

air

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Amnesty Notebook

N.G.O. Conference Geneva 10-12 July: The 11th Conference of Non-governmental Organisations, having consultative status with the U.N. Economic and Social Council, took place in Geneva in July. AMNESTY International was represented by the Secretary of the Swiss Section, the Vice-Chairman of the newly re-formed French Section and the Secretary General. The main questions discussed were the continuation of international cooperation in the field of Human Rights and the setting up of a more representative structure to act on behalf of non-governmental organisations at the United Nations. A new and enlarged Bureau was set up, consisting of 15 organisations of which Amnesty is one. Amnesty representatives from Geneva and New York will take part in the Bureau meetings, one of whose functions will be to devise a new constitution for the Conference where 120 organisations are represented.

International Council Meeting Geneva 13-14 September: Details of arrangements for the 2nd International Council meeting to be held at Cartigny, near Geneva, are now completed. There will be simultaneous translation, English/French at the plenary sessions. There will be five working groups during the Council and one, on Monday the 15th September, on the Minimum Standard Rules for the Treatment of Prisoners. The five working groups during the Council will be:

1. Conscientious Objection.
2. Areas of Conflict.
3. Finance and Fund Raising.
4. Refugees and Asylum.
5. Group work.

Working papers will be prepared in advance and it is hoped to prepare a working programme for Amnesty International in these fields.

It is not too late to send suggestions and recommendations for consideration by the Council. Any member of Amnesty may write to the International Secretariat with proposals, although resolutions may only be submitted through national sections.

The opening session will be in the Geneva Hotel de Ville and delegates to the Council will be officially welcomed. Delegates and observers have also been invited to a reception before the real work of the Council commences.

Israel: A report on the treatment of Arab prisoners in Israel has been proposed and was submitted on 2/5/69 to the Israeli Government. When the Israeli Prime Minister visited London the Secretary General was able to meet a senior Israeli official, who undertook to send a reply to the Secretariat within a few weeks. A further report will be included in the August letter to national sections. Until then the report must remain confidential.

Iran: Similarly, negotiations have been continuing for some months with the Iranian Government. The Amnesty International report on the trial of Iranian students and intellectuals must, therefore, remain confidential for a short time to come. When a decision is taken regarding publication the report will be sent to the U.N. Commission on Human Rights.

Asia: Miss Stephanie Grant has gone to Asia to accompany Professor Julius Stone on a mission to Indonesia. The combined mission has been largely financed by the Swedish Amnesty Foundation and an outline report will be published in the November issue of AIR. Miss Grant will also visit Ceylon, India, Pakistan, Malaysia and other countries to contact Amnesty sections and to familiarize herself with the area for which she is responsible as a Research Officer at the International Secretariat.

Latin America: An Amnesty mission is also to be sent to Latin America in the autumn. A Swedish writer and journalist, Mr. Kjell A. Johansson, will spend some weeks visiting various countries in Latin America, to make enquiries on our behalf and to establish contacts there with a view to starting new sections. This mission takes the place of the visit planned for January 1969 which had to be postponed in view of the political upheavals in Brazil at that time.

Tunisia

The February issue of AIR contained a report on Martin Ennals's mission to Tunisia during which he made representations to government members on the welfare and treatment of students and intellectuals imprisoned in September 1968 for "plotting against state security".

Since that time another political trial has been held of 30 Ba'athist sympathizers arrested in the same context as the first group of students. Amnesty was again represented by Guy Winteler. Although the prisoners were again refused the right to choose their own defence lawyers, and are alleged to have been tortured during interrogation, the sentences passed were in general less harsh than in the previous trial.

Two sets of amnesties have been granted: in March 1969, 11 prisoners were released on the anniversary of Tunisian independence and in June, 13 were released on the anniversary of Bourguiba's return from exile. This must be interpreted as an encouraging sign although the prisoners released were only serving comparatively short sentences and some may have signed a request for a pardon.

One of those released in March was the only French prisoner, Jean-Paul Chabert. On his return to Paris, he sent A.I. an account of his treatment in prison and he subsequently came to London to speak at the British Section AGM.

M. Chabert had been sentenced in September 1968 to 2 years' imprisonment for complicity in the organisation of a plot against state security on the grounds that he had obtained a typewriter from the Chinese Embassy and had allowed it to be used for the production of subversive literature.

M. Chabert denied all knowledge of the typewriter throughout the proceedings. The charges against him were rather confused since he was supposed to have given it to two different people on two different dates. When he was formally charged with complicity in the plot, on May 31st 1968, another of the accused, "very weak and with his face swollen", said that M. Chabert had given him the typewriter.

M. Chabert was kept in permanent detention in the party headquarters from June 10th. His first week there was one of continuous interrogation and uninterrupted torture, which he described in detail. From his cell he could hear the screams of another prisoner undergoing similar treatment. When this form of interrogation was mentioned at the trial, the President of the Court denied that it had ever taken place.

M. Chabert was first allowed to see his lawyer on June 24th in spite of the provision in Tunisian law that a prisoner is entitled to have his lawyer present at any interrogation after the formal accusation. But he emphasizes that as a foreigner he was in a privileged position: he was the only prisoner to have a defence lawyer at all in any meaningful sense of the term—the others were defended by lawyers appointed by the court only a week before the trial opened.

Evidence was produced at the trial which exonerated M. Chabert entirely from the charge against him: the lawyer asked for a confrontation with the two prisoners who had admitted to receiving the typewriter. In one case this was refused, in the other granted: this prisoner said that M. Chabert had not given him the typewriter and that his former statement had been dictated to him by the police; the police wanted it to have been Chabert, he said, and he was afraid that interrogations would continue until he agreed. But M. Chabert received a prison sentence of 2 years and a request for an appeal was refused.

M. Chabert is most of all concerned, however, with the treatment to which the prisoners have been subjected since the trial. These are such that three protest hunger-strikes have so far been held.

The prisoners are kept in total isolation from the outside world. Since September, only three of them have been allowed a single visit—after which they were given to understand that these would not be repeated unless they complied with the constant pressure brought on all the prisoners to sign a request for a pardon. All correspondence is forbidden but prisoners may receive parcels sent from abroad, not from within Tunisia. Food rations are quite inadequate and the health of many of the prisoners is suffering in consequence. Medical attention is only given when the need is really serious.

They are kept in overcrowded badly lit cells and are only allowed short periods of exercise in a small high-walled yard. For the first week of imprisonment, the eight with the longest sentences—between nine and sixteen years—were kept in underground dungeons. They are sent back there as a punitive measure, during hunger strikes for example.

M. Chabert described how, as a French citizen, his own form of treatment altered completely after intervention from the French Embassy. He was separated from the other prisoners in November 1968, and subsequently allowed visits from his wife and to write and receive letters and gifts. But the conditions of the others continued as before.

Since being released, M. Chabert wishes to draw public attention to the situation of those still imprisoned, making an emphatic reminder of the nullity of the charges against them and the inhumane nature of their imprisonment.

Petition from the U.S.S.R. to the United Nations

The letter which appears below was first taken by its initiators to the United Nations Office in Moscow. The Russian staff are reported to have refused to accept it for forwarding to the United Nations Human Rights Commission in New York. When the latter said they had not received it, Amnesty International forwarded to them a copy which had come into its possession. It was later reported that U Thant had ordered an inquiry into why the United Nations Moscow office had refused the letter.

It is by no means the first document of its kind from the USSR. The United Nations Human Rights Commission has received petitions from groups of dissident Baptists, for example, calling its attention to violations of religious freedom and appealing to U Thant to set up a commission of enquiry. In February 1968 a letter was sent to the Consultative Meeting of Communist Parties in Budapest by twelve people, among them Larissa Daniel and Pavel Litvinov (both now in Siberia in exile), which asked the participants to consider, among other things, the problem of thousands of Soviet political prisoners "about whom almost no one knows". This letter was reprinted in the Moscow unofficial opposition journal "Chronicle of Current Events", produced and distributed clandestinely and of which seven issues have so far appeared at two-monthly intervals since April 1968.

In the meantime it is reported that one of the signatories, Vladimir Borisov, a Leningrad worker, has been arrested and imprisoned in a mental institution and that his wife has been deprived of her city residence permit. At Communist Party meetings in Kharkov, Ukraine, demands have been made that G. Altunyan and other local people who signed the letter, described as a "fascist sally", should be brought to account for making "contacts abroad".

Unfortunately it seems that the Commission for Human Rights (it has no commissioner in charge) has little chance of taking effective action on the latest letter. Under the existing procedure it can be circulated to United Nations delegates, providing that the country of its origin is not mentioned. Clearly the signatories to the letter hope for more than this.

(Translation from Russian)

TO THE COMMITTEE FOR HUMAN RIGHTS OF THE UNITED NATIONS

We, the signatories of this letter, deeply disturbed by the unceasing political persecutions in the Soviet Union, perceiving in this a return to the Stalin era when our entire country was gripped by terror, appeal to the United Nations Committee on Human Rights to defend the human rights being trampled on in our country.

We appeal to the United Nations because our protests and complaints, addressed for a number of years to the higher state and judicial departments in the Soviet Union, have received no response of any kind. The hope that our voice might be heard, that the authorities would cease the lawless acts which we have constantly pointed out—this hope has been exhausted.

Therefore we appeal to the United Nations, believing that the defence of human rights is the sacred duty of this organization.

In this document we will speak of violation of one of the most basic rights of man—the right to have independent opinions and to propagate them by all legal means.

At political trials in the Soviet Union one can often hear the phrase: "You are not being tried for your opinions."

This is a profound untruth! It is precisely for our opinions that we are tried. When they tell us we are not being tried for our opinions, in fact they mean to say the following: you may have any convictions whatever, but if they contradict the official political doctrine, do not dare to disseminate them. And truly, the arrests and trials, about which we will be speaking, take place each time that people with opposition viewpoints begin to propagate them.

But the propagation of one's convictions is a natural outgrowth of the convictions themselves. Therefore, in Article 19 of the Universal Declaration of Human Rights it is stated: "Each person has the right to freedom of convictions and freedom to express them; this right includes the freedom to uphold one's convictions without hindrance and to freely express, receive, and disseminate information and ideas by all means, regardless of state boundaries."

Thus, although the formal reason for persecution is for expression of opinions, in fact people are tried for the opinions themselves.

They are tried on charges of slander against the Soviet state and social system either with the intention (Article 70, RSFSR Criminal Code) or without the intention (Article 190-1, RSFSR Criminal Code) of undermining the Soviet system. None of the people condemned at the political trials we know of intended to slander the Soviet system, or what is more, acted with the intention of undermining it. Thus, at all these political trials people were sentenced on fictitious charges.

We refer to several examples, which have become the object of wide publicity both in the Soviet Union and abroad.

The trial of Sinyavsky and Daniel, who were condemned for publishing abroad works of fiction critical of Soviet reality.

The trial of Ginzburg and Galanskov, condemned for publishing the literary journal "Phoenix-66" and the White Book about the trial of Sinyavsky and Daniel.

The trial of Khaustov and Bukovsky, who organized a protest demonstration against the arrest of Ginzburg and Galanskov.

The trial of Litvinov, Larissa Daniel and others for demonstrating against the dispatch of Soviet troops into Czechoslovakia: an important point at these two latter trials was the fact that one of the charges against the accused was based on the content of their slogans.

The trial of Marchenko, formally condemned for infringement of the internal passport laws (which, incidentally, was not proven at the trial), but in fact condemned because of his book "My Testimony" concerning the conditions of prisoners in the post-Stalin years.

The trial of I. Belogorodskaya for her attempt to distribute letters defending Marchenko.

The trial of Gendler, Kvachevsky, and others in Leningrad, who were condemned for distributing foreign-published books.

The trials of persons upholding national equality and the preservation of their national cultures.

In the Ukraine: the trial in Kiev in 1966 at which more than 10 persons were condemned; the trial of Chornovil in Lvov, condemned for his book about political trials; and many other trials.

The trials of Crimean Tatars fighting for a return to their homeland in the Crimea; in recent years more than 20 political trials have taken place at which more than 100 persons were condemned; 10 representatives of the Crimean Tatars are about to be tried in the latest and largest political trial, to be held in Tashkent.

The trials in the Baltic Republics, in particular the trial of Kalninh and others.

The trials of Soviet Jews demanding the right to leave for Israel; at the latest trial in Kiev, the engineer B. Kochubiyevsky was condemned to three years.

The trials of religious believers demanding the right of religious liberty.

All these political trials were conducted illegally. There were gross violations of procedural norms, above all the public were not admitted and the court examination was not impartial.

We wish also to call your attention to an especially inhuman form of persecution: the placing of normal persons in psychiatric hospitals because of their political convictions.

Recently there have been a number of new arrests. In late April 1969 the artist V. Kuznetsov, of Pushkino in the Moscow Region, was arrested and charged with distributing "samizdat", that is, literature not published by Soviet publishing houses.

At the same time I. Yakhimovich, former kolkhoz chairman in Latvia, was arrested in Riga, charged with writing letters protesting against political persecutions in the Soviet Union.

In early May former Major-General P. G. Grigorenko, one of the best known members of the civil rights movement in the Soviet Union, who had gone to Tashkent on the request of nearly 2,000 Crimean Tatars to act as a defence witness at the forthcoming trial of 10 Crimean Tatars, was arrested.

Finally, Ilya Gabay, a teacher of Russian literature, was arrested on May 19 in Moscow, several days after a search during which documents containing protests of Soviet citizens against political repressions in the Soviet Union were seized. (In the spring of 1967 I. Gabay was detained for 4 months while enquiries were made into his participation in the demonstration organised by Khaustov and Bukovsky.)

These latest arrests lead us to believe that the Soviet punitive organs have resolved once and for all to suppress the activity of persons protesting against arbitrariness in our country.

We believe that the freedom to possess and disseminate independent beliefs has been placed once and for all in danger.

We hope that everything written in our letter will give the Committee for Human Rights a basis on which to undertake a review of the question of the violation of basic civil rights in the Soviet Union.

(signed) The Action Group for the Defence of Civil Rights in the USSR: G. Altunyan, engineer, Kharkov; V. Borisov, worker, Leningrad; T. Velikanova, mathematician; N. Gorbanyevskaya, poetess; M. Dzhemilev, worker, Tashkent; S. Kovalev, biologist; V. Krasin, economist; A. Lavut, biologist; A. Levitin-Krasnov, religious writer; Yu. Maltsev, translator; L. Plyushch, mathematician, Kiev; G.

Podyapolsky, scientific associate; T. Khodorovich, linguist; P. Yakir, historian; A. Yakobson, translator.

Supporters of the appeal: Z. Asanova, doctor, Begovat, Uzbek SSR; T. Bayeva, employee; S. Bernshteyn, literary worker; L. Vasilyev, jurist; Yu. Vishnevskaya, poetess; A. Volpin, mathematician; O. Vorobyev, worker, Perm; G. Gabay, educator; E. E. Gaidukov, mathematician; V. Gershuni, stone-mason; Z. M. Grigorenko pensioner; A. Grigorenko, senior technician; R. Dzhemilev, worker, Krasnoyarsk Region; N. Yemelkina, employee; L. Zhugikov, worker; A. Kalinovsky, engineer, Kharkov; A. Kaplan, physicist; L. Kats, employee; Yu. Kim, teacher; Yu. Kiselev, artist; V. Kozharinov, worker; L. Kornilov, engineer; V. Lapin, literary worker; A. Levin, engineer, Kharkov; T. Levina, engineer, Kharkov; D. Lifshits, engineer, Kharkov; S. Mauge, biologist; V. Nedobora, engineer, Kharkov; L. Petrovsky, historian; S. Podolsky, engineer, Kharkov; V. Ponomarev, engineer, Kharkov; V. Rakityansky, physicist; I. Rudakov; L. Ternovsky, doctor; Yu. Shteyn, film director; V. Chornovil, journalist, Lvov; I. Yakir, employee; S. Vintovskiy, student.

Moscow, May 1969

New South African Legislation

General H. J. van den Bergh, formerly head of the Security Branch of the police, and described by the *Sunday Times* of 6/10/68, as the second most powerful man in the State service in South Africa, was appointed Security Officer to the Prime Minister in September 1968. He was responsible not to the Chief of Police, but to the Prime Minister himself, and given complete control over the intelligence services of the army, navy, air force and police.

In May 1969, a Bureau of State Security, dubbed BOSS was created under an amendment to the Public Service Act. The Minister of Interior explained that its purpose was to ensure the safety of the state both internally and externally by obtaining information. Because of the threat of "terrorist" infiltration, it was more important to South Africa to obtain information in any way it could than it was for the U.S.A. to have its C.I.A. or the U.K. its Secret Service. The Bureau's funds would be unlimited, and its expenditure secret. The treasury would not have control over them. Indeed, in this year's budget R4,003,000 has been earmarked for "secret services" under the Prime Minister's vote. It is understood that Gen. van den Bergh will head the Bureau, responsible only to the Prime Minister.

The opposition party welcomed the Bill which passed to its final stages without discussion.

However, just before the end of the session, in June, the government pushed through a General Laws Amendment Bill which contained two clauses described by the *Rand Daily Mail* as "hideous".

Clause 10 makes it an offence for anyone—the public, the press, editors, to publish anything concerning the activities of BOSS. "There are matters affecting State security that you may not mention—the Government is not going to tell you what they are, for BOSS will have very wide functions. But if you say anything about them, you may be prosecuted and sent to jail for 7 years", wrote the *Natal Mercury* on 16/6/69. In fact, it concluded, the "right of the people to know what is going on in their own country, either through the press or through parliament has now been removed".

Clause 29 gives any Cabinet Minister, or his duly authorised representative, the right to prevent the courts, including the Supreme Court, from having access to evidence considered to be contrary to the security of the State. (*Star* 28/6/69.) This means that a person charged with any crime can be deprived of evidence which might establish his innocence, and is directed as much against political opposition as against threats to security, commented Professor Anthony Mathews, Professor of Law at Natal University. (As it is, most of the Security legislation places the onus of proving his innocence on the accused who is deemed to be guilty unless he can prove otherwise.)

This clause provoked opposition from the Johannesburg and Cape Bar Councils, as well as from certain judges. They realised that "one day they may have no law left for them to interpret". (*Rand Daily Mail* 28/6/69.) Efforts were made to

persuade the government to hold over these clauses at least until next session, but the Act was promulgated on the 30th June.

It enables Cabinet Ministers to keep evidence from the courts if they deem it to be against the interests of the State, and is part of a law aimed at cloaking in secrecy the operations of the new BOSS, stated the *Guardian* 1/5/69. It should be borne in mind that in South Africa the State is equivalent to the Nationalist Party. Africans have no share in it. Mrs. Susman has complained that she is getting fewer and fewer replies to her questions in the House, as the Minister merely replies that it is not in the interests of the State to give the answer.

The speed with which the Bill was bulldozed through parliament can be considered in the light of the cases of 11 political detainees who all died while in police custody, held incommunicado under the 180 day or the Terrorism Act. In the most recent case, that of James Lenkoe, evidence was produced at the inquest pointing to death from electric shock, administered within twelve hours of his death, and on the day of his interrogation. An eminent expert on thermal injury testified as to the injury found on his toe (electric shock treatment is usually applied to the toe, or ears or fingers). The District Surgeon stated that death was consistent with either electric shock or hanging. The police stated that Lenkoe was found hanging from his belt in his cell. His widow testified that he had no belt on him when arrested in the middle of the night, and did not possess one similar to that produced in court. But the magistrate, Mr. J. J. H. Tukker, ruled that death was due to suicide. He had previously refused to allow prisoners from Robben Island to be brought to court, in Pretoria, to testify as to their electric shock treatment.

The widow is suing the Minister of Justice, the Minister of Police and Major Swanepoel who was in charge of the interrogations, for R10,000 for the unlawful arrest, detention and assault of her husband. The Bill has been passed just in time for any evidence of electric shock to be prohibited.

For further account of this legislation see: International Defence and Aid: World Campaign for the Release of South African Political Prisoners. *Newsletter* 30/6/69.

Extract from a Prisoner's Letter

This man is an adopted AMNESTY prisoner who was arrested in 1958 and was sentenced to life imprisonment. He was a writer who was convicted of disseminating anti-Government propaganda. English is not his first language.

Dear friend,

Many thanks for "In the Whirlwind". . . . I am very pleased that you chose it. I have introduced my books to all my friends to share the delightful pleasure, God bless you on all our behalf.

Concerning that impatient desire for books specially, I think if you have a glimpse of my circumstances here you will know why this impatient desire. Men in such a place become very busy about thinking: they have long, long hours, days, weeks, months and years. Many no doubt think about football, love and many other interests. But for myself I am completely concerned about literature, not only because it is my profession but because of my circumstances! . . . To be a prisoner is to be beyond the notice of men! I tell you this because here is an exceptional place. Here, those whose beloved are prisoners often rely for consolation only upon the single thought that they may not be ill-treated and that some day they may return! But those who are themselves imprisoned learn, after the first shock of lonely confinement, that even imprisonment is not a static interlude in their lives but a part of life itself, full of hazards and graces. Our education by experience has not ceased, we are lodged in cages, but it may permit us sometimes new recreations. It is really a vanity in society to suppose that only in the company of its freedom can we be free! The good in life is certainly deeper than our sorrows and wiser than our complaints! Well, after all, what is a prison? It is to build but one more wall about our soul, but she is still her own centre! This is the discovery all, all prisoners make and it is the beginning of their opportunity.

At first, a prisoner is shocked by confinement, he considers his state not in its own terms but in terms of the outside world. Before he was free and fighting and

building. It may be that he had love and the memory of it is close and warm. Now he is cut off, excluded, cast out and made useless. Rumours torment him continually, he is twisted by grievances against his gaolers or his fellows. He develops an obsession with calendars, or ropes or possessions, he hoards or conceals things, all of them directly or indirectly symbols of the outside world.

The change, like the great conversions of ordinary life, often has small beginnings. The prisoner obtains a pillow a little less hard, or he shifts his blanket into a position from which he is able to watch the light fall in a way that he knows when the day begins, and raises his hands to his face to enjoy a single thread of the sun. For the first time since he was captured he is impelled by the comfort of that pillow, by the beauty of that light fall, to see the life of prison as a thing of itself, with its own internal proportions and contrasts, and not simply as an excursion from his former life! Next, after he had thought that the weeks, the months, the years were being wasted, he begins to see time as an endowment. It becomes very precious in its own right. He is delivered from being bored and begins to read his books. The book he reads—if a reasonable gaoler allows him to do so—may be his new real life! Real, not metaphorical, and he like a child is drawn to it and finds within it a companionship of intimate recognitions, so that in the early morning he is eager for the first light with which he may see his book and angry when he is called away from it. I believe that for a man of our period to discover that what he does is valuable (though not useful) may be in many instances to be born again! I remember what Anatole France once said and find that it is a hundred per cent true here: "Heroism and devotion are like great works of art, they have no object beyond themselves". It is very hard in the midst of an active world to learn the subjective value of receiving. But a prisoner may learn it and some day—by God's will—carry at least a part of that knowledge back with him into the world! The world will have need of it, so will he! For it is really a virtue we are all starved of in every degree of our civilisation! In the love of men and women, in education, art and religion! We all know to demand, acquire, capture, NOT how to receive!

Well, a prisoner may learn all these things, and in his life or in his literature communicate them, for although he may never address himself to the world, the world is not deaf to a bird above the sky, above the clouds singing, as if he had chosen God and his angels for companions, and fled from the notice of men! So let the prisoner learn how to receive lest the world altogether forget: accept, receive, submit, lie open, be still! If so, even in chains, he will speak boldly, as he ought to speak!

RIGHTS AND WRONGS

SOME ESSAYS ON HUMAN RIGHTS

*Edited for AMNESTY INTERNATIONAL by
Christopher Hill*

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