1979 Tomasz Michalak, a photographer working for the unofficial publishing house NOWA was arrested on charges of forgery. As a result of public pressure he was released, although, according to reports charges against him were not withdrawn. Most recently, Miroslaw Chojecki, manager of NOWA, was arrested on 25 March 1980 on charges of appropriating state property. At the time of writing he is detained in Mokotow Prison in Warsaw. Another such case is the much publicized one of the retired metal worker, Edmund Zadrozynski from Grudziadz, arrested in July 1979 on a number of ordinary criminal and economic charges, the most serious of which involved allegedly inciting his son Miroslaw to theft and receiving regular financial gain thereby. On 15 March 1980 he was sentenced to three years' imprisonment although the two chief witnesses against him (including his son Miroslaw), themselves defendants at the same trial, withdrew their statements, claiming that they had made them under pressure from the State Procurator and the police. Both, however, subsequently withdrew their retractions, although one is reported to have borne at the time clearly visible bruises.

A common feature in all these cases is that the accused were active members of unofficial groups critical of government policies and that they had a history of harassment, including detention and threats of arrest. Where these cases have been brought to court, evidence against the accused has been insubstantial and there have been strong grounds for believing that statements have been extracted from witnesses under police pressure. An Amnesty International member, Austrian lawyer Dr Gunther Hagen, and French lawyer Françoise Cotta attended Edmund Zadrozynski's trial as observers. On the basis of their reports, Amnesty International concludes that Edmund Zadrozynski and key witnesses were denied due legal safeguards and that the evidence against Edmund Zadrozynski was weak and

contradictory and should have resulted in his acquittal. A number of further charges against him are due to be heard at a later date by a higher court.

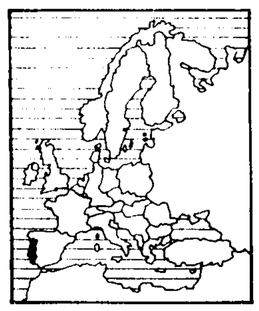
The case of Edmund Zadrozynski highlights certain aspects of the Polish judicial system which are open to abuse. Chief among them are the extensive powers granted to the State Procurator and the police. Investigation and examination of a case are the responsibility of the State Procurator and may be conducted by the police under the former's supervision. The State Procurator may legally deny the accused access to a lawyer until the investigation has been closed. In the case of Edmund Zadrozynski, it is reported that the investigation, which lasted six months, was conducted by the police and that during that period he was not permitted contact with his lawyer. Amnesty International believes that such conditions do not provide adequate legal safeguards and are not conducive to fair trial. In November 1979 it expressed concern to the authorities about reports that Alicja Wesolowska, a 35-year-old employee of the United Nations Development Program (UNDP), arrested in Warsaw on 10 August 1979 while travelling under UNDP instructions to a new posting in Ulan Bator, had been held incommunicado since her arrest. Amnesty International urged that she be given access to a lawyer of her choice and to United Nations (UN) officials and that UN legal advisers and international observers be present during her trial. Alicja Wesolowska was reportedly able to appoint a lawyer of her choice only in December 1979; it is not known to Amnesty International whether she had adequate access to her lawyer. The authorities refused the request of Dr Kurt Waldheim, the UN Secretary-General, to be allowed to send a UN observer to the trial, and a Swedish judge assigned by the International Commission of Jurists to observe the trial was refused entry into Poland. On 7 March 1980 Alicja Wesolowska was sentenced to seven years' imprisonment, deprivation of civil rights for five years, confiscation of property and a fine, by the military court in Warsaw on charges of spying for an intelligence service of a member state of the North Atlantic Treaty Organization (NATO). She is reported to have pleaded guilty. The trial was held *in camera*.

Amnesty International is investigating four other cases of people convicted of espionage, in all of which the defendants are reported to have been denied due legal safeguards and the trial was held *in camera*.

At the end of June 1979 parliament passed a revised military service law. Among the changes introduced were provisions for alternative civilian service for those physically unfit for the armed forces. In January 1980, a director of the Ministry of Religious

Affairs told Reuters that, under new legislation, Polish citizens would be allowed to declare themselves conscientious objectors and opt for alternative state service.

During the year Amnesty International learned of eight people sentenced to death for aggravated cases of murder. In two cases known to Amnesty International the death sentence was carried out.



Portugal

During the year Amnesty International has been concerned about the behaviour of the Portuguese courts, civil and military, towards defendants in trials with a political background. The length of time that defendants spend in custody on remand is frequently unreasonable and the trial procedure does not conform in some instances to internationally recognized norms.

Under Article 1(b) of its Statute, Amnesty International seeks to secure the trial of prisoners of conscience and political prisoners within a reasonable period and opposes any trial procedures relating to such prisoners that do not conform to internationally recognized norms.

Afonso de Sousa, a former member of the Proletarian Revolutionary Party (PRP), arrested in October 1976, was sentenced in November 1977 by the *Tribunal Militar Territorial*, the Territorial Military Tribunal, of Oporto to 13 years' imprisonment for a bank robbery committed in Oporto in October 1976. There were substantial contradictions in the evidence presented against him and irregularities in the trial. In March 1978 the Supreme Military Court, on reviewing the case, quashed his conviction and ordered that he be retried before the Oporto military court.

Under the new Code of Military Justice, *Decreto-Lei* No. 141/77 introduced in April 1977, a trial in a lower military court must be held within six months but in exceptional circumstances this may be extended by a further six months. However, after this period, notice must be given to the Supreme Military Court which is charged with taking measures to accelerate the procedure and arrange the trial. In the event, the date for Afonso de Sousa's retrial was not fixed until August 1979, 16 months after the quashing of the original verdict.

Amnesty International wrote to General Pedro Cardoso, the Chief of the Army General Staff, expressing its concern that Afonso de Sousa may have been detained in prison since November 1976

purely because of his political associations, and requesting that he either be retried promptly or released immediately pending retrial. In their reply the army merely pointed out that Portuguese courts were sovereign and that they were doing everything possible in the matter.

At his retrial in August 1979 Afonso de Sousa was acquitted, after having spent two years and nine months in custody.

In June 1978 Carlos Antunes and Isabel do Carmo, acknowledged leaders of the PRP, were among the first of many members of that party to be arrested. They were held in prison awaiting trial in connection with numerous bank robberies and bomb explosions allegedly carried out by other members of the PRP. It was never alleged that they had been personally involved in committing the acts of violence. Amnesty International, concerned both about the delay in trying these cases and the vague nature of charges such as "moral complicity", requested Dr Hans Rau, of the Max Planck Institute in Hamburg, to attend the trial, which began on 14 January 1980. Because of unnecessary delays, the trial did not finish until 9 April. Dr Rau made two visits to Lisbon during the trial.

Carlos Antunes and Isabel do Carmo were both found guilty of responsibility for, moral complicity in and receiving money in connection with, raids on banks and a bomb explosion. They were sentenced to 15 years' and 11 years' imprisonment respectively.

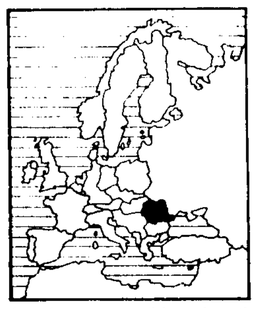
A third defendant, Fernanda Fraguas, was found guilty of participation in a hold-up of a bank and sentenced to 10½ years' imprisonment. She had spent a year and a half in jail while the trial was in preparation — in the view of Amnesty International an unreasonable length of time, but even after this delay a witness, who stated categorically that Fernanda Fraguas was not involved, was not questioned officially by the police until the trial had begun. Fernanda Fraguas was identified as a participant only after eye-witnesses had been shown her photograph before the identity parade.

In the opinion of the Amnesty International observer the procedure used by the court did not conform to internationally recognized norms in three important respects. First, the court admitted hearsay evidence. Second, in Portuguese trials there is no written transcript of the evidence given by witnesses. This makes it extremely difficult at the appeal stage for the facts to be established, since the appeal court can base its judgment only on the facts as recorded in the judgment of the court of first instance. This presents a considerable handicap to the defence and is a serious limitation of their rights.

Third, although the court gave the prosecution every opportunity to present its evidence, much of it questionable and not to the point, it did not always treat the defence similarly. Consequently, a key witness who could have challenged the reliability of the principal

prosecution witness, Dinis Lucas, was not allowed to give evidence on the grounds of lack of time. Having noted these points, Amnesty International is not yet in a position to say whether the court could fairly have found as it did until the written judgment is available. The case is being appealed.

Although an amnesty law exists for political cases, in this last case the prosecution has argued and the court has stated that the law of amnesty should not be applied on the grounds that this law extends only to offences committed during an insurrection or civil war.



Romania

During the year the concerns of Amnesty International have been the continuing punishment of Romanian citizens who attempted to exercise internationally accepted human rights in a non-violent manner, by means of imprisonment or forced labour (the latter officially termed "corrective labour without deprivation of liberty") or by confinement in psychiatric institutions. The inadequacy of legal safeguards for those arrested and conditions of detention have also been major areas of concern.

A new penal code has been pending since 1977; in view of some of the modifications introduced into the current penal code since its enactment in 1969, it is expected to confirm the trend away from prison sentences towards sentences of corrective labour, at present an alternative penalty for offences which would otherwise be punishable by not more than three years' imprisonment. Amnesty International noted that on 11 February 1980, Decree 153/1970 on the "determination and punishment of violations of the rules of social cohabitation, public peace and order" was amended to allow the court to sentence offenders to terms of corrective labour rather than imprisonment. A high proportion of prisoners of conscience adopted by Amnesty International in recent years were sentenced to up to six months' imprisonment under this decree for alleged "anti-social behaviour" or "parasitical conduct".

The penal code contains provisions explicitly restricting certain human rights. Article 166 limits the exercise of freedom of expression, making "anti-state propaganda" punishable by from five to 15 years' imprisonment.

In practice, Romanian citizens who have in recent years attempted to exercise their human rights in ways disapproved of by the

authorities have frequently been sentenced not on overtly political charges but on what Amnesty International believes to have been false criminal charges, such as "disturbing public order", "parasitism", "homosexual acts" and "embezzlement". Although they have tended to receive lighter sentences than they would have received under political articles of the penal code, in the view of Amnesty International, the courts have been influenced by political considerations in their cases, and dissenters brought to trial even on such charges have little chance of acquittal.

The government strictly limits emigration: many citizens who have applied to emigrate have regularly had their applications refused. People who apply to emigrate, moreover, incur the risk of a variety of reprisals, ranging from harassment and loss of employment to imprisonment and even confinement in psychiatric institutions. During the year, the majority of prisoners of conscience adopted by Amnesty International have been people who have been penalized as a result of having applied to emigrate or who, having had their application refused by the authorities, often repeatedly, have demonstrated in support of their right to emigrate or have attempted to cross the border into Yugoslavia without authorization. Such cases include those of two drivers from Bucharest, Paul Chiracu and Nicolae Jelev. In September 1978, after their application to emigrate had been turned down, the two men, together with their families, barricaded themselves into the Chiracu family's apartment and proclaimed a hunger-strike in support of their demand to emigrate by means of bills posted in the windows. Two days later, police broke into the flat and arrested the two men. They were subsequently sentenced to three and a half and two years' imprisonment respectively, on charges of having "seriously disturbed the public peace". These sentences were later confirmed by the Municipal Court of Bucharest. The two men are at present detained in Poarta Alba prison.

Amnesty International has continued to work on behalf of the economist Gheorghe Rusu from Tirgoviste, sentenced to three years' imprisonment on charges of "homosexual acts" after he had applied to emigrate to France to join his wife and child. A somewhat similar case, taken up by Amnesty International in the year under review, was that of the 22-year-old Bucharest student, Mihail Botez, who, after applying to marry a French citizen and emigrate to France, was arrested in March 1979 on charges of "homosexual acts" with his fiancée's brother, Pierre Drean, then teaching in Bucharest. Detailed information concerning that incident made available to Amnesty International by Pierre Drean indicates unequivocally that the two young men were victims of a carefully staged "frame-up" by the state security police. Mihail Botez was sentenced to one year's imprisonment

in August 1979. During this time his mother was summoned to the police and threatened that if she did not cease all contact with France she would never see her son again. Mihail Botez was conditionally released early in 1980. In February 1980 Amnesty International learnt that his fiancee's application to marry him had been refused by the Romanian State Council.

Amnesty International has adopted also Florin Preda from Bucharest who, in May 1979, attempted to leave the country without authorization after the rejection of his applications to emigrate. After swimming across the Danube to Yugoslavia, he was driven by two American friends to the Belgrade offices of the United Nations High Commissioner for Refugees. Despite assurances by UNHCR officials that, after completing certain formalities, he would be allowed to proceed to Athens, he was returned by the Yugoslav police to Romania on the grounds that he had committed "conspiratorial violation" of the Yugoslav border. Florin Preda was subsequently sentenced to two years' imprisonment under Article 245 of the penal code which makes "fraudulent crossing of the border" an offence punishable by from six months' to three years' imprisonment. Other similar cases of concern to Amnesty International include a group of ethnic Germans from Jimbolia, members of the Maser, Schira, Kampf and Noll families. In autumn 1979 they crossed the border into Yugoslavia, were arrested by Yugoslav guards and returned to Romania. In November 1979, some of them were sentenced to terms of imprisonment of up to three years, others to 15 months' forced labour.

Prisoners of conscience adopted by Amnesty International have included religious dissenters, usually members of Protestant evangelical sects. There have been indications that official attitudes to such groups have hardened. At the 12th Romanian Communist Party Congress in November 1979, President Ceausescu spoke of the need to combat "mysticism [and] retrogressive conceptions". The Romanian press has carried a number of articles denouncing the evils of "mysticism" and calling for a more militant propagation of atheism. For example, an article in the official *Revista de Pedagogie*, Review of Pedagogy, of November 1979 criticized the "proliferation of sects in Romania, especially neo-Protestant ones", stating that "all the sectarian movements and especially those outside the law are characterized by mysticism carried to the point of the annihilation of reason"; members of such movements were described as being "intent on undermining confidence in socialism" and "mysticism" was referred to as a "neo-fascist" phenomenon.

In the past two years, some of the leaders of *Apararea Libertatii Religioase si de Constiinta* (ALRC), the Romanian Christian Committee for the Defence of Freedom of Religion and Conscience, founded in May 1978 by a group of Baptists and other neo-Protestants critical of the cooperation given to state authorities by the official leadership of their churches and of official restrictions on religious freedom, have emigrated — either of their own free will or allegedly under threat from the authorities. Members of this group and other religious activists who have remained in Romania have continued to be persecuted. They included Dimitrie Ianculovici from Timisoara, an ALRC member sentenced to six months' imprisonment in May 1979, having been charged with "parasitism", and the Hungarian Baptist and ALRC member Ludovic Osvath from Zalau sentenced to one year's forced labour in June 1979 after he had protested about his expulsion from the official Baptists' Union and his subsequent dismissal from employment. During February 1980, an ALRC member, Ioan Tirziu, was sentenced to five months' imprisonment on charges of "instigation of anti-social behaviour"; while other ALRC members, including Radu Capusan, Ioan Moldovan and Emerich Iuhasz, were repeatedly summoned to police headquarters for interrogation. During the same month, February 1980, the gypsy Pentecostalist and former Amnesty International prisoner of conscience, Ioan Samu from Medias, was stopped in the street by police officers who beat both him and his pregnant wife.

Amnesty International adopted the Seventh Day Adventist Gheorghe Alexandru from Ploiesti, sentenced in October 1979 to one and a half years' imprisonment for his part in the unofficial printing of religious literature; he was charged with having committed an economic offence by illegally using state equipment and paper. Groups are working also on behalf of five members of the unofficial Reformed Seventh Day Adventist Church who have been sentenced, on charges of insubordination, to terms of imprisonment varying from three to four years for refusing, on grounds of conscience, to perform military service on Saturday. Amnesty International is investigating the case of the Jesuit priest, Father Michael Godo, from Baile Herculane, arrested in September 1979, reportedly charged with currency offences.

During the year Amnesty International continued to work on behalf of 23 Jiu valley miners who were forcibly resettled after striking for better working conditions in 1977. The Romanian authorities denied officially that a strike took place but admitted unofficially that an unspecified number of strikers were "banished", although there are no formal provisions for banishment in Romanian law. In February 1979, a group of intellectuals and workers from Bucharest and Turnu Severin issued a manifesto announcing the foundation of *Sindicatul Liber al Oamenilor Muncii din Romania* (SLOMR), the Free Trade

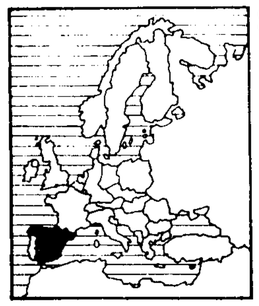
Union of Romanian Workers, for the protection of human rights, in particular those of workers. In March 1979 the leaders, Gheorghe Brasoveanu, an economist, and Dr Cana, a physician, were arrested and were subsequently reported to have been confined in a psychiatric hospital after their families had been forced to sign declarations that they were mentally ill. In June 1979 Dr Cana was sentenced to seven years' imprisonment, reduced to five and a half on appeal; at the time of writing, Gheorghe Brasoveanu's fate is still not known. Another SLOMR member, Nicolae Dascalu, who had reported the arrest of a number of SLOMR members and the wish of a group of Bucharest citizens to join Amnesty International, was sentenced in May 1979 to 18 months' imprisonment (reduced to 10 months' on appeal) for having disseminated information abroad without legal authorization. Other SLOMR members were sentenced to terms of up to six months' imprisonment or to fines, on charges of "parasitism". One of these, Eugen Onescu (who had been fined), was also visited at home in May by doctors from the Dr Marinescu Psychiatric Hospital in Bucharest, who, according to reports, forcibly subjected him to painful injections with an unidentified drug, claiming that he suffered from Parkinson's Disease. Some weeks later he was confined to the Kula Annexe of the Dr Marinescu Hospital for 30 days; he was diagnosed as suffering from a psychosis and given painful injections which resulted in apathy and a temporary loss of the sense of balance. Another SLOMR member, a 19-year-old Bucharest student, Gheorghe Vasiliu, who had applied to emigrate, was reportedly confined on several occasions to the Dr Marinescu Hospital during April and May 1979; he was given injections which caused him temporarily to lose consciousness and to suffer severe headaches. Arrested at the same time as Dr Cana and Gheorghe Brasoveanu was the Orthodox priest and former political prisoner, Father Calciu. Although he was acquainted with Gheorghe Brasoveanu, Father Calciu was not a signatory of the SLOMR manifesto. During preventive detention, Father Calciu was reportedly deprived of sleep for four days and nights in order to make him sign a declaration concerning a meeting he had had with an American journalist in early March. In June 1979 he was sentenced to 10 years' imprisonment, which he is reportedly serving in a Bucharest prison, Sos. Giurgiului. After his conviction his wife was apparently refused a copy of the judgment. The authorities have claimed that Father Calciu was a member of the Romanian fascist movement, the Iron Guard, (he was 13 years old in 1940) but did not produce any evidence that his arrest and conviction in 1979 were for the propagation of fascist ideology.

Conditions of detention and trials for political prisoners continue to give cause for concern. There have been persistent reports of police

brutality. People detained for interrogation have reported being beaten and threatened with a "fatal accident" or with confinement in psychiatric institutions. There have also been complaints that people held in investigative detention have been severely beaten and subjected to various forms of psychological pressure with the aim of extracting confessions from them and that they have been denied access to a lawyer. In some cases where the accused have been able to obtain lawyers of their choice, it has been reported that the President of the court repeately interrupted the lawyers' defence of their clients. Those sentenced under Decree 153/1970 concerning "anti-social or parasitical conduct" have complained of receiving a summary trial, sometimes lasting no more than 15 minutes and of being denied the right to legal defence.

Former prisoners of conscience have reported overcrowded and insanitary conditions of imprisonment, poor and inadequate diet, long working hours and minimal medical care, which have all contributed to severe strain on prisoners' health. Conditions appear to be particularly bad in Timisoara and Aiud prisons. It is reported also that guards have beaten prisoners who protested about prison conditions or who failed to meet work norms and that guards have incited criminal prisoners to mock and attack prisoners of conscience, in particular religious dissenters. Amnesty International is disturbed to learn that, since his arrest, Gheorghe Rusu has twice had to be taken to prison hospital with fractured ribs and severe internal haemorrhage after being attacked by other prisoners, allegedly at the instigation of prison officials.

Under the 1969 penal code, 28 crimes carry a discretionary death sentence. It is reported that the number of offences punishable by death in the pending penal code will be considerably reduced and that the death penalty will no longer be applicable for offences of an economic nature.



Spain

Amnesty International considers that during the year under review Spain has not maintained the progress of recent years in the protection of human rights. The way in which the anti-terrorist legislation has continued to be applied, the use of ill-treatment and torture and the increasing number of prosecutions intended to stifle non-violent freedom of expression are immediate and grave threats to human rights.

During the year armed conflict between extremist groups of the left and right and the forces of public order has continued, especially in the Basque country. In 1978 and 1979 the government introduced measures which gave new powers to the judiciary and the police, to deal with this situation. The *Amnesty International Report 1979* described the principal elements of this new legislation (Law 56/1978 of 4 December 1978 and Decree-Law 3/1979 of 26 January 1979) which was renewed for another year.

Briefly, these powers authorize the police to detain not only individuals who are members of armed groups but also those who defend publicly by oral, written or any other means, the conduct or activities of any person who is a member of an armed group or who even associates with such members. These powers are so all-embracing and so vague in definition that people may be detained for defending or associating with others even though no specific offence may, in fact, have yet been committed by those they defend or with whom they associate.

Under these powers a detainee may be held in a police station, completely incommunicado, without the assistance of a lawyer, for a period of 72 hours which, on the order of a magistrate of the *Audiencia Nacional*, National Court, in Madrid, can be extended for a further seven days. The requests for extension made by the police are invariably granted, even on the most insubstantial grounds. In Amnesty International's view it is particularly serious that individuals may be held without access to lawyers, a practice which is clearly in contravention of rights guaranteed by the constitution of December 1978 in Article 17(3).

A further consequence of this situation was the continuing allegations of ill-treatment and torture of detainees in police stations during this 10-day period. This is in large measure due to the impossibility of obtaining legal assistance and the almost complete

lack of control by the competent magistrates. Occasionally intervention from outside is successful in obtaining the release of detainees held incommunicado, but rarely is it possible to secure access to lawyers as stipulated in the constitution. During the period under review Amnesty International has successfully requested the authorities in a number of cases to use their good offices to secure the constitutional rights of detainees.

Not all detainees under these new laws were ill-treated or tortured and there were great differences between regions. However, there was overwhelming evidence of a systematic use of the illegal and unconstitutional practices described above. In a substantial number of cases the plaintiffs have brought legal actions against the police, but in most they have been unsuccessful (*sobreseido*) because of their inability to provide corroborative evidence. Even in cases where there is indisputable evidence, it is difficult, if not impossible, to obtain redress. The proceedings are characterized by a lack of urgency on the part of the judicial authorities and a failure by the police to cooperate with them.

Dr Xavier Onaindia was arrested on 13 June 1979 in Bilbao and spent nine days incommunicado in the Indauchu police station. During this period he suffered substantial injuries from beatings, electric shocks and deprivation of sleep. These were comprehensively described in two medical documents which corroborated his allegations and which were issued by two different independent doctors one day after his release. Criminal proceedings against the police for torture were begun (*diligencias previas* 1736/79 of 25 June) in the Bilbao court. However, it was not until 10 months after the opening of the inquiry that the police agreed to hold an identity parade. Dr Onaindia positively identified three officers, but at the time of writing the judge has still failed to issue the necessary order enabling proceedings against the police to continue. No charges have ever been preferred against Dr Onaindia.

In October 1979 Amnesty International sent a mission to Spain to investigate the allegations of ill-treatment and torture and to examine the application of the anti-terrorism laws. The mission consisted of two doctors, Dr Ole Vedel Rasmussen and Dr Hans Drominsky-Petersen, and an interpreter, Vibeke Pentz-Møller, all from Copenhagen, Professor Kurt Madlener of the Max Planck Institute for International Comparative Penal Law in Freiburg/Br., and a staff member of the International Secretariat of Amnesty International. The two doctors examined people in Madrid, Barcelona and Bilbao who had made allegations of ill-treatment and torture; Professor Madlener had discussions on the law.

Amnesty International found from its inquiries that ill-treatment

amounting to torture occured in police stations in all three cities. The use of the new laws by the police, the lack of control by the competent magistrates and the denial of the constitutional right to legal assistance were all, in their varying degrees, responsible for the continuation of ill-treatment and torture.

In February 1980 a government commission of inquiry into torture allegations started work with a limited brief. It is composed of members of parliament and at the time of writing it has not yet produced a report. However, it should be noted that even this body has been denied access to essential information and institutions.

The imprisonment of conscientious objectors simply for refusing to do military service, as distinct from the prosecution of individuals in cases involving freedom of expression and association, has in the past few years not been common. This is principally because of the policy of permitting people liable to military service to delay their entry into the armed forces on grounds of conscience until the introduction of a new law on military service. In January 1980 the text of the projected law was published; unless it is substantially amended, it could result in a return to the practice of imprisoning conscientious objectors. Amnesty International considers the law to be unsatisfactory in three essential respects.

First, conscientious objectors may apply for exemption only on the grounds of profound religious or ethical convictions. Amnesty International has consistently urged that all members of the Council of Europe should adhere to the principles of Resolution 337 of the Parliamentary Assembly of the Council of Europe. This declares in its basic principles that, with respect to Article 9 of the European Convention on Human Rights, people should be released from the obligation to perform armed service if they refuse to do so for "religious, ethical, moral, humanitarian, philosophical or similar motives".

Second, the nature of the alternative civilian service as proposed by the authorities appears to be unsatisfactory and is twice as long as military service, a practice which Amnesty International considers to be punitive.

Third, during the period of this service, conscientious objectors are forbidden to engage in any political or union activity apart from exercising their normal rights to suffrage and maintaining their existing affiliations to political or union organizations.

Anyone convicted and imprisoned under the new law would be considered for adoption as a prisoner of conscience by Amnesty International.

Frequently people who are conscientious objectors associate with others to obtain alterations in legislation and improvement in the

conditions of service. During the year Amnesty International intervened in the cases of six civilians charged with sedition who were threatened with trial by military tribunals in Valencia. It considered that they were exercising their right to non-violent freedom of expression. A similar case occurred in March 1980 in Bilbao where a total of 20 people are, at the time of writing, in prison awaiting trial by a military court.

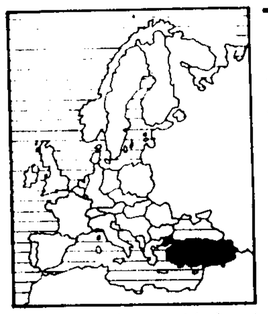
On 16 March 1980, José Daniel González López was arrested in Bilbao while distributing a leaflet, *No a la Mili*, "No to Military Service". This was considered damaging and insulting to the army and on conviction he could be sentenced to up to six years in prison. Two days later, 19 other demonstrators were arrested for supporting him and charged with distributing similar leaflets. All have been adopted by Amnesty International as prisoners of conscience.

During the year editors, writers, a film director and journalists were charged with offences relating to their work. The judicial authorities consider that they have disseminated comments, allegations and ideas that are damaging and disrespectful to the courts or to the armed forces or organs of state.

Juan Luis Cebrián, the prize-winning editor of the Madrid daily newspaper *El País*, was fined and given a suspended prison sentence for publishing, in April 1978, a leading article entitled "The Press and Democracy", which condemned the existing laws on the press as obsolete. The article was written in connection with the conviction of a fellow editor, which Juan Luis Cebrián strongly condemned. The prosecution appealed and the case will go to the Supreme Court.

Miguel Angel Aguilar, the editor of *Diario 16*, a Madrid daily newspaper, is facing trial by a military tribunal for publishing an article giving details of an alleged attempted coup by the army.

Pilar Miró is the director of the film "The Crime of Cuenca" which won a prize at the Berlin Film Festival and deals with the events in Cuenca at the beginning of the century, in which the *Guardia Civil* was involved in the torture of suspects. She, too, is also awaiting trial before a military court.



Turkey

The concerns of Amnesty International were prisoners of conscience and the legislation which leads to their imprisonment; cruel, inhuman and degrading treatment of prisoners; and the death penalty.

Martial law, imposed in December 1978, has been renewed at two-monthly intervals and in April 1980 was in force in 20 of Turkey's 67 provinces. The political violence by right-wing and left-wing extremists which provoked the imposition of martial law has continued and increased, resulting in the loss of nearly 3,000 lives in the two years up to April 1980.

Although the main objective of martial law has been to control the violence, it has been used also to close down many publications and organizations. Prosecution continued of writers, translators, publishers, editors and journalists under Article 142 of the penal code, which prohibits "making propaganda for the domination of a social class over other social classes". In February 1980 Amnesty International received reports of the closing down of the socialist daily newspaper *Politika* and of the arrest of its editor, Osman Ikiz, and one of the paper's journalists, Aydin Engin. Amnesty International has been informed of many other prosecutions under Article 142 but in most cases the defendants remain free while the trial continues.

During the year two cases were brought to the attention of Amnesty International of people charged with "making propaganda for separatism". Professor Ismail Beşikçi, previously adopted by Amnesty International as a prisoner of conscience in 1973, when he was imprisoned on similar charges, was sentenced to three years' imprisonment in September 1979. Although Professor Beşikci is not himself a Kurd, his imprisonment on both occasions was due to his recognition of the Kurds as a separate ethnic group in his writings, seminars and lectures. This is prohibited by Turkish law. In March 1980 Amnesty International received a report that the Mayor of the city of Diyarbakir, Mehdi Zana, was being tried by a military court for "making propaganda for separatism". The population of Diyarbakir is largely of Kurdish origin.

Amnesty International expressed continued concern about Articles 141, 142 and 163 of the Turkish Penal Code in a letter to the then Prime Minister, Bülent Ecevit, in May 1979. Article 141 prohibits forming organizations "aimed at establishing the domination of a social class over other social classes" and Article 163 is used to

imprison anyone who "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".

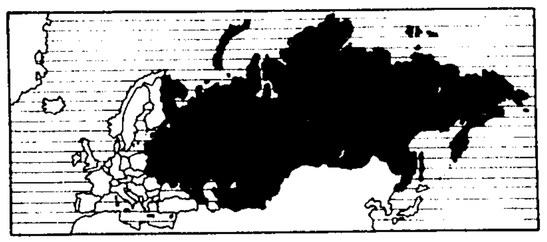
The arrest and alleged ill-treatment of trade unionists were the subject of several approaches on the part of Amnesty International to the authorities. In August 1979, it wrote to the Prime Minister, Bülent Ecevit about the arrest of members of *Devrimci Işçi Sendikalari Konfederasyonu* (DISK), the Confederation of Progressive Trade Unions of Turkey, and of allegations that they were beaten while detained in a military prison in Diyarbakir. In his reply, Bülent Ecevit stated that the findings of the medical examination of the detainees by the Diyarbakir Faculty of Medicine "showed that the allegations were unfounded".

In December 1979, Amnesty International wrote to the new Prime Minister, Süleyman Demirel, asking about the arrest the previous November of members of *Tüm Ogretmenler Birligi Dernegi* (TOB-DER), the Association of All Teachers. The inquiry was made again in February 1980, together with a request for information about the arrest of Kemal Turkler, President of *Türkiye Maden, Madeni Eşya ve Makina Sanayii Işçileri Sendikasi* (Maden-Iş), the Metal Workers' Trade Union, and six of his colleagues, who were charged under Article 142 for singing the *"Internationale"* at their Union Congress. Further reports of arrests and ill-treatment of trade unionists were raised in a letter to Süleyman Demirel in April 1980 and during a visit to Vahap Asiroglu, the Turkish Ambassador in London, shortly afterwards.

In April 1980 Amnesty International received information that 18 members of the Progressive Youth Organization, arrested in Istanbul on 16 April, had recently been tortured and were being denied access to lawyers. Urgent appeals were made to Süleyman Demirel and to the Minister of the Interior, Mustafa Gülcügil, for an immediate investigation of the allegations.

On 29 April 1980 a further detailed account of torture was received. Dr Dursun Kirbaş, an assistant at the Bakirköy Psychiatric Hospital in Istanbul, was arrested at his home on 28 March 1980 and taken to the Political Police Centre at Gayrettepe, where he was held for two weeks and tortured during interrogation. Both physical and psychological torture are alleged to have been used on Dr Kirbas, including *falanga* (beating of the soles of the feet); electric shocks; threats that his sister would be raped and that a truncheon would be forced up his anus. He was also made to listen to the screams of others undergoing torture. When he was brought before a military tribunal, the charges against him were dismissed and he was released.

Union of Soviet Socialist Republics



During the year Amnesty International continued to be concerned about the following: harassment, arrest, trial and imprisonment or forced detention in mental hospitals of people holding views — whether political, religious or nationalist — disapproved of by the authorities; administrative procedures, lacking necessary safeguards, which are used to suppress dissent; about trial procedures that fall short of international norms; the conditions of detention of political prisoners; the death penalty. Amnesty International worked on about 350 adoption or investigation cases.

Dissenters in various categories have been arrested and imprisoned for the non-violent exercise of their human rights and sentenced to imprisonment, frequently under criminal legislation which explicitly restricts the non-violent exercise of human rights. Since the signing of the Helsinki Final Act in 1975, Amnesty International has learned of more than 500 people newly imprisoned or restricted for exercising fundamental human rights. That total does not include those already imprisoned in 1975. Amnesty International believes that there are many more prisoners of conscience than those of whom it knows. The real number is, however, obscured by official censorship and secrecy regarding penal practices and by the threat of retaliation against those who speak out about political imprisonment.

At the time of writing, Amnesty International still has not heard of a single case in which a Soviet court has acquitted anyone charged with political or religious offences.

During the year under review, inmates of the country's penal institutions were still being subjected to a regime of chronic hunger, inadequate medical care and difficult, often dangerous, compulsory labour. Inmates of psychiatric hospitals continued to be deprived of virtually every right that would enable them to protect themselves against ill-treatment by medical or other methods. Soviet citizens who expose and protest against these human rights violations risk imprisonment.

The year was characterized by a marked increase in the number of

dissenters arrested, put on trial and sentenced to imprisonment. Although many of those arrested were explicity charged with political offences, such as "anti-Soviet agitation and propaganda", a large number of others faced criminal charges, such as "resisting the police", "hooliganism" and even "attempted rape", which Amnesty International believes to have been without foundation. Moreover, trials of dissenters continued to be marked by frequent violations of internationally accepted standards for fair trial.

Apart from the arrest, trial, imprisonment or forced detention in mental hospitals of many dissenters, Amnesty International also received information about the widespread harassment, intimidation and short-term detention of many others. It also received numerous reports about dissenters being physically ill-treated by unidentified assailants.

In a news release issued on 24 June 1979 which coincided with the first anniversary of the trials of the "Helsinki monitors" in the Union of Soviet Socialist Republics (USSR), Amnesty International drew attention to the growing number of Soviet citizens who had been imprisoned, exiled or forcibly confined to psychiatric hospitals for exercising their human rights since the 1975 Helsinki Conference on Security and Cooperation in Europe. It condemned the authorities' treatment of those members of unofficial groups set up by citizens to review their country's compliance with the human rights provisions of the Final Act of the Helsinki Conference.

During the summer of 1979 a further four Helsinki monitors were arrested. Edward Arutunyan, a 51-year-old economist and member of the Armenian Helsinki monitoring group was arrested on 13 July in Erevan and charged with "circulation of fabrications known to be false which defame the Soviet state and social system" (hereafter abbreviated to "anti-Soviet slander"). The other three arrested monitors were members of the Ukrainian group: Vasyl and Petro Sichko, who were charged with "anti-Soviet slander" and Yuri Litvin who, it is believed, was falsely charged with "resisting the authorities". The latter two had previously been imprisoned for political offences.

Among those adopted by Amnesty International as prisoners of conscience during the year are people imprisoned for trying to emigrate (including Jews, Germans, Ukrainians and Pentecostalist believers), for writing and preparing books, journals or leaflets whose political or religious content was disapproved of by the authorities and for expressing nationalist sentiments (in particular Ukrainians, Lithuanians, Latvians and Estonians).

During 1978 the authorities strengthened measures to expel Tatars who have resettled in the Crimea, their ancestral homeland from which they were forcibly deported in 1944, and to prevent others

from returning there. During the year Amnesty International adopted 11 Crimean Tatars as prisoners of conscience after they had been arrested or tried and imprisoned for peacefully seeking the right to live in the Crimea. Among them were Eldar Shabanov, who was sentenced in May 1979 to three years' imprisonment on a false charge of "malicious hooliganism" and Mamedi Chobanov, who in July 1979 was convicted for a third time for his participation in the Crimean Tatar movement and given three years' imprisonment for "anti-Soviet slander".

Amnesty International continued to work for the release of prisoners of conscience belonging to unofficial workers' groups. In August, Nikolai Nikitin, a member of SMOT, the "Free Inter-professional Association of Workers", was arrested in Leningrad and in October 1979 sentenced to one and a half years' imprisonment for "anti-Soviet slander". In September, Anatoly Poznyakov, a member of a similar group, "The Association of Free Trade Unions of Workers in the Soviet Union", was arrested in Moscow, ostensibly for "hooliganism", and subsequently forcibly confined for an indefinite period to a psychiatric hospital. Another member of SMOT, Mikhail Solovov, was arrested in December 1979 and sentenced in April 1980 to three years' imprisonment after being convicted of making remarks on a Moscow trolleybus that insulted President Leonid Brezhnev. In June, Mikhail Kukobaka, a Byelorussian worker and long-standing dissenter, who has spoken out in defence of workers' rights, was sentenced to three years' imprisonment for "anti-Soviet slander".

During 1979 Amnesty International adopted as prisoners of conscience members of two unofficial groups in Leningrad that were broken up by the authorities. In April 1979 two members of a "Left Opposition" student group were tried for "anti-Soviet agitation and propaganda": Arkady Tsurkov was given a sentence of five years' imprisonment and two years' internal exile, and Alexander Skobov was ordered to be confined to a psychiatric hospital. In July, another member of the group, Alexei Khavin, was sentenced to six years' imprisonment on a charge — believed by Amnesty International to be false — of "possessing or marketing narcotics". In October three members of a group calling itself "The Movement of Revolutionary Communards" were arrested. They were tried in December, ostensibly for "hooliganism". Alexei Stasevich and Vladimir Mikhailov were both sentenced to three years' imprisonment and Alevtina Kochneva to one year and three months.

Amnesty International continued to receive reports of conscientious objectors who have been imprisoned for refusal to do military service. They included: a Roman Catholic, Teet Papson; a Baptist, Alexander

Savin; a Pentecostalist, Pavel Lupanov; a Jehovah's Witness, Yuri Bohdan; a Seventh Day Adventist, Pavel Schreider; a Jew, Boris Kalendarov.

A considerable number of those arrested, or tried and imprisoned, between spring and autumn 1979 for the peaceful exercise of human rights, were religious believers, particularly Baptists, Seventh Day Adventists and members of the Russian Orthodox Church. In June 1979, for example, the Baptist Valentin Naprienko was sentenced in the Ukraine to three years' imprisonment for circulating unofficial religious literature. In August, Galina Vilchinskaya and Pavel and Vladimir Rytikov were imprisoned in connection with organizing a holiday for Baptist children. They are still awaiting trial.

Three Seventh Day Adventists were tried in Stavropol Territory in June 1979 for operating an unofficial printing press. Rikhard Spalin was sentenced to seven years' imprisonment and his co-defendants, Yakov Dolgotyor and Anatoly Ryskal, to four years' each.

Several Russian Orthodox believers were imprisoned in connection with their religious beliefs. In the summer of 1979 Tatyana Shchipkova and Vladimir Poresh, both members of an unofficial seminar of Orthodox Christians in Moscow, were arrested and subsequently sentenced to three years' and to eight years' imprisonment and exile respectively for "hooliganism" and "anti-Soviet agitation and propaganda". Two of the group's members previously arrested, Sergei Ermolayev and Igor Polyakov, were sentenced in September 1979 to four years' and three and a half years' imprisonment respectively for "hooliganism". A further three members of the group have since been arrested. Amnesty International learned also of the trial in Moscow in March 1979 of Valeriya Makeyeva, a 50-year-old Russian Orthodox nun, who was charged with illegally producing religious handicrafts. She was sentenced to forcible confinement in Kazan Special Psychiatric Hospital and is reported to be undergoing treatment with powerful neuroleptic drugs.

Throughout the year Amnesty International continued to receive information indicating that the practice of compulsory confinement in psychiatric hospitals for political or religious beliefs rather than for authentic medical reasons was continuing. In November 1979, for example, Amnesty International issued a paper in which it stated that during the previous 12 months it had received detailed information on 20 new cases of political abuse of psychiatry. By the end of April 1980 it had learned of a further 18 cases. Several of them — for example that of the Ukrainian journalist Pavlo Skochok and of the Lithuanian human rights campaigner Arvidas Chekhanavichius — have been arrested under criminal law procedures and confined to a special psychiatric hospital for an indefinite period. Special psychiatric

hospitals constitute the most severe form of psychiatric detention and are intended for people who "represent a danger to society". Much more common, however, have been cases of confinement to ordinary psychiatric hospitals, for example Aleksander Komarov, Vladimir Lisov and Georgy Fedotov.

Amnesty International continued to receive reports about the ill-treatment of prisoners of conscience in psychiatric hospitals, particularly with powerful drugs. This happened, for example, in the cases of Iosif Terelya, Vladimir Rozhdestvov and Valeriya Makeyeva. Several prisoners of conscience, including Dr Mykola Plakhotnyuk, remained confined in psychiatric institutions, even though doctors recommended their release.

On 4 September 1979 a representative of Amnesty International presented an oral statement on the problem of psychiatric abuses, notably in the USSR and Romania, to a session in Geneva of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities. On 8 November Amnesty International wrote to the members of the World Psychiatric Association's Executive Committee and to the Chairman of its Committee to Review the Abuses of Psychiatry, expressing its deep concern about the use of psychiatry for political purposes, particularly "the continuing high level of abuses in the USSR" and urging them to continue their efforts to prevent such abuses.

On 10 October 1979 Amnesty International issued the text of an open letter to President Brezhnev, appealing for the unconditional release of all prisoners of conscience in the USSR. On 12 October TASS (the official news agency in Moscow) responded by describing the letter as "a very obvious attempt to defame the Soviet Union on the eve of the Olympics by means of the most flagrant misinformation". The TASS statement did not mention any of the charges of abuse of human rights levelled by Amnesty International.

Towards the end of 1979 the Soviet authorities launched a major drive against all categories of dissenters, which resulted in a significant increase in the number of known arrests and trials. On 15 January 1980 Amnesty International expressed concern, in an international news release, that more than 40 people were known to have been arrested or tried for non-violent exercise of human rights, during the last three months of 1979, in what appeared to be a country-wide crackdown on dissenters.

Among those arrested in Moscow were the prominent human rights campaigner Tatyana Velikanova (arrested on 1 November), the Helsinki monitor Viktor Nekipelov (7 December) and the well-known religious rights campaigner, Father Gleb Yakunin (1 November) and Lev Regelson (24 December). In the Ukraine those arrested included

the Helsinki monitors Vasyl Striltsiv (arrested on 25 October), Petro Rozumny (19 October), Yaroslav Lesiv (15 November), Vitaly Kalynychenko (25 November) and an associate of the group, Mykola Horbal (23 October). In December, four other members of the Ukrainian Helsinki monitoring group, Yuri Litvin, Petro Sichko, Vasyl Sichko and Oles Berdnyk, were tried and given sentences ranging from three to nine years' imprisonment and internal exile. In Lithuania, two well-known human and national rights activists, Antanas Terleckas and Julius Sasnauskas, were arrested.

Among others imprisoned were Reshat Dzhemilev, a campaigner for the rights of the Crimean Tatars (sentenced in December to three years' imprisonment), Igor Korchnoi, a would-be emigrant (sentenced in December 1979 to two and a half years' imprisonment) and three editors of an unofficial literary journal: Valery Abramkin, Viktor Sokirko and Yuri Grimm.

Amnesty International drew particular attention to the severe sentences given to several human rights activists: Yuri Badzyo, a Ukrainian writer, sentenced on 21 December 1979 to seven years' imprisonment and five years' internal exile for "anti-Soviet agitation and propaganda"; Oles Berdnyk, a Ukrainian science fiction writer and a Helsinki monitor, sentenced on the same date and charge to six years in prison and three years' internal exile; the Baptists Ivan Kiriliuk, Vyacheslav Zayats, Viktor Lytovchenko and Viktor Draga, sentenced on 3 December 1979, to 12, 10, seven and three years' respectively after being convicted on allegedly false criminal charges ostensibly unrelated to their religious activity. Another Baptist, Anatoly Runov, was reported to have been forcibly confined in a special psychiatric hospital in December 1979, after attempting to distribute leaflets on religious themes.

The crackdown continued during the early months of 1980. By the beginning of April the total known to Amnesty International of those arrested, or tried and sentenced to imprisonment since the beginning of October 1979 was more than 100.

On 22 January 1980 the Soviet scientist and human rights campaigner, Andrei Sakharov, was taken into custody in Moscow, stripped of decorations and awards previously conferred upon him by the government and sent to live in the city of Gorky. He was not charged with any criminal offence or brought before a court. On the same day, Amnesty International stated in a letter delivered to the Soviet Embassy in London that all the known facts indicated that the action was taken because of Dr Sakharov's public activities in defence of human rights and that it contravened international human rights instruments subscribed to by the USSR.

The authorities continued to arrest dissenters who are particularly

well-known within the USSR and abroad. Among them were the prominent Russian human rights campaigner Malva Landa (sentenced in March 1980 to five years' internal exile); the Russian Orthodox activists, Father Dimitry Dudko and Viktor Kapitanchuk; Vyacheslav Bakhmin and Dr Leonard Ternovsky, both members of the unofficial Moscow-based Working Commission to Investigate the Use of Psychiatry for Political Purposes; Zinovy Krasivsky and Olha Matusevych, members of the Ukrainian Helsinki monitoring group; Algirdas Statkevichius and Vytautas Skuodis, members of the Lithuanian Helsinki monitoring group; Rollan Kadiyev, a leading Crimean Tatar activist (sentenced in January 1980 to three years' imprisonment); Vladimir Borisov, a long-standing Leningrad human rights campaigner and founding member of SMOT who, in April 1980, was again forcibly confined for a short period in a mental hospital.

A large number of those arrested or tried and imprisoned during the intensive drive against dissenters were religious believers: Pentecostalists, Baptists, Russian Orthodox believers, Seventh Day Adventists and a Ukrainian Orthodox priest.

In addition, there was also a considerable number of arrests or trials of human and national rights activists in the Baltic republics, including those of Mart Niklus and Yuri Kukk (Estonians); Yustas Gimbutas and Povilas Pechiulionis (Lithuanians); and Maris Lukianovich (Latvian).

Particularly disturbing are reports of a number of cases of further charges being prepared against prisoners of conscience before the expiry of their sentences of imprisonment or internal exile, in order to extend their detention. The Russian Orthodox activist, Alexander Ogorodnikov, for example, was not released in November 1979 on the expiry of his one year term of imprisonment for religious activities and is reportedly facing a further charge of "anti-Soviet agitation and propaganda". The leading Ukrainian human and national rights campaigner, Vyacheslav Chornovil, was rearrested in April 1980 and reportedly falsely charged with a serious crime, three months before the expiry of an eight year term of imprisonment and internal exile. Amnesty International issued urgent appeals in these and similar cases.

Amnesty International continued to be concerned about conditions in Soviet corrective labour colonies and prisons, where there was no noticeable improvement in the principal forms of ill-treatment: systematic underfeeding; difficult, often dangerous compulsory labour and inadequate medical treatment. Amnesty International received a detailed report on conditions in Soviet corrective labour colonies compiled by four political prisoners, Dr Yuri Orlov, Mykola Matusevych, Zinovy Antonyuk and Valery Marchenko. It also learned about a

strike by at least nine political prisoners in Perm Camp No. 35, protesting against arbitrary treatment and demanding that foreign correspondents and representatives of the Human Rights Committee, set up under the International Covenant on Civil and Political Rights, be admitted to the camp. The strike, which began in April 1979, was originally intended to last for 10 days but is known to have still been continuing in July 1979. The camp administration responded to the strike by putting those who took part in punishment cells for up to five months.

An important development was the apparent evacuation of political prisoners from the "special regime" (most severe category) corrective labour colony in Mordovia described in the *Amnesty International Report 1979* and from Mordovia Camp No. 19, and their transfer to other penal institutions.

During the year Amnesty International interceded on behalf of a number of prisoners whose poor state of health was giving cause for particular concern. Among those on whose behalf it issued urgent appeals were: Boris Evdokimov (who died in October 1979), Yevhen Pronyuk, Igor Ogurtsev, Zinovy Antonyuk, Mykola Slobodyan and Alexander Bolonkin. In January 1980 it learned of the death in imprisonment of the 84-year-old leader of the unregistered wing of the Seventh Day Adventists, Vladimir Shelkov. Amnesty International also continued to receive disturbing reports of hardships facing prisoners of conscience sentenced to internal exile in remote areas.

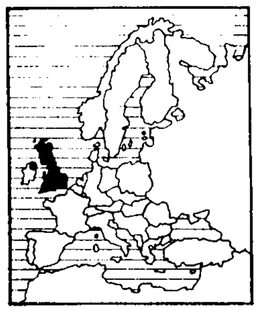
On 29 April 1980 Amnesty International published a second edition of its 1975 report *Prisoners of Conscience in the USSR: Their Treatment and Conditions*. In the years since the 1975 report was first published the abuses it describes have remained official practice. The 1980, 200-page report documents the continuing official intolerance of freedom of conscience, the conditions under which convicted prisoners serve sentences of imprisonment, the forcible confinement of dissenters in psychiatric hospitals and their conditions and treatment there.

In accordance with its normal practice, Amnesty International submitted the second edition of the report to Soviet judicial authorities for comment, but no reply had been received by the date of publication.

On 27 April 1979 five prisoners from the Soviet Union were released in exchange for two Soviet citizens who had been convicted of spying and sentenced to long terms of imprisonment in the United States of America. The five were Alexander Ginzburg, Valentyn Moroz, Georgy Vins — who had all been adopted by Amnesty International as prisoners of conscience — and Edward Kuznetsov and Mark Dymshits. At the time of the exchange Amnesty International

emphasized that it works for the unconditional release of all prisoners of conscience throughout the world and does not take part in the exchange of prisoners.

At the beginning of 1980 Amnesty International launched a program of action aimed at achieving the abolition of the death penalty in the USSR, as part of its general campaign against the death penalty in any circumstances throughout the world. Although the Soviet Government is publicly committed to the eventual abolition of the death penalty, the country's criminal law permits it for 18 different offences in peacetime, some of them not involving any use of violence. In the calendar year 1979, Amnesty International learned of 43 people sentenced to death, most of them for war crimes during the Second World War or offences involving murder. Among those executed was Tonya Makarova, who was convicted of war crimes; this is the first time in recent years that Amnesty International has learned of a death sentence being passed on a woman in the USSR.



United Kingdom

Amnesty International has continued to concentrate its attention upon the operation of emergency legislation in Northern Ireland.

In 1977 an Amnesty International mission to Northern Ireland found that ill-treatment of suspects arrested under emergency legislation and held incommunicado in police custody for up to the statutory limit of seven days had occurred with sufficient frequency to warrant a public inquiry. After the publication of the Amnesty International report of its mission in 1978, the government established a committee of inquiry into police detention procedures whose findings largely confirmed those of Amnesty International. The committee made a number of recommendations which were accepted by the government, including the recommendation that suspects should have access to a solicitor after being in detention for 48 hours. There has since been a considerable reduction in allegations of police brutality.

However, the measures introduced in Northern Ireland regarding access to solicitors are not applied in the operation of the emergency powers in Britain and Amnesty International has expressed concern

about the continual denial of access to a solicitor for those detained for prolonged periods (up to seven days) under the Prevention of Terrorism Act.

The main concern of Amnesty International during the year has been the operation of the non-jury courts set up under the Northern Ireland (Emergency Provisions) Act to try suspected terrorists. In the report of its 1977 mission to Northern Ireland, it had expressed concern about the relation between police detention procedures and subsequent trials before the special non-jury courts, where changes in the rules on admissibility of statements have removed the obligation of the courts to exclude from evidence a confession which was not voluntary. The Emergency Provisions Act stipulates that a statement made by an accused in police custody is admissible in evidence before the non-jury courts unless made as a result of "torture or inhuman or degrading treatment", thus allowing the court discretion to admit in evidence confessions made under duress that falls short of such treatment.

In its mission report Amnesty International had concluded that "the reduction of procedural safeguards regarding the admissibility of statements, the extension of the discretion of the single judge and the absence of a jury enhance the danger that statements obtained by maltreatment of suspects will be used as evidence in court". Although Amnesty International has adopted no prisoners in Northern Ireland, it is at present collecting information on cases of people convicted in the non-jury courts solely on the basis of a confession made in police custody, which they allege was made either under duress or as a result of ill-treatment. Its concern in these cases is to assess whether or not those involved have had a fair trial according to internationally recognized standards.

A protest, now in its fourth year, is being sustained by some 350 prisoners in Northern Ireland who have been convicted of, or who are awaiting trial for, politically motivated crimes in the non-jury courts. Only in very exceptional cases, even if they are juveniles, are prisoners tried in the ordinary courts for such crimes. The protesting prisoners demand "special category status", the favourable status granted by the British government to prisoners convicted of politically motivated crimes carried out before March 1976 but abolished for all prisoners convicted of crimes committed after that date. Those involved in the protest will not wear prison uniform or do prison work, and, for the past two years, have refused to wash or clean their cells, which they smear with excreta. It has been reported that there has been a certain flow of prisoners joining and — temporarily — breaking off their protest. Others have been protesting continuously.

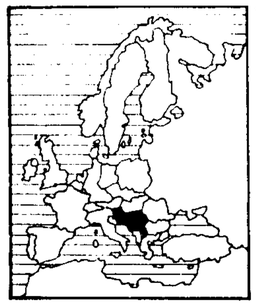
The prisoners' protest was accompanied during the year by a

campaign of assassination of prison guards by the Provisional Irish Republican Army (IRA), to which organization many prisoners taking part in the protest claim allegiance.

Although Amnesty International does not support a special status for any prisoners and strongly condemns political assassinations, it has expressed its humanitarian concern to the government on a number of occasions, urging in particular that the prisoners receive adequate exercise and occupational facilities. In August 1979 it wrote to the Board of Visitors of the Maze Prison (a supervisory body of members from the local community appointed by the Secretary of State for Northern Ireland); its letter expressed concern at the "cumulative effects of certain punishments", in particular of depriving prisoners who refuse to wear prison uniform of exercise and occupational facilities. It stated that "the availability of those facilities that are essential for the maintenance of the physical and mental health of prisoners should be *unconditional* and afforded to all prisoners at all times. Insofar as certain facilities may be temporarily withdrawn as punishment, Amnesty International is concerned that the frequent repetition [of the withdrawal of such facilities] or even continuous deprival of such facilities through regularly repeated punishments may have effects that can adversely affect the health of prisoners." It continued by expressing concern about allegations which it had received of ill-treatment by prison officers of prisoners taking part in the protest, allegations which it was unable to verify. The Board of Visitors replied by stating that the prisoners were punished in accordance with the prison rules.

In July 1979 a free vote to restore the death penalty in the United Kingdom was defeated in the House of Commons by 362 votes to 243. Amnesty International wrote to Prime Minister Margaret Thatcher in May 1979 describing its position on the death penalty.

In July 1979 Amnesty International appealed for commutation of the death sentence passed on a man convicted of murder in Jersey, one of the Channel Islands and the only part of the United Kingdom to retain the death penalty for ordinary crimes. His sentence was commuted to life imprisonment.



Yugoslavia

The concerns of Amnesty International have continued to be the existence and application of laws prescribing imprisonment for the non-violent exercise of certain human rights, the lack in certain cases of legal safeguards for people charged with political offences, and conditions of detention. In the year under review Amnesty International also learned of a well-documented case in which a person was forcibly confined in a psychiatric hospital for the non-violent exercise of his right to freedom of expression.

In February 1980 the Federal Public Prosecutor, in his annual review of crime statistics, stated that political crimes had accounted for no more than 0.25 per cent of offences committed and that there had been a substantial decline in the number of political offences since 1972 (when there were widespread arrests and convictions, in particular in Croatia). Amnesty International notes, however, that on the evidence of official Yugoslav press reports alone the number of people sentenced for political offences was higher than in the year 1978-1979. There was a sharp decrease in the number of prisoners affected by the annual amnesty of 29 November (Yugoslavia's National Day). Of the 51 prisoners affected by the 1979 amnesty, only three were people on whose behalf Amnesty International was working and of these only one was released. By comparison, in the amnesty of 1977, 574 prisoners were affected, including 33 people whose cases had been taken up by Amnesty International and the 1978 amnesty benefited 94 prisoners, 18 of them Amnesty International cases.

The majority of prisoners of conscience adopted by Amnesty International during the year have been sentenced under Article 133 of the Yugoslav Penal Code which makes "hostile propaganda" an offence punishable by from one to 10 years' imprisonment. Heavy sentences have been imposed on people who have expressed views disapproved of by the authorities, even when this occurred in the course of private conversations.

Prisoners of conscience adopted by Amnesty International included Zarko Aleksic and Milorad Joksimovic, sentenced on 8 April 1980 by the District Court of Doboj, Bosnia-Hercegovina, to seven and two and a half years' imprisonment respectively for "hostile propaganda". According to official Yugoslav press reports, Zarko Aleksic, a lawyer, was accused of having, since 1973, criticized Yugoslavia's

political leaders, its political system and the policies of the Yugoslav Communist Party. He was charged also with having eulogized the Chetniks (Serbian royalists, who opposed the communist-led partisans in World War II). Milorad Joksimovic was found guilty of having expressed similar views while living as a migrant worker in the Federal Republic of Germany (FRG) in 1977 and 1978. Amnesty International adopted also as a prisoner of conscience Nikodije Minic, sentenced in December 1979 by the district court of Nis, Serbia, to five years' imprisonment on charges of "hostile propaganda" and of having acted as a commercial agent in foreign trade transactions in Yugoslavia without proper authorization. At the time of his arrest in June 1979, Nikodije Minic, a 60-year-old Yugoslav citizen living in Belgium, was on a visit to Yugoslavia for a German medical firm. The charges of "hostile propaganda" arose from remarks allegedly made by him to acquaintances on two occasions. He was accused of having, in 1974, expressed concern about Serbia's future after the death of President Tito and of having mentioned in May 1979 that he had heard complaints in Zagreb that Croatia's revenues were being diverted to other Yugoslav republics. He had also referred to past events in Balkan history concerning Serbia and Bulgaria. The charge of having illegally acted as a commercial representative was brought against Nikodije Minic only five months after his arrest for "hostile propaganda"; it is reported that at his trial the court did not permit the presentation of relevant documents which he claimed would prove that he had not acted as a commercial representative but as a translator. Another Amnesty International adopted prisoner of conscience is Momcilo Selic, a graduate in architecture, sentenced on 25 April 1980 by the district court of Belgrade to seven years' imprisonment because, in December 1979, he had written and distributed to foreign journalists and to some acquaintances a pamphlet strongly critical of Yugoslavia's leaders.

As in past years, Amnesty International took up for investigation or adoption as prisoners of conscience cases of people imprisoned on charges of having formed organizations hostile to Yugoslavia or for their alleged contacts with Yugoslav emigres or emigre organizations, including the importing into Yugoslavia of emigre journals critical of the Yugoslav Government. Amnesty International is investigating the cases of 13 people sentenced by the district court of Sabac, Serbia on 8 August 1979 to prison sentences ranging from 18 months to six years for their membership of an illegal organization called "the Realistic Unification of Europe — the European Yugoslav movement". This group of peasants, crafts workers and students was accused also of contacts with emigres and of unspecified "hostile activity". In February 1979 they had reportedly written to the Yugoslav Government, calling for the establishment of a multi-party system and for respect for human rights. According to a Reuters report, an unnamed legal source had claimed that the group had possessed arms, pamphlets and plans for terrorist activities in Yugoslavia. Amnesty International has so far not been able to verify this claim.

Amnesty International adopted as a prisoner of conscience Ivan Zelember, a migrant worker sentenced in March 1980 by the district court of Osijek, Croatia, to five years' imprisonment for having brought into Yugoslavia copies of emigre journals, allegedly with the intention of distributing them. Similarly, Jovo Ilic, a migrant worker, was sentenced in December 1979 by the district court of Tuzla, Bosnia-Hercegovina to nine and a half years' imprisonment for his alleged contacts with members of a Serbian emigre organization, for having brought emigre journals into Yugoslavia and for having criticized Yugoslavia's leaders and political system. On 16 April 1980 Dusan Sedlar, the Chairman of the same Serbian emigre organization, was shot dead in Dusseldorf in the FRG. On 13 February 1980 a Croatian exile, Nikola Milicevic, whose extradition had been requested by the Yugoslav Government but refused by that of the FRG, was found shot dead in Frankfurt in the FRG. In both cases, supporters have claimed that the men were victims of political murder by the Yugoslav Secret Service.

In February 1980 Amnesty International issued an appeal on behalf of the prisoner of conscience, Vladimir Markovic, a 27-year-old graduate in journalism from Belgrade, confined to the psychiatric section of Belgrade prison hospital in May 1979 for the non-violent exercise of his right to freedom of expression. In mid-1978 he had sent a circular letter to a number of individuals and institutions in Yugoslavia and abroad which included an interview he had had with a prominent Yugoslav historian who had reportedly condemned war crimes committed in Croatia during the Second World War but who had also claimed that official Yugoslav statistics exaggerated their numbers. In November 1978, following the publication of this letter in a Croatian emigre journal, Vladimir Markovic was charged with "disseminating false information". On the instructions of the investigating magistrate, he was sent to Belgrade prison hospital for psychiatric examination, where he was diagnosed as suffering from paranoid psychosis and it was recommended that he undergo psychiatric treatment as an outpatient. This recommendation to the court was subsequently changed to compulsory psychiatric confinement, on the grounds that Vladimir Markovic might repeat his offence. Under Yugoslav law, such a measure may be applied only to people who are a "danger to their environment". Although he had received psychiatric treatment as an outpatient in the past, to the

knowledge of Amnesty International he has no record of violent behaviour and it is clear that the offence in question was not of a violent nature. Amnesty International is investigating the case of Vjekoslav Naglic, also detained in the psychiatric section of Belgrade prison hospital, who, on 1 October 1975, was tried by the military court of Sarajevo on charges of "hostile propaganda" for statements he had allegedly made during military service from 1974 to 1975. The charges against Vjekoslav Naglic were dropped but two days later he was released from military service, diagnosed as psychotic and sent to compulsory psychiatric confinement.

In previous years Amnesty International has adopted as prisoners of conscience a number of members of the Yugoslav Albanian minority from the province of Kosovo, sentenced to terms of imprisonment of up to 15 years on charges of irredentist and anti-state activities. In November and December 1979 mass arrests were reported to have taken place amongst Albanians in Kosovo suspected of having distributed leaflets in schools and elsewhere, alleging economic and political discrimination against ethnic Albanians. At the end of March 1980, the Belgrade daily *Politika* announced the forthcoming trial, in mid-April, of some 50 alleged Albanian nationalists from Kosovo. Kosovo's Communist Party leader, Mahmut Bakalli, subsequently criticized these reports as irresponsible and exaggerated. Amnesty International asked the authorities for more information and urged that the accused be granted full legal safeguards, including a fair and public trial, and that they be unconditionally released should it be proved that they had neither used nor advocated violence. By the end of April 1980 it was not known whether the trial had taken place.

Information available to Amnesty International indicates that in recent years a number of Yugoslav citizens accused of political offences have been severely beaten or otherwise ill-treated during pre-trial detention with the aim of extracting self-incriminating statements from them. It has also been reported that, in some cases, political prisoners were not permitted a lawyer of their choice and were obliged to accept the services of a state-appointed lawyer. Former political prisoners have also spoken of the reluctance of many lawyers to take political cases for fear of reprisal.

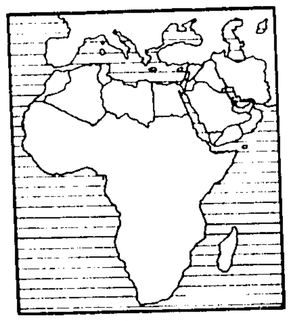
Prison conditions also are a cause for concern. Former inmates of a number of prisons have spoken of a poor diet, insufficiently supplemented by food parcels received from their families, damp, unheated cells (in Stara Gradiska Prison), accidents occurring in prison workshops due to lack of industrial safeguards, and beating and other ill-treatment by prison guards. It has been reported that in Zenica Prison (Bosnia-Hercegovina), prisoners punished by solitary confinement have been kept in cells with concrete floors, chained to a

ring and without a bed; that they have been subjected to frequent beatings by guards and that the official maximum period of 30 days' solitary confinement has in some cases been exceeded by renewing the period of solitary confinement immediately upon its expiry.

A number of prisoners of conscience adopted by Amnesty International are reported to have been severely ill in the year under review. These include Dr Nikola Novakovic and Dr Veselin Masic (Foca Prison), Vjenceslav Cizek and Adem Demaci (Zenica Prison) and Manda Paric (Slavonska Pozega Prison). In March 1979, Professor Davor Aras was granted a three-month suspension of sentence because he had a serious heart condition. On learning that medical experts in Yugoslavia had recommended that he should seek treatment in Switzerland, Amnesty International informed the Yugoslav authorities that the treatment would be made available free to Professor Aras. Despite a continued serious deterioration in his health, Professor Aras was excluded from the annual amnesty and received permission to travel abroad only a year later when, at the end of March 1980, he went to Switzerland for an operation at the Yugoslav Government's expense. In April 1980 he returned to Yugoslavia, where he is still under suspended sentence.

The Yugoslav penal code prescribes a discretionary death sentence for particularly grave murder cases, certain "crimes against the state" and acts of political terrorism. During the year Amnesty International learnt of five death sentences, three of which are known to have been carried out.

The Middle East and North Africa



The year May 1979 to April 1980 in the Middle East and North Africa — an area stretching from Morocco in the west to Iran and the Gulf States in the east — was marked by political unrest in almost every country. Two of the major events of 1978 — the replacement of the Shah's administration in Iran by an Islamic Republic, and the movement towards new relations between Egypt and Israel, which was accompanied by discussions between the two states concerning Palestinian autonomy — continued to have important repercussions.

The changing political situation in Iran contributed to unrest in a number of countries. In Morocco and Egypt there were strong protests at the arrival of the Shah on his journey away from Iran, and Shi'i communities, greatly encouraged by the Iranian revolution, became more active in Iraq, Lebanon, Syria, Saudi Arabia and several of the Gulf States. On occasion, this led to violence in the streets, to direct clashes with government forces and to a hostility close to war between Iran and Iraq. A resurgence of Moslem activism affected many countries in the region (including Morocco, Algeria, Syria, Egypt and Saudi Arabia), influenced in part by the events in Iran. Relations between Egypt and Israel were marked by an exchange of ambassadors in February 1980 but, at the time of writing, the discussions on Palestinian autonomy had not yet borne fruit.

March and April 1980 were eventful months in almost every country: in Morocco there was a series of political trials; Algeria experienced violent confrontations between government forces and Berber groups in the Kabyle region demanding greater cultural autonomy; in Tunisia 13 people were executed after an armed attack in the southern part of the country; in Libya two major trials of prisoners of conscience were in process and an official call for the "physical liquidation of enemies of the revolution" had apparently

resulted in the murder of several Libyans abroad; new trials of prisoners of conscience were announced in Egypt. Tension in the West Bank region increased when there were killings of both Arabs and Jews and a general increase in violence; Syria experienced great unrest in its northern region; in Lebanon in April the Shi'i Imam Hassan al-Shirazi was killed in a street in Beirut; there were a number of border incidents between Iran and Iraq; and the predicament of approximately 50 American hostages, held since November 1979 in the United States of America (USA) Embassy in Tehran, was no closer to resolution after the failure of a military rescue mission launched by the USA.

There continued to be serious violations of human rights. During the year Amnesty International worked on behalf of more than 800 individual prisoners in the region: in Morocco, Tunisia, Libya, Egypt, Israel and the Occupied Territories, Syria, Iraq, Jordan, Algeria, Oman, the People's Democratic Republic of Yemen (PDRY) and Bahrain. It was concerned about deficient trial procedures or detentions without trial in Morocco, Tunisia, Libya, Egypt, Iran, Israel and the Occupied Territories, Jordan, Syria, Iraq, Saudi Arabia and PDRY; and about allegations of torture and ill-treatment of prisoners in Morocco, Algeria, Tunisia, Libya, Egypt, Israel and the Occupied Territories, Syria, Iraq and Saudi Arabia.

All states in the region retain the death penalty and executions continued to be a cause for grave concern. Executions were reported in Iran, Iraq, Saudi Arabia, Tunisia, Syria and Egypt.

However, during the year under review, there were also positive developments in the field of human rights. In particular, a growing concern in the region for human rights was expressed by regional and national groups of lawyers and jurists. In May 1979, at a conference in Baghdad, the Union of Arab Jurists agreed to a Draft Covenant on Human Rights. This Covenant has no legal status but is designed to provoke wider discussion of human rights throughout the Arab world, and it addresses itself specifically to a number of the Amnesty International concerns. The Draft Covenant includes the following provisions: "No one shall be arbitrarily deprived of his life . . . no death penalty shall be imposed for political crimes" (Article 5); "No one shall be subjected to arbitrary arrest or detention" (Article 6); "No one shall be subjected to physical or moral torture, nor shall he be subjected to cruel or degrading treatment. Extraordinary circumstances such as state of war . . . or any other state of general emergency shall not furnish grounds for justifying torture or other similar cruel, inhuman or degrading treatment" (Article 7). In the final communique of the Conference, the Union of Arab Jurists urged all Arab states to abolish the state of emergency which still continued in some Arab

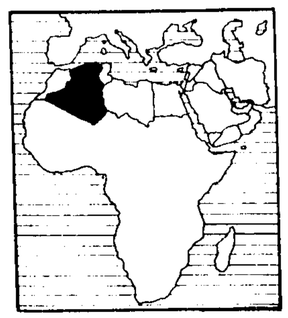
states, to abolish exceptional courts under whatever names they existed, to release all political detainees and political prisoners, to abolish the death penalty and to consider torture a crime.

During the year national groups of lawyers took a strong stand against martial law, states of emergency and emergency legislation, which provide the legal context within which many human rights violations of concern to Amnesty International occur and which are applied in varying degrees in Egypt, Israel and the Occupied Territories, Jordan, Syria and Iraq.

Lawyers' groups in Egypt and Syria called specifically for the end of states of emergency and for reforms in emergency legislation in their respective countries. In addition, the Arab Lawyers Union, in a conference held in Amman, Jordan, from 27 to 31 January 1980, welcomed amendments to the Arab League Charter, particularly those which set up an Arab Court of Justice, relating to the defence of human rights of Arabs, and preparing for the implementation of the Arab Declaration of Human Rights.

Another sign of the growing concern for human rights within the region was the increased coverage in the Arabic press of information concerning human rights, including Amnesty International publications and statements. Space was given to the publication *Amnesty International Briefing: Syria*, and to news releases of regional interest, and there was coverage of the *Amnesty International Report* and of the Amnesty International report, *The Death Penalty*, both published in 1979.

An Amnesty International mission returned from Iran in May 1979; during the year other missions were sent to Libya (to observe trials and to meet government officials), Egypt (to observe trials), Tunisia (to observe a trial) and Israel and the Occupied Territories (to meet government officials).



Algeria

The concerns of Amnesty International were arrests of individuals for exercising the right of political expression, the restriction still placed on Ahmed Ben Bella, reports of ill-treatment and the passing of death sentences.

In February 1980 Algeria completed its first year under the Presidency of General Chadli Benjedid who succeeded Houari Boumedienne.

During the year there were a number of incidents of social unrest.

leading to arrests which appear to constitute punishment for the expression of political views.

In September and October 1979, in preparation for the celebration in November of the 25th anniversary of the Algerian revolution, the authorities launched a "cleaning-up" campaign which resulted in many arrests. According to official figures, more than 1,000 were arrested, tried and sentenced to periods of between three months and four years in prison, more than half receiving sentences of six months or more. Although many were sentenced for petty crimes and misdemeanours, several reports indicate that some of those imprisoned were political opponents of the government. Press reports from Algeria spoke of the establishment of work camps for some of those arrested. Others were reported to have been conscripted into the armed forces.

In January 1980 demonstrations broke out in several cities in eastern Algeria, apparently led by Moslem activists protesting against practices such as the serving of alcohol in restaurants which, they claimed, violated Islamic standards. Amnesty International does not know how many demonstrators were arrested.

In March and April 1980 government security forces arrested in Tizi-Ouzou, the principal town of the Berber Kabyle region of Algeria, hundreds of demonstrators and a number of known proponents of Kabyle culture, calling for greater rights of Berber cultural expression. This movement gained force after the government decided in January and February 1980 to establish a precise timetable for the "Arabization" of public administration, the economic sector and higher education.

On 23 April 1980 Amnesty International sent a cable to the Algerian Government, followed by urgent appeals from its worldwide membership, expressing concern about the arrests of members of the staff of Tizi-Ouzou University, of the hospital and of the state electricity company, where there were strikes supporting Berber demands. Official reports stated that 32 people had been arrested, tried and sentenced and that 40 of the security forces and protesters had been injured. Reports of up to 30 dead have not been confirmed. By the end of April 1980, calm had apparently returned to the Kabyle region.

The situation of the one prisoner of conscience adopted by Amnesty International in Algeria, former President Ahmed Ben Bella, improved to some extent during the year. On 4 July 1979 it was announced that he would be released from prison in Douira the next day, as an act of clemency on the occasion of the 17th anniversary of independence. However, it soon became clear that he had not been released but placed under house arrest. He now lives with his family in

Msila, a town southeast of Algiers; he is permitted visitors but they are subject to surveillance; he is not allowed telephone calls and his mail is censored from time to time.

During the year Amnesty International received occasional reports of ill-treatment in Algerian prisons, in particular in Tizi-Ouzou. These accounts allege beatings, particularly *falaqa*, beatings on the soles of the feet. Amnesty International has not been able to confirm this information.

Algeria retains the death penalty, usually commuted to life imprisonment. According to the 1980 United Nations publication, *Capital Punishment: Report of the Secretary General*, 42 death sentences were passed in Algeria between 1974 and 1978, but only one was carried out (this United Nations report publishes information received from member states). Amnesty International received reports of death sentences passed on Massaoud Mohamed, for murder, and on a Moroccan citizen, Abdelhaq Ben Abdessalem Meti. In both instances, Amnesty International cabled President Benjedid, requesting commutation of the sentences on humanitarian grounds but it has not been able to confirm whether the sentences were, in fact, commuted.

Bahrain

The main concerns of Amnesty International were political imprisonment, detention without trial, unfair trial procedures and the torture and ill-treatment of prisoners.

The state of Bahrain is ruled by the al-Khalifah family. The present constitution was adopted by a government-appointed Constituent Assembly on 9 June 1973. The Bahraini National Assembly (provided for by the constitution) has been dissolved since August 1975 when the Bahraini Government claimed the discovery of a communist-inspired plot to assassinate the Interior Ministers of the Arabian Gulf States. In addition to suspending the operation of parliament, the government has introduced legislation that further curtails freedom of expression and participation in political activity. The Law of Assembly of October 1973, contrary to Article 28 of the constitution, requires a police permit for an assembly and makes the permit-holder responsible for whatever happens during the gathering.

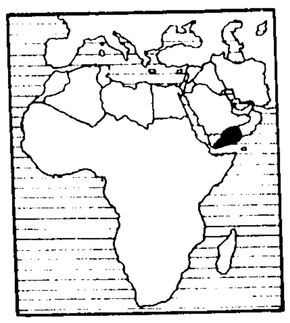
Despite provisions to the contrary in Articles 19 and 20 of the constitution, the State Security Law of October 1974, allows the Minister of the Interior to order the administrative detention of any person for up to three years without charge or trial on suspicion of their being a threat to the security of the state. The period of detention usually lasts the full three years. It was after its opposition to this law that the National Assembly was dissolved. The Labour Law of January 1976, contrary to Article 27 of the constitution, does not ensure the legality of trade union activity. The press law of August 1979, contrary to Article 23 of the constitution, enables the state to order the arrest of journalists on charges of demeaning the status and integrity of the ruler of Bahrain and other high-ranking officials, diplomats and foreign heads of state, of damaging the Bahraini economy, or of endangering the security of the state.

As a result, much political activity has become illegal. Amnesty International has adopted 14 prisoners of conscience, but the number of political detainees is believed to be larger, possibly as many as 50. Occasional amnesties keep the number of detainees fairly constant. Some prisoners have been arrested and released several times. Among 10 prisoners released in February 1980, two had been adopted by Amnesty International as prisoners of conscience: Yusif al-Ajaji, who was detained in June 1974 without being charged after a strike by the workers of the Bahraini Aluminium Company over trade union rights, and Ibrahim Muhamad Bashmi, a journalist arrested in August 1975 under the Penal Code of 1955 and the Publication Ordinance of 1965 as a result of articles in a newspaper of which he was an acting editor. Most of those adopted by Amnesty International as prisoners of conscience are clerical employees, industrial workers, journalists, lawyers or ex-members of parliament.

Also of concern to Amnesty International were the trial procedures, prison conditions and the treatment of prisoners. Amnesty International has received reports of witnesses and lawyers acting on behalf of the accused being imprisoned at the end of a trial.

Amnesty International also had information about the torture and ill-treatment of prisoners. There are four prisons known to Amnesty International: al-Qala'a prison (the Fort prison), Jedda Island prison, Safra anti-riot camp, and Joe prison. It appears that in Safra camp prisoners were shut up in wooden boxes for varying lengths of time, subjected to solitary confinement and occasional beatings by guards; in Joe prison family visits were frequently denied.

On 3 March 1980, when President Valéry Giscard d'Estaing visited Bahrain, the French national section of Amnesty International issued a news release requesting the unconditional release of prisoners of conscience in Bahrain.



Democratic Yemen

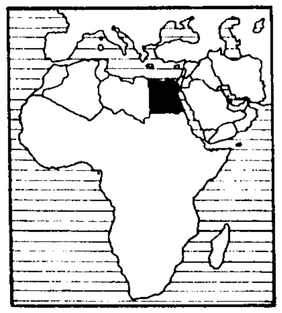
The concerns of Amnesty International were: the arrests of members of the political opposition, summary trials, disappearances and executions.

On 21 April 1980, Abd al-Fattah Ismail resigned as President of the People's Democratic Republic of Yemen (PDRY) and Secretary General of the Yemeni Socialist Party in favour of his premier, Ali Nasser Mohammad. Abd al-Fattah Ismail had come to power in June 1978 after the execution of his political rival, Salim Rubaya Ali, who had been convicted of plotting to take over power and of directing the assassination of the President of the Yemen Arab Republic Ahmad al-Ghashmi. Salim Rubaya Ali's execution was reported to mark the beginning of a widespread purge of the army, the party apparatus and the administration.

Amnesty International has 43 adopted prisoners of conscience in three categories: government officials of pre-independence days, detained on charges of high treason and feudalism; individuals arrested for opposing government policies — for example, 10 farmers arrested for demonstrating against the government's decision to ban the consumption, sale and purchase of the narcotic shrub qāt; and people who had "disappeared" or been arrested during government purges — for example, the first President of the PDRY, Qahtan al-Shaabi, arrested in 1969. Amnesty International recently received reports that he was killed in detention in 1978.

Amnesty International is concerned also about prison conditions. It knows of two prisons, al-Mansura prison and Mu'askar al-Fatah detention camp, although the number of detention centres in the country is believed to be larger. Conditions in Mu'askar al-Fatah are believed to be the worst in the country and torture resulting in death is known to have taken place there. The conditions are better in al-Mansura prison, visited by Amnesty International during the 1975 mission. Since June 1978 Amnesty International has repeatedly appealed to the authorities to improve conditions in Mu'askar al-Fatah detention camp.

Amnesty International has repeatedly asked the government to release prisoners of conscience, to provide fair trials to all detainees and to bring prison conditions up to the standards required by the United Nations Standard Minimum Rules for the Treatment of Prisoners. So far all Amnesty International's appeals have been ignored.



Egypt

The concerns of Amnesty International included the holding of political prisoners, the legislation under which they are charged and tried, allegations of ill-treatment and the death penalty, although it has been applied less frequently than in previous years.

There are repeated arrests mainly of left-wing opponents of government policies, who are held under security legislation for several weeks or months before being provisionally released. In some instances no charges are brought against them and they do not face trial. Nevertheless, those granted provisional release, in addition to being subject to rearrest at any time, have, on occasion, been denied the right to travel outside Egypt and may also be subjected to restrictions in their work.

In Egypt, the arrest and imprisonment of people whom Amnesty International regards as prisoners of conscience still takes place under legislation introduced during the state of emergency which has been in force for many years. It was justified by the authorities in the past on the grounds of the state of war with Israel, and it still applies, despite the "normalization" of relations between the two countries. Many of the arrests which took place during the past year preceded important political events, such as the opening of the Israeli Embassy in Cairo and the arrival of the former Shah of Iran.

Amnesty International groups went on working on behalf of more than 100 adoptees. Some had been arrested in September 1977 and are currently serving sentences of up to five years' imprisonment on charges of membership of an illegal communist organization. Others were arrested after the food riots of 18 and 19 January 1977 and were among 176 people accused of being members of either the Egyptian Workers' Communist Party or the Egyptian Communist Party, of instigating the riots and of disseminating leaflets or notices in universities, which had allegedly contributed to the atmosphere of revolt leading to the food riots.

In May 1979 Amnesty International expressed its concern at some of the proceedings in the trial of the 176 people. At first, very few copies of the case dossier existed and were available only to the defence lawyers and cost Egyptian £500. The price was later reduced and the dossiers were finally supplied to defence lawyers free of charge. In early 1979 lawyers protested to the bench that additions had been made to the prosecution dossier and that these were not

generally available to the defence. A fine of Egyptian £50 imposed by the tribunal on the defence lawyers and its call for their replacement in the case were subsequently withdrawn. Amnesty International observers attended part of the trial before the Supreme State Security Court in November 1979. On 19 April 1980 the tribunal announced the verdicts: 155 of the defendants were acquitted, 11 (four of them women) were given sentences of three years' imprisonment and a fine of Egyptian £100, and nine others received sentences of one years' imprisonment and a fine of Egyptian £50. However, one of the defendants died before the verdicts were announced. The verdicts now await ratification by the President, who has the power to approve or to veto them; the defendants themselves have no right of appeal against verdicts passed by the State Security Court.

A number of those acquitted are among the 30 people to be tried on similar charges in a new case concerning an illegal political organization. This new case was announced on 16 April 1980 and concerns 30 defendants accused of membership of the Egyptian Communist Party. They include five lawyers, three journalists, four students, an engineer, a pharmacist and two peasants. The prosecution has reportedly demanded sentences of up to life imprisonment with hard labour for all 30 defendants, in accordance with Article 22 of Law No. 40 of 1977 concerning political parties. This law, promulgated after the food riots on 18 and 19 January 1977, not only provides for harsh punishment for those convicted of illegal political activities (the maximum punishment is life imprisonment with hard labour) but is also wider in its application than legislation previously applied in such cases. At the time of writing none of the defendants was believed to be in detention.

The 30 defendants are accused of participating in illegal communist activities from the end of 1977 to August 1979, when many of them were arrested. Amnesty International received a number of reports that arrest and detention procedures were not in accordance with the law. Many of those arrested had had their homes thoroughly searched and large quantities of belongings seized, including books which had been published in Egypt legally.

In November 1979 and January 1980 there were more arrests of people alleged to be members of the Egyptian Workers' Communist Party and of the Egyptian Communist Party (some of whom were members of the legal left-wing party, the National Progressive Unionist Party). At the time of the arrests, new detention procedures were reportedly put into effect, making it possible for the period of detention before trial to be longer than it had previously been. During 1979 there were reports of hundreds of arrests of members of extreme religious groups, such as the so-called *Takfir wa Higra* group, *El-*

Jihad and of the Islamic Liberation Party. According to information held by Amnesty International, they were accused of belonging to illegal political organizations and were said to be in possession of arms. Reports that a number of those arrested were beaten at the beginning of their detention have not been substantiated. It is believed that most of the people arrested are no longer in detention; there is no indication of when those who still are will be brought to trial.

At the end of April 1980 a new law, "the Law on the Protection of Values from Shameful Conduct", was approved by the People's Assembly. Many of its provisions are broad and vague and appear to impose further restrictions on the rights to freedom of opinion and expression guaranteed by the constitution.

On 26 January 1980 the Executive Council of the Egyptian Bar Association issued a declaration calling for, among other things, the abolition of the post of Socialist Prosecutor General, the rejection of the then draft law and the abolition of the state of emergency.

There have been allegations that in Tora Prison disciplinary measures for common law prisoners include being strapped to a device called *al-'Aroussa*, the doll, a wooden cross-like pillory with a locking device to keep the head bent forward over the horizontal bar of the cross. In this position the prisoner is beaten on the back and legs. The Prosecutor General, Salah al-Rashidi, who is responsible for prison administration, denied the existence of this form of punishment when questioned by Amnesty International mission delegates in November 1979.

During the year Amnesty International sent cables to President Sadat urging that death sentences passed on five people accused of murder be commuted on humanitarian grounds. In January 1980 it learned that two men found guilty of murder were hanged in the Isti 'naf Prison in Cairo.

On 5 October 1979 Amnesty International had written to President Sadat, enclosing a copy of its publication, *The Death Penalty*. On 17 December 1979 it received a letter from Hassan Ahmed Kamel, the President's *Chef de Cabinet* at the time, acknowledging receipt of the report. The letter stated: "Highly appreciating that positive step on the road to safeguarding man's natural right to live, His Excellency the President shares with you the firm belief that the death penalty is incompatible with the right to life and the prohibition of cruel, inhuman or degrading treatment or punishment as guaranteed by the Universal Declaration of Human Rights. In fact the abolition of capital punishment in all countries would greatly enhance respect for human life throughout the world."

Iran

The main concerns of Amnesty International during the year were the holding of prisoners of conscience, lack of fair trials for political prisoners and executions.

Reports were received of the detention without charge or trial of people who have opposed the present authorities. In some cases those detained have been held for short periods of time, but in others for many months. On 5 July 1979 Amnesty International wrote to the religious leader, Ayatollah Khomeini, about the imprisonment of Mohammad Reza Sa'adati, a member of *Mujahidin*, an Islamic revolutionary group which was active in opposition to the government of the former Shah. At the end of April 1980 he was still being detained and to the best of Amnesty International's knowledge had not been brought to trial. Many people associated officially or unofficially with the previous government have been convicted by Islamic Revolutionary Tribunals; others are still awaiting trial and in some cases have been held for over a year.

Amnesty International made numerous appeals to the Iranian authorities for the release of the hostages held since November 1979 in the United States Embassy in Tehran. In February 1980 Amnesty International provided members of a United Nations Commission appointed to inquire into violations of human rights under the government of the former Shah with Amnesty International documentation of such violations.

Amnesty International made frequent appeals to the authorities calling for a halt to executions; it is estimated that from 800 to 1,000 have taken place since the revolution of February 1979. Those executed include people associated with the previous government; members of the National Intelligence and Security Organization (SAVAK); members of the armed forces; members of ethnic groups seeking a degree of autonomy, members of groups found guilty of political assassinations; sexual offenders; people engaged in drug traffic; bank robbers and other criminal offenders. In most cases Amnesty International did not learn of the executions until after they had taken place, but in three cases where it knew of the death sentences, it made appeals for commutation. These were for 12 members of the *Hezb-e Kargaran-e Sosialist* (HKS), Iranian Socialist Workers' Party, on 22 August 1979; for Albert Daniel Pour, a Jew, on 21 April 1980 and for four members of the Jewish Boruchim family on 25 April 1980. The Iranian authorities subsequently denied that

the HKS members had been sentenced to death and they were, in fact, eventually released.

On 27 March 1980 Amnesty International wrote to President Bani-Sadr about the alleged killing of four members of the Organization of Iranian Fedaii Guerrillas while they were held in custody by Islamic Revolutionary Guards in February 1980. Amnesty International referred to reports that the President had initiated an inquiry into the cause of these deaths and requested to be informed of the findings.

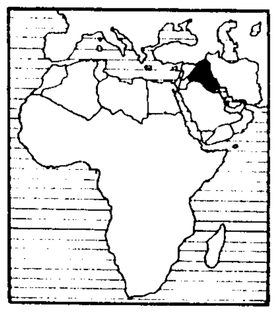
On 9 January Amnesty International submitted a report on *Law and Human Rights in the Islamic Republic of Iran* to Ayatollah Khomeini, with copies to the Foreign Minister, Sadegh Ghotzbadeh and the Iranian Charges d'affaires in London and Washington. A little later, in February, a copy was also sent to the new President, Abolhassan Bani-Sadr. The report, which covered the period up to 14 September 1979, focused on the role of the Islamic Revolutionary Tribunals, special courts set up after the revolution. It was based on a fact-finding mission to Iran in April 1979 and on a study of trials before Islamic Revolutionary Tribunals.

In the report Amnesty International concluded that "the guarantees necessary for a fair trial are effectively lacking in cases heard by the Islamic Revolutionary Tribunals". In particular, defendants were often not told the exact charges against them; were not always allowed to call defence witnesses; were often not permitted to question witnesses against them and were not allowed counsel of their own choice. Other criticisms made in the report were that many trials were closed to the public and that, in practice, there was no right of appeal and no effective presumption that defendants were innocent until proved guilty.

The report noted that sentences of death and flogging had been imposed even when they were not required by Islamic law and reaffirmed Amnesty International opposition to the death penalty and to cruel, inhuman and degrading treatment in all circumstances. Particular emphasis was placed on the large number of people sentenced to death and executed without fair trial.

The Amnesty International recommendations to the authorities included the following: no one should be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law; anyone who is arrested should be informed, at the time of arrest, of the reasons for his or her arrest and should be informed promptly of any charges against him or her; anyone arrested or detained should be brought promptly before a judge or other officer authorized by law to exercise judicial power and should be entitled to trial within a reasonable time or to release.

The Amnesty International report *Law and Human Rights in the Islamic Republic of Iran* was scheduled for publication in May 1980.



Iraq

The foremost concerns of Amnesty International during the year continued to be widespread arrests of actual or suspected opponents of the government, the inadequacy of political trial procedures, the routine and systematic torture of political detainees and the death penalty, the use of which has greatly increased.

In mid-July 1979 Saddam Husain succeeded Ahmad Hassan Al Bakr as President of the Republic and was reported to have uncovered a conspiracy involving high-ranking members of the government and the ruling Ba'ath Party. Twenty-one people were executed shortly thereafter and a subsequent purge of members of the party and the armed forces resulted in arrests and further executions. There was increasing opposition to the government from certain elements of the Shi'i community. Political activity, including anti-government demonstrations and speeches, the distribution of leaflets and attacks on officials, met with a harsh government response. Widespread arrests and executions of Shi'is occurred and in April 1980 large numbers of Iraqis of Iranian origin were deported across the border into Iran. Members and supporters of the once legal Iraqi Communist Party (ICP) continued to face a government directed campaign of intimidation marked by extensive arrests, short-term detention without trial and torture, as a matter of routine. All those in custody were released under a general amnesty in August 1979. Many members of the ICP have since gone into exile or underground and reports of arrests have been fewer. In addition, Kurdish opposition in the autonomous region (of Kurdistan) continued, including hit-and-run attacks on government officials and property, and the government responded with arrests and a number of executions.

Under the general amnesty announced on 16 August 1979, prisoners convicted by the Revolutionary Court or by special courts, including those sentenced to death, were released. Kurdish soldiers and civilians convicted of crimes carried out in the autonomous region were also amnestied. According to official reports, 725 political prisoners benefited from the amnesty, including 400 Kurds and 24 communists. Some unofficial sources have claimed that 4,000 or

more political prisoners were released, including several thousand Shi'is. Amnesty International wrote to the authorities for details of the amnesty but received no reply. Unofficial sources, however, have confirmed the release of 84 Kurds, whose plight Amnesty International investigated between 1976 and 1979, and of 14 former freemasons, all elderly professional men charged with espionage in 1974 and adopted as prisoners of conscience by Amnesty International in 1975. Only one of those whose cases Amnesty International investigated, Abdul Karim Sattar Al Sheikhly, was known not to have benefited from the amnesty. He was a former Ambassador, arrested in early 1978 for alleged anti-government activities and sentenced to six years' imprisonment. In April 1980 Amnesty International received reports that he had been murdered while under house arrest.

According to information received by Amnesty International, considerably more than 24 ICP members or supporters were released under the amnesty, although precise figures are not available. Among those released were seven party members, including a member of the Central Committee of the ICP Suleiman Yusif Istifan, who had all been held incommunicado in the General Security Headquarters in Baghdad since their arrest in November 1978. Amnesty International members had been appealing to the authorities on their behalf since May 1979, and in July 1979 their plight was the focus of a concerted campaign. At least 10 members of the Christian community also, who had been sentenced in April 1979 to between one and five years' imprisonment for attending unauthorized religious meetings, were released in August 1979.

Some 10,000 people, mainly Shi'is were reportedly arrested during the summer of 1979, following massive and at times bloody demonstrations staged in major cities to protest against the arrest of the Shi'i leader Ayatollah Muhammad Baqr Al Sadr. Amnesty International received the names of 22 Shi'i and three Sunni religious leaders, and wrote to President Ahmad Hassan Al Bakr on 2 July expressing concern that they had been arrested "for exercising their right to freedom of opinion and expression". Some of these 25 were later reported to have been executed. Amnesty International does not know how many of those arrested remained in prison after the August amnesty. There have, however, been extensive arrests of members of the Shi'i opposition since the amnesty, although details are known only in the cases of a few well known individuals.

The most prominent case was that of Ayatollah Muhammad Baqr Al Sadr, a 50-year-old religious leader and scholar who became a rallying point for Shi'i opposition. He was arrested briefly in May and June 1979 and thereafter placed under strict house arrest, with no water or electricity supplies and no access to medical attention or to

friends, or students. Death threats against him were reported. Concerted appeals were made on his behalf: on 17 October, Amnesty International expressed concern that the severe restrictions might be detrimental to his physical and mental health and urged his release; on 11 April 1980, after reports that Ayatollah Al Sadr and his family had been rearrested on 5 April, Amnesty International again urged his release; in mid-April Amnesty International members expressed their concern at reports that Ayatollah Al Sadr and his sister, Bint al Huda, had been executed on 8 or 9 April. At the time of writing Amnesty International has received no confirmation from the Iraqi Government that the Ayatollah is alive.

Amnesty International appealed on behalf of three scientists. Dr Husain Al Shahristani, a 35-year-old chemist and director of research at the Iraqi Atomic Energy Commission, arrested about the beginning of December 1979, was the focus of an urgent appeal on 30 January after reports that he had been severely tortured. It was later learned that he had been sentenced to life imprisonment. His colleague, Dr Ja'afar Dhia Ja'afar, a physicist and head of the Experimental Physics Department at the Commission, was arrested allegedly because he intervened with the President on Dr Shahristani's behalf. Dr Hassan Rajai, a consultant to the Ministry of Oil, was sentenced to seven years' imprisonment. The charges against the scientists are not known and the plight of all three men is being investigated by Amnesty International.

At the time of writing, Amnesty International was particularly concerned about two ICP members who were arrested on 8 February 1980. They are Dr Safa Al Hafidh, editor of the monthly ICP journal *Al Thaqafa Al Jadida* and member of the Presidential Committee of the World Peace Council, and Dr Saba Al Durrah, an economist and author.

Amnesty International has in addition investigated the cases of 33 Ba'athists who were alleged to have been implicated in a conspiracy reported in July 1979, and who were sentenced in August by a special court from one to 15 years' imprisonment. Twenty were charged under Article 175 (i) of the penal code with being party to a criminal conspiracy; and the others were charged under Article 247, with withholding information about the conspiracy. Amnesty International groups were requesting the government to supply information about their trial, with particular reference to defence and appeals procedures and the nature of the evidence used.

The inadequacy of legal safeguards, particularly for those charged with capital offences, continues to be a cause for concern. The majority of death sentences are passed either by the Revolutionary Court in Baghdad, or by special courts such as the special court of

Kirkuk, which was set up specifically to try Kurds arrested in the autonomous region and charged with political offences. The procedures of these courts do not conform to the legal safeguards guaranteed by Iraqi domestic law and by the International Covenant on Civil and Political Rights: trials in both types of court are always summary and held *in camera*. Tribunals in both consist of representatives of the government executive and not of the judiciary; defendants are held incommunicado during pre-trial detention; there are very severe restrictions on the rights of the defence in the Revolutionary Court and no right of defence at all in special courts; convictions in both courts are often based on confessions extracted under torture; there is no right of appeal to a higher court, although the death sentence must be ratified by the President and the prisoner may petition the President for clemency.

On 2 August 1979, at the start of the conspiracy trial, Amnesty International issued a news release expressing concern about the trial procedures of the special courts and stating that "Those who are being arrested face trial before a special court that provides none of the basic legal rights that guarantee a fair trial". The special court, set up by a decision of the Revolutionary Command Council (RCC) on 28 July with a tribunal of seven RCC members, sat from 1 to 6 August. It tried 68 people and passed 22 death sentences which (except for one passed *in absentia*) were carried out two days later. As far as is known, there was no defence counsel present nor was any appeal against the verdict allowed.

During the year Amnesty International received testimonies of torture from a number of former prisoners. One of these, Burhan Al Shawi, a 25-year-old journalist, was examined in Copenhagen by members of the Amnesty International Danish medical group. He reported that on 3 March 1978, he was arrested by members of the security forces and held in one of their headquarters in Baghdad. There he was blindfolded and

> "beaten on various parts of my body with hard blows, by sticks, by rubber tubes and by severe kicks. I was thrown about from one corner to another, hitting the walls and crashing down on my face or back, for the hard beating to commence now on my face and back, on the sensitive parts of my body such as the kidneys, the neck, the sex organs and the elbow. I was also caned and flailed until my feet were swollen."

He also alleged that he had been sexually assaulted, had had a thick rod and a cold bottle-like object inserted into his rectum, and had been burnt in 35 different places on his body with a hard object the size of a pencil. He lost consciousness several times and the last time, about nine days after his arrest, regained consciousness to find himself lying in the street near his home. In Copenhagen, Burhan Al Shawi underwent a general examination by two doctors and was examined by a dentist, a dermatologist and a neuro-psychologist. They found that he was easily fatigued, suffered from impairment of memory about periods before and during the torture episode, from impaired power of concentration, low back pain on exertion, dribbling after urination and pain in both thighs when walking. The physical examination showed 35 circular scars left by third degree burns and a computer tomography scan revealed mild cortical atrophy (a wasting away of the outer layer of the brain). The Danish doctors concluded that the objective findings "might indicate that the present condition . . . is due to the torture".

Amnesty International received 14 other testimonies of torture, most covering the period January to August 1979. The torture allegedly took place in various security headquarters in Baghdad, Ba'quba, Al Hilla and Basra, and in the Ministry of Defence building. According to these testimonies, the most common torture techniques are kicking, beating with the hands or a rubber truncheon on all parts of the body, beating with an electric stick (particularly on the lips and genitals), *falaka* (beating on the soles of the feet), and sometimes rape. Psychological ill-treatment also is frequent: insulting the prisoner or the prisoner's family, threatening to rape the prisoner or female members of the family, threatening execution, mock executions, threatening to charge the prisoner with a capital offence, making the prisoner listen to others being tortured or look at others after torture. One prisoner was put half naked into a small closet and subjected to extremes of temperature. Another had his toes squeezed tightly in a clamp-like instrument called a *mangana*, and another had cold water poured over the nose and mouth causing near suffocation. Most prisoners were blindfolded throughout interrogation and one man was held in solitary confinement and saw no one for nine months. Prison conditions in all cases were very poor, medical attention was not always available and contact with families was forbidden.

Reports of death under torture are frequent, but Amnesty International is often unable to ascertain whether a reported prison death was, in fact, a judicial execution not officially reported, or a result of ill-treatment during interrogation.

Amnesty International is concerned also about the increasing use of the death penalty. Executions have been more frequent than in previous years, particularly for non-violent political activity. Legislation in force since 1976 makes membership of, or affiliation to, a political party other than the Ba'ath Party a capital offence for members of the armed forces, for men who retired or left the armed forces after 1968

(in force since 1978), for members of the Ba'ath Party (in force since 1974) and for former members of the Ba'ath Party (in force since 1976). Since 31 March 1980 a new law makes it a capital offence to be a member of, or to be affiliated to, a party called *Al Da'wa Al Islamiya* (a predominantly Shi'i group which has been in existence illegally since the mid-1950s). This law can be applied retroactively. These provisions violate the International Covenant on Civil and Political Rights, which Iraq ratified on 25 January 1971 thereby agreeing to ensure the freedom of expression and association and to reserve the death penalty for only the most serious crimes. They also contravene the United Nations General Assembly resolution passed by consensus on 8 December 1977 which reaffirmed that the main objective as regards the death penalty was to restrict progressively the number of offences for which it may be imposed with a view to the desirability of abolishing it altogether.

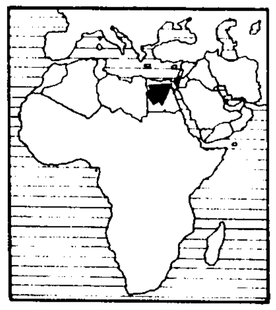
Official Iraqi news media referred to 26 executions carried out from May 1979 to April 1980; unofficial reports indicate that the figure is much higher.

Official reports cite the execution of 21 men, including five members of the Revolutionary Command Council who were charged with "conspiring against the (Ba'ath) Party and the revolution" and were executed by firing-squad on 8 August. The firing-squad consisted of several civilian and military members of the Ba'ath Party from different areas of the country and it has been reported unofficially that because some were inexperienced in handling rifles, death was not instantaneous in all cases. The same unofficial sources claim that only 15 out of the 21 were executed at that time. At least two are said to have died under torture and another, Abdul Khaliq Al Samarrai, a former member of the National Command of the Ba'ath Party, was reported to have been killed in prison before the trial. Four Iraqis, convicted by a Revolutionary Court of bribery and economic espionage, were executed on 16 December 1979. This is the first time that Amnesty International has heard of the death penalty being imposed for this offence in Iraq. Four others were sentenced to death on the same charges on 28 February 1980, but there has been no confirmation that the sentences have been carried out. On 19 March, Talib Karim Alwan was hanged after being convicted of shooting and killing four people at a religious procession in Kerbala in February.

Because few executions are officially reported in the Iraqi press and all political trials are held *in camera*, it is very difficult to estimate the exact number of executions. Amnesty International received the names and some details of 114 people executed between May 1979 and April 1980 (over and above the officially reported executions). These include Kurds charged with political or military involvement in

the Kurdish resistance, members of the armed forces charged with anti-Ba'athist political activity and those suspected of membership of or affiliation to *Al Da'wa Al Islamiya*.

Amnesty International has interceded on behalf of all those executed whose names were known. The cases of 83 of them had been investigated and Amnesty International wrote to the authorities expressing concern about the reported executions and requesting further information about the trial procedures.



Israel and the Occupied Territories

The concerns of Amnesty International in Israel and the Occupied Territories were the arrest and conviction of prisoners of conscience; the use of administrative measures to physically restrict individuals without due process of law, including detaining them without trial; the lack of effective safeguards to ensure that the basic rights of those in custody are protected, which increases the likelihood of ill-treatment. In June 1979 Amnesty International sent a mission to discuss these concerns with the Israeli authorities. A memorandum from this mission focusing on the lack of administrative and legal safeguards applied to security suspects (individuals detained on suspicion of threatening the security of the state) was submitted to the authorities in October 1979 and a reply from the Attorney-General on behalf of the government was received in January 1980.

During the year Amnesty International worked on behalf of a total of 51 individual prisoners and learned of the release of 30. Out of the total, 27 had been tried and convicted of security offences: seven were adopted as prisoners of conscience and 20 were investigation cases. Security offences cover a wide range of acts, such as membership of a hostile or illegal organization (Defence Emergency Regulations of 1945 (DER), Article 85), incitement and hostile propaganda (Security Order 101, 1968) and training in weapons (DER, Article 63 and Security Order 284, 1967) which might, in instances where violence was used, cause the case to fall outside the statutory concerns of Amnesty International. However, in a number of cases, and particularly in those involving the charge of membership of a hostile or illegal organization, this legislation has been interpreted very broadly by military courts so that individuals have been sentenced to prison

terms for acts which are expressions of political belief and do not involve the use or advocacy of violence.

Amnesty International is concerned also about sentences passed on individuals who refuse service in the Israeli Defence Forces. Among them are draft resisters from the Druse population who, unlike Israeli Arabs, are obliged to perform army service, and Israeli Jews who have refused tours of duty in the Occupied Territories. One of the latter, Danny Amir, was given three consecutive 35-day prison terms and was released in March 1980 only when he agreed to serve wherever he was posted. He was then assigned to duty in the Occupied Territories.

Amnesty International continued to be concerned about the use of administrative orders which, without due process of law, allow the military authorities in the Occupied Territories to restrict movement and to imprison individuals. For the first time since 1976, the Military Government in the Occupied Territories employed DER, Article 112 and expelled a resident of the Occupied Territories to Lebanon in May 1979. The expelled student, Riyad Abu Awwad, was alleged to have been involved with six Israeli Arab students in producing a document which supported the Palestine Liberation Organization (PLO) as the sole representative of the Palestinian people. The six Israeli Arab students had been placed under house arrest for three months in early 1979 by virtue of an administrative order.

In November 1979 Amnesty International members interceded on behalf of the Arab Mayor of Nablus, who had been detained until an administrative expulsion order (DER, Article 112) could be put into effect. The order had reportedly been issued as a result of statements made by Mr Shak'a to explain Palestinian violence against the Israeli occupation. On 5 December the Military Governor rescinded the deportation order and Mr Shak'a returned to his post as Mayor.

Amnesty International continued to work on behalf of individuals held under administrative detention provisions which permit the authorities to hold people without charge or trial for renewable periods of up to six months.

During the year the number of administrative detainees fluctuated between six and about 20. Amnesty International worked for 24 of them during the period covered by this report. Ali Awwad Jamal has undergone the longest period of detention, having been held since May 1975.

A new law governing administrative detention for Israel was passed by the *Knesset* (parliament) in March 1979, and it introduced a series of judicial and ministerial controls. In February 1980, the Minister of Justice, Shmuel Tamir, announced that a version of this

new law would be enacted for the Occupied Territories and that it would: (1) take away the power to issue an administrative detention order from local military governors and lodge it with the Military Governor of the Territories; (2) initiate review by a military judge after 48 hours; (3) allow appeals to be addressed to the President of the military courts; (4) require review by a military judge every three months; (5) limit the period of the detention order to six months. Despite these changes, Amnesty International is still concerned that the principle of detention without charge or trial is maintained, and that new detention orders may be issued for the same individual, thus allowing the periods of administrative detention to be extended.

Amnesty International continued to be concerned also about the ways in which the system of military justice applied in the Occupied Territories deviates from fair trial practices. In particular, there are no rights of judicial appeal for those tried before the military tribunals in the Occupied Territories, although a military appeals court exists for residents of East Jerusalem and Israel proper. A committee under the direction of a Justice of the Supreme Court, Meir Shamgar, was set up in May 1977 to examine the system of military justice operating in the Occupied Territories. Although the committee's final report, which contained a series of recommendations involving basic changes in the structure and organization of the military justice system, was completed in May 1978, two years later the government had not yet acted upon it.

In April 1979 the Israeli Cabinet reversed previous government policy by authorizing the Attorney-General to ask the courts for a death sentence for acts of inhuman cruelty. However, during the year no death sentences were passed.

There were a number of news reports of police brutality, and prison conditions remain sufficiently serious to have caused the authorities themselves to express public concern. In addition, allegations of ill-treatment of security suspects in custody in the Occupied Territories continued to reach Amnesty International, both through published press reports and the testimony of former prisoners.

A Justice of the Supreme Court, Haim Cohn, in an opinion acquitting a murder suspect because the confessions had been extracted under duress, warned that police violence upon suspects was becoming an increasingly serious problem (reported in *Jerusalem Post*, 26 June 1979). In a report issued in February 1980 by a committee set up by the Ministries of Justice, the Interior and the Police to examine the problem of police violence, it was stated that "the use of violence has become habitual", and that many more complaints of such violence would have been made if complainants did not have to submit them to the police themselves and if they had

more confidence that complaints would be investigated fairly (*Jerusalem Post* 5 February 1980).

Prison conditions were the cause of several protests by prisoners during the year, including one supported by a public sit-in at the offices of the International Committee of the Red Cross in Jerusalem in October 1979. In a public statement in March 1980, a Prison Services Commissioner, Haim Levy, charged that "prisoners in Israel are kept in conditions worse than those of anywhere in the Western world", that prisons were seriously overcrowded and that hundreds of prisoners were forced to sleep on the floor (*Jerusalem Post* 18 March 1980).

Among reports of ill-treatment appearing in the press were those concerning the case of a released former Amnesty International adopted prisoner of conscience, Ismail Ajweh. After an investigation carried out by the Attorney-General's office into charges of ill-treatment, the interrogating officer was tried by a disciplinary court, reprimanded and transferred. The Attorney-General, while admitting that Ajweh had been slapped and struck on the hands and face, stated that "there are no grounds for saying that the conditions and manner of his interrogation caused injury or any significant aggravation to the state of his health . . ." Nader Fayiz el-Afouri, on whose behalf Amnesty International appealed in January 1979, expressing serious concern about his health, was released in February 1980 from the psychiatric ward in Ramle jail, suffering from serious mental instability and the loss of some of his physical faculties. He is now under care in a mental hospital. The Israeli authorities have denied that his present state was caused by ill-treatment in custody.

Testimony reaching Amnesty International supports the view that the dominant forms of ill-treatment are most painful techniques of physical restriction, particularly enforced standing and remaining in uncomfortable positions for long periods, and deprivation of sleep.

In its meeting with the authorities in June 1979 and in its memorandum submitted to the government in October 1979, Amnesty International focused on safeguards, both administrative and legal, applying to security suspects in custody in the Occupied Territories and found them to be inadequate. The memorandum examined in some detail procedures leading to prolonged incommunicado detention, including restrictions on a prisoner's access to lawyer, family, and to medical care. It also examined the legal safeguards available under the system of military justice in the Occupied Territories. In sum, Amnesty International concluded that "procedures are so deficient as they now stand that they do not provide adequate minimum protection for arrested persons. This enhances the possibility that the basic rights of prisoners may be routinely violated".

Among its specific conclusions, Amnesty International stated its view that:

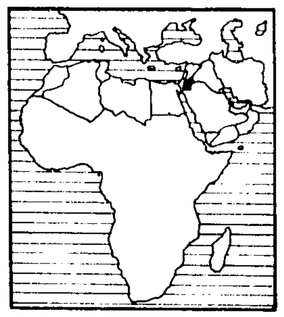
> "(1) there is sufficient *prima facie* evidence of ill-treatment of security suspects . . . to warrant the establishment of a public inquiry . . . (2) the present *administrative* procedures do not enable the Israeli authorities to bring forward conclusive evidence to refute allegations of ill-treatment . . . (3) the lack of such conclusive evidence is directly related to the extended period of incommunicado detention . . . (4) certain *legal* provisions and practices enhance the possibility of ill-treatment . . . these include: restrictions on the role of defence counsel in preparing the defence . . . the frequent reliance in security cases on uncorroborated confessions as the effective basis for conviction . . . the absence of effective opportunities for judicial appeal . . . (5) the machinery for investigating complaints of ill-treatment . . . is inadequate."

Amnesty International therefore recommended that:

> "a public and impartial committee of inquiry should be established to investigate the allegations of ill-treatment in their totality and the administrative and legal procedures and practices relevant to the arrest, confinement, interrogation and trial of security suspects. The committee's findings, conclusions and recommendations should be made public." Amnesty International recommended also that, "Pending the establishment and reporting of such an inquiry . . . immediate steps [should] be taken to ensure that security suspects under interrogation are protected against possible ill-treatment. Measures to this end should include access to family, lawyer, and independent medical doctor promptly after arrest and at regular, brief intervals thereafter."

The reply of the Attorney-General, on behalf of the Israeli authorities, rejected *in toto* the Amnesty International conclusions and recommendations, stating that "The Ministry of Justice and other officials concerned with the administration of justice in Israel and the administered areas, conduct an ongoing review of the treatment of security detainees, and there is thus no need for the committee of inquiry you recommend." In its response to the Attorney-General, Amnesty International stated that "the Attorney-General, in his reply, has not relieved the Amnesty International concern that the procedures now in effect neither provide sufficient protection for suspects in custody nor enable a factual assessment of allegations of ill-treatment. Amnesty International therefore calls upon the Israeli

authorities once again to act positively on the recommendations made in the memorandum."



Jordan

The main concerns of Amnesty International during the year included long-term detention without trial of political prisoners and the lack of basic legal safeguards in trials held by the military court.

The Hashemite Kingdom of Jordan is a constitutional monarchy with King Hussein at its head. Martial law, first proclaimed in 1967, continued in force during the period covered by this report. Its provisions invest the Prime Minister, in his capacity as martial law governor, with wide powers to arrest anyone considered a threat to state security and to suspend a broad range of legal and political rights guaranteed under the constitution. Under martial law political prisoners are either held without trial or brought before a military court.

Amnesty International has worked on behalf of six prisoners of conscience in Jordan. Four were sentenced to 10 years' imprisonment for alleged membership of the Communist Party prohibited under the Anti-Communist Law of 1953. They include Imad Mulhim, an agriculture student at the University of Jordan in Amman, who is accused of being a member of the National Union of Jordanian Students, affiliated to the Communist Party. He was sentenced by a military court in September 1978 and is being held in al-Mahatta Prison in Amman. Also serving 10-year sentences in al-Mahatta Prison for the same offence are Muhammad Abu Shama'a, a member of the Executive Committee of the Bank Employees' Union and Nabil Ja'anini, a graduate in chemistry from Madaba. According to a letter from the Minister of Justice, Najib Arshidat, Nabil Ja'anini "was tried by the military court for being enlisted as a member of the banned Communist Party and being in possession of prohibited Communist leaflets contrary to Article 3 sub-section 1 and 5 of the Resistance of Communism Law". Hussein Abu Gharaibeh, a 30-year-old student from Yarmouk, is serving a 10-year sentence in Irbid Prison.

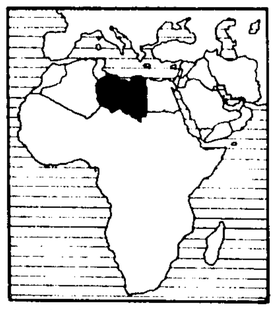
In 1979 Amnesty International learned of the release of two of its adopted prisoners of conscience: Hussein Abu Gharbieh, detained without trial since 2 January 1977, was released on 4 September 1979; Adnan al-Asmar, a 25-year-old student arrested early in 1978

charged with belonging to the Communist Party, was released on 2 August 1979. Amnesty International had made urgent appeals for his release in August 1978 when it was learnt that he was in danger of losing his sight as a result, according to reports, of a beating in Abdeli Intelligence Service Prison.

Amnesty International has received and is investigating reports that there are at present 40 administrative detainees held without trial in Jordanian prisons and that some of them have been detained for up to five years.

There have been a number of amnesties during 1979. In August 75 Palestinians were reported to have been freed after a meeting between King Hussein and the Chairman of the Palestine Liberation Organization, Yasser Arafat, in the garrison town of Mafraq in northern Jordan. In September 1979, after the visit of Yasser Arafat to Amman, 13 more Palestinians were released under a royal amnesty. Eleven of these had been serving life sentences. In January 1980 there was a further royal amnesty which affected 800 prisoners, most of whom appear to have been detained for common law offences and not for political reasons.

The death penalty is still in force in Jordan under both the penal code and martial law regulations. Over the past few years, death sentences have been passed *in absentia* for the sale of property in territory now occupied by Israel. However, the Jordanian authorities have assured Amnesty International that "no executions for the offence of the sale of land to the enemy have been — or will be — carried out since the 1967 war". In July 1979 Amnesty International cabled King Hussein expressing concern over reports that two Palestinians, Rasim al-Hindi and Mahmud al-Nowahy (or Tuwaihee), had been sentenced to death. Amnesty International asked for commutation of such sentences on humanitarian grounds but has received no reply.



Libya

During the year Amnesty International was concerned about the increasing number of people arrested and detained for their political beliefs, many of them currently serving sentences of life imprisonment, and about the large number of offences, many of a political nature, which carry the death penalty. In early 1980 Amnesty International received reports of ill-treatment, of a number of deaths in custody and of the murder of several Libyans living abroad, apparently in accordance with an official programme to "liquidate" enemies of the revolution.

Amnesty International groups continued to be concerned about the 77 adopted prisoners of conscience; new cases were investigated of journalists and writers arrested in December 1978 and accused of forming a Marxist organization. Most adopted prisoners are at present held in Tripoli Central Prison and Kuweifiya Prison, Benghazi. Those awaiting the outcome of their trial are held in Jdeida Prison, about 15 km from Tripoli.

In March and April 1980 an Amnesty International mission visited Libya to observe parts of two trials of its adopted prisoners of conscience and to discuss the concerns of Amnesty International with government authorities. The first trial involved a group of 18 journalists and writers; most had been arrested during a week of cultural and litarary activities in Benghazi in December 1978. After their arrest some were alleged to have been beaten and detained in solitary confinement without access to a lawyer or their families for three months. Sixteen were held in Jdeida Prison, one was released on provisional liberty and another was said to be abroad and was therefore tried *in absentia*.

During the trial of the 18 before the Criminal Court, the prosecution claimed that they had formed a Marxist organization whose ideals were opposed to the principles of the 1 September 1969 Revolution, and that they had held meetings for the discussion of Marxist principles and distributed written material during the week of cultural activities. The defendants were accused also of attempting to infiltrate and dominate two (state owned) newspapers, *Al Usbu' Al Siyasi*, Political Week, and *Al Usbu' Al Thaqafi*, Cultural Week. They were, in addition, alleged to be in possession of Marxist books.

The 18 were represented by seven lawyers, some chosen freely by the defendants, others appointed by the court. The defence lawyers

maintained that the trial was concerned principally with the rights to freedom of expression and opinion. They claimed that there was no evidence of the existence of an illegal political organization and that newspaper articles written by the defendants were published with the acceptance not only of the newspapers' editorial board but also of the leadership of the country. In this regard, a large number of newspaper articles and poems written by the defendants were presented by the defence to the tribunal for their consideration. Defence lawyers also drew attention to irregular arrest and detention procedures, to the alleged ill-treatment the defendants had suffered and to the fact that now the defendants faced the death penalty, whereas before the 1969 Revolution, similar charges carried a maximum of 10 years' imprisonment. Defence lawyers also argued that the *Shari'a*, Islamic Law, provides for the death penalty for a very limited number of offences, none of them offences of a political nature. On 15 April 1980, after the case for the defence had been completed, the tribunal accepted the defence lawyers' request to be allowed to submit written memoranda to supplement their oral submissions. The verdicts were expected to be pronounced during May or June 1980.

In a memorandum submitted to the Libyan authorities on 30 April 1980, Amnesty International stated that the arrest and continuing detention of these people contravened provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which the Libyan Government ratified in 1970.

The second trial observed by Amnesty International was a retrial of 10 defendants (one of whom was being tried *in absentia*) originally arrested in 1975. They had first been tried before the Criminal Court in 1976, together with 11 others, on charges of forming a secret political organization, said to be called the National Front, and of distributing false information about the country's economic situation. In November 1976 the court acquitted 11 and sentenced the remaining 10 to life imprisonment. All were adopted by Amnesty International as prisoners of conscience. They subsequently appealed against the sentences, and in March 1979 the Supreme Court upheld the appeal and ruled that the 10 be released. However, the cases of two of the 10 defendants were referred back to the Criminal Court as a result of the charges of false information. On 15 April 1979 the Criminal Court ruled that it was not competent to hear the cases. Subsequently the Prosecution for the Security of the Revolution altered the charges against the 10, so that they were all rearrested and questioned again about the same offence. The 10 defendants remain in detention pending the outcome of their second trial.

In its memorandum of 30 April 1980 to the Libyan authorities

Amnesty International drew attention to the fact that the arrest and imprisonment of this group of 10 people was in violation of Article 19 and 20(1) of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights. Their retrial for the same offence contravenes Article 416 of the Libyan Code of Criminal Procedure and Article 14 of the International Covenant on Civil and Political Rights.

In February 1980 the official Libyan press published a declaration issued by the third meeting of the Revolutionary Committees at Gar Younis University, Benghazi. Several passages of the declaration authorized the "physical liquidation" of enemies of the Revolution abroad as well as of other elements said to be obstructing the revolutionary change in political or economic ways. In the months following the declaration, four Libyans were killed in other countries and Amnesty International also received reports of deaths in custody including that of 'Amer Deghayes, a former Ba'athist leader who died within days of his arrest. Hundreds of arrests were reported to have taken place in the weeks after the declaration and Amnesty International issued several urgent appeals expressing concern at the arrest of individuals, requesting information from the authorities about their place of detention and charges against them and urging that they be granted immediate access to a lawyer of their choice and to members of their family. On 25 April 1980 Amnesty International issued a news release condemning the killings of Libyans in foreign countries and calling on the authorities to renounce their program of "physical liquidation" of enemies of the revolution. This issue was raised by the Amnesty International mission during talks with government officials in March and April 1980. The mission was told, however, that the program of "physical liquidation" had not been put into effect.

On 27 April 1980, Colonel Mu'ammar Gaddafi announced that any Libyans living abroad who did not make arrangements to return to Libya would be liquidated. On 28 April the official newspaper *Al Zahaf Al Akhdar* stated that the program of "physical liquidation" had begun. It warned that the families of Libyans who did not return would face reprisals.

During the year Amnesty International has also received several reports of the torture and ill-treatment of both political detainees and common law criminal prisoners. Ill-treatment allegedly occurs in centres belonging to the Intelligence Service, where detainees have no access to a lawyer or to their families. Under Law 84 of 1975 (establishing the Prosecution for the Security of the Revolution), detainees may be detained incommunicado for unlimited periods. Methods of torture most commonly reported include beatings on the soles of the feet and electric shock. In March and April 1980 the

Amnesty International mission made verbal and written requests to visit four Amnesty International adopted prisoners of conscience held in Tripoli and Benghazi, but these were not granted.

At the time of writing, official discussions are reported to be continuing on a draft law concerning the legal profession, under which private practice would be abolished and lawyers would become employees of the Secretariat of Justice. Lawyers fear that this will reduce their independence in defending political prisoners.

In August 1979 Amnesty International issued a news release together with appeals from its worldwide membership calling on Colonel Mu'ammar Gaddafi to declare an amnesty for all prisoners of conscience on 1 September 1979, the 10th anniversary of the Revolution.

After its mission in March and April 1980 Amnesty International submitted a memorandum setting forth its concerns to the authorities in which it called upon the Libyan authorities to put an end to "physical liquidation" and to implement fully the provisions of the international instruments guaranteeing human rights which they had ratified.

Morocco and Western Sahara

The concerns of Amnesty International included political imprisonment, detention without trial, inadequate trial procedures, ill-treatment of prisoners and poor prison conditions. There were many arrests and trials of trade unionists and other people working in health and education in the aftermath of the widespread strikes and industrial actions in the first part of 1979 and the similar protests which occurred throughout the year, particularly in November 1979, in January and February 1980 and again in April 1980 on the anniversary of the 1979 actions. In addition, the continuing war between Morocco and the Polisario Front, backed by Algeria and Libya, for control of the Western Sahara, had important effects on human rights.

Amnesty International worked on behalf of approximately 180 Moroccan prisoners. These included members of the *Union nationale des forces populaires*, National Union of Popular Forces, sentenced at trials in 1967, 1973 and 1976 and members of various Marxist-

Leninist movements sentenced at trials in Casablanca in 1973 and 1977 where sentences extending to life imprisonment were passed. A number of those who had received sentences of five years' imprisonment at the 1977 Casablanca trial (but whose imprisonment had begun several years earlier) and who were also serving additional two-year sentences for contempt of court, passed on all defendants in that trial, were released following a ruling which determined that the supplementary two-year sentences be considered to run concurrently with the longer sentence. Amnesty International investigated the cases of Malika Thethan and Abderrahmane Dbouh, two trade unionists arrested in April 1979 and sentenced to one and two years' imprisonment respectively.

Amnesty International viewed with concern arrests which followed upon several other incidents. More than 60 trade unionists were reportedly brought to trial as a result of their participation in the strikes of spring 1979. In most cases sentences of several months were passed, and give cause for anxiety since the trade unionists do not appear to have been involved in violence but only to have been peacefully expressing their political views.

Amnesty International also received reports of widespread arrests in December 1979 of Moslem activists, said to be students, shopkeepers, civil servants and police. Unofficial estimates put the number of detentions at up to 4,000; most detainees were reported to have been released after a brief period.

Amnesty International was disturbed about the arrests, in late December 1979, of some 180 peasants from the region of Qasba Tadla near Beni Mellal, after a dispute over land. Many of them were reported to have been beaten at the time of their arrest and to have been held in custody in unhealthy conditions and in contravention of Moroccan law. Twenty-nine of those arrested were tried and 27 received sentences of up to three years' imprisonment.

In January and February 1980 a number of arrests of students, trade unionists and members of the political opposition were made, after strikes and demonstrations to show solidarity with Moroccan political detainees called by the *Union nationale des étudiants marocains* (UNEM), National Union of Moroccan Students, for 24 January. Among those held in custody for several days following the strike was Loubna Chichaoui, a 15-year-old schoolgirl whose brother Jamal, currently serving a 10-year prison sentence in Kenitra, has been adopted by Amnesty International as a prisoner of conscience. Amnesty International members sent urgent appeals to the Moroccan authorities expressing fear that Loubna Chichaoui and four other secondary school students had been illegally arrested and were being ill-treated.

On 23 February 1980, 10 people involved in the January demonstrations were convicted in Rabat of disturbing public order and of belonging to an illegal Marxist-Leninist organization. They received sentences of up to six months' imprisonment. On 15 April they were provisionally released, pending appeal. On 18 February three students were convicted in Fez on similar charges and sentenced to three months' imprisonment. Trials of six other students facing similar charges in Casablanca were scheduled to take place in March but have been postponed.

Amnesty International is concerned because some prisoners in Morocco have been detained for long periods without charge or trial, or remain in custody after their prison terms have expired.

Amnesty International continued to investigate the cases of more than 30 people of Saharan origin believed to have been secretly detained without trial in Morocco since 1976. In addition to the apparently large numbers of Saharans believed to be detained in the Western Sahara by Moroccan forces, individuals not themselves active in the war have been detained in the Western Sahara by Polisario forces, according to reliable information received by Amnesty International.

More than 80 prisoners in Meknes Civil Prison began a hunger-strike in March 1980, protesting against their incarceration for lengthy periods, many since 1977, without being brought to trial. Some were thought to be detained because of their sympathies with the Polisario claim for independence for the Western Sahara and others for their left-wing political beliefs. The prisoners demanded that they be either released or brought to trial. Amnesty International received reports that many of these prisoners were seriously ill, some from ill-treatment and poor prison conditions. Amnesty International sent urgent appeals to the authorities expressing fears for the prisoners' health and advocating that they be either tried or released quickly. Shortly after the beginning of the hunger-strike, 47 of the more than 80 were provisionally released and others were transferred; 15 of the latter were brought to trial, sentenced to up to one years' imprisonment and reportedly released, their prison term already having been spent in detention.

Trials began in April of prisoners, describing themselves as Saharans, who had been held in Meknes Civil Prison. In Settat seven defendants each received maximum sentences of five years' imprisonment and in Marrakech five defendants were reported to have received similar sentences. In both trials there were reports of procedural irregularities. A number of other trials have been announced.

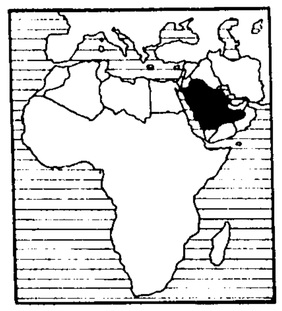
Amnesty International continued to receive disturbing reports about the health of a number of prisoners and the ill-treatment of

detainees. Urgent appeals were made on behalf of Abdellatif Laabi and Abraham Serfaty, both adopted by Amnesty International as prisoners of conscience, in which it expressed its serious concern at their deteriorating state of health. Abraham Serfaty appears to be suffering from cardiac and kidney disorders and advanced Raynaud's disease (a condition of the circulation, the effects of which are increased by cold and cardiac conditions); Abdellatif Laabi is believed to have a serious heart condition, severe rheumatism and an eye disorder.

Medical care available to political prisoners deteriorated after three prisoners receiving treatment attempted to escape in October 1979 from Avicennes Hospital in Rabat. The three were Sion Assidon and Rahal Jbiha, both adopted by Amnesty International as prisoners of conscience, and Najib Bribri, a detainee from Meknes Prison. Jbiha died from a fall while attempting to escape and the others were recaptured shortly afterwards. A number of arrests followed the escape attempt, including that of Sion Assidon's mother. The number of hospital beds available for the treatment of prisoners was reportedly reduced. On 17 October 1979 Amnesty International cabled the Ministry of Justice in Rabat, seeking clarification about the arrests, the state of health of those arrested and the conditions of detention. Among the reports on prison conditions and ill-treatment reaching Amnesty International was the testimony of a citizen of the Federal Republic of Germany arrested in Morocco for a drug offence, who alleged corruption among detaining officials and reported severe, overcrowded and unhygienic conditions in prisons in Tangiers and Asilah.

Amnesty International noted with interest the formation of a new organization devoted to human rights, *L'Association marocaine des droits de l'homme* (AMDH), Moroccan Association for Human Rights, bringing together lawyers and other professionals and in its constitution calling upon the government to respect the Universal Declaration of Human Rights. The AMDH is the second organization of this sort in Morocco; the other, *La Ligue marocaine de la défense des droits de l'homme*, Moroccan League for Defence of Human Rights, affiliated to the Istiqlal political party, was formed in 1972. Both organizations took part in April 1980 in committees of inquiry to examine the health and conditions of political prisoners in the prisons of Meknes and Kenitra. Their reports have so far not been made public.

In May 1979 Morocco ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.



Saudi Arabia

The concerns of Amnesty International were: inadequate trial procedures (characterized by lengthy pre-trial detention and frequent summary trials), the death penalty and ill-treatment of prisoners. Amnesty International does not have sufficient knowledge about political prisoners in the country to be able to assess the extent of political imprisonment.

The Government of Saudi Arabia is in the hands of the Royal family. Justice is administered according to a fundamentalist interpretation of the *Shari'a*, Islamic law, based on the *Qur'an* and the *Sunna*, the way of life and pronouncements of the Prophet. The Kingdom has no constitution but is, according to reports, preparing to introduce an "organic law" in the near future. On 16 April 1980 Amnesty International, in a letter to the Saudi authorities, requested them to introduce legislation that would guarantee freedom of expression, ensure that no individuals could be arbitrarily detained and guarantee all detained individuals a trial without undue delay and according to procedures conforming to internationally recognized standards. In the same letter it called on the authorities to abolish the death penalty and other forms of inhuman or degrading treatment or punishment.

Islamic law provides the death penalty for adultery (if the convicted person is married), murder, rape and sodomy. Islamic law also provides for the severing of the hand for repeated theft and flogging for grave but lesser offences. During the year under review there were at least four cases of severing of hands for robbery and at least one case known to Amnesty International of flogging for consumption of alcohol. However, the number of Saudis sentenced to flogging may indeed be greater.

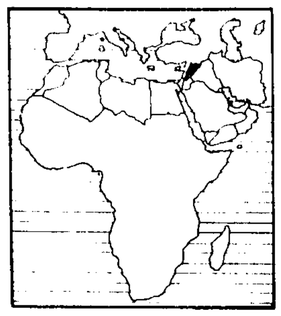
Amnesty International was aware of 79 executions during 1979 and the early part of 1980; sixteen were for murder and rape and 63 involved alleged members of the group which attacked the Holy Mosque in Mecca on 9 January 1980. Those executed for the Mosque attack were convicted of attacking worshippers and sowing dissent among Moslems inside Islam's holiest shrine, according to a *fatwa* (religious edict) delivered by the religious judges in Mecca. On this occasion, Amnesty International issued a statement condemning the executions and the summary trials and asking the government to abolish the death penalty and to ratify the International Covenant on

Civil and Political Rights. One hundred and seventy-three of those who participated in the Mosque attack but were not involved in the fighting received prison sentences of varying length. There are reports that the women and children involved are to be sent to special reform institutions. The total number of those arrested in connection with the Mecca incident is uncertain, but reports indicate that it may be greater than the figures quoted by Amnesty International.

Nasser Said, a Saudi opponent of the government who claims to be the Secretary General of a clandestine opposition group called the Union of the People of the Arabian Peninsula, disappeared on 18 December 1979 in Beirut after informing reporters that his group supported those who attacked the Mosque but did not participate in the attack. Numerous reports allege that the Saudi authorities are responsible for Nasser Said's disappearance but Amnesty International has been unable to confirm them; its inquiry about them to the Saudi authorities has received no reply.

Amnesty International also received information concerning a number of arrests which took place in Qatif and other cities of the eastern province heavily populated by Shi'is, after demonstrations expressing Shi'i discontent.

Amnesty International knows of three prisons for criminal offenders, the Jeddah prison, the Dammam central prison and the Riyadh prison, where ill-treatment of prisoners is reported to occur from time to time.



Syria

The main concerns of Amnesty International included long-term detention without trial of political prisoners, abductions from Lebanon of alleged political opponents, the use of torture to extract confessions during interrogation, the lack of basic legal safeguards in trials of political prisoners by state security courts and the death penalty for both political and criminal offences. In a cable to President Hafez-al-Assad on 30 January 1980, Amnesty International reaffirmed concerns raised in its publication, *Amnesty International Briefing: Syria* and asked for assurances that steps would be taken to release all prisoners of conscience, to review the cases of all people detained without trial and to stop torture.

In the year under review there was a deterioration in the political situation in northern Syria. The towns of Latakia, Deir-az-Zor, Idlib, Homs, Hama and Aleppo were the focus of street violence, strikes and killings, and the army was called in to restore law and order. The authorities attributed the unrest to an alliance between the *Ikhwan al-Muslimin* (Moslem Brotherhood), Israel and the United States Central Intelligence Agency. Foreign observers are now prevented from travelling to the north. On 25 April Amnesty International publicly expressed its concern at reports of systematic and numerous arrests in the region, of detention in makeshift, often secret prisons, torture and summary executions by troops in northern Syria.

During the year Amnesty International worked on behalf of 157 political detainees, 50 were adopted prisoners of conscience, and learned of the release of 80 of them. The adopted prisoners of conscience included nine Syrian Kurds, members of the Kurdish Democratic Party (KDP), who have been in detention without trial since 1973 for protesting against the relocation of Syrian Kurds under the Arab Belt Plan — a plan to move Kurds from north Syria and replace them with Arabs. In April 1980 Amnesty International learned that two members of this group, Daham Miro, the 59-year-old Chairman of the KDP from Hama, and Kana'an Agid, a 45-year-old farmer, had both been released. No information has been received confirming the releases or the continued detention of the other seven prisoners. Still under adoption are the cases of 18 members and supporters of the previous government, including the former President Noureddin Atassi, arrested after the coup in November 1970 which brought President Hafez al-Assad to power. All are being detained without trial in a special wing of al-Mezze military prison in Damascus. In December 1979 these prisoners organized a protest against prison conditions and their prolonged detention without trial.

Amnesty International groups have worked also on behalf of 20 people alleged to be political opponents and critics of the Syrian Government who have been abducted at various times from Lebanon and are detained without trial in Syria. One such case is that of Khalil Brayez, a 45-year-old former army captain at the Aleppo military academy. He was abducted by Syrian security forces from Lebanon in November 1970, reportedly for the criticism he expressed in two books on the performance of the Syrian army in the 1967 war against Israel. He is being held without trial in al-Mezze military prison in Damascus.

Amnesty International learned of the release of 63 of the 66 people whose cases it had taken up in 1979 after their arrest and detention without trial for alleged support of prohibited Marxist movements. They included Omar Kashash, arrested on 14 June 1978

for membership of the political bureau of the illegal wing of the Communist Party led by Riyad Turk, and Yusuf Abdul Kay, a 28-year-old graphic designer from Qamishli who was detained in May 1978 for alleged membership of a Marxist organization. The three detainees still in prison are Salah al-Din Suleiman, Khodr Jaber and Muhammad Maatouk, all army officers.

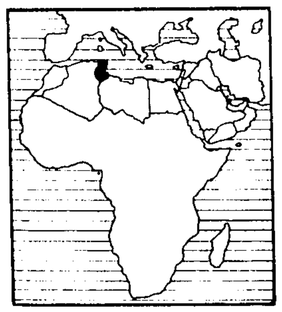
Amnesty International learned also of the release of Zouhair al-Shulak, a 61-year-old lawyer and businessman arrested in April 1970 for writing articles in the Lebanese press critical of the Syrian administration. Zouhair al-Shulak's term of imprisonment should have ended in 1975, but he was not released until April 1980.

Twenty executions were reported during the period under review. On 24 June 1979, 14 people were sentenced to death (12 *in absentia*) by the State Security Court of Aleppo, accused of involvement in the massacre of over 60 military cadets on 16 June at the Aleppo artillery school. On 28 June, 14 civilians and one army private were executed in al-Qala'a Prison, Damascus. The charges against them ranged from murder to membership of armed gangs, and in at least one case the charges dated back to incidents in 1977 and included the assassination in early 1977 of Major Ali Haidar, the security chief of the city of Hama. In June 1979 Amnesty International members urgently appealed against the executions and called for commutation of death sentences. On 26 December 1979 four civilians were reportedly hanged and one member of the armed forces shot in al-Mezze military prison, Damascus. These executions were believed to be for alleged involvement in the massacre of the military cadets in Aleppo.

In January 1980 the Damascus Bar Association repeated its call for an end to the state of emergency and for reforms in the emergency legislation: for the abolition of state security courts; for a boycott of such courts by all lawyers; and for the release or fair trial of all untried detainees. On 20 January 1980 the Regional Command of the Ba'ath Party in Syria announced the setting up of a committee to review the cases of all untried prisoners held under the state of emergency legislation. A planned one-day strike on 31 January by the lawyers in support of their call was deferred after discussions with government officials. In its cable of 30 January 1980 Amnesty International urged the President to take into account the request of the Syrian lawyers for the release of all those detained without a proper court order as well as the protection of the lawyers' freedom of expression. On 9 April a decree was issued dissolving three professional syndicates (unions) of lawyers, medical practitioners and engineers because they had "deviated from syndicates' goals and objectives and violated regulations".

On 5 March 1980, in a letter to the Minister of the Interior in his capacity as Emergency Law Governor, Amnesty International welcomed the establishment of the committee to review the cases of those held without trial and provided a list of names of untried detainees, asking for further information about their situation. There have been reports that in February and March 1980 large numbers of untried detainees were released, among them people whose cases had been taken up by Amnesty International. No exact figures are available.

President Hafez al-Assad on 4 March 1980 presented a draft Bill to the Syrian People's Assembly, amending Article 5 of the State Security Court Law No. 47 of 1968, which, if passed, would limit the wide powers of arrest of the Emergency Law Governor and his deputies. The misuse of these powers has been widely recognized in Syria and was raised in *Amnesty International Briefing: Syria.*



Tunisia

The concerns of Amnesty International were: the arrest, trial and imprisonment of prisoners of conscience; irregularities in trial procedures; torture and ill-treatment and the use of the death penalty.

Amnesty International continued its work on behalf of prisoners of conscience in Tunisia, who include trade unionists arrested as a result of a one-day general strike on 26 January 1978, members of the *El Amel El Tounsi*, "The Tunisian Worker", group arrested in 1973, 1974 and 1975 and members of the *Ech-Chaab*, "The People", group arrested in November 1978.

The prisoners of conscience at present adopted by Amnesty International are serving sentences of up to 10 years' imprisonment in Tunis Civil Prison, Bourj Er-Roumi Prison near Bizerte and the prisons of Sfax, Sousse and Kasserine.

Fourteen prisoners of the *El Amel El Tounsi* group tried by the State Security Court in 1975 are still serving sentences of between 6 and 9 years, and have all been adopted.

On 23 March 1979, eight prisoners arrested in November 1973 and later adopted as prisoners of conscience by Amnesty International were granted only conditional releases upon completing their sentences. All of them are now living under administrative surveillance and Amnesty International has received reports that the restrictions on

them were tightened after the armed attack on the town of Gafsa in January 1980.

On 3 August 1979 nine prisoners of conscience benefited from a conditional amnesty on the birthday of President Habib Bourguiba. Habib Achour, Secretary General of the *Union générale des travailleurs tunisiens* (UGTT), the General Union of Tunisian Workers, who was serving a sentence of 10 years' imprisonment, was released but was subsequently placed under strict house arrest. Five others, originally arrested in 1968 on charges of conspiracy against internal security and membership of an illegal organization, were serving, at the time of their release, sentences varying from 10 to 22 years. After their release, Noureddine Ben Khader, Gilbert Naccache, Rachid Bellalouna, Ahmed Ben Othman Raddaoui and Abdulla Rouissi were ordered to remain in restricted residence in designated towns and to report to the police twice a day. Two other prisoners, Omrane Allouane and Ahmed Karoud, both members of the *El Amel El Tounsi* group, benefited from the 3 August amnesty also but under similar restrictions. However, these have since been relaxed.

The other person affected by the conditional amnesty was Mohamed Salah Fliss, who had approximately four years of his sentence still to serve. He was, however, rearrested in mid-February 1980, when the amnesty was apparently withdrawn. He was held in Bourj Er-Roumi Prison near Bizerte. In a cable to President Habib Bourguiba, Amnesty International expressed concern at this rearrest and requested information regarding Mohamed Salah Fliss's present situation. He was again conditionally released on 30 April 1980.

After the conditional amnesty of 3 August 1979, Amnesty International wrote to President Habib Bourguiba, welcoming the release of nine adopted prisoners of conscience but expressing concern at the conditional nature of the amnesty and at the continuing restrictions placed upon those released. On 18 January 1980, Mohamed Chaabane and Ahmed Triki, both Deputy Secretary-Generals of the regional UGTT office at Sfax, were released by a presidential amnesty. Both of them had been sentenced to two years' imprisonment, and at the time of their release had only approximately one week of their sentences still to serve. On 20 March 1980 an additional presidential amnesty released (conditionally, according to reports) eight trade unionists who were serving sentences of up to eight years.

In August 1979 Amnesty International sent an observer to attend part of the trial of a group of 49 adopted prisoners of conscience. They had been arrested during November 1978 in connection with the publication and distribution of a clandestine version of *Ech-Chaab*, the official newspaper of the UGTT. The 49 defendants were charged

under various articles of the Tunisian Penal Code and the Press Code, Law 154 of 7 November 1959 and Law 33 of 12 June 1969, with the formation or membership of an unauthorized organization, distribution of false information and distribution of an illegal newspaper. They were tried before the Criminal Court in Tunis, the proceedings beginning on 19 July. Some defendants claimed that they had been tortured and called for one minute of silence in memory of Hamadi Zellouz who, they claimed, had been arrested with them and had died in police custody as a result of torture. Immediately after this session, two of the defendants were reportedly beaten in the cells of the Palais de Justice.

The second session of the trial was attended by an Amnesty International observer on 11 August 1979. Families of the defendants were forcibly denied entry to the trial and some individuals were struck by the police. Approximately 13 relatives of those on trial were arrested, and so were two of the defendants on provisional liberty who had been denied access to their own trial.

At the second session all defendants protested that they were being tried *in camera*, claimed that the section of the court reserved for the public was filled with members of the political police and refused to answer questions put by the tribunal until the procedures were normal. Some defendants threatened to start a hunger-strike in protest at the conduct of the trial. Lawyers for the defence repeatedly protested about the conduct of the trial and finally announced their withdrawal without having presented the case for the defence.

In verdicts pronounced on 21 August 1979 all 49 defendants, including those on provisional liberty who had been barred entry to the courtroom on 11 August, received sentences of imprisonment. The majority were sentenced to three years' imprisonment, with one sentence of three years and nine months and a minimum sentence of one year's imprisonment. All were ordered also to pay fines.

On 23 August 1979 Amnesty International issued a news release and cables were sent to the Minister of Justice, Salaheddin Baly, urging a thorough judicial review of the case and pointing out that the trial procedures of 11 August 1979 did not comply with international standards guaranteed by the International Covenant on Civil and Political Rights, which the Tunisian Government ratified in 1969.

The verdicts were appealed against on 26 March 1980. All of the sentences were reduced by the court and some defendants were given suspended sentences.

During the year Amnesty International issued numerous urgent appeals on behalf of its adopted prisoners of conscience who were reported to have been tortured or to be in poor health as a result of ill-treatment or unsatisfactory prison conditions. In some instances

Amnesty International received reports that an improvement had taken place. In one case it was reported that a prisoner was removed from prison to hospital.

On 27 March 1980, 15 people were sentenced to death (two *in absentia*) by the *Cour de sûreté de l'Etat*, State Security Court in Tunis, after being convicted of participating in an armed attack on the town of Gafsa on 27 January 1980. Amnesty International appealed to the President to commute the sentences on humanitarian grounds and reaffirmed its total opposition to the death penalty. On Thursday 17 April, after an unsuccessful appeal, the 13 were hanged.

After its international campaign early in 1979 on behalf of imprisoned trade unionists and other prisoners of conscience in Tunisia, Amnesty International submitted a report to the United Nations of "a consistent pattern of gross and reliably attested violations of human rights".

On 25 October 1979 Amnesty International wrote to President Habib Bourguiba expressing concern at the continued imprisonment of prisoners of conscience which, it believed, contravened the constitution of Tunisia and its obligations under international law. The letter drew attention to the fact that the right to legal defence was consistently violated during trials of prisoners of conscience and that in one instance defendants had been prevented from attending their own trial. It added that it had received frequent and detailed reports of torture and ill-treatment of political detainees and that many prisoners were reported to be in poor health because of ill-treatment and unsatisfactory prison conditions. Amnesty International concluded its letter by calling on President Bourguiba to guarantee constitutional and internationally agreed rights.

Missions: May 1979–April 1980

Country	*Date*	*Delegate(s)*	*Purpose*
	1979		
Tanzania	May	Martin Hill (International Secretariat) Derek Roebuck (International Secretariat)	To attend OAU/UNHCR sponsored Pan-African conference on refugees
USA	May	Louis Blom-Cooper QC (British) David Weissbrodt (American)	To intercede regarding death penalty case in Florida
Italy	May	David Braham (International Secretariat)	To carry out research on prisoners held under special legislation
France	May	Amand D'Hondt (Belgian)	To observe appeal proceedings for two defendants sentenced under special procedures after 23 March 1979 riots
Israel	May/June	Martin Ennals (International Secretariat) Kevin Dwyer (International Secretariat) Clayton Yeo (International Secretariat)	To discuss Amnesty International concerns with the Israeli authorities and to conduct general research

Country	*Date*	*Delegate(s)*	*Purpose*
USA	May/June	Anne Burley (International Secretariat)	To carry out research related to Mexican Americans and undocumented Mexican workers in the USA
Costa Rica/Chile/ Venezuela	June	Frederico Allodi (Canadian) Ole Rasmussen (Danish) Lia Fleming (International Secretariat)	To carry out medical research
Federal Republic of Germany	June	Alfred Heijder (Dutch) Arnt Meyer-Lie (Swedish) Douwe Korff (International Secretariat)	To conduct preliminary talks with Ministry of Justice on Amnesty International's memorandum on "Prison conditions of persons suspected or convicted of politically motivated crimes in the Federal Republic of Germany"
Brazil/Chile	July/August	Tricia Feeney (International Secretariat)	To carry out research
Guatemala	August	Dan Gallin (Swiss) Fernando Alvarez de Miranda (Spanish) Tracy Ulveitt-Moe (International Secretariat)	To meet government officials and to investigate Amnesty International concerns
Togo	August	Robert Durst (French)	To observe trial of prisoners arrested in connection with alleged mercenary plot in 1977

Country	*Date*	*Delegate(s)*	*Purpose*
Tunisia	August	June Ray (International Secretariat)	To observe trial and collect information on 49 prisoners charged with membership of "illegal political organizations" and distribution of "illegal" publication
Nicaragua	August	Arturo Zama (Mexican) Tracy Ulveitt-Moe (International Secretariat)	To establish contact with new government and to carry out research
USA	September	M.G. Kaladharan Nayar (Indian)	To attend appeal hearing in case of Johnny Spain, under sentence of death
Liberia	September	Richard Elsner (International Secretariat)	To attend UN seminar on the Establishment of a Regional Mechanism for the Protection of Human Rights
France	September	Amand D'Hondt (Belgian)	To observe trial of Breton autonomists before court of State Security
Sri Lanka	September	Stephanie Grant (British)	To attend LAWASIA conference and to discuss Amnesty International concerns with government officials
Spain	October	Kurt Madlener (German) Team from Danish Medical Group David Braham (International Secretariat)	To investigate torture allegations

Country	*Date*	*Delegate(s)*	*Purpose*
Czechoslovakia	October	Henry Goldman (Austrian)	To observe trial of six prisoners of conscience detained on 29 May 1979
Bolivia	October/ November	Javier Zuñiga (International Secretariat) Olivier Guignabaudet (International Secretariat)	To attend OAS conference
Democratic Republic of Germany	November	Albert Frisch (Austrian)	To observe trial of prisoner of conscience
USA	November	Sigridur Ingvarsdotter (Icelander)	To observe trial of Carlos Montes, a Chicano activist charged with arson after a demonstration in 1969
Egypt	November	Thomas Jones (American) June Ray (International Secretariat)	To observe trial of 176 prisoners before the Supreme State Security Court and to carry out research
USA	December	Martin Ennals (International Secretariat)	To visit various state capitals, urging suspension of executions and abolition of the death penalty, followed by visit to Washington D.C. for request to the administration to set up presidential commission on death penalty
Czechoslovakia	December	Henry Goldman (Austrian)	To attend appeal hearing of six prisoners of conscience sentenced on 23 October 1979

Country	*Date*	*Delegate(s)*	*Purpose*
Vietnam	December	Thomas Hammarberg (Secretary General designate) Suriya Wickremasinghe (International Executive Committee) Michael Williams (British) Arlette Laduguie (International Secretariat)	To conduct high level talks
	1980		
USA	January	Javier Zuñiga (International Secretariat)	To interview former Cuban political prisoners
Colombia	January	Frederico Allodi (Canadian) Antonio Carretero Perez (Spanish) Edmundo Garcia (International Secretariat)	To discuss Amnesty International concerns with government authorities and to carry out research
Mexico	January	Roberto Cuellar (Salvadorian) Inger Fahlander (International Secretariat)	To carry out research

Country	*Date*	*Delegate(s)*	*Purpose*
Zimbabwe (formerly Rhodesia)	January	Dick Oosting (International Secretariat)	To investigate developments in human rights and to confer with government authorities and other relevant agencies and individuals concerning rehabilitation needs of former prisoners of conscience and other victims of human rights violations
Portugal	January	Hans Rau (German)	To observe trial of leaders of *Partido Revolucionario do Proletariado*
Djibouti	January	Amand D'Hondt (Belgian)	To discuss Amnesty International concerns with the government
Nicaragua	January	Roberto Alvarez (Dominican Republic)	To observe trial of national guards of the Somoza government
Guyana	January	David Weissbrodt (American)	To observe the trial of Dr Walter Rodney and others charged with arson in connection with the burning of a government building
Afghanistan	February	Mümtaz Soysal (Turkish) Yvonne Terlingen (International Secretariat)	To discuss Amnesty International concerns with the newly established government
Taiwan	February	Frits Rüter (Dutch) Françoise Vandale (International Secretariat)	To discuss Amnesty International concerns with the authorities and to investigate those concerns

Country	*Date*	*Delegate(s)*	*Purpose*
Brazil	February	Thomas Ferreira (Canadian)	To follow disciplinary proceedings against doctor accused of having collaborated in torture
Poland	February	Gunther Hagen (Austrian)	To observe the trial of Edmund Zadrozynski
Portugal	February	Hans Rau (German)	To observe the trial of leaders of *Partido Revolucionario do Proletariado*
France	March	Eric Thiry (Belgian)	To observe trial in Brittany of anti-nuclear demonstrators
Seychelles	March	Amos Wako (Kenyan)	To investigate detentions and conditions of detainees at government's invitation
Libya	March/ April	Konrad Dilger (German) June Ray (International Secretariat)	To observe two trials of prisoners of conscience and to conduct talks with government officials
USA	April	Carol Fitzwilliam (Canadian)	To observe trial of Mohawk Indians
Zimbabwe/Namibia	April	Malcolm Smart (International Secretariat)	To attend independence celebration in Zimbabwe and to carry out research in Namibia
Togo	April/May	Robert Durst (French) Martin Ennals (International Secretariat)	To conduct high level talks on Amnesty International concerns

Amnesty International Accounts, Treasurer's and Auditors' Reports

TREASURER'S REPORT FOR THE YEAR ENDED 30 APRIL 1980

During the financial year ended 30 April 1980, Amnesty International received a total of £1,930,763 for the operation of its International Secretariat in London and for the implementation of its program by the International Executive Committee. Of this amount, a total of £1,778,713 was directly contributed by its membership through national sections while £152,050 was received from other sources, including sales of publications and audio visual materials, interest income, etc. In addition, £175,132 was received for direct distribution as relief to individuals covered by Amnesty International's relief policies.

Before accepting any income whether direct or through national sections, Amnesty International carefully ascertains that such contributions are in accordance with the general principles of its guidelines to ensure that it :

— is, and remains, and is seen to remain, an independent and impartial organization, that it

— is, and remains, a broadly based and self-supporting organization, and that

— funds given are in accordance with the objectives of its statutes.

Expenditure of the organization during the year increased steeply due to the sudden increase in the rate of inflation in the United Kingdom, where the International Secretariat is located. This caused, among other cost increases, a considerably higher expenditure on salaries and salary-related costs. As the rate of exchange of the pound sterling remained stable in relation to most of the currencies of those countries from which funds are received, the additional expenditure put a considerable burden on the entire movement during a period of consolidation. Although this burden was met by extra contributions during the year, it is difficult to see how the present program and activities can be stepped up or even maintained at the present level unless supported by additional fund-raising activities.

During the year, total expenditure for program activities amounted to £1,876,467 and £202,172 was distributed as relief payments.

Dirk Börner
Treasurer

AUDITORS' REPORT

To the International Council, Amnesty International :

We have examined the balance sheets of Amnesty International as of 30 April 1980 and 1979 and the related statements of income and expenditure, changes in financial position and movement on Relief and Special Projects funds 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 accounts set out on pages 370 to 381 present fairly the financial position of Amnesty International as of 30 April 1980 and 1979, the results of its operations, changes in financial position and movement on Relief and Special Projects funds for the years then ended, in conformity with generally accepted accounting principles, consistently applied during the periods.

Arthur Andersen & Co.

London
2 July 1980

AMNESTY INTERNATIONAL
BALANCE SHEETS — 30 APRIL 1980 AND 1979

ASSETS

	1980	1979
CURRENT ASSETS:		
Cash (Note 2)	£473,024	£579,953
Due from National Sections	186,033	124,110
Sundry debtors and prepaid expenses	72,701	33,553
Publications stocks (Note 3c)	12,472	13,929
Total current assets	744,230	751,545
PROPERTY AND EQUIPMENT (Notes 3b and 4):		
Cost	147,362	139,699
Accumulated depreciation	106,697	77,485
Net book value	40,665	62,214
Total assets	£784,895	£813,759

The accompanying notes are an integral part of these balance sheets.

Balance Sheets — 30 April 1980 and 1979 continued

LIABILITIES AND ACCUMULATED RESERVES

	1980	1979
CURRENT LIABILITIES:		
Creditors and accrued liabilities	£116,906	£161,257
Due to National Sections	58,309	48,258
Relief funds, per attached statement (Note 2)	158,218	185,258
Special Projects fund, per attached statement (Note 6)	177,828	218,908
Total current liabilities	511,261	613,681
NON-CURRENT LIABILITIES:		
Past service superannuation liability (Note 9)	8,120	8,700
Total liabilities	519,381	622,381
ACCUMULATED RESERVES (Note 7):	265,514	191,378
Total liabilities and accumulated reserves	£784,895	£813,759

The accompanying notes are an integral part of these balance sheets.

AMNESTY INTERNATIONAL
STATEMENTS OF INCOME AND EXPENDITURE
FOR THE YEARS ENDED 30 APRIL 1980 AND 1979

	1980	1979
INCOME:		
Contributions from National Sections (Note 3a)—		
Regular	£1,586,762	£1,192,081
Special contributions for contingencies	80,000	–
Additional contribution to increase the accumulated reserves	23,489	–
	1,690,251	1,192,081
Donations (Note 3a)	60,746	34,246
Other—		
Publications revenue (Note 3a)	31,453	35,279
Interest income	39,869	15,839
Write-back of over-provisions in prior years	11,420	–
Other receipts	8,562	2,533
	1,842,301	1,279,978
EXPENDITURE (Notes 3 and 5):		
Salaries and related costs	977,973	696,793
Administrative and programme support expenses	201,866	144,952
Publications and printing	149,611	109,504
Travel and subsistence	80,219	69,538
Office expenses	240,097	169,434
Other expenses	22,060	9,463
Bad debts expense (Note 3a)	33,286	8,000
Exchange losses (Note 3d)	7,023	8,084
Nobel Peace and Erasmus Prizes expenditure (Note 7)	21,240	29,980
	1,733,375	1,245,748
Net surplus for the year	108,926	34,230

The accompanying notes are an integral part of these statements.

Analysis of net surplus for year—		
Operating surplus of the International Secretariat for the year	£ 60,467	£ 64,210
Contribution for accumulated reserves	23,489	-
Write-back of over-provisions in prior years	11,420	-
Donations allocated by the International Executive Committee to Special Projects fund	34,790	-
Nobel Peace and Erasmus Prizes expenditure	(21,240)	(29,980)
	£ 108,926	£ 34,230

Donations allocated by International Executive Committee to Special Projects fund	34,790	–
Net surplus for the year retained	74,136	34,230
ACCUMULATED RESERVES, beginning of year	191,378	157,148
ACCUMULATED RESERVES, end of year	£ 265,514	£ 191,378

The accompanying notes are an integral part of these statements.

AMNESTY INTERNATIONAL
STATEMENTS OF CHANGES IN FINANCIAL POSITION
FOR THE YEARS ENDED 30 APRIL 1980 AND 1979

	1980	1979
SOURCES OF FUNDS:		
Accumulated reserves—		
Net surplus for year	£ 108,926	£ 34,230
Depreciation, which does not involve cash flow during the year	29,212	40,247
	138,138	74,477
Relief funds received	175,132	304,817
Special Projects fund receipts	88,462	180,996
	401,732	560,290
Other sources—		
Decrease in debtor balances	–	20,498
Decrease in publications stocks	1,457	1,741
Increase in creditor balances	–	18,790
	403,189	601,319
USES OF FUNDS:		
Purchase of property and equipment	7,663	18,110
Increase in debtor balances	101,071	–
Decrease in creditor balances	34,880	17,055
Relief fund payments	202,172	189,447
Special Projects fund expenditure	164,332	138,140
	510,118	362,752
Increase (decrease) in cash during the year	£(106,929)	£238,567

The accompanying notes are an integral part of these statements.

AMNESTY INTERNATIONAL
STATEMENTS OF MOVEMENT ON RELIEF FUNDS
FOR THE YEARS ENDED 30 APRIL 1980 AND 1979
(Note 2)

	1980	1979
INCREASES:		
Specific relief funds received, including £97,919 received in 1979 from the Commission of the European Economic Communities	£154,779	£298,091
Interest income	20,353	6,726
	175,132	304,817
DECREASES:		
Payments by geographical region—		
Africa	64,383	86,480
Asia	78,254	57,077
Europe	5,588	11,420
Americas	45,931	30,366
Middle East	8,016	4,104
	202,172	189,447
Net increase (decrease) for the year	(27,040)	115,370
BALANCE OF RELIEF FUNDS, beginning of year	185,258	69,888
BALANCE OF RELIEF FUNDS, end of year	£158,218	£185,258

The accompanying notes are an integral part of these statements.

AMNESTY INTERNATIONAL
STATEMENTS OF MOVEMENT ON SPECIAL PROJECTS FUND
FOR THE YEARS ENDED 30 APRIL 1980 AND 1979
(Note 6)

	1980	1979
INCREASES:		
Donations for the Special Projects fund	£ 88,462	£180,996
Donations allocated to the Special Projects fund by the International Executive Committee	34,790	–
	123,252	180,996
DECREASES:		
Expenditure by Special Projects category comprised—		
Missions	57,861	27,990
National Section development	62,814	30,957
Multi-lingual services	–	14,862
The Campaign Against Torture	21,925	2,007
Medical projects	2,463	2,286
Human rights awareness and education	–	3,154
Office premises and equipment	485	1,158
Research	9,317	756
International meetings	3,121	–
Other	6,346	54,970
	164,332	138,140
Net increase (decrease) for the year	(41,080)	42,856
FUND BALANCE, beginning of year	218,908	176,052
FUND BALANCE, end of year	£177,828	£218,908
Comprising—		
Amount allocated to identified projects	£ 52,156	£ 42,147
Unallocated portion	125,672	176,761
	£177,828	£218,908

The accompanying notes are an integral part of these statements.

AMNESTY INTERNATIONAL
NOTES TO ACCOUNTS — 30 APRIL 1980 AND 1979

1. *AIMS AND ORGANISATION:*

Amnesty International is an unincorporated, non-profit organisation 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 organisation are covered by the Statute of Amnesty International, as amended by the Twelfth International Council meeting in Leuven, Belgium, in September 1979.

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". Amnesty International is organised on the basis of National Sections, whose activities are assisted by the International Secretariat in London, under the control of the International Executive Committee. One of the main functions of the International Secretariat is to carry out research to identify prisoners of conscience and to report on its findings.

The International Secretariat is financed principally by contributions from National Sections. The accompanying accounts embrace only those finances for which the International Executive Committee is responsible, namely those of the International Secretariat. Accordingly these accounts exclude amounts related to the resources of individual National Sections.

2. *RELIEF FUNDS:*

The International Secretariat is responsible for the administration and disbursement of relief funds. Not all such funds received have been applied, as yet, towards relief, and such unpaid funds are held in separate bank accounts. Relief funds are reflected as a current liability of the International Secretariat.

Payments of relief are usually made to prisoners or their families via intermediaries. This involves entrusting persons whom the International Secretariat considers 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.

The movement on relief funds is summarised in the attached statement; receipts and payments of relief funds do not comprise income and expenditure of the International Secretariat.

3. *ACCOUNTING POLICIES:*

a) Income—

National Section contributions to the International Secretariat represent the agreed share of each Section towards the budget of the International Secretariat. Reserves have been provided against unpaid contributions which National Sections have stated they will not or cannot meet.

Donations are accounted for on a cash basis, and include amounts received from National Sections over and above their agreed contributions.

Publications revenue represents the sale of publications to National Sections and third-parties.

b) Property and equipment—

Property and equipment are stated at cost less accumulated depreciation. Depreciation is provided at the following rates—

Leasehold improvements — over the period of the lease
Office equipment — over a period of four years

Depreciation provided in respect of assets purchased out of the Special Projects fund has been charged to the fund.

c) Publications stocks—

Publications stocks are stated at the lower of cost and net realisable value.

d) Foreign currencies—

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.

4. *PROPERTY AND EQUIPMENT:*

Movement on the account for the year was—

	Balance, 30 April 1979	Additions/ Provisions	Balance, 30 April 1980
Cost—			
Leasehold improvements	£ 48,146	£ –	£ 48,146
Office equipment	91,553	7,663	99,216
	139,699	£ 7,663	147,362
Accumulated depreciation—			
Leasehold improvements	29,398	£ 5,329	34,727
Office equipment	48,087	23,883	71,970
	77,485	£29,212	106,697
Net book value	£ 62,214		£ 40,665

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—

	1980	1979
Publications revenue	£ 31,453	£ 35,279
Publications cost of sales	(65,753)	(48,630)
Gross loss	(34,300)	(13,351)
Salaries and related costs	(52,934)	(55,774)
Other costs	(25,855)	(30,085)
Deficit for year	£(113,089)	£ (99,210)

6. *SPECIAL PROJECTS FUND:*

The Special Projects fund, replenished from time to time by National Sections and other sources, is maintained to enable the organisation 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 the provision of information services for certain regions.

The movement on the Special Projects fund is summarised in the attached statement; receipts and payments of the Special Projects fund do not comprise income and expenditure of Amnesty International.

7. *ACCUMULATED RESERVES:*

The accumulated reserves represent—

	1980	1979
General accumulated reserve	£215,738	£120,362
Nobel Peace Prize	32,184	50,952
Erasmus Prize	17,592	20,064
	£265,514	£191,378

At its meeting in May 1980, the International Executive Committee agreed that the level of the general accumulated reserve should represent approximately 25% of the annual expenditure of the International Secretariat. At 30 April 1980 the general accumulated reserve represented 12.6% of the expenditure incurred during the year then ended (excluding expenditure relating to the Nobel Peace Prize and the Erasmus Prize).

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 organisation of Amnesty International and for special programmes identified with peace. During the year ended 30 April 1980, £18,768 was expended from 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 purposes, is being used to establish a document centre. During the year ended 30 April 1980, £2,472 was expended from the fund.

8. *LEASE COMMITMENTS:*

In 1979, the organisation renegotiated the terms of the lease of its premises at Southampton Street, London WC2. The lease extends to 25 December 1983 at an annual rental of £110,000 but can be terminated in December 1982 at the option of the landlord.

Under the terms of the lease, the organisation has paid a deposit of £12,250 as surety, which is held jointly by the solicitors 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 most employees. 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 amortised over 20 years on a straight-line basis; the unamortised balance at 30 April 1980 was £8,120.

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 1

Statute of Amnesty International

As amended by the 12th International Council, meeting in Leuven, Belgium, 6-9 September 1979

OBJECT

1. CONSIDERING that every person has the right freely to hold and to express his or her convictions and the obligation to extend a like freedom to others, the object of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:
   a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "Prisoners of Conscience");
   b) opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;
   c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

METHODS

2. In order to achieve the aforesaid object, AMNESTY INTERNATIONAL shall:

a) at all times maintain an overall balance between its activities in relation to countries adhering to the different world political ideologies and groupings;

b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in Article 1 hereof;

c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;

d) take all necessary steps to establish an effective organization of 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 object set out in Article 1;

f) provide financial and other relief to Prisoners of Conscience and their dependants and to persons who have lately been Prisoners of Conscience or who might reasonably be expected to be Prisoners of Conscience or to become Prisoners of Conscience if convicted or if they were to return to their own countries, and to the dependants of such persons;

g) work for the improvement of conditions for Prisoners of Conscience and political prisoners;

h) provide legal aid, where necessary and possible, to Prisoners of Conscience and to persons who might reasonably be expected to be Prisoners of Conscience or to become Prisoners of Conscience if convicted or if they were to return to their own countries, and where desirable, send observers to attend the trials of such persons;

i) publicize the cases of Prisoners of Conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;

j) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;

k) make representations to international organizations and to governments whenever it appears that an individual is a Prisoner of Conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;

l) promote and support the granting of general amnesties of which the beneficiaries will include Prisoners of Conscience;

m) adopt any other appropriate methods for the securing of its object.

ORGANIZATION

3. AMNESTY INTERNATIONAL shall consist of national sections, affiliated groups and individual 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 object of AMNESTY INTERNATIONAL. The International Secretariat shall maintain a register of national sections. National sections shall act in accordance with the working rules and guidelines that are adopted from time to time by the International Council.

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 object of AMNESTY INTERNATIONAL. Groups shall act in accordance with the working rules and guidelines that are adopted from time to time by the International Council.

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 with the consent of the International Executive Committee. In countries where a national section exists, individuals may become international members of AMNESTY INTERNATIONAL with the consent of the national section and of the International Executive Committee. The International Secretariat shall maintain a register of such members.

11. Deleted.

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 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 Chairperson 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 Chairperson. Thereafter the elected Chairperson, or such other person as the Chairperson may appoint, shall preside at the International Council.

19. Except as otherwise provided in the statute, the International Council shall make its decisions by a simple majority of the votes cast. In case of an equality of votes the Chairperson 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 Chairperson 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 the meetings of the International Council shall be prepared by the International Secretariat under the direction of the Chairperson 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 until the close of the next meeting of the International Council; they shall be eligible to be reco-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, such member may appoint an alternate.
31. The Committee shall each year appoint one of its members to act as Chairperson.
32. The Chairperson 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 Chairperson.
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 Chairperson of the International Executive Committee, and subject to confirmation by that Committee, appoint such executive and professional staff as are necessary for the proper conduct of the affairs of AMNESTY INTERNATIONAL, and may appoint such other staff as are 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 Chairperson 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 Chairperson 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 object 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 such person of membership, and such national section, affiliated group or member shall be provided with an opportunity of presenting its or such member's 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-fifths 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 three 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 News Releases May 1979 – April 1980

1979

14 May	AI condemned the merciless treatment of hundreds of school children who have been arrested in the *Central African Empire* in recent months. The children, aged between 8 and 16 years, have protested against new regulations compelling them to wear government uniforms.
16 May	AI published an English translation of reports compiled by Soviet citizens on the trials of 12 human rights activists now imprisoned on political charges in the *Soviet Union*.
31 May	AI announced that it had sent a mission on 29 and 30 May to the State of Florida in the *United States of America* to plead with state officials for the commutation of death sentences facing more than 130 prisoners on death row in Florida.
18 June	AI announced that it was urging governments throughout the world to take their full share of international responsibility in accepting *Indochina* refugees. AI said it was asking its national sections to request the governments of their countries to announce without delay that they would accept substantially increased quotas.

20 June — AI released a computer list of 2,665 cases of people known to have disappeared in *Argentina* since the military coup that brought General Jorge Rafael Videla to power in 1976.

24 June — AI said that it knew of 321 individuals in the *Soviet Union* who had been sentenced to terms of imprisonment, exile or similar deprivation of liberty or who had been forcibly confined to psychiatric hospitals for the non-violent exercise of their human rights since August 1975.

27 June — AI announced that it would ask the Government of *Czechoslovakia* for permission to observe the forthcoming trial of 10 members of an unofficial Czech human rights group who are now in pre-trial detention in Prague, facing possible prison terms ranging from one to 10 years.

2 July — AI made public the personal account of a Venezuelan poet who was held for more than six years as a prisoner of conscience in the *Democratic People's Republic of Korea* (North Korea).

16 July — AI cabled President Leonid Brezhnev of the *Soviet Union* appealing to him to commute the death sentences passed against four men in the Ukraine.

19 July — AI urged the International Conference on South East Asian Refugees, which will open in Geneva tomorrow, to ensure that no further *Kampuchean* refugees are sent back to their country from Thailand.

26 July — AI said that it had received reports from several reliable sources indicating that at least 26 prominent long-term political prisoners in *Ethiopia* had "disappeared" from an Addis Ababa prison during the last two weeks.

2 August — AI condemned the recent waves of summary executions in *Iraq* and called on the government to abandon its policy of systematically eliminating suspected political opponents throughout the country.

13 August — AI called on the Government of *Argentina* to stop the harassment of human rights organizations in the country.

29 August — AI called on the Government of *Malaysia* to repeal the Internal Security Act under which more than 1,000 political opponents are detained.

30 August — AI urged Colonel Mu'ammar Gaddafi of *Libya* to grant a general amnesty to all political prisoners to mark the 10th anniversary of the 1969 Libyan revolution.

10 September — The 12th International Council of AI meeting in Leuven, Belgium, from 6 to 9 September 1979, adopted a series of decisions aimed at clarifying the precise mandate of the organization in its worldwide efforts to oppose political imprisonment, torture and executions.

12 September — AI launched a major international campaign aimed at ending the wave of political murder, torture and abduction in *Guatemala* that is known to have taken the lives of at least 2,000 people in the past 16 months.

19 September — AI released a report depicting a consistent pattern of gross violations of human rights in *Afghanistan* since the government of President Noor Mohammed Taraki came to power in April 1978.

26 September — AI announced the publication of a major report on the death penalty and called on all governments to work towards its immediate and total abolition.

1 October — AI welcomed an assurance given by the Government of the *Comoros* that four prominent political prisoners in the country would be tried in public by a special tribunal and allowed defence counsel of their choice.

3 October — AI announced it had submitted testimony to the Supreme Court of *Paraguay* indicating that three members of the central committee of the Paraguayan Communist Party died under torture in police custody following their arrest in November 1975.

10 October — AI issued the text of an open letter to President Leonid Brezhnev appealing for the unconditional release of all prisoners of conscience in the *Soviet Union* and for an end to the abuse of psychiatry for political purposes.

14 October — AI released details of 35 individual cases of children from 21 countries who have been arrested, imprisoned, tortured, separated from their parents or murdered as a result of political, racial or religious persecution by governments.

16 October — AI said it seriously doubted that Wei Jingsheng, the

Chinese human rights activist sentenced in *Peking* today to 15 years' imprisonment, had received a fair trial.

24 October — AI said that it welcomed and accepted the *Comorian* Government's assurances that there are currently no political prisoners in the country condemned to death or under sentence of imprisonment.

24 October — AI said that political prisoners in *Syria* were being held in prolonged detention without trial and subjected to torture resulting, in some cases, in death.

28 October — AI announced that it had adopted the Czechoslovak human rights activists sentenced in *Prague* last Tuesday as "prisoners of conscience" and said it would work for their unconditional release from prison.

4 November — AI said it was gravely concerned about the dramatic deterioration of the human rights situation in *Pakistan* and warned that during the past 20 days there had been at least 300 political arrests and a sharp increase in the number of cruel, inhuman and degrading punishments handed down by the country's military courts.

14 November — AI announced the appointment of Swedish journalist Thomas Hammarberg as its next Secretary General.

26 November — AI asked the *Indonesian* Government to confirm that it would meet its commitment to release by the end of 1979 all remaining political prisoners who are not to be tried. The organization acted in response to reports suggesting that as many as 1,500 prisoners, some of them held for 14 years without trial, would continue to be detained.

5 December — AI said that a recent fact-finding mission to *Guatemala* had concluded that "to be a union leader or active member of a trade union in Guatemala today means risking one's life".

9 December — AI, in its annual report, warned that political dissenters were facing an increasing threat of murder or execution in countries with widely differing ideologies around the world.

11 December — AI called on President Carter to establish a presidential commission on the use of the death penalty in the *United States* which it said constitutes a serious violation of the most basic internationally recognized human rights — the right to life and the right not to be subjected to cruel, inhuman and degrading punishments.

18 December — AI called on Lord Soames, new Governor of *Rhodesia*, to mark the resumption of British authority there by ending human rights violations, including secret executions, political imprisonment, detention without trial and torture.

18 December — AI called for a full investigation of the latest attack on the *Madrid* office of the organization's Spanish Section. AI said it had asked Spanish Prime Minister Adolfo Suarez to intervene personally to ensure protection for the organization's Spanish Section, after three attacks on its Madrid office this year.

1980

8 January — AI protested to the *Czechoslovak* authorities over the harassment of a lawyer it had sent to try to observe hearing of appeals by six imprisoned human rights activists in Prague.

11 January — AI condemned the executions in *Saudi Arabia* of the 63 men found guilty of the November 1979 attack on the Great Mosque in Mecca. AI had previously asked King Khaled to commute the death sentences on humanitarian grounds.

15 January — AI announced that a regional conference of human rights activists had recommended the creation of a "Latin American Human Rights Commission". At a four-day meeting in San José, *Costa Rica*, the human rights campaigners brought together by AI said that the establishment of a non-governmental human rights organization for the region was an "urgent and unquestionable necessity".

15 January — AI said that a major crackdown on dissenters appeared to be taking place in the *Soviet Union*. More than 40 people are known to have been arrested in the past three months for the non-violent exercise of human rights, the organization said.

17 January — AI said that the British Governor of *Rhodesia*, Lord Soames, had failed to put an end to the detention without charge or trial of thousands of people and to resolve other outstanding human rights problems.

30 January — AI repeated its call to the *Syrian* Government to give public assurances that it would take immediate steps to release all prisoners of conscience, review the cases of all citizens detained without charge or trial and halt the practice of torture.

31 January — AI called on the *Singapore* Government to end the practices of detention without trial and torture of political prisoners.

4 February — AI published a unique eyewitness report by two survivors who escaped from secret detention camps in *Argentina* where they estimate that hundreds of people have been systematically tortured and killed since 1976.

21 February — AI said that human rights were being violated under British authority in *Rhodesia* and that law enforcement was largely in the hands of the same Rhodesian officials who were responsible for torture and secret executions under the former illegal administration.

22 February — AI described Lord Soames' claim that there were no political prisoners in *Rhodesia* as "contradictory and false".

22 February — AI rejected as "astounding" a reported statement by President El Hadj Ahmadou Ahidjo of *Cameroon* that only four of the people arrested in a major political round-up in 1976 were still being held (*Le Monde*, 15 February 1980).

28 February — AI confirmed that a two-member delegation had visited *Afghanistan* this month to discuss protection of human rights in the country with the new government and to study on-the-spot human rights abuses it had previously reported.

28 February — AI said it had received no request to mediate in the occupation of the embassy in the *Colombian* capital, Bogota, where diplomats from at least 14 countries are being held hostage.

12 March — AI reacted with surprise to yesterday's communique by *Zairian* President Mobutu Sese Seko who claimed in Brussels that the human rights organization had congratulated him on his government's human rights record.

13 March — AI said it was sending an observer to the trial of nine people accused of taking part in a clash with French police and paratroops during a demonstration against the construction of a nuclear power station in *Brittany*. The international human rights organization expressed concern about the summary trial procedures being used under a special anti-violence law (*loi anti-casseurs*).

17 March — AI called on the Government of *El Salvador* to halt a campaign of murder and abduction against peasants, launched following an announcement of agrarian reform. Hundreds of men, women and children are believed to have been killed and many more forced to flee their homes, according to reports from the country.

20 March — AI said that suspected political dissidents are still being imprisoned in *Taiwan* under martial law provisions in force since the Chinese Nationalist Government retreated there more than 30 years ago.

20 March — AI confirmed that it had sent an observer to *Taiwan* to attend the trial of seven men charged with sedition. The AI delegate, Australian lawyer Dr Michael Sandor, will observe the military court proceedings against the seven who were among more than 150 arrested following a Human Rights Day rally that ended in violence in the provincial city of Kaohsiung last December.

25 March — AI said it had received reports that at least 18 young people, most of them teenagers, have been shot, bayoneted or tortured to death and hundreds of others arrested as the Government of *Mali* tries to crush student unrest.

25 March — AI said that the assassinated Roman Catholic Archbishop of *San Salvador*, Oscar Romero, had been martyred in the cause of human rights. The organization pointed out last week that the Archbishop had been the target of death threats since the start of a new campaign of political murder and abduction instituted by the Salvadorian Government under a state of siege. Hundreds of peasants have been detained and killed by security and auxiliary forces in the past month.

1 April — AI submitted a series of recommendations on the protection of human rights to the *Colombian* Government. The organization's Secretary General Martin Ennals delivered the recommendations to His Excellency Gustavo Balcázar Monzón, the Colombian Ambassador in London.

2 April — AI said that *Paraguayan* security forces had killed more than 20 peasants and arrested several hundred in raids in several parts of the country. Some 300 peasants have been taken to a notorious police torture centre called *Investigaciones* in the capital, Asunción, and an unknown number are held in the towns of Villarrica and Paraguarí, the organization said.

9 April — AI deplored the decision of the Government of *Liberia* to place a price on the heads of 20 people suspected of belonging to an opposition party.

16 April — AI said that thousands of members of the former administration in *Laos* had now been detained for nearly five years without charge or trial because of their former functions or beliefs. Most were sent to "re-education" camps in various parts of the country between May and December 1975. Some are now reported to be in poor health due to conditions in the camps, AI said in a document issued today.

17 April — AI said that it had found a pattern of widespread arbitrary arrests and systematic torture of political prisoners in *Colombia*, and had given the government detailed recommendations for ending these abuses.

22 April — AI named 14 prominent long-term political prisoners who "disappeared" while in custody in *Ethiopia* in July 1979 and have not been heard of since. Fears for their lives were first raised when food brought in daily for them was turned back by prison authorities. Such refusal of food in previous cases has meant that prisoners had been killed.

25 April — AI said it was receiving increasing reports of large-scale arrests and a number of summary executions by troops in northern *Syria*.

29 April — AI published a detailed account of the way *Soviet* authorities use hunger, forced labour and dangerous drugs to punish imprisoned dissenters.

30 April — AI called on workers and supporters of trade union movements all over the world to mark International Labour Day by seeking the release of their fellow workers who are in prison for exercising their rights to organize and speak freely.

APPENDIX III

Amnesty International Publications May 1979 – April 1980

Amnesty International publications are available in English, French and Spanish. These and many other language editions together with further details of the Amnesty International multilingual publishing program may be obtained from the offices of all national sections. For addresses see page 403.

Death Penalty: *The Death Penalty*. Amnesty International Report (1979) ISBN 0 900058 88 9

Children: *Children* — an Amnesty International Publication (1979) ISBN 0 900058 95 1

Syria: *Amnesty International Briefing on Syria*, Number 16 (1979) ISBN 0 900058 96 X (also available in Arabic)

Annual Report: *Amnesty International Report 1979* (1980) ISBN 0 900058 98 6

Singapore: *Report of an Amnesty International Mission to Singapore* (1980) ISBN 0 862100 02 X

Argentina: *Testimony on Secret Detention Camps in Argentina* (1980) ISBN 0 862100 07 0

Taiwan (Republic of China): *Amnesty International Briefing on Taiwan*, Number 6 (second edition 1980) ISBN 0 862100 01 1

Soviet Union: *Prisoners of Conscience in the USSR: Their Treatment and Conditions*, (first published November 1975, second edition April 1980) ISBN 0 862100 06 2

Zaire: *Human Rights Violations in Zaire* (1980) ISBN 0 862100 09 7

United States of America: *Proposal for a Presidential Commission on the Death Penalty* (1980) ISBN 0 862100 11 9

Romania: *Amnesty International Briefing on Romania*, Number 17 (1980) ISBN 0 862100 13 5

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, Number 51, ISBN 0 900058 97 8
A Chronicle of Current Events, Number 52, ISBN 0 862100 04 6
A Chronicle of Current Events, Number 53, ISBN 0 862100 08 9

Amnesty International also produces an international *Newsletter*. The *Newsletter* is a monthly account of Amnesty International's work for human rights in countries throughout the world and includes feature articles and a bulletin on the work of the Campaign for the Abolition of Torture.

In addition to major reports, Amnesty International also publishes documents on its missions and related research work.

Afghanistan: *Violations of Human Rights and Fundamental Freedoms in the Democratic Republic of Afghanistan* (September 1979) AI Index: ASA 11/04/79

Argentina: *The 'Disappeared' of Argentina — List of Cases Reported to Amnesty International, November 1974-December 1979.* AI Index: AMR 13/06/80

Argentina: *Extracts from the Report of an Amnesty International Mission to Argentina, 6-15 November 1976* (December 1979) AI Index: AMR 13/70/79

Colombia: *Recommendations to the Colombian Government of an Amnesty International Mission to the Republic of Colombia, 15-31 January 1980.* (April 1980) AI Index: AMR 23/04/80

Federal Republic of Germany: *Amnesty International's work on prison conditions of persons suspected or convicted of politically motivated crimes in the Federal Republic of Germany: Isolation and Solitary Confinement* (May 1980) AI Index: EUR 23/01/80

Guatemala: *Calendar of Human Rights Abuses* (September 1979) AI Index: AMR 34/18/79

Korea (DPR): *Ali Lameda: A Personal Account of the Experience of a Prisoner of Conscience in the Democratic People's Republic of Korea* (July 1979) AI Index: ASA 24/02/79

Laos (PDR): *Political Prisoners in the People's Democratic Republic of Laos* (March 1980) AI Index: ASA 26/02/80

Malaysia: *Report of an Amnesty International Mission to the Federation of Malaysia, 18-30 November 1978,* (August 1979) AI Index: ASA 28/04/79

Uruguay: *Political Imprisonment in Uruguay* (4 papers) (June 1979) AI Index: AMR 52/16/79

APPENDIX IV

United Nations
Code of Conduct for Law Enforcement Officials

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty, or the needs of justice, strictly require otherwise.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, take immediate action to secure medical attention whenever required.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Article 8

Law enforcement officials shall respect the law and the present code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of this Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

APPENDIX V

Amnesty International

APPEAL TO THE UNITED NATIONS FOR THE ABOLITION OF THE DEATH PENALTY

We, the undersigned,

ALARMED BY

executions of political opponents and criminal offenders in many countries;

AFFIRMING THAT

the death penalty is incompatible with the right to life and the prohibition of cruel, inhuman or degrading treatment;

CONVINCED THAT

the abolition of the death penalty in all countries would represent a great advance in the respect of governments for the human person;

APPEAL TO

the United Nations and its member states to take all necessary steps for the immediate and total abolition of the death penalty throughout the world.

APPENDIX VI

Resolution 727 adopted by the Parliamentary Assembly of the Council of Europe (on 22 April 1980)

The Assembly,

1. Considering that capital punishment is inhuman;

2. Appeals to the parliaments of those member states of the Council of Europe which have retained capital punishment for crimes committed in times of peace, to abolish it from their penal systems.

Recommendation 891 adopted by the Parliamentary Assembly of the Council of Europe (on 22 April 1980)

The Assembly,

1. Referring to its Resolution 727 (1980) on the abolition of capital punishment;

2. Considering that Article 2 of the European Convention on Human Rights recognizes everyone's right to life, but provides that a person may be deprived of his life intentionally in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law;

3. Recommends that the Committee of Ministers amend Article 2 of the European Convention on Human Rights to bring it into line with Assembly Resolution 727 (1980).

APPENDIX VII

National Section Addresses

Australia: Amnesty International, Australian Section, PO Box No. A159, Sydney South, New South Wales 2000

Branch Addresses:

New South Wales: Amnesty International, New South Wales Branch, GPO Box 2598, Sydney, New South Wales 2001

Queensland: Amnesty International, Queensland Branch, 272 Petrie Terrace, Brisbane, Queensland 4000

South Australia: Amnesty International, South Australia Branch, c/o Mrs C.E. Secombe, 57 Waitara Road, Banksia Park, South Australia 5091

Tasmania: Amnesty International, Tasmania Branch, c/o Mrs B.E.G. Rolls, Box 968 K, Hobart, Tasmania 7001

Victoria: Amnesty International, Victoria Branch, 277 Inkermann Street, St Kilda, Victoria 3182

Western Australia: Amnesty International, Western Australia Branch, Box X2258, GPO Perth, Western Australia 6001

Austria: Amnesty International, Austrian Section, Esslinggasse 15/4, A-1010 Wien

Bangladesh: Amnesty Bangladesh, GPO Box 2095, Dacca

Belgium: *(Flemish)* Amnesty International, Blijde Inkomststraat 98, 3000 Leuven

(French-speaking) Amnesty International, 145 Boulevard Leopold II, 1080 Brussels

Canada: *(English-speaking)* Amnesty International, Canadian Section (English-speaking), PO Box 6033, 2101 Algonquin Avenue, Ottawa, Ontario K2A 1T1

(French-speaking) Amnistie Internationale, Section Canadienne (francophone), 1800 Ouest, Boulevard Dorchester, Local 400, Montreal, Quebec H3H 2H2

Costa Rica: Apartado 72, Centro Colón, San José

Denmark: Amnesty International, Frederiksborggade 1, 1360 Copenhagen

Ecuador: Casilla de Correo 8994, Guayaquil

Faroe Islands: Amnesty International, c/o Anette Wang, Trondargøta 47, 3800 Torshavn

Finland: Amnesty International, Finnish Section, Laivasillankatu 10A 3b, SF-00140 Helsinki 14

France: Amnesty International, French Section, 18 rue de Varenne, 75007 Paris

Germany, Federal Republic of: Amnesty International, Section of the FRG, Heerstrasse 178, 5300 Bonn 1

Ghana: Amnesty International, Ghanaian Section, PO Box 9852, Kotoka Airport, Accra

Greece: Amnesty International, Greek Section, 22 Kleitomachou Street, Athens 502

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, Liberty Hall, 8th Floor, Dublin 1

Israel: Amnesty International, Israel National Section, PO Box 37638, Tel Aviv

Italy: Amnesty International, Italian Section, viale Mazzini 146, 00195 Rome

Ivory Coast: Amnesty International, Section Ivoirienne, 01 BP 698, Abidjan 01

Japan: Amnesty International, Japanese Section, Daisan-Sanbu Building, 3F, 2-3-22 Nishi-Waseda, Shinjuku-ku, Tokyo 160

Korea, Republic of: c/o International Secretariat, 10 Southampton Street, London WC2E 7HF

Luxembourg: Amnesty International Luxembourg, Boîte Postale 1914, Luxembourg-Gare

Mexico: Ap. Postal No. 20-217, Mexico 20 DF

Nepal: Amnesty International, Nepal Section, 21/94 Bagbazar, Kathmandu

Netherlands: Amnesty International, Dutch Section, 3e Hugo de Grootstraat 7, Amsterdam

New Zealand: Amnesty International, New Zealand Section, PO Box 11648, Manners Street, Wellington 1

Nigeria: Amnesty International, Nigerian Section, 7 Onayade Street, Fadeyi-Yaba, Lagos

Norway: Amnesty International, Norwegian Section, Rosenkrantzgatan 18, Oslo 1

Pakistan: Amnesty International, Pakistan Section, 615 Muhammadi House, I.I. Chundrigar Road, Karachi

Peru: Casilla 2319, Lima

Spain: Amnesty International, Columela 2, 1° derecha, Madrid 1

Barcelona: Amnesty International, Boters, 14, 2°, Barcelona 2

San Sebastián: Amnesty International, Apartado 1109, San Sebastián

Sri Lanka: Amnesty International, Sri Lankan Section, c/o E.A.G. de Silva, 79/15 Dr C.W.W. Kannangara Mawatha, Colombo 7

Sweden: Amnesty International, Swedish Section, Smålandsgatan 2, 11434 Stockholm

Switzerland: Amnesty International, Swiss Section, PO Box 1051, CH-3001 Bern

Turkey: Uluslararasi Af Örgütü, Türkiye Ulusal Subesi, Izmir Caddesi, Ihlamur Sk 6 (Tugay Han 1/30), Ankara

United Kingdom: Amnesty International, British Section, 8-14 Southampton Street, London WC2E 7HF

USA: Amnesty International of the USA, 304 West 58th Street, New York, NY 10019
Washington Office: Amnesty International, Washington Office, 705 "G" Street, SE, Washington, DC 20003
Western Regional Office: Amnesty International, Western Regional Office, 3618 Sacramento Street, San Francisco, CA 94118

Venezuela: Edificio Torre La Primera, Oficina 14-G, Avenida Francisco Miranda, Chacaito, Caracas 1060

APPENDIX VIII

Countries where there are individual subscribers or supporters

Algeria
Argentina
Bahamas
Barbados (group)
Benin
Bermuda
Bhutan
Bolivia
Botswana
Brazil
Brunei
Burma
Cameroon
Chad
Chile
China, People's Republic
Colombia
Congo, People's Republic
Cuba
Curacao (group)
Cyprus (group)
Czechoslovakia
Dominican Republic
Egypt
El Salvador
Fiji
Gabon (group)
Gambia
Grenada
Guatemala
Guyana
Haiti
Honduras
Hong Kong (group)
Hungary
Indonesia
Iran
Iraq
Jamaica
Jordan
Kenya
Kuwait
Lebanon
Lesotho
Liberia
Libya
Malagasy Republic
Malawi
Malaysia
Maldives
Malta
Martinique
Mauritania
Mauritius

Monaco
Morocco
Mozambique
Netherlands Antilles
New Caledonia
Nicaragua
Niger
Panama
Papua New Guinea (group)
Paraguay
The Philippines
Poland
Portugal
Puerto Rico
Rwanda
Saint Lucia
Saudi Arabia
Senegal
Seychelles
Sierra Leone
Singapore
Solomon Islands
South Africa
Sudan
Surinam
Swaziland (group)
Taiwan
Tanzania
Thailand
Trinidad
Tunisia
Uganda
United Arab Emirates
Upper Volta
USSR (group)
Vietnam, People's Democratic Republic
Yemen, People's Democratic Republic
Yugoslavia
Zaire
Zambia
Zimbabwe

APPENDIX IX

International Executive Committee

Andrew Blane (Vice-Chairperson)	United States of America
Margherita Boniver (resigned upon her election to the Italian Senate in February 1980)	Italy
Dirk Börner (Treasurer)	Federal Republic of Germany
Jan Egeland	Norway
Stephanie Grant (co-opted March 1980)	United Kingdom
Edy Kaufman	Israel
Michael Klein	Federal Republic of Germany
Nigel Rodley	International Secretariat
Suriya Wickremasinghe (Vice-Chairperson)	Sri Lanka
José Zalaquett (Chairperson)	Chile

APPENDIX X

Some Amnesty International Statistics

As of 1 May 1980 there were:

— 2,427 adoption groups in 42 countries, an increase of 144 groups over 1978/79;

— more than 200,000 individual members, subscribers and supporters in 134 countries, an increase of nine countries over 1978/79. There were national sections in 39 of these countries.

During the period 1 May 1979 - 30 April 1980:

—4,131 prisoners were under adoption or investigation;

— 1,707 new cases were taken up and 1,729 prisoners released;

— 244 Urgent Actions were taken on behalf of individuals or groups in emergency cases.