Amnesty International Report 1979

AMNESTY INTERNATIONAL REPORT 1979

The following survey covers the period
1 May 1978 to 30 April 1979.

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

AMNESTY INTERNATIONAL has over 2,000 adoption groups and national sections in 38 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members, subscribers and supporters in a further 87 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 world-wide 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 1979

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Introduction to Amnesty International

by Martin Ennals, Secretary General

On 11 December 1978, Amnesty International received a United Nations' Human Rights Award on the occasion of the 30th Anniversary of the *Universal Declaration of Human Rights.* In the address of acceptance Amnesty International said that "Human rights cannot be left to governments, legislators and jurists. They are the concern and the responsibility of the man and woman in the street, of the labourer, the farmer, the office clerk, the student."

Human rights are inevitably controversial. Criticism of governmental practice is inherent in the work of Amnesty International. By working for the release of prisoners of conscience, by opposing torture, and by publishing reports on violations of human rights by governments, Amnesty International is inevitably a controversial organization. In considering the present report of the work of Amnesty International over the period from 1 May 1978 to 30 April 1979, it is therefore important to recall that when governments change and regimes fall, the criticisms voiced by Amnesty International are normally found to have been cautious understatements of the situation which in reality existed.

The present report refers to the disappearance of 2,665 persons in one country alone. In another country on another continent, Amnesty International made direct contact with the head of state regarding mass arrests of demonstrators subsequently held in apparent defiance of the country's laws. Elsewhere, thousands of prisoners are still held without trial years after their arrest. Amnesty International works daily on such problems and reports publicly.

In many parts of the world political opponents are increasingly being threatened with the death penalty and, in numerous cases, executed. In April 1979 Amnesty International drew this disturbing trend to the attention of the Secretary General of the United Nations. Amnesty International continues to work on a factually-based programme of universal opposition to the death penalty for any purpose anywhere. Urgent action is taken by Amnesty International members wherever information is available about impending executions. A world-wide review of death penalty legislation and practice is to be published in September 1979.

Direct contact by the International Executive Committee and the International Secretariat with governments is only possible because of the work of the national sections and the concern which Amnesty International members generate in response to individual cases or specific human rights issues.

Over two thousand Amnesty International groups in 39 countries continue to work systematically for the release of individual prisoners of conscience, basing their work on information provided by the International Secretariat in London. Where further details are required to establish whether or not the prisoner can be adopted by Amnesty International as a prisoner of conscience groups may

continue the investigation started by the International Secretariat and so broaden the approaches to governments and the contacts with the families of prisoners.

Amnesty International is still a growing organization. It is a developing movement with increasing support in all parts of the world. Growth and development inevitably mean and require change – not in the basic aims of the movement as defined in the Statute (see Appendices), but in the methods of translating the techniques of the smaller body to the capacity of a larger membership. Adoption techniques are supplemented by other methods of using information collected within the International Secretariat.

This report refers to fewer countries than did the 1977-78 report. It is important, however, to recall that this report does not encompass the whole range of Amnesty International activities even on a country-by-country basis. Reports, publications, and specialized information have been published or otherwise released to the membership throughout the period under review (see Appendices), and various National Sections have themselves published reports based on material prepared and circulated by the International Secretariat. Press statements have been issued (see Appendices), and many individual approaches have been made to governments and to inter-governmental organizations.

Amnesty International is a membership organization. The task of the International Secretariat is to provide the members with information to be used throughout the world for the objectives of Amnesty International. The Research Department of the International Secretariat – the largest collective unit, with more than half the staff – collects information, checks it, and makes it available to other parts of the International Secretariat for use by members and for co-ordinated international campaigns and action programmes.

The membership is organized into National Sections (in 38 countries) and into groups (2,283 in 39 countries) and individual members, subscribers and supporters in countries with National Sections; it is also found in 87 countries where no systematic Amnesty International structure yet exists. The membership governs the movement through its elected International Executive Committee (IEC) and through the representative International Council, which meets annually.

The International Executive Committee meets approximately four times a year, and is composed of nine individuals elected by the International Council for periods of two years. In the year under review there have been members of the IEC from Sweden (chairperson), Ireland (Treasurer), Sri Lanka, USA, Italy, Austria, France, FRG, Turkey, Chile, Holland, and Israel. The elections take place in September, when new committee members join and others leave.

In a decade the budget of the organization has grown from £27,000 in 1968-69 to £1.2-million in 1978-79. Similarly, the size of the International Secretariat has grown from 10 to 150 in 1979. Its international recruitment policy ensures that candidates are sought from all over the world. Staff currently includes people from 25 different countries. The number of individual Amnesty International members cannot be accurately assessed as it depends on the organizational structures within different countries, but the estimated membership of more than 200,000 comes from over 100 countries as compared to similar estimates of 15,000 members in 30 countries in 1969.

The administration of the International Secretariat is central to the work of the movement as a whole. The evolution and development of an internal

bureaucracy is crucial to efficiency at the centre. It is important that the demands of administration do not undermine the initiative and dynamic force of the Program and Research Department staff. The administration has therefore to be efficient but flexible.

The present report includes the financial accounts of the International Secretariat for the financial year ending 30 April 1979. The independent financing of Amnesty International is an essential part of its structure. Amnesty International accepts no earmarked contributions from its members or from other sources. The budget, approved annually by the International Council, is financed by the National Sections and spent under the direct authority of the International Executive Committee. Additional funds from the National Sections and other public sources may be donated to a special fund for a series of additional activities which do not figure in the regular programme of the International Secretariat – for example, assistance to National Sections and to the development of the movement; human rights education and awareness; missions of investigation or discussions with governments; relief to the families of prisoners of conscience; the campaign for the abolition of torture; and the campaign for the abolition of the death penalty. Priorities for expenditure are the responsibility of the International Executive Committee.

The second largest collective unit of the International Secretariat is the Program Department, which is responsible for the organization of international campaigns, urgent actions for persons facing torture or the death penalty, relations with the membership and groups, and the development of new Amnesty International sections, particularly in Asia, Africa, and Latin America, where Regional Liaison Officers are employed. The Press and Communications Unit and Publications Unit include a developing programme of dissemination of information in a variety of languages. Two regional offices for reproduction and distribution of Amnesty International materials operate in Costa Rica for Latin America and in Sri Lanka for Asia. The Program Department works in the closest co-operation with the researchers in planning, co-ordinating, and using information material in the most appropriate manner.

During the year, major country campaigns have been organized to focus attention on violations of human rights in Argentina, Guinea (Conakry), El Salvador, Romania, Ethiopia, and Tunisia. In addition, there have been numerous country actions on a smaller scale, and follow-up programmes related to South Africa, Argentina and the USSR. Urgent actions have also been initiated on behalf of individual victims of torture or those threatened with the death penalty, and on behalf of 209 individuals and 50 groups in 54 countries. Reports were published, among others, on *Political Imprisonment in the People's Republic of China.*

The Prisoner of Conscience Week in October 1978 was dedicated to the "forgotten prisoners" – a reminder of the original purposes of Amnesty International since its founding in 1961. During this week Amnesty International members throughout the world publicized the cases of the 500,000 African civilians held in Rhodesia's (now Zimbabwe (Rhodesia)) "protected villages"; the unknown number of disappeared persons in the People's Republic of Yemen; prisoners held for more than 20 years in Taiwan's prison camp on Green Island; Sahrawi nomads persecuted in Morocco; and other instances of "forgotten

prisoners".

Efforts have been made during the past year to decentralize the work of the International Secretariat to those National Sections able in administrative and financial terms to take on additional responsibilities. This process of decentralization is part of an overall attempt by the movement to develop the membership structures and to prevent a constant increase in the size and cost of the central international headquarters.

One area, however, where development within the International Secretariat has continued is that of information storage and retrieval. Efforts are being made to integrate different methods of information handling with a view to improving the centralized documentation and information services, as well as to standardize the handling of those categories of information materials processed regionally within the Research Department – for example, prisoner-related information. As information handling is one of the keys to the effectiveness of Amnesty International, its information systems need to be adapted to the particular requirements of the organization. To this end, further experiments took place during the year, one of which dealt with the compilation of information in a computer system, about disappeared people.

In the period covered by this report (1 May 1978 to 30 April 1979) Amnesty International has brought to the attention of a number of UN bodies information on violations of human rights in Argentina, Chile, Ethiopia, Kampuchea, Namibia, Zimbabwe (Rhodesia), South Africa, and Uganda.

Amnesty International participated as observer at the UN Sub-Commission which finally adopted the *Draft Body of Principles on the Human Rights of Persons Under Any Form of Detention or Imprisonment.* This draft, which will be before the General Assembly for consideration at the end of 1980, will, if adopted, constitute a significant codification of international standards against practices of arbitrary arrest and detention. It is these practices that frequently lead to torture and other grave abuses of prisoners. The 1978 General Assembly had before it the *Draft Code of Conduct for Law Enforcement Officials.*

As a member of the Standing Committee of Non-Governmental Organizations in Consultative Status with UNESCO, Amnesty International convened in 1978 a Non-Governmental Organization (NGO) on human rights education. Some of the recommendations of the colloquium were reflected in the conclusions of UNESCO's own Congress in Vienna, at which Amnesty International was represented.

Although Amnesty International has no formal status with the International Labour Organization, information on Indonesia, Tunisia, Uruguay and the USSR has been channelled through other organizations, governments, and individuals to the International Labour Organization in Geneva. The information concerned such issues as forced labour, imprisonment of trade unionists, and interference with the right of freedom of association.

During the past year, Amnesty International has testified before several committees of the Parliamentary Assembly of the Council of Europe on human rights violations in Argentina, Chile and Uruguay. Substantially basing its action on information submitted to it by Amnesty International, the Assembly adopted resolutions condemning political disappearances and torture in these countries and asking the Committee of Ministers to take appropriate action. On 8 May 1979, the Assembly adopted a "declaration on the police" containing a code of

ethics for police officers. The declaration contains several of the elements put forward in the Amnesty International "Declaration of the Hague" of June 1975.

Amnesty International has also welcomed the growing concern for human rights among the institutions of the European Community. The EEC has considered human rights violations in countries such as Argentina, Chile, and Uruguay, and Amnesty International has made available information on violations in other countries which have been the subject of EEC study, including Ethiopia and Uganda. There has been considerable discussion on the introduction of a human rights clause in the renegotiated text of the new Lomé Convention. At a meeting in Brussels, the National Sections of Amnesty International in the nine EEC countries adopted a resolution in favour of continued EEC concern for human rights in its external relations. European parliamentarians voted a new article in the Community Budget in order to provide financial assistance to "NGOs pursuing humanitarian aims and promoting human rights". It is under this new article 293 that Amnesty International applied for and obtained funds for use in its relief programme. It was, however, decided not to make an application for purposes other than the relief programme.

In the last year Amnesty International has continued to submit to the Inter-American Commission on Human Rights of the Organization of American States (IACHR) relevant information on countries such as Argentina (which the IACHR is planning to visit in August/September 1979), Brazil, Chile, El Salvador, Guatemala, Haiti (which was visited in August 1978 by the IACHR and whose report is expected to be published soon), Nicaragua (on which a report exists by the IACHR on its findings of their "on-site" observations in October 1978), Paraguay, and Uruguay.

In Africa, Amnesty International has retained its observer status in the Organization of African Unity Bureau for the Placement and Education of African Refugees.

In regard to relations with non-governmental organizations, Amnesty International has continued to submit information on imprisoned parliamentarians to the Inter-Parliamentary Union, a non-governmental organization which has set up procedures to secure the release of members of parliament detained for political reasons. Amnesty International also maintains bilateral and multilateral relations with many international non-governmental organizations, and is a Vice-President of the Conference of Non-Governmental Organizations in Consultative Status with the UN(ECOSOC).

Amnesty International in 1978-79 has undergone a period of consolidation. It has tried to reconcile the ambitions of its Statute with the growth of the membership and with the increase in international recognition of the organization. There are very few organizations which set out to provide factual information about human rights violations regardless of their origin or the beliefs of those affected. The impartiality of the movement at all levels is fundamental to its activities. It is, however, essential to retain not only the impartiality of the programme but the factual accuracy of the information. It is necessary to state what the organization believes to be the truth. Where violations of human rights within the terms of the Amnesty International mandate are known to occur then it is the role of Amnesty International to work for the victims and, if appropriate, to expose violators.

Without researched and credible material, however, Amnesty International cannot act. Amnesty International must continue to have the courage, as a movement, to state what it believes to be true, and to remain silent if reliable information is not available. The latter is often more difficult than the former.

Prisoners and Human Rights Country by Country

Africa

African concern about human rights violations in the continent was shown in new ways. A number of significant steps were taken at the United Nations and internationally to promote the idea of a regional human rights commission for Africa. A call for the creation of such a commission was made at the end of an important seminar on human rights held in Dakar, Senegal, in September 1978. At its third biennial conference in Freetown, Sierra Leone, in August 1978 the African Bar Association adopted a declaration of human rights to be presented to the Organization of African Unity (OAU). The need for more effective means to protect refugees in Africa was also recognized at an international level and a major conference on this subject was due to be held in Arusha, Tanzania, in May 1979.

There were also positive improvements affecting human rights in a number of African countries. All political detainees, including four former members of parliament and the writer Ngugi wa Thiong'o, were freed by the Kenyan government after President arap Moi assumed office in October 1978. In Cape Verde, 43 political prisoners held since 1977 were freed by President Aristides Pereira in a New Year amnesty announced at the end of 1978. Some detainees were also released in Angola as a result of an amnesty announced by President Neto in September 1978. Several hundred long-term political prisoners are believed to have been freed in Guinea. However, in November 1978, President Sékou Touré told journalists that Diallo Telli, Guinea's most prominent political prisoner and a former Secretary General of the OAU, was dead, although without indicating whether he had been executed.

In Zimbabwe (Rhodesia), some 800 political detainees were released following the internal settlement agreement between Ian Smith and three black political leaders; but the improvement was short-lived and sweeping new powers of arbitrary arrest and detention were introduced and torture was widespread and commonplace.

The introduction of these powers also led to increased use of the death penalty in Zimbabwe (Rhodesia). New military courts were empowered to try civilians accused of security offences and to impose the death penalty. Political executions continued in Salisbury. In South Africa there was a dramatic increase in the use of the death penalty, 132 people being hanged in 1978 alone. In April 1979, Solomon Mahlangu was executed, the first person to be sentenced to death in South Africa for politically related offences since the 1960s. In the same month, 10 people were executed in Mozambique only a few weeks after the country introduced the death penalty for treason, sabotage and several other offences.

Executions were also carried out in Nigeria, where the practice of public

executions was resumed in March 1979, and in Somalia, Ethiopia, Liberia and Kenya. Extrajudicial killings by government forces were also common in Uganda and Ethiopia. In several other countries, notably Rwanda and Madagascar, death sentences were normally commuted by the government. In Tanzania 14 prisoners sentenced to death in the Zanzibar treason trial of 1973 and 1974 had their sentences commuted to 10-year prison terms in early 1978 and were released at the end of the year.

Amnesty International continued its work for individual prisoners of conscience and other victims of human rights violations, though in some countries there were no significant violations of human rights.

Some countries, however, presented major difficulties either because of the scale of human rights violations or because of the governments' total disrespect for basic standards of human rights. Equatorial Guinea and Uganda (under President Amin) clearly fit this category, but there were several other countries where Amnesty International felt unable to work for individual prisoners for fear that they would face severe recriminations if identified. As a result, there were efforts to develop new techniques of action so as to be of real use to all prisoners of conscience and other victims of human rights violations in Africa.

Angola (the People's Republic of)

The government was beset by a number of serious problems affecting the economy and internal security. Throughout the year, it sought to improve its relations with Portugal (the former colonial power), with several Western countries and with neighbouring Zaire. This policy affected human rights in a number of ways.

Following a meeting between President Neto and President Eanes of Portugal in June 1978, at least 21 Portuguese nationals detained in Angola since 1975 were reported to have been released and permitted to go to Portugal. Following a *rapprochement* between Angola and Zaire, President Neto announced at a public rally in Cabinda on 15 September 1978 that several groups of political prisoners were to be released in the interests of "national harmony". Those who were to benefit from this measure, he said, included members of groups known as the Active Revolt and the Revolt of the East, and those who collaborated with the *Frente Nacional de Libertacão de Angola* (FNLA) and the *Frente de Libertacão do Enclave de Cabinda* (FLEC); many hundreds of these would be freed so that they could contribute to national reconstruction. Amnesty International has no information to indicate how many prisoners were released following this announcement, but most members of the Active Revolt are known to have been freed, including Gentil Viana, Dr Manuel Videira and other leaders who had been detained since April 1976. However, many suspected supporters of another radical political organization, the *Organizacão dos Comunistas de Angola* (OCA), were still detained without trial in April 1979. They included the former student leader Antonio Carrança and others arrested in 1976, and more than 60 teachers and students detained in late 1977 and the first few months of 1978. A number of cases have been taken up by Amnesty International.

One other result of the reconciliation with Zaire appears to have been the imprisonment of members of Zairean opposition groups based in Angola and the repatriation of thousands of Zairean refugees. In early October 1978, it was

reported that Antoine Gizenga, a long-time opponent of Zaire's President Mobutu, had been placed under house arrest in Luanda. Persistent reports also suggest that many members of General Nathaniel Mbumba's *Front de Libération Nationale Congolaise* (FNLC), which was responsible for the invasions of Zaire's Shaba province in May and April 1977 and May 1978, had been restricted to southern Angola by the end of 1978.

The major problem affecting internal security was the activities of guerrillas of Dr Jonas Savimbi's *União Nacional para a Independência Total de Angola* (UNITA). Based in the south, they were successful in their declared aim to prevent the reopening of the important Benguela railway link to Zaire and Zambia. The government launched a number of military offensives against them towards the end of 1978 and resorted to summary executions as a deterrent. On at least three occasions in December 1978, Angolan radio announced that UNITA or FLEC supporters had been paraded at public rallies and sentenced to death by acclaim. On the first occasion, five alleged UNITA members were condemned to death by firing squad at a mass rally held in Lobito on 3 December 1978. A week later, other UNITA members were condemned at a rally in Huambo, and in Cabinda a crowd sentenced a group of five FLEC supporters to be shot.

Amnesty International protested against these executions in December 1978 and urged President Neto to ensure that all prisoners were given fair and open trials in future and safeguarded from execution.

Apart from the activities of UNITA, the government had to face repeated incursions by South African military forces based in Namibia, whose operations were mainly directed against the South West Africa People's Organization (SWAPO) bases and Namibian refugee camps in southern Angola. In February 1979, Rhodesian military aircraft bombed the Zimbabwe African People's Union (ZAPU) camps near Luso in central Angola.

To cope with these and other problems, the central committee of the *Movimento Popular de Libertacão de Angola* (MPLA) in December 1978 increased the powers of the President and of the provincial commissars, who were raised to ministerial rank and appointed to the central committee. Three months before, the government had set up a new Secretariat of State for Internal Order charged with the maintenance of public order and internal security, and directly accountable to the President.

In June 1978, the government introduced a new law which provided for the death penalty against civilians convicted of treason or other security offences. Formerly, the death penalty could be applied legally only against members of the armed forces, although many civilians suspected of involvement in the abortive *coup* of 27 May 1977 are believed to have been secretly executed.

Cameroun (the United Republic of)

Tensions in the industrial centres of the south, which led to strikes in 1976, appeared to have diminished, and agitation within the University was less apparent. In May 1978, a number of the students and minor officials detained in 1976 on suspicion of distributing anti-government tracts were reported to have been secretly freed. However, government authorities were unwilling to confirm these releases or to indicate how many of the original group, estimated at 200, remained in detention.

More than 100 detainees held since 1976 were taken up for investigation by Amnesty International in 1977. Gradually, as reports of releases were received, the number of cases was reduced to 80 at the end of 1978. Recent reliable reports indicated that approximately 45 of the original group of detainees were still being held without charge or trial, many having been subjected to ill-treatment and torture. Independent inquiries to the authorities failed to reveal any case against the detainees.

In February 1979, shortly before an official visit to Cameroun by President Valéry Giscard d'Estaing of France, Amnesty International drew public attention to the situation of these detainees and other political prisoners, many of whom have been held since the early 1960s. After outlining its major concerns – prolonged detention without charge or trial, ill-treatment and torture, and harsh prison conditions – it emphasized the cases of Gaspard Mouen, Martin Ebelle-Tobo and Rithe Ngalle Ndongo, all held incommunicado and reportedly in poor health. It also appealed to Jean Fochive, director of the *Direction de la Documentation* (DIRDOC), the internal security police directly responsible to the Presidency, to release the remaining detainees held since 1976. Neither action received a response.

Most political detainees are held at two "administrative internment centres" or "re-education camps", at Tcholliré in north Cameroun and at Yoko, near Yaoundé. At Tcholliré, reported to be the harshest, detainees are said to be poorly fed and many ill-treated by prison guards. Contact with the outside world by letters or visits is very restricted.

The continuing detention without trial of many of the detainees arrested in 1976 illustrates the extent of state power in matters of internal security, against which a detainee has no legal recourse. In the early 1960s, soon after independence, President Ahidjo issued a number of decrees providing sweeping powers for the "repression of subversion". These include indefinitely renewable states of emergency and renewable detention without trial in "administrative detention centres" outside the control of the judiciary or prison authorities. In addition, military courts have been established to try all security offences and impose sentences not subject to appeal. Among other things, they can impose mandatory 5-year prison sentences on "any person who either initiates or spreads any false statement, rumour or report . . . likely to bring any public authority into disrepute, contempt or ridicule" (*Ordonnance* 62-OF 18 of 12 March 1962, article 3).

Amnesty International remains concerned by the imposition of the death penalty in Cameroun for a wide range of offences, including theft using any weapon or tool, or aiding and abetting a thief. In September 1978, Amnesty International was informed that 48 prisoners were awaiting execution.

Central African Empire (the)

The major political event was rioting between 18 and 21 January 1979 by students, schoolchildren and workers in Bangui, the capital. The army, reportedly with Zairean units brought in at the request of Emperor Bokassa, is said to have killed at least 400. The riots appear to have been caused by an imperial ruling that all schoolchildren should buy uniforms. Mismanagement of the economy, official corruption and lavish expenditure on luxuries, which are said to have left most

state employees unpaid for several months, caused widespread discontent.

As a result of the riots, perhaps as many as 100 students and schoolchildren and 12 teachers were arrested in Bangui. A number of civil servants were dismissed and the Ministers of Education, Higher Education and Social Affairs were arrested. Recent reports suggest that a few have been released.

Following its appeal in March 1979, Emperor Bokassa told Amnesty International that he had granted an amnesty for political detainees on 22 February 1979; however it is still not clear whether any of them have been released. In April 1979, there was further unrest in Bangui, following reports that an attempt had been made to assassinate Emperor Bokassa. Although the authorities denied these reports, a number of suspected opposition figures were detained.

There are persistent reports that several people convicted by military tribunals and sentenced to terms of imprisonment for state security offences have died in prison. General Lingoupou, formerly ambassador to Romania, has not been seen or heard of by his relatives since his arrest in 1974. Two trade unionists adopted by Amnesty International, J.B. Malikanga and J.R. Sandos, are reportedly still in prison. In 1974 they were charged with political activities and embezzlement.

Prison conditions are reportedly very poor, particularly in the *porte rouge*, the political wing of Bangui Central Prison (Ngaragba), where detainees are severely undernourished and cells overcrowded; some prisoners are said to have died from starvation. Prisoners held there and at the Imperial Compound at Berengo and the former presidential residence in Bangui are subject to torture.

Chad (the Republic of)

Human rights violations in Chad took place against a background of civil war and major changes in the constitution and government. Although several groups of political prisoners were released by the government of President Félix Malloum, many others remained in detention; some were accused of supporting rebel groups then active in Chad, others were detained for distributing tracts critical of the government. The situation became increasingly tense at the beginning of 1979 when fighting in the capital, N'Djamena, resulted in many deaths. In February and March 1979, several thousand people were reportedly killed in the south when local communities of Muslim northerners were attacked by southern townspeople.

Major changes affected the government and constitution. In August 1978, Hissène Habré, leader of one of the northern guerrilla groups, *Forces Armées du Nord* (FAN) reached agreement with President Malloum and was appointed Prime Minister. This agreement represented a reconciliation between the government and Habré's FAN, but it did not involve the main guerrilla group, *Front de Libération Nationale du Tchad* (FROLINAT), led by Goukouni Oueddei, which controlled most of northern Chad by mid-1978. However, major differences of policy between President Malloum and Prime Minister Habré caused the breakdown of the settlement by January 1979. This resulted in fighting in N'Djamena between supporters of FAN and the Chadian army and *gendarmerie*, both of which remained loyal to President Malloum. More than a thousand people are reported to have been killed, including at least one member of the government. A number of prominent civil servants also disappeared from N'Djamena in the weeks follow-

ing the start of fighting on 12 February 1979. They are believed to have been kidnapped or murdered by members of FAN.

After several abortive ceasefires had been arranged in N'Djamena in late February and early March 1979, the main parties to the dispute were invited by the Nigerian government to peace talks in the northern Nigerian town of Kano. This resulted on 16 March 1979 in an agreement not only between President Malloum and Prime Minister Habré, but also between the leaders of two other important political organizations, the main FROLINAT faction, led by Goukouni Oueddei, and Aboubakar Abderrahmane's *Mouvement Populaire de Libération du Tchad* (MPLT), formerly known as the "Third Army", which was active in the Kanem area near Lake Chad. The agreement provided for the resignation on 23 March 1979 of both President Malloum and Prime Minister Habré and their replacement by a provisional Council of State of eight men chaired by Goukouni Oueddei. The new government, commonly known as the *Conseil d'Etat Provisoire*, consisted of two members from each of the main factions represented at the Kano conference; so for the first time Chad has a government in which both the former military rulers and most of their main opponents are represented. The Kano agreement also contained provision for the release of all political prisoners and for the creation of a "demilitarized zone" around N'Djamena. At the end of April 1979, the provisional Council of State was replaced by a new government in which Goukouni Oueddei was Minister of the Interior and Hissène Habré Minister of Defence. The new Prime Minister, Mohammad Shawa, was a member of MPLT.

Amnesty International's main concern in 1978 was the detention without trial of large numbers of people suspected of supporting FROLINAT and other rebel groups. In May 1978, for example, the Secretary of State for Agriculture in the military government, Allahou Taher, whose case was taken up by Amnesty International when he was a political prisoner under the regime of President Tombalbaye, was arrested with some 20 others. They were alleged to have been responsible for the distribution in N'Djamena of a pamphlet supporting the "Third Army". Other groups of people were detained for similar reasons in several towns in Chad in June and July 1978. A number of prisoners including Allahou Taher and several former members of the government of President Tombalbaye, overthrown in April 1975, are thought to have been released soon after Hissène Habré became Prime Minister. However, the release of political prisoners was one of the major issues which divided Prime Minister Habré and President Malloum in late 1978.

It is still not clear whether all political prisoners, or indeed prisoners taken in the course of the conflict, have been freed in accordance with the Kano agreement.

Comoros (the Islamic and Federal Republic of)

On 13 May 1978, the government of President Ali Soilih was overthrown by an invasion force of white mercenaries. The new government, comprising Comorians formerly in exile or detention and the mercenary leader Bob Denard, immediately freed all political detainees but then arrested about 150 civilians and security force officers associated with the previous government. On 29 May, former President Soilih was shot dead by security forces under mercenary command. According to the government he had attempted to escape from house arrest, but no independent inquiry into the circumstances of his death has been held.

Following the *coup*, Ahmed Abdallah became President for the second time, having previously briefly held office in 1975 before he was overthrown by Ali Soilih with Denard's assistance. The republic was renamed the Islamic and Federal Republic of Comoros after a constitutional referendum in October 1978. The policies of the previous left-wing government were reversed. Denard and most other mercenaries departed in July 1978.

Among those released after the *coup* were some 20 political detainees whose cases had been taken up by Amnesty International. One of these, Ali Mroudjae, became Minister of Foreign Affairs in the Abdallah government and it was to him that Amnesty International wrote in September 1978 to express concern over alleged ill-treatment of those detained after the *coup*, and to ask that they be accorded fair trial. Subsequently, Amnesty International urged President Abdallah to release all political prisoners at the time of the constitutional referendum in October 1978. In response, the President informed Amnesty International that most of the detainees had been freed under a special decree to mark the adoption of the new constitution. The remainder, he stated, would receive a fair trial: but no trial has taken place and there have been further arrests of political opponents of the government.

Congo (the People's Republic of)

Political events were dominated by tensions and divisions within the ruling military committee of the *Parti Congolais du Travail* (PCT). This committee was founded in March 1977 following the assassination of President Ngouabi. It was dissolved in February 1979 and President Joachim Yhombi Opango was replaced as Head of State by Colonel Denis Sassou-Nguessou, former Vice-President and Minister of Defence. At the end of March 1979, the PCT's Extraordinary Congress elected Colonel Sassou-Nguessou Chairman of the Central Committee, confirmed him as Head of State and called for former President Yhombi Opango's trial on charges of treason.

In August 1978 several months before his replacement, President Yhombi Opango announced that a major plot against the government had been uncovered, resulting in a number of arrests. The President declared that the alleged conspirators, whom he characterized as "incorrigibles, hungry for blood and power, deeply rooted in evil", would receive "neither pardon nor classical trial". Following this announcement, Amnesty International made strong representations to the government, requesting information and expressing concern that fair legal procedure be used.

None of the detainees, known to number at least 25, had been charged or tried by December 1978, at which time Amnesty International again appealed for them to be charged or released, and protested against the use of torture during interrogation which reportedly led to the death of one detainee, Joseph Milongo. In January 1979, Amnesty International was informed that, following investigative proceedings by a military tribunal held *in camera*, 15 of the detainees had been released. A further appeal for the release of the detainees arrested in August 1978 and four others reported detained in January 1979 was made in February 1979 to the new government.

Throughout the year, Amnesty International continued to press for the release of 12 prisoners tried and sentenced in 1977 in connection with the assassination of President Ngouabi in March 1977. Particular attention was given to the case of Professor Pascal Lissouba, geneticist and former Prime Minister, who is reported to be in poor health.

Amnesty International is concerned at the continued use of detention without charge or trial for long periods. Judicial procedures, as used in the 1977 trial and the "Exceptional Revolutionary Court" of 1978, fall short of internationally recognized standards. Defence lawyers were not allowed to conduct a proper defence of the accused or to cross-examine witnesses for the prosecution. Appeals against conviction were not allowed. By decree, state security offences are tried before military tribunals, from which there is no right of appeal.

Prison conditions are reportedly harsh, with poor food and medical care. No visits are allowed to those detained for offences against state security. Beatings and torture are known to be used in the Brazzaville prisons.

Djibouti (the Republic of)

Djibouti entered its second year of independence with continuing economic problems and internal political tensions which were exacerbated by a massive influx of refugees from neighbouring Ethiopia. President Hassan Gouled, ruling with emergency powers, has attempted to maintain stability through a balance of the two ethnic groups, Afars and Issas. All political parties except the *Ligue Populaire Africaine pour l'Indépendance* (LPAI) are banned.

There have been substantial allegations of torture on at least four occasions since independence. Seventeen members or supporters of the banned *Mouvement Populaire de Libération* (MPL) were arrested on 15 December 1977 and charged with killing five people in a grenade attack on a restaurant. By April 1979, five had been freed but the others were still awaiting trial. Their torture allegations were supported by medical evidence.

On 14 August 1978, 15 students were arrested in Djibouti while on vacation from their studies in Paris. They were sentenced to 1 or 2 months' imprisonment on 24 August 1978 for offences against state security and against the Heads of State of Djibouti and neighbouring states, arising from articles in their student union publication in Paris. They stated that they were tortured. Amnesty International considered them prisoners of conscience, on trial for non-violent political expression.

On 2 November, seven Issa activists were arrested and accused of possessing weapons and subversive literature. They had reportedly tried to form a political party based on the banned *Front pour la Libération du Côte Somalie*, a pro-Somali group which had violent objectives. Amnesty International launched an Urgent Action campaign after receiving information that they were being tortured: five were later freed, but two had not been tried by April 1979. The Attorney General informed Amnesty International that due legal procedures had been followed and no complaints of torture had been received from the prisoners. The President stated that the prisoners had benefited from all legal safeguards and that the government was determined to uphold human rights.

In March 1979, following an armed attack on an army barracks in the town of

Randa in which two soldiers were killed, there were mass arrests of Afars and at least 60 people were transferred to detention in Djibouti town. On 20 March 1979, Amnesty International cabled President Gouled seeking assurances that the detainees were being correctly treated and renewed its appeal against torture. When on 29 March 1979 Amnesty International learned that one of the detainees, Omar Mohamed, a 24-year-old soldier, had died two days earlier as a result of torture, it called publicly for the establishment of an independent inquiry into torture allegations and the circumstances of his death. On 7 April, the government stated that 18 people were held at Gabode prison under judicial investigation on charges of conspiracy to murder and were being well treated. The other detainees had evidently been released when these 18 were transferred to civil jurisdiction.

All these tortures reportedly occurred at Villa d'Ambouli (also known as Villa Christophe) in the capital during the 10 days of detention permitted in law before removal to a civil prison for investigation before a magistrate. Contrary to legal safeguards that seek to prevent torture, access to detainees by relatives, doctors and lawyers is generally denied during this crucial period.

Torture methods include "the swing" (*la balançoire*) in which the victim is swung from a horizontal pole while tied up by ankles and wrists; severe beatings with electric cable, rubber piping, fists and sticks; simulated drowning; deprivation of sleep; burning with cigarettes; and tearing out of fingernails.

Equatorial Guinea (the Republic of)

The government of President Masie Nguema has been responsible during the past 10 years for persistent and serious violations of human rights.

During those 10 years, at least 600 prisoners, possibly many more, were executed for political reasons or died in prison as a result of torture and other forms of ill-treatment. Methods of torture are brutal and include severe beatings with sticks and metal rods, hanging prisoners in chains which cut through their flesh, and pouring petrol onto open wounds. Prison conditions are extremely harsh and many prisoners die. This pattern remains unchanged in spite of an investigation by the United Nations Commission on Human Rights. During the year, Amnesty International received further reports of arbitrary arrests and detentions, torture and summary killings. Additional documentary evidence was made available in a report published in November 1978 by the International University Exchange Fund, which stated that senior government officials personally tortured prisoners.

Tensions between the government and the Roman Catholic Church, which in the past led to the closure of mission schools and churches, culminated in June 1978 in a total ban on all church services. At least four priests are known to have been detained without trial in 1978 after conducting services such as baptisms and funerals. Some reports suggest that the total number of Roman Catholic priests and nuns imprisoned is much higher. Relatives of the exiled Bishop of Bata, Raphael Nze Abuy, were also reported to have been arrested and detained without trial. In July 1978, seven Spanish-born priests were expelled from the country after paying a large fine.

On several occasions during the year, the government publicly refuted allegations of human rights violations and criticized the campaign which, it said,

was being mounted against it. For example, Onde Obiang Alogo, a special representative to the United Nations, told the General Assembly on 3 October 1978 that there were "no problems of human rights and far less any persistent violation of them" in Equatorial Guinea. Similar claims were made to journalists by Vice-President Nguema Esono Nchama, during an official visit to Cameroun in February 1979. During this same visit, Agustin Nze Nfumu, Head of Protocol at the presidential office and one of the seven-man delegation led by the Vice-President, asked for political asylum in Cameroun.

Amnesty International made a number of appeals not only to President Masie Nguema, but also to the Chairman and Secretary General of the Organisation of African Unity (OAU), and to individual African heads of state, who were asked to consider how OAU influence might be used to prevent further violations and to restore respect for human rights in Equatorial Guinea.

Amnesty International's usual technique of individual adoption cannot be used because of fears that the government would take severe reprisals against any prisoners identified by name. As a result, Amnesty International groups have been involved in more general campaigning work for all prisoners of conscience and victims of human rights violations.

Ethiopia

The Provisional Military Administrative Council, or *Derg*, consolidated its control in Ethiopia by eliminating the clandestine opposition Ethiopian People's Revolutionary Party (EPRP) which had assassinated many pro-*Derg* officials, and by recapturing most of Eritrea held until November 1978 by the Eritrean independence movements. Rural guerrilla activity continued in Eritrea, the Ogaden and parts of the Southern regions. Refugees from armed conflict and political persecution continued to flee to neighbouring countries in massive numbers, while serious famine threatened a million people in Wollo and other regions.

Particular targets for political arrest or killing were the remnants of the EPRP; suspected adherents of the former All Ethiopia Socialist Movement (MEISON), which in August 1977 had lost its role as the core of the Provisional Office for Mass Organization Affairs (POMOA), created by the *Derg* to spearhead the revolution; people originating from areas of armed conflict; and pro-*Derg* political groups which advocated the formation of a ruling civilian political party of the same political character as the *Derg*.

Amnesty International's concerns were political imprisonment, torture and political killing. There had been a substantial improvement by the end of 1978. The government's "Red Terror" campaign against the EPRP (involving large-scale political arrests, mass killings, the exposure in public of the bodies of those summarily executed and systematic torture) had reached its peak in the capital Addis Ababa between December 1977 and February 1978 and had ended by May 1978. Many political prisoners were released after intensive political instruction, but practices similar to the "Red Terror" continued in other parts of Ethiopia, especially in the Eritrean capital of Asmara, in Tigre, the Ogaden and the south. In December 1978 there were several reports of the persecution of minority Christian sects, particularly the Evangelical Mekane Yesus Church, whose members were in some cases forced to abandon their faith within 15 days

and pronounce their support for the revolution under threat of death. Some leaders of this Church were arrested in October 1978, but most were freed after a few weeks following international pressure. In Addis Ababa there were also similar arrests and "disappearances". For example, in September, girls in a Mekane Yesus church choir were tortured after they refused to sing revolutionary songs. The same month Amnesty International learned of the arrest of 40 pupil teachers in Addis Ababa on political grounds.

Many political prisoners were released in 1978, including thousands of youths of either sex detained during the "Red Terror" campaign. The total number of prisoners in early 1979 was believed to be about 8,000, although some sources put the number higher. Only a minority are known by name, being mostly prisoners held since 1974-75 because of their position under the former government. It is reliably reported that the release of some of them, such as the old, young, sick and some women, was seriously considered by the *Derg* as the fourth anniversary of the revolution in September 1978 drew near, but a political crisis intervened within the *Derg*, in which senior *Derg* officials were briefly jailed and further purges of alleged MEISON supporters took place. At least two well-known detainees, Yilma Deressa, 70-year-old former Foreign Minister, and Meheteme Selassie Wolde Meskel, a former minister, are known to have died in detention. They had been detained since 1974 with about 300 others – young and old – in the dank, unlit cellars of the *Derg*'s headquarters in the former Menelik Palace and had not been permitted visitors. Some had been exonerated by the official commission of inquiry in 1974 of the offences for which they had been arrested: responsibility for the deaths in the famine of 1973 and 1974. The conditions of about 80 women and girls held in Akaki Prison improved and some received weekly visits from relatives. Amnesty International still received allegations of torture of newly arrested political prisoners, by beating, especially on the feet, while tied in a painful posture or suspended by a rope; by pulling out fingernails; and by burning the body with fire or hot oil.

Amnesty International groups campaigning on human rights violations in Ethiopia during this period concentrated on exposing political killings, torture and political imprisonment, and appealing to the authorities to respect the right to life and the rule of law. They were still unable to adopt individual prisoners of conscience for fear of reprisals. Special appeals were made in connection with the fourth anniversary of the revolution, the death of Yilma Deressa and the persecution of Christians in the south.

An Amnesty International campaign was launched in November 1978 with the publication of a report describing its work under Haile Selassie's government campaigning against political imprisonment, torture, the death penalty and harsh prison conditions; and detailing political imprisonment, torture and political killings since the *Derg* took power in the 1974 revolution. The government's response was again to accuse Amnesty International of being an imperialist counter-revolutionary organization which failed to take any action on human rights violations under the former feudal regime. The Ethiopian embassies refused to meet delegates from Amnesty International.

In March 1979, Tadesse Terrefe, Ethiopian ambassador to the United Nations at Geneva, strongly criticized Amnesty International's supplementary submission to the United Nations Commission on Human Rights. Offering no factual rebuttal

of the submission, he criticized Amnesty International's objectives. The Commission, despite being urged by its *ad hoc* working group to hold a public debate on human rights violations in Ethiopia (as revealed by the *Ethiopian Herald*, 6 March 1978), decided only to keep the situation "under review", as it had since 1978.

On 16 August 1978, Amnesty International appealed to the Soviet President, Leonid Brezhnev, not to expel any Ethiopians to Ethiopia if they would face persecution because of their opposition to the military government. Despite a subsequent appeal and international news release in September, at least seven Ethiopian students opposed to the *Derg* were forcibly returned to Ethiopia. A further appeal of 30 October 1978 to prevent two Eritreans being subjected to forcible repatriation is believed to have been equally unsuccessful.

Ghana (the Republic of)

Ghana's transition from military to civilian rule, due to be completed by July 1979, was accompanied by a number of significant improvements affecting human rights. The first occurred immediately after the enforced resignation of General Ignatius Acheampong on 5 July 1978 and his replacement as Head of State by Lieutenant-General Frederick Akuffo. On 6 July 1978, General Akuffo ordered the release of more than 50 people detained the previous April for disputing the official result of the national referendum on "Union Government" on 30 March 1978. Among those freed were a number of leading politicians, including William Ofori Atta, Komla Gbedemah, Victor Owusu, B.J. da Rocha and Dr John Bilson.

Further releases took place in early August, when the ruling Supreme Military Council freed 14 detainees, including Colonel George Minyila, a former Commissioner for Industries who had been arrested in May 1977 on suspicion of plotting to overthrow General Acheampong, and Dr Kwadwo Amoah, a Ghanaian scholar detained in July 1976 after writing a pamphlet calling for the resignation of General Acheampong and a return to civilian rule. Dr Amoah's case had been taken up by Amnesty International.

In early September, former army captain Kojo Tsikata was freed on health grounds. He had been sentenced to death in July 1976 after being convicted of plotting to overthrow the government. Also in September, it was announced that 93 long-term detainees had been freed from Nsawam Prison near Accra. Two months later, on 16 November, Lieutenant-General Akuffo announced that, as a gesture of "mercy and goodwill" to "promote a national reconciliation", the government had ordered the immediate release of 24 other people imprisoned for allegedly plotting against General Acheampong. They included six prisoners jailed in 1976 whose cases had been taken up by Amnesty International on the grounds of unfair trial.

Other indications that Lieutenant-General Akuffo accepted the need to promote national reconciliation and respect for human rights were also evident in the last months of 1978, including an amnesty for political exiles, who were invited to return to Ghana and contribute to the development of the country. At the end of November the ban on political parties imposed in 1972 was lifted and the government agreed to a complete transfer of power from military to civilian control.

However, at least 105 people, including several leading politicians, were banned from standing in the election or holding public office.

A state of emergency was declared in early November in the wake of widespread strikes by civil servants and other professional groups but this was lifted at the end of the year. In December, a constituent assembly was established to prepare a draft constitution and by April 1979 arrangements were well under way for presidential and parliamentary elections in June.

Amnesty International remains concerned about a number of detainees held under the Preventive Custody Decree introduced in January 1972. According to the Ghanaian authorities, some of these detainees were arrested on suspicion of criminal offences but no reasons have been given to explain why, if that is the case, they have not been charged and brought before the courts in the normal way.

Guinea (the Revolutionary People's Republic of)

Several hundred political prisoners are known to have been released during the year. However, there are still many political prisoners, including some who have been held since early 1971 for alleged complicity in the Portuguese attack on Conakry in November 1970. No precise estimate of their numbers can be given because the government has refused to provide information about political prisoners and because many are feared to have died in custody.

The release of political prisoners, which began in December 1977 when some 50 prisoners were freed, was repeated in May and November 1978, and was one sign of the changes in policy since the beginning of 1978. Apart from President Ahmed Sékou Touré's public reconciliation with a number of countries with which Guinea was previously on bad terms, which came to a climax in December 1978 with a visit to Guinea by the French President Valéry Giscard d'Estaing, important changes were also made to the country's government and constitution at the 11th Congress of the ruling *Parti Démocratique de Guinée* (PDG) in November 1978. The Political Bureau, which before November 1978 consisted of President Sékou Touré and five others, one of whom was his brother and three of whom were related to him by marriage, was increased to 15. The PDG's central committee, the National Revolutionary Council, which previously had 25 members, was increased to 70. The members are to be elected in May or June 1979.

In June 1978, Amnesty International published a Briefing Paper on Guinea, which described political imprisonment and other violations of human rights. In the same month, it launched a major campaign to obtain an amnesty for convicted political prisoners and the release of all long-term detainees. Diallo Telli, former Secretary General of the Organization of African Unity (OAU), was not among those freed. In November 1978, President Sékou Touré told journalists that Diallo Telli had been sentenced and was therefore no longer under the President's authority. He added that all those who had been sentenced to death were dead. According to Amnesty International's information, although Diallo Telli was detained in 1976 and accused of plotting to assassinate President Sékou Touré, he was never tried. His alleged confession was broadcast over Conakry Radio shortly after his arrest, but until November 1978 the authorities had persistently refused to say what action had been taken against him. It is still not clear whether he was

executed or was starved to death in prison. Other prisoners arrested at the same time may also be dead. Only one of these, Souleymane Sy Savané, is known to have been released during the year.

The government's sensitivity to international criticism on matters of human rights was shown in November 1978 when President Sékou Touré publicly called Amnesty International "trash" (*une ordure*). He claimed that its criticisms were political rather than motivated by an objective concern for human rights. The President has so far failed to respond to the detailed and specific criticisms made in the Briefing Paper on Guinea or to answer inquiries about political prisoners.

Ivory Coast (the Republic of)

Political life in the Ivory Coast was unusually turbulent during the year. The effects of inflation and price rises on the standard of living of town dwellers and commercial rivalries between the large expatriate French and Lebanese communities led to increased political tension.

Many arrests took place between July and September 1978 following the distribution of an unsigned tract in Abidjan protesting against increases in fares announced by the government on 1 July 1978. Most of those detained were suspected supporters of *Union Nationale des Elèves et Etudiants de la Côte d'Ivoire* (UNEECI) which the government claimed was responsible for the tracts. They included a number of university students usually resident in France. Some were deprived of their scholarships, conscripted into the army and placed in military detention centres. In December 1978, Amnesty International appealed to President Félix Houphouët Boigny to ensure that they were charged or released without delay. There was no response.

Further unsigned tracts were distributed in the capital on National Day, 7 December 1978. These warned that the celebrations would be the occasion for a "bloodbath" of the white expatriate community, similar to that which occurred in Kolwezi, Zaire, the previous May, and called for the expulsion of French military forces. No arrests are reported but President Houphouët Boigny announced that a number of "extremist" French technical assistants would be expelled, and that "subversive and fanatical" elements within the Lebanese community would not be allowed to create disorder. Later in December, a number of Abidjan university students were detained allegedly because they refused to participate in the congress of the government approved student organization *Mouvement des Elèves et Etudiants de la Côte d'Ivoire* (MEECI). Inquiries have not revealed how many remain in prison.

Kenya (the Republic of)

The most significant event of the year was the death of President Jomo Kenyatta on 22 August 1978. Former Vice-President Daniel arap Moi was elected to replace him and assumed office on 14 October 1978.

One of President Moi's first actions was to release all political detainees on 12 December 1978, the 15th anniversary of Kenya's independence. Among the 26 detainees freed were prisoners whose cases had been taken up by Amnesty International. They included four members of parliament detained for periods from

1 to 9 years because of their outspoken criticism of the government, and the distinguished novelist and Professor of Literature at Nairobi University, Ngugi wa Thiong'o. Professor Thiong'o was detained in December 1977 after he co-authored a Kikuyu-language play which contained a radical critique of contemporary Kenyan society and political affairs. He was an Amnesty International Prisoner of the Month in July 1978.

Amnesty International cabled President Moi on 13 December 1978 to commend the releases as a timely gesture which should serve as an example to other countries in Africa and throughout the world.

Following their release, Ngugi wa Thiong'o, Koigi wa Wamwere and other detainees gave press interviews in which thay called for the end of detention without trial and described the circumstances and conditions of their detention. They complained of delays in obtaining medical treatment, the ineffectiveness of the secret detention review tribunal, denial of contact with relatives except for rare visits, and in most cases the denial of all reading material except the Bible.

One detainee, Martin Shikuku, suffered severe intestinal disorders and lost the use of his legs while in detention. He left prison on crutches which he obtained only after going on hunger strike. Altogether, during his three years in detention he went on hunger strike 13 times in an attempt to get improved conditions.

Before the releases a number of questions had been asked in parliament about the treatment of detainees, but they appear to have had little effect and were generally met by government assurances that detainees were not ill-treated. Eventually, in June 1978, Attorney General Charles Njonjo warned members that they should not ask any further questions about detainees.

One other former parliamentarian released during the year was Chelagat Mutai. She was freed in August 1978 after completing the full 2½-year prison term imposed for incitement to violence and disobedience of the law. She was alleged to have encouraged agricultural workers to occupy a sisal plantation which they were buying. Amnesty International investigated her case and concluded that the reason for her imprisonment was her criticism of government policies.

Lesotho (the Kingdom of)

All but one of the remaining Basutoland Congress Party (BCP) supporters imprisoned as a result of the treason trials of 1974-75 were released when they completed their sentences during 1978-79. They all qualified for remission of sentence, and included several prisoners whose cases had been taken up by Amnesty International. The one remaining BCP prisoner, Mofelehetsi Moerane, is due for release in late 1979.

Liberia (the Republic of)

More than 40 people were killed and some 500 injured, according to Liberian government statements, when police clashed with demonstrators and opened fire in the capital, Monrovia, on 14 April 1979. The demonstrators, numbering about 2,000, were protesting at a sharp increase in the price of rice, which had been proposed by the Minister of Agriculture. The Liberian authorities had refused to give permission for a protest demonstration to take place. Following the initial

clashes with the police, large-scale rioting and looting occurred in the capital. The total number of people detained in Monrovia and the hinterland is unconfirmed, although reports received by Amnesty International suggest that it may run to several hundreds.

Shortly after these arrests, the government issued "wanted" lists and offered rewards of US$ 5,000 for the arrest of five people, including Gabriel Matthews and Oscar Guiah, respectively Chairman and General Secretary of the Progressive Alliance of Liberia (PAL). The President of Liberia, William Tolbert, accused a number of student and opposition organizations, including PAL, of being responsible for the disturbances, and also hinted at some foreign involvement. In April 1979 the University of Liberia was closed indefinitely.

In late April 1979, the Emergency Powers Act was passed by the national legislature. It provides sweeping executive powers for the suppression of "plots, conspiracies, sedition or treason", including the declaration of "defence areas" in which the power of search and seizure cannot be challenged in the courts. It also suspends *habeas corpus* for one year, and establishes special courts with the power to make their own rules of procedure for the trial and sentencing of anyone accused of violating the act. Conviction for attempting to "subvert, disturb and upset the economic, social and political stability and security of the state" carries a minimum 10-year prison sentence and a minimum fine of US$ 5,000. In late April, the government announced that 32 people had been charged with treason.

In February 1979, seven people including one woman were hanged in Monrovia. They had been convicted of complicity in a ritual murder in 1976. After a retrial and several appeals, Amnesty International unsuccessfully appealed to President Tolbert to grant clemency. The hangings took place in public on 16 February 1979.

Malawi (the Republic of)

Malawi's first general election since independence in 1964 was held on 29 June 1978 in what was widely interpreted as an attempt by President Hastings Kamuzu Banda to improve his government's authoritarian and repressive image. Only members of the Malawi Congress Party (MCP) – the only legal political party since 1966 – were entitled to contest the election; but voting was heavy and 31 out of a total of 87 sitting members of parliament were defeated. Few changes appear likely and power remains firmly in the hands of President Banda.

On the day following the election, President Banda held an international press conference in which he criticized Amnesty International and discussed his government's record on human rights. He claimed that all political detainees had been released by 4 June 1977, but refused to permit foreign journalists to visit prisons. He defended the banning and persecution of the Jehovah's Witnesses religious sect on the grounds that its members refused to pay taxes, recognize his government's authority or salute the flag.

Despite President Banda's assertion, Amnesty International believes that there remain a number of political detainees, including some held since 1970. Two chiefs arrested in 1973 are thought to be still detained, as are several former associates of Cabinet Minister Albert Muwalo Nqumayo who was dismissed in 1976 and tried and executed for treason in 1977. Some Jehovah's Witnesses are

imprisoned. The legal and internal security structure by which the government detained more than 2,000 prisoners of conscience before the mass releases of 1977 appears to remain intact.

In late April 1979, Amnesty International received information that 35 people had been hanged during the previous four months. They were said to include at least one former political prisoner.

Mali (the Republic of)

The most noteworthy political events in the past year in Mali were the trials in October 1978 and February 1979 of leading members of the ruling *Comité Militaire de Libération Nationale* (CMLN) who had been arrested in February and March 1978 for state security offences and corruption.

On 21 October 1978, a special state security court sentenced to death two former members of the CMLN, Lieutenant-Colonel Kissima Doukara, (Minister for Defence, Interior and Security) and Lieutenant-Colonel Tiécoro Bagayoko (Director of the Security Services) for plotting a *coup d'état* and revealing state secrets. Two others who were tried with them – former Transport and Public Works Minister, Karim Dembele, and Minister of Foreign Affairs, Charles Samba Cissoko – were sentenced to 20 years' and 5 years' hard labour respectively; 14 people were acquitted and 23 others received sentences ranging from 15 years' hard labour to 6 months' imprisonment. Amnesty International appealed to President Traoré to exercise clemency for the two prisoners condemned to death.

In December 1978, a national commission of inquiry was instituted into corrupt financial operations of the officers arrested in March 1978 and of one civilian, as a prelude to a second trial for "economic crimes against the state". On 2 January 1979 the Chairman of the commission, Colonel Joseph Mara, a former Minister of Justice, was arrested for corruption and receipt of bribes in the course of his duties on the commission.

On 9 March 1979, in Timbuctoo, the state security court sentenced Kissima Doukara to death for financial corruption, applying "special legislation for the repression of economic crimes". Karim Dembele and Tiécoro Bagayoko received sentences of 10 years' hard labour and 5 years' imprisonment respectively. Joseph Mara was sentenced to 20 years' hard labour. Four others were acquitted. It is unclear whether or not the sentences passed are additional to those imposed in October. At the time of writing no executions had been carried out.

Amnesty International has one prisoner under investigation, Captain Malick Diallo, a former member of the CMLN, sentenced to life imprisonment with hard labour in 1973.

Mauritania (the Islamic Republic of)

Political events have continued to be largely determined by the conflict over the former Spanish Sahara, annexed jointly by Morocco and Mauritania in late 1975. The *Frente Popular para la Liberación de Saguia el Hamra y Rio de Oro* (POLISARIO) has been fighting an increasingly successful guerrilla war for the independence of the territory, of which Mauritania occupies the southern-most province of Tiris el Gharbia. The cost of the war in human and financial resources led to strong disagreements among civilian and military leaders about its usefulness.

On 10 July 1978, a military *coup d'état* led by Lieutenant-Colonel Mustapha Ould Salek overthrew President Moktar Ould Daddah's government and installed the Military Committee for National Recovery (MCNR) which promised to take Mauritania out of the war.

President Ould Daddah and his ministers were placed under house arrest, but some were soon released. President Ould Salek announced in September 1978 that a special court had been established to try members of the former regime. However, in April 1979, all the imprisoned former ministers were reportedly released, and there were suggestions that Ould Daddah would soon be freed.

Relations between the government and POLISARIO improved after the July *coup*. In October 1978, POLISARIO freed 150 prisoners of war, and in December the government reciprocated by releasing approximately 100 captured civilian and military members of POLISARIO.

In early 1979, MCNR ordered the arrest of a number of so-called troublemakers following a strike on 2 February 1979 by black teachers against measures to strengthen the "arabization" programme in schools, interpreted by them as discrimination against the black community by the Arab-Berber (or *Maure*) community which has held a large measure of political power since independence in 1960. Tension increased again in March 1979 when 10 black civil servants were arrested for allegedly distributing tracts hostile to the government. After protests in Nouakchott, the capital, they were released a week later.

On 22 March 1979, President Ould Salek made significant changes in his government, removing three prominent ministers who allegedly held views favourable to a rapid negotiated settlement with POLISARIO. However, on 6 April 1979, President Ould Salek's regime was openly challenged by reportedly pro-Western officers, the MCNR was replaced by the Military Committee for National Salvation (CMSN) and Colonel Ould Bouceif assumed supreme executive powers. A curfew was imposed on the capital, and it was reported that the new military council had banned all political activity.

Mauritius

Several leading members of the radical opposition *Mouvement Militant Mauricien* (MMM), including nine members of parliament and the mayor of the capital, Port Louis, were arrested in June 1978 during a peaceful demonstration against increased transport fares. They were charged under the Public Order Act and sentenced on 21 July 1978 to 3 months' imprisonment for obstruction. They went on hunger strike in protest against their treatment. Amnesty International requested information and then on 3 August 1978 made representations on their behalf to Prime Minister Sir Seewosagur Ramgoolam. The next day all 14 prisoners were freed conditionally in a special clemency measure.

Mozambique (the People's Republic of)

Sporadic acts of sabotage in Maputo and other towns, apparently committed by members of the Mozambique National Resistance Group, which opposes the government of President Samora Machel, led, in February 1979, to the introduction of the death penalty. Under a new criminal code issued on 28 February 1979 crimes such as treason and acts of terrorism or sabotage involving loss of life were made capital offences. Until that time, Mozambique was unique in Africa in having no death penalty. The first executions under the new law were carried out in Maputo on 1 April 1979 when 10 people convicted of espionage and treason before a military revolutionary tribunal were shot by firing squad. Amnesty International, which had earlier appealed to the Mozambique government not to introduce the death penalty, protested against these executions on 3 April 1979. Ten more executions were carried out in mid-April.

Amnesty International's other main concern was the use of detention without trial. Political detainees, who include not only former political opponents of the ruling *Frente de Libertacão de Moçambique* (FRELIMO), but also a number of Jehovah's Witnesses, are held at Machava Prison in Maputo and at "re-education camps" situated throughout the country. The most notorious of these is Rua Rua Camp, near Mueda in Cabo Delgado Province. A number of "dissident" members of the Zimbabwe African National Union (ZANU) – the Rhodesian nationalist movement which operates from Mozambique – are also detained, although it is not clear whether they are in the custody of ZANU or the Mozambique authorities. In January 1979, their situation was discussed with Mr Robert Mugabe (ZANU's President) by Amnesty International representatives who visited Maputo to attend a meeting of the Movement of Non-Aligned Countries and to facilitate the release by ZANU of four white prisoners taken from Rhodesia who were unconditionally released to Amnesty International on 2 February 1979.

Namibia

Namibia continued to be the subject of high-level international negotiations as the "contact group" of five Western countries sought a compromise between the South African government and the South West Africa People's Organization (SWAPO) which would accord with the basic requirements set by the United Nations Security Council.

The countries concerned – Canada, France, the Federal Republic of Germany, the United Kingdom and the United States of America – were initially successful in obtaining general agreement by South Africa and SWAPO to a general election in 1979 under United Nations' supervision and control. However, by April 1979, major differences were still unresolved and negotiations appeared to have broken down.

Major disputes had already arisen in the course of 1978. In June 1978, South Africa's Administrator General in Namibia, Marthinus Steyn, announced that registration of voters was to begin – without UN supervision – in preparation for an election in December. Under proclamation AG.37, it was made an offence punishable by up to 3 years' imprisonment for any person to incite others to boycott registration. A number of SWAPO supporters were subsequently prosecuted.

The election itself was boycotted by the internal wing of SWAPO and by the Namibia National Front (NNF) – a grouping of several small political organizations – because of the lack of UN supervision over the registration of voters and the conduct of the election. Consequently, the only parties which contested the election were the Democratic Turnhalle Alliance (DTA), favoured by the

South African government, and four minor parties. According to official South African figures, there was an 80 per cent turnout for the election, with the DTA winning 82 per cent of the votes cast. However, during both the registration process and the election campaign there were widespread and substantial reports alleging official intimidation of the civilian population. According to a report published by the Christian Centre in Windhoek at the end of November, great pressure was applied, particularly in Ovamboland, the most populous area and the one from which SWAPO has traditionally drawn its support, to get people to register and vote. Examples were cited of people told by officials that they would not receive pensions, medical treatment or permission to travel unless they produced a card showing they had registered and of black workers told by white employers that they would lose their jobs if they did not register and vote for the DTA. Many refugees from Angola were also said to have been placed on the electoral roll. The acting director of the Christian Centre, Justin Ellis, was ordered to leave Namibia on 27 November 1978. Administrator General Steyn announced on 5 December 1978 that he had referred alleged irregularities to the police and security forces for investigation but it is not clear whether action has been taken.

Shortly before the election, South African security police detained almost the entire internal leadership of SWAPO, allegedly in connection with a bomb explosion in Windhoek on 2 December. Those detained for interrogation under section 6 of the Terrorism Act included SWAPO's Vice-Chairman, Daniel Tjongarero, Publicity Secretary Mokganedi Tlhabanello, and Administrative Secretary Axel Johannes, who was adopted as a prisoner of conscience by Amnesty International when he was previously detained from 1975 to 1977 and from April to November 1978. Several of these SWAPO officials had been detained for some months earlier in the year, following the assassination in March of the DTA leader, Chief Clemens Kapuuo. Most of them were held under a new law, proclamation AG.26, introduced in April 1978 to provide for indefinite preventive detention. Two of those detained at that time, Festus Naholo and Frans Kambangula, were released at the beginning of July 1978 to participate in negotiations in Luanda between SWAPO and representatives of the Western contact group, but they were detained again immediately they returned to Windhoek on 26 July 1978. They remained in detention until late October, by which time most of the other detained SWAPO leaders had been freed.

In early December, Amnesty International cabled Administrator General Steyn and asked him to investigate reports that Daniel Tjongarero and other SWAPO detainees had been subjected to ill-treatment during interrogation by the security police, to make sure thay were not tortured and to charge or release them without delay. He gave an assurance that the detainees would "neither be tortured nor ill-treated by the security police or anybody else". On 8 December 1978, the South African authorities permitted two journalists and an American observer to interview Tjongarero and five others in the presence of security police. The journalists reported that the detainees appeared to be in good health, although one of them, Lucia Hamutenya, complained that she had been slapped in the face and kept awake for three nights. Her claims were denied by the security police. All six detainees were released uncharged at the end of December.

Serious allegations of torture were made in June 1978 when a Catholic priest, Heinz Hunke, alleged that Namibians taken prisoner in May 1978 during the

South African attack on Kassinga in Angola were being tortured during interrogation. Hunke said that he had been told by 10 of the 63 people released by the South African authorities three weeks after the Kassinga raid that another 120 prisoners were still held and that some of them had been tortured with electric shocks. Administrator General Steyn, who had declined to take action on earlier cases of torture referred to him by Father Hunke in 1977, denied these claims and said that he had personally inspected the detainees' conditions in May and found them to be satisfactory. However, on 14 July 1978, the day after Administrator General Steyn was empowered to issue deportation orders, Father Hunke was given notice to quit Namibia within 96 hours. At the same time another prominent churchman and critic of South Africa's policies, Anglican Vicar General Ed Morrow, and his wife, were ordered to leave Namibia within seven days.

Detailed allegations of torture were also made in a report in the British newspaper the *Observer* in July 1978. These stated that Festus Thomas, who had been detained under section 6 of South Africa's Terrorism Act on 10 April 1978 and held without charge until late June, alleged that he had been severely tortured during interrogation by security police. According to the *Observer*, Thomas claimed that he had been subjected to electric shocks and repeated physical assaults, and had twice been buried alive until he lost consciousness. He said that he had complained three times to a magistrate who visited him in detention, but no action had been taken.

Several political trials took place in Namibia, mainly of people charged with violent political offences. Amnesty International gave details of some of these prisoners, and of other Namibians convicted of political offences who are now held on Robben Island in South Africa, to the United Nations Special Representative for Namibia, Martti Ahtisaari, on 1 September 1978.

Nigeria (the Federal Republic of)

On 21 September 1978, the head of the Federal Military Government, Lieutenant-General Olusegun Obasanjo, announced the end of the state of emergency imposed when the military took power in 1966, and the legalization of political activities. Five political parties were officially registered in December.

The new constitution providing for the return to civilian rule is due to come into force on 1 October 1979. There will be an executive president, a bicameral legislative assembly and executive state governors. It was drafted by a special civilian assembly, but was subsequently amended by the ruling Supreme Military Council to include, among other things, the retention of the National Security Organization, Nigeria's security police.

Under a decree issued at the time the emergency was withdrawn, the military government introduced new powers of detention without trial. This was interpreted as a precautionary measure to ensure that the removal of restrictions on political activity did not lead to ethnic hostility. No reports of detentions were received by Amnesty International.

Amnesty International knows of no prisoners of conscience in Nigeria, but is concerned at the use of the death penalty. Many executions take place each year, though precise figures are not known. Executions in public of convicted armed robbers, which had been in abeyance for some six months, were resumed in

March 1979 when five prisoners were executed by firing squad in Lagos following a public outcry at the increase in violent crime. Those executed had been sentenced to death by a special tribunal consisting of a High Court judge sitting with one military officer and one police officer, in accordance with the Armed Robbery Decree 1970.

The death penalty is retained in the new constitution.

Sierra Leone (the Republic of)

The state of emergency declared on 1 February 1977 was renewed by President Siaka Stevens in February 1978 and again in February 1979 for a further 12 months. The State of Emergency and Public Emergency Regulations permit detention without trial for indefinite periods. In early May 1978, more than 150 people were officially detained, but almost all political detainees were released later that month when the government introduced legislation providing for a one-party state.

Under the one-party state constitution, the ruling party, the All People's Congress (APC), was given institutional power and all other political parties were banned. Twelve members of parliament belonging to the opposition Sierra Leone People's Party (SLPP) were given the choice between joining the APC within a short period or forfeiting their parliamentary seats. They joined the APC. The new constitution was approved by the House of Representatives in May 1978 and by the public in a referendum in early June 1978.

President Stevens' policy of reconciliation between the government and its former opponents in the SLPP appeared to have been successful and there were no major outbreaks of political violence similar to those of early 1977. Several groups of political detainees whose cases were under investigation by Amnesty International were among more than 130 whose release was announced in May 1978. Ten months later, in March 1979, the government informed Amnesty International that no detainees remained in custody in Freetown.

Somalia (the Somali Democratic Republic)

Events during the year were dominated by the continuing conflict in the Ogaden which resulted in large numbers of refugees entering Somalia, and political tensions associated with the abortive April 1978 *coup* and organized opposition outside the country. In January 1979, the first congress of the Somali Revolutionary Socialist Party was held, a new constitution was drafted, and elections were planned for the presidency and party posts later in 1979.

Large numbers of arrests, among both the military and civilians, followed the failure of the April *coup* attempt in which 28 people were killed. Most of those arrested were members of the Majarten tribe which had been politically dominant before military rule. Between July and August 1978, 74 men, mostly from the armed forces, were tried by the Mogadishu National Security Court in connection with the *coup*. Seventeen were convicted of "endangering the unity, freedom and security of the nation" and sentenced to death, 34 were jailed for between 20 and 30 years for failing to report the conspiracy and 21 were acquitted. Two other accused had already died, reportedly shot dead while escaping arrest. Defendants had legal representation and close relatives were allowed to attend the trial and

visit the prisoners.

When the verdicts were announced on 12 September 1978, Amnesty International cabled President Siyad Barre urging him to commute the death sentences on humanitarian grounds and reiterating its total opposition to the death penalty. Despite a subsequent Urgent Action campaign, the 17 condemned men were executed in public on 26 October 1978. They included the self-confessed *coup* leader Captain Mohamud Sheikh Osman, Captain Doctor Abdisalam Elmi Warsame, other military officers and one civilian.

Amnesty International continued to work on behalf of several prisoners of conscience. The total number of political prisoners and detainees is impossible to estimate since the information is not published, but there are believed to be at least several hundred. A number of adopted prisoners were released, including former Minister of Justice and Religious Affairs Abdulghani Sheikh Ahmed, former Attorney General Abdi Farah Bashane, Dr Yusuf Hersi and others. One adopted prisoner, Farah Musse Matan, a United Nations Development Project employee, died in detention.

The remaining prisoners of conscience for whom Amnesty International has worked longest include former Prime Minister Mohamed Haji Ibrahim Egal, former Police General Mohamed Abshir Musse, former Secretary General of the now banned Somali Democratic Union Yusuf Omar Samantar, and former General Abdullahi Farah Ali "Holif". Other cases newly taken up for investigation included people arrested after April 1978, such as pharmacist Aden Jama Bihi (later freed), Yusuf Azhari, ambassador to Nigeria, and the head of Radio Somalia, Jamah Khalef.

Most political prisoners are held in Lanta Bur Prison near Afgoi or Labatan Jirow Prison near Baidowa. Conditions of some prisoners reportedly improved for a time during 1978 after Amnesty International's appeal against perpetual solitary confinement and incommunicado detention, but family visits are normally prohibited and correspondence rarely allowed. Food is poor and medical treatment is often inadequate. There is no independent review of detention orders.

On 22 October 1978, the ninth anniversary of the military *coup* of 1969, President Barre released 2,831 prisoners, including a few political detainees. Amnesty International appealed to him in November to commute a number of death sentences passed by security courts for embezzlement and murder. Those sentenced were executed by firing squad.

On 24 March 1979, the government declared an amnesty allowing exiles to return. No details are known of any specific safeguards in the offer. Amnesty International has urged the government to free all political prisoners in a spirit of reconciliation, and to ensure that refugees can return without fear of persecution.

South Africa (the Republic of)

Growing international criticism of racial and human rights policies during 1978-79, International Anti-Apartheid Year, was accompanied by a serious internal dispute within the ruling Nationalist Party over the activities of the Department of Information. This dispute, termed the "Muldergate" scandal by the press, led to the disbanding of the Information Department and the resignation from the Cabinet of Dr Connie Mulder by November 1978.

To some extent, the revelations about the Information Department indicated the government's sensitivity to international criticism of *apartheid* and human rights violations. The South African press and the Mostert and Erasmus Commissions of Inquiry disclosed that gross irregularities had occurred in the use of secret funds made available to the Information Department for propaganda purposes. In March 1979, the former Secretary for Information, Dr Eschel Rhoodie, alleged that attempts had been made to bribe or otherwise unfairly influence not only politicians, trade-union leaders and others in Africa, Europe and North America but also the international press to take a more sympathetic position towards South Africa.

This controversy within the ranks of the Nationalist Party weakened the position of the government, but appears to have had no appreciable effect on human rights. Even though the "Muldergate" scandal had shown the lengths to which the government felt obliged to go in order to defend its policies in the face of international criticism, it did not respond by re-examining those policies or initiating measures to permit the black majority an effective voice in government. Instead, as in previous years, the government resorted to detention without trial, political imprisonment and restriction under banning orders to suppress effective black political opposition.

Waves of detentions continued. In May 1978, the leaders of the newly formed Azania People's Organization (AZAPO) were detained in Johannesburg under section 6 of the Terrorism Act. They included Lybon Mabasa and Ishmael Mhkabela, both of whom were held without charge until August 1978 when they were transferred to preventive detention under section 10 of the Internal Security Act. They were eventually released on 1 December 1978, but were immediately served with 5-year banning orders. At least 30 members of the Young Christian Workers (YCW), a Church youth organization, were also detained without trial between May and July 1978. Four of them were subsequently prosecuted under the Sabotage Act, but the majority were released uncharged several months later. Others were held for longer periods and made to give evidence as state witnesses in the trials of YCW members.

In early August, the provisions authorizing preventive detention under section 10 of the Internal Security Act were renewed for a further year. Most of the 80 or more detainees held since the banning of the Black Consciousness movement in October 1977 were released by the end of July 1978, but at least 15 detainees arrested in 1977 remained in detention and were served with renewed detention orders in August. They included Peter Jones, who was detained on 18 August 1977 together with Steve Biko, the Black Consciousness leader who died in security police custody on 12 September 1977. Mr. Jones was held for interrogation under section 6 of the Terrorism Act until February 1978, then transferred to preventive detention. He was released in February 1979 and restricted under a 5-year banning order.

Another series of arrests was made in early September shortly before the first anniversary of Steve Biko's death in detention. Those detained included friends and relatives of Mr Biko and leading members of the Black Consciousness movement; most of them were released after a few weeks.

Detention without trial was used extensively in a number of African "homelands," particularly in Vendaland and the Ciskei. More than 50 supporters of the

Venda Independence Party (VIP) were arrested in August and September 1978 under the provisions of proclamation R.276 of 1977, which permits detention without trial for up to 90 days. This followed the defeat of Chief Patrick Mphephu's Venda National Party (VNP) by the VIP in an election held in July. As a result of the detentions, the VIP boycotted the first session of the Legislative Assembly in September and Chief Mphephu was able to remain as Chief Minister of Vendaland despite his overwhelming election defeat. Most of the VIP supporters were believed to have been released by the end of 1978. Amnesty International protested to Chief Mphephu and to the South African government minister then responsible for African affairs, Dr Connie Mulder, in early October and called for the release of all detainees and the repeal of the Vendaland emergency regulations.

Detentions were also reported throughout the year in the Ciskei under the provisions of proclamation R.252 of 1977, which also provides for detention without trial for up to 90 days. Those arrested included several political opponents of Ciskei's Chief Minister, Lennox Sebe. In the Transkei, a number of former political prisoners who had served sentences on Robben Island were among at least 50 political opponents of Chief Kaiser Matanzima's administration detained in 1978-79. Amnesty International made representations about some of these detentions to the Transkei Justice Minister, Digby Koyana, in March 1979.

One of the principal concerns in the past year has been the detention of state witnesses in political trials. During the 1978 parliamentary session, the Criminal Procedures Matters Amendment Act was introduced to increase security police powers to detain potential state witnesses in Terrorism Act trials. Even before the introduction of this amendment, the police were empowered to hold potential state witnesses incommunicado for a maximum period of 180 days. The new Act removes this limit and witnesses may be held incommunicado until the completion of the trials in which they are expected to give evidence. Consequently, uncharged detainees may be held incommunicado for very long periods, particularly if they are expected to give evidence at major political trials which take many months to complete. At the trial of 18 alleged Pan-Africanist Congress (PAC) members in Bethal, it was expected that more than 160 people would be called as state witnesses, many of whom were detained. Most of the defendants, and no doubt many of the witnesses, who may not be named, were arrested in late 1976 or early 1977. The trial was still in progress in April 1979.

Apart from the PAC trial, probably the most important of the many other political trials was that involving 11 Soweto student leaders which began in September at Kempton Park near Johannesburg. The students, all members of the South African Students' Movement (SASM) or the Soweto Students' Representative Council (SSRC), were detained in June 1977 shortly before the first anniversary of the Soweto disturbances. They were detained incommunicado for more than one year before being charged with sedition and offences under the Terrorism Act. The charges all relate to the student leaders' activities during the Soweto disturbances, including the organization of demonstrations calling for the release of detainees, boycotts and worker stay-at-homes. During the course of the proceedings, several state witnesses alleged that they had been tortured and ill-treated under interrogation, but these claims were denied by the security police. Similar allegations of torture were made by defendants and detained state

witnesses at a number of other trials. At the Bethal PAC trial, for example, one of the defendants, Johnson Nyathi, stated that he had been repeatedly assaulted by the security police and then seriously injured by being thrown bodily from a fourth-floor window.

Although there is little doubt that torture is still used systematically, the international protests which followed Steve Biko's death appear to have resulted in precautions being taken to ensure that further deaths in detention do not occur. During the year one political detainee is known to have died in custody: in July 1978, 19-year-old Lungile Tabalaza was killed when he fell to his death from the fifth storey of Port Elizabeth's security police headquarters, the same building where another political detainee, George Botha, died in custody in December 1976 and where Steve Biko received his fatal injuries. In October 1978, the inquest decided that no one was to blame for Mr Tabalaza's death and the presiding magistrate concluded that assaults on Mr Tabalaza by members of the security police had not been proved. Although the South African authorities did not accept responsibility for Mr Tabalaza's death, or indeed for the deaths of Mr Biko and other political detainees, in March 1979 the Department of Justice agreed an out-of-court settlement with the widow of Joseph Mdluli, who had died in detention in March 1976. Four security police officers accused of culpable homicide as a result of his death were acquitted for lack of evidence in October 1976.

Throughout the year, Minister of Justice James Kruger has continued to use his authority to impose banning on those who most effectively articulate opposition to the government's policies. In the past it has been common for convicted political prisoners to be restricted under banning orders immediately they complete their sentences and are released from prison. This trend continued during 1978 but took on a new dimension at the end of the year when the Minister of Justice banned at least 21 people released after long periods in detention without charge. Five-year banning orders were imposed on such people as Ms Asha Rambally, who was first detained for interrogation under section 6 of the Terrorism Act in August 1977 and then transferred to preventive detention under section 10 of the Internal Security Act in early 1978. She was released on 2 December and immediately banned. Other well-known Black Consciousness leaders such as Aubrey Mokoena, Director of the Black Community Programme until it was banned with 17 other Black Consciousness organizations in October 1977, and Hlaku Kenneth Rachidi, former President of the Black People's Convention, were banned at the same time. Mr Mokoena and Mr Rachidi, with several others, were detained without trial for more than a year before being released and banned. At no time have the authorities brought charges against them, let alone secured their conviction in the courts.

Another new feature of the past year has been the use of banning orders effectively to "banish" individuals to isolated parts of South Africa. Phindile Mfethi, for example, a prominent trade unionist who was served with a 5-year banning order in May 1977 which restricted him to the Germiston area near Johannesburg, was "deported" to the Transkei in July 1978, after the Minister of Justice varied the provisions of his banning order to provide for his restriction to Butterworth in the Transkei.

Changes were made to a number of other people's banning orders to make

their lives more difficult. Chris Mokoditoa, for example, was specifically prohibited from continuing his employment as an articled clerk for the lawyer Shun Chetty when he was banned for a second period in July 1978. He has been banned since 1973 and spent four months in detention without charge in 1976. Dr Mamphela Ramphele's banning order was recently amended to prevent her from serving medical clinics in the Naphumo district, northern Transvaal, which she had established shortly after her restriction to the area in April 1977.

A new and ominous precedent was set on 6 April 1979 when the government executed 22-year-old Solomon Mahlangu, despite many international appeals for clemency. Mr Mahlangu was the first political prisoner to be hanged in South Africa since the 1960s. He was convicted in March 1978 of offences under the Terrorism Act and complicity in the killing of two whites in Johannesburg the previous June. Mr Mahlangu was one of five people executed on 6 April 1979. There has been a great increase in the number of executions. Figures released by the Department of Justice in early 1979 showed that 132 people were hanged during 1978, all but one of them black. At least 32 people convicted of criminal offences are believed to have been hanged during the first three months of 1979.

Swaziland (the Kingdom of)

The first general election to be held since King Sobhuza II abrogated the constitution and dissolved all political parties in April 1973 took place on 27 October 1978. The election was carried out through the *Tinkhundlas,* or traditional administrative councils, so that there was no registration of electors or political campaigning, and no secret ballot. Voters at each of 40 *Tinkhundla* meetings throughout the country chose two out of four candidates approved by the government to be their representatives in an 80-member electoral college, which itself then selected 40 of its number as members of the new House of Assembly and 10 as members of the Senate. A further 10 members of each House were directly appointed by the King. No political parties were able to contest the election, which was denounced by the main opposition party, the Ngwane National Liberatory Congress (NNLC), as "meetings under the trees".

Most political opponents of the government were in detention at the time of the election, including several prominent members of the NNLC. The party's leader, Dr Ambrose Zwane, who was detained without trial in February 1978, was held under a succession of 60-day detention orders until 5 August, when he was able to take advantage of an administrative delay in the preparation of a new detention order to make his escape to Mozambique. Other NNLC members were less fortunate. Dumisa Dlamini, a prominent trade unionist and close relative of the King, has been detained without trial continuously since July 1977. He too has been held under a series of 60-day detention orders. Ambrose Simelane has been detained without trial since February 1978, Africa Mhlanga since April 1978 and Sam Myeni since May 1978. Their cases, together with those of Dumisa Dlamini and seven other detainees, have been taken up by Amnesty International.

A few weeks before the election, a number of leaflets were distributed in Mbabane and other towns in the name of a new political organization, the Swazi Liberation Movement (SWALIMO). Among other things, the leaflets are said to have contained a call for the immediate release of all political prisoners. There

were several new arrests shortly before the election, though it is not known whether they were connected in any way with the emergence of SWALIMO. Among those detained was Obert Mpangela Mabuza, leader of the small Swaziland United Front party which contested the 1967 general election. Like most other detainees, he is held at Matsapha Central Prison.

Increasing tension was also evident during the year between the authorities and South African refugees, particularly those connected with the South African liberation movements, the African National Congress (ANC) and the Pan Africanist Congress (PAC). Following the detention in April 1978 of 13 alleged PAC members named as prohibited immigrants, three other PAC supporters were charged with arms offences and tried in the High Court in mid-1978. Two were convicted and jailed for 18- and 21-month terms. The third was acquitted. Shortly after the trial, on 3 August 1978, a 60-day detention order was imposed on Musa Shongwe, the lawyer who defended the three accused. He was still detained at Matsapha Central Prison in April 1979, eight months later. His case has been taken up by Amnesty International.

Four of the 13 alleged PAC members named as prohibited immigrants were still detained in April 1979, one year after they were imprisoned. Nine others had been released to go into political asylum in the United Kingdom, Canada, Denmark and Tanzania. At the end of March 1979, Amnesty International appealed to the government to release the four remaining refugees pending the completion of arrangements for their departure.

Tanzania (the United Republic of)

In May 1978, Andreas Shipanga and other dissident members of southern African nationalist movements were released after being detained under Tanzania's Refugee Control Act for periods from 1 to 7 years. In February 1979, Gray Mattaka, whom Amnesty International adopted after his detention in December 1976, was freed. He had been detained from 1970 to 1976, although acquitted of treason in 1971. He had been detained again in December 1976.

On Zanzibar, the remaining 14 prisoners in the treason trial of 1973-74 were released in December 1978. They had been sentenced to death but early in 1978 Vice-President Aboud Jumbe commuted their sentences to 10-year prison terms, which, with remission, expired at the end of 1978.

Amnesty International continued to investigate the cases of James and Adam Magoti, both of whom are still held under the Preventive Detention Act despite the fact that three soldiers were convicted of the offence for which they were originally arrested. In July 1978, two members of the security police were jailed for 3 years for torturing James Magoti in November 1976, when he was arrested on suspicion of theft. He is reported to be in particularly poor health as a result of the torture and harsh conditions of imprisonment.

In August 1978, Amnesty International sent a mission to Tanzania to discuss a number of issues, including the use of detention without trial and the need for improvements in prison conditions. The Zanzibar authorities permitted the delegates to meet two of the treason trial prisoners. One matter raised with the Zanzibar authorities was the case of Nasreen Mohamed Hussein, the one remaining "forced bride" who was compelled to marry a security officer, Ali Foum

Kimara, in 1970. Now aged 25, she has four children but she has never accepted her situation and is still prevented from leaving Zanzibar freely.

Togo (the Togolese Republic)

On 14 November 1978 the government announced the arrest of a number of people, including 36 army personnel and relatives and associates of the first President, the late Sylvanus Olympio, who was assassinated in 1963, in connection with an attempt in October 1977 to assassinate the President, Gnassingbe Eyadéma. Among these were members of the prominent De Souza family. One of the ex-President's distant relatives, Lieutenant-Colonel Merlaud Lawson, was reported to have fled the country to avoid arrest. These events reveal recurrent themes in Togolese political life during the Eyadéma regime: continued opposition to the President from some of the political and financial elite and friction between Togo and Ghana. The latter arises from a frontier dispute over the Ewe-speaking areas of Ghana which is exacerbated by President Eyadéma's allegations that Ghana has allowed its territory to be used for "destabilization" manoeuvres against Togo, including the 1977 assassination attempt. In late 1978, the 36 army personnel were reported to have been released.

There were reports of arbitrary arrest and detention without trial. Available information suggests that many citizens were detained for their political or religious acts or beliefs: failure to wear a party badge; the expression of opinions critical of the President or the *Rassemblement du Peuple Togolais* (RPT) or even the practice of one of the numerous religious cults banned under the edict of 29 May 1978. In February 1979, Amnesty International appealed to President Eyadéma for the trial or release of some 30 prisoners and took up six investigation cases. Five of the detainees are believed to have been released since the appeal; but Amnesty International has not yet been informed of the release or whereabouts of the others. In late April, discussions were under way for a proposed Amnesty International mission to Togo.

In March 1978 the government released Abou Boukari Karim, a former student leader, who had been detained without trial for more than seven years and whose case had been taken up by Amnesty International. Boukari's health was badly affected by his years in prison and he died in a Lomé hospital in December 1978. His death prompted opposition student movements to protest against the harsh conditions in Togo's prison. Amnesty International has received reports of intimidation and beatings of prisoners, sparse diet and general lack of medical facilities.

Uganda (the Republic of)

The persisting pattern of gross and flagrant violations of basic human rights under Life-President Amin's rule since 1971 brought increased internal and external pressure on his regime. The actions of the United Nations Commission on Human Rights, to which Amnesty International made further communications during the year, had little noticeable effect. The turning point was probably the political murder of the Archbishop of Uganda in February 1977. This led to the regime's diplomatic isolation, increasing international awareness of cruelty and economic chaos, and the organized opposition of exiles.

In October 1978 Ugandan troops invaded Tanzania. Large numbers of Tanzanian civilians in the Kagera region were tortured and murdered. Many women and children were abducted to Uganda where the government falsely called them refugees. Tanzania retaliated and the Tanzanian army forced Ugandan troops to withdraw, pursuing them into Uganda.

The Uganda National Liberation Front (UNLF) was formed in Tanzania on 23 March 1979 to unite all Ugandan exile groups. Its stated objectives were "to end the tyranny and destruction of life and property, to establish the rule of law, and to re-establish, maintain and defend human rights throughout the country".

By the end of April 1979, a joint military force of Tanzanian troops and Ugandan guerrilla fighters had gained control of most of the country. They captured the capital Kampala on 12 April 1979, and a new government was installed with UNLF Chairman, Professor Yusuf Lule, as President. The new government affirmed its commitment to human rights and democratic political structures, promising elections within two years. It said its first priorities were to defeat the remnants of Idi Amin's retreating army, and to set about the reconstruction of the country in human and economic terms. An appeal was made for massive international assistance to assist refugees to return and to revive the economy. A policy of revenge against those who had served the Amin government was publicly rejected in favour of a spirit of reconstruction and reconciliation. The government stated its intention of prosecuting through courts of law only those who had committed criminal offences: many of Amin's security officials had fled to neighbouring countries, whence the government was seeking their extradition.

Hundreds of political prisoners were freed from Makindye, Luzira and other prisons when Kampala was liberated; but most prisoners held in the State Research Bureau headquarters had already been murdered. Large scale massacres of civilians were committed by Amin's retreating forces in the east and north, the best-known victim being Bishop John Wasikye of Mbale. The former president fled the country.

Amnesty International campaigning was confined to publicizing political imprisonment, torture and killing, and drawing the attention of the authorities and those governments maintaining diplomatic and economic relations with the Amin regime to international concern at its human rights violations. It was not possible to adopt individual prisoners of conscience. Very few of those arrested by the State Research Bureau Public Safety Unit, or other branches of the security forces survived for long. Most were tortured and killed. Any intervention by Amnesty International might have decreased their slender chances for survival. Anyone who appeared to criticize or obstruct a security official or who attempted to preserve standards of human dignity, proper conduct of government or commerce, or to protect their family or property, might be arrested and killed with impunity by any security official.

Amnesty International presented a detailed report on this structure of repression to a United States Senate Foreign Relations sub-committee on 15 June 1978 and subsequently published its report internationally. The report described the overthrow of the rule of law; the murder of up to 300,000 people including judges, politicians, civil servants, religious leaders, academics, teachers, students, businessmen, writers, soldiers, police officers, foreigners, women and members of certain ethnic groups, particularly Acholi and Langi; evidence of systematic torture and the failure of all government inquiries into disappearances or deaths. The

international Prisoner of Conscience Week campaign in October on the theme of forgotten prisoners featured "indiscriminate violations of human rights in Uganda", and groups working on Uganda country action dossiers organized vigils commemorating the martyrdom of Anglican Archbishop Janani Luwum on 16 February 1977.

In September Amnesty International criticized the so-called Human Rights Committee established by President Amin, since most members were from the security forces, including Commissioner of Police Kassim Obura and Colonel Farouk Minawa, head of the State Research Bureau and later Minister of Internal Affairs, both of whom had been personally responsible for torture and murder. An amnesty was declared in December for exiles to return to their jobs, but Amnesty International stated the unacceptability of the offer so long as gross human rights violations continued.

During 1978 and early 1979, those arrested and in most cases murdered included numerous Acholi and Langi, in reprisal for a broadcast by Milton Obote; dissenters within the armed forces protesting against foreign (Nubian) control; prominent individuals such as the Vicar General of Kampala Monsignor William Mbuga, bank director Henry Kajura, State Trading Corporation manager John Kasujja, and several hotel managers; thousands of ordinary Ugandans arrested on the slightest pretext and never brought to court; and whole villages massacred – such as Bunyaruguru near Mbarara. From one former prisoner released by mistake Amnesty International learned of routine flogging, electric shocks, physical mutilation, drownings and arbitrary shooting of prisoners at Makindye military prison. New torture centres were also created in Kampala, in the Neeta Cinema basement, where prisoners were reportedly chained and burnt to death in the presence of senior security officials, and in private houses on Kololo Hill, as well as in the notorious State Research Bureau headquarters in Nakasero.

Amnesty International gave assistance to a number of Ugandan refugees and in late 1978 sought and obtained assurances from the Kenya government that no refugees would be repatriated at the request of the Uganda government. There were an estimated 60,000 Ugandan refugees in Africa and elsewhere.

Amnesty International cabled President Lule on 19 April 1979 congratulating him on his installation and the beginning of a new era in Uganda, and referring to Amnesty International's campaigns against the reign of terror in Uganda under Amin's rule. Amnesty International said it looked forward to important Uganda government initiatives to protect human rights in Africa, especially through Uganda's formerly abused membership of the United Nations Commission on Human Rights. Several members of the new government, including President Lule, were already known to Amnesty International through campaigns and research on human rights violations in Uganda during the previous eight years of Amin's rule.

Zaire (the Republic of)

Political events were dominated by the crisis which developed in Shaba province in May 1978 and by the fragile state of the country's economy. The government looked to France, Belgium, Senegal and Morocco for assistance with the first problem and to the International Monetary Fund for help with the second. A major attempt was also made by President Mobutu Sese Seko to mend Zaire's

relations with neighbouring Angola from within whose borders was launched the attack on Shaba by the *Front de Libération Nationale Congolaise* (FLNC).

The fighting in Shaba continued throughout May and early June 1978, by which time the FLNC forces had been repulsed. The rebellion and its repression resulted in the deaths of a large number of military personnel and civilians. More than 800 people were killed in the town of Kolwezi alone, including both Zairean civilians and white expatriate workers.

In the aftermath of the rebellion large numbers of people were arrested in Shaba province. All foreign journalists were expelled. A curfew was introduced and Shaba province remained under military rule until early 1979. Many reports were received of random brutality by soldiers. Most arrests appear to have been of the Lunda ethnic group, from which the FLNC derived much of its support. In June 1978, some 1,300 detainees were transferred from Lubumbashi, the capital of Shaba province, to Lokandu military camp near Kindu in Kivu province where they were detained without trial for several months. In late July 1978, 27 people detained in this camp are reported to have been executed. Conditions at the camp were extremely harsh and detainees received little food, some dying from starvation. The remainder were reportedly released in late 1978.

Amnesty International took up the cases of some 40 political prisoners and untried detainees during the year. They included former soldiers convicted of conspiring against the President in September 1975, others convicted in March 1978, and university students from Lubumbashi detained in late 1977. In June 1978, Amnesty International made representations to President Mobutu about the situation of Nguza Karl I Bond – the former State Commissioner for Foreign Affairs sentenced to life imprisonment in 1977 – who was reported to be in poor health as a result of his detention at Kotakoli military camp. Several weeks later, on 11 July 1978, President Mobutu granted an amnesty for a number of political prisoners, including Nguza Karl I Bond, who was subsequently reappointed to his former position in the government in a major government reshuffle in March 1979. Among the other prisoners released as a result of the amnesty were several people convicted in September 1975 and several of the students whose cases had been taken up by Amnesty International.

On 24 June 1978, President Mobutu announced a general amnesty for political exiles and refugees and invited Zaireans living outside the country to return home without fear of prosecution. As a result of this amnesty and the improvement which took place in relations between Zaire and Angola in mid-1978, large numbers of refugees returned to Zaire, particularly from Angola, where they had fled during the Shaba rebellions of 1977 and 1978. Despite the President's assurances, it is reported that a number of refugees suspected of supporting the FLNC were detained and summarily killed as they returned.

Amnesty International's main concerns are the widespread use of detention without trial, allegations concerning torture of detainees and harsh conditions of imprisonment. The death penalty is also frequently used for political offences and for crimes such as armed robbery.

Zimbabwe (Rhodesia)

Progress towards black majority rule was accompanied by intensified warfare

between the Transitional Government and the Patriotic Front (PF), and by serious deterioration in human rights.

In May 1978 there appeared to be reasons for optimism. The Transitional Government, newly established as a result of the internal settlement agreement of 3 March 1978, had started to release political detainees and was expected to grant an amnesty to some at least of the country's sentenced political prisoners. The death penalty also, it was reported, would no longer be used against political offenders owing to the personal intervention of Bishop Abel Muzorewa and the Reverend Ndabaningi Sithole, members of the Transitional Government's four-member Executive Council.

At the end of April 1979, the picture was bleak. Many of the detainees freed in mid-1978 were detained again and more sweeping powers of arbitrary arrest and detention without trial were introduced and used to detain hundreds, perhaps thousands, of people in the 90 per cent of the country placed under martial law since September 1978. By the time the first majority-rule elections were held in mid-April 1979, the expected amnesty for convicted political prisoners had not been granted and, following a further spate of political trials, their number was greater than ever. Under the Transitional Government, as under the previous Rhodesia Front administration, it was common for convicted political prisoners to be kept in prison even after finishing their sentences. Nearly all convicted political prisoners were subjected to administrative detention orders of unlimited duration immediately they completed their prison sentences.

By April 1979, it was also clear that the death penalty was still being used against political prisoners, although the secrecy which has surrounded executions since April 1975 made it impossible to estimate with accuracy how many hangings had taken place.

In the month immediately following the formation of the Transitional Government, some 800 long-term political detainees were freed in accordance with the undertaking contained in the internal settlement agreement. However, more than 100 political detainees were not released. The detainees included such prominent political figures as the Reverend Canaan Banana, once Vice-President of the African National Council, and Enos Nkala – both of whom had been nominated by Bishop Muzorewa as members of his delegation to the Geneva Conference on Rhodesia in October 1976 – and John Chirisa, a leading member of the Zimbabwe African People's Union (ZAPU), detained in July 1977 immediately after being acquitted of political charges.

New detentions began as soon as it became evident that there was considerable popular opposition to the internal settlement agreement. Some 300 ZAPU supporters were arrested in September 1978 when both ZAPU, led by Joshua Nkomo, and the Zimbabwe African National Union (ZANU) – led by Robert Mugabe – were again banned by the authorities. Some were released after a short time but administrative detention orders were imposed on many, including former detainees like Amos Msongelwa and Munetsi Kadenhe, who had been detained without trial from 1964 to 1974. Others, like Alex Mpofu Nharara, who was detained in September 1978, and Enock Bashitiyayo, who was detained in November 1978, had been freed from detention only the previous April. By April 1979, the number had risen to more than 300 and was increasing rapidly.

Wide new powers of detention were introduced in September 1978 with the

introduction of martial law, which was first applied only in a few areas, but within three months was extended to cover about 90 per cent of the country. Under the martial law regulations, powers of arbitrary arrest and detention without trial were given to all members of Rhodesia's security forces – broadly defined – and any person assisting them, including presumably white civilians called upon to help security forces on occasions, and also to members of the "private armies" recruited by Bishop Muzorewa and the Reverend Sithole ostensibly to act as auxiliary security forces. People detained in martial law areas may be held indefinitely without charge or trial and are not permitted visits from relatives or lawyers. The International Red Cross, which is permitted to inspect conditions at Wha Wha Detention Centre and other places where long-term detainees are held, has not been granted access to martial law detainees or their places of imprisonment. These include not only prisons and detention centres under the supervision of the Department of Prisons, but also police and military camps, where detainees come under the direct authority of the security forces.

No official figures have been issued for the number of people detained under martial law regulations but the total is believed to be several thousand. In December 1978, for example, there were believed to be more than 1,000 martial law detainees in the Midlands area alone.

The martial law regulations make provision for the introduction of a new system of special courts martial, established in areas under martial law and given jurisdiction to try political cases. The special courts martial are empowered to impose any sentence considered appropriate, including the death penalty, as long as it does not exceed the maximum sentence which could be imposed by the High Court if the offence in question were covered by existing criminal law. However, unlike the death penalties imposed by the High Court, those passed by special courts martial are not subject to judicial review in the Appeal Court but only to consideration by a specially established Review Authority which may meet *in camera* and whose membership is not known.

Another characteristic of the special courts martial is that their officers need not have any legal qualifications or experience. They need only be composed of "suitably qualified persons," a term not defined and which probably means any nominee of the local military authorities. It is impossible to know how many people have been tried and convicted by special courts martial because of the lack of official data and because the great majority of people who appear before them are not legally represented. However, it is known that at least 12 death sentences had been imposed by martial law courts by late January 1979.

The use of torture has been a longstanding problem in Rhodesia. With the increase in fighting and powers of detention extended under martial law to all members of the security forces and those assisting them, it became even more serious. Many reports were received by Amnesty International concerning not only the torture of detainees under interrogation but also systematic ill-treatment of civilians in the rural areas who are taken to police and military camps for questioning about the movements and activities of nationalist guerrillas. The purpose appears to be not merely information but terror. Torture is used to supplement other methods employed by the authorities to isolate the guerrillas and deny them contact with rural Africans: the forced removal of civilians into "protected villages" and "consolidated villages", the wholesale destruction of property

and livestock; the imposition of collective fines; and the confiscation and control of food supplies.

The war became increasingly bitter throughout the year and atrocities against the civilian population were committed by all parties. However, one encouraging sign in February 1979 was the unconditional release of four white prisoners by ZANU in Maputo, Mozambique. The four, all of whom had been taken prisoner by ZANU guerrillas in Rhodesia and held for periods up to one year, were formally released to representatives of Amnesty International in what Mr Mugabe described as "a humanitarian gesture" by ZANU. All four said that they had been well treated in custody. Following the release of these prisoners, an Amnesty International mission visited Salisbury for discussions with government officials about violations of human rights.

Throughout the year, Amnesty International groups continued to work for individual prisoners of conscience and to provide assistance to them and other victims of human rights violations. In August 1978, Amnesty International presented a submission on Rhodesia to the United Nations Commission on Human Rights' Ad Hoc Working Group of Experts on Southern Africa. In April 1979, Amnesty International presented a statement on human rights violations in Rhodesia to a joint meeting of the United States' House of Representatives' Sub-Committees on Africa and on International Organizations.

The Americas

Amnesty International was concerned with arbitrary arrests, torture, politically motivated disappearances, long-term detention without charge or trial, extrajudicial executions, political murders and the death penalty.

Disappearances, extrajudicial executions and arbitrary arrests are a common feature throughout much of the region.

In many countries, these violations of basic human rights are facilitated by emergency legislation which is used mainly to legalize political repression and to perpetuate authoritarian regimes. The entry into force of the American Convention on Human Rights; the establishment of the American Court of Human Rights in Costa Rica; the election of judges and the creation of a new Inter-American Commission on Human Rights are encouraging signs of growing awareness in the Americas of the need to protect human rights throughout the region. It is too soon to assess how effective these new institutions and regional machinery will be. Much will depend on the support of concerned organizations and individuals as well as governments.

Colombia has been under a state of siege since 1948 with short interruptions; and in September 1978, an *Estatuto de Seguridad* was proclaimed. This Security Act inhibits the defence of political detainees, eliminates the right to appeal and widens the scope of military tribunals.

In Brazil, the five "Institutional Acts" promulgated since the military *coup d'état* in 1964 gave discretionary powers to the executive and until last year suspended the right to *habeas corpus* for political prisoners. New legislation permits the President to institute a state of emergency without consulting Congress.

In Argentina, the state of siege has been in force since November 1974 and has permitted the government to hold thousands of prisoners without trial or charge for months, or even years, in detention at the disposal of the executive power.

In Chile a state of siege or a state of emergency has been in force since 1973. The violations of human rights during this period have been well documented.

In El Salvador the Law of Defence and Guarantee of Public Order, which was in force from November 1977 to February 1979, was ostensibly introduced to combat "terrorism". In practice, it severely restricted the activities of political parties, urban and rural trade unions, and interfered with the freedom of Salvadorean citizens to publicize human rights violations.

In Uruguay, the *Medidas Prontas de Seguridad* (Prompt Security Measures – MPS) provide for internment without trial in times of grave and unforeseen cases of foreign attack or internal disorder. The strict controls of these emergency powers are currently flouted by the Combined Forces (army and police). Interned persons are denied their constitutional rights and subjected to detention incommunicado

and ill-treatment. *Habeas corpus* is not applied in cases of administrative detention under MPS.

In Paraguay, the state of siege has been renewed as a matter of routine every three months in three *departamentos* and the capital Asunción throughout General Alfredo Stroessner's 25 years of autocratic rule and has been lifted only on election days. Under this provision, political prisoners have been held without trial for up to 19 years. In May 1978, the state of siege was lifted in the three *departamentos*, but remains in force in the capital.

In Peru the military government periodically suspends constitutional guarantees and declares a state of siege to deal with trade unions and peasants and others who call strikes. In January 1979 about 800 such people were arrested in Lima alone.

Political repression in the Americas, however, is by no means a monopoly of military regimes. In countries ruled by civilians the armed forces carry out arbitrary arrests, torture and extrajudicial killings mainly amongst the rural population. Amnesty International has received allegations of this kind about Mexico, Venezuela and Colombia.

Politically motivated disappearances continued to occur in Latin America, and undoubtedly inspired the General Assembly of the United Nations to pass a resolution on the subject at its 33rd Session in 1978.

The "disappeared" fall into four categories:

1. those released after a short time (from one day to 30 days). The authorities never admit responsibility for this kind of short-term disappearance;
2. those transferred to an official prison after the initial period of disappearance;
3. those murdered, and whose bodies are found;
4. those who disappear indefinitely and are believed to be dead or in secret detention camps.

There have always been "disappearances" of people for political motives, particularly in the Americas. There have been systematic and large-scale disappearances since the 1960s in a number of countries including Guatemala and Chile. More than 1,500 people belonging to the political parties which had supported the democratically elected government of the late President Allende disappeared between 1973 and 1977.

Independent observers estimate that over the past three years there has been an average of between three and 10 kidnappings a day in Argentina.

Associations of relatives of the disappeared have been formed in Chile and Argentina and other countries where the problem is numerically smaller, for example, in El Salvador and Mexico. The reasons for the formation of these associations are the inability of the judiciary to establish the whereabouts of the missing persons, to bring pressure on the executive or the army for the release of people held in secret detention camps, and to bring the kidnappers, when identified, to justice.

There have been two positive developments concerning the role of the judiciary – and in particular the Supreme Court – in two countries. In Argentina, on 3 March 1979, the Supreme Court accepted for the first time an appeal made on behalf of Alfredo Antonio Giorgi, a 33-year-old scientist who was kidnapped from his workplace on 27 November 1978. The Court said that it had no jurisdiction over

the case, but ordered an appeals court to start an investigation into two writs of *habeas corpus* filed on Dr Giorgi's behalf. In Chile, the Supreme Court appointed five *Ministros en Visita* to investigate cases of disappeared prisoners in March 1979. It is too early to expect a radical change in the passive and subservient attitude of the judiciary to the executive in cases of political imprisonment, disappearance or extrajudicial executions.

The international community has up to now paid little attention to the problem of the disappeared, which is one of the worst violations of human rights of our time. Disappearances are a violation of the right to life and to a fair trial and of the minimum rules for the treatment of prisoners. They are inhumane both for the prisoner and his or her family. They make a mockery of the judiciary and the whole legal system. They constitute a basic negation of the rule of law.

Ill-treatment and torture of political detainees is a common practice by which to obtain confessions or information, and as a means of intimidation and punishment. Amnesty International launched many urgent actions to try to protect political detainees from torture or ill-treatment, especially in Chile, Uruguay, Colombia, Argentina, Guatemala, El Salvador, Haiti, Nicaragua and Mexico.

During the year a major concern of Amnesty International was the continued imposition of the death penalty in the English-speaking parts of the Americas. Appeals against executions were sent to the authorities in Barbados, Grenada, Jamaica, Dominica and Trinidad and Tobago. The only known execution in the English-speaking Caribbean was of Charles Ferguson in Grenada on 17 October 1978. A free vote on the death penalty in the Jamaican parliament on 31 January 1979 resulted in a 24:19 vote in favour of retention, with a recommendation that the cases of the 79 prisoners sentenced to death should be reviewed. In Dominica, although Desmond Trotter's death sentence was commuted to life imprisonment in 1976, Amnesty International is still concerned and is investigating allegations that his trial was unfair.

The large number of people still under sentence of death in the United States of America puts it among those countries chosen for particular attention in Amnesty International's campaign against the death penalty.

Political murder and torture, at times committed by members of official security forces and at times, following abduction, by paramilitary death squads, were also widespread. Reports were received from Guatemala that in one cemetery alone, the Verbena, 770 unidentified bodies were discovered during the first six months of 1978. Extrajudicial killings were also reported in Colombia, Mexico, Nicaragua, Argentina, Brazil, Venezuela, Chile, Paraguay and Haiti.

Argentina (the Republic of)

There was no significant improvement in human rights in Argentina: thousands of people are in preventive detention without charge or trial and thousands more remain unaccounted for. There were no indications that the military government intends to return the country to constitutional rule or that it will relax the emergency legislation introduced in the last five years, despite calls from politicians and the Argentinian Federation of Bar Associations *(Federación Argentina de los Colegios de Abogados)* for a return to democratic government and the restoration of the rule of law *(estado de derecho)*. The state of siege, which has now been in

force since November 1974, would not appear to be justifiable, for the government itself frequently asserts that it has won a military victory against "subversion". On 20 September 1978, the Minister of the Economy, Sr Martínez de Hoz, declared. "Wars are never fought with white gloves; we have used the same drastic methods against the terrorists as they themselves have employed." This is one of the most explicit admissions by a high-ranking member of the government that it has itself engaged in acts of terrorism.

During the 1978 football World Cup, Argentina became the focus of international attention and greater concern was voiced abroad about its violations of human rights. The total absence of left-wing violence during the period of the World Cup tended to confirm the claim of the government that it was so much in control of the country that subversion had been eliminated, but this has only heightened the anomalous fact that right-wing violence – abduction and murder – has continued to flourish unchecked.

Since the *coup d'état* of March 1976 the most horrifying aspect of the repression has been the number of *los desaparecidos* – the disappeared. In February 1979 the *Buenos Aires Herald* estimated that, over the previous three years, there had been an average of between three and 10 kidnappings a day. The government denies all knowledge of the disappeared or that they have ever been detained. Three times in 1978 the government published lists of people who, it claimed, were thought to be missing but had since been found (12 April – 232, 7 August – 201, 14 December -- 159). No names on these lists corresponded with those known to Amnesty International.

The disappeared fall into four categories: those released after a short time (from one to 30 days) – the largest category; those murdered; those who are transferred to official prisons (in October 1978 a journalist, Enrique Esteban, was said to have been found by the army 69 days after he had been kidnapped in Neuquen; he is now detained "at the disposal of the military authorities" in a local military garrison); those who remain indefinitely *fuera de la sociedad* ("outside of society") and whose place of detention is unknown.

During the year there was a growing campaign inside Argentina to press the authorities to give details of the fate of the disappeared. In May 1978 the *Asamblea Permanente por los Derechos Humanos* published in *La Prensa* a list of 2,500 missing persons whose cases had been presented to the Supreme Court. In November 1978 another petition denouncing the disappearance of 1,542 people signed by 1,221 of their relatives was presented to the Supreme Court. The signatories stated they were appealing to the Court because all other means of establishing the whereabouts of the disappeared had failed. The petition emphasized that the disappeared had been arrested with a great show of uniformed men, firearms and vehicles, and with every appearance of a legal operation carried out by the authorities. This petition, like all previous requests and complaints, elicited no information from the government. On 3 March 1979, the Supreme Court, which not long before had complained that in its attempts to trace missing persons it had received almost no co-operation from the authorities, accepted for the first time an appeal from a relative of a missing person, the father of Alfredo Antonio Giorgi, a 33-year-old scientist who was taken from the National Institute of Industrial Technology on 27 November 1978. The Supreme Court had, until then, declared the problem of the disappeared to be outside its competence. In the

Giorgi case, however, it said that even though it had no formal jurisdiction, it would order an appeals court to investigate.

The "Mothers of the Plaza de Mayo", who are seeking information about missing relatives, continue to hold a silent vigil every Thursday in the square outside Government House. They are regularly harassed by the authorities. On 18 January 1979, 43 women were detained for several hours and on a number of occasions since the mothers have been prevented by the police from entering the square.

In April 1979 Amnesty International launched a major action on behalf of the disappeared. An initial list of 2,500 persons reported missing since the *coup* was published with a special report about missing children.

Over the past year Amnesty International has intervened on behalf of 100 persons who have been abducted. But a total of more than 200 such cases has been reported for this period.

There are approximately 3,000-4,000 held at the disposal of the executive power (PEN), that is to say by a decree signed by the President which does not specify the reason for imprisonment. Most of the PEN prisoners have been held for two to three years, but there are some prisoners who have been in preventive detention for more than four. The government repeatedly denies the existence of any political prisoners, asserting that all 2,700 prisoners it admits to holding have been detained for committing crimes of subversion. It is difficult to accept this, because the great majority of prisoners have not been tried or charged, and some have not even been interrogated.

Prisoners held at the disposal of the executive power are entitled to leave the country under the terms of article 23 of the constitution: this is known as the "right of option". Despite the willingness of many foreign governments to offer visas to the *"opcionados"*, very few applications have been granted since this right was established, with severe limitations, at the end of 1977. In the past year only a hundred or so persons have benefited.

At the end of 1978, a court of appeal upheld applications of *habeas corpus* on behalf of 100 persons who had been held at the disposal of the executive power for between 1 and 2 years, and ordered their release on the grounds that the executive's reasons for keeping them in detention were not justified. The court of appeal also stated that prolonged and indefinite detention amounted to a punishment and contravened article 23 of the constitution. This decision was overruled by the Supreme Court.

Although on 20 April 1979 the Minister of Justice announced that improvements would be made, prison conditions throughout the country are poor. Amnesty International continued to receive reports of beatings of political prisoners and of arbitrary punishments for real or imagined infringements of the severe prison regulations. In many establishments the prisoners are permitted to read only the New Testament. They are forbidden to work. Some detention centres are permanently barred to visitors and in most medical and dental attention is deficient.

Amnesty International urgently intervened for medical reasons on behalf of Flavio Koutzii, a Brazilian national and adopted prisoner of conscience, who suffers from a serious heart ailment. He had been suddenly transferred to Coronda in Sante Fe, one of the harshest prisons. Although there have been fewer reports of deaths or disappearances of political prisoners, the policy of frequent transfer

from one prison to another resulted in great insecurity for the prisoners and their families. During the World Cup about 30 prisoners were transferred to a penitentiary in Córdoba, where it is alleged they were kept as hostages to prevent any outbreak of violence. According to reports from released prisoners some of them were subjected to ill-treatment.

Since the last months of 1978 there has been a conflict between Argentina and Chile about the Beagle Channel. As a result of this conflict, which almost led to warfare, a number of Chileans living in Argentina have been harassed and placed in detention. On 23 April, more than 20 trade-union leaders of the "Commission of Twenty-Five" – an important trade-union group – were arrested in Buenos Aires after calling for a national strike in protest against low wages and political repression. Eight of them remain in detention.

Amnesty International learned of comparatively few releases of political prisoners. Of 380 releases reported, only 50 concerned prisoners of conscience who had been adopted, though further releases are expected. A Christmas amnesty affected only 192 prisoners, some of whom were simply moved from prison to *arresto domiciliario* (house arrest) or *libertad vigilada* (restricted liberty). In November 1978, King Juan Carlos of Spain visited Argentina and obtained the release of several prisoners of Spanish nationality. Amnesty International has 275 cases of political prisoners under adoption or investigation.

In September 1978, Argentinian lawyers estimated that there were approximately 800 prosecutions under way for crimes of "subversion"; 500 of these were to be heard before the federal civil courts, and 300 before the special military courts. Many prisoners tried in the federal courts have been acquitted but not released: they remain in prison at the disposal of the executive power. Amnesty International is particularly concerned about trials in the *Consejos de Guerra* – military courts are always held *in camera*. In most cases all that is published about the proceedings is the sentence, which is usually long. Defendants may not choose a lawyer: they are represented by a military officer.

Although the death penalty was reintroduced in 1976, it was not applied until March 1979, when a court sentenced to death by firing squad a man accused of a double murder (there was no political element). An appeal has been lodged.

There were a number of political killings of supporters of the present regime which may suggest divisions within the armed forces rather than a resurgence of violence by the *Montoneros* or the People's Revolutionary Army, both of which have been crushed. In July 1978, the 15-year-old daughter of a new member of the *junta*, Admiral Armando Lambruschini, was killed by a bomb apparently intended for her father. A few days later the bodies of several alleged terrorists were found near the town of Mar del Plata and it is believed they were killed in reprisal. In August 1978, the right-wing editor of *Confirmado*, Hector Agulla, was shot and killed in Buenos Aires. On 20 December 1978 a diplomat, Elena Holmberg, was kidnapped. Her corpse was found two weeks later.

In September 1978 Amnesty International protested about the shooting of a political prisoner, Osvaldo Sigfrido de Benedetti, who had been in detention for several years. On 27 July 1978 his family was informed that he had been "shot while trying to escape" from a prison in Tucumán. According to Amnesty International's information the body had a bullet-wound in the chest and a smaller one in the neck. Sr de Benedetti is at least the tenth prisoner to have died in these

circumstances over the past three years.

The appearance of 12 bodies which were washed ashore in December 1978 at the seaside resort of Santa Teresita revived fears that many disappeared prisoners are murdered. The prominent lawyer Guillermo Díaz Lestren, detained at the disposal of the executive power in 1976 but later released, was kidnapped in Buenos Aires in October 1978 and his dead body was found a month later. He had filed a writ of preventive *habeas corpus* after learning that a group of security agents had been looking for him. The authorities are said to be investigating his murder.

Amnesty International is conducting a survey among Argentinian exiles in Europe to establish a torture syndrome and to bring adequate medical treatment to the victims. Many of the exiles have sustained permanent injury, for example deafness or scars, allegedly as a result of torture. The survey of the medical commission should be completed by the middle of 1979.

At the beginning of September 1979, the Inter-American Commission on Human Rights of the Organization of American States is to visit Argentina.

Bolivia

During the year Bolivia had two *coups*: General Pereda, who led the first in July 1978, was ousted by General Padilla in November 1978. General Padilla has promised to restore democracy and elections are due to be held in the summer of 1979.

Since a general amnesty was declared by the government of General Banzer in January 1978, there have been few political arrests and Amnesty International has not taken up any cases of political prisoners. In October 1978 several prisoners were arrested and accused of plotting a *coup* against President Pereda. They were all released one month later after the bloodless *coup* of General Padilla. Since then, no further political arrests have been reported.

In August 1978, President Pereda took the welcome step of repealing the severe law on security of the state which formerly allowed the government to suspend constitutional guarantees, including *habeas corpus*.

Although the death penalty is still in force it has not been imposed recently. The newspaper *Ultima Hora* on 3 March 1979 reported that the last seven people sentenced to death had had their sentences commuted to 30 years' imprisonment. Victor Callisaya Calle, who was sentenced to death for murder in La Paz in 1975, was reprieved by President Padilla in March 1979.

Amnesty International continues to receive reports of excessive violence by the authorities against criminal suspects, particularly in the rural mining areas which are still under military control. In December 1978 soldiers occupied Villa Anta in the province of Pacajes in the department of La Paz and inflicted brutal physical punishment on a number of adults and adolescents. Fifteen people were arrested but were released soon afterwards.

On 5 April 1979 the military *junta* approved a drastic decree "aimed at defending the process of democratization". In response to a wave of strikes and stoppages the *junta* declared that all forms of "obstruction of orders in violation of legal procedures" would in future be regarded as directed against social peace and Bolivia's economy, and that workers and employers who failed to comply with

official rulings on the settlement of conflicts would be charged with contempt.

Brazil (the Federative Republic of)

Amnesty International's main concerns were political arrests and detentions, kidnapping and torture and the implementation of existing legislation, particularly in political cases.

Despite increasing pressure for a return to democracy, the military, who have been in power since 1964, still retain effective control. In April 1978 the then president, Ernesto Geisel, introduced a package of so-called reforms, known as the *pacote de abril,* after he had closed Congress by a special presidential decree. There are now no direct elections for state governors; there is a government majority in the Senate guaranteed by appointed senators; and constitutional amendments can now be decided by a simple majority instead of the two-thirds previously required.

In late 1978, the Institutional and Complementary Acts were annulled, which reduced the discretionary powers of the President. Because of the abolition of Institutional Act no 5 the President can no longer close Congress or withdraw parliamentary mandates *(cassar)* and suspend political rights; furthermore *habeas corpus* for political prisoners has been re-established. However, the Institutional Acts have been replaced by *salvaguardas* (safeguards) which permit the President to introduce a state of emergency without consulting Congress. The emergency measures give the President powers similar to those under a state of siege, which cannot be declared without the approval of Congress.

A new law of National Security came into effect on 1 January 1979, which abolished the death penalty, life imprisonment and banishment. The period during which a prisoner may be held incommunicado during police inquiries has been reduced from 10 to 8 days. Lawyers expressed concern that it is now possible for the detention to be communicated only secretly to a judge which, in effect, denies the prisoner full legal guarantees. The new Law of National Security should in general reduce the penalties for "crimes of subversion" but it may increase the number of convictions, because in the past judges preferred to acquit defendants rather than sentence them to lengthy terms of imprisonment.

General Rodrigo Octavio Jordão, a former member of the Superior Military Tribunal (a court of appeal), has criticized the theory underlying the new law: "It is necessary to put an end once and for all to the kind of harmful paranoia about permanent subversion which justifies a policy which is permanently arbitrary" (*Jornal de Brasil,* 26 October 1978).

There are about 70 political prisoners in Brazil. During the year there were approximately 100 releases. Amnesty International is working for 50 political prisoners, more than half of which are adopted as prisoners of conscience. Many recent releases were of prisoners convicted of participation in the *"luta armada"* (armed struggle) of the past decade and whose sentences were reduced following the reforms. For example, Jessie Jane Vieira was released in February 1979 from the Talavera Bruce Prison in Rio de Janeiro. She was arrested in 1970 after attempting to hijack an aeroplane and was tortured. At her trial in 1971 she was sentenced to 18 years' imprisonment.

Not all military courts will co-operate. The military judge in Recife, for example, stated (*Veja,* 15 February 1979) that he would refuse all requests to reduce the

sentences of any of the remaining 16 political prisoners in the local penitentiary of Itamaraca.

There were some political arrests. In August 1978, 22 members of the *Convergência Socialista*, a legal movement pressing for the formation of a socialist party, were arrested in São Paulo and Rio de Janeiro. Four students were arrested at the same time in Brasilia and, according to reliable information, tortured. By December 1978 all had been released pending trial.

Many exiles or *banidos* (banished persons) have been arrested on their return. The decree of banishment was imposed on 128 political prisoners who were released in exchange for hostages between 1969 and 1971. This decree has now been revoked. Most of the detentions have been short, for interrogation. Some exiles will have to face trial or complete a prison sentence. Ricardo Zaratini Filho, a *banido* who was living clandestinely in Brazil, was arrested on 31 May 1978 in São Paulo. Zaratini was the first *banido* to benefit from a special decree revoking his banishment. He was however, tortured while in the *Comando de defensa Interna – Departamento de Operacões Integrados* (DOI/CODI), the joint military and political police unit in São Paulo. He has been sentenced to 3 years' imprisonment and is currently awaiting the outcome of another trial.

Lucio Flavio Uchoa Regueira was the first *banido* to return to Brazil after the abolition of banishment in January 1979; he was detained for two weeks and was then released to await trial on charges pending since 1971.

There has also been an increase in labour unrest and trade-union militancy which, in the first few months of 1979, resulted in major strikes. Some of the strikes were declared illegal and about 30 trade-union leaders were detained briefly.

Despite assurances from the government that torture has been stopped, Amnesty International received substantiated and serious allegations of torture. One of the worst concerned Edival Nunes da Silva (nicknamed Cajá), who was detained without warrant on 12 May 1978 in Recife by a group of armed men. He was taken to the headquarters of the federal police, held incommunicado for one month, and subjected to electric shock torture, enforced standing and beatings. Amnesty International adopted him as a prisoner of conscience when, only 10 days after he had been released, he was re-arrested. He is now being held apart from other political prisoners in a military barracks in Recife. He is accused of membership of an illegal organization.

In December 1978, Amnesty International launched an Urgent Action after learning about the abduction in Pôrto Alegre, a city in the south of Brazil, of a group of four Uruguayans, two adults – Universindo Rodriguez Diaz and Lilian Celiberti de Casariego – and Lilian's two small children, Camilo and Francesca. The kidnapping occurred on 12 November 1978. At the end of November the children were handed over to their grandparents in Montevideo (Uruguay). The Uruguayan authorities acknowledged that the two adults were being held incommunicado in detention and they claimed that the arrests had taken place on the border. From evidence obtained from eyewitnesses, the couple were arrested in Pôrto Alegre by Brazilian police who were working apparently in collaboration with Uruguayan security forces. In January 1979, after international protests, two Brazilian policemen were suspended and an inquiry initiated by the local authorities.

There is still no news concerning the whereabouts of the Argentinian Norberto Habbeger, who disappeared while travelling through Brazil in August 1978. The

disappearances and kidnappings have led to increased concern about the safety of Latin American exiles living in Brazil. They have also demonstrated that legal procedures and guarantees are still not respected by Brazilian law-enforcement bodies.

In 1978, Amnesty International sent an observer to Rio de Janeiro to the trial of a group of 17 persons who had been accused of membership of an illegal organization, the *Movimento pela Emancipação do Proletariado*, for propagating subversive material. The evidence was based on confessions extracted under torture and the prosecution's case contained many irregularities. Nevertheless, 10 of the defendants were given sentences of 2 to 3 years' imprisonment. In February 1979, the 10 were released to await the result of their appeal.

Antonio Carlos Ferreira, the editor of the left-wing paper *Movimento*, was indicted in October 1978 under the Law of National Security for "publishing false and tendentious information in order to turn people against the authorities and to divide the armed forces". He faces a 3-year sentence. In theory all censorship of printed matter has been lifted.

Amnesty International continues to press the government for information about more than 60 persons arrested or abducted between 1969 and 1975 who are still unaccounted for and, in a letter to the new President on the eve of his inauguration, called upon the new government to initiate a full and independent inquiry into the disappearances.

On 15 March 1979, João Baptista de Oliveira Figueiredo became the fifth general to rule as President since the military *coup* of 1964. Despite pressure, mainly from the popular *Comitê Brasileiro pela Anistía*, he did not grant a general amnesty.

Chile (the Republic of)

Serious violations of human rights continued. Amnesty International was concerned by reports of great numbers of arbitrary arrests, short-term disappearances and cases of torture.

Ill-treatment and torture usually take place before the detained person is brought before the courts. Reports indicate that detainees are subjected to beatings and other types of physical abuse, such as being hung by the arms or legs, and that electric shocks are frequently used. The security services arrest without warrant, using unidentified armed civilians. The detainees are not informed of the reasons for the arrest and their families are not informed within the 48 hours stipulated by the law. The following is an extract from testimony received:

"I was arrested on Tuesday 7 November at 19.30 when I was walking down the street . . . by a man dressed in plain clothes who threatened to shoot me 'if I tried anything' . . . . This person took me away forcibly by my wrists to the General Investigation Barracks. There I stayed in a waiting room, then they took me to another room where they blindfolded me and I was interrogated about supposed political activities and was asked if I distributed pamphlets. They hit me on the ears with the palms of their hands which made me feel sick; they applied electric current to my chest and penis".

On 10 March 1978, the state of siege which had been in force in Chile since 1973 was replaced by a state of emergency. Nevertheless on 2 September 1978

the government declared a state of siege in the province of El Loa in response to a peaceful protest in support of wage claims by workers of the Chuquicamata copper mine. The protest included a boycott by workers of the company canteen. About 70 people, mostly workers, were arrested and taken to remote areas. The health of many of these people was affected because of the harsh climate. Other workers were forced to leave the province and forbidden to return for the six months that the state of siege was in force.

Decree 2346 of 17 October 1978 declared seven trade-union federations illegal. This applied to all affiliated unions. Article 1 gives special cause for concern because it makes it an offence against the security of the state to be a member of "any associations or groups of persons which, without possessing legal capacity to do so under labour legislation or ordinary law, undertake the representation of sectors of workers". More than 500 unions which existed *de facto* were thus dissolved.

Since the *coup d'état* in 1973, Amnesty International has been trying to discover the fate and whereabouts of people who disappeared following their detention by security agencies. After a number of unsuccessful submissions of cases of disappeared prisoners to the judiciary, the episcopal vicars of the archdiocese of Santiago petitioned the Supreme Court on 3 November 1978 requesting the appointment of a special investigating judge *(Ministro en Visita)* in each of 11 jurisdictions of the Court of Appeals to investigate the circumstances surrounding the arrest and current situation of 651 missing persons.

On 21 November 1978, Amnesty International presented a partial list of disappeared prisoners containing over 600 names to the government on the occasion of the Secretary General's attendance at the Symposium on Human Rights organized by the *Vicaría de la Solidaridad* (the human rights organization of the Catholic Church in Chile) and urged the government to create an independent commission of inquiry to look into the problem of disappeared prisoners.

On 30 November 1978, corpses were found in an abandoned mine at Lonquén, about 50 kilometres from Santiago, by a group of investigators which included members of the Church hierarchy and editors of two Chilean magazines. Responding to a request from the *Vicaría de la Solidaridad*, the Supreme Court appointed Judge Adolfo Bañados of the Court of Appeals in Santiago to head an investigation. First reports indicated that several bodies had bullet marks in the skulls; spent cartridges were also found in soil covering the bodies. Fifteen bodies were identified, all from the Isla de Maipo, a small agricultural community in the Talagante district of the province of Santiago. They had been arrested and subsequently "disappeared" in September and October 1973. All their names appeared in lists of disappeared prisoners produced by Amnesty International, which had adopted 11 of them who were arrested on 7 October 1973 by five uniformed police from the Isla de Maipo. The arrests were witnessed by their families. No warrants were produced. The prisoners were never seen or heard of again, although proof exists that a lieutenant from the *carabineros* (uniformed police), Lautaro Castro, signed papers on 8 October 1973 authorizing their transfer to the National Stadium in Santiago. The government has never given a satisfactory answer to questions regarding their whereabouts. On 7 December 1978, shortly after the discovery of the bodies, Amnesty International sent telegrams to the Minister of Justice and the President of the Supreme Court expressing concern and asking for an independent inquiry to identify them. When news of the identifications was received, another telegram was sent on 23 February 1979 asking that an independent commission look into the situation of the hundreds of disappeared prisoners, in view of the incontrovertible evidence that those identified had been arrested by a government agency.

In April 1979 following the public commotion created by the discovery of the bodies at Lonquén the Supreme Court agreed to appoint five *Ministros en Visita.* Amnesty International is still concerned because they will deal only with the cases which remain open and not with those provisionally closed. Many cases brought before the Chilean courts have been adjourned as a result of the amnesty law of April 1978 or for lack of evidence. Moreover, the Supreme Court has requested that only 67 cases should be investigated. Of these, only 41 appear on submissions made by the *Vicaría de la Solidaridad.* The remainder are apparently not related to the problem of disappearances and may be used to confuse public opinion. Judge Bañados, appointed to investigate the discovery of the bodies at Lonquén, declared himself incompetent. The investigation will now be carried out by military courts.

The United Nations Ad Hoc Working Group on Chile was established on 27 February 1975. A visit to inquire into human rights was planned for July 1975 but the government postponed it every year until July 1978. The Group found and provided enough evidence about violations of human rights for the United Nations General Assembly to approve on 20 December 1978 a resolution:

1. expressing "its continued indignation that violations of human rights, often of a grave nature, continue to take place in Chile, as has been convincingly established by the report of the Ad Hoc Working Group on the Situation of Human Rights in Chile";
2. expressing "its particular concern and dismay at refusal of the Chilean authorities to accept responsibility or account for the large number of persons reported to have disappeared for political reasons, or to undertake an adequate investigation of cases drawn to their attention";
3. calling "upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the provisions of the relevant international instruments to which Chile is a party, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to heed the concerns expressed by the international community."

Amnesty International continued its programme of adoptions of disappeared prisoners and prisoners of conscience; launched urgent actions on behalf of people subjected to torture or arbitrary short-term arrest or short-term disappearance; at the invitation of the Commission on Population and Refugees of the Parliamentary Assembly of the Council of Europe, made a statement on disappeared prisoners at the meeting of the Commission on 1 February 1979; and sent information to the Inter-American Commission on Human Rights, the United Nations Commission on Human Rights, the Inter-Parliamentary Union and other inter-governmental and non-governmental organizations.

Colombia

Massive political arrests, allegations of torture, reports of extrajudicial killings, persecution of Indian peasants and controversy generated by a new security statute were constant themes in denunciations received by Amnesty International during yet another year under the state of siege, which has been in force with short exceptions since 1948.

Provided by article 121 of the constitution to cope with wartime conditions or serious internal unrest, the state of siege has become permanent. Justice José María Velasco Guerrero of Colombia's Supreme Court, one of several judges who gave dissenting opinions against the constitutionality of the security statute, stated: "A state of siege prolonged for more than 30 years is a frank manifestation that the institutional life of the republic is coming to an end."

The state of siege was initially promulgated during the period known as *"La Violencia"*, a virtual civil war between adherents of Colombia's traditional parties, the Conservatives and the Liberals, which claimed the lives of 300,000 people between 1946 and 1958. After a brief military regime under General Gustavo Rojas Pinilla (1953–57), both Conservatives and Liberals agreed on a political formula whereby they could officially alternate in power and share bureaucratic posts in an agreement known as the *Frente Nacional* (National Front) that was in force from 1958 to 1978.

On 14 September 1977, a general strike *(paro cívico nacional)* paralyzed the country as the four major trade unions, political parties and popular organizations protested against the rising cost of living. Thirty-seven deaths and the arrest of up to 1,000 trade unionists marked this event. On 6 September 1978, a few days before the first anniversary of the general strike, a new security statute *(Decreto* 1923, *Estatuto de Seguridad)* was proclaimed. It was one of the first steps taken by the new administration of President Julio César Turbay Ayala, who won power in elections characterized by a 68 per cent abstention.

Articles 11 and 12 of the security statute eliminate appeals, give the judicial process to the soldiers and make it difficult for civilian lawyers to act for detainees. Articles 4 and 7 severely penalize and curtail public protests or petitions which "intend to put pressure on decisions of public authority".

There was widespread protest. The *Firmes* movement (a broadly based popular political front) noted that "the security statute confirms the fears of the people that the state of seige has not only been prolonged indefinitely but confirmed definitively".

From January to March 1979, Amnesty International received reports of human rights violations: massive political arrests, including arbitrary detention of entire families, allegations of torture, difficulties created for lawyers of political prisoners, violations of the Code of Penal Procedure, assassinations of local political leaders and members of peasant and Indian organizations.

An arms robbery from a military armoury in Usaquén, Bogotá, during the New Year holidays, for which the guerrilla movement *Movimiento 19 de Abril* (M-19) claimed credit, was the excuse for massive political arrests that began in January 1979. Arrests were extended to members of legal left-wing opposition groups, progressive Christian leaders, independent academics and journalists, students and slum dwellers, members of co-operatives and the Regional Indian Council of the Cauca (CRIC), and foreign nationals, particularly Argentinian and Uruguayan refugees living in Colombia.

Amnesty International launched a series of urgent action appeals on behalf of those detained, among whom were the sociologist Orlando Fals Borda (eventually released) and his wife, television actor Carlos Duplat, the intellectuals Eduardo Pizarro and Augusto Lara Sanchez, Pedro Mogollón and Manuel and Jesús Pesca of the Jesuit-organized Program of Community Enterprises, five Argentinians and three Uruguayans and six Indian peasant leaders.

Before the security statute, a series of decrees had been issued that widened the powers of the military in the administration of justice: DL 2193 of 1976, which extended the jurisdiction of the *Consejos Verbales de Guerra* (Oral Councils of War) under the Code of Military Justice; DL 2194 of 1976, which severely limited the right of appeal before higher courts; DL 2195 of 1976, which curtailed public protest; DL 2578 of 1976, which allowed for the arrest of any person on mere suspicion "that he seemed likely to commit an offence"; and DL 0070 of 1978, which exempted members of the police and armed forces from responsibility for homicide resulting from certain military operations. This last decree was criticized as tantamount to a reintroduction of the abolished death penalty and a convenient excuse for extrajudicial killings.

Torture has a long history in Colombia. A well-substantiated document, *The Black Book of Repression,* published by the Solidarity Committee for Political Prisoners in 1974, presents a detailed account of torture, assassination and repression from 1958 to 1974.

Allegations of torture were made repeatedly, particularly after the passage of the security statute and the military operations in connection with the arms robbery in January 1979.

On 18 March 1979, Amnesty International issued an urgent action on behalf of six Indian peasant leaders of CRIC: Marcos and Edgar Avirama, President and former secretary, Taurino and Miguel Nuscue, Mario Escue and Laurentino Apusta: all six were first held at the headquarters of the Third Brigade in Cali, where they were allegedly tortured for more than 15 days by electric shocks applied to the head, legs and genitals; immersion in water and mud; burning of genitals with matches; hanging during whole nights; psychological torture such as threatened killing of families; and food deprivation.

On 2 February 1979, Amnesty International intervened on behalf of Pedro Mogollón and the Pesca brothers. In a statement signed on 24 January 1979 Pedro Mogollón alleged he had been tortured at the Cavalry School of the Military Academy in Bogotá. He was arrested on 8 January 1979 by members of the B-2, brutally beaten, blindfolded, forced to stand for hours, held incommunicado and not given food for several days. Electric shocks were applied to different parts of his body. The Attorney General's office ordered an investigation into his case a month and a half after the torture allegations were made, and concluded that "no external signs of violence" could be verified from their examinations. In his testimony he concluded: "At this time, the external evidence of physical tortures have practically disappeared. But the psychological torture can never be erased. It remains like a knife thrust in the brain."

Amnesty International has received many more allegations of torture from persons detained since January 1979 and recently protested against the dismissal

of the Director of the Medical Institute, Dr Odilio Méndez Sandoval, who concluded that torture had been inflicted on 34 students in October 1978. A congressional committee made an independent inquiry into the torture allegations of the students: "solitary confinement, without food or drink for several days . . . left naked in the courtyard during whole nights and not allowed to sit down, forced to stand up by beating and kicking us in different parts of the body . . . electric shocks". It complained of lack of co-operation from the Attorney General's office and the new Director of the Medical Institute (a part of the Ministry of Justice), Dr Silva Pilonieta, who told the committee that the documents prepared by Dr Méndez proving the existence of torture could not be found.

The Catholic Bishops of Cúcuta and Pereira, Pedro Rubiano and Dario Castrillón, declared that "torture allegations have multiplied and the techniques of torture are being perfected".

As a reaction to mounting national criticism and international pressure, President Turbay affirmed in February 1979 in the province of Girardot: "No one, but absolutely no one in Colombia has been tortured. The authorities of the Republic are not torturing anyone. I have ordered the appropriate investigations and I can affirm that torture allegations are a simple stratagem."

On 23 March 1979, in statements to the press, General Luis Carlos Camacho Leyva, Minister of Defence, stated: "The problem of torture is already out of fashion . . . . International and national opinion has feverishly discussed torture but it has never been determined exactly what the tortures consist of, who carried them out and when people were tortured."

Political assassinations caused some 35 deaths in 1978. Gunmen reportedly hired by large landowners were responsible for deaths of peasants and members of the rural organization, the National Peasant Union (ANUC). Paramilitary groups and army personnel have also killed trade-unionists, leaders of popular movements and left-wing political opposition groups and student activists. In November 1978, the *Alianza Anticommunista Americana* (American Anti-communist Alliance) issued death threats against various members of the Supreme Court who gave dissenting opinions against the security statute, against lawyers of political prisoners and against the editor of a progressive weekly. Another group called *Escuadrón de la Muerte* (Death Squad) emerged in January 1979 threatening lawyers who defended political prisoners and the mass media which published denunciations of human rights violations. CRIC reported that, since its foundation in 1971 to defend the legal rights and the lands of Indian peasants of south-west Colombia, some 45 of their leaders had been killed, including Avelino Ul on 26 November 1978, and Benjamín Dindicué, from Tierradentro, on 4 February 1979.

In an open letter to Attorney General Guillermo Gonzalez Charry, the Association of Democratic Jurists protested against the obstacles put in the way of the defence: restrictions have made it difficult for lawyers to talk to their clients, threats have been made against them by the military commander of the School of Infantry, and a number of the lawyers have been detained. They charged that military justice has reversed the legal process: the accused are presumed guilty until the contrary is proved and their lawyers are not defenders but "accomplices" of the accused.

They also protested against a decree of 11 January 1979 establishing the prison island of Gorgona, known for its terrible living-conditions, as a maximum security

penitentiary for political prisoners.

A National Forum on Human Rights was held in March 1979 with the participation of political parties, trade unions, civic movements, peasant and Indian organizations, slum dwellers and professional groups, relatives of political prisoners and Catholic bishops.

Attention was called to the combination of exceptional measures taken by the government during the year. Together with the state of siege provided for by article 121 of the constitution, the security statute and the decree laws, the government has invoked article 28 of the constitution which empowers it to detain persons for up to 10 days without charge. Amnesty International received allegations that article 28 was applied retroactively and improperly. Not only were persons held incommunicado for more than 10 days without legal guarantees, but often their names did not even appear on the Council of State Ministers' list of persons attempting to disturb the public order, as required by the same article. Human rights groups claim that the army has been authorized to detain anyone on mere suspicion which is contrary to article 28. Furthermore, arrests were made as early as 3 and 4 January 1979, although it was not until 8 January that article 28 was invoked and not until 9 January that the Council of Ministers met to authorize the detentions.

The prolonged state of siege and periodic suspension of guarantees are limited by international covenants. For example, the American Convention on Human Rights (Pact of San José), ratified by Colombia, states in article 27 that even in times of the suspension of guarantees the following basic articles among others remain in force: article 4 (right to life), article 5 (right to humane treatment), article 9 (freedom from *ex post facto* laws), and "judicial guarantees essential for the protection of such rights". Moreover, when guarantees are suspended other state parties must be informed, reasons for the suspension given, and a date set for the termination of the extraordinary measures.

Cuba (the Republic of)

Two important legal texts were approved by the National Assembly of People's Power in December 1978: a new Penal Code to replace the 1938 Code of Social Defence and a Code of Military Justice.

The summary of offences against the security of the state in the new code are similar to those previously defined by the Code of Social Defence – the fundamental legal code for political and criminal offenders. Among the articles which could perhaps be interpreted ambiguously are article 115 which imposes a penalty of 4 to 10 years' imprisonment on anyone who jeopardizes Cuba's friendly relations with another state, and article 121 which makes illegal the "dissemination of false information against international peace".

Article 237 of the Fourth Section of the code, which deals with offences against public order, provides a continuing legal basis for the imprisonment of conscientious objectors, although penalties would be less: "anyone who, in abuse of the religious freedom guaranteed by the constitution, opposes his faith or religious belief to the revolution, or to the exercise of his duty to work, to defend the country with arms, to revere the symbols and carry out other constitutional duties, incurs a penalty of between 3 to 9 months' imprisonment".

Some penalties would be reduced under the new code, which now provides for a maximum term of 20 years' imprisonment except in cases where the death penalty has been passed but not carried out, in which case a 30-year term may be served. The death penalty is considered exceptional, but can nevertheless be passed for a wide range of offences including terrorism, piracy, rape and pederasty, hijacking and robbery with violence.

The Cuban National Assembly decided that the new Penal Code will come into force in August 1979.

Following an agreement with Cuban exiles in November 1978, President Fidel Castro announced in a press conference that the Cuban government would free 3,000 prisoners convicted for offences against the security of the state and a further 600 prisoners held for trying to leave the island illegally, at the rate of 400 a month beginning in December 1978. President Castro told foreign journalists that 3,328 were imprisoned for "offences against the revolution", and a further 425 for "offences committed during the Batista dictatorship". In addition, approximately 600 people were then imprisoned for attempting to leave Cuba illegally.

On 27 December 1978 the *Gaceta Oficial* published a list of 400 political prisoners who had been *total y definitivamente indultados* (totally and definitively pardoned) by the Council of State. At the end of January 1979, another list was published of 500 names. At the time of writing, 900 of the 3,600 have been released, of whom approximately 400 wanted to go to the USA.

At the end of November 1978, the United States Attorney General, Griffin Bell, said that the United States government would accelerate its screening procedures to permit the entry of 400 Cuban political prisoners per month, but in practice the procedures have been very slow and apparently the Cuban government has delayed the programme of releases accordingly. This seems to be a breach of the agreed number of 400 releases a month. In the view of Amnesty International the release of prisoners should not be conditional on the immigration procedures of a receiving government.

Amnesty International welcomed the releases, but is still concerned by the lack of precise information about the prisoners accused of "terrorist activities" or having committed crimes under the Batista regime. This concern was repeated in a memorandum sent to the authorities in August 1978, following an Amnesty International mission to Cuba.

Foreign observers reported that, while in general trials of Batista supporters were conducted fairly, there were other examples of unfair trials in the early years of the present regime by the *tribunales revolucionarios.*

One ex-prisoner, for example, who had been accused of sabotage in Oriente province and had been taken to Santiago de Cuba for trial, stated that he was given a court-appointed lawyer whom he had no opportunity to consult before the trial and was sentenced after proceedings lasting only 10 minutes. Amnesty International in its memorandum published in November 1978, urged the government, to give serious consideration to the revision of judgements of the *tribunales revolucionarios.*

Amnesty International welcomes the decision of the Cuban government to free all women political prisoners, including Dra Marta Frayde. Very few of the *plantado* category of political prisoners – only five or six – had been released under the programme of releases at the time of writing. The *plantados* are those

political prisoners who have refused prison discipline as a protest against their treatment as common criminals.

A further Amnesty International mission to Cuba was envisaged in the discussions which took place in Havana in 1977 and referred to in the memorandum published in August 1978. No date has yet been agreed with the Cuban government.

Dominican Republic (the)

In August 1978 the new President, Antonio Guzman, took office. One of his first measures was to decree a general amnesty for political prisoners. About 200 prisoners benefited. He also repealed several laws which legalized political imprisonment – for example the law against "communist" activities. On the other hand, many exiles have not been allowed to return.

Amnesty International welcomed not only the general amnesty, but other positive measures taken by the present government such as the improvement of the judiciary and the reconstruction of some buildings in the main prison, La Victoria. But it is still concerned about an alleged political prisoner, Castulo Toussaint, who had, at the time of writing, not been released, and a prisoner who has been adopted for several years, Pablo Liberato Rodriguez, who, at the time of writing, had not been accounted for. He disappeared after being detained by police during the time of ex-President Balaguer.

Ecuador (the Republic of)

Amnesty International's main concern was the detention and torture of members of the Tsamaraint family who belong to the Shuar (Jivaro) Indians from the jungle region.

In August 1978, a cattle dealer was killed in eastern Ecuador in the canton of Palora, province of Morona Santiago. Immediately after his death, all Shuar Indians living in the Yawints centre were arrested by armed police. All of them except for two minors – Cruz and Jorge Tsamaraint, who were between the ages of 15 and 17 – were released for lack of evidence. The two boys were reported to have been tortured during police interrogation before charges were laid against them. On 1 December 1978, Fidel, a third brother who works as a teacher at the Kaurapi Indian Centre, was arrested. Amnesty International launched urgent actions on their behalf as it was reported that they were badly beaten and subjected to electric shocks.

There were other torture allegations from political prisoners in Quito and from young recruits from the province of Esmeraldas in the north of Ecuador.

El Salvador (the Republic of)

Though repression continued and violence got worse, increased international publicity raised public awareness of violations of human rights.

On 13 October 1978, the International Commission of Jurists published a report on the application of the Law of Public Order, which concluded that "incidents of mistreatment of prisoners by the security forces are sufficiently numerous and interconnected to constitute a pattern or system".

On 15 December 1978, a British parliamentary delegation reported that it had

found clear evidence of systematic torture during its visit.

A report of the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), published in March 1979, listed 99 disappeared persons and implicated the *Partido de Conciliación Nacional* government of General Carlos Humberto Romero, which came to power in 1977 amid widespread allegations of fraud, murder and terrorism in the countryside. The report also drew attention to the situation of political activists who have been forced into long-term exile.

Both the OAS and the British delegations gained access to the "secret" torture and detention cells at the National Guard Headquarters in San Salvador. The British delegation also recorded dramatic testimony that security forces had disposed of other detainees after interrogation by detonating explosive devices which had been lashed to the victims' bodies, thereby adding to the statistics of the "disappeared".

The government has strongly opposed attempts to form rural unions and many peasant organizers have disappeared. Amnesty International issued appeals on behalf of 62 arrested or disappeared peasant organizers and others, including *campesinos* who had co-operated with a Dutch television team preparing a film on rural repression. It also continued to press for information on 35 investigation cases and has still received no word on the 62 unacknowledged detentions and 30 reported deaths which it called to the attention of President Romero on 6 February 1978.

In a further effort to generate widespread publicity and pressure concerning these and other human rights violations, Amnesty International launched a campaign in October 1978 which focused on repression of trade-unionists and the Church, and organized widespread distribution of a leaflet and extensive letter writing to government officials and professional and trade-union organizations.

The efforts of the Archbishop of San Salvador, Oscar Arnulfo Romero, and the Salvadorean Human Rights Committee to publicize human rights violations have led the government to accuse Church activists of having links with communists and subversives. On 20 January 1979, the combined forces of the National Guard, the National Police and the army carried out a dawn raid on 40 young people who were attending a course in basic Christianity. The organizer of the retreat, Father Octavio Ortiz Luna, and four youths were machine-gunned to death. Father Octavio was the fourth priest to die in El Salvador in the past two years. Staged photographs subsequently appeared in the national press accompanied by National Guard allegations that the retreat house was a guerrilla training centre and the youths had opened fire on the security forces. Twenty of the youths were arrested and charged with "preparation of subversive material and opposition to authority"; 20 more 12- to 16-year-olds were arraigned in a juvenile court on the same charges. A few hours before the incident, President Carlos Humberto Romero, who was in Mexico for economic talks, stated that there was no religious persecution in El Salvador.

The repeal of the Law of Defence and Guarantee of Public Order was announced in February 1979. The measure was originally introduced in November 1977 to combat terrorism, but in practice it severely restricted the activities of political parties and urban and rural trade unions, and interfered with freedom to publicize human rights violations. President Romero conceded that the measure had proved

ineffective in combating terrorism and promised that all prisoners held under the law – which he put at 48 – would be released.

However, a report issued in July 1978 by the office of Archbishop Oscar Arnulfo Romero indicated that approximately 102 of the 715 people who had been cited under the law remained in custody or were unaccounted for: 590 had been freed, usually after having been beaten, two had been murdered and 21 had disappeared.

Furthermore, paragraphs 2 and 3 of clause 2 of the repeal decree introduce the possibility for cases of persons originally held or convicted under the Law of Public Order to be transferred to the jurisdiction of the criminal courts. Arrests and deaths under torture, including the death of Jaime Baires on 4 March 1979, continued to be reported to Amnesty International.

Some observers considered that the repeal of the Law of Public Order was intended to open the way for the release of a number of foreign businessmen who were seized in a year which saw increasing efforts by left-wing guerrilla groups to destabilize the Romero regime. On 29 December 1978 and 21 March 1979, in press statements which made clear the organization's total opposition to killing for the purpose of political coercion, whether by governments or others, Amnesty International appealed to the kidnappers to release their hostages. Ransom demands issued by the Armed Forces for National Resistance (FARN) who hold the foreigners – one of whom was subsequently murdered – included the release of five specified political prisoners who had disappeared following their arrest by security forces, and the resolution of various labour and educational conflicts which had continued throughout the year – occasionally developing into armed confrontation. In March 1979, Amnesty International called for an investigation into the deaths of seven striking workers who died in clashes with government forces in San Salvador on 10 March 1979, and in April protested against the deaths of eight persons within 22 days in the Cinquera region. On 22 March 1979, with the approach of the most recent deadline imposed by the guerrillas, the government released a number of political prisoners, but has continued to deny that the five whose releases FARN is specifically seeking are in custody, despite the fact that numerous former prisoners, including some of those who testified to the British parliamentary delegation, have insisted that at least three of the five have been seen in prison by other prisoners.

Guatemala

In an oral intervention to the session of the United Nations Human Rights Commission in February and March 1979, Amnesty International said that disappearances continued to be endemic. Political murder and torture, sometimes at the hands of the official security forces, sometimes following abduction by paramilitary death squads, are widespread. Identification of the victims is often difficult because their bodies are mutilated and found far from the original place of abduction.

The level of killings and disappearances during the year was compared by some to the state of siege years of the Arana Osorio regime (1970-74). Indeed, Guatemalan journalists characterized 1978 as the most violent year in the country's history and reported that 770 unidentified bodies were buried in the Verbena

cemetery in the first six months of the year. Since July 1978, when General Romero Lucas's right-wing coalition came to power, there have been more than 500 more victims of violence reported, nearly 200 of them showing marks of torture. The authorities would classify the majority of the identifiable victims as leftwing.

Secret cemeteries and mass graves have also been found during the year, supporting the estimate in Amnesty International's 1976 *Guatemala* Briefing Paper of 20,000 covertly sanctioned murders or disappearances since 1966.

Figures cited above do not include the estimated 100 Kekchi Indians who died in a clash with the army at Panzós, Alta Vera Paz, on 29 May 1978. Army spokesmen claimed that the Indians started the violence, but reliable sources contend that it was the army who opened fire on the *campesinos* when they came to Panzós to discuss a land tenure problem. Twenty-five women and children were among the dead.

Throughout the year, there have been other incidents of murder and disappearance in the countryside, usually related to land disputes.

People who try to help the peasants either disappear or are murdered outright, like Father Hermógenes López, parish priest of San José Pinula, killed on 30 June 1978. Father López had led several Indian communities in their struggle to retain water rights in the face of a plan to divert water from 40 townships to a Guatemala City water project and had also been active in opposing the impressment of Indian youths into the army.

Sister Raymundo Alonso, a Spanish nun working with peasants of Alta Vera Paz, was briefly imprisoned and then expelled on 7 June 1978 accused of having been responsible for the massacre at Panzós. Father Carlos Stetter, a German priest who had been providing medical aid and supplies to the *campesinos* of Ixcan, was seized and expelled in December 1978, in what has been described as a "virtual kidnapping", on charges of "having engaged in activities outside his ministry".

Recent labour troubles have centred on efforts to gain union recognition in various plants and industries throughout the country. Mario Mujía, a young labour lawyer and leader of the miners' march to Guatemala City in December 1977, was adviser to the miners of Ixtahuacan in their continuing efforts to negotiate with management, before being fatally attacked on 20 July 1978 as he entered his office in Huehuetenango.

Labour unrest in Guatemala City culminated in widespread demonstrations and strikes in October 1978, following the government's announcement of 100 per cent rises in urban fares. There were violent clashes with the police, who used tear gas, batons and firearms. One thousand five hundred demonstrators were detained; estimates of the wounded ranged as high as 300 and about 40 people were reported killed.

On 18 October 1978, the Secret Anti-Communist Army (ESA), the latest of the self-styled death squads, gave the press a list of people whom they had "tried and sentenced to death". Amnesty International issued an urgent action for the trade-unionists, student leaders, journalists, academics and labour lawyers named on the list, but two days later one of those listed, Oliverio Castañeda, president of the San Carlos University Students' Association, was killed when five cars carrying men armed with machine guns stopped him in a street in the centre of the capital,

within sight of a police detachment and the national palace. Moments before his death, Mr Castañeda told a large public rally in support of the transport workers' strike that 80,000 Guatemalans had died since 1962 as a result of political violence.

On 10 November 1978, Amnesty International issued an appeal on behalf of Mr Castañeda's successor, Antonio Ciani García de Léon, who was detained on 6 November 1978 and later disappeared.

When the Rector of the University of San Carlos called on the government to protect those threatened by the ESA, Minister of the Interior Donaldo Alvarez Ruiz advised those named to take their own precautions. Pressed regarding the disappearance of Antonio Ciani, President Lucas García stated that he would not enter into talks with the University Students' Association concerning Mr Ciani because the University was a centre of subversion which aimed at the overthrow of his government. On 15 February 1979, Manuel Andrade Roca, adviser to the Rector, was gunned down as he left a university meeting room.

On 12 December 1978, Pedro Quevedo y Quevedo, who had been active in attempts to unionize the workers at the Guatemala City Coca-Cola bottling plant, was murdered.

On 24 January 1979, Amnesty International issued an urgent action calling for information on the whereabouts of Enrique Castellanos, labour leader and member of the Consultative Council of the Guatemalan Institute of Social Security (IGSS), abducted on 19 January 1979.

Since the ESA first surfaced in October 1978, two more death-lists have appeared. Many of those threatened have been forced into exile, but attacks and killings continue. Deputy Alberto Fuentes Mohr, a distinguished economist and politician with a long record of international service and former Minister of the Interior and of Foreign Affairs under the 1966-70 Méndez Montenegro government, was murdered in Guatemala City on 25 January 1979.

The death of Mr Fuentes Mohr left Manuel Colom Argueta, former mayor of Guatemala City and leader of the United Front of the Revolution opposition group, as the most likely candidate to head a leftist coalition in the 1982 elections. Mr Colom was machine-gunned to death in the capital on 23 March 1979. In both cases, Amnesty International called for official investigations into the circumstances of the killings.

Amnesty International also called for an investigation into the death of Manuel López Balan, Secretary General of the Coca-Cola union, knifed to death in Guatemala City on 5 April. On 26 April 1979, Amnesty International issued an appeal on behalf of three women, two of them labour lawyers, whose names appeared on the ESA death lists. They were arrested on 20 April 1979 at the Guatemala City airport for distributing subversive literature (pamphlets in connection with the International Year of the Child) protesting at the enforced exile of a union leader and his seven-year-old son. There are innumerable similar murders and disappearances reported in the press. Sometimes there is reference to official complicity, where the reporter states for example that the kidnappers were in military dress, or were recognized as members of a security corps. At times, there are hints of direct political reasons, for example agitation or party political divergences. More often, no reasons are given and the case is soon forgotten.

Throughout the violence of the past year, government authorities have continued to deny that security forces are directly involved in any of these incidents, despite the fact that the death squads act on information which could only come from government sources and operate with such impunity that official tolerance is implied.

Newspapers which try to report this situation are themselves in danger of assault. Several journalists and broadcasters have narrowly escaped kidnapping recently and during the year there have been four machine-gun attacks on the offices of *El Gráfico*, a newspaper which daily notes the numbers of tortured bodies found throughout the country.

Some people were arrested following the disturbances last October and released after a short detention when writs of *habeas corpus* were presented on their behalf at a time of great public awareness. Long-term political imprisonment is rare.

Haiti (the Republic of)

During the year, the political structure of Haiti has undergone no significant change under the autocratic rule of President Jean Claude Duvalier. In parliamentary elections held on 11 February 1979, only one of the 300 candidates declared his opposition to the Duvalier regime. Alesandre Lerouge, a former deputy customs chief in the town of Cap-Hatien, ran under the banner of human rights and defeated a government minister, getting 90 per cent of the vote. In other parts of the country, foreign journalists reported instances of electoral fraud and the widespread arrest and ill-treatment by police and the security militia of demonstrators protesting against the outcome of the elections.

On 7 February 1979, Joseph Maxi, a lawyer and founder member of the Haitian Human Rights League established in March 1978, was detained by three armed civilians and accused of failing to tell the authorities of his supposed knowledge of a plot against the government. On 26 March 1979, he was released without being charged. Also arrested at the time were Ulrich Desire, Emmanuel Noel, Robert Marc Thelusma and Gustav Colas. They have all been charged as instigators of a plot against the security of the state and may face trial before the *Tribunal de Sécurité*, a civilian court established in August 1977 to ensure that defendants on security charges are tried without undue delay and with legal safeguards.

On 22 February 1979, Sylvio Claude, a businessman in Mirebalais who had been denied the right to run as an independent candidate in the parliamentary elections, and a friend, Edouard Benjamin, were detained by a group of *Tontons Macoutes* at Sylvio Claude's home. According to eyewitness reports, they were both handcuffed and severely beaten while being taken from the house. At the time of writing their whereabouts were not known and no charges had been brought against them. Amnesty International is investigating their cases.

In the past year, there has been no reduction in the security militia, the National Security Volunteers, the *Tontons Macoutes* or the President's security corps, the Leopards, who have been responsible for illegal arrests, ill-treatment and other breaches of constitutional guarantees. Furthermore, the *loi anti-communiste*, adopted on 28 April 1969, is still in force, and provides that persons found to have made "any declaration of belief in communism verbal or written, public or private", or propagated "communist or anarchist doctrines by conferences, speeches, conversations . . . by leaflets, posters, newspapers" will be charged with crimes against the state, tried in a military court and if convicted mandatorily "punished by death penalty".

Amnesty International remains concerned about the fate of over 100 prisoners alleged by former prisoners to have died in Fort Dimanche Prison before the release of 104 political prisoners on 21 September 1977. At that time, the President stated that "there were no more political prisoners in Haiti" and issued a decree whereby the authorities could examine the cases of prisoners whose fate after arrest had remained unknown since as far back as the early 1960s, and, following investigation, issue death certificates to enable families to solve legal and financial problems. It is unknown if any investigations have been carried out by the authorities. It is reported that no family has been issued with a death certificate.

In December 1978 Amnesty International was told by a former prisoner released during the amnesty of September 1977, that he witnessed the execution on 5 September 1977 of nine prisoners held in Fort Dimanche Prison. Reportedly, on 5 September the prisoners at Fort Dimanche Prison were divided into two groups. One group of nine was shot later that day, among them Amnesty International adoptees Rochambeau Nestor and Luc Deselmours, and the others were transferred and released on 21 September 1977. According to other former prisoners, executions in the prison had also taken place in 1964 and 1976.

In August 1978 the Inter-American Commission on Human Rights of the Organization of American States sent a delegation "to study the observance of human rights" in Haiti. Its report had not been published at the time of writing.

In July 1978, the United States federal authorities instituted a large-scale programme of deportation and exclusion hearings in the state of Florida for some 8,000 Haitians who had not been legally admitted into the United States. In August 1978, Amnesty International raised with the United States government its concern that owing to the rate at which individual cases were being examined by the Immigration and Naturalization Service, sometimes more than 100 cases a day, due process safeguards were being violated. Despite the assurance given by the Haitian government to the United States government on 15 February 1977 that "citizens returning to Haiti will not be prosecuted or detained for illegal departure", Amnesty International has, since August 1978, received reports of the short-term detention and ill-treatment and imprisonment of those returning and of those attempting to leave Haiti illegally, as well as reports that the lives of those who have left have been threatened and that their relatives have been harassed by Haitian police, members of the National Security Volunteers and the *Tontons Macoutes*.

Mexico (the United Mexican States)

On 24 September 1978, an amnesty for political prisoners, fugitives and exiles was passed by the Mexican federal parliament, as part of a general programme of political reform instituted by President López Portillo's administration. This was followed by similar legislation in the states where political prisoners were being held. A previous amnesty in 1977 had provided for the release of prisoners held on specific political charges, but there were over 500 prisoners who claimed that

they had been detained for their political beliefs and activities, although they were formally in prison on criminal charges such as robbery, kidnapping or murder. Amnesty International was concerned about these cases because of the many reports that often the only evidence presented was the defendant's own statement of guilt, allegedly extracted under torture or threat of torture (in contravention of articles 19 and 22 of the Mexican constitution), and because of the many irregularities in their detention and trial.

The 1978 amnesty law provided the legal framework for the release of these prisoners. Article 3 states that "the benefits of the amnesty may be extended to those who committed acts endangering life, or physical integrity, acts of terrorism or kidnapping if, in the opinion of the Attorneys General of the Republic and the Federal district, according to information provided by the *Dirección General de Servicios Coordinados de Prevención y Readaptación Social de la Secretaría de Gobernación,* they are not highly dangerous".

It is under this provision that most of the prisoners have benefited from the present amnesty law, and so far approximately 250 have reportedly been freed.

Three prisoners under investigation by Amnesty International were released in Cuernavaca, Morelos, under the state amnesty law at the end of 1978. Others held on similar charges did not benefit, however, and throughout the country there appear to have been serious discrepancies in the application of the amnesty: although Mónico Rentería and three prisoners were released from Monterrey, Nuevo León, a further three persons convicted of the same crime were not.

In addition, the safety of prisoners after they have been released has been questioned. Two of them, Abel Piñón Ponce and Abdayán Guzmán Cruz, apparently disappeared immediately after their release. G. Fernández Brito and A. Miranda Ramírez were re-arrested and have allegedly been tortured. E. Hernández Castillo was shot dead by police forces in Jalisco less than a month after his release from prison. Reports were also received that some prisoners were merely transferred from one prison to another, although they were officially announced to have been set free.

Amnesty International has repeatedly requested from the Mexican government reliable information concerning the 300 or more people who have allegedly disappeared in the last six years while in official custody, and various National Sections have carried out actions on this matter throughout the year. On 24 January 1979, the Mexican Attorney General, Oscar Flores Sánchez, gave a press conference dealing with the "disappeared", in which he stated that of the 314 cases known to the authorities, 154 had been killed by the police or army, 89 were in hiding, and a further 58 had died as a result of acts of violence between rival guerrilla factions. Amnesty International wrote to the Attorney General on 13 February 1979 to ask that the families of those allegedly killed be properly informed of the circumstances of their death, that the people in hiding be granted fair trials and the opportunity to prove their innocence of any criminal activities, and that an independent tribunal of inquiry be set up to examine all the evidence about missing persons. It also questioned Mr Sánchez's claim that the use of torture in Mexico was a limited, minor occurrence, since it has received many well-substantiated reports of torture, which is specifically prohibited by the constitution (articles 19 and 22).

Amnesty International was particularly concerned about the continued use of

arrest and detention procedures which contravene articles 19, 20, 21 and 22 of the national constitution, and organized urgent actions on behalf of eight of the students, labour leaders and members of peasant organizations who were either arrested in an unconstitutional fashion or abducted while in police custody.

Nicaragua (the Republic of)

There are long-term problems of political imprisonment and murder of peasants by the National Guard, the country's only military force, which acts virtually as a private army for President Anastasio Somoza. Growing opposition to the regime coalesced following the "death-squad" murder in January 1978 of opposition leader Pedro Joaquin Chamorro, when businessmen, trade-union organizations and student groups joined in a broad front calling for the resignation of the President. The succeeding months saw increasing violence by both sides. After the seizure in August 1978 of the National Palace by the Sandinista National Liberation Front (FSLN) and the release of a number of political prisoners, another strike was called by the Broad Opposition Front (FAO), a coalition of movements drawn from businessmen's organizations to *"Los Doce"*, a group which maintains links with the FSLN. The government responded with widespread arrests, and on 7 September 1978 Amnesty International issued an urgent action on behalf of more than 700 people detained on suspicion of organizing the strike.

The following day, as the strike gathered momentum, the Sandinistas called for a general uprising. On 12 September, the government reinstated martial law which had been lifted since 1977, thereby suspending many constitutional guarantees and basic civil liberties. By early October, after National Guard retaliation, including the bombing of civilian populations from the air, the revolt was largely crushed. Acting under international pressure, President Somoza released 350 prisoners at the end of December and entered into negotiations with a mediation team from three countries.

Meanwhile, evidence mounted regarding the abuses perpetrated by the National Guard during and after the insurrection. The Red Cross reported that some 5,000 people had died, 10,000 were injured, 25,000 had lost their homes and 57,000 were believed to have fled into exile in neighbouring Honduras and Costa Rica. Between 21 October and 6 November 1978, an Amnesty International researcher visited refugee camps in Honduras and collected information about almost 600 individual cases of political imprisonment in Nicaragua since 6 September 1978. His report showed that documentation was available about many other prisoners detained by the National Guard and summarily executed, often after torture, rape or mutilation; in just one such case, Dr Uriel Morales gave evidence concerning the murder of his wife Paula Ubeda de Morales. Señora Morales was murdered by the National Guard, along with an elderly servant and the young son of a friend, on 18 September 1978 as she walked, carrying a white flag, to buy powdered milk for 23 young children who had taken refuge in her Esteli home. On the day of her funeral, the National Guard forced their way into the garden of the Morales home and killed five of the six mourners. The sixth, Humberto Lacavo, was later pulled alive from the bodies heaped in the grave which had originally been dug to receive the body of Señora Morales.

Following its visit in October 1978, the Inter-American Commission on Human

Rights of the Organization of American States reported that during and after the September civil war the Nicaraguan National Guard had "violated human rights in a grave, persistent and widespread manner", and that "there were serious violations of the right to personal security by means of torture and other physical pressures which were inflicted on numerous detainees". The Commission detailed "generalized repression" against males between 14 and 21 years of age.

On 20 September 1978, Amnesty International released a statement condemning the political killings, torture and arbitrary detentions still being carried out by the National Guard which contained a necessarily incomplete list of 519 Nicaraguans known to be detained by the government.

In response to opposition preconditions for entering into direct discussion with the government, martial law was lifted on 7 December, and an amnesty for all prior political offences decreed on 16 December 1978. A limited number of people were released, but the Nicaraguan Commission for Human Rights published a list of some 1,600 still unaccounted for. In January 1979, its records showed that an estimated 275 people had been killed by the National Guard in that month alone. Fresh arrests are continually reported and guerrilla attacks continue with casualties on both sides.

In March 1979, the United Nations Commission on Human Rights adopted a draft resolution on Nicaragua which condemned violations of human rights and resolved to investigate.

During 1978, the National Guard arrested more than 1,000 people for anti-government activities. Some arrested in August and September were freed by military tribunals for lack of evidence while martial law was still in effect.

The vast scale of recent arrests and disappearances and the limited information have made individual casework difficult. Amnesty International issued a number of calls for immediate protest and inquiry concerning large-scale arrests, disappearances and deaths, as well as approximately 62 individual cases, including Orlando Matus del Carmen and Julio César Aviles, members of the Jinotepe division of the Nicaraguan Permanent Commission for Human Rights, who were arrested in April 1979.

Paraguay (the Republic of)

In August 1978, General Alfredo Stroessner took office for his fifth presidential term following the March elections, which were won by the *Colorado* Party and largely boycotted by the opposition parties. The state of siege, which had been in force throughout General Stroessner's 25 years of autocratic rule and renewed as a matter of routine every three months, to be lifted only on election days, was lifted in three *departamentos* in May 1978. This provision, which has been used to keep political suspects in indefinite detention without trial, remains in force in the capital, Asunción. The structures for maintaining strict control of political dissent also remain: a ruling party dominating all aspects of national life, extensive police powers of arrest and interrogation, an organized system of informers, and a judiciary which is not independent. Yet the past year showed a more positive balance in the field of human rights than in any year since Amnesty International began work on Paraguay in the early 1960s.

The release of prisoners continued, the vast majority from long-term detention

without trial, and until April 1979 Amnesty International received few allegations of severe torture. On 10 December 1978, the Paraguayan Commission on Human Rights was able to organize the first congress on human rights ever to take place in that country. A representative of Amnesty International and members of the diplomatic community attended as observers and the congress received considerable publicity.

However, longstanding serious human rights problems remain. Throughout the year Amnesty International appealed for the release of prisoners in long-term detention without trial. The prisoners themselves went on hunger strike in June 1978 and, again when the government failed to keep its promise to release them, in August to October 1978. During the year Amnesty International's adoptees, 56-year-old Anastasia Idolina Gaona (a prisoner since 1965) and agricultural worker Calixto Ramírez Sánchez (a prisoner since 1964) were released with 93 other political detainees. Virgilio Barreiro and Severo Acosta Aranda, both held since 1964, were still detained, as were five other political prisoners held under the political Code Law 209 (In Defence of Public Peace and Liberty of Persons), which prescribes 1 to 6 years' imprisonment for publicly inciting "hatred between Paraguayans and destruction of the social classes".

Apart from demanding their own trial or release, the hunger strikers had requested official clarification of the fate of those people who had "disappeared" after their arrest. In the past year, the authorities have persisted in their refusal to give the families information on the cases publicized in Amnesty International's *Deaths under Torture and Disappearances of Political Prisoners in Paraguay* (1977). Peasant farmer Doroteo Grandel, whose case was featured in that leaflet and who was adopted, was released in July 1978 from the military barracks where he had been held for over two years without trial. At the end of August 1978 he was killed by two unknown assailants whom to date the police have been unable, or allegedly unwilling, to find.

Amnesty International organized an urgent action on behalf of one disappeared person, and two urgent actions at the time of two hunger strikes, one in June 1978 of 16 prisoners and the other in August 1978 of 17 prisoners. In July 1978, it launched an appeal calling on the President to grant a general amnesty to all political prisoners at his inauguration on 15 August. The appeal was renewed in December 1978.

In April 1979, Amnesty International received information that 13 new prisoners were held in secret detention and that several of them had been tortured; that three other persons, a trade-union leader and two young women, had been arrested on their return from Argentina and subsequently disappeared; and that two persons, whose names are not known, had died as a result of torture in the notorious torture centre for political prisoners – *Departamento de Investigaciones* – on 15 February and 1 March 1979. Amnesty International urged the authorities to bring those detained to trial or release them, and to guarantee their physical integrity.

The political prison camp of Emboscada is no longer in use. The remaining prisoners have been transferred to various police stations in Asunción, where political prisoners have traditionally been held in Paraguay.

In July 1978 Amnesty International issued a press statement calling for the release of Dr Domingo Laino, a former parliamentary deputy for the Authentic

Liberal Radical Party, who participated in the Amnesty International Death Penalty Conference in 1977. A few days after his return from a visit to the United States, he was dragged from his car in the centre of Asunción and held for over a month in the *Departamento de Investigaciones.* In March 1979, a new case was being mounted against Dr Laino and the president and founder of the Paraguayan Human Rights Commission, former deputy Carmen de Lara Castro. The case involved three former Amnesty International adoptees, peasant leader Constantino Coronel and two members of the Ecumenical Church Committee which provides assistance to prisoners and their families. This attempt to bring charges against defenders of human rights may indicate a new phase in the repression of political dissent.

In June 1978, the Inter-American Commission on Human Rights (IACHR) presented a critical report on the human rights situation in Paraguay to the General Assembly of the Organization of American States (OAS). The report, which in part was based on information submitted by Amnesty International, was adopted with only one vote against (Paraguay). The government agreed in principle to receive an IACHR delegation for an investigation on the spot, but they will give no definite invitation. The Amnesty International delegation which attended the OAS Assembly in Washington raised its concerns with the Foreign Minister, Dr Alberto Nogués, and his delegation, stressing in particular the plight of the prisoners who had remained in detention without trial for up to 14 years.

Peru

In March 1979, Amnesty International published a *Peru* Briefing Paper that outlined its concerns: 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 are, as a matter of routine, brought before military courts for a broad range of offences; the ineffectiveness of *habeas corpus* and the lack of appeal to civilian courts; consistent allegations of severe maltreatment during interrogation against 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.*

One month after elections for a Constituent Assembly, a law of general amnesty was promulgated on 18 July 1978, ordering the release of all prisoners charged with or convicted of "political-social" crimes.

During July 1978, Amnesty International intervened on behalf of workers, teachers, students and shanty-town dwellers jailed after a 48-hour general strike in May; there were up to 6,000 arrests. In similar periods of social unrest marked by large street demonstrations and nationwide strikes in January 1976, July 1976 and July 1977 there had been between 2,000 and 6,000 detentions.

The military regime once again suspended constitutional guarantees and declared a state of siege in order to put down a general strike planned for 9 to 11 January 1979. Emergency measures included the arrest by the military of nearly 800 people in Lima alone, mainly trade-union leaders (some 60 of whom were held under preventive detention five days before the strike was due to commence), and members of the political opposition who supported the strike.

Before the attempted general strike, there was sustained protest against amendments made to the Code of Military Justice by Decree 22339 of 15 November 1978. Articles 101, 103, 332, 757 and 759 were amended to extend the extraordinary powers of military courts over the civilian population in time of peace for non-military offences. Despite its condemnation by leading jurists and members of the Constituent Assembly, the military government persisted in making use of this decree against the opposition and protesters.

Action against trade-union leaders included the temporary detention of former Amnesty International prisoner of conscience, Víctor Cuadros, Secretary General of the 40,000-strong National Federation of Miners and Metal Workers and member of the Constituent Assembly. He was detained during the prolonged miners' strike in March 1979 at Peru's biggest copper mines at Cuajone and Toquepala and the nearby Ilo copper smelter plant. More than 100 miners were arrested as the military regime placed the southern provinces of Tacna and Moquegua under a state of emergency. The United States owned Southern Peru Copper Corporation reportedly dismissed 55 union leaders.

In the same period in Lima, a number of hunger strikes were organized by former political prisoners in sympathy with political detainees, in particular Zanabría and Arizapana, and by journalists who protested against the closure of 10 publications since January 1979.

Amnesty International intervened on behalf of 57 workers detained in the *El Potao* barracks in Lima following an incident at the Cromotex factory. On 4 February 1979, a police contingent in armoured personnel carriers reportedly arrived at the Cromotex factory to eject the workers. In the conflict, a police captain and four workers were killed, a number of workers were seriously injured and 57 workers detained.

Among the cases of human rights violations in the rural areas were two serious allegations from the peasant communities of Bagua Chica in the province of Cajamarca and by the peasant co-operatives of Yapatera and Talandraca in Alto Piura.

On 5 December 1978, at 7.30 a.m., some 150 heavily armed members of the special assault unit of the *Guardia Civil* arrived, together with the three landlords whose 120 hectares of land were expropriated in 1975 under the Agrarian Reform Law. The peasants tried to show them the papers which proved that the land had been allocated to them but the armed guards opened fire on the crowd, threw in tear gas and beat up some of the leaders. One person, Teodoro Pérez Pasapera, a community leader, was killed. A woman who was six months' pregnant was kicked in the stomach and lost her baby; her eight-month-old baby was asphyxiated by the tear gas and died. More than 50 people were detained, 12 of whom had bullet wounds.

On 6 February 1979, some 350 members of the *Guardia Civil,* the police and the army violently evicted members of the peasant co-operatives in Yapatera and Talandraca in Alto Piura. A peasant, Einer Jara Rufino, was killed, 20 people were seriously injured and 58 were detained and accused of "attack against the armed forces" and "sabotage of the Agrarian Reform Law".

In a case which has dragged on for more than two years, Amnesty International appealed for clemency on humanitarian grounds on behalf of Daniel Raimundo Zanabría, a 27-year-old former university student and agricultural community

leader, and Justo Arizapana, 21-year-old son of peasant farmers, who were arrested in 1976, and were charged with killing a policeman. The defence claims that the death was an accident and that there were political aspects to the case.

In an unprecedented trial in Peru, six alleged torturers were charged before the Fifth Correctional Tribunal in Lima with the torture and murder of Fernando Lozano Menéndez, a 22-year-old law student at the Catholic University who was detained by the *Guardia Civil* on 26 November 1976 and died the next day; in 1976, Amnesty International had asked for a high-level investigation into his death under police custody. Zoila Pereira Guzmán, Lozano's grandmother, pressed the case before the Peruvian courts and her campaign for the torture trial has generated much public support.

United States of America (the)

Research into political imprisonment in the United States of America is complex. Allegations of political motivation for criminal charges require painstaking investigation. Trial transcripts running to thousands of pages have been studied by Amnesty International lawyers commissioned for the purpose. Trial observers have reported to Amnesty International on a number of cases and in March 1979 an Amnesty International lawyer attended the hearing of a motion for a new trial in Rapid City, South Dakota, of the case against Richard Marshall, an American Indian sentenced to life imprisonment for murder. The decision had not been announced at the time of writing.

Allegations are received from many parts of the USA that Mexican immigrants who have entered the USA illegally, and Mexican Americans themselves, are victims of systematic ill-treatment. These have been studied and a report is in the course of preparation. Meanwhile Amnesty International continued to work for the Charlotte Three, James Earl Grant, Charles Parker and T. J. Reddy and the Wilmington Ten (*Amnesty International Report 1978*). Of the latter group only one, Ben Chavis, remains in prison, the other nine having been released on parole. In November 1978 the United States Justice Department filed an *amicus curiae* brief on behalf of the Wilmington Ten in which it was stated that the state prosecutor and the judge suppressed a statement that raised doubts about the testimony of Allen Hall, the key prosecution witness. A special study of individual cases of American Indians and Blacks alleging political motivation for criminal charges is being undertaken and a report is being prepared.

Although the Charlotte Three and the Wilmington Ten were convicted of criminal offences relating to arson, Amnesty International adopted them as prisoners of conscience because of cogent evidence that their prosecutions were politically motivated and that their convictions were the result of false testimony which was deliberately induced by the prosecuting authorities. It also works for the release of one other American prisoner, Imari Obadele, President of the "Republic of New Africa", who is serving a 12-year sentence for conspiracy to murder a federal law officer. In this case, too, it appears that the real reason for Mr Obadele's imprisonment is his political activity as leader of a black independence movement. Five other cases are under investigation.

The large number of people under sentence of death in the United States, nearly 500 at the time of writing, continues to be a matter of great concern. The USA is among those countries chosen for particular attention in Amnesty International's campaign against the death penalty.

On 30 March 1979 Amnesty International appealed to Governor Forrest James of Alabama to commute the death sentence passed on John Louis Evans, who was expected to be executed on 6 April 1979. His execution was subsequently stayed.

Uruguay (the Eastern Republic of)

Uruguay continues under *de facto* military rule with military appointees in the courts, state corporations, the university and other important institutions. The only three political parties which were not banned following the military takeover in 1973 are still "in recess". In the past year, the commanders of the armed forces announced that presidential elections will be held in 1981 with one candidate, jointly selected by the two traditional parties, the *Partido Nacional* (or *Blanco* party) and the *Colorado* party, subject to the approval of the armed forces. Excluded from the presidential election are all other parties and every one of the several thousand Uruguayans previously active in politics who were deprived of their political rights in 1976 by Institutional Act No. 4. A new constitution is under preparation and will be submitted to a referendum in 1980. It is expected to incorporate the *de facto* changes to the 1967 constitution which have been introduced through the eight Institutional Acts and numerous decrees passed in recent years.

In the past decade the Uruguay government has ceased to be a promoter of international norms and safeguards for human rights and become an object of criticism for non-governmental and inter-governmental bodies, as well as individual governments, because of the flagrant violations of legal safeguards and other human rights enshrined in the constitution and the international instruments to which Uruguay is a party.

A highly critical report on Uruguay prepared by the Inter-American Commission on Human Rights (IACHR) was adopted by the General Assembly of the Organization of American States (OAS) in June 1978 with only one negative vote (Uruguay). Substantial parts of the report and other OAS resolutions emanate from information submitted by Amnesty International to the IACHR.

The Uruguayan government has refused to allow the IACHR to conduct an investigation on the spot. Because of this and other human rights issues, the OAS would not accept Uruguay as a host country for its General Assembly. Amnesty International's delegation to the OAS in Washington in June 1978 voiced its concerns to the then Foreign Minister of Uruguay, Sr A. Rovira, and the commander-in-chief of the army, General Luís Queirolo.

While the United Nations Commission on Human Rights (UNCHR) was continuing its examination of Uruguay at its confidential session in February 1979, Amnesty International made public several testimonies on torture in Uruguay. The speakers at the press conference were a woman who in 1978 had been the victim of rape, electric shocks and other torture methods involving the participation of a medical doctor; and a man who had been abducted in 1976 in Argentina by the joint efforts of Argentinian and Uruguayan security forces and illegally transported to Uruguay, where he was subjected to further torture and irregular trial proceedings. He also reported on the abduction in November 1978 of one of the

group who had been abducted with him in Argentina in 1976, Ana María Salvo, who is still held incommunicado by the Uruguayan armed forces in a secret place of detention, and on the abduction in Brazil of two Uruguayan refugees, Universindo Rodríguez and Lilián Celiberti (and initially the latter's two young children), their forced transfer to Uruguay and continued secret detention incommunicado. The third witness, a former first lieutenant of the Uruguayan armed forces, confirmed from his and fellow officers' own experience that political prisoners in their custody were tortured: such information previously was received mainly from the victims themselves. In his testimony he stated that "90 per cent of the Uruguayan armed forces are involved directly or indirectly in torture"; that "no one has been punished for participating in the application of torture"; that refusal to torture leads to harassment and persecution; and that false explanations and false death certificates are fabricated when a prisoner dies as a result of torture. Amnesty International has submitted to the United Nations Secretary General, Kurt Waldheim, further testimonies of unlawful detention and torture during 1978 and 1979 as illustrations of a "persistent pattern of gross violations of human rights" in Uruguay. Amnesty International also gave advice to individuals who complained to the United Nations Committee on Human Rights about torture or other violations of their human rights.

Other inter-governmental and non-governmental bodies continued to be concerned with the defence of human rights in Uruguay. The Inter-Parliamentary Union pursued its work for imprisoned parliamentarians, who are all adopted prisoners of conscience: José Luís Massera Lerena, Jaime Gerschuni Pérez, Vladimir Ilitch Turiansky, Alberto Altesor Gonzales, Gerardo Cuesta Villa and Rosario Pietrarroia Zapala. In May 1978, the International Labour Organization (ILO) called the Uruguayan Minister of Labour to Geneva to report to the Committee on Freedom of Association on the situation of imprisoned trade-unionists, the restriction of trade-union freedom and the new trade-union legislation which the government has announced is forthcoming. Amnesty International groups are currently working for the release of a considerable number of the trade-unionists of concern to the ILO, among them journalist Hector Rodríguez, teacher Didaskó Pérez Baccino and medical doctor Juan José Ormaechea.

Amnesty International has in the past year provided information on the continuing violations of human rights in Uruguay to the general public and to governments. One of a series of chapters on various aspects of the situation in Uruguay dealt with individual cases of prisoners of conscience, detained for their writings, opposition to the military rule, trade-union activities, or present or past support of political parties that have been declared illegal. It also described the cases of four imprisoned military officers who opposed the military *coup d'état* and the torture of political prisoners. A second chapter dealt with the application of military justice to civilians; the subordination of the generally unqualified judges to the military hierarchy; the consequent ineffectiveness of legal safeguards, which leads to long detention incommunicado, ill-treatment and torture; and the persecution of defence lawyers, some of whom have been imprisoned, have sought exile, or have given up legal defence work, either for their own safety or for the benefit of their clients, who may get even less justice if they decline the services of the military, state-appointed and untrained defence counsel. A third chapter examined the conditions of detention of political prisoners in military barracks, in

special sections of common law prisons and in military high-security prisons. The first category is used for interrogation and torture in the pre-trial period of detention, as well as for prisoners already on trial. The prisoners are often kept hooded, and in the hangar used for long-term detention at the naval unit, *Fusileros Navales*, even many of the guards wear hoods (with slits for their eyes). One of the main complaints against the military high-security prisons is the constant feeling of insecurity at the possibility of being taken away to be tortured in some military barracks, either without the judge's knowledge or with his connivance.

Amnesty International has also been concerned with a special aspect of military justice: payment of "prison costs", equal to one third of the money earned by an ordinary prisoner, is rigorously demanded from political prisoners, who are not paid in prison. The prison costs have increased from 1.50 new pesos per day in 1972 to 15 new pesos per day in 1978. A receipt issued in June 1978 was for the equivalent of $US 1,700 for the period 1973-1978. It seems that in practice payment has never been demanded of ordinary prisoners.

Amnesty International estimates that there are 2,500 to 2,800 prisoners in Uruguay (one per 1,000 inhabitants), not including those arrested, interrogated, tortured and released without being brought before a court.

Over 300 cases have been allocated to groups for adoption or further investigation. Thirty-six adoptees have been released in the past year, among them teacher and trade-union leader Ricardo Vilaró. The judge signed his release and he was set free in April 1978. On the steps of the police headquarters he was abducted by the *Fusileros Navales*. Following international pressure he was released in June 1978 and allowed to join his family in the Netherlands. Other adopted prisoners had served their sentence or been granted conditional release towards the end of 1978, among them several medical doctors. Like many other prisoners, they had been kept in administrative detention under the *Medidas Prontas de Seguridad* for several months or indefinitely. They were held in insanitary conditions in military barracks, sometimes even in disused railway carriages. The continuing arrests without warrant, prolonged detention incommunicado in a secret place, and ill-treatment and torture have necessitated urgent interventions by Amnesty International, which organized urgent actions on behalf of 38 people during the year, among them Luís Barrios Rodríguez, who was arrested on 24 August 1978. His family were denied information on his whereabouts although after two months they were allowed to deliver clean clothes. At the end of January 1979 he was still being held incommunicado in a secret place of detention. Other urgent actions have been made on behalf of prisoners who have been removed from prison for renewed torture: Omar Rodríguez, Pedro Varela Esponda, Adolfo Drescher Caldas, and María Mercedes Espínola.

In February and March 1979 there was a new wave of arrests of several hundred people, some sources putting the total as high as 1,500. According to official sources, at least 47 were committed for trial, mainly bank and transport trade-union activists. Many were reported to be held incommunicado in secret places of detention and tortured. Amnesty International sent telegrams to the authorities urging them to guarantee the physical integrity of those detained.

Despite the widespread international concern, the authorities have taken no measures to investigate or halt the unconstitutional abuses committed by their law-enforcement agencies. The military high command has instead created an

extensive apparatus, the Central Office for Information on Persons, for answering questions from abroad regarding political prisoners and for disseminating its own propaganda. It attributes reports of violations of human rights to "a constant and strongly organized campaign by fugitive or exiled agents of communism and a few false patriots", the cost of which is partly borne by "institutions supposedly working for the defence of human rights" *(El País,* 31 January 1979).

With a view to stimulating thought and debate among the Uruguayan law-enforcement agencies themselves, Amnesty International has in the past year provided officers of the armed forces and police, local governors and press with copies of the *Code of Police Ethics* and its report *Torture in Greece: The First Torturers' Trial 1975.*

Venezuela

During the year, Amnesty International received further information about civilians charged before military courts with crimes against the security of the state. At the end of February 1979, there were about 180 civilian prisoners held under military justice; in some cases they had been held for ten years without being sentenced in Cuartel San Carlos, Cárcel de la Pica, Cárcel Modelo, Marcaibo, Tocuyito and Cárcel de Valera. They are charged with guerrilla activities.

There were new allegations of torture and ill-treatment of political detainees, particularly those arrested in rural areas. On 27 and 28 November 1978 military forces arbitrarily arrested and severely tortured several peasants from the municipality of San José de Guaribe in the *departamento* of Monagas. In December 1978, Amnesty International made an appeal on behalf of three peasants who had disappeared. They reappeared several weeks later in the Cuartel de San Carlos.

In March 1979, the new President, Luis Herrera Campins, took office. It is hoped that he will decree an amnesty for political prisoners. Many political prisoners have already been released, among them Doris Francia, who was mentioned in the *Amnesty International Report 1978.* Salom Mesa and David Nieves, who were elected to parliament while in detention, were released after a long legal battle against the military authorities who were holding them. However, even if there is a general amnesty, an important problem remains: the Prosecutor General (Fiscal General) of the republic is not competent to control the legality of military trials.

Another serious concern has been information about the killing of Colombian immigrant workers by some members of the Venezuelan army in Venezuelan territory near the frontier with Colombia. The reasons for those killings are not clear. Amnesty International welcomes the decision of the Venezuelan government to investigate these allegations and hopes that the results will be made public.

In February 1979, an Amnesty International delegate paid a visit to Venezuela. He met the Fiscal General of the Republic, the Legal Adviser to the President *(Consultoría Júridica de la Presidencia)* and visited the department of Military Justice *(Dirección de Justicia Militar).* He conveyed to them the concerns of Amnesty International.

Asia

Long-term imprisonment without trial of large numbers of people is still prevalent in Asia, although the past year has seen changes in some countries. The government of Indonesia has shown that it can press ahead with the releases of the tens of thousands of prisoners held without trial since 1965; but it remains to be seen whether or not the government will meet its commitment to release, by the end of 1979, several thousand political prisoners whom it has no plans to try. Nor has the release programme kept the Indonesian government from arresting new categories of political dissidents, including Muslims, students and those advocating provincial autonomy. The government of Bangladesh has stated it released 10,000 political prisoners since assuming office. But official statistics show that over 3,000 remain imprisoned, some held without trial, others convicted under martial law, in spite of that government's repeal of martial law in April 1979.

It is now over four years since the government of Vietnam began holding large numbers of people in camps for political "re-education". The most recent figure given by the Vietnamese authorities, in February 1977, was 50,000. But Amnesty International considers the figure to be far higher. While the government insists that many are being detained because they are guilty of criminal acts, there is no doubt that a large number are held for political reasons. It appears that people will remain in detention for some time yet, despite the government's original assertion that the period of "re-education" was to last only three years in all.

Although the full dimensions of political imprisonment in China are not known, indications are that the number of people detained for political reasons over the past 10 years has been considerable. Amnesty International knows of cases of political prisoners detained since the early 1950s. Others have been held since the late 1950s and early 1960s. In 1978, when the government was taking measures to redress some of the miscarriages of justice committed in the past, Chinese officials acknowledged that the number of people wrongfully imprisoned was still very large. And although many releases and "rehabilitations" took place during the year, arrests on political grounds have continued. From the autumn of 1978 until March 1979 the authorities permitted wall-posters calling for freedom of expression and human rights to be displayed in the streets, but restrictions were again placed on their publication and several human rights activists were arrested after that period.

Long-term detention without trial is also a feature of Malaysia, Singapore, Brunei, Taiwan and Afghanistan. In Malaysia, more than 50 political prisoners have now been detained for more than 10 years. In Singapore, of the relatively small number of political prisoners held without trial, almost all have been detained for over five years, 10 for more than 10 years. In Brunei, eight prisoners

have now been held for up to 16 years. In Taiwan, of the estimated several hundred political prisoners currently detained, more than 40 have been imprisoned since the 1950s. Many of these long-term prisoners are isolated in the notorious prison camp on Green Island, off the south-east coast of Taiwan. Amnesty International also knows of political prisoners detained for many years in Afghanistan, at least one of them for more than 20 years.

Also of concern to Amnesty International this past year was the scale of detention in Laos, where more than 40,000 people are reported to have been detained since 1975 without charge or trial in "re-education" camps. Of these, 10,000 to 15,000 are civil servants and army officers of the former administration.

Amnesties were announced in the Philippines, South Korea, Bangladesh, Nepal and Thailand, but in some of those countries there have been new arrests and the overall pattern of political imprisonment has not altered significantly.

Several governments in Asia continue to impose particularly severe restrictions on access to information. It has been especially difficult to obtain information regarding political imprisonment in North Korea, Kampuchea and Burma.

Amnesty International has been particularly concerned at the cruel punishments provided in Pakistan's new legislation. Previously introduced as possible penalties for theft and robbery are the amputation of a hand, or of a hand and a foot. Moreover, flogging continues to be used frequently. Several hundred political prisoners, including many adopted by Amnesty International, were flogged for taking part in peaceful political activities. The death penalty can now be used against married persons found guilty of adultery.

According to official figures of the Law Minister, at least 800 people are being executed in Pakistan every year. This number is among the highest known to Amnesty International in Asia. But the application of the death penalty has also been of particular concern to Amnesty International in the People's Republic of China where, up till January 1979, there were frequent reports of executions of political prisoners. In Taiwan, the first execution in five years of a prisoner charged with subversion was carried out in May 1979. The application of the death penalty in cases of prisoners convicted on criminal charges has also been of continuing concern to Amnesty International in Japan, Thailand, Singapore, India and Bangladesh. Amnesty International is disturbed about allegations, which it is investigating, that in some Asian countries political prisoners have been killed after arrest. Such allegations have been received from the Philippines and Afghanistan.

During the period under review, Amnesty International sent high level delegations for the first time to Afghanistan, Brunei, Malaysia and Singapore to discuss reports of serious human rights violations in those countries. The organization published a major report on *Political Imprisonment in the People's Republic of China.* It has also released the text of a detailed report on its mission to India, and prepared its first publication on North Korea, the account of a former political prisoner which describes his period in detention. In the summer of 1978 Amnesty International submitted evidence to the United Nations on human rights violations in Democratic Kampuchea, and in May 1979 on Afghanistan, arguing in both cases the existence of a consistent pattern of gross violations of human rights in these countries.

Regarding the ratification of the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, Asian countries have

a most disappointing record. Japan has signed both Covenants. The Philippines has signed and ratified only the Covenant on Economic, Social and Cultural Rights. It is therefore of particular importance that the Indian government acceded to both United Nations Covenants on 10 April 1979, although with an important reservation about the application of preventive detention.

Afghanistan (the Democratic Republic of)

The People's Democratic Party (PDP) government, headed by President Noor Mohammad Taraki, came to power through a *coup* in April 1978 in which hundreds of people died. On 9 May 1978, it declared that it would observe the Universal Declaration of Human Rights and the UN Charter. On 18 December 1978, President Taraki announced that his government had released 12,223 prisoners since coming to office, but these do not appear to include political prisoners. Since the April *coup*, thousands of political prisoners have been added to the many already detained by previous regimes, notably that of President Daoud, who was himself killed in April 1978. Widespread arrests have been made among all political and religious opposition groups which oppose the government.

On 10 March 1979, President Taraki denied that there were between 14,000 and 20,000 political prisoners, saying there were no more than 1,356. But Amnesty International estimates that several thousands are imprisoned for political reasons, although the precise number is difficult to assess since substantial arrests continue and since reliable information about political arrests outside Kabul is hard to obtain. An Amnesty International delegation visiting Afghanistan in October 1978 estimated that at least 4,000 and perhaps many more political prisoners were then held and thousands of political arrests have been reported since that mission. At least 1,000 political prisoners, mostly lower-ranking party officials, were reportedly arrested in Kabul following an uprising in the city of Herat in late March 1979, where there was increasing opposition to the government's left-wing policies.

President Taraki's government, which signed a treaty of friendship and co-operation with the USSR government on 5 December 1978, announced a substantial programme of agrarian reform (decree no.8 of 1 January 1979) aimed at land distribution among the poor peasants and semi-nomadic tribes. It has also announced radical educational reforms to eradicate illiteracy among both men and women within five years. These domestic and foreign policies have caused considerable opposition, particularly among conservative Islamic and nationalist groups. Both the government and the more extreme religious opposition have declared a *jihad* (holy war) against each other, and armed rebellions were mounted in late 1978 in various provinces outside Kabul, particularly in Kunar, Badakshan, Parwan, Paktia, Nangahar and, most recently, in Herat. Most religious opposition is led by the *Jamiaat-i-Islami* and the *Hezbi-i-Islami,* and Muslim rebels have claimed to have killed members of the armed forces, whereas villages suspected of housing such opponents of the regime have reportedly been bombed by air-force planes. These recent events were accompanied by arrests of prominent Islamic leaders, among both the majority Sunni and the minority Shiite Muslim groups, in late 1978 and in 1979. In some cases, whole families of political prisoners were arrested, including women and children, a practice about which Amnesty International had already expressed serious concern in October 1978.

On 27 September 1978, Amnesty International wrote to President Taraki welcoming the government's declaration to adhere to the principles of the UN Declaration and proposing that a delegation visit Kabul to introduce its work and to discuss political imprisonment. From 19 to 24 October 1978, the delegation, led by Turkish constitutional lawyer Mümtaz Soysal, visited Kabul and had detailed discussions with Vice-Premier and Foreign Minister Mr Hafizullah Amin. This was the first time such a delegation had visited the country.

During their talks with Mr Amin, the delegates expressed concern that political prisoners were still detained for their association with the previous government and for belonging to the former royal family, and that they included women and children. They were informed that the government had decided to release the 72 or 74 women and children on 19 October 1978, and had further released three ministers of former President Daoud's government, but had no firm plans for trial or release of the others. Amnesty International recommended that the government undertake as a matter of priority the release of the remaining prisoners, in whose cases no specific criminal charges had been brought. At the time of writing none had been released.

They also inquired about political prisoners arrested by previous governments for political reasons, many of them for allegedly holding conservative religious views and in nearly all cases held without trial. They asked about one political prisoner, former Finance Minister Abdul Malek Abdul Rahimzai, arrested more than 21 years ago and still held without trial. They were told that only those who were "not against the principles of the revolution" would be released. Amnesty International expressed deep concern that these prisoners, many of whom had already spent many years in prison without trial, now faced indefinite detention and said it was disturbed that the government had no plans to review their cases. In a memorandum based on the findings of its mission, Amnesty International urged the government to consider releasing all untried political prisoners arrested under previous regimes by declaring a general amnesty.

Amnesty International also discussed with the Foreign Minister, the many leading politicians, diplomats, army officers, university professors, teachers and journalists it knows to have been arrested on suspicion of holding right- or left-wing views different from those of the government. Among them are Rawan Farhadi, a former ambassador and senior diplomat, and Rahim Mahmoodi, the editor of a pro-Chinese newspaper, *Eternal Flame*. Following its mission, it received one unconfirmed report that Mr Rahimzai was released shortly afterwards, but as far as Amnesty International is aware, all others remain imprisoned without trial.

The July 1978 split between the *Khalq* (People) and *Parcham* (Flag) factions of the government was followed by the arrest in mid-August 1978 of the Minister of Defence, Major-General Abdul Qader (who had played a leading part in the 1978 *coup* bringing the present government to power); the Minister of Planning, Sultan Ali Kishtmand; the Minister of Public Works, Major Mohammad Rafee; the former Chief of Staff of the army, Lieutenant-General Shahpoor Ahmedzai; and the Head of Kabul Hospital, Dr Mir Ali Akbar. They were charged with staging a plot against the government, and copies of their alleged confessions were published in the *Kabul Times* of 23 September 1978. Family members of the accused were also reported to have been arrested. The mission asked the Foreign Minister about allegations that, in the cases of at least two of these prisoners, the

confessions had been obtained under torture, and that fears had been expressed that Major-General Qader, who had been named as leader of the alleged plot, was no longer alive. As the delegates were refused permission to see the accused in jail, they were unable to verify official assurances that Abdul Qader was "alive and well" in prison. The Minister said that the accused in the alleged plot would be tried before a military court at a time to be announced by the Revolutionary Council. The mission was told that the trial would be open and that representatives of international organizations could attend the proceedings. Amnesty International's memorandum drew attention to the UN Resolution prohibiting torture and asked for a public assurance by the government that these prisoners were alive, were not being tortured and were allowed regular family visits. It also recommended that they be tried in open court in accordance with international standards. But no further information has been received from the government about them or their trial, and concern has increased about their health and treatment in detention.

Amnesty International also expressed concern to Mr Amin that some families are not allowed any communication with political prisoners after arrest. Some families feared that their relatives were dead. The memorandum urged the government to allow all political prisoners regular family visits and correspondence immediately, as well as other rights laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

On 18 December 1978, Amnesty International wrote to President Taraki presenting him with the text of its memorandum and welcoming the releases of female members of the royal family. The memorandum was also presented to Foreign Minister Amin and copies were sent to the Ministers of Justice and the Interior, whom the mission was not able to meet. It asked that the government's comments be sent by 1 March 1979. No comments were received by that date and Amnesty International wrote to the Foreign Minister on 8 March 1979 requesting information about the cases of political prisoners it had discussed during its mission. It expressed concern about reports of new large-scale arrests involving religious leaders, in particular Mohammed Ibrahim Mogadeddi, arrested on 18 January 1979 with his entire family, including infants. It also asked the government about reports in the international press in January 1979 to the effect that more than 100 political prisoners had been executed without trial in Kabul. It has not received a reply and is continuing to investigate several allegations that some political prisoners, of whom no word has been received since their arrest, have disappeared or been killed, including Maulana Baes, a religious leader of the Marxist-Leninist *Setem-i-Melli* (National Oppression Group). The government has denied it knows of Baes's whereabouts, although Amnesty International had received reliable reports of his imprisonment in late 1978. Amnesty International has also recently adopted its first prisoners of conscience.

On 31 May 1978, Amnesty International made a submission to the United Nations presenting evidence of a consistent pattern of gross violations of human rights in Afghanistan. It describes widespread arrests of political prisoners from all opposition groups, allegations of torture, and 33 cases of well-known Afghan citizens held in detention without trial. The submission contains the text of Amnesty International's memorandum and a list of 11 persons it believes to have been killed in the custody of the present government.

On 11 April 1979, Amnesty International sent a cable to Mr Hafizullah Amin, congratulating him on his appointment as Prime Minister and urging the government to declare a general amnesty for political prisoners on the occasion of the first anniversary of the "Saur revolution" on 27 April 1979 to include—in particular—old and sick political prisoners and women and children.

***Bangladesh** (the People's Republic of)*

On 18 February 1979, President Ziaur Rahman and his newly constituted Bangladesh Nationalist Party obtained a substantial majority in the general elections. These were held while martial law was in force, although, in November 1978, the President had repealed the Political Parties Regulations, which had impeded the activities of opposition parties. The election results confirmed the mandate given to Major-General Rahman in June 1978, when he was elected President.

In December 1978, the President had announced that "in all possible cases, all political detainees would be released" and that his government would lift martial law soon after the elections. In a cable of 15 January 1979 to the President, Amnesty International welcomed these announcements, but called on the government to release all untried political prisoners immediately.

On 6 April 1979, the President lifted martial law. However, the Fifth Constitutional Amendment, passed by Parliament the same day, confirms the legality of all laws made and action taken during the three and a half year period of martial law. Political prisoners tried by martial law courts without appeal remain imprisoned. Amnesty International sent a cable on 9 April 1979, welcoming the government's decision as an effective step towards the restoration of fundamental rights and urging the government to release the political prisoners still held.

The government has never given the total number of political prisoners but in December 1978 the President announced that since coming to power in November 1975 his government had released "more than 10,000 political prisoners". In its April 1977 mission report on Bangladesh Amnesty International estimated that the total number of political prisoners was then between 10,000 and 15,000: many have since been released. According to statistics in the Bangladesh press, 5,693 political prisoners were released between April 1977 and April 1979; Amnesty International's estimate that several thousand remain in detention has been confirmed by government statements. On 27 May 1979, the Home Minister Lieutenant-Colonel Mustafizur Rahman stated that there were 3,201 political prisoners, of whom 2,862 had been charged under martial law and 339 were detained under the Emergency Act. Amnesty International is investigating 13 political prisoners imprisoned for more than 4 years without trial and five other prisoners.

Two special laws remain in force which provide for detention without trial: the Emergency Power Rules and the Special Powers Act (which also allows for trial by special tribunal). In a letter to the President of 9 April 1979, Amnesty International expressed concern that political prisoners continued to be detained under the provisions of these laws, and that leaders of political parties, such as the *Jatiyo Samajtantrik Dal* (National Socialist Party), the Awami League and the Democratic League, are serving long prison sentences. In its April 1977 mission report, Amnesty International criticized the procedures applying before martial law courts and special courts, which it said "fell far short of international standards". In a letter to the President, Amnesty International urged the government to abolish immediately all martial law courts and special tribunals, to repeal the Special Powers Act, and to consider releasing all political prisoners convicted by those courts, in view of the unsatisfactory nature of the trials.

It also drew the President's attention to the powers of these courts to impose the death penalty. In November 1978, appeals were dismissed against the death sentences of Chand Mia, Kanchar, Shamshuddin, Abdul Lal, and Raud of Bajitpur, five prisoners who had been sentenced to death by martial law courts and special tribunals. The Supreme Court had earlier stayed the executions of 82 prisoners who had been sentenced to death by martial law courts. Amnesty International urged the government to grant clemency to all these prisoners. On 7 August 1978, Amnesty International cabled Vice-President Abdus Sattar, appealing for clemency for Khondoker Ehteshamuddin Hamed Iqbal, and, on 28 September 1978, made an appeal for mercy to the Home Ministry for eight prisoners, reported to be members of the *Samobadi* party, sentenced to death by a martial law court in 1977.

Amnesty International became increasingly concerned by reports of the deaths of political prisoners. Abdul Ghani died on 24 October 1978 in Rajshahi Jail, Jaimul Abedin in Comilla Jail and Hamildar Matin in Dacca Jail—in all cases, it was alleged, owing to lack of adequate medical treatment. All three prisoners were members of the *Jatiyo Samajtantrik Dal.* It was also reported that Mati Mia died suddenly in Dacca Central Jail on 9 October 1978 and that the government instituted an official inquiry into the circumstances of his death. In the same month, prisoners in Dacca Central Jail went on a hunger strike in connection with the death of a political prisoner. They presented 39 demands which included improvement in medical facilities, food and living standards. On 31 December 1978, an incident occurred in the same jail in which 30 persons were injured. The government promised a judicial inquiry. In its April 1977 mission report, Amnesty International described provision for prisoners as "bordering on conditions that are inhuman".

On 11 August 1978, Amnesty International wrote to Home Minister Lieutenant-Colonel Mustafizur Rahman, inquiring about the work of the Advisory Board for Dacca Central Jail and, on 20 November 1978, wrote to the Minister again, welcoming the reported establishment of a jail reforms commission and urging him to include the UN Standard Minimum Rules for the Treatment of Prisoners among the commission's terms of reference. Its letter to the President of 9 April 1979, while welcoming the establishment of various commissions of inquiry, expressed deep concern that findings of previous commissions had not been published (including the commissions set up to investigate the killing of four former ministers of the Awami League in Dacca Central Jail on the night of 2-3 November 1975, and the commission to investigate the Dacca Central Jail incident on 22 June 1977, when between 25 and 30 political prisoners were seriously injured), despite the President's assurances that relevant parts of the commissions' reports would be made public. No effective steps have been taken by the government to improve the conditions in which political prisoners are held. Amnesty International urged the government to take immediate steps to improve

medical facilities and living conditions for political prisoners and to publish the findings of all inquiries.

Brunei (the Sultanate of)

Amnesty International has continued to work for the release of eight adopted prisoners who are held without trial under emergency orders. In December 1978, an Amnesty International mission visited Brunei in order to discuss the cases of these prisoners with the government. But the Sultan, Sir Hassanal Bolkiah, refused to grant interviews to the two delegates.

The eight men are all former members of the *Partai Rakyat Brunei* (People's Party of Brunei), which was banned in December 1962. At that time, the *Partai Rakyat* held all the elected seats in the Legislative Council but was unable to form a government because its elected representatives were outnumbered by members of the Council nominated by the Sultan. The *Partai Rakyat* announced the formation of an independent government of Brunei, but the Sultan declared a state of emergency (which is still in force) and invoked a treaty with the United Kingdom by which British troops were called in to suppress the *Partai Rakyat* revolt. Approximately 2,500 *Partai Rakyat* members and supporters were arrested and detained. Although the others have been released over the years, the eight adopted prisoners have continued to be detained without trial in connection with the revolt of 1962.

By releasing some 40 other adopted prisoners over the last five years, the government has demonstrated that it does not consider the detainees represent a threat to the security of Brunei, which for a long time was the reason given for continuing to imprison them. Particularly in view of the fact that most of the eight remaining men have already spent 16 years or more in detention without charge or trial, Amnesty International has urged their immediate release.

China (the People's Republic of)

In November 1978, Amnesty International published a major report on political imprisonment in the People's Republic of China, which describes aspects of the human rights situation up to June 1978 and examines the constitutional, legal and penal systems under which political dissenters are detained. The report outlines several aspects of political imprisonment which are of concern to Amnesty International: the existence of loosely worded laws permitting large-scale imprisonment on political grounds and a constitution which provides for deprivation of rights for certain categories of people; the use of the continuous "mass mobilization campaigns" to identify those who dissent from official policy; the practice of detaining political offenders for long periods before trial and of obliging them to write autobiographies and confessions during pre-trial detention; the lack of formal guarantees of the right to defence and the fact that political defendants are usually tried *in camera* or by "mass public trials" where no defence is possible; some aspects of detention conditions which fall below national and international standards for the treatment of prisoners; and the fact that some political prisoners are "retained" or made to work in penal establishments at the end of their term of imprisonment.

The report presents case histories of prisoners currently under adoption or investigation. Among them are Lin Xiling, a girl student arrested as a "rightist" in 1957 at the age of 20 *(Amnesty International Report 1977)*; Chamba Lobsang, a Tibetan monk sentenced to life imprisonment in 1960 on the charge of "exploiting the masses in the name of religion"; Deng Qingshan, a young peasant sentenced to 15 years' imprisonment in 1970 for "slandering Chairman Mao"; and others detained for their beliefs.

Amnesty International submitted the draft of its report to the government in June 1978 and offered to publish any comments or corrections, but none were received. Requests for talks with government representatives remained unanswered.

When releasing the report, Amnesty International welcomed the statements made by Chinese officials since spring 1978 about the need for legal reform and for a review of past miscarriages of justice. During judicial conferences held in the autumn of 1978, Jiang Hua, the President of China's Supreme Court, said that there were still many people wrongfully imprisoned in the country and reminded officials that the extraction of forced confessions was prohibited. In October, Zhao Cangbi, the Minister of Public Security, stated the urgent need to revise some categories of existing laws and to draft a criminal code, a civil code and a code of criminal procedure. He said that this would be done by "a special unit . . . organized by the judicial and public security group" and would start in winter 1978-79.

In early 1979 several revised laws were published, including new Regulations on Arrest and Detention which replaced those adopted in 1954. The new regulations are more specific and include guarantees against prolonged detention without charge. They specify that after arrest a person should be either charged within three to 10 days or released, and that if the authorities do not "handle the case in accordance with stipulations", the detainee or his family "has the right to demand his release".

Amnesty International has noted these changes and welcomed the steps taken to rehabilitate some categories of people arbitrarily imprisoned or deprived of their rights and to prevent discrimination on the basis of "class background". At the time of writing, it was still too early to know the scope of the legal reforms but it appears that some of the announced reforms were to have a restrictive application. For instance, information given by the Chinese media in early 1979 indicated that the 1978 decision for the rehabilitation of people classified as "rightists" concerned only those mistakenly labelled as "rightists". Among other reports, one from Shenyang (Liaoning province) on 31 January 1979 stated that, by 25 January, 67.7 per cent of the 153 rightists' cases in the province's "propaganda front" had been found to be "wrong" cases and were corrected. A decision was also adopted in January 1979 to "rehabilitate" people deprived of their rights as "landlords", "rich peasants", "counter-revolutionary" and so on, but restoration of rights would not apply to those who were not deemed to have properly reformed.

Amnesty International has continued to appeal for the release of individual prisoners of conscience and has taken up new cases for adoption or investigation. Among them are Tibetan prisoners reported to have been "retained" in prison after serving their term of imprisonment. They include Lobsang Norbu, an interpreter for the Chinese People's Liberation army, and two of his friends, Akar

and Tung Ying. The three were sentenced to 3 years' imprisonment in 1964 as "counter-revolutionaries" for planning to flee the country. They were last reported to be still "retained" as "prison labourers" in Sangyip Prison (Lhasa) seven years after completing their sentences. Those "retained" in this way usually live and work in the prison and are deprived of political and civil rights.

Various groups of prisoners were released in 1978-79. One group consisted of 34 Tibetans imprisoned between 1959 and 1966 who were released in November 1978. They did not include the Tibetan prisoners known to Amnesty International. The release of another 376 Tibetan prisoners, who had been held for "taking part in the 1959 armed rebellion", was also announced in March 1979: their names were not published.

Three well-known prisoners of conscience were released in January 1979. Known under the collective pseudonym "Li Yizhe", they are Li Zhengtian, Chen Yiyang and Wang Xizhe *(Amnesty International Reports 1977 and 1978).* Criticized and placed under surveillance after publishing a poster in late 1974, they had been formally arrested in March 1977 and held since then without charges or trial. During an interview in February 1979, they said that they had been held in isolation in different detention centres in Canton, and that they would now continue their research on the results of repression after the Cultural Revolution.

While many people were released or "rehabilitated" during 1978-79, arrests on political grounds were continued. Some of them concerned alleged followers of the "gang of four" who, like the four "radical" party leaders themselves, were generally held on charges of scheming to seize power and of committing crimes of violence. Others were detained for the non-violent exercise of fundamental freedoms.

In early 1979, Amnesty International made urgent appeals concerning death sentences and arrests. At a series of trials held in Peking in January, a number of "criminals and counter-revolutionaries" were sentenced to death; some were sentenced with stay of execution for two years, but others were executed immediately, four of them (believed to be former Red Guards) after being sentenced at a public rally. They were convicted of murder, looting and rape during the Cultural Revolution (1966-68). Among nine other people executed in January for criminal offences, five were aged between 18 and 21, most convicted of murder or rape. Amnesty International urged the authorities to commute all death sentences on humanitarian grounds.

On 18 January 1979, a 32-year-old woman named Fu Yuehua was arrested by the police in Peking and subsequently disappeared. Since autumn 1978, Fu Yuehua had been active in supporting demands for democracy and human rights. Amnesty International urged the authorities to disclose her whereabouts and the charges against her. Further appeals were made later, but no official information had been given 10 weeks after her arrest. It is reported that she was unemployed at the time of her arrest, having been arbitrarily dismissed from her post several years before. According to reports, while presenting complaints about her case to the authorities she came to know many cases of injustice and took an interest in them. Shortly before her arrest, she is said to have taken an active part in demonstrations by peasants in Peking in early January.

Apart from Fu Yuehua's arrest in January, the movement for free speech and

human rights which started in autumn 1978 in Peking was tolerated until March 1979. In late March, however, there were arrests and bans on posters, books and other publications regarded as "opposed to socialism and to the leadership of the party". During the previous four months, several unofficial groups had been founded in Peking and started publishing small newspapers. Similar groups were said to exist in other cities.

On 29 March 1979, the day before the Peking Revolutionary Committee announced new restrictions on posters in the capital, the leader of one of the unofficial groups, Wei Jingsheng, was arrested. He is a 29-year-old electrician, an editor of *Exploration* and the author of a famous poster, entitled "Democracy, the Fifth Modernization", which was posted on the "Democracy Wall", in Peking in late 1978. His arrest was followed by others, including that of Ren Wanding, the 35-year-old Vice-Chairman of the Human Rights Alliance, a group which published a political programme of 19 points in autumn 1978. According to eyewitness reports, Ren Wanding was arrested by plain-clothes policemen on 4 April 1979 with three other members of the Human Rights Alliance while trying to paste up a poster on the "Democracy Wall" criticizing an article in the *People's Daily* which had justified the new restrictions. Amnesty International has appealed for the release of Wei Jingsheng, Ren Wanding and others arrested for the non-violent exercise of their right to freedom of speech and opinion.

India (the Republic of)

On 10 April 1979, the Indian government ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. India is the second Asian country (after Japan) to ratify the two covenants. On 20 April 1979, Amnesty International cabled the Foreign Minister, Mr A.B. Vajpayee; it warmly welcomed the government's decision and said this was an "important step towards ensuring the long-term protection of fundamental rights in India". In a letter of 27 February 1979 to Mr Shanti Bushan, the Law Minister, it also had urged the government to sign and ratify the Optional Protocol to the Covenant on Civil and Political Rights.

On 21 September 1978, Amnesty International sent to the Prime Minister the report of its January 1978 mission to India (see *Amnesty International Report 1978),* in which it expressed the hope that the report and its recommendations would contribute to the discussion in India about the long-term structural changes needed if human rights are to be effectively protected and enforced in that country. The government responded to the report's recommendations in a letter from the Prime Minister's secretariat on 17 November 1978. The mission report and the government's response were published on 10 January 1979 and created considerable discussion in the Indian press: several editorials in the leading papers supported its main recommendations. During January, February and March, Amnesty International's national sections also urged the Indian government to implement the recommendations.

The main recommendation was to remove provisions for preventive detention from the constitution and repeal immediately preventive detention laws in force in the states of Andhra Pradesh, Rajasthan, Uttar Pradesh, Madhya Pradesh and Jammu and Kashmir. Amnesty International's recommendation stems from its

experience that, in India, preventive detention laws enacted for dealing with "anti-social elements" or "economic offenders" have eventually been used against political opponents. On 12 November 1978, the Home Minister was reported to have stated that "the Centre (Central Government) will not legislate preventive detention, but the states can do so if they desire".

In its reply to Amnesty International's report, the government said that all 86 prisoners held in preventive detention under the Maintenance of Internal Security Act, whom Amnesty International had described in the report as prisoners of conscience, had been released. They were 13 Indians and 73 prisoners described as "foreigners". But another group of political prisoners, alleged to be members or sympathizers of left-wing groups known as "Naxalites", remain imprisoned. The mission report estimated that there were between 500 and 1,000 such political prisoners in January 1978 and urged the government to release immediately those of them who had not been tried within a reasonable period. Some had been held for more than six years without trial. The government's reply said there were 373 "Naxalite" prisoners on 1 August 1978: 211 had been tried and 162 of them were still awaiting trial. Amnesty International took up the cases of 50 of those untried prisoners for investigation, and 26 of them still remain detained in the states of Kerala, Andhra Pradesh and Bihar. Of those who were released, seven were acquitted when finally tried.

The plight of untried prisoners in India was highlighted in a series of judgements of the Supreme Court which followed the publication of two articles in the *Indian Express* of 8 and 9 January 1979 about prison conditions in the state of Bihar, written by a member of the National Police Commission set up by the government. The articles pointed out that the vast majority of India's prisoners were held without trial, in some cases for periods of more than 10 years, and that prisoners included women and children held for long periods on trivial charges. Some prisoners could not even remember when and why they had been arrested, nor, in some cases, was there official information available about the reason for their imprisonment. The articles also cited the cases of two political prisoners who were held for more than seven years without trial.

The Supreme Court, on 5 February 1979, ordered the release of 42 untried prisoners mentioned in the articles and also ordered the Bihar state government to produce a list of all prisoners held in the state for more than 18 months without trial. On 12 February 1979, the Supreme Court ruled that "a speedy trial is of the essence of criminal justice", and that the right to a speedy trial "was an integral and essential part of the fundamental rights guaranteed in article 21 of the constitution". Those who had already been in prison for longer than the maximum sentence for the crime with which they were charged should be immediately released.

In response, on 20 February 1979, the Bihar government ordered the release of 10,000 of the 20,000 prisoners awaiting trial in the state, and the Uttar Pradesh state government decided to appoint 300 special magistrates to speed up trial proceedings on 21,000 prisoners who were held without trial in the state.

On 27 February 1979, Amnesty International wrote to the newly appointed Home Minister, Mr H.M. Patel, inquiring whether the two political prisoners whose cases it had taken up in Bihar – Ramjeet Gonjhu and Binod Kumar Sharma –had now been released, and urging the government to encourage all other Indian states

to take similar steps for the immediate release of all untried political prisoners held for more than a reasonable period. It also wrote to the Law Minister, Mr Shanti Bushan, drawing his attention to the steps for speeding up trial procedures by concentrating on principal charges which it had recommended in its report.

In its mission report Amnesty International concluded that there was a "pattern of police intimidation of suspects after arrest already in existence long before the 1975 emergency declaration". Although there were no allegations of torture of political prisoners after the emergency was lifted in February 1977, the report noted that "allegations of serious police brutality continued to be made, even after the lifting of the emergency". The report also concluded that political prisoners alleged to hold extreme left-wing views were killed in incidents officially described as "encounters" or "while trying to escape from prison" in the period up to 1977. These conclusions were confirmed in a judicial report on police practices in West Bengal, the conclusions of which appeared in the London *Observer* on 8 April 1979. The report, by Justice Sarma Sharkar, confirms that Sankar Chatterjee was tortured and subsequently killed by prison officers, who claim he had died in a jail-break. The incident occurred in the early 1970s. In a foreword to its mission report, Amnesty International expressed concern that the government instituted investigations and departmental disciplinary action in only two cases of the many political prisoners tortured before and during the emergency. It is not aware that any steps have yet been taken by the government to implement its detailed recommendations for the prevention of torture and illegal killings, despite the assurances received from the Law Minister in January 1978 that the government would "take all possible steps to prevent its recurrence". The report recommended that all arrested persons be allowed access to their lawyers or family within 48 hours of the time of arrest, that an independent body be established to investigate complaints of torture and allegations of illegal killings of prisoners and that a code of conduct be established for police officials of the kind suggested in the report.

On 19 December 1978, Mrs Gandhi, the former Prime Minister, was imprisoned for one week by a parliamentary privileges committee which had found her guilty of contempt and breach of privilege for harassing and intimidating four officials in 1975. Many, often violent, demonstrations of protest followed her arrest, and at least 19 people were killed and 40,000 arrested during the week. They were released in the days following her arrest. On 21 March 1979, the *Rajya Sabha* (Upper House) passed a Bill for the establishment of special courts to try former government officials speedily on charges relating to excesses they allegedly committed during, and before, the 1975-77 emergency period. On 12 April 1979, Amnesty International asked the Law Minister for a copy, so that it could study the Bill which would allow special courts to try Mrs Gandhi and officials of her former government.

On 13 February 1979, Amnesty International cabled the President of India, Mr Neelam Sanjiva Reddy, asking him to reconsider his rejection of an appeal for clemency for Maqbool Butt, who had been sentenced to death on a charge of murder under section 3 of the Enemy Agents Ordinance. Further appeals to save his life were made during March.

In the mission report, Amnesty International noted that the government had made available 40,000 million rupees to the states as an incentive for the

improvement of prison conditions, saying it hoped the funds would be used to improve prison conditions according to the recommendations of the report and pointing out that iron fetters were still used on prisoners.

***Indonesia** (the Republic of)*

In 1978, the government completed another stage in the programme of releasing political prisoners which it had announced in December 1976. Nonetheless, it still holds many thousands of those arrested in the aftermath of the so-called 30 September Movement of 1965 as well as more recent detainees, including Muslims, students and opponents of the central government who seek greater provincial autonomy.

Amnesty International, while acknowledging that the government has released over 23,000 political prisoners since December 1975, has continued to call for the release of all prisoners of conscience. In 1978, prisoners were released in four phases: 265 in May; 3,921 in July; 1,324 in September; and 4,288 in November and December. On 28 July 1978, Amnesty International issued a press statement welcoming the government's announcement of 4,000 releases two days earlier. At the same time it called the continued detention of thousands of persons "unacceptable, given that the government has conceded that all untried prisoners are to be released by the end of 1979". It has also continued to press the government for the full restoration of prisoners' civil and political rights on their release.

After the releases of 1978, the government stated that 1,391 A-Category and 9,997 B-Category prisoners were still in detention. The authorities regard A-Category prisoners as those directly involved in the 1965 *coup* attempt and subject to trial; B-Category prisoners are those allegedly "indirectly" involved, against whom there is not enough evidence to justify a trial. Amnesty International believes that many more are still in detention. In the October 1978 Introduction to the translation into Indonesian of the Amnesty International Report on *Indonesia* (1977) it was estimated that the total number of detainees held at that time could still have been as high as 30,000. Moreover, there is evidence that new arrests for alleged involvement in the 1965 events are still taking place. In a number of prisons in Central Java some 10 to 15 per cent of detainees have been arrested in the last three years.

Equally disturbing is official policy towards released prisoners. The government has done little to remedy the dire economic and social circumstances in which they find themselves. Practical assistance has been limited to an offer of resettlement in transmigration camps in remote areas outside Java. In the past, one of Amnesty International's main fears was that those released would be forcibly resettled in remote areas. It is now evident that the government has significantly scaled down its resettlement programme for released prisoners. However, instances of transporting released prisoners to resettlement camps in isolated areas of Kalimantan, Sumatra and Sulawesi continue to come to Amnesty International's attention.

At official release ceremonies, prisoners are required to sign a 12-paragraph statement. They must promise to abstain from all political activity and are banned from employment in government service and "vital industries". Although none has been tried for any crime, released prisoners are not permitted to claim compensation for their detention without trial or ill-treatment in prison. Amnesty International knows of no released prisoner who has been able to secure a "certificate of non-involvement in the 1965 *coup*", a requirement for any type of employment. Furthermore, many former detainees are sick and weak as a result of their confinement and cannot find employment. In the Introduction to the translation into Indonesian of its report on *Indonesia* published in March 1979, Amnesty International appealed to the government to release all prisoners of conscience in Indonesia and to restore to them full rights including the right to employment.

In March 1979, released prisoners were summoned by their local military commands to hear a decree issued by the state security organ, the Command for the Restoration of Security and Order *(Kopkamtib)*. They were informed that they must acquire a travel permit even for an overnight stay with friends in their home town. They were also forbidden to write letters to newspapers, publish articles or give lectures. On 23 April 1979, Amnesty International sent a telegram to the commander of *Kopkamtib*, Admiral Sudomo, requesting clarification of the new regulations and appealing to the government to lift all restrictions preventing the complete rehabilitation of released prisoners.

Admiral Sudomo, in an interview in the Dutch magazine *Haagse Post* in February 1979, said that all but 100 to 200 of the untried 1,391 A-Category prisoners would be reclassified as B-Category and released in the course of the year. A *Kopkamtib* spokesman announced in August 1978 that "about 800" A-Category prisoners had been tried since 1965, though in January 1978 the figure had been given as 904. A-Category prisoners are commonly charged under the Subversion Law, which has been sharply criticized for its arbitrary character by Indonesian lawyers in the past year. The sentences are harsh, and many are sentenced to death.

Although prison conditions have improved in recent years, diet and health care are still grossly inadequate. The appalling physical state of many released prisoners, which was noted with concern in the *Amnesty International Report 1978*, is eloquent testimony to this fact. Forced labour is still common in a number of detention centres, most notably on Buru, where prisoners have to provide completely for themselves. In December 1978, 4,000 detainees were released from Buru, leaving 5,924 still officially imprisoned on the island. Amnesty International notes with concern however that 207 released prisoners, who had been joined by their families in earlier years, have not been returned to Java.

Arrests and trials of critics of the government of President Suharto continued. After a nine-month trial, Sawito Kartowibowo, a retired civil servant and religious mystic whose arrest was reported in the *Amnesty International Report 1978*, was sentenced to 8 years on charges of subversion and of insulting the Head of State. Sawito, who was arrested in September 1976, was alleged to have induced respected religious leaders and former Vice-President Dr Mohammed Hatta to sign documents condemning the government for presiding over the decline of the country and urging the transfer of authority from President Suharto to a committee led by Dr Hatta. In September 1978, Sawito was featured as a Prisoner of the Month in the Amnesty International *Newsletter*. Another Amnesty International Prisoner of the Month, the poet and playwright W.S. Rendra, was arrested in May 1978 after poetry readings in which he criticized the government; but he was not charged or brought to trial and was released in October 1978.

W.S. Rendra was one of several hundred people arrested in the wake of wide-

spread protest surrounding the uncontested re-election of President Suharto in March 1978. Those arrested included Muslims, students and intellectuals. Reliable Muslim sources say about 700 Muslims were detained. Some detainees taken up by Amnesty International were subsequently released (in some instances conditionally), including Sjachril Wahab, a journalist formerly employed on Indonesia's most renowned magazine, *Tempo;* Haji A.M. Fatwa, Secretary of the *Majelis Ulama DGI* (Jakarta Council of Religious Teachers); and Haji Arief Rachman, Assistant Rector of the Jakarta Teacher-Training College. Mahbub Djunaedi, a journalist and Deputy Secretary General of the official Muslim party, *Partai Persatuan Pembangunan* (PPP), and Professor Ismail Suny of Muhammadiyah University—both of whose cases were publicized in the Amnesty International 30th Anniversary Appeal in September-November 1978—were released on 9 April 1979. A number of prominent Muslims remain in detention. They include Imanuddin Abdur Raheem, Secretary General of the International Federation of Islamic Students Organizations, and Soemarso Soemarsono, former editor of the Muslim newspaper, *Harian Abadi,* which was banned in 1974.

Between January and March 1978 more than 200 students were arrested throughout Indonesia. Most were released by the end of the year; but charges were brought against 36 students from the leading universities. In late January and early February 1979, the trials of 25 of these student leaders began in Jakarta, Bandung, Yogyakarta, Medan, Palembang and Surabaya. They were charged, under laws inherited from the Dutch Colonial Code, with insulting the Head of State. A group of lawyers sponsored by *Peradin* (the Association of Indonesian Lawyers) and the Legal Aid Institute formed a body to co-ordinate their defence. The majority of the 36 were released from detention before the trials began and placed under town arrest; but students in Bandung and Yogyakarta and two lecturers in Medan are still in prison. Amnesty International takes the view that controls on press reporting of the trials imposed by the government before the hearings began are a violation of the defendants' right to an open trial.

Amnesty International is concerned by continual reports of arrests and other violations of human rights in several outlying provinces such as Aceh in North Sumatra and Irian Jaya (formerly Dutch New Guinea) and also in the former Portuguese territory of East Timor, which was occupied by Indonesian forces in December 1975. Five prisoners of conscience in Irian Jaya, whose arrest and trial for circulating a petition calling for greater regional autonomy and links with the neighbouring independent republic of Papua New Guinea were reported in the *Amnesty International Report 1978,* and featured in Amnesty International's Prisoner of Conscience Week in October 1978. In October 1978, Amnesty International took up for investigation the cases of three persons held in detention in East Timor.

On 18 September 1978, Amnesty International sent a telegram to President Suharto expressing its concern at the execution of Husin bin Umar, the first common murderer to be executed in Indonesia. In December 1978, *Tempo* magazine reported that 39 persons were under sentence of death, eight for criminal offences, 31 for alleged involvement in the 1965 *coup* and one for alleged membership of the Muslim *Kommando Jihad.*

Japan

Amnesty International continues to be concerned by the use of the death penalty as a punishment for a number of criminal offences. Japan is one of the countries included in Amnesty International's programme for the abolition of the death penalty.

Kampuchea [Cambodia]

The situation in Kampuchea (formerly Cambodia) during the year was characterized by political upheavals which culminated in January 1979 in the overthrow of the government of Democratic Kampuchea by the forces of the Kampuchean United Front for National Salvation.

On 15 April 1979, the Kampuchea People's Revolutionary Council of the People's Republic of Kampuchea set up by the United Front issued instructions specifying that those who had committed crimes against the people under the previous regime should be tried. The sentence for those who ask "forgiveness" is generally to be a period of "re-education" of 3 to 5 years. On the other hand, "severe punishment" will be imposed on the cadres and soldiers of the former government who opposed the new authorities. In their cases, the judicial procedures are to be more precise. The instructions say: "In their trial, all forms of cruelty of the Pol Pot–Ieng Sary kind are forbidden. A people's tribunal must be instituted for the trial. Dossiers on them should be opened, with minutes and depositions". Trials will be held before local revolutionary authorities. At the time of writing no account of proceedings or sentences had been reported and little information was available about the human rights situation since the change of government. In some areas fighting was continuing between Khmer Rouge resistance groups and the new authorities.

In July 1978, Amnesty International sent a statement to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning human rights violations in Democratic Kampuchea, for submission to the United Nations Commission on Human Rights which met in early 1979. The statement said that an impartial examination of all available information indicated that fundamental human rights had been violated in Democratic Kampuchea. It drew the Commission's attention to the grave allegations made by refugees who had left Democratic Kampuchea since 1975, including: summary execution of many people because of positions they held in the former administration; arrest and subsequent disappearance of people considered to have committed acts "hostile" to the state or the authorities; use of cruel, inhuman and degrading treatment, in some areas, against people detained or singled out for execution; and discrimination against various groups of the population for their social or religious background.

Korea (Democratic People's Republic of) [North Korea]

The only information available to Amnesty International regarding prisoner-related human rights in North Korea concerns protections guaranteed by the 1972 constitution and elaborated in legal codes regulating the details of court organization, criminal procedure, substantive criminal law and the role of lawyers. The 1972 constitution enumerates many basic political, social and economic rights of

citizens, including freedom of speech, of the press, of assembly and association. It protects citizens against arbitrary arrest and entitles them to file complaints and submit petitions to the government. The constitution also prescribes certain safeguards for criminal accused. Trials (conducted by a tribunal consisting of one professional judge together with two lay "people's assessors") are generally to be held in public and the accused is guaranteed the right to make a defence. The responsibility of protecting the rights set out in the constitution rests with the courts and a hierarchy of procurators.

While the provisions of the constitution are wide ranging, their effectiveness cannot be substantiated by the information available. Nor can Amnesty International substantiate that the protections guaranteed by the constitution apply to persons accused of political offences. In administering justice, the courts are required by the constitution to act independently of political authority and in strict accordance with the law. In practice, they are not in a position to act independently. This is clearly indicated in a speech made by Marshal (now President) Kim Il Sung at a national conference of judicial and procuratorial workers held on 28 April 1958, he said: "the law of our country is an important weapon for implementing the policies of our state. The policies of our state are the policies of our Party... Our judicial functionaries are political workers who implement the policies of our Party and all the policies of our state. Law cannot exist by itself without definite basis. Being a reflection of policies, law must be subordinated to policies and must not be divorced from them."

An official indication of the existence of political prisoners in North Korea is contained in a rare announcement by the government stating that it had granted amnesty to an unspecified number of prisoners on 19 July 1978 to mark the 30th National Day. The North Korean Central News Agency reported that the government had decided "to give an opportunity to those who committed crimes against the state and the people to return to the great revolutionary ranks led by (the) Party". There was no indication of their identity or number.

The total number of political prisoners in North Korea is not known. The only cases available to Amnesty International over the past years have been those of two foreigners subjected to political imprisonment from 1967 to 1974. Both were adopted by Amnesty International as prisoners of conscience and were the subject of international campaigns. Amnesty International prepared for publication in summer 1979 the personal account of one of the two prisoners of conscience, the Venezuelan poet Ali Lameda.

In 1966, Ali Lameda had gone to Pyongyang at the invitation of the Government of the Democratic People's Republic of Korea to work in the Spanish section of the Department of Foreign Publications, which was run by the North Korean Ministry of Foreign Affairs. In that capacity, he met President Kim Il Sung and government ministers. But in September 1967, against a background of political upheaval within the North Korean leadership, Ali Lameda was arrested and interrogated. He was imprisoned for 12 months without trial. Following his release he was placed under house arrest, but shortly afterwards he was arrested again and brought to trial. He was sentenced to 20 years' imprisonment with forced labour for allegedly having attempted to commit sabotage, to spy and introduce infiltrators while in North Korea, charges for which no evidence was produced.

Sr Lameda was held in Suriwon prison camp, where he was kept in a punishment cell apart from other prisoners. However, from brief conversations with prison orderlies and others, Sr Lameda was able to acquire details about the camp and its inmates and the conditions under which they were imprisoned. Ali Lameda was eventually released in 1974 after serving more than 6 years in solitary confinement. He has since returned to Venezuela. His account includes a description of his friend and colleague at the Department of Foreign Publications, the Frehchman Jacques Sedillot, who was arrested at the same time as Sr Lameda and who died in North Korea shortly after his release from prison.

Ali Lameda's account of his experiences and observations in the prison camp is the first such information to be published concerning political imprisonment in North Korea. Amnesty International has commented in its reports over a number of years that it had encountered great difficulties in obtaining information relating to human rights in that country. The organization has also tried to obtain permission to visit Pyongyang to speak to the government, but has received no response.

Korea (Republic of) [South Korea]

The administration of President Park Chung-hee has continued to exercise the emergency powers provided by the constitution which was introduced under martial law in 1972. Wide ranging powers to curtail freedom of expression and suppress political opposition are embodied in Emergency Regulation No. 9 of 13 May 1975, which prohibits all criticism of the 1972 constitution of members of the government, bans all political meetings and demonstrations, and enables the authorities to remove people from their jobs and deny them the right to practise their profession.

During the past year the government has released some prisoners held under this decree. These included political prisoners arrested and imprisoned because of their peaceful criticism of government restrictions on human rights and the continuing use of Emergency Regulation No. 9. All political prisoners in South Korea are released conditionally and are liable to arbitrary re-arrest and imprisonment without a new trial.

On 27 December 1978, to mark President Park's new six-year term of office, the government released opposition leader Kim Dae-jung. Mr Kim was officially said to have been released together with 105 other political prisoners. However, although on several occasions Amnesty International sought from the government details concerning the other prisoners whose sentences reportedly had been suspended, it has been given no information and cannot confirm their release.

Kim Dae-jung was an adopted prisoner of conscience. He was illegally abducted from Japan by agents of the South Korean government in August 1973 and was forcibly returned to South Korea. In 1976 he was sentenced to 5 years' imprisonment for endorsing the "Myong Dong declaration", a document which called for the restoration of basic freedoms in South Korea. His case was widely publicized by Amnesty International.

At the time of the amnesty of 27 December 1978, the government declared that the life sentence of the well known Korean poet Kim Chi-ha had been changed to a term of 20 years. Amnesty International cabled President Park to urge his immediate release. The poet's life sentence was itself the result of the

commutation of a death sentence pronounced against him in 1974. Additionally, in 1976 he had been sentenced to a term of 7 years' imprisonment after being convicted of publishing works which the government alleged were likely to benefit North Korea.

Other prisoners adopted by Amnesty International for many years were not affected by the declared amnesty. These included political prisoners convicted in 1974 on the grounds of their alleged connection with the so-called People's Revolutionary Party, eight of whom had been sentenced to death and executed in April 1975. The remaining prisoners are serving very long sentences. Amnesty International has continued to urge their prompt release, because their confessions had been extracted under torture and they had been unjustly convicted in an unfair trial involving grave legal abuses (see *Report of an Amnesty International Mission to the Republic of Korea, 27 March - 9 April 1975*).

For the purposes of curtailing freedom of speech and suppressing non-violent expressions of political opposition, the South Korean authorities have used the full range of powers at their disposal. Not only have they brought men and women to trial under Emergency Regulation No. 9 and other legislation such as the Anti-Communist Law, but they have also summoned people for interrogation lasting several hours, detained some overnight or for a few days, and held others for longer periods of several weeks or more.

For example, Kim Dae-jung has been called for questioning by the Seoul district prosecutor at least three times since his conditional release in December 1978. On one of these occasions, 7 May 1979, Mr Kim was questioned for four hours, together with former President Yun Po Sun and the greatly respected Quaker leader Hahm Suk Hon, in connection with a statement they had made demanding the repeal of Emergency Regulation No. 9.

Amnesty International received reports throughout the year of people held in detention for relatively short periods. These included people arrested at prayer meetings, such as the one held on 22 September 1978 at the Christian Building in Seoul when a group of textile workers enacted a play. A large number of police violently interrupted the performance, beating men and women alike. Of the 600 present, 31 were detained and another 12 were arrested later: 19 were given summary court sentences of imprisonment ranging from 15 to 29 days; seven were released after two or three days; four others were held for two weeks. The last group included a South Korean Methodist minister, Mrs Cho Wha-soon, who was director of the Inchon Urban Industrial Mission (although released on 7 October, on 15 November Mrs Cho was once again arrested and was subsequently sentenced to 5 years' imprisonment for alleged violations of Emergency Regulation No. 9: she has been adopted by Amnesty International as a prisoner of conscience).

Those who took part in demonstrations protesting against the denial of civil liberties in South Korea met with similar treatment. At one demonstration in Seoul on 26 June 1978, attended by an estimated 10,000 people, 76 were detained, including six Roman Catholic priests; 22 were given summary court sentences of 20 days' imprisonment. On 14 September 1978, more than 2,000 students of Korea University held a demonstration on their campus in Seoul lasting approximately two hours. Many of the students were severely beaten by riot police and 51 were detained. Although 23 were later released, five were given prison sentences

ranging from 1 to 2½ years, with loss of civil rights to follow for equivalent periods.

The official practice of arresting people and holding them for varying periods of time, with or without court sentences, is seen by opposition leaders as intended to suppress all demands for the reduction of the sweeping powers of the government and the restoration of basic liberties. Although at any one time the total number of political prisoners in South Korea probably does not exceed 300, nevertheless there is a clear pattern of frequent arrests and releases involving a large turnover of "suspects", some of whom are brought to trial and given long prison sentences.

Amnesty International worked for the release of more than 100 adopted prisoners. The organization continued to urge the release of Lee Yong-hui, a former journalist and assistant professor of Hanyang University, now serving a 2 year prison sentence for translating and editing a collection of essays written by foreign authors who had visited the People's Republic of China. Amnesty International has continued to press for the immediate release of Soh Joon-shik, who completed a 7 year sentence on 27 May 1978. Instead of being released on that date, Mr Soh was transferred to another prison where he is still held in detention under the Public Security Law. This law empowers the government arbitrarily to continue the detention of former political prisoners, a provision first invoked in the case of Soh Joon-shik. Mr Soh was adopted by Amnesty International in 1971 when he and others, including his elder brother, were arrested after large-scale demonstrations in connection with the presidential elections of that year. The Soh brothers were charged with spying for North Korea, but information available to Amnesty International indicated that they were convicted on the evidence of confessions extracted under torture and that the real purpose of the trial was to suppress and discourage all criticism of the government by university students.

Amnesty International made further appeals on behalf of six prisoners under sentence of death in South Korea. The six men, of Korean origin but formerly resident in Japan, were arrested while visiting South Korea in connection with business or academic activities. They were convicted of spying for North Korea and sentenced to death, in spite of the fact that their lawyers and families submitted evidence that the accused were in Japan at the time of the alleged visits to North Korea. Amnesty International, which opposes the death penalty in all cases, appealed for presidential reprieve of the sentences and, in addition, urged re-trials for the six men in order that evidence of alibi could be fairly considered.

Laos (the People's Democratic Republic of)

The major human rights issue remained the large-scale detention in camps of members of the former administration and other people considered in need of "political re-education". Prince Souvanna Phouma, the former Laotian Premier who is now adviser to the new government, said during an interview in March 1979 that 10,000 to 15,000 civilian officials and military officers of the former administration have been detained since 1975 (*New York Times*, 25 March 1979).

Amnesty International took up more cases of detainees in "re-education" camps and is concerned that they have now been detained for about four years

without charge or trial.

Most of the former officials are detained in the north and north-east of the country, particularly in Phongsaly and Sam Neua (Houa Phan) provinces. According to information received by Amnesty International, in 1975-76 two camps and a "special centre" accommodated the detainees in Houa Phan province. Although two of these are said to have been closed in 1976, it is reported that there are still three camps in the province. One of them, camp 06, is located about 110 km from Muong Viengsay and four km from Muong Het, very near to the border with Vietnam. It was first used in 1975 to hold important members of the former administration. In September 1975 it reportedly had a total of 667 detainees, including 85 civilian officials (former director generals of ministries, provincial governors and their deputies), more than 200 police officers and the rest military officers. The number of detainees now in camp 06 is not known. Another camp, 04, is said to have held more than 400 people when it was opened in 1976. This camp has now been closed down and some of the detainees have been transferred to a new camp, 05, which was created in 1976 to hold the highest-ranking civil servants, army and police officers and politicians.

The *Far Eastern Economic Review* of 9 March 1979 reported the existence of three camps in Houa Phan province which were under army control: one for senior army officers and politicians, and the other two for those of junior level.

Amnesty International has been working for about 100 Laotian detainees, including Ouday Souvannavong, former Secretary of State for Information and Tourism; Khamouane Rattanavong, former Secretary General of the National Bank of Laos, Liem Pravonviengkham, former Ambassador to Peking, Phak Savanh, former Director General of Public Works, and Linseng Douangsavanh, former Secretary General of the National Mekong Committee.

In late 1978, Amnesty International launched an appeal for the release of Chansamone Voravong on the occasion of the 30th Anniversary of the United Nations Universal Declaration of Human Rights. Mr Voravong, now aged 49, is the former Director of the National Geographic Institute and of the National Printing Office. He was also the leader of a small neutralist-centrist political party before his detention. Like many others, he has been detained since 1975 without charge or trial.

Amnesty International remains concerned about the fate of seven medical students reported to have disappeared in October 1976 *(Amnesty International Report 1978)*. It has made repeated inquiries to the authorities, but no information has been disclosed. It also appealed publicly for the release of Khamking Souvanlasy, the former Director General of Education who worked for UNESCO in Bangkok in 1966-68. He has been detained since November 1975.

In early March 1979, Amnesty International urged the authorities to look into the case of Bounchanh Savadphaiphane, reported to be in bad health. Mr Savadphaiphane, a former General of the Laotian army, was sent to "re-education" in July 1975 and was last known to be held in camp 05 in Houa Phan province. The last direct news from him to his family was in July 1977. At the end of 1978, indirect news received by his relatives indicated that he was very thin, weakened and demoralized. His family does not know whether he is still alive.

Very few releases of political detainees from "re-education" camps have been reported in the past four years. In March 1979 it was reported that about 20 prisoners from camps in northern Laos had returned to Vientiane during the preceding weeks; some apparently made their way to the capital on foot. These seem to be the first releases from "re-education" since 1976. The *New York Times* of 25 March 1979 quoted Prince Souvanna Phouma as saying that the former officials were not living in camps but had been integrated into local society. However, the article indicated that relatives of the detainees said that almost all the prisoners continued to be confined in camps.

Malaysia (the Federation of)

The government is invested with sweeping powers of arbitrary arrest and detention under the Internal Security Act 1960 which authorizes the Minister of Home Affairs to detain without trial for two years any person he believes has acted or is likely to act "in a manner prejudicial to the security of Malaysia", and empowers the security authorities to detain a person for up to 60 days for interrogation before the minister decides whether to serve a detention order. Political prisoners detained under the Act are held without trial or any other legal protection. In many cases detention orders are renewed for further two-year periods and at least 89 prisoners have now been detained for more than five years.

The first Amnesty International mission, which took place between 18 and 30 November 1978, was received by the Permanent Secretary to the Ministry of Home Affairs, Tan Sri Osman Cassim, and by Tan Sri D.B.W. Good, the Chairman of the Advisory Board, which reviews cases of detainees held under the Internal Security Act. The Prime Minister, Datuk Hussein Onn, and the Minister of Home Affairs, Tan Sri Ghazali Shafie, were unwilling to meet the delegates and permission to visit detention facilities at Batu Gajah and Taiping was refused.

Amnesty International believes that at least 1,000 prisoners are held at present under the Internal Security Act. According to government information, in November 1978 there were 883 people detained under the Internal Security Act in special detention camps in West Malaysia, of whom 100 were held at Batu Gajah and 783 at Taiping Kamunting. Amnesty International has learned that a further 50 people are detained under the provisions of the Internal Security Act in Sibu in East Malaysia. Several hundred people are believed to be detained at any given time for the 60-day interrogation period in Special Branch interrogation centres or in police lock-ups throughout the country.

During the initial 60-day period, detainees are subject to round-the-clock interrogation, sometimes accompanied by severe beatings, and are kept in solitary confinement. They have limited access to family, usually none at all for the first three or four weeks, and no access to a lawyer or doctor.

Conditions for people served with detention orders under the Internal Security Act were highlighted in a memorandum issued by the Malayan Bar Council in March 1979, which points out: "as detainees under the Act should not be regarded as criminals, under no circumstances should the conditions of their detention be made the same as or harsher than those imposed for criminals". Yet the Council found that in many respects treatment of political prisoners was punitive rather than preventive. The practice of holding in solitary confinement people against whom a detention order has been made is reported to be common. The introduction of amendments to the Internal Security (Detained Persons) Rules in March

1977 has allowed the solitary confinement of people held in Batu Gajah camp for as long as 24 hours a day. The memorandum also cites complaints of poorly lit and badly ventilated cells; refusal of access to reading and writing materials; denial of the right to a lawyer and to confidentiality between lawyer and client; inadequate medical care; and undefined and arbitrary powers of camp superintendents to punish detainees. These complaints were corroborated by the findings of the Amnesty International mission in November 1978. The regime at the Batu Gajah camp was particularly harsh.

In very many if not the majority of cases, detention orders are renewed on expiry. For example, 53 of the prisoners held in Batu Gajah have been imprisoned for more than seven years. Kong Hoi, a former Secretary of the Perak Division of the now defunct Labour Party of Malaya, has been detained without trial since November 1964 in Batu Gajah. Tan Hock Hin, who was featured as a Prisoner of the Month in the February 1979 Amnesty International *Newsletter*, is another prisoner long detained in Batu Gajah. He was arrested under the Internal Security Act in July 1967 for taking part in demonstrations against the involvement of the United States of America in Vietnam and protesting against the government's decision to ban the United Malayan Estate Workers' Union. A former schoolteacher, he had been a Labour Party of Malaya member of the Penang Legislative Council. His activities were held to be "prejudicial to national security" and he was said to have "promoted Communist United Front activities".

Although the government has described detainees in Batu Gajah as "hard-core", the majority were arrested while active in the opposition parties (the Labour Party of Malaya and the *Partai Sosialis Rakyat Malaysia*) or trade unions. Government officials informed the Amnesty International mission that none of the detainees in Batu Gajah was a terrorist or had committed acts of violence.

Amnesty International continues to be gravely concerned about the case of Samad Ismail, a prominent Malaysian intellectual and a former editor of the country's leading English language newspaper, the *New Straits Times*. Arrested in June 1976, he has been held at an undisclosed Special Branch centre somewhere in Kuala Lumpur ever since. A purported confession on television of activities in furtherance of the cause of the illegal Malayan Communist Party made in September 1977 was not sufficient to secure his release. He has been held in solitary confinement, with no access to writing or reading materials other than the Koran, and irregular visits from his family. Throughout this period he has not had access to a lawyer.

In November 1978, detention orders on six prominent political figures arrested in November 1976 came up for renewal for the first time. All but one of these detainees, Tan Ken Sin, formerly Executive Secretary of the Malaysian Chinese Association and editor of a Chinese language newspaper, were served with new detention orders. The other five, who are all Amnesty International adoptees detained in Taiping Kamunting, are: Datuk Abdullah Ahmad, former Deputy Minister of Science, Technology and Environment; Abdullah Majid, former Deputy Minister of Labour and Manpower; Kassim Ahmad, Chairman of the *Partai Sosialis Rakyat Malaysia;* Chan Kok Kit, Assistant Treasurer of the Democratic Action Party (DAP); and Chian Heng Kai, a member of parliament representing the DAP. Chan Kok Kit and Chian Heng Kai were both re-elected to parliament with large majorities in the general elections of July 1978 although neither was

permitted to campaign.

Amnesty International has continued to receive reports of new arrests in the last 12 months. In 1978 and 1979, 75 secondary school pupils were detained for allegedly taking part in underground communist activities. An exceptional series of arrests took place in mid-February 1979 when 23 trade-unionists engaged in a wage dispute with the state airline, Malaysian Airline System, were held under the "essential services" provisions of the Internal Security Act. Among those arrested was Donald Uren, Asian representative of the International Transport Workers' Federation, who had been advising the Airline Employees' Union during the dispute. On 21 February 1979, Amnesty International sent a telegram to the Malaysian Prime Minister, Datuk Hussein Onn, expressing its concern at the detention of Uren and urging his immediate release or his release on bail pending trial in open court, and requesting clarification of the position of the other trade-unionists. On 13 April 1979, nine of the trade-unionists were released and 13 others were served with detention orders. Four days later, Donald Uren was released and appeared at a television press conference in which he "confessed" his responsibility for inciting the airline workers. The remaining 13 trade-unionists were subsequently also released.

In recent years, the government has increased the number of offences liable to the death penalty. Since 1975, the death sentence has been mandatory for persons found possessing firearms in a designated "security area" or in circumstances "which raise a reasonable presumption that he intends or is about to act, or has recently acted, in a manner prejudicial to public security". Moreover, the Essential (Security Cases) Regulations introduced in October 1975 stripped the defendant of basic legal safeguards and abolished the distinction between adults and juveniles. In December 1978, according to the *Far Eastern Economic Review*, 44 persons were in prison sentenced to death under the 1975 regulations. In the same month, the Privy Council in London granted an appeal against the validity of the regulations based on the contention that they were subsidiary to the Emergency (Essential Powers) Ordinance of 1969 which should have lapsed once parliament reconvened in 1971. In January 1979, parliament passed the Emergency (Essential Powers) Act enacting the 1969 Ordinance and all subsidiary legislation including the 1975 regulations. The President of the Malayan Bar Council, which had advised its members to refuse to handle cases tried under the 1975 regulations, called the retrospective legislation "ill-advised".

Nepal (the Kingdom of)

The government continues to imprison persons for political reasons under the Public Security Act 1961 (PSA) and the Treason (Crime and Punishment) Act (the Raj Kaj Act). The PSA allows administrative detention without judicial review. Detainees held under it may be imprisoned for a maximum of 3 years. However, Amnesty International knows of one case where a prisoner was re-arrested immediately after the expiry of his three year detention and was held for a total of eight years.

Most long-term prisoners are held on specific charges of a political nature, often sedition, under the Raj Kaj Act, which is defined to include bringing "into hatred or contempt or (exciting) disaffection towards His Majesty or members of the

royal family", but they are commonly held for long periods without trial. Basudev Koirala, a member of the Nepali Congress Party, was sentenced to 3 years under the Raj Kaj Act in February 1979, almost two-and-a-half years after his arrest. Ram Chandra Tiwari, who was adopted by Amnesty International as a prisoner of conscience in February 1979, was arrested under the Raj Kaj Act in November 1976 soon after his return to Nepal from a period of exile in India and is still awaiting trial in Jaleshwar Jail.

Short-term pre-emptive arrests for political reasons occur regularly. For instance, of 45 persons arrested under the PSA in Pokhara on 27 November 1978 in anticipation of a visit by the former Prime Minister and leader of the Nepali Congress Party, B.P. Koirala, all but two were released within the month. Amnesty International believes that at present there are approximately 150 political prisoners in detention in Nepal, most of them being held without trial.

The former Prime Minister, B.P. Koirala, who was acquitted of five of seven charges of treason and sedition under the Raj Kaj Act in February and March 1978 *(Amnesty International Report 1978)*, was permitted to leave the country on parole in February and December 1978 for medical treatment abroad. Mr Koirala returned to Nepal from abroad on 6 March 1979. On 28 April, he was placed under house arrest and five other Nepali Congress Party members—including former minister Ganesh Man Singh, and Krishna Prasad Bhattarai, who was Speaker of the parliament until 1960—were taken into police custody under the Public Security Act. The arrests came after a three-week student strike had culminated in a demonstration in the town of Hetaura in which two people were killed by police gunfire. Mr Koirala and his colleagues were alleged to have organized the demonstration.

In addition, the government has appealed against Mr Koirala's acquittal on the five charges under the Raj Kaj Act and he still faces trial on the remaining two charges. Under the Act, sedition carries a maximum penalty of three years and treason is punishable by death. Mr Koirala is charged with treason for his alleged involvement with Yagya Bahadur Thapa, a former Nepalese army captain, in promoting armed rebellion.

On 9 February 1979, shortly before Mr Koirala's return to Nepal after receiving medical treatment, the government executed Captain Thapa and Bhim Narayan Shrestha, who had been found guilty of an attempt on the life of the King. On 15 February 1979, Amnesty International sent a telegram to King Birendra expressing its deep concern about the executions and urging the King to issue orders to ensure that Nepal's longstanding tradition of avoidance of the death penalty was observed. Nepal is the only country in South Asia known to Amnesty International to have abolished the death penalty for ordinary crimes. The only other execution known to have taken place in Nepal since 1945 occurred in 1962, when Durganand Jha was hanged for an alleged attempt to kill the King.

Pakistan (the Islamic Republic of)

The continuation of martial law in Pakistan was reinforced when the Chief Martial Law Administrator, General Zia-ul-Haq, took over as President on 16 September 1978, following the decision of President Fazal Elahi Chaudhury not to renew his term of office. General elections, postponed several times, are now

scheduled to take place on 21 November 1979.

Under martial law, political activities remain severely restricted and a Presidential Ordinance was introduced in October 1978, prohibiting the formation of political parties opposed to "Islamic ideology or the integrity or security" of Pakistan. Amnesty International estimates that at least 7,000, and perhaps many more, political opponents of the regime are imprisoned as at May 1979 for participation in peaceful political activities, including journalists, trade-unionists, lawyers, former ministers and members of the national and provincial assemblies, as well as thousands of political party workers and demonstrators. The vast majority of them belong to the Pakistan People's Party (PPP), the party of former Prime Minister Zulfikar Ali Bhutto who was executed on 4 April 1979. A few members of other opposition parties such as the *Tehrik Istiqlal*, the *Jamiat-ul-Ulema-e-Pakistan*, the National Democratic Party and the National Progressive Party, who oppose the government, have also been arrested for participating in political activities. The vast majority are quickly tried and sentenced by summary military courts (where there is no right of defence by a lawyer) for acts such as "participating in unlawful political activities", "raising objectionable slogans" and "inciting disaffection towards the armed forces", under Martial Law Regulations 13 and 33. They are usually sentenced to terms of imprisonment ranging from 6 to 12 months and frequently sentenced in addition to flogging of between 10 and 15 lashes. Nearly the whole leadership of the PPP is now imprisoned under martial law provisions or in detention without trial under the provisions of the Maintenance of Internal Security Ordinance. Large-scale arrests of PPP workers occurred in particular in October 1978 (following the house arrest of Mr Bhutto's daughter), and in January and February 1979 (when the Supreme Court upheld the death sentence imposed on Mr Bhutto). Hundreds more were imprisoned and flogged in April 1979 for participating in protests against Mr Bhutto's execution. Those arrested include many women.

Amnesty International is working for 121 political prisoners in Pakistan, nearly all of whom (113 of them) are prisoners of conscience, including Mr Bhutto's wife and his daughter Benazir, now under house arrest. Eighty-five have undergone flogging of between five and 15 lashes. Among them are 18 workers of a cement factory imprisoned and flogged for going on strike (punishable under Martial Law Regulation 23) and Abbas Athar, President of the Lahore Press Club and former Editor of the *Musawaat* (the paper owned by the Bhutto family). Mr Athar is held without trial for printing Mr Bhutto's reply to the White Papers issued by the government which had criticized aspects of the Bhutto administration. The number of cases Amnesty International has adopted in Pakistan in no way reflects the scale of political imprisonment.

Flogging as punishment for political and other offences was introduced under martial law provisions in October 1977, shortly after the military government had assumed office. It has now become part of a set of severe punishments introduced this year under Islamic law, punishments which Amnesty International considers to be cruel and inhuman as defined in international law.

On 10 February 1979 the President introduced Islamic legislation in a set of ordinances imposing new taxes on wealth (*zakat*) and on agricultural produce (*ushr*). Amnesty International is concerned that these ordinances also introduce stoning to death as maximum punishment for adultery (if committed by a partner

who is married), and mutilation in the form of amputation of the right hand from the wrist, and of the left foot from the ankle, as maximum punishment for theft committed for the first and second time respectively. Flogging of up to 80 stripes is introduced as the maximum punishment for taking intoxicants (including liquor and drugs). When introducing these harsh new laws, the President emphasized that he believed the new punishments had a deterrent effect and said that the extreme punishments were unlikely to be applied.

However, Amnesty International knows of two cases where the sentence of amputation was imposed in May 1978. So far these sentences have not been carried out. It is not aware of any case where the sentence of stoning to death has been imposed, but has, on many occasions, opposed the frequent imposition of flogging, which is increasingly applied to political prisoners. This punishment, according to a 10 February 1979 ordinance, is carried out after a medical examination "so as to ensure that the execution of the punishment will not cause the death of the convict". "If the convict is too old or too weak, having regard to the sentence of whipping awarded, the number of stripes shall be applied in such a manner and with such intervals that the execution of the punishment does not cause death." But it has been reliably reported that Rashid Nagi, a PPP member adopted by Amnesty International as a prisoner of conscience, was flogged while still wounded three weeks after he unsuccessfully tried to immolate himself, despite an order of the Lahore High Court to stay the execution. The punishment may also be applied to female convicts, to be administered while sitting.

On 30 May 1978 Amnesty International cabled the Chief Martial Law Administrator urging him to revoke the punishment of amputation imposed on three young men and on 20 November 1978 wrote to the President, welcoming his decision to commute the sentence of amputation but urging the government to stop immediately the floggings imposed on many political prisoners. It also urged the government to remove these cruel and inhuman forms of punishment from martial law provisions, in accordance with the recommendation it had made earlier that year to the government in its January 1978 mission report *(Amnesty International Report 1978).* During August 1978 it also wrote to the President and to the Pakistan Medical Association expressing great concern about the practice of flogging of prisoners, and drawing attention to international legal provisions prohibiting doctors' involvement in such cruel and inhuman punishments.

On 4 April 1979 former Prime Minister Zulfikar Ali Bhutto was executed in Rawalpindi Jail for alleged complicity in the murder of the father of a political opponent, Nawab Ahmed Khan, in November 1974. The execution occurred despite numerous powerful appeals to save his life from inside and outside Pakistan, including one from former President Fazal Elahi Chaudhury, and despite the fact that the Supreme Court of Pakistan had upheld the conviction by only a four to three majority. Up till the moment of the execution, Amnesty International addressed appeals to President Zia-ul-Haq to save the former Prime Minister's life and that of his four co-accused, Mian Mohammad Abbas, Arshad Iqbal, Ghulam Mustafa and Rana Iftikar Ahmed, and during 1978 and 1979 members sent hundreds of appeals for clemency for the five men to the President.

On 6 February 1979, the Supreme Court had dismissed the appeals of the five men sentenced to death by the Lahore High Court on 18 March 1978. Immediately the Supreme Court decision became known, Amnesty International made a public appeal to the President that the sentences of all five men be commuted, saying that there were particularly strong legal grounds not to execute, in view of the "considerable dangers of conviction without substantial corroborative evidence" in Mr Bhutto's case, where the conviction was almost entirely based on the evidence of accomplices who had been granted pardon in return for giving evidence for the state (see *Appendix to the Short Report of an Amnesty International Mission to Pakistan, January 1978*).

On 23 February, Amnesty International sent a mission consisting of Turkish constitutional lawyer Professor Mümtaz Soysal and English barrister Mr Louis Blom Cooper Q.C., to meet officials to discuss the application of the death penalty and attend the beginning of the Supreme Court's hearing of a petition brought by Mr Bhutto to review its decision to uphold the verdict of guilty and sentence of death. The report on their visit was cabled to the Chief Justice of Pakistan and to the Law Minister, Mr A.K. Brohi, on 27 February 1979, and released to the press on 28 February 1979.

Amnesty International, which opposes the death penalty in all cases, said that no execution should ever be carried out where there was a risk that an innocent man could hang. It argued that where judicial opinions of three judges of the Supreme Court stated there was no evidence to prove the guilt of two of the accused, Mr Bhutto and Mian Muhammed Abbas, the executions should not take place, and the death sentence be commuted, either by judicial discretion or executive clemency. It said that equality of treatment between all the accused furthermore dictated that the three other defendants should also be reprieved.

On 24 March 1979 the Supreme Court dismissed Mr Bhutto's petition for review but recommended that clemency be granted to him. Amnesty International cabled President Zia-ul-Haq on 29 March 1979 urgently appealing to him to commute immediately the death sentence on Mr Bhutto and the other four defendants. Mr Bhutto was executed in the early hours of 4 April; the clemency appeals of his four co-defendants are still pending.

In a cable to the President on the day of Mr Bhutto's execution–released to the press–Amnesty International called for an immediate halt to all executions and the abolition of the death penalty in Pakistan. It pointed out that the number of executions every year in Pakistan was among the highest in Asia: in February 1979, Mr A.K. Brohi stated that "about 800 people are hanged in Pakistan every year". The following month, President Zia-ul-Haq indicated that he had dismissed all clemency appeals against the death penalty since coming to office. Amnesty International stressed that there were substantial legal and humanitarian grounds for granting clemency to hundreds executed every year, many of them civilians convicted by military courts applying summary rules of evidence. For example, Nazir Ahmed Shah was sentenced to death on 4 March 1978 by a military court under retroactive legislation for an attempt to hijack. On 3 October 1978, Amnesty International cabled the President urging him to grant clemency to this prisoner. During the period under review, it also appealed that the death sentences imposed by military courts on Mohammad Sharif, Zahir Shah, Abdul Wakeel, Zahur Ahmad and Musfar Ali be commuted.

Amnesty International is concerned that new legislation allows for even wider application of the death penalty. Apart from the introduction of the punishment of stoning to death under the 1979 Offence of Zina (Enforcement of Hudood)

Ordinance for adultery, Martial Law Regulations 15 and 16 were introduced on 21 July 1978, extending the application of the death penalty to a person who "incites the public to seek the territorial or administrative dismemberment of Pakistan" and to a person who "seduces. . . or attempts to seduce any member of the Armed Forces of Pakistan. . . from his duty or from his allegiance to the government".

Amnesty International received dozens of reports alleging torture of political prisoners in Pakistan. On 9 March 1979, it cabled Chaudhury Zahur Elahi, Minister of Political Affairs, expressing concern about allegations that Jam Saqi, former Joint Secretary of the banned National Awami Party, was being tortured following his arrest on 10 December 1978 under martial law. It urged that immediate steps be taken to ensure his safe treatment in jail and to allow him family visits immediately.

Amnesty International worked for the release of more than 70 journalists and press workers who were arrested during May 1978 for criticizing government policies *(Amnesty International Report 1978)*. Nearly all were released in June 1978, although nine other well-known journalists have since been arrested, most under martial law provisions. During May and June 1978, Amnesty International also wrote to government officials urging them to implement the recommendations it had made to the government in its short report on its January 1978 mission, but none of these recommendations has so far been implemented by the government.

Philippines (the Republic of the)

The Republic of the Philippines is entering its seventh year of martial law, imposed by President Ferdinand Marcos in 1972. The interim National Assembly was elected in April 1978, amidst widespread protests against alleged fraud and abuses at the polls. Of the 600 people arrested when they took part in a march of protest in Manila against polling violations, the majority were released after short periods. More than 30 opposition leaders and party campaigners were adopted by Amnesty International. They were released in June 1978 and the charges of illegal assembly dropped before any trial.

The martial law authorities continued their arbitrary arrests. Many prisoners are held without charge or trial, and the few trials of political prisoners are heard by military tribunals. A number of appeals for *habeas corpus* have been considered by the Supreme Court, but it has not ordered the release of a single prisoner convicted under martial law by a military tribunal. The government has continued to announce amnesties of martial law detainees. This has been presented as part of a policy of fostering "national unity and reconciliation". Large amnesties were announced in June and September 1978. Altogether more than 3,000 people were named as having benefited from amnesties, the majority of which seem to have been criminals convicted under martial law. Of the political cases, some of those listed had been released previously.

There are frequent reports of arbitrary arrests for political reasons in the southern Philippines. Many of those arrested in the south are held for quite short periods without charge or trial. However, an increasing number are held for longer periods, on charges triable before a military tribunal, whose proceedings are

protracted. Because in parts of the southern Philippines there are insurgencies led by the Muslim Moro National Liberation Front and by the communist New People's Army, those arrested by the martial law authorities tend to be described as having supported the insurgents. But Amnesty International has not received substantial evidence to support such charges in many of these cases.

There have been reports of bombing and burning of villages and the killing of harmless captives. For example, in the province of Bukidnon, in the southern island of Mindanao, the 57th Philippines Constabulary Ranger battalion was accused by local people "of conducting a private campaign against the people they are assigned to protect".

The *Far Eastern Economic Review* reported on 16 March 1979 that the President and his chief aide in administering martial law, Secretary of National Defence Juan Ponce Enrile, were alarmed and angry about the growing incidence of military abuses against civilians. Mr Enrile's Deputy, Mr Carmelo Barbero, said that there had been 4,552 allegations of brutality by military personnel since the declaration of martial law. He said that martial law had led to "a lot of unnecessary cruelty", and he added: "We are aware that killing is not going to unite this nation." He said that many reports of abuses committed by the 57th Philippines Constabulary Ranger battalion had been proved true, but the battalion was not to be withdrawn although its commander had been replaced. The report continued: "Barbero said he had ordered investigations into two more killings of civilians by the 57th battalion personnel, and had expressed his disappointment about discipline to the new commander. It was unfortunate that civilians suffered in any area designated as a 'combat zone', he added, pointing out that most complaints in Bukidnon came from 'areas of unrest'. He disputed the general belief that the province was supposed to be untouched by any insurgency but would not say from where the alleged insurgency threat came."

Amnesty International continued to receive credible reports of torture, abductions and killings of dissidents by military units. Although the incidence of such reports has declined in the northern island of Luzon, there have been frequent reports in the south. A number are fully documented, one example being the case of Mario and Melvin Cayabyab, who were detained in 1978. Mrs Cayabyab is the daughter of Lieutenant-Colonel Wilfredo Mendez, a retired officer of the Philippines air force. Both husband and wife submitted affidavits in the presence of Lieutenant-Colonel Mendez to the military authorities, describing the brutal treatment, including beatings and electric shock, to which they had been subjected by the military officers who interrogated them in May 1978. The case of the Cayabyabs became well known, whereas those prisoners subjected to torture who were less influential tended to receive little attention. Amnesty International also has the names of people reported to have been arrested by the military since the imposition of martial law about whom no information has been given by the government. Some are alleged to have been killed after arrest. On 18 January 1979, three soldiers, two of them officers, were convicted of military ill-treatment of the Cayabyabs and sentenced to 4 months' imprisonment with hard labour, dismissal and forfeiture of pay and allowances.

Amnesty International continued to work on more than 60 adoption and investigation cases.

Singapore (the Republic of)

The government continues to hold without trial for indefinite periods persons alleged to have acted in a manner prejudicial to the state's security. Release is usually made conditional on the detainees "confessing" to illegal and subversive activities. In some instances, the "confession" has to be repeated publicly on television. Amnesty International has received evidence that intense pressure, including physical and psychological torture, has been used to secure "confessions". Those who do not meet the government's conditions for release may be held indefinitely under the Internal Security Act. Of the 35 cases taken up for adoption or investigation, eight have been in detention for over 10 years and all have been in prison for five years or more.

Under the Internal Security Act, people are held for an initial 60-day interrogation period, after which they may be served with a renewable 2-year detention order. For the initial 60-day period, detainees are usually held at the Whitley Road Holding Centre, where they are routinely subjected to round-the-clock interrogation in air-conditioned rooms. Up to 100 prisoners are believed to be kept at Whitley Road at any given time. On being served with a detention order, a detainee is transferred to the Moon Crescent Detention Centre, the political wing of Changi Prison. Approximately 50 detainees are at present held at Moon Crescent. Six detainees arrested under the Internal Security Act were later deprived of their citizenship and served with banishment orders "awaiting deportation to the country of (their) choice". One of them, Lee Tze Tong, a former official of the Singapore Busworkers' Union and member of parliament for the *Barisan Sosialis* Party, has been in detention since October 1963. The other five had been held for nine years or longer.

Amnesty International received frequent reports concerning ill-treatment of political prisoners and inadequate medical care in Moon Crescent and Whitley Road Detention Centres. In February 1978, Chan Hock Hua died of cancer 20 days after his release from Moon Crescent. Amnesty International understands that the authorities had been alerted to Mr Chan's condition by two detainees who are doctors, but chose to ignore their warnings. In April 1978, the authorities introduced a stricter set of regulations which include restrictions on the amount of food relatives can bring for detainees. Prisoners protested against the new regulations by passive resistance and hunger strikes. One of the hunger strikers, Chng Min Oh, was featured as Prisoner of the Month in the Amnesty International *Newsletter* in May 1979. Mr Chng, a former Chairman of the Goldsmiths' Association, was arrested under the Internal Security Act in August 1970 for participating in demonstrations prior to the 1971 Commonwealth Prime Ministers' Conference held in Singapore. In August 1978, Mr Chng and 11 other prisoners were transferred to the Whitley Road Holding Centre, where they were subjected to renewed interrogation and severe beatings. After a period in Changi Prison Hospital, Mr Chng was returned to the Moon Crescent Detention Centre.

An Amnesty International mission visited Singapore between 30 November and 5 December 1978 to investigate the extent and conditions of political imprisonment, particularly with respect to long-term detention under the Internal Security Act. The government refused requests for interviews with the Prime Minister, the Minister of Home Affairs and other senior officials responsible for the administration of political detainees.

On 18 November 1978, 12 days before the arrival of the mission, two of Singapore's long-term detainees, Said Zahari and Dr Lim Hock Siew, were conditionally released after 15½ years in prison. The two, who were both Amnesty International adoptees, were among 150 persons arrested on 2 February 1963 in "Operation Cold Store". On their release from Moon Crescent, Said Zahari and Dr Lim were exiled separately to two small islands off Singapore, Pulau Ubin and Pulau Tekong. It is the view of Amnesty International that the two men remain prisoners, although they are allowed to receive visitors who are not former political detainees. In an official statement, the government said that the two "cannot be released unconditionally as they have refused to give a written undertaking that they will not involve themselves with the Communist Party of Malaya and the Communist United Front". Ho Piao, also known as Ho Toon Chin, formerly Secretary of the Singapore National Seamen's Union, who was also arrested in "Operation Cold Store" in February 1963, still remains in Moon Crescent.

Shamsuddin Tung, former newspaper editor and parliamentary candidate, was conditionally released on 21 January 1979. He was detained in December 1976 at the close of the general election in which he had been a candidate for the opposition United Front. He had served an earlier period in detention between 1971 and 1973. In October 1978 he was deprived of his Singapore citizenship. The conditions of his release include the requirements that he not take part in political activity, move house or travel outside Singapore without permission of the Director of the Internal Security Department.

Dr Poh Soo Kai, a medical practitioner and former Assistant Secretary General of the *Barisan Sosialis*, who was arrested in "Operation Cold Store" and subsequently held for 10 years, was arbitrarily re-arrested under the Internal Security Act in June 1976 and remains in detention.

Amnesty International continued to appeal for the unconditional release of all those held under the Internal Security Act.

The government imposes the death penalty for a wide variety of offences, including–since 1975–drug trafficking. On 2 August 1978, Amnesty International sent a telegram to President Benjamin Sheares saying it was deeply troubled at the execution of Teo Hock Seng, who had been convicted of drug trafficking. Two further cables were sent to President Sheares in August and September asking for clemency after four other people were sentenced to death for drug trafficking.

Sri Lanka (Democratic Socialist Republic of)

On 7 September 1978, President J.R. Jayawardene promulgated the new constitution of the Democratic Socialist Republic of Sri Lanka. Future Presidents are to be directly elected and parliament will be elected by proportional representation. The new constitution contains substantial provisions for the protection of fundamental rights, most of which apply both to Sri Lanka citizens and stateless persons resident in the country. Some of the Tamil minority are stateless. Whereas Sinhala remains the sole official language, Sinhala and Tamil are both recognized as national languages. The constitution for the first time, specifically prohibits all forms of torture, or cruel, inhuman or degrading treatment or punishment. However, there are important restrictions on the fundamental rights guaranteed in the constitution.

Under article 15 the government may derogate from the presumption of innocence and the prohibition against retroactive application of criminal law in the interest of "national security". Other constitutionally guaranteed fundamental rights such as the right of freedom of association (in any lawful occupation, profession, trade business or enterprise) (article 14(1)(g)) can be restricted in the interest of "national economy" (article 15 (5)). Article 16 provides that laws and forms of punishment recognized in already existing legislation shall remain valid, even if they are inconsistent with fundamental rights guaranteed in the constitution.

On 14 November 1978, Amnesty International wrote to K.W. Dewanayagam, the Minister of Justice, welcoming some of the constitutional provisions and the prohibition of torture in particular. Drawing the minister's attention to two reports of ill-treatment of suspects received in February and May 1978 (*Amnesty International Report 1978*), not apparently investigated by the government, it asked the minister for an assurance that the government was taking full steps to protect all suspects from acts of police brutality. It also inquired about the Code of Criminal Procedure Bill, then before parliament, because it had received reports that the bill reintroduced whipping of children and young persons on the bare buttocks, and also reintroduced flogging of prisoners with an instrument known as the cat o'nine tails. The reintroduction of these punishments was opposed by civil rights bodies and opposition parties in Sri Lanka, and on 8 November 1978 the Law Minister announced that the Bill stood amended: "After discussion we have decided to substitute caning for whipping because it would appear that it is something that infringes a fundamental right" (*Hansard Parliamentary Debates*, 8 November 1978).

On 17 April 1979, Amnesty International wrote again to the Law Minister about the application of the Liberation Tigers of Tamil Eelam and Similar Organizations Law, and the Criminal Procedures (Special Provisions) Law. In a letter of 30 June 1978, it had criticized certain aspects of this legislation, particularly the provisions for preventive detention for one year and the restrictions on bail as well as on the rights of freedom of association and expression (*Amnesty International Report 1978*). It urged the government not to extend this legislation beyond its expiry date in May 1979. Its provisions have been applied to members of the Tamil minority who were campaigning for the establishment of a separate state for the Tamil-speaking northern part of Sri Lanka. Eleven young members of The Tamil minority had been arrested in September 1978 and later charged with committing or conspiring to commit an offence under section 120 of the Penal Code, an offence for which they were denied bail under the provisions of the Criminal Procedure (Special Provisions) Law. Section 120 of the Penal Code deals with "exciting disaffection to the government" and "raising discontent and disaffection among subjects", and denying bail to persons charged with committing such offences could facilitate imprisonment for the exercise of the right of freedom of expression. The 11 Tamils were arrested for distributing leaflets which requested students to boycott the promulgation of the constitution on 7 September 1978. Three were released without charge, eight of them remain imprisoned awaiting trial. They have been adopted as prisoners of conscience.

Taiwan (The Republic of China)

There have now been 30 years of martial law under which suspected political

opponents continue to be detained and sentenced on charges of sedition for any act considered contrary to the official anti-communist policy. The total number of people currently detained on political grounds is not known. In the past three years, estimates have varied from 250 according to official sources to several thousands according to exile sources.

Amnesty International continued to work for more than 100 political prisoners and to be concerned by new arrests and by treatment of some detainees during investigation.

In June 1978, Amnesty International appealed for the release of Ms Chen Chu, an editor and human rights activist arrested on 22 June. Ms Chen Chu was released on bail on 6 July 1978, after spending 13 days being interrogated in detention incommunicado.

In October 1978, Amnesty International campaigned for political prisoners in Taiwan, appealing in particular for the release of prisoners detained since the early 1950s. Most of them are held in an isolated prison camp on Green Island off the south-east coast of Taiwan. Amnesty International has the names of more than 40 people who have been in prison since the early 1950s. They were arrested for suspected pro-communist activities or sympathies. In many cases it is not known whether they were ever tried. A typical case is Li Chin-mu, an agricultural worker now over 50 years' old who has spent 28 years in prison. Mr Li was one of a group of 30 people arrested around 1950 for alleged connections with the now defunct Taiwan Communist Party. He is said to have been tried in August 1950 but his sentence is not known. He was last reported to be held on Green Island.

Appeals were also renewed for prisoners arrested more recently. They include: Pai Ya-tsan, a Taiwanese in his mid-thirties who was sentenced to life imprisonment in November 1975 for publishing a leaflet for his election campaign which consisted of 29 questions addressed to the Prime Minister (*Amnesty International Report 1975-76*); Huang Hua, who is serving his second term of imprisonment for "propagating rebellious thought" through his articles (*Amnesty International Report 1977*); Yen Ming-sheng, a 41-year-old candidate in the 1975 partial elections to the legislature, who was sentenced to 12 years' imprisonment in July 1976 for "conspiracy to carry out sabotage and subversion".

In early 1979, further appeals were made about the case and health of Tseng Cheng-chin, a wealthy watch dealer from Taipei (*Amnesty International Report 1978*). During his first trial by military court in 1977 he was found guilty of "joining the Communist Party" in 1965 and sentenced to 12 years' imprisonment and confiscation of all his property. In November 1977 the Ministry of National Defence ordered a retrial because "some evidence" against Mr Tseng "needed corroboration". The verdict was upheld at the second trial, although his sentence was reduced to 8 years. Amnesty International learned later that Mr Tseng suffered from pains in his back (reportedly due to ill-treatment during interrogation) and appealed for his immediate release and full medical treatment. Further appeals were made in March 1979 after reports were received that his health continued to deteriorate and that a third appeal for a review of his case had been denied.

In early March 1979, Amnesty International sent a delegate to Taiwan to observe a politically significant trial. The accused were a prominent opposition politician aged 77, Yu Teng-fa, and his son, Yu Jui-yen. The two had been arrested on 21 January in Kaohsiung for suspected connections with an alleged "communist

spy" named Wu Tai-an. Yu Teng-fa's arrest is believed to have been in fact an attempt to silence the opposition to the ruling Kuomintang party. He is the former magistrate of Kaohsiung. Before his arrest he had been involved in trying to organize a gathering of opposition politicians at his home in Kaohsiung, but he was arrested before the planned meeting.

On 2 March 1979, the Taiwan Garrison Command (TGC) announced that Yu and his son had been indicted, the father for "failing to report a communist agent" and "spreading propaganda beneficial to the Chinese communists", the son on the first charge only. They were brought to trial by military court on 9 March 1979. Despite earlier announcements by the TGC that the trial would be public, Amnesty International's representative was prevented from attending most of the proceedings.

Amnesty International cabled President Chiang Ching-kuo on 29 March saying that, according to all information it had received, there appeared to be no evidence that Yu Teng-fa and his son had been involved in any violent or criminal activities, and urged that Yu Teng-fa be released and that the charges against him and his son be withdrawn, saying that they would be regarded as prisoners of conscience if convicted.

Amnesty International also expressed concern at the conditions in which Yu Teng-fa had been detained since the trial. According to reports he was held in a cell under constant closed-circuit television surveillance and prevented from receiving visitors or leaving his cell. According to normal procedures, the verdict should be announced within seven days after a trial but this was delayed, in his case, by more than one month.

On 16 April 1979, Yu Teng-fa was sentenced to 8 years' imprisonment, and his son received a 2-year suspended sentence. Thirteen others were sentenced at the same time, including Wu Tai-an, the alleged spy who appeared as prosecution witness in Yu Teng-fa's trial. Wu Tai-an had been arrested in summer or early autumn 1978 (the date of his arrest has not been revealed by the authorities). Other people were arrested in September and October on accusations of being part of his conspiracy. They include local opposition members, such as Chen Wen-hsiung, the Chairman of Taitung Co-operative Association, his wife Kao Chin-tse, and others. On 16 April 1979, Wu Tai-an was sentenced to death and the 12 others to terms ranging from 8 years to life imprisonment.

Thailand (the Kingdom of)

The martial law government of Prime Minister General Kriangsak Chamanand has prepared a new constitution which will come into force following the general elections for a National Assembly, set for 22 April 1979. In the transitional period, the wide martial law constitutional provision (article 27) which allowed the Prime Minister, in consultation with the Cabinet and the National Policy Council, to impose sentences summarily on people alleged to have committed serious criminal offences was retained in the interim constitution (article 200).

This extraordinary power to impose harsh sentences without any judicial process has been used with some frequency, even in the interim period before the elections. In January and February 1979, at least eight people were sentenced to death in this way and another 17 were sentenced to long prison terms without

trial. Those sentenced to death were executed almost immediately. Amnesty International appealed to the Prime Minister on every occasion when a case was known of the summary imposition of the death sentence, and also in other cases when the death penalty had been imposed by the courts. In June 1978, it submitted a memorandum to the Prime Minister pointing out *inter alia* that his power of summary execution of offenders without trial contravened international law and that no other national constitution provided such a power. It should be noted that the new constitution which comes into force after the April general elections does not provide this power of summary execution.

The memorandum also urged the government to release those 18 defendants who were being tried in connection with the events at Thammasat University in October 1976 at the time of the military *coup* and the introduction of martial law. Those 18 persons were the prisoners remaining out of the several thousand people arrested in 1976. They were put to a long and unsatisfactory trial before a military tribunal and were eventually released unconditionally on 19 September 1978. The trial proceedings against them have been abandoned. They were the subject of an Amnesty International campaign in May 1978 to bring about the revocation of the constitutional power to order summary executions and the annulment of martial law decrees which allowed civilians such as the 18 to be tried by martial law courts without adequate deference or appeal to a court of law.

The government introduced in February 1979 a new law which revised the Anti-Communist Activities Act 1972. It will apply nationally instead of only to certain designated areas, as was the previous practice. This law denies protection of the courts to every person suspected of being a communist or a communist sympathizer: such persons can be held for long periods of detention without trial.

Furthermore, martial law decree No. 22 remains in force, the effect of which has been to allow the government to arrest large numbers of criminals and political suspects and hold them without trial on the ground that if they were freed they would be "endangering society". Since the martial law authorities promulgated this decree in 1976, it has been estimated that several thousand people have been detained without trial for "endangering society" and, although there were frequent releases, large numbers were held at any given moment in the past year. It has been estimated that there were at least several thousand people held under decree No. 22 at the end of the year, including criminals as well as others apparently held for political reasons.

The Amnesty International memorandum was critical of the government's "re-education" programme whereby people can be compelled to attend "Democracy Training Schools" and other analogous centres for varying periods of approximately three months, during which they are given lectures on democracy and Thai national institutions. Fairly large numbers are involved and the centres can hold more than 300 people at a time. Amnesty International recommended to the government that "re-education" should not be used as an excuse for detaining people and that such "schools" and centres should admit people only with their consent and without compulsion or threat of punishment.

The memorandum also recommended the release, pending the conclusion of their trial, of defendants held in the case of Supap Pasa-Ong and six other trade-union activists arrested in March 1976, and in the case of Udom Pka-krong and

10 other defendants arrested in May 1976 *(Amnesty International Report 1978)*. In general, the memorandum was critical that the trials had been slow and had lasted a very long time.

The Prime Minister did not reply to the Amnesty International memorandum. The recommendations relating to the constitutional provision for summary execution and the release of the 18 "Thammasat" defendants were followed. The government has not acted on the others.

There has been increasing concern expressed by Thai lawyers regarding the effect of martial law. In February 1979, the Lawyers' Association of Thailand conducted a symposium in Bangkok on "Unjust Laws", and the newly elected president Parathara Duangart stated that the main function of the association would be to comment on martial law and "unjust legislation". The Lawyers' Association of Nakorn Sri Thammarat province protested in January 1979 against the use of martial law and military tribunals by refusing to defend cases before such tribunals. In Nakorn Pathom province, a group of lawyers has protested on similar grounds.

***Vietnam** (the Socialist Republic of)*

Amnesty International continued to be concerned that many thousands of people were still held in "re-education" camps more than four years after the fall of the former South Vietnamese regime. As far as is known they have not been charged with any offence. The exact number is unknown and the authorities have given no figure other than that of 50,000 they claimed to be holding in February 1977. Amnesty International believes that the number of political prisoners both in prisons and camps is far higher, although releases are reported from time to time. Estimates by foreign observers and released prisoners have varied considerably over the past two years and included such figures as "50,000 to 80,000" (*Le Monde*, 19 April 1978), "150,000" (*Reuter* from Bien Hoa, 2 November 1977), "150,000 to 200,000" (*Washington Post*, 20 December 1978), and "300,000" (*Agence France Presse* from Hanoi, 12 February 1978). Some estimates may include not only detainees but also people sent from the cities to the countryside. This may be the case with the figure given by Doan Van Toai, an ex-detainee and former student activist now living in France who was imprisoned by both the previous and present governments, and who has claimed a total figure of 800,000. The government strongly denied these claims and stated that very many of those prisoners still in "re-education" camps are guilty of acts of a criminal nature committed in the war before May 1975. In a public statement in November 1978 on the question of human rights in Vietnam, the Permanent Representative of the Socialist Republic of Vietnam to the United Nations, Mr Ha Van Lau, stated that the government still had "to decide on the fate of a few tens of thousands of officers. The latter held military or political powers and had given orders leading to bombing of villages, massacres of population and torture of political prisoners". Furthermore, Prime Minister Pham Van Dong, replying to articles in the international press alleging that in addition to former functionaries and officers others such as intellectuals and religious figures had been arrested, has argued that they were arrested in connection with "serious attempts against public security".

Amnesty International repeatedly urged the authorities to release all those held without trial in "re-education" camps and prisons, pointing out that the government had broken its undertaking to release all of them within three years of the end of the war. The government argues that it needs to detain such large numbers because of their past behaviour and the needs of national security. Amnesty International does not accept these arguments as any justification for holding them without charge or trial.

Amnesty International made many appeals and inquiries on behalf of individual prisoners whose cases it took up as prisoners of conscience. These include medical doctors, former civil servants and diplomats, journalists, academics, schoolteachers and writers. It also inquired into the reported detention of people caught while trying to leave the country. Although there appears to be no systematic attempt by the authorities to prevent people from leaving the country by boat, reports reached Amnesty International of people imprisoned for having attempted to do so.

Amongst those prisoners whose cases have been taken up in the last year is Bui Tuong Huan, a former university professor and Buddhist "Third Force" politician. Arrested in November 1975, Bui Tuong Huan has been held without charge or trial in a detention camp in Thanh Hoa province in northern Vietnam. Another is Ho Huu Tuong, a writer, journalist and former Vice-Rector of Van Hanh University arrested in November 1977. He took a prominent role in the struggle against the French, and was imprisoned for 8 years and sentenced to death by the regime of Ngo Dinh Diem.

No large-scale releases are known to have taken place. On 2 September 1978, Vietnam National Day, the Standing Committee of the Vietnamese Assembly "requested that the Council of Ministers continued to consider the releases of persons rounded up for collective reform who have made real progress". Amnesty International wrote on 25 September 1978 to the authorities, welcoming this decision and asking for further details of its implementation. The letter also asked the government to extend the amnesty to include all untried prisoners remaining in detention. Amnesty International has been informed by the authorities of the releases of Nguyen Van Ai, a former Minister of State and Head of the Pasteur Institute of Saigon; Luong Trong Tuong, a Hoa Hao Leader; Vo Long Te, a former provincial Chief; and Roman Catholic Bishop Nguyen Van Thuan, whose case was reported in the *Amnesty International Report 1977*.

Amnesty International received few reports of trials. In December 1978 the trial opened of seven Buddhist monks of the An Quang Pagoda, arrested in April 1977 *(Amnesty International Reports 1977 and 1978)*, before the People's Court in Ho Chi Minh City. Five of the monks had been adopted as prisoners of conscience by Amnesty International. The defendants were accused of exploiting religion to undermine national security, sabotaging the people's solidarity bloc and working against the revolution. Four of the seven monks were also accused of agitation against the law on military service. The People's Court pronounced Thich Quang Do and Thich Thanh The exempt of punishment. Thich Huyen Quang and Thich Thuyen An were given suspended sentences of 2 years' imprisonment, and Thich Thong Hue 3 years' imprisonment.

Amnesty International was concerned by several reports it received of harsh conditions in "re-education" camps and other detention centres and inadequate medical care. In September 1978 it launched an urgent action in response to reports of the deteriorating health of Thich Huyen Quang, one of the Buddhist

monks mentioned above. In October 1978 it learned of the death in prison of another Buddhist monk, the venerable Thich Thien Minh. On 29 November 1978, Amnesty International wrote to the Prime Minister, Pham Van Dong, urging that those who are currently being held in detention without trial for political reasons should be given adequate medical facilities and requesting the authorities to institute a full and open inquiry into the death of Thich Thien Minh. No reply has been received.

Amnesty International noted that in December 1978 the National Assembly Standing Committee approved decrees governing procedures relating to the review of the death sentence, but received no further information.

Europe

Most of Amnesty International's adopted prisoners of conscience in Europe continued to be in the USSR or other countries in Eastern Europe which retain legislation prescribing imprisonment specifically for the exercise of human rights in ways disapproved of by the authorities. In the past year, movements advocating respect for international undertakings about human rights were active in the USSR, Poland, Czechoslovakia and Romania, and in all these countries some of their supporters became prisoners of conscience. Unofficial monitors of governmental implementation of the human rights provisions of the Helsinki Final Act in the USSR and Charter 77 supporters in Czechoslovakia were sentenced to long terms of imprisonment. In Poland and Romania there were persistent complaints that human rights activists were detained for short periods, but in some cases repeatedly, and ill-treated while in police custody.

The USSR continued to imprison religious and nationalist dissenters, would-be emigrants and nonconformist writers for exercising their civil and political rights. Psychiatric abuses were still perpetrated for political motives, in spite of authoritative international condemnation.

As in previous years, Amnesty International produced a large number of new case sheets on prisoners of conscience in the German Democratic Republic (GDR). Many of these people were imprisoned for trying to leave the country without permission or even for seeking permission. Political trials continued to take place in Yugoslavia. In Romania, religious dissenters, would-be emigrants and independent trade-unionists were imprisoned during the past year. An Amnesty International delegation went to Romania to discuss these and other matters with the authorities.

Over the past year Amnesty International distributed material reporting in detail human rights violations in the USSR, Czechoslovakia and Romania. Lack of adequate information inhibited Amnesty International from reporting in detail on the serious violations of human rights that it believes are common in Albania.

In Western Europe, imprisoned conscientious objectors to military service remained the only constant source of adoption work. Amnesty International adopted prisoners of conscience in France, Greece, Italy and Switzerland, imprisoned under legislation that allows some categories of conscientious objectors to be considered for release from obligatory military service if they undertake alternative service but denies that escape to others. Several other countries in Western Europe, and the USSR and all East European countries, retained legislation allowing imprisonment of conscientious objectors to military service.

In Turkey, criminal prosecutions continued against persons charged with communist activities.

Terrorist activities challenged respect for human rights in a number of Western European countries. In Northern Ireland, the internecine dispute continued to divide the community. The Provisional Irish Republican Army attacked civilian targets and members of the security forces. Political murders and maiming persisted. In Turkey violent killings and other denials of human rights were perpetrated by opposing political groups. In Spain, there were more than 80 political assassinations, mostly of police and military officers.

Amnesty International was also concerned by certain government efforts to curb such acts, inasmuch as the official measures almost invariably entailed some restriction on individual rights. The anti-terrorist legislation of Great Britain and Northern Ireland, the Republic of Ireland, the Federal Republic of Germany (FRG), Italy and Spain has not, as far as Amnesty International knows, produced a pattern of wrongful conviction and imprisonment. Yet, by increasing police powers over the citizen, such legislation makes violation of human rights more likely and the preservation of respect for human rights too dependent on the good will of the authorities and their ability to resist public pressure for indiscriminate severity.

Emergency legislation enacted in the struggle against terrorism has also facilitated the ill-treatment of detained suspects. In 1977 the government of the Republic of Ireland established a committee of inquiry following Amnesty International's submission of a report of its mission which investigated allegations of ill-treatment of terrorist suspects by the Irish police. In direct connection with Amnesty International's report on its mission to Northern Ireland in December 1977, the United Kingdom government established a committee of inquiry into police practices. In 1978, the governments of the United Kingdom and the Republic of Ireland each published the conclusions and recommendations of their respective committees of inquiry. Each inquiry confirmed Amnesty International's published view that remedial measures were necessary, and each made detailed and practicable recommendations to that effect. In neither case was Amnesty International satisfied that the government sufficiently heeded the findings of its own well-publicized inquiry, although both were followed by a reduction in the number of allegations of ill-treatment. Although Amnesty International was disappointed by each government's decision not to include in the mandate of its committee of inquiry a detailed investigation of allegations of ill-treatment, as it happened both committees implicitly confirmed that ill-treatment had taken place.

Amnesty International regards these committees of inquiry and the work they did as significant developments in the way governments monitor their own implementation of internationally agreed standards.

In the Federal Republic of Germany prisoners convicted or charged with politically motivated crimes have often alleged that they are subjected to isolation, solitary confinement or sensory deprivation. During the year, Amnesty International undertook a study of the treatment of imprisoned members of the Red Army Fraction and the Second of June Movement. In February 1979, Amnesty International submitted to the government of the Federal Republic of Germany a detailed memorandum summarizing its findings: that in a number of cases prolonged solitary confinement and isolation had impaired the health of prisoners; that treatment having such an effect could not be justified by reasons of security or otherwise; and that the government should find humane alternatives to these

forms of imprisonment.

Albania (the People's Socialist Republic of)

Although Albania is a member of the United Nations, it has not signed the 1966 International Covenants on Human Rights, nor has it signed the 1975 Final Act of the Conference on Security and Co-operation in Europe. Amnesty International's major problem is to obtain reliable and detailed evidence of individual cases of violation of human rights. Occasional reports of such violations give ground for concern as do certain provisions of the Penal Code (1977), which make individuals liable to long terms of imprisonment for exercising their basic human rights.

Article 1 of the Penal Code proclaims that "an important duty of the penal legislation of the People's Socialist Republic of Albania is the struggle against bureaucratism and liberalism, which are most dangerous to the state of dictatorship of the proletariat". Article 2 supports the provisions of article 37 of the 1976 constitution which says that the state does not recognize any religion but supports and develops "atheist" propaganda. Although article 53 of the constitution guarantees freedom of speech, press, organization, assembly and public demonstration, article 55 of the Penal Code, concerning "anti-state agitation and propaganda", severely limits these rights: "fascist, anti-democratic, religious, war-mongering or anti-socialist agitation and propaganda, as well as the preparation, dissemination or the keeping for dissemination of literature with such a content as to weaken or undermine the state of the dictatorship of the proletariat are punished by deprivation of liberty for from three to ten years".

In 1967, the Secretary of the Communist Party, Enver Hoxha, proclaimed Albania the first atheist state in the world. Churches and mosques were closed; information reaching Amnesty International suggests that former leaders of the Roman Catholic, Orthodox and Muslim Churches in Albania have been sentenced to long terms of imprisonment and banishment for exercising their right to freedom of conscience. During 1977, Amnesty International appealed to the authorities on behalf of three Roman Catholic titular bishops who disappeared in the mid-1970s after conducting religious ceremonies in private. Their appeals remained unanswered, as have all other requests to the government for information concerning individual cases. Recent reports alleged that the three bishops were sent to forced labour on collective farms.

The right to freedom of movement is severely restricted under Albanian law. Under Penal Code article 47K, "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 is an offence punishable with imprisonment for not less than 10 years or by death". In one recent case, an Albanian national released from prison camp in 1977 attempted to leave the country illegally in 1978, together with his wife and daughter. At the Yugoslav border, Albanian frontier guards opened fire, killing his small daughter whom he was carrying on his back. In the ensuing confusion, his wife disappeared, and has not been heard of since. Another man allegedly served 6 years' imprisonment in the 1970s, in Bulqize Prison, as a result of having spoken in the presence of others of the possibility of leaving Albania.

Amnesty International continued to receive reports alleging that members of ethnic minorities, in particular the Greek minority in southern Albania, were

persecuted as a result of their allegiance to the Greek Orthodox Church and their attempts to assert and maintain their Greek ethnic identity. There is no reliable information to verify these reports.

Conditions of trial and imprisonment also gave ground for serious concern. "Staged" trials with summary convictions on the basis of confessions extracted by torture have been alleged. Political prisoners have reportedly been subjected to long periods of solitary confinement in cells without daylight and humiliated and beaten by guards.

Reports suggest that food and medical care are well below internationally accepted standards, that prisoners receive only rare visits from their families and that some political prisoners are sent to labour camps – including Selenica and the copper-mining camp of Spaci – and to irrigation work in the marshes of Kakirriq.

Several reports have reached Amnesty International of people sentenced to up to 6 years' imprisonment for having listened to foreign radio stations.

***Bulgaria** (the People's Republic of)*

The constitution guarantees freedom of speech, of the press, of assembly and of association. These freedoms are restricted by certain articles of the Penal Code which prescribe imprisonment for their non-violent exercise, giving priority to the protection of the interests of the state and the state apparatus over those of the individual.

Article 108 makes propaganda or agitation against the state an offence punishable by up to 5 years' imprisonment, while article 109 prescribes terms of imprisonment of from 3 to 12 years for "forming or being a member of an organization whose activities are aimed at committing offences against the state". Article 113 makes those who commit these offences against another workers' state liable to the same penalty. In one case a person who had allegedly criticized the Soviet Union was sentenced under this article. Article 273 makes it an offence punishable by up to 2 years' imprisonment or corrective labour to "disseminate untruthful remarks which might incite mistrust of the state power or cause confusion in society".

In May 1978, Ljuben Sobadschiev, a worker from Ruse employed by the Bulgarian Danube shipping line, was arrested with two other young men, Petar Kamaraschev, also from Ruse, and Ivan Tsonev from Dve Mogili. Reportedly they had produced leaflets in 1977 which criticized official economic policy and complained of food shortages and which were distributed in a local supermarket. At the time of their trial in August 1978, Amnesty International issued an appeal on behalf of Ljuben Sobadschiev, a former prisoner of conscience and the only member of the group then known to Amnesty International. The three men were charged under articles 108 and 109 of the Penal Code and Mr Sobadschiev and Mr Kamaraschev were also reportedly charged under article 113 with having insulted a fraternal country. The three men apparently refused the services of the lawyer appointed by the state and insisted on conducting their own defence. Ljuben Sobadschiev was sentenced to 4½ years' imprisonment and Ivan Tsonev and Petar Kamaraschev to 2 years' and 1 year's imprisonment respectively.

Freedom of movement is restricted under article 279 of the Penal Code, which makes an attempt to leave the country without permission an offence punishable

by up to 5 years' imprisonment and a fine of up to 3,000 *levas*. Early in 1977 Evgenii Galabov, Vladimir Gusenko and Ljuben Hadji-Dimitrov were tried in Sofia and sentenced to 1 year, 3 years' and 4 years' imprisonment respectively on charges of having either planned themselves to leave the country illegally or, knowing that relatives of theirs planned to do so, of failing to inform the authorities. Ljuben Hadji-Dimitrov and Vladimir Gusenko were also reportedly accused of possessing anti-communist literature and disseminating untruthful statements. According to the most recent information, Ljuben Hadji-Dimitrov has had his sentence reduced by one year, but Evgenii Galabov's sentence was extended so that he was released only at the beginning of 1979.

Amnesty International continues to work on four cases of persons serving long sentences for alleged "espionage". They all have relatives abroad with whom they maintained contact and in three cases they had applied to visit them or to emigrate shortly before their arrest. The four prisoners are Solomon Ben-Joseph, Nicholas Chamurlisky, Dr Peter Kondofersky and Yusuf Husnu, each of whom has suffered serious ill-health during the year.

In addition to imprisonment, the Penal Code prescribes for certain offences the penalties of corrective labour and banishment. Seven of Amnesty International's adoption or investigation cases are known to have been banished to remote towns or villages. They include Christo Kolev, a trade-unionist and anarchist communist with a long record of political imprisonment before, during, and after the Second World War. From 1971 to February 1978 Christo Kolev was banished to the villages of Pet Mogili and Balvan after attending a friend's funeral at which he gave an impromptu speech and placed a wreath on behalf of the Anarchist Communist Federation to which he and his friend belonged. In February 1978 he was informed that his sentence of banishment had been lifted a month previously, and he moved to Sofia to be with his ailing 96-year-old mother. Five months later, following visits made to him by former prisoners of conscience, he was once again banished to Balvan, without trial or formal accusation; his mother, gravely ill, was sent to join him. It is likely that he was banished under article 39 of a new militia law, enacted on 1 March 1977, by which an adult convicted of having committed "crimes against the state" may be prohibited from leaving a specified town for up to six months. In August 1978, Amnesty International appealed to the authorities for Mr Kolev's release but, according to the most recent information, he is still banished to Balvan. Those banished have in the past been released only after several years of assigned residence in remote places.

Although article 35 of the constitution stipulates that all citizens are equal before the law and article 53 guarantees freedom of conscience and religion, Amnesty International has in recent years received allegations that members of the Turkish minority and Pomaks – ethnic Bulgarians of the Muslim faith – have been persecuted and imprisoned on religious grounds. In November 1978, Amnesty International adopted a Pomak, Bairam Redjepov Gaitov, a 40-year-old woodcutter from the village of Kornitza, in the district of Pirin, married with four children. Together with other members of his village he had protested against the attempts by the authorities to induce them to change their names, abandon their religion and join the Communist Party. In March 1973, the village was reportedly surrounded by mounted police, who attacked the villagers assembled in the village square and allegedly shot seven men. Mr Gaitov was arrested by the police along with

several other villagers, beaten and taken to Sofia investigation prison. He was sentenced to 12 years' imprisonment for "membership of a group formed to commit offences against the state" and "dissemination of false information with the aim of undermining the state". It is reported that he spent the first two years in solitary confinement, and that he was beaten and ill-treated in prison with the aim of extracting an admission of guilt from him. His wife and daughter were deported to a village in the Vidin province and compelled to do forced labour. His 16-year-old son was taken to an agricultural school, where pressure was allegedly put on him to denounce his father. It is reported that when he refused to do so, he was beaten so brutally that he never recovered and has been declared unfit for military service. Amnesty International also received reports alleging the persecution and imprisonment of Pomak villagers from the districts of Blagoevgrad, Pazardzhik, Smolyan, Plovdiv, Razgrad and Turgovishte.

In a number of respects trial procedures for political offenders do not conform to recognized norms. Persons accused of political offences have allegedly been severely beaten to extract confessions and persons suspected of political offences threatened with psychiatric confinement. The defendant's choice of lawyer has in some cases been denied and in others severely limited. Witnesses have reportedly provided testimony against the accused during investigation proceedings, which at the trial they withdrew, claiming that it was false and had been obtained under pressure. It appears to be the general rule that political trials are held *in camera.*

Amnesty International's most detailed information on prison conditions concerns Stara Zagora, the chief maximum-security prison, where a number of prisoners of conscience are held. Despite the alleged improvements in conditions referred to in the *Amnesty International Report 1978,* there are allegations of ill-treatment of prisoners by guards. Persistent reports of serious ill-health also indicate that medical care is inadequate. Prisoners appear to have access to a doctor only in cases of acute illness and there is no provision for dental treatment. Reports by former prisoners of conscience in Stara Zagora claim that cells are overcrowded, with only 3.5 metres square for four people, that they contain concealed microphones to record prisoners' conversations, and that prisoners suffer from extremes of cold and heat in winter and summer. Cells used for solitary confinement are reported to be without daylight and to lack beds or washing facilities. Prisoners are also apparently required to work long hours exposed to harmful chemicals without adequate industrial protection.

Recent information suggests that political prisoners are also punished by terms of forced labour, some in mines.

Former prisoners of conscience continued to allege that a number of people who have shown themselves to be critical of government policies have been detained in psychiatric hospitals on political rather than medical grounds. Hospitals where psychiatric abuse allegedly occurred include the Boulevard Lenin Psychiatric Clinic in Sofia and the psychiatric clinics of Sevlievo and Lovetch. On the basis of official diagnoses such as "schizophrenia" and "a weakened moral-volitional complex" political detainees are alleged to have been subjected to treatment with neuroleptic drugs and electro-convulsive therapy.

The Penal Code 1961 retains the death penalty for 29 crimes.

Czechoslovakia (the Czechoslovak Socialist Republic) (CSSR)

Amnesty International's major concerns during the past year have been the existence and application of laws which prescribe imprisonment for non-violent exercise of certain human rights; the imprisonment of persons for expressing views disapproved of by the authorities; the denial of a fair trial to persons charged with political offences; the retention of the death penalty and the poor treatment and conditions of detention for individuals convicted of political offences.

The Czechoslovak constitution (1960) guarantees freedom of expression only insofar as its exercise is consistent with the interests of the working people. The Czechoslovak Penal Code (1973) contains provisions which prescribe imprisonment for non-violent exercise of certain rights of conscience. Two articles which have been applied in many cases of political prisoners, article 98 (subversion of the Republic) and article 100 (incitement), state "anyone acting out of hostility to the existing socialist, social and governmental system of the Republic. . . shall be punished. . . ". The formulation of these provisions is so general that practically any political or public activity which does not conform to the current official political line can be qualified as criminal.

In April 1978, the unofficial Czechoslovak human rights movement, Charter 77, set up the Committee for the Defence of the Unjustly Persecuted (VONS), which has issued over 100 statements providing valuable information on violations of human rights in Czechoslovakia.

Most cases taken up by Amnesty International continued to be of people charged with "incitement" (Penal Code article 100) for writing, disseminating or merely possessing texts critical of the policies of the Czechoslovak authorities.

Ivan Manasek, a student, and Milan Kobal, a worker, were sentenced in August 1978 in Prague to 18 months' and 12 months' imprisonment respectively for distributing previously unpublished information about conditions in the Communist Party. Jiri Chmel, a geophysicist, was sentenced in October 1978 in Most to 18 months' imprisonment for allowing several people to sign Charter 77 in his flat and for playing a tape-recording of the text of the Charter 77 manifesto in public. The latter charge was withdrawn by the prosecutor as not proven. Zdenek Kastak, a worker, was sentenced in November 1978 in Trutnov to 10 months' imprisonment to be followed by psychiatric treatment for sending suggestions and complaints to the party authorities and newspapers. Josef Brychta, an official, and Pavel Novak, an engineer, were sentenced in November 1978 in Jihlava to 8 months' imprisonment for possessing, duplicating and distributing texts "inimical to the socialist state order". In December 1978, following an appeal by the prosecutor, the Regional Court in Brno increased their sentences to 13 months. Petr Cibulka, a worker, Libor Chloupek, a librarian, and Petr Pospichal, a printing apprentice, were sentenced in November 1978 in Brno to 2 years', 20 months' and 11 months' imprisonment respectively for organizing private performances by musicians and other nonconformist individuals and groups and for duplicating and disseminating typewritten and tape-recorded "anti-state" works.

Frantisek Hrabal, a worker, and Jiri Volf, a driver, were convicted of subversion in October 1978 in Prague and sentenced to 3 years' imprisonment for distributing

Charter 77 documents and other "anti-state", "anti-Party" and "anti-social" texts. Jan Simsa, a Protestant pastor, was sentenced in August 1978 in Brno to 8 months' imprisonment for "assaulting a public functionary". He is said to have defended his wife when a police officer tried to take a letter from her by force during a search of their home. Professor Jaroslav Sabata, a psychologist and spokesman for Charter 77, was sentenced in January 1979 to 9 months' imprisonment for "insulting a police officer". Eyewitnesses have reported that he was beaten up by the police. Dr Sabata had been arrested on 1 October 1978 near the Polish border, after the police had broken up a meeting of members of the Polish Committee for Social Self-Defence (KOR) and Czechoslovak human rights activists.

Among those awaiting trial is Vojtech Srna, a Catholic priest who was charged with obstructing control of church and religious activities. He was accused of allowing a mass to be held without official permission at an Esperanto camp in July 1977. Miroslav Svacek, a civil engineer and leader of the camp, was charged with assisting Vojtech Srna. Pavel Buchler, a graphic artist, was arrested in December 1978 in Budapest when attempting to continue his journey to Vienna on a forged passport. He had previously been harassed by the Czechoslovak authorities for his dissenting views and had had his applications for permission to travel to Western Europe repeatedly refused. He was handed over to the Czechoslovak authorities in February 1979. During 1978 and 1979 Jan Zmatlik, a sociologist, Dr Jaromir Savrda, a writer, and Jiri Vesely, a former teacher, have been in detention without trial for 8, 9 and 13 months respectively. Jan Zmatlik was charged with "making preparations for subversion of the Republic by producing, duplicating and attempting to disseminate written materials hostile to the social order of the CSSR". The details of Dr Savrda's indictment are not known but it is believed that he is being prosecuted for his dissenting views. Jiri Vesely was charged with sending letters to the authorities in which he criticized political and social conditions in the country.

In October 1978, Amnesty International appealed to the President, Dr Gustav Husak, for an amnesty for all prisoners of conscience to mark the 60th anniversary of the founding of the Czechoslovak Republic. Amnesty International groups also appealed to the President for the release of their individual prisoners, but no amnesty was announced.

Amnesty International groups were working on 55 adoption and investigation cases in the CSSR in April 1979.

Article 103 of the constitution (1960) and article 199 of the Code of Criminal Procedure (1973) state that trials should be open to the general public. In practice, however, almost without exception, political trials are closed to the public, only one or two family members and occasionally a close friend of the accused being admitted. Foreign correspondents and other foreign observers are normally excluded. In a press release of 5 October 1978 Amnesty International announced that its observer at the trial of the above-mentioned Petr Cibulka, Libor Chloupek and Petr Pospichal had been detained and questioned by the police for five hours. At the trial of Jiri Chmel, prosecution witnesses Josef Klier, Petr Ouda, Josef Hegr and Ivana Holotova retracted their previous testimony which they said they had given under duress. They were arrested and in January 1979 sentenced to prison terms ranging from 14 to 24 months for "giving false evidence".

Under the Penal Code (1973), a number of crimes are punishable by the discretionary death sentence. The Regional Court in Brno in September 1978 sentenced Robert Bares, aged 22, to death for "endangering public safety, robbery, attempted abduction abroad and theft". In May 1978, after stealing guns and ammunition, he and two associates seized a school bus and tried to use the occupants as hostages in an attempt to force their way into the Federal Republic of Germany. After all the students had alighted, shots were exchanged between hijackers and border guards, and the driver and one of Robert Bares's associates were killed. Amnesty International appealed to the President to commute Robert Bares's death sentence, but it was upheld by the Supreme Court in December 1978. Miroslav Somer, a 32-year-old lorry driver who had been sentenced to death in January 1978 by the court in Banska Bystrica for murdering two women hitch-hikers, was executed in February 1979.

According to information in Charter 77 document No. 16 of 22 May 1978, translated and distributed internationally by Amnesty International, prison conditions fall far short of the United Nations Minimum Standard Rules for the Treatment of Prisoners. Reports of inadequate medical attention provoked urgent actions on behalf of three seriously ill prisoners of conscience, Jan Simsa, Jiri Lederer and Professor Jaroslav Sabata.

France (the French Republic)

All Amnesty International adopted prisoners in France are conscientious objectors. The main legal provisions relating to them were not changed.

In early 1979, Amnesty International initiated an international campaign on imprisonment of conscientious objectors in the member states of the Council of Europe, advocating adherence by the member states to the principles of Resolution 337 of the Parliamentary Assembly of 1967 of the Council of Europe, which laid down standards to protect the human rights of conscientious objectors.

There are many convictions of conscientious objectors in France every year. The definition of a conscientious objector under article 41 of the *Code du Service National* is restricted to those who "are opposed unconditionally to the personal use of arms because of religious or philosophical convictions". The courts include military personnel and meet *in camera*. It is also an offence to publish information which might incite conscripts to exercise their rights of conscientious objection. Finally, even if a conscript secures permission to perform alternative service it is usually in the *Office National des Eaux et Forêts* (ONF), which is widely considered unacceptable, and for a period twice as long as the normal military service. Amnesty International considers this practice to be punitive. For these reasons it was decided to make France one of the three main countries for action in the early 1979 campaign.

Amnesty International is concerned at the apparent increase in prosecutions for actions related to conscientious objection even though the accused are not objectors themselves.

The *Tribunal de Grande Instance* (a civil court) of Nancy in February 1979 ordered the dissolution of an organization of conscientious objectors, the *Fédération des Objecteurs* (FEDO). Article 50 of the *Code du Service National* prohibits the dissemination of information in whatever form "likely to incite potential conscripts to benefit from the provision of the law recognizing con-

scientious objection". This law restricts the non-violent exercise of freedom of expression and deprives people of information regarding their legal rights. The availability of information is especially important for potential objectors, who under the law have only one month after call-up in which to exercise their right to apply. Members of FEDO have lodged an appeal against the court's decision.

Amnesty International is concerned about the possibility of ill-treatment of Basques forcibly returned to Spain (see *Spain*). These *refoulements* date from the decision of 30 January 1979 by the French government to withdraw the status of political refugees from all Spanish citizens. So far seven Basques have been deported to Spain, where they were immediately detained under the anti-terrorist laws. Two of them have subsequently made allegations of ill-treatment by the Spanish police. The Spanish government has attempted to have two more Basques extradited on charges of murder, but the court of appeal in Aix-en-Provence rejected the Spanish government's case. Further charges are rumoured to be pending and the two Basques are still in custody. The French authorities have served a further 15 Basques with restriction orders and they are confined to the town of Valensole. It is not known whether attempts will be made to extradite them or whether they will be expelled.

There has been no alteration in French legislation regarding the death penalty. However, no person was executed during the year and all death sentences have been commuted. The law at present permits the use of the death penalty for a wide variety of civil and military crimes.

German Democratic Republic (the) (GDR)

During the year, Amnesty International worked for approximately 220 prisoners of conscience or people suspected of being prisoners of conscience. Almost all were imprisoned under laws which explicitly restrict the non-violent exercise of human rights. Other concerns include the death penalty and aspects of the judicial process and treatment of political prisoners.

Most people adopted were imprisoned for trying to exercise their right to leave the country. In the past most have tried to exercise this right by crossing the border without permission, a crime punishable by up to 5 years' imprisonment under article 213 of the Penal Code. In recent years, however, there has been a marked increase in the number of those openly seeking permission from government authorities to emigrate, particularly since the Conference on Security and Co-operation in Europe (Helsinki, 1975), which drew the attention of many to the fact that their government had ratified the international human rights covenants proclaiming the right to leave one's country. Government authorities are reluctant to issue exit visas. Those seeking them are usually informed verbally that their application has been turned down and advised to drop the matter. Many applicants demand to know the reasons for the refusal and accuse government officials of failure to observe international human rights agreements. Some continue to submit applications and protest when they are no longer processed or acknowledged. During the past year the conflict between government authorities and those insisting on their right to emigrate frequently led to arrest on charges such as "interference with public activity" (article 214 of the Penal Code), "incitement hostile to the state" (article 106), or "public degradation" (article 220).

Many of those repeatedly refused permission to emigrate appeal to organizations outside the country. If their correspondence is discovered they are liable to 2 to 12 years' imprisonment under article 98 of the Penal Code for collecting or passing on information suited to support "activity directed against the GDR or other peace-loving peoples". A number of would-be emigrants were convicted under this article, even when the information in question consisted merely of an account of their own difficulties in trying to emigrate.

Early in 1978 it became known that the GDR government was planning to introduce military education into the school curriculum for the 14 to 16 age-group. This was opposed by the Churches, and three Church members, Harry and Renate Pohl and Uwe Reimann, were arrested in the summer of 1978 after protesting against the government's decision. All three were sentenced to terms of imprisonment for "incitement hostile to the state". The Pohls had written letters criticizing the scheme to government authorities, while Uwe Reimann had reportedly distributed leaflets on the subject through letterboxes. All three were adopted as prisoners of conscience. Uwe Reimann was released at the end of March 1979.

A number of cases taken up by Amnesty International during the year were of people found guilty of distributing documents officially considered as "discrediting" the GDR. While possession of such a document is not punishable by law, to pass it on even to only one other person, is a crime under article 106 of the Penal Code.

It is estimated that between 1,000 and 1,500 political prisoners a year are released before completing their sentence and allowed to emigrate to the Federal Republic of Germany (FRG) as a result of the "special efforts" of the FRG government by which a sum of money is paid to the GDR authorities for the release of each prisoner.

Typical of the prisoners adopted by Amnesty International during the period under review is Frieder Künzel. For two years before his arrest he had been trying to obtain permission for himself and his family to emigrate and had written to a number of organizations outside the GDR appealing for help. In April 1978 he received and passed on to friends a manifesto – published by the FRG weekly *Der Spiegel* – that had allegedly originated from an opposition group within the Socialist Unity Party in the GDR. The manifesto contained criticism of the political and economic system in the GDR and its association with the USSR. The GDR authorities discovered the circulation of the document and arrested Frieder Künzel on 1 May 1978. The arrest was accompanied by a house search that revealed copies of his correspondence on the subject of his emigration. At his trial in October 1978 he was found guilty both of circulating a document slandering the GDR and the USSR and making contact with organizations and individuals abroad in order to discredit the international image of the GDR. He was sentenced to 3 years 6 months' imprisonment under Penal Code article 106 (incitement), article 98 (collecting of information) and article 108, which makes such acts "crimes against the state" also when practised against other socialist countries. He was released in December 1978.

The rights of defence of political prisoners are severely restricted. They are usually denied access to their lawyers to discuss the charges until shortly before the trial and many therefore are ignorant of their rights during the investigatory

proceedings. In most cases lawyers advise their clients to plead guilty and the defence takes the form of pleading for a reduction of sentence on grounds of previous good conduct. With very few exceptions the trials of political prisoners are held *in camera.*

New prison regulations introduced in May 1977 have led to some improvement in prison conditions, particularly in such matters as the number of visits and letters prisoners may receive. There appears, however, to be no substantial change in their physical surroundings. There are special punishments for offences such as refusal to work. The special punishment cells are usually cold, dark basement rooms furnished with only a hard bed and one blanket. During such punishments, food rations are severely reduced and prisoners receive only one warm meal every three days. Although 21 days is the legal maximum in such a cell, the punishment is sometimes repeated at short intervals. In 1978, Amnesty International made special anniversary appeals on behalf of two prisoners of conscience who had been subjected to these special punishments, Werner Schälicke and Rolf Mainz.

Although the penal law retains the death penalty for a number of offences, no executions were reported.

Germany (the Federal Republic of)

There were no major acts of political violence, although organizations such as the *Revolutionäre Zelle* remained active. Special anti-terrorist legislation, which increases the discretionary power of the executive over the exercise of civil and political rights and of the prosecuting authorities and the judiciary in criminal proceedings, remained in force.

One of Amnesty International's concerns has been the use of this anti-terrorist legislation against "sympathizers" of organizations involved in violent political activity, and in particular against members of communist and left-wing organizations who have not been involved in political violence themselves. None has been adopted as prisoner of conscience, either because the charges related to the advocacy of – though not the use of – violence, or because they have been punished by a fine, rather than imprisoned. Nonetheless Amnesty International remained concerned that offences such as "defamation of the state" (article 90a of the Penal Code) or "incitement to commit crimes" (article 130) can be used to restrict the freedom of speech of the individual and political criticism. A number of members of the *Kommunistische Bund Westdeutschland* (KBW) were charged under article 90a with "deliberately insulting and maliciously smearing the constitutional order of the FRG" in a KBW pamphlet in the Bavarian elections in October 1978, In the charges, which do not relate to advocacy of violence, particular reference was made to the description of the elections as a means through which "the West German bourgeoisie wants to legitimize its policy of exploitation, pillage and suppression of the masses, of expansion and preparation for war".

Amnesty International has continued to follow closely cases of defence lawyers charged with disciplinary or criminal offences related to their work for clients accused of politically motivated crimes but has not intervened in individual cases.

In April 1978 the Constitutional Court ruled that some form of the conscience testing of applicants for alternative service to military service was necessary under

the constitution. Amnesty International interceded in the case of Dieter Schöffmann, who was not officially recognized as a conscientious objector and faced prison for his refusal to perform military service. Although Herr Schöffmann would also have refused alternative service had he been recognized as a conscientious objector, the charges were brought against him on the grounds that, because his application to be recognized as a conscientious objector was rejected, he had to perform military service. Amnesty International asked the court to dismiss the charge against him. Herr Schöffmann was convicted but his sentence was suspended. He has appealed.

There have been many allegations that prisoners suspected or convicted of politically motivated crimes have been subjected to conditions of imprisonment that damage their health. It has been alleged that isolation and sensory deprivation techniques have been used deliberately to "break" them. None of them has been adopted as a prisoner of conscience.

The question of the extent to which the conditions of imprisonment of politically motivated prisoners come within the scope of Amnesty International's statute regarding "cruel, inhuman or degrading treatment or punishment" is complex, and towards the end of 1977 its International Executive Committee commissioned a study of the prison conditions of persons convicted or suspected of politically motivated crimes, the alleged use of sensory deprivation and the use of isolation, and the effects of these on the health of individual prisoners. This study focused on the prison conditions of members of the *Rote Armee Fraktion* (Red Army Fraction); the *Bewegung 2 Juni* (the Second of June Movement), and to some extent the *Revolutionäre Zelle.* In February 1979 Amnesty International sent a *Memorandum on Prison Conditions of Persons Suspected or Convicted of Politically Motivated Crimes in the FRG* to the Minister of Justice, Dr Hans-Jochen Vogel. A covering letter stated the belief that in individual cases prolonged solitary confinement and social isolation had impaired the health of prisoners and that the prison conditions of those suspected or convicted of politically motivated crimes are matters of concern under Amnesty International's Statute.

Amnesty International concluded that pathological disturbances representing a separation syndrome were apparent in many cases of prisoners detained in solitary confinement and small-group isolation. In some, intellectual and emotional disturbances and disturbances of the autonomic nervous system were so pronounced as to be reminiscent of the effects produced by sensory deprivation in experiments.

Amnesty International concluded further that these effects of isolation militate against reform and rehabilitation, contrary to accepted international norms of imprisonment, and that ways must and can be found to accommodate security needs with humane treatment, avoiding the severe forms of isolation inherent in the prison conditions described in the memorandum. Amnesty International urged the government to seek alternatives to the use of solitary confinement and small-group isolation as regular forms of imprisonment. On submitting its report, Amnesty International asked the government to receive a delegation to discuss the findings and recommendations.

One of the cases dealt with in the submission was that of Werner Hoppe, who since his arrest in 1971 has been held under varying degrees of isolation ranging

from total isolation and solitary confinement to association – for a period of a few months – with up to seven prisoners in Stuttgart-Stammheim Prison. As early as 1974 Herr Hoppe's state of health was causing concern and prison doctors pointed to his case as an example of the adverse and possibly lasting effects of isolation. In September 1978 Herr Hoppe was transferred to hospital in what was described by the doctors in charge of the case as "a real psychosomatic crisis endangering his life". In February 1979, Herr Hoppe was released on the ground that he was unfit for further imprisonment.

Amnesty International asked to know the outcome of the investigation of charges of medical neglect of a mentally handicapped prisoner, Herr Braun, who died on 10 February 1978 in Ansbach hospital a few days after sustaining injuries in a Nuremberg prison in unexplained circumstances.

The death penalty is totally abolished.

Greece (the Hellenic Republic)

Amnesty International's only adopted prisoners are Jehovah's Witnesses, imprisoned because of their refusal on religious grounds to perform military service. Until October 1977 there was no provision for conscientious objection to military service, which is compulsory for all Greek men between 18 and 45 years-of-age. In time of war conscription may include men up to the age of 50. Law 731/77, which came into force in October 1977, amended the law to allow religious objectors the alternative of performing unarmed military service for 4½ years, a period twice as long as that of regular military service. Jehovah's Witnesses will not accept unarmed service or any form of alternative service and the authorities therefore continued to imprison them.

Amnesty International was informed in November 1978 by Mr N. Athanassiou, Minister Plenipotentiary at the Greek Embassy in London, that: ". . . in the case of conscientious objectors, courts have been careful not to pronounce sentences exceeding 4½ years". Yet in February 1979 Vassilis Spanoyiannis was sentenced to 10 years' imprisonment by the Ioannina Military Tribunal because of his refusal to perform unarmed military service, and in March 1979 Emmanuel Gazis was sentenced to 18 years' imprisonment in Kozani for the same reason. Amnesty International expressed its concern in a letter on 14 March 1979 to His Excellency Mr Stavros G. Roussos, Greek ambassador in London, and in telegrams to Prime Minister Constantine Karamanlis and Minister of Defence Evangelos Averoff. The only improvement in the position of Jehovah's Witnesses under the new law appears to be that they will no longer have to serve repeated sentences as in the past, when they were released from prison only to be called up again and re-imprisoned if they again refused to perform military service.

In April 1979, Amnesty International was working for the release of 86 imprisoned Jehovah's Witnesses in Greece.

On 23 March 1979, Amnesty International appealed again to the leaders of all political parties in Greece and to all independent members of parliament for their support for the enactment of domestic legislation against torture.

Hungary (the People's Republic of)

In December 1978, a new Penal Code was enacted, superseding that of 1961. It is

due to come into force in July 1979, but its text is not yet available. Reports based on the debate in the Assembly suggest that a number of minor offences will no longer be punished by the criminal law and that for a number of lesser crimes the penalty of imprisonment has been replaced by other punishments, mostly fines. The minimum period of imprisonment has been raised from 30 days to 3 months, while the upper limits of 15 years, or 20 in the case of multiple offences, remain unchanged.

During 1978, nine people are known to have been executed in Hungary. Despite considerable discussion of the abolition of the death penalty, the National Assembly decided to retain capital punishment in the new Penal Code, which prescribes no time limit for the prosecution of war crimes, still punishable by the death penalty.

It is not known whether the new Penal Code will retain the provisions which made public criticism of official policies an offence punishable by imprisonment. Under article 127 of the Penal Code 1961, "incitement to hatred" of a variety of targets, including the state, the nation and religions, was punishable by up to 8 years' imprisonment.

Other legislative changes include a decree on "foreign travel and the passports of Hungarian citizens" adopted by the Presidential Council in October 1978, by which the number of provisions whereby Hungarian citizens may be denied passports has been reduced from six to three. Although this decree is in some respects more permissive than the one of March 1970, people who have a criminal record in Hungary may still be denied a passport. This provision may be being applied to a former Amnesty International adopted prisoner of conscience, Zsolt Takacs, a 26-year-old electrician from Budapest, who in 1977 married a Swiss citizen in Budapest with the approval of the Presidential Council. His application to join his wife in Switzerland was turned down by the Hungarian authorities. In February 1978 he was arrested while trying to cross the Hungarian-Yugoslav border without authorization. In July 1978 he was sentenced to 1 year's imprisonment under article 203 of the Hungarian Penal Code which makes unauthorized crossing of the border punishable by from 1 to 5 years' imprisonment. In September 1978, this sentence was confirmed by a higher court. Mrs Takacs travelled to Hungary to be with her husband on his release. On 2 March 1979, she received police orders to leave the country within 24 hours. When she approached the Hungarian Embassy on her return to Switzerland, she was reportedly informed that the Hungarian authorities were not prepared to revoke the order banning her from the country, and that since her husband did not have permission to leave Hungary nor she to be there, she should divorce her husband.

Sandor Rudovics, an Amnesty International prisoner of conscience, was released from prison at the beginning of 1978. In 1976 he was sentenced to 2 years' imprisonment after attempting to cross the border without permission to join his wife and child in Austria. In March 1978, he was arrested again and in May 1978 sentenced to 2 years' imprisonment on charges of "larceny". Amnesty International has received allegations that the charges of larceny were made falsely and continues to investigate. During his previous sentence and after his re-arrest, articles appeared in the Hungarian press attacking both him and Amnesty International's work on his behalf.

According to a statement issued by the Public Prosecutor in February 1979,

political offences accounted for 0.2 per cent of the criminal offences committed in the course of 1978. Of this 0.2 per cent, 96 per cent reportedly consisted of "incitement", mostly under the influence of alcohol. In October 1978 Amnesty International learned of the release of Gjorgy Hajas, a 25-year-old Hungarian who was sentenced in July 1977 to 18 months' imprisonment on charges of "incitement" after he had criticized official restrictions on human rights in Hungary.

Ireland (the Republic of)

There has been a further decrease in political violence and fewer allegations of ill-treatment of suspects by police. No prisoners were adopted.

In October 1978, the government published the report and recommendations of an independent committee that had been set up to advise on safeguards for people in police custody and for the protection of police officers from unfounded allegations of ill-treatment. The committee had been established in October 1977 after Amnesty International had submitted to the government the report of a mission which concluded that people detained on suspicion of politically motivated crimes had been ill-treated by the police during 1975-77 *(Amnesty International Report 1978)*. The committee of inquiry consisted of Mr Justice Barra O'Briain, who was the chairman, Dr Ruaidhri Roberts the General Secretary of the Irish Congress of Trade Unions, and Mr Patrick Malone, a former commissioner of the *Garda Siochana*, the Irish police force. The committee was not authorised to investigate individual allegations of ill-treatment, which the government said should be investigated through normal criminal investigation, prosecution and trial. However, the committee took evidence from members of the public, from police, prosecution and other official agencies and from non-governmental organizations, including Amnesty International.

The committee's report made a number of recommendations for changes in procedures for dealing with detained suspects, which the government indicated that it did not accept.

In October 1978, Amnesty International submitted to the government a memorandum which said that the committee of inquiry had put forward important principles regarding the protection of those in police custody and had arrived at carefully considered and practicable safeguards. It urged the government to reconsider its position and to recognize the significance of the committee's work by implementing its recommendations.

Italy (the Italian Republic)

The rising level of political violence in Italy has been met with an emphatic response by the Italian Government. The operation of special powers of detention described in the *Amnesty International Report 1978* continue to cause concern. In addition it appears that increasing resort is made by the authorities to legal powers which, because of their sweeping and vague definition, can be used against a widening circle of people who hold minority political views and are allegedly involved through association with people who have committed terrorist actions. Special powers of search, surveillance and short-term detention for interrogation are used frequently against these individuals. In many cases

they are never brought to trial because charges are dropped.

Amnesty International continued to receive allegations of ill-treatment of inmates of prisons and violence against prisoners in police stations. On April 5 1979, Amnesty International wrote to Signor Virginio Rognoni, the Minister of the Interior, welcoming an official inquiry into allegations of torture made by nine men detained following the murder of a jeweller in Milan. In its letter Amnesty International expressed concern over the lack of positive results from the inquiry. Amnesty International is now preparing a research mission to Italy to investigate such allegations.

Military tribunals started to prosecute conscientious objectors who refused to perform alternative civil service of longer duration than the 1 year of compulsory military service. For example, Sandro Gozzo served 12 months' alternative service in an agrarian community for the mentally-handicapped and then went home. He notified the Ministry of Defence that he considered the law on extended alternative service was designed to punish conscientious objectors. In January 1979 he was sentenced to 7 months' imprisonment by the military tribunal in Palermo for refusal to complete his full period of alternative service.

Amnesty International groups worked for six adopted prisoners during the year. All were conscientious objectors to military service.

Poland (the Polish People's Republic)

Amnesty International's major concern during the past year has been official victimization of members and supporters of unofficial groups established to protect human and civil rights. The number of these groups has grown steadily since the emergence in autumn 1976 of the Workers' Self-Defence Committee (KOR) set up by a group of intellectuals in Warsaw to provide legal and financial assistance to workers imprisoned or prosecuted following the strikes and disturbance in Radom and Ursus in June 1976. Of these groups, the most prominent are the Committee for Social Self-Defence (formerly the Workers' Self-Defence Committee), the Movement for the Defence of Human and Civil Rights, the Student Solidarity Committee, the Society for Educational Courses, the Farmers' Self-Defence Committees in the regions of Lublin, Radom and Grojec and the Free Trade Unions based in Gdansk and Katowice. Many of these groups produce unofficial publications, the best known being *Spotkania, Robotnik, Opinia* and *Bratniak*, which regularly document cases of human rights violations.

While few of the members or supporters of these groups have been sentenced to imprisonment, in the past two years an increasing number have been detained briefly by the police for questioning and been subjected to other forms of harassment. A number of persons have been detained repeatedly. Amnesty International has received many allegations that detainees have been beaten by police, who have on occasion attempted to persuade them to collaborate. Human rights activists have also reported that their homes have been searched by the police without warrant and that they have been insulted by the police and their property damaged in the course of searches.

In the past year, Amnesty International adopted as a prisoner of conscience Kazimierz Switon, a Catholic activist and one of the founders, in February 1978, of the Committee of the Free Workers' Union in Katowice. Mr Switon is also a member of the editorial board of *Robotnik*, an unofficial periodical which

documents cases of harassment or prosecution of workers in Poland. As a result of these activities, Mr Switon was arrested and detained for up to 48 hours 12 times between January and October 1978. In April 1978, he was sentenced to 5 weeks' imprisonment on charges of illegal possession of weapons. The charges referred to an airgun belonging to one of his children which police found during a search of his flat. On 14 October 1978, Mr Switon was leaving a local church with his wife when he was attacked by four plain-clothes policemen, severely beaten and dragged into a police car. Although he did not resist arrest, he was summarily sentenced by a local magistrates court to 2 months' imprisonment on charges of causing a public disturbance. His lawyer and wife, but no other friends or relatives, were allowed to attend the trial, and no defence witnesses were allowed to appear. When his wife appealed against this sentence, the district procurator imposed criminal charges of "assaulting police officers" under article 234 of the Polish Penal Code. On 2 March 1979, Mr Switon was sentenced to 1 year's imprisonment and a fine of 12,000 *zloties* but was released pending appeal.

Amnesty International has also adopted as a prisoner of conscience Henryk Jagiello, a Polish naval officer. Mr Jagiello was tried on 30 November 1978 by the military court in Gdynia and sentenced to 1 year's imprisonment on charges of "dissemination of false information" after copies of two dissident papers, *Opinia,* published by the Human Rights Defence Movement, and *Bratniak* (The Hostel), a student magazine published by the Student Solidarity Committee, were found in his flat. The hearing took place *in camera,* and defence counsel was appointed by the military authorities although Mr Jagiello had asked to be defended by a lawyer of his choice. The sentence has been suspended on appeal.

Amnesty International continued to investigate a number of cases in which emigrants returning to Poland on holiday or private visits were imprisoned on "espionage" charges. In the cases which Amnesty International is reviewing, those convicted of espionage were not formally exempted from Polish citizenship when they became citizens of another country. It seems likely that in at least some of these cases charges of espionage were brought because they had given routine information to immigration authorities in Western Europe, rather than because there was hard evidence that they had committed espionage. Amnesty International is concerned that it appears to be the rule in such cases that the trial is heard *in camera* and that defendants are denied access to a lawyer of their choice.

The present Polish Penal Code, enacted in 1970, lists six crimes against the state, and one military crime, that carry a discretionary death penalty. The death penalty may also be imposed for aggravated cases of murder. In the past year, Amnesty International learned of three death sentences.

Romania (the Socialist Republic of)

In the autumn of 1978, Amnesty International launched an international campaign against human rights violations in Romania and issued detailed information documenting its concerns: prisoners of conscience, the existence of laws under which people may be prosecuted for the non-violent exercise of their human rights, political abuses of psychiatry and ill-treatment of arrested suspects by the state security police.

In February 1979, an Amnesty International delegation visited Romania at the invitation of the Romanian Association for International Law and International Relations. During the five-day visit, the delegates met Dr Mircea Malitza, President of the Romanian Association for International Law and International Relations; Dr Mihnea Gheorghiu, the President of the Romanian Academy of Social and Political Sciences, Mr Nicolae Popovic, the Deputy Minister of Justice, the Deputy Procurator General and a number of high officials from the Ministries of Justice, the Interior and of Health. Meetings also took place with religious leaders (Romanian Orthodox, Roman Catholic, Unitarian, Pentecostal, Baptist and Jewish) as well as trade-union officials and official representatives of the Hungarian and German minorities. During these talks, the delegation explained the work and methods of Amnesty International and discussed its concerns.

In the past year, human rights activists in Romania continued to report cases of violation of human rights and new groups emerged to advocate the rights of freedom of assembly, of conscience and of movement, and the rights of workers. Since February 1979, in particular, conditions have deteriorated and a wave of arrests has been reported in Bucharest and other major towns, involving workers, intellectuals and religious dissenters.

A new Penal Code is pending and, according to official sources, instructions have been issued to the judiciary to implement the present Code (enacted in 1968) "in the spirit" of the new, reportedly more liberal, code. Nevertheless, recent reports indicate that no major changes have occurred in judicial practice as applied to those who have exercised or attempted to exercise their human rights in a manner not approved of by the government.

The current Penal Code contains provisions permitting imprisonment for the exercise of certain human rights. For instance, article 166 makes "anti-state propaganda" punishable by imprisonment from 5 to 15 years. However, persons who exercise their human rights in manners not approved by the Romanian authorities are frequently punished under articles of criminal law which ostensibly do not relate to such activities, such as parasitism, homosexuality, theft or embezzlement. Other methods used to discourage political or religious dissent include forcible psychiatric confinement, repeated arrests and short-term detention on various pretexts during which the victim is interrogated by the police and, according to frequent allegations, beaten. Police are also reported to have threatened detainees with psychiatric confinement or a "car accident".

Amnesty International took up the cases of a number of religious dissenters, including Adventists and Pentecostalists, Baptists and members of the Orthodox Church, and is working on behalf of Mircea Dragomir, Lucian Bistriceanu and Viorel Ardelean, three members of the Reformed Adventists, a sub-group of the officially recognized Adventist Church, who were tried by the military tribunal in Timisoara in 1978 and convicted of "insurbordination" under article 334 (2) of the Penal Code. They had reportedly refused, for reasons of conscience, to perform active service on their sabbath (Saturday), but had offered instead to work on Sunday. Mircea Dragomir was sentenced to 4 years' imprisonment and Lucian Bistriceanu and Viorel Ardelean to 3 years'. Mr Dragomir and Mr Bistriceanu were reportedly beaten by army officers, and are at present said to be subjected to "strict regime" in the prisons of Bucharest and Gherla, although both are in poor health.

In another case known to Amnesty International, three gypsy Pentecostalists from Medias, Ioan Samu, Viorel Lacatus and Francisc Paris, were sentenced in November 1978 to 6 months' imprisonment for "parasitism" under decree 153/1970, after they had held an evangelical meeting in a Pentecostal Church in Medias which is not officially authorized. They were tried *in camera*, without benefit of defence lawyers or witnesses. Their appeal was heard in January 1979 in the court of Alba Iulia. This time, many relatives of the accused were present and protested when the judge threatened to raise Ioan Samu's sentence to 3½ years' imprisonment. In fact, the original sentence was confirmed. Following this incident, four relatives of the accused were the same day also sentenced to 6 months' imprisonment, while a number of others were fined.

In March 1979, Amnesty International issued an urgent appeal to the Romanian authorities on behalf of an Orthodox priest, Father Calciu-Dumitreasa, who was arrested on 10 March 1979. Father Calciu had been a political prisoner from 1948 to 1964. He was dismissed from his post as professor at the Theological Seminary in Bucharest in the summer of 1978, after he had defended students who were members of the Lord's Army sect (a revivalist sub-group in the Orthodox Church, not officially recognized). He had also openly criticized the atheist policies of the state and supported the work of the Romanian Committee for the Protection of the Freedom of Religion and Conscience.

Citizens applying for permission to emigrate are frequently subjected to pressure and reprisals, including dismissal from their jobs, following which they may be charged with "parasitism" and sentenced to imprisonment or to a term of compulsory labour on projects such as the Black Sea-Danube Canal. In other cases known to Amnesty International, people who have repeatedly applied to emigrate have been confined to psychiatric hospitals or falsely charged with homosexuality or embezzlement.

Among these is Gheorghe Rusu, an engineer from Targoviste whom Amnesty International has adopted as a prisoner of conscience. In 1978 Gheorghe Rusu was arrested after he had repeatedly applied to emigrate to join his wife and child in France. During pre-trial detention, he was reportedly asked to sign self-incriminating statements to the effect that he was a homosexual. He refused, and when brought to trial in summer 1978, pleaded not guilty to charges of homosexuality. It is reported that he appeared at his trial badly bruised and with broken ribs. In early 1979 he was reported to have been released from prison, but in early March he received papers informing him that he had been sentenced to 3 years' imprisonment for homosexuality, although he had not been retried. In mid-March 1979 he was re-arrested.

Amnesty International also adopted Marian Neagu who, after making many applications to travel abroad early in 1978, was reported to have been confined to the psychiatric hospital of Sapoca in Buzau district in August 1978. Similarly, Dumitru Muresan, a worker from Bistrita Nasaud who in 1978 declared a hunger strike to support his application to emigrate to the USA, was reportedly interned in the psychiatric section of Bistrita hospital from July to August 1978, diagnosed as suffering from psychopathic paranoia. Subsequently he and three others (Paramon Gagea, Simon Holbura and Gheorghe Budusan), who had also applied to emigrate, were sentenced to 4 months' imprisonment each on charges of "parasitism".

Other cases of psychiatric abuse reported to Amnesty International include those of workers who have protested about working conditions, among them a number of miners who took part in the Jiu valley strike of 1977. According to one report, following the Jiu valley strike, psychiatrists from the Dr Marinescu psychiatric hospital in Bucharest were brought into the mining towns of Petrosani and Lupeni, where they proceeded to diagnose as mentally ill a number of miners who were then pensioned off as "second-degree invalids" and deprived of their right to work. In several reports received by Amnesty International, from different sources, it is alleged that one of the strike leaders, named Dobre, subsequently died after being run down by a car in circumstances never properly investigated by the police. In February 1979, a group of intellectuals and workers in Bucharest and Turnu-Severin issued a manifesto announcing the foundation of the Free Trade Union of Romanian Workers (SLOMR). The manifesto alleged that there had been numerous cases in which people whose opinions had made them unpopular with the authorities had been arbitrarily pensioned off for so-called psychiatric reasons. On 6 March 1979, further support for this manifesto came from a "union of workers, peasants and soldiers from the Mures district", allegedly numbering over a thousand people, who declared their solidarity with the SLOMR manifesto, and also demanded that the government should cease to repress those who demand respect for their human rights with "terror, beatings, imprisonment and psychiatric confinement".

Four of the most prominent signatories of the SLOMR manifesto, Dr Cana, Gheorghe Brasoveanu, Gheorghe Fratila and Vasile Paraschiv, were reportedly arrested in March 1979. Since 1969, Vasile Paraschiv has been confined several times to a psychiatric hospital after protesting about compulsory unpaid labour and signing appeals alleging restrictions of human and civil rights. It appears that early in March 1979 relatives of Dr Cana and Mr Brasoveanu were taken to police headquarters in Bucharest and forced to sign statements that the two men were mentally ill. It has also been reported that Dr Cana and Mr Brasoveanu were subsequently confined to the Jilava Prison hospital psychiatric ward as "dangerously insane".

Amnesty International is also concerned about conditions of trial and imprisonment in Romania. Some people have been held in pre-trial detention for long periods; others have been subjected to summary trial *in camera* without access to defence lawyers or witnesses. It appears that in political cases defendants are frequently refused access to the lawyer of their choice and forced to accept the services of a state-appointed lawyer. Only in a minority of cases known to Amnesty International have political defendants been able to obtain even a copy of their indictment.

Amnesty International received a number of reports from former prisoners of conscience concerning prison conditions in the Calea Rahovei State Security detention centre in Bucharest, the State Security headquarters in Beldiman Street, Bucharest, and the prisons of Timisoara, Gherla, Aiud and Jilava. All have alleged that prison conditions are dirty and insanitary, food deficient in quality and quantity, and medical care inadequate or in some cases non-existent. It is also alleged that prisoners have been beaten, ill-treated or otherwise subjected to cruel and degrading treatment by guards.

The current Penal Code retains the death penalty for a number of offences,

including military crimes and crimes against the state, particularly serious cases of murder and for embezzlement or theft of public property if very serious consequences result.

Spain (the Spanish State)

This year witnessed the final transitional stages in the programme of constitutional and judicial reform initiated by the administration of Sr Adolfo Suarez. The most notable achievement was a new constitution to replace the Fundamental Laws of General Franco. The text was approved by both houses of the *Cortes* (parliament) on 31 October 1978 after several months of debate, and endorsed in a referendum on 6 December 1978. It came into force on 28 December 1978.

The new constitution abolished the death penalty, except under military law in time of war, and forbade the use of torture or inhuman and degrading punishments. *Habeas corpus* was introduced and the period of preventive detention limited to 72 hours. The right of association and the right to strike were also recognized.

The armed conflict between extremist groups of the left and right and the forces of public order continued, especially in the Basque country. In the period covered by this report there were more than 80 assassinations, mostly of police or army officers. To combat this violence the government has introduced laws which may serve to erode the civil and human rights guaranteed by the new constitution.

Decree-law 21/1978 of 30 June 1978 on crimes committed by armed groups reduces the guarantees of article 17(2) of the constitution under which all detainees must either be brought before the judicial authorities or released within 72 hours of arrest, and of article 17(3) which guarantees access to a lawyer. According to article 55(1) of the constitution this latter right cannot be removed even in a state of exception. Decree-law 21/1978, however, permits the authorities to hold a suspect for as long as necessary to complete their investigations, provided the suspect is brought before a judge within 72 hours of his arrest.

This procedure was modified by a new law, 56/1978 of 4 December 1978, whereby the suspect has to be brought before a judge within 72 hours, but the judge can order a further period of 7 days' detention. Furthermore, under article 2 of this law the judge can order a period of incommunicado detention for as long as he considers necessary to complete the investigation. This law states that the exercise of these powers must not prejudice the right of defence, but there have been persistent allegations that judges are interpreting the right of defence in such a way as to hinder lawyers visiting those arrested under this law. Cases brought under this law must be tried by the *Audencia Nacional.*

Law 56/1978 restricted itself to dealing with acts which could be classed as terrorist, but a new decree-law, 3/1979 of 26 January 1979 on the protection of the security of the citizen, extended the range of special laws. The most important part provides that to 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 associated with such a group is a crime punishable by imprisonment. The examining magistrate has the power to order the unconditional provisional detention of suspects.

The interpretation of these laws to restrict a prisoner's right of access to a lawyer was in Amnesty International's view a major factor in the sudden increase in allegations of torture by political detainees. Predominantly these came from Basques accused of belonging to ETA *(Euzkadi Ta Askatasuna* – Basque homeland and Liberty). However the allegations were not confined to this group or to any one geographical area. However every allegation of torture came from someone arrested under the anti-terrorist laws and held without access to a lawyer.

The brothers Emilio and Julio Ginés, members of the Basque coalition, *Herri Batasuna,* were arrested on 1 February 1979 in Madrid. Their lawyer, Sr Jaime Miralles, reported that they were hanged upside down from an iron bar and beaten all over their bodies. Medical examination confirmed this. When Sr Miralles argued that this information should be included in the dossier, the judge had him put in a cell for a period of one and a quarter hours. No charges were brought against the Ginés brothers.

Charges of torture were also brought against the police by five suspected members of ETA *Militar* detained on 9 February 1979 in Guipuzcoa. They were held for 10 days without access to lawyers in the *Comisaria* in San Sebastián. They allege attempted hangings, threats with guns and blows on the ear-drums, testicles, feet and buttocks.

In February 1979, after the French government announced the withdrawal of the status of political refugees for Spanish citizens, seven Basques were sent back to Spain. All were immediately detained under the anti-terrorist laws and interrogated in Pamplona. Two were transferred to Carabanchel Prison in Madrid and have alleged ill-treatment. A fourth case is that of José Manuel Grifoll Sentis, detained in February 1979 under the anti-terrorist laws and accused of being a member of the *Partido Comunista Español* (I). In March 1979, he brought charges against the Barcelona police, alleging that while in custody he had been hung from a bar and then lashed to a chair while police officers periodically cut of his supply of air to produce the sensation of asphyxia.

In each of these incidents the prisoner was held by the police under anti-terrorist laws without access to a lawyer.

Four members of the *Els Joglars* mime troupe sentenced to 2 years' imprisonment on 6 March 1978 under the Code of Military Justice on charges of insulting the military were pardoned after completing a year of their sentences *(Amnesty International Report 1978).* However, the director of the troupe, Albert Boadella, who had escaped from detention to avoid trial in February 1978, was arrested on 22 March 1979 following his return to Spain. It is not known whether Sr Boadella will now face trial – either military or civil. Amnesty International cabled Prime Minister Adolfo Suarez on 27 March 1979 requesting his assurance that Sr Boadella's rights under the new constitution would be respected.

The government has yet to introduce a new law on conscientious objection. There was only one trial (in February 1979) under the old law. The military authorities were ordered to offer deferments to recruits claiming the status of conscientious objectors. Article 30 of the new constitution foreshadows the introduction of a form of alternative service.

Switzerland (the Swiss Confederation)

Amnesty International's major concern remained the imprisonment of con-

scientious objectors. A referendum of December 1977 rejected an amendment to the constitution which would have permitted the introduction of a limited form of alternative civilian service.

Figures issued by the Federal Military Department show a continued increase in the number of convictions: 345 in 1977, 391 in 1978.

In early 1979, Amnesty International started an international campaign against the imprisonment of conscientious objectors in the member states of the Council of Europe, advocating adherence by member states to the principles of Resolution 337 of the Council's Parliamentary Assembly of 1967. Because there are so many convictions and no alternative civilian service, Switzerland is among the three main countries included in the Amnesty International campaign.

***Turkey** (the Republic of)*

On 26 December 1978 the government imposed martial law in 13 of Turkey's 67 provinces in response to the violent death of over 100 persons during religious and political riots in the south-eastern city of Kahramanmaras, which were the culmination of widespread politically motivated killings during the past few years. The killings, carried out by extremist political groups, were originally confined to political activists of the left and right, but more recently have included people noted for their moderate political views, such as Abdi Ipekci, editor of the newspaper *Milliyet*, who was assassinated on 1 February 1979. The killings continued, in spite of the arrests of many suspects under the martial law regulations, and in the period 18 January to 14 February 1979 there were 58 political assassinations.

Prosecutions continued under articles 141 and 142 of the Turkish Penal Code, which prohibit forming organizations "aimed at establishing the domination of a social class over other social classes" and "making propaganda for the domination of a social class over other social classes", but no one is known to Amnesty International to have been imprisoned during the year as a result. Trials take a long time and even when they result in convictions the defendants remain free until their appeals have been heard. No adopted prisoners freed while their trials continue were returned to prison. In one case, a former adopted prisoner avoided re-imprisonment by leaving the country. Amnesty International groups continue to work for the release of four prisoners of conscience, all of whom were sentenced to imprisonment under articles 141 and 142.

Although there were no allegations of torture during the year, Amnesty International sent a letter to Prime Minister Bulent Ecevit on 18 August 1978 inquiring about the results of any investigations into allegations of torture in September 1977 and April 1978.

Though Amnesty International has no information about executions during the year, it appealed to the Prime Minister and to President Fahri Koruturk on 21 November 1978 for commutation of the death sentence passed on Sener Yigit for the murder of the wife and daughter of the Austrian ambassador. In April 1978 Prime Minister Ecevit told representatives from Amnesty International that the Republican People's Party was committed to the abolition of the death penalty.

***United Kingdom** (of Great Britain and Northern Ireland, the)*

Against the background of continuing political violence, Amnesty International focused its work on the rule of law in Northern Ireland, where emergency legislation affects procedures relating to arrest, detention, questioning of suspects and trials in special courts.

The *Report of an Amnesty International Mission to Northern Ireland (28 November – 6 December 1977)* concluded that "changes in the law relating to arrest, detention and the admissibility of statements in court have combined to reduce safeguards against improper police conduct" and 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".

In virtually all cases, charges brought against prisoners arrested under the emergency legislation relate to the use or advocacy of violence, and none of those imprisoned has been adopted as prisoners of conscience. Although Amnesty International has continued to take an active interest in the operation of the special courts, its primary concern has been the investigation of allegations of ill-treatment of suspects held by the Royal Ulster Constabulary.

In April 1978, Amnesty International submitted to the government the report of its mission to Northern Ireland to investigate these allegations. The report concluded that ill-treatment of suspects by plain-clothes detectives had taken place with sufficient frequency to warrant a public inquiry. On 8 June 1978, five days before this report was published, the government announced that it had decided to appoint a committee of inquiry *(Amnesty International Report 1978)*.

The committee consisted of Judge H.G. Bennett QC; Sir James Houghton, a retired English Chief Constable; and Professor John Marshall, a neurologist. Its mandate was: "To examine police procedures and practice in Northern Ireland relating to the interrogation of persons suspected of scheduled offences; to examine the operation of the present procedures for dealing with complaints relating to the conduct of police in the course of the process of interrogation; and to report and make recommendations". It was not authorized to investigate individual allegations of ill-treatment, which the government stated should be investigated through normal criminal investigation, prosecution and trial. It took evidence from members of the public, from police, prosecution and other official agencies and from non-governmental organizations, including Amnesty International.

The Bennett Committee submitted its report to the government in February 1979. The government published it in March 1979. It largely confirms Amnesty International's concerns about the ill-treatment of suspects, the inadequacy of legal safeguards, incommunicado detention and the complaints procedure. Although the committee did not pronounce on individual allegations, it had before it medical evidence which was "detailed, extensive and from independent sources". It accepted that with regard to allegations of ill-treatment there is a concerted propaganda campaign against the Royal Ulster Constabulary, but concluded that, although some allegations were fabricated, there were others where injuries could not have been self-inflicted, or where detailed examination "led forensic medical officers to the conclusion that they were not self-inflicted". The government and the Chief Constable have consistently claimed that the injuries were self-inflicted and the allegations part of a propaganda campaign

inspired by the Provisional Irish Republican Army. The committee also stated: "If, as we have found on the basis of medical evidence, ill-treatment causing injury could occur, so could ill-treatment which leaves no marks". While the committee was not in a position to assess the extent of ill-treatment, concern expressed on various occasions by the Northern Ireland Police Authority, the Northern Ireland Association of Forensic Medical Officers, and doctors working in different interrogation centres, which was recorded in the committee's report, showed that the allegations meriting concern did not relate to just a few isolated cases.

The Bennett Committee, in finding *prima facie* evidence of ill-treatment, examined in great detail the current procedures and practices for the detention and interrogation of suspects, with a view to protecting future suspects from ill-treatment and police from false allegations. The committee's numerous recommendations are aimed mainly at strengthening internal control by uniformed officers over plain-clothes detectives.

The government accepted the committee's recommendation to install closed-circuit television in interrogation centres, though no film or sound recordings will be made. The recommendation that suspects should have access to a solicitor after 48 hours of detention was also accepted.

Amnesty International publicly welcomed the limitation placed on incommunicado detention and the strengthening of internal control within the Royal Ulster Constabulary, but expressed concern that, as internal discipline had not prevented ill-treatment in the past, the absence of a reliable record of interrogation was likely to continue to raise controversy. Amnesty International said that the recommendations could not be considered in isolation from the whole framework of the criminal process – in particular the rules of admissibility of statements in court.

The government requested the Bennett Committee to furnish the prosecuting authority with information on individual cases of alleged ill-treatment which were presented to the committee and criticized Amnesty International's decision not to furnish the prosecuting authority with information on the cases in its possession. Amnesty International reiterated the view stated in its 1978 report that this would not reveal all cases of ill-treatment. Under this procedure, the Director of Public Prosecutions examines the complaints with the sole purpose of establishing whether there is sufficient evidence to instigate criminal prosecution against individual police officers. This remedy is rendered ineffective by the difficulty of securing probative evidence because there is no reliable record of the interrogations which take place while suspects are held incommunicado.

More than 300 prisoners convicted of, or awaiting trial for, terrorist offences under the emergency legislation have continued their protest demanding "political" status. They refuse to wear prison uniform, to clean their cells or wash or use other facilities for hygiene, and have continually smeared excreta on the walls of their cells. On disciplinary grounds, they have been almost totally confined to their cells for periods of up to two years, with no exercise and no reading or writing or other occupational materials.

Following a letter to the Secretary of State for Northern Ireland in May 1978 in which Amnesty International asked the British government to invite an independent inspection of conditions in the "H" blocks of the Maze Prison where

the protest takes place, the government replied that in every respect the prisoners were punished in accordance with the prison rules. The government also stated that they saw no gounds for inviting Amnesty International to visit the prison but that they would give careful consideration to any similar request from other organizations. A number of restricted visits by members of parliament, Church officials and journalists have since taken place. Amnesty International has since written to the government reiterating its concerns and urging that measures be taken without delay to ensure that the prisoners receive adequate exercise and occupational facilities and do not spend long periods confined to their cells.

Amnesty International does not support the demand for a special status for any prisoner. The prisoners' refusal to accept anything less than political status and permission to organize paramilitary groups within the prison meant that Amnesty International was restricted to expressing its humanitarian concern.

Union of Soviet Socialist Republics (the) (USSR)

The Soviet authorities continued to convict prisoners of conscience under articles of criminal law which prescribe imprisonment specifically for the exercise of human rights: "anti-Soviet agitation and propaganda" (RSFSR Criminal Code, article 70), "dissemination of fabrications known to be false which defame the Soviet state and social system" (article 190-1) and "violation of the laws on separation of church and state and of church and school" (article 142), which includes teaching religion to children "in an organized way".

In July 1978 heavy sentences were passed on four members of unofficial Helsinki monitoring groups. Alexander Ginzburg, Viktoras Petkus and Levko Lukyanenko were all tried for "anti-Soviet agitation and propaganda" and sentenced respectively to 8, 15 and 15 years' imprisonment. Anatoly Shcharansky was tried for "treason" and sentenced to 13 years' imprisonment.

On 11 July 1978, Amnesty International issued a press statement denouncing those trials and expressing concern over the scale of official repression of human rights activists in the Soviet Union since the signing of the Helsinki Final Act in June 1975. In view of the fact that many of the Helsinki monitors had been convicted of "slander", Amnesty International said that it "knows of more than 230 persons who have been sentenced to imprisonment, exile or banishment or confined to psychiatric hospitals for non-violent exercise of their human rights during the period covered by the reporting of the various unofficial Soviet Helsinki monitoring groups". This number is now over 300.

In the following months two other Helsinki monitors, Viktor Rtskhiladze, and Robert Nazarian, were tried and sentenced to imprisonment, bringing the total of tried and sentenced Helsinki monitors to 18.

At the beginning of March 1979, yet another Ukrainian Helsinki monitor, the science fiction writer, Oles Berdnyk, was arrested and at the time of writing is still in custody.

The trials of the Helsinki monitors were marked by frequent violations of internationally accepted standards for fair trial: denial of public access to court proceedings; long periods of incommunicado pre-trial detention; interference in defendants' access to and choice of defence counsel; refusal to call witnesses named by the defence; vagueness of charges; and other unfair procedures. Such

procedural violations are especially important when dissenters are tried for ostensibly non-political offences. During the year, a number of prisoners of conscience were convicted on false criminal charges, including "resisting the police", "hooliganism" and "parasitism" (which may consist merely of not having paid employment for at least four months in any year).

Political abuses of psychiatry have continued despite the World Psychiatric Association's condemnation at its congress in Honolulu in September 1977. During the year, Amnesty International worked on over 30 well-documented cases (and many other not yet so well-documented cases) of people who are known to have been confined since that congress in psychiatric hospitals for their political or religious beliefs rather than for authentic medical reasons. Most were kept in psychiatric hospitals for relatively short periods ranging from a few days to several months. There was a conspicuous decrease in known new cases of confinement to special psychiatric hospitals – the most severe form of psychiatric confinement.

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 Boris Evdokimov, Iosif Terelya and Mikhail Zhikharev. Several prisoners of conscience, including Dr Mykola Plakhotnyuk and Vasyl Spinenko, remained in psychiatric confinement even though doctors recommended their release.

In October 1978, during its Prisoner of Conscience Week, Amnesty International drew attention to a category of "forgotten prisoners" left for many years in psychiatric hospitals, the obscurity of whose cases and the difficulty in obtaining up-to-date information about whose conditions had resulted in both a lack of public awareness about their fate and probably greater exposure to ill-treatment. Examples of such cases are the physicist Lev Ubozhko, the poet Vasyl Ruban and the worker Nikolai Baranov.

During the year some long-term psychiatric detainees who were adopted by Amnesty International as prisoners of conscience were released. Among them were Zinovy Krasivsky, Mykhaylo Lutsik, Yuri Belov, Arvydas Chekhanavichius and Genrikas Klimaushkas.

On 15 August 1978, Alexander Podrabinek, founding member of the Moscow-based unofficial Working Commission for the Investigation of the Use of Psychiatry for Political Purposes *(Amnesty International Report 1978)*, was sentenced to 5 years' internal exile for "dissemination of fabrications known to be false which defame the Soviet state and social system". He was the second member of the group to be sentenced. Nonetheless, the Working Commission has continued to supply important information on cases and practices of political abuse of psychiatry.

On 16 August 1978, at a press conference in Moscow, Dr Alexander Voloshanovich, a Soviet psychiatrist, publicly expressed his support for the Working Commission. He announced that he had professionally examined people from many parts of the USSR who feared that they might be confined to psychiatric hospitals for their dissent. Thirty-three of these detailed psychiatric reports have become available to Amnesty International.

On 8 December 1978, Iosif Zisels, a 32-year-old engineer in a broadcasting studio and an associate of the Working Commission, was arrested in the Ukrainian town of Chernovtsy and charged with "disseminating fabrications known to be false which defame the Soviet state and social system". He was tried at the beginning of April 1979 and sentenced to 3 years' imprisonment.

Amnesty International initiated an international campaign on behalf of Protestant believers imprisoned for exercising their right to freedom of conscience and continued to receive reports of arrests and trials of religious believers. In August 1978, for example, two Baptists (Ivan Gorpenyuk and Heinrich Muk) were sentenced in the Kirghiz SSR to 3 and 1-year terms of imprisonment respectively for "teaching religion to children in an organized way". In the same month Joseph Bondarenko, a Baptist preacher from Riga, was sentenced in Krasnodar to 3 years' imprisonment on charges of "organizing or participating in group actions which violate public order" after he had attempted to attend an unofficial Baptist youth conference. In March 1979 the leader of the unregistered wing of the Seventh Day Adventists, 84-year-old Vladimir Shelkov, was tried with four co-defendants in Tashkent. He was sentenced to 5 years' imprisonment for "disseminating fabrications known to be false which defame the Soviet state and social system". His son-in-law, Ilya Lepshin, was sentenced to 5 years' imprisonment. The other Adventists received lesser sentences. Reportedly at least four other Adventists associated with Vladimir Shelkov were subsequently imprisoned. The sentence of only one of them is known – that of Viktor Bedarev, who received 6 years' imprisonment. Several Russian Orthodox believers were imprisoned in connection with their religious beliefs. In January, Alexander Ogorodnikov, the leader of an unofficial seminar of young Orthodox Christians in Moscow, was tried in the town of Konakovo, convicted of "parasitism" and sentenced to 1 year's imprisonment. In November, Alexander Kuzkin, a practising Orthodox Christian and a former member of the Ogorodnikov seminar, was compulsorily confined to a psychiatric hospital, reportedly after having been accused of circulating religious leaflets. He was released after three months. Two other Orthodox believers, Sergei Ermolayev and Igor Polyakov, were arrested in January and are undergoing psychiatric examination.

Amnesty International continued to adopt conscientious objectors to military service as prisoners of conscience. They have included Pentecostalists (Alexander Orlik), Seventh Day Adventists (Alexander Mikhel), Baptists (Alexander Kalyashin) and Jews (Simon Shnirman).

Amnesty International continued to work for the release of prisoners of conscience belonging to unofficial Soviet workers' groups. In May 1978 a secret court in the Donetsk region ordered Vladimir Klebanov, the principal spokesman of the Association of Free Trade Unions of Workers in the Soviet Union, compulsorily confined for an indefinite period in a special psychiatric hospital. Apparently he is still detained in the Dnepropetrovsk Special Psychiatric Hospital.

Two other members of the group, Evgeny Nikolayev and Gavriil Yankov, were also confined to psychiatric hospitals for several months, during which they were reportedly treated with neuroleptic drugs. Both Vladimir Klebanov and Evgeny Nikolayev had been examined shortly before their arrest by Dr Voloshanovich, who found no signs of mental illness. Another member, Valentin Poplavsky, was sentenced in mid-May 1978 to 1 year's imprisonment for "parasitism". The fate of a fifth member of the group, Fyodr Dvoretsky, who had reportedly been compulsorily confined in May 1977 to the Alma-Ata Special Psychiatric Hospital,

remained unknown.

At the end of October 1978 a group of Soviet dissenters, including Evgeny Nikolayev, announced the formation of a second independent labour association, The Free Interprofessional Association of Workers. Several of the organizers were detained by the police. One, Valeria Novodvorskaya, was kept in a Moscow psychiatric hospital for over two months. Two others, Vladimir Skvirsky and Mark Morozov, were arrested in October and November 1978 respectively. A third member, Lev Volokhonsky, was arrested in March 1979. All three were subsequently tried and sentenced to imprisonment or exile.

Throughout the year, Soviet officials rejected human rights concern for imprisoned members of the unofficial workers' group. When, in February 1979, the matter was raised at an International Labour Organization meeting in Geneva, the Soviet delegation replied that the complaints were "known to be devoid of foundation" and based on "the tendentious fabrications of Amnesty International". It dismissed the repressed independent trade-unionists as individual "malcontents", saying that many of them had a record of civil or criminal offences or a history of mental illness, and that in any case they could not be considered members of a genuine trade union.

The Soviet authorities evidently strengthened measures to expel Tartars who have resettled in the Crimea, their ancestral homeland, and to prevent others from returning to live there. Two Crimean Tartars – Musa Makhmud and Izzet Memadaliev – committed suicide in protest against these measures. On 6 March 1979, Mustafa Dzhemilev, the leading spokesman for the Crimean Tartars, was tried in Tashkent and sentenced to 4 years' internal exile ostensibly for "violating probation regulations". In late 1977 he had completed a 2½-year term of imprisonment for "disseminating fabrications known to be false which defame the Soviet state and social system". On 27 March 1979 four other Crimean Tartars – Lufte Bekirov, Sefran Khyrkhara, Yakub Baitullayev and Izek Usta – were convicted on the apparently false criminal charge of "resisting a policeman" and sentenced to between 3 and 4 years' imprisonment. Mustafa Dzhemilev's cousin, the former prisoner of conscience Reshat Dzhemilev, is in custody after being arrested on 4 April 1979 and reportedly charged with "disseminating fabrications known to be false which defame the Soviet state and social system".

Conditions in Soviet corrective labour colonies and prisons continued to be characterized by chronic hunger, overwork in difficult conditions, inadequate medical treatment and arbitrary deprivation of the limited rights to correspondence and family visits. Conditions in the "special regime" corrective labour colony in Mordovia described in the *Amnesty International Report 1978* continued to give rise to particular concern, and during the year Amnesty International initiated urgent actions on behalf of two prisoners (Danylo Shumuk and Oleksa Tykhy) in that camp. An important development was the apparent evacuation of prisoners of conscience from Vladimir Prison, 175 kilometres east of Moscow, many of them were transferred to Chistopol Prison in the remote Tartar ASSR.

Amnesty International received disturbing reports about hardships facing prisoners of conscience sentenced to internal exile in remote areas. Many are exiled on completion of terms of imprisonment in corrective labour colonies. The journeys are often long and difficult. Prisoners of conscience have been beaten and robbed by the common criminals with whom they are often transported. Some have been sent to remote northern areas where winter temperatures fall to below -40°C. Prisoners serving a sentence of exile are subjected to stringent restrictions on their freedom of movement, even within the limits of their districts of enforced residence, and are required to report regularly to the police. Many are subjected to harassment and obstacles in finding accommodation and even menial jobs.

As in previous years, official Soviet media announced the passing of death sentences in about 25 cases. Most were convicted of war crimes or offences involving murder. Amnesty International unreservedly and without exception opposes the imposition or infliction of the death penalty, and is particularly concerned that Soviet criminal law allows the death penalty not only for violent crimes not involving murder (such as "banditry" under RSFSR Criminal Code, article 77) but even for non-violent crimes (such as "taking a bribe", "violation of the rules for currency transactions", and "espionage"). In July 1978, Anatoly Filatov was sentenced to death for treason in the form of espionage; in September 1978, four Soviet citizens were sentenced to death in the city of Donetsk for "economic crimes"; and in April 1979, Vladimir Churlayev was sentenced to death after pleading guilty to "a series of attacks on women in the Soviet capital". On 30 January 1979, three Armenians (Stepan Zadikyan, Akop Stepanyan and Zaven Bagdassaryan) were executed in great secrecy after being convicted of causing a bomb explosion in the Moscow underground.

During the year Amnesty International worked on over 300 adoption and investigation cases in the USSR.

Yugoslavia (the Socialist Federal Republic of)

Despite considerable changes to the Yugoslav legislative system and legislation in 1977 *(Amnesty International Report 1978)*, the current Penal Code retains provisions which make the non-violent exercise of human rights – in particular those of freedom of expression and association – punishable by imprisonment.

Amnesty International adopted as prisoners of conscience a number of people sentenced and imprisoned under article 133 (article 118 in the previous Penal Code) which makes "hostile propaganda" an offence punishable by from 1 to 10 years' imprisonment. Some have been convicted under this article for expressing criticism of Yugoslavia's political leadership and policies; even private conversations have been classed as "hostile propaganda" and punished by heavy sentences of imprisonment.

Among those adopted is Dr Veselin Masic, a 56-year-old gynaecologist from Brcko, who, in December 1978, was tried by the District Court of Tuzla on charges of "hostile propaganda". According to official Yugoslav reports, he was accused of having "damaged the prestige" of Yugoslavia in conversations held in his own home and the homes of friends. He had allegedly falsely depicted social and political conditions in Yugoslavia and spoken in derogatory terms of its political system and non-alignment policy in international relations. Dr Masic reportedly denied these charges but was found guilty and sentenced to 6 years' imprisonment.

Two similar cases concern a lawyer, Nenad Vasic, and a high-school teacher, Mirko Kovacevic, both of whom are Amnesty International adoptees. In 1977, Nenad Vasic was sentenced by the District Court of Sarajevo to 10 years' im-

prisonment -- which he is currently serving in Foca Prison – for "hostile propaganda" on the basis of private conversations in which he had criticized the Yugoslav Communist Party and ridiculed a prominent Bosnian politician. Mirko Kovacevic -- on similar charges – was sentenced by the District Court of Sarajevo in 1977 to 8 years' imprisonment. He was found guilty of having openly criticized Yugoslavia's political system, policies and leadership while working as a teacher in Sarajevo over two years previously. It was alleged that his criticism stemmed from a nationalist position "inimical to the brotherhood and unity of the peoples of Yugoslavia".

Amnesty International works for a number of people imprisoned as a result of non-violent activities while living abroad or their contacts with Yugoslav *émigrés* or *émigré* organizations. During 1978, it adopted as a prisoner of conscience Vjenceslav Cizek, a Croatian nationalist who in August 1978 was sentenced by the district court of Sarajevo to 15 years' imprisonment on charges of having "acted from counter-revolutionary positions subversive to the Yugoslav social system". He was accused of collaboration with leading members of the Croatian *émigré* movement and of having "illegally entered" Yugoslavia. Mr Cizek had sought political asylum in the Federal Republic of Germany (FRG) in 1971. While in the FRG, Mr Cizek joined the Croatian Republic Party, a Croatian *émigré* organization, and regularly contributed articles and political cartoons to Croatian *émigré* journals in which he criticized the present Yugoslav political system, called for the establishment of an independent Croatian state and caricatured leading Yugoslav politicians.

In November 1977, Mr Cizek disappeared while on a trip to Milan. He next appeared at his trial in August 1978. Information received by Amnesty International strongly indicates that Mr Cizek did not voluntarily enter Yugoslavia, but was kidnapped by members of the Yugoslav state security police. In recent years Amnesty International has received a number of allegations involving the kidnapping of Yugoslav *émigrés* – opponents of the present Yugoslav government – among them the "Cominformists" Alexander Opojevic, Colonel Vladimir Dapcevic, Djoka Stojanovic and Mileta Perovic.

Mr Cizek is at present serving his sentence in Zenica Prison, where according to the most recent information, he is employed using heavy machinery, despite severe ill-health. Amnesty International believes that Mr Cizek has neither advocated nor used violence.

Among other Amnesty International adopted prisoners of conscience imprisoned for alleged activities abroad or in association with *émigrés* are Lazar Arezina, a Serb from Bosansko Grahovo, and five students from Zagreb – Mirko Rajcic, Marko Juranovic, Fabijan Dumancic, Jakoslav Rojnica and Ante Rakic. Amnesty International is also investigating the case of Dragan Bogdanovski, a Macedonian *émigré*, sentenced in February 1979 by the district of Skopje to 13 years' imprisonment on charges of having conspired against the Yugoslav state while living abroad, and having illegally entered Yugoslavia.

In the past year Amnesty International has taken up the cases of three Yugoslav citizens sentenced to terms of imprisonment ranging from 18 months to 3½ years for possessing or circulating copies of *émigré* journals, critical of the present Yugoslav government.

As in previous years, an amnesty was enacted on 29 November 1978, Yugoslavia's National Day. Whereas the amnesty of 1977 affected 574 people, the amnesty of 1978 affected only 94 people, including both political and criminal prisoners: 39 prisoners were released and 55 had their sentences reduced; five whose cases had been taken up by Amnesty International were released and 13 had their sentences reduced, in general by one year. Of these, the majority were members of a group of ethnic Albanians from Kosovo Autonomous Province who in 1976 were tried in Pristina on charges of irredentist and anti-state activities. Adem Demaci, Skender Kastrati and Redzep Malja – other members of this group adopted by Amnesty International – were not included in the amnesty of 1978. Amnesty International is particularly concerned about the fate of Adem Demaci *(Amnesty International Report 1978)*, who is in Zenica Prison serving a 15-year sentence and reported to be in poor health.

Certain aspects of prison conditions in Yugoslavia and the health of a number of prisoners of conscience are also a matter of concern. Amnesty International continues to receive allegations of the ill-treatment of prisoners by guards, in particular in Zenica Prison in Bosnia-Hercegovina. Prisoners in Stara Gradiska Prison, in Croatia, are reportedly held in insanitary conditions in overcrowded, damp, unheated cells. According to a report published in the Yugoslav press in 1978, the parliament of the Republic of Croatia issued a statement that certain sections of Stara Gradiska are beyond repair and would have to be demolished. The same statement declared that the majority of prison buildings (in Croatia) were old and outdated. In February 1979, Amnesty International renewed an appeal of May 1978 for the release of Professor Davor Aras, an Amnesty International adoptee, on health grounds. Professor Aras was serving a 6½-year sentence in the prison of Lepoglava for "criminal offences against the state" *(Amnesty International Report 1978)*. In March 1979, Amnesty International learned that Professor Aras had been granted a 3-month suspension of sentence to permit him to receive medical treatment for a serious heart condition. Amnesty International is also concerned about the health of Manda Paric, an Amnesty International adoptee who is reported to be receiving treatment in the Zagreb Prison hospital.

On a number of occasions, Amnesty International has received allegations that people have been beaten, ill-treated or threatened during pre-trial detention. In at least one recent case – the retrial in January 1979 of five Croatian nationalists accused of planting bombs in 1975 -- the court, while confirming the guilt of three of the accused, conceded that "physical and psychological pressure" may have been used to obtain self-incriminating evidence from them. Moreover, in a number of cases known to Amnesty International, persons accused of political offences have not had access to lawyers of their choice, and, in others, lawyers have been excluded from or refused a transcript of investigation hearings. It is also reported that lawyers have not always even received a copy of the indictment before the trial and that threats have been used to dissuade a lawyer from taking a case. A positive aspect, however, is that these and other judicial and legislative issues have in the past year been raised in public discussion. In February 1979, the press and television gave considerable coverage to debate about the abolition of capital punishment, which is retained in the Yugoslav Penal Code for particularly grave murder cases, certain "crimes against the state" and acts of political terrorism, although in the majority of cases the death penalty is commuted to a sentence of 20 years' imprisonment. During the year Amnesty International learned of three death sentences, of which one is known to have been carried out.

The Middle East and North Africa

The Middle East and North Africa (stretching from Morocco in the west to Iran and the Gulf States in the east) witnessed political events of great magnitude. One was the overthrow of the Shah's government in Iran and its replacement by an "Islamic Republic". Another was the signing of a peace treaty between Israel and Egypt–the first between Israel and an Arab state.

The significance of these two events goes well beyond national borders, for they have affected the strength of internal forces in other countries and have led to international realignments. With the developments in Iran constituting a direct challenge to United States influence in the area and the peace treaty concluded only as a result of United States intervention, there is evidence of an increasing polarization in the region.

Other important political events include the steps taken by Syria and Iraq towards unification and the solving of their longstanding differences, and similar steps–not yet far advanced–by the Yemen Arab Republic (North Yemen:YAR) and the People's Democratic Republic of Yemen (South Yemen: PDRY). The uncertainties facing Tunisia and the changes in Algeria after the death of Houari Boumedienne may have their effects on human rights. There are unresolved questions in Morocco, where the political future depends on solutions being found to the continuing war with the Polisario Front in the Western Sahara and the acute problems of the economy.

Serious violations of human rights falling within Amnesty International's mandate have come to its attention from throughout the region. It worked on behalf of over 800 prisoners in the Middle East, focusing its effort primarily on Egypt, Iraq, Israel and the Occupied Territories, and Syria and Tunisia. It continued to work for substantial numbers of prisoners in Morocco and Libya, and worked for other prisoners of conscience in Jordan (seven), Algeria (one), Oman (one), the PDRY (46) and Bahrain (24). Amnesty International's concerns in Algeria, Bahrain, Arabia and the People's Democratic Republic of Yemen were set out in some detail in the *Amnesty International Report 1978* and continued to receive its attention.

Procedures to ensure fair trial were either deficient or lacking in many cases in many countries. In Egypt, Iraq, Saudi Arabia and Tunisia, unfair practices in trials caused concern; in Israel and the Occupied Territories, Jordan, Saudi Arabia and Syria, many people were held for long periods of time without being charged or tried; in Morocco, the PDRY and Saudi Arabia, people were held in prison long after their sentences expired.

Amnesty International continued to receive allegations of torture and ill-treatment in a large number of countries–including Egypt, Iraq, Israel, Saudi

Arabia, Morocco, Syria and Tunisia. Harsh prison conditions were cited in Iraq, Israel, Morocco and Saudi Arabia. Certain forms of corporal punishment such as the cutting-off of the right hand and flogging continued to be practised in Saudi Arabia.

All Middle Eastern states retain the death penalty, although the extent to which it was carried out varied from country to country. Over 150 people were executed after the change of government in Iran, and more than 50 executions were reported to have taken place in Iraq, where a number of people still face the death penalty. Smaller numbers of executions were reported in Libya (but these reports have so far not been confirmed), the United Arab Emirates, Syria, the YAR and Saudi Arabia. In Saudi Arabia a police action in October 1978 was also reported in which between 30 and 50 Nigerian Muslims were killed in Mecca. In addition, the death penalty was passed, *in absentia*, on six people in Jordan. In Israel and the Occupied Territories the death penalty remains in force, although it has been used only once (the execution in 1962 of Adolf Eichmann). In April 1979, the Cabinet reintroduced executions for "acts of inhuman cruelty", thereby reversing the government's decision of 1967.

There were several amnesties declared in the Middle East: more than 260 political prisoners in Iraq were amnestied, as well as almost 7,000 ordinary prisoners; almost 200 releases of political prisoners were reported in the YAR; in Algeria, President Chadli amnestied 11 political prisoners in April 1979; and Israel exchanged 76 Palestinian prisoners for one Israeli soldier held in Syria. In early 1979, Amnesty International sent a memorandum to the government of the PDRY requesting an amnesty for all political prisoners. Amnesty International sent several missions to the Middle East: two trial observation missions to Tunisia, which were reported in *Tunisia: Imprisonment of Trade Unionists in 1978;* a trial observation mission to Egypt; and a research mission to Israel and the Occupied Territories. In addition, a high-level mission to Israel and the Occupied Territories is to take place in June 1979; a mission to Morocco has been proposed to the Moroccan authorities but not yet accepted; and a legal mission to Iraq is under discussion. As the year ended, a research mission returned from Iran, where it had sought the latest information on the continuing executions and reported trials of political prisoners without adequate legal safeguards or opportunities for appeal.

Egypt (the Arab Republic of)

A number of significant political developments have taken place which have had a direct bearing on human rights. Direct negotiations between Israel and Egypt for a peace settlement in the Middle East resulted in several Cabinet changes as ministers resigned in protest, and also in waves of arrests of people who voiced their opposition to the peace initiative. Despite the signing of the peace treaty, Egypt continues in a state of emergency which was previously justified by the state of war with Israel. Its continued enforcement means that security legislation may be applied to political cases. This effectively enables the President to refer political cases to special tribunals as well as to ratify or veto their decisions.

Following the Camp David summit numerous arrests took place, and leaflets condemning the summit were confiscated. Those who had been detained for protesting against the summit were reportedly released, but police investigations

are continuing. Between 26 and 30 March 1979–after the peace agreement between Egypt and Israel was signed–further arrests of people opposed to the treaty took place. Amnesty International received the names of approximately 50, including Azza Balbaa, wife of the well-known poet Ahmed Fu'ad, Negm, who was apparently beaten at the time of her arrest, and Abu Al Ezz Al Hariri, a former member of parliament representing the legal left-wing National Progressive Unionist party (NPUP). Other members of NPUP were also arrested. On 10 April 1979 Amnesty International wrote to His Excellency Muhammad Nabawi Ismail, the Minister of the Interior, expressing concern at these arrests for the expression of political beliefs, and requested information regarding the prisoners' present situation. It also requested that an investigation be undertaken into the reported ill-treatment of Azza Balbaa. On 16 November 1978, Amnesty International wrote to President Muhammad Anwar Sadat of Egypt and Prime Minister Menahem Begin of Israel on the occasion of the award of the 1978 Nobel Peace Prize to the two leaders. The letter to President Sadat suggested that "commitment to peace and human rights, both internationally and nationally, would best be reflected by a warm and humane gesture of respect for the fundamental freedom of all people. We urge you, on this remarkable occasion, to declare unconditionally a general amnesty for all political prisoners held under the authority of your government."

In May 1978, new legislation was introduced and approved by referendum: the law on "national unity and social peace" introduced new restrictions on the media and provisions to discipline journalists found guilty of violating national unity, social peace or the country's democratic socialist principles. In addition, those who held positions of responsibility in pre-revolution political parties may be banned from participating in future political activities. This law evoked much criticism within the country, especially from the NPUP, and a number of arrests took place at the time of the referendum. All those arrested were reportedly released after a short time.

Since the law was promulgated, many journalists have been summoned by the Socialist Prosecutor General and interrogated about material they had written either in Egypt or abroad, but no judicial proceedings appear to have followed. In addition, at least two members of parliament were expelled from the People's Assembly as a result of provisions in the new law.

In late 1978, the People's Assembly considered again the incorporation of principles of Islamic law into Egyptian legislation; draft legislation was discussed in 1977 but shelved because of widespread national and international opposition. Among those who oppose the measure is the Coptic community, which protests, *inter alia*, against provisions for the death penalty for Muslims who renounce their religion.

Amnesty International continued to work on behalf of over 100 prisoners being tried by the State Security Court in Cairo and a number of prisoners sentenced in 1978 by a military court.

On 15 July 1978, the Cairo military court passed sentence on 16 people accused of membership of the Egyptian Workers' Communist Party. All 16 were adopted by Amnesty International as prisoners of conscience. An Amnesty International observer attended part of this trial in March 1978. The defendant Ali Zahran was sentenced to 5 years' imprisonment, three others were sentenced to 3 years' imprisonment and one was sentenced to 2 years' imprisonment. The remaining seven were acquitted. In addition, all were ordered to pay a fine of £100. The court decided that it was not competent to pass judgment on three of the cases. At the time of writing, it is not known whether these three have been brought to trial by a different court. They are all believed to be held in Qanater Prison, north of Cairo.

During the period covered by this report Amnesty International continued to follow the trial by State Security Court of 176 people arrested in January and February 1977 following the food riots which took place on 18 and 19 January 1977. Almost all were released on provisional liberty pending their trial.

The first hearing on 16 April 1978 was attended by an Amnesty International observer. Defence lawyers complained that the dossier consisted of 11,000 pages, cost 500 Egyptian pounds and that insufficient copies had been printed. In addition they requested further time to study the dossier. The cost was reduced and the trial often postponed, usually at the request of the defence. Further additions were made to the dossier at the end of 1978, which led to complaints from defence lawyers that only three complete copies of the dossier existed. The defence also submitted that, as the case did not fall within the jurisdiction of the State Security Court, the accused should be tried by an ordinary court not a special tribunal. The tribunal then ordered all defence lawyers to be fined 50 Egyptian pounds and called on the Egyptian Bar Association to replace them. At the next session of the trial–on 1 March 1979–the defence was represented only by Ahmed Al Khawaga Chairman of the Egyptian Bar Association, who assured the tribunal that the lawyers' main concern had been to ensure a fair trial for their clients and their rights to an adequate defence. The trial resumed on 17 March 1979 when the court heard the first of approximately 70 witnesses. Amnesty International hopes to send an observer to a later part of the trial.

In the past year Amnesty International learned of one death sentence (passed *in absentia*) and one execution, in both cases for murder, and received an increasing number of allegations of torture of political detainees. According to these reports, detainees were burned with cigarettes and beaten on the neck and on the soles of their feet, and in one case a prisoner was reportedly suspended by the feet for 42 hours. Amnesty International's request–made in 1977–that the Egyptian authorities undertake an independent inquiry into allegations of torture has not been carried out.

Iran (the Islamic Republic of)

Amnesty International's concerns have been greatly affected by the political upheaval culminating in the Shah's departure in January 1979 and the return of Ayatollah Khomeini, who during his years of exile had become a focus of opposition to the Shah.

Amnesty International had frequent correspondence with the previous authorities concerning death sentences, allegations of torture and arrests. On 13 July 1978 it made an inquiry about the death of a student, Ayub Moadi, alleged to be the result of ill-treatment inflicted on him at the Babolsar police station. Mr Parvis Radji, the ambassador in London, replied: "While being held at the police station in Babolsar, he fell ill of an apparent heart condition and was

immediately rushed to Shapour hospital in Babol. Mr Moadi failed to respond to treatment and died at 4 p.m. of the same day."

None of those who were the subjects of appeals against death sentences were executed and no official executions of political prisoners took place to the knowledge of Amnesty International until the change of government in February 1979. There were, however, a large number of deaths--probably thousands--as a result of the suppression of demonstrations against the Shah and his government and, even after his departure, against the government of Dr Shapour Bakhtiar, who was appointed by the Shah.

In November 1978, an Amnesty International research mission spent two weeks in Iran interviewing released prisoners, relatives of prisoners and lawyers. The information obtained confirmed allegations spanning the past 15 years that the torture of political prisoners had been practised systematically throughout the country and that although it appeared to have decreased since early in 1977, when the Shah announced that the use of torture had ceased, it had not stopped altogether. In a press release on 11 December 1978 Amnesty International published details of some recent cases of torture reported to its delegates. Methods of torture described included whipping with cables, the beating of the soles of the feet, kicking, punching, burning of parts of the body with cigarettes, prolonged sleep deprivation combined with forced standing, the application of nettles to sensitive parts of the body and long periods of solitary confinement.

Most political prisoners known to Amnesty International had already been released in a series of amnesties before the Shah's departure. The few remaining were freed when Dr Mehdi Bazarghan, the Prime Minister appointed by Ayatollah Khomeini, took over the government early in February 1979. During February and March 1979 several thousands of people, alleged to be supporters of the previous government, were arrested and detained without charge. Those regarded as having a direct responsibility for torture or deaths were tried by Islamic revolutionary courts and executed. When Ayatollah Khomeini announced on 16 March 1979 the suspension of the revolutionary courts, which temporarily stopped executions, at least 65 executions had taken place; 49 of former officials of the Shah's regime and 16 for ordinary crimes, mostly offences against Islamic sexual laws. Trials and executions were resumed early in April 1979. By the end of that month over 100 executions were known to have taken place.

On 18 February 1979, Amnesty International appealed to Dr Bazarghan for a halt to executions. Further appeals were addressed to Dr Bazarghan and Ayatollah Khomeini on 22 February 1979. These appeals, which were the subject of a press release on the same day, referred to the special need for open trials and appeal procedures in cases which might result in death sentences. On 6 March it wrote again to Dr Bazarghan, expressing its concerns, and on 9 March further appeals were made to him and to Ayatollah Khomeini.

In April 1979 a research mission went to Iran to investigate Amnesty International concerns, in particular the continuing executions and lack of proper legal safeguards in the trials of political and other prisoners.

Iraq (the Republic of)

In July 1978 the Ba'ath Party, the ruling party of Iraq, celebrated its 10th anniversary in power, and in January announced that the first general elections were

to be held for representatives to a new constitutional decision-making body called the Central Council. However, restrictions on political activity outside the Ba'ath Party have increased with the introduction in mid-1978 of legislation imposing the death penalty for two new political offences. Attempts to strengthen Ba'ath Party membership, particularly among the professional classes, has reportedly led to arrests among lawyers, teachers and students. In addition, there have been wide scale purges among Ba'athists in the administration and in the armed forces. The National Progressive Front, a ruling coalition set up in 1973 and comprising the Ba'ath Party, the Iraqi Communist Party and various Kurdish parties, has now all but collapsed after a year in which communist party members have been intimidated through arrest and torture to leave the party. Other real or potential sources of opposition have also been subjected to arrest. Members of Iraq's Christian community who attended unauthorised religious meetings were arrested in November 1978. And members of illegal Kurdish parties, or of Kurdish militias, who have opposed, politically or militarily the government's economic policies for the Autonomous (Kurdish) region and the continuing deportation of Kurdish villagers away from the border areas have also been arrested and executed.

These developments can be seen to be the result of the government's efforts to strengthen its position internally in the face of major political events in the region – the communist inspired *coup* in nearby Afghanistan in April 1978; and the growing opposition to, and eventual downfall of the Shah in neighbouring Iran with whom Iraq concluded an agreement in 1975 which helped end the Kurdish war. It may also reflect to some extent the realignment of the government's foreign policies – a lessening of its dependence on the Soviet Union with whom it signed a Treaty of Friendship in 1973, its rapprochement with Syria, for long its ideological rival, and with Saudi Arabia, with whom it signed a security agreement, and its increasing economic links with Western industrialized nations.

A general amnesty for specific categories of both criminal and political prisoners was announced on 16 July 1978. According to a statement issued by Izzat Ibrahim, Minister of the Interior, the following day, 6,835 ordinary prisoners and 266 out of 317 political prisoners were to benefit. Certain categories of prisoners were specifically excluded: spies, Bahais, Freemasons, those imprisoned for sabotage and arms trading in the northern (that is, Kurdish) region and those sentenced to death. It was also implied that those imprisoned on charges of carrying or possessing arms inside the autonomous (Kurdish) region would not be eligible either. The amnesty did include, however, "those who were imprisoned on other charges which are not included in the decision, if these prisoners have changed their basic attitude towards and thinking about the revolution and its pan-Arab and national aims".

On 26 September 1978, Amnesty International sent a memorandum to the Minister of Justice, Munzer Al Shawi, welcoming the news of the amnesty and requesting the names and details of those political prisoners who had been released and details of the charges against the 91 political prisoners still in detention.

The exclusion of the former Freemasons was of particular concern, since Amnesty International has been working on their behalf since 1975. About 14 of the approximately 200 arrested between February 1973 and March 1974, allegedly for their former activities as Freemasons, remain in Abu Ghraib Prison. They are all elderly professional men, aged between 60 and 75. Five of them were sentenced

to death in1974, but had their sentences commuted to life imprisonment; the remainder were sentenced to up to 15 years' imprisonment. The memorandum expressed regret that Freemasons had been excluded, particularly in view of their age, and asked for reasons for this exclusion. It also pointed out that, in the amnesty declaration, the former Freemasons had been distinguished from spies. Amnesty International had understood from both official and unofficial sources that the former Freemasons had been charged with espionage and therefore requested clarification as to the exact charges against them.

There has been no reply to this memorandum. However, the Iraqi Embassy in the Federal Republic of Germany has confirmed to an Amnesty International group that their prisoner benefited from the amnesty. He is Muhammad Bakr Sayyid Muhsin, one of the 15 Shii Muslims arrested in February 1977 and sentenced to life imprisonment following violent disturbances in the holy Shii towns of Najaf and Kerbala. All 15 cases were taken up by Amnesty International because of the inadequacy of the trial procedures. Since then three other releases have been confirmed.

Amnesty International is working on behalf of 106 individual political prisoners. In addition to the former Freemasons and Shiis mentioned above, 85 Iraqi Kurdish prisoners are under investigation. All were arrested, as far as is known, between the end of 1975 and mid-1977. Almost all are held in Abu Ghraib Prison near Baghdad. In most cases the exact charge and length of sentence is not known: while Kurdish sources claim that all have been arrested for membership of an illegal Kurdish organization or party or for other non-violent reasons, Iraqi Embassies who have replied to Amnesty International groups maintain that their Kurdish prisoner has been arrested for "subversive activities endangering the safety of citizens" or similar reasons, but do not specify the legislation under which the prisoner was charged and tried.

Amnesty International also began action on behalf of two other groups subjected to arrest this year: members of the Christian community and members of the Central Committee of the Iraqi Communist Party.

In November 1978, Amnesty International received reports that a number of people who had been attending religious meetings in private houses had been arrested. Most appeared to be Christians, of whom there are about 500,000 in Iraq, a lot of them Assyrian Christians. A number of Christian foreign nationals were also arrested, including a French and a Norwegian priest, two businessmen from the Federal Republic of Germany, a British and a Swiss businessman, an Austrian, an Indian, several Egyptians and a Lebanese citizen. The meetings are reported to have been prayer meetings or Bible study group meetings, mostly in Baghdad, but also in Basra, Kirkuk and Mosul. In addition five musicians were arrested for singing Assyrian nationalist songs at a party but it is not known whether these arrests had any connection with the others.

There is considerable uncertainty as to the numbers involved. Various sources have estimated the number of arrests at between 60 and 600 and it is impossible to give an accurate figure. There is also uncertainty about the reasons for these arrests, but there seem to be three. First, although freedom of worship is guaranteed under article 25 of the Interim Constitution—"Freedom of religion, beliefs and exercise of religious ceremonies shall be guaranteed, provided that this freedom shall neither contradict the provisions of the constitution and the law nor violate

morality or public order" permission from the police is required before any meeting, religious or otherwise, can be held in a private house and all the meetings in question appear to have been held without permission. Secondly, the government is sensitive to the possibilities of conspiracy and espionage, and the existence of these irregular meetings, together with the presence of foreigners, undoubtedly aroused suspicion. Thirdly, some or all of these meetings were apparently held by religious groups who are outside the mainstream of the Christian community and the authorities may have doubted whether their meetings were purely religious.

In a letter to the President, Ahmed Hassan al Bakr, dated 16 January 1979, Amnesty International expressed concern over these detentions. According to its information, the Christians had been "practising their right to freedom of worship and freedom of peaceful association" and it requested information about those still detained and the charges against them. The letter also expressed concern over the irregularities in detention procedures and the denial of basic legal rights: ". . . access by families, friends or colleagues to detainees was denied until after a prolonged period of investigation and. . . in the case of the foreign nationals, consular access was denied for one month and then permitted only once". Visits were later allowed once a month. ". . . No official explanation was given for these arrests. . . only recently were charges brought against any of the detainees. . . there has been no official clarification as to the legislation under which they were arrested and detained; and in the case of the foreign nationals official confirmation of their imprisonment was in some cases not given until some weeks after their arrest." There were also allegations of torture during investigation. Amnesty International urged the government to make sure that any person arrested had immediate and regular access to a lawyer and family or other appropriate representative and that the reasons for arrest and the charges lodged be officially declared. There has been no reply.

While many of the arrested Christians are known to have been released, Amnesty International learned in March 1979 that some had been tried and sentenced to between 9 months' and 5 years' imprisonment. The charges are still not known.

Since the middle of 1978, the authorities are reported to have been carrying out a consistent campaign of intimidation against members and supporters of the Iraqi Communist Party, whose activities outside the armed forces have been legal since 1973. This campaign began after the execution in May 1978 of 21 military men charged with forming secret communist cells within the armed forces and gained momentum towards the end of 1978 and early in 1979. There have been many arrests of Communist Party members and supporters, with periods of detention ranging from a few days to a few weeks or months. None have been charged or tried, as far as is known, but all are reported to have been subjected to severe torture which in some cases has resulted in death. Unofficial sources put the number of arrests at many thousands. Amnesty International has received the names of over 50 men and women reported to be in prison. They include members of the central committee of the party, party officials, trade-unionists, students, doctors, teachers, lawyers, artists and writers. Children are reported to have been arrested and held as hostages for their parents in hiding. Amnesty International has asked the government for confirmation of their detention, their place of imprisonment, the reasons for their arrest, and whether they have access to a lawyer and their families.

At the time of writing Amnesty International has the names of 11 Communist Party members still in detention, whose cases are to be taken up with the authorities. Seven of these have been in prison without charge or trial since 21 November 1978, and include Suleiman Yousef Istifan, a member of the central committee of the party, and Chairman of the Al Rouwad Publishing House. All but one of the group are ex-military men who retired from the armed forces in 1963. The four others are journalists arrested on 30 April 1979, and include Abdul Salam Al Nasiri, also a member of the Central Committee and on the editorial board of the party's daily paper *Tariq Ash Shaab* and its monthly journal *Al Thaqafa Al Jadida.*

Amnesty International received a considerable number of allegations of torture administered routinely in varying degrees of severity to almost all those arrested for political reasons. This frequently results in permanent damage. Of special concern was the number of reported deaths under torture.

Unofficial sources claim that all members or supporters of the Iraqi Communist Party who are arrested are subjected to severe torture as a means of persuading them either to leave the party or to inform on the party. A list of alleged interrogation techniques includes: beating with rubber truncheons and hoses, electric shocks, sexual assaults or threats of rape of the detainee or female relatives, submersion of the head in water and threats of death. A number of deaths under torture, among which were those of three women, have been reported. They include: Hamid 'Ati, Adnan Abdul Jabbar, Muhammad Waseeni, Jahod Abdulla, Haseeba Karim and Maniha Seewa.

A Campaign for the Abolition of Torture (CAT) appeal in the March 1979 Amnesty International *Newsletter* on behalf of all Communist Party members in prison called for the unconditional release of all those detained for their non-violent political beliefs, for assurances that all those detained would be protected from ill-treatment and for an open and impartial investigation into the reported deaths under torture.

Amnesty International also learned of six Iraqi Kurds who are alleged to have died under torture during 1976 and 1977. They were Haji Salim Agho, Zaki Salman Barwari (in Dohuk Prison), Omar Fago (in Abu Ghraib Prison), Yousuf Ahmed Mulla, Fakhri Ramadhan, and Haji Sayyid Ma'ruf. The latter was a 67-year-old father of 12 who was arrested in July 1977 for questioning after his son had left home to join the Kurdish armed forces. Amnesty International campaigns, one in October 1978 on behalf of Haji Sayyid Ma'ruf and one in January 1979 on behalf of the others, urged the government to investigate these allegations.

Another CAT appeal in the November 1978 Amnesty International *Newsletter* featured Ma'ruf Abdullah Fattah, a 29-year-old teacher from the town of Zawita who was arrested on suspicion of setting up a cell of an illegal Kurdish party. He was reported to have gone mad after having his head enveloped in a hood filled with flying ants.

Political activity in the armed forces has for some years been a capital offence. Legislation was passed in mid-1978 making it a capital offence for any serviceman who had retired from or otherwise left the armed forces after 17 July 1978 to join or work in the interest of any party political tendency other than the Ba'ath Party. Those who worked for the intelligence service are included.

It also became a capital offence for anyone to recruit for another party or

political tendency anyone known to have had an organizational relation with the Ba'ath Party. Since 1974, it has been a capital offence for anyone joining the Ba'ath Party to conceal previous party affiliations or to maintain, during his party membership, contacts with any other party or political tendency and since 1976 for anyone who leaves the Ba'ath Party to join or work in the interest of any other party or political tendency.

Political activity within the armed forces was the charge against 21 Iraqis executed in May 1978 *(Amnesty International Report 1978).* While these executions were officially confirmed, unofficial sources claimed that not all of them were military men, that they either had had contact with another party as civilians but had severed those links on enlisting in the army, or that they were persons who, while in the army, had maintained friendly relations with civilian members of another party. All had been under sentence of death since 1974, 1975, 1976 or 1977.

Amnesty International drew the government's attention to these allegations in its memorandum of 26 September 1978 and expressed its concern over the large number of executions, the political nature of the charges, the decisions to carry out the death sentences after 2, 3, 4 or 5 years rather than grant a pardon or commute the sentences, the denials of basic legal rights, a fair and open trial and the right of appeal. It asked the government to consider abolishing the death penalty for this offence, to commute all pending death sentences, to ensure that further trials of persons accused of this offence were open, to allow international observers to attend, and to allow an appeal to a higher court from decisions of revolutionary courts.

In March 1979, Amnesty International received information which indicated that as many as 38 may have been executed in May 1978. So far Amnesty International has the names and details of 33.

On 9 February 1979, it initiated an urgent action campaign on behalf of 24 Iraqis, reported to be members of an illegal Kurdish party, who had been condemned to death on 7 December by the special court in Kirkuk and were awaiting execution in Mosul Prison. Twelve were said to have been executed in February, and Aziz Mahmoud, a teacher from Suleimaniya, on 24 March. A second urgent action campaign was organized in April for the 11 still remaining under sentence of death.

Israel (the State of) and the Occupied Territories

Although a clear distinction must be drawn between Israel itself where a parliamentary system operates, and the Occupied Territories, to which military rule is applied, Amnesty International is concerned that serious human rights violations are occurring in both regions, both to residents of the territories and to Israeli citizens. These violations fall under each of Amnesty International's statute provisions and include the arrest and conviction of prisoners of conscience, the denial of fair trials to a number of prisoners, and the lack of effective safeguards to ensure that the basic rights of those in custody are protected.

During the year, Amnesty International worked on behalf of 29 prisoners who had been tried and convicted of security offences. Of these, four were adopted as prisoners of conscience and 25 were taken up as 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 certain instances place the prisoner outside Amnesty international's concerns. However, in a number of cases, and particularly in those involving the charge of membership, this legislation has been interpreted very broadly by military courts so that individuals have been sentenced to prison terms for acts which are of a purely political nature.

Amnesty International is also concerned that, in convicting individuals for security offences, Israeli military tribunals often rely for evidence on nothing more than accused's confession (although the technical requirement exists that independent supporting evidence be adduced for a confession to be ruled admissible). In Amnesty International's experience, exclusive reliance on confessions tends to encourage improper interrogation procedures.

Amnesty International also expressed its concern in several letters addressed to Attorney General Yitshak Zamir, at the treatment accorded to conscientious objectors under Israeli law, and referred particularly to Jehovah's Witnesses and Druze who were refusing to serve in the Israeli Defence Forces. In a reply on 20 December 1978, the Attorney General stated that Jehovah's Witnesses are given renewable one-year deferments, but that all Druze are still bound by a decision, taken by Druze community leaders over 20 years ago, that male Druze who are of age would serve in the Israeli Defence Forces. Resistance to the draft among the Druze (often leading to imprisonment) has reached substantial numbers.

In February 1979, Amnesty International started work on behalf of six Israeli Arab students at the Hebrew University in Jerusalem who were confined by an administrative order to their home villages for a period of three months, because of their part in producing a document which supported the Palestine Liberation Organization as the sole representative of the Palestinian people. This punishment was in accord with the rarely used DER article 110. It also protested against the threatened deportation under DER article 112 of another student also suspected of producing the same document.

Amnesty International continued to work on behalf of all individuals under administrative detention (any person specified by a region's military command may be detained for renewable six-month periods without ever being formally charged or brought to trial). This practice is in clear violation of articles 9 and 10 of the Universal Declaration of Human Rights.

The original legal basis for administrative detention is in DER article 111, but this has now been replaced for the Occupied Territories by article 87 of the 1967 Security Provisions Order and for Israel proper by a new law passed by the Knesset in March 1979. Although the new law introduces the principle of judicial and ministerial controls on the practice of administrative detention, it is not yet clear how effective this control will be in practice. Also, the new law does not apply to the Occupied Territories, where all cases of administrative detention in recent years have occurred.

During the past year Amnesty International worked for 48 administrative detainees, of whom 22 are still in prison. The 48 included a group of 14 people captured in an Israeli raid into Lebanon in March 1978 and held in detention

in Israeli prisons until February 1979. In February 1979, they were released and returned to Lebanon under the auspices of the International Committee of the Red Cross. The longest held administrative detainee is Ali Awwad Jamal, who has been detained since May 1975.

In early 1978, Amnesty International launched a general appeal for the release of all administrative detainees on the occasion of the 30th anniversary of the State of Israel in June 1978. In August 1978, the Attorney General wrote to Amnesty International that the special committees set up to consider an amnesty would not consider cases of administrative detention, but would deal only with persons who had been tried and sentenced by civilian courts.

Amnesty International is also concerned by the ways in which the system of military justice deviates from fair trial practices. In particular, there are no rights of judicial appeal for those tried before military tribunals in the West Bank, although a military appeals court exists for residents of East Jerusalem and Israel proper. Furthermore, although appeal to the Supreme Court is in principle possible for residents of both Israel and the Occupied Territories, many suspects from the Territories are represented by West Bank lawyers who are not members of the Israeli Bar and who are thus not able to appeal cases to the Supreme Court.

Allegations of ill-treatment of prisoners continued to reach Amnesty International, both directly through former prisoners and through published reports. The most serious public accusations were those made in early 1979 by Alexandra Johnson, a former United States consular official in Jerusalem, who, on the basis of interviews with 29 Palestinian former prisoners applying for visas to the United States, concluded that ill-treatment of prisoners was not limited to the practice of a few over-zealous officials, but was systematic and required at least the tacit approval of higher authorities. Credible testimony recently received by Amnesty International from other former prisoners is consistent with Alexandra Johnson's conclusions.

In January 1979, Amnesty International launched urgent actions on behalf of two prisoners, Nader Fayiz el-Afouri and Youssef el Jou'beh, who were reported to have suffered ill-treatment while in prison in Israel. In March 1979, Amnesty International received letters from the Attorney General denying that any ill-treatment had occurred.

In addition to the alleged ill-treatment of Palestinian prisoners, there is disturbing evidence that similar practices are occurring within Israel proper, to both Israeli Arabs and Jews. A number of reports to this effect have appeared in Israeli newspapers such as *Yediot Ahronot*, *Haolam Hazeh*, *Zu Haderech* and *Ma'ariv*. These reports include evidence of ill-treatment under interrogation and of brutality committed by the Border Guards, Civil Guards and the Police, all alleged to have occurred during the year.

The government has consistently denied all allegations of systematic torture and has emphasized that any isolated instances which are brought to its attention are fully investigated, with appropriate disciplinary measures taken in situations that warrant them. To support their case, the authorities argue that the International Committee of the Red Cross (ICRC) has access to prisoners under interrogation, which is when torture is usually alleged to take place, no later than 14 days after arrest. In only six per cent of ICRC visits to approximately 1,300 prisoners, within the past year, were complaints of ill-treatment registered. But

Amnesty International has received reliable reports that, although the formal rights given the ICRC in the Occupied Territories are among the most favourable that have been granted anywhere, these do not permit the conclusive refutation of torture allegations, as the authorities claim they do. In particular, the ICRC is rarely able to visit prisoners much before the 14th day after arrest and, since torture allegations focus on the first few days of detention, the ICRC visits are often too late to provide convincing medical evidence to support or contradict the allegations. In addition, the ICRC is often unable to locate the whereabouts of particular prisoners within the 14-day limit, and their surveillance of the prisoner's state of health during interrogation is frequently inadequate on these grounds alone.

Amnesty International is particularly concerned with the lack of procedural safeguards protecting prisoners' rights once they are in custody. Suspects in the Occupied Territories may be held incommunicado for long periods of time, with no notification of arrest given to the prisoner's family or legal counsel. Several months may pass before a lawyer's first interview with his or her client, and the medical examinations provided for prisoners are cursory and do not furnish the solid evidence needed to protect the prisoner. These elements, taken together, create a situation in which ill-treatment can very easily occur.

Amnesty International has repeatedly called for an impartial, independent commission of inquiry into allegations of torture and ill-treatment but the authorities have so far not responded.

On 29 April 1979, in the aftermath of several violent incidents which followed the signing of the Israel-Egypt peace treaty, the cabinet sanctioned the use of the death penalty for acts of inhuman cruelty. This overturned a 1967 labour government decision that the death penalty would no longer be carried out, despite remaining in force under several provisions of the DER; the Nazi and Nazi Collaboration Law 1950, the Crime of Genocide Law 1950, and for the crime of treason under the Penal Law 1957. Since then the death penalty has been carried out only once, in the case of Adolf Eichmann in 1962; other death sentences have automatically been commuted to life imprisonment.

In November 1978, on the occasion of the award of the Nobel Peace Prize to Prime Minister Menachem Begin of Israel and President Anwar Sadat of Egypt, Amnesty International (the 1977 winner of the award) wrote a similar letter to both leaders. In its letter to Prime Minister Begin, it suggested that "commitment to peace and human rights, both internationally and nationally, would best be reflected by a warm and humane gesture of respect for the fundamental freedom of all peoples. We urge you, on this remarkable occasion, to declare unconditionally a general amnesty for all political prisoners held under the authority of your government." In a reply to this letter, the Attorney General affirmed that "no one in Israel. . . has been imprisoned for his [or her] political beliefs, for giving expression to them or for his [or her] political activity".

In October 1978, Amnesty International sent a research mission to Israel for several weeks. In March 1979, the authorities agreed to receive a high-level mission to discuss all issues of concern to Amnesty International. This mission is scheduled for June 1979.

Jordan (the Hashemite Kingdom of)

Amnesty International worked on behalf of seven political prisoners, all charged with membership of the Communist Party, which is prohibited by law No. 91 of 1953. It took up five of them as new cases during the year. One was a prominent trade-unionist, Muhammad Abu Sham'a, a member of the executive council of the Bank Employees' Union, who was arrested in Amman on 7 August 1978. Following a house search, when books obtainable on the open market were allegedly confiscated, Muhammad Abu Sham'a was detained, first at Abdeli Intelligence Service Prison and later in Mahatta Central Prison, Amman, reportedly charged with Communist Party membership. He was tried by military court in January 1979 but the sentence is not known.

A second was Hashim Gharaibeh, a 30-year-old student at Yarmuk University, reportedly arrested on the same charge in March 1978 and sentenced by military court to 10 years' imprisonment. Although left-wing papers were said to be found in his possession, he is not believed to be a member of the Communist Party. He is reportedly imprisoned in Irbid Prison.

Amnesty International appealed in August 1978 for the release of Adnan al Asmar, a 25-year-old student arrested early in 1978 on charges of belonging to the Communist Party. It learned that he was in danger of losing his sight, reportedly as a result of a beating in Abdeli Intelligence Service Prison. After unsuccessful surgery to treat a torn retina, he was returned to prison. His condition is said to be unchanged. He is not believed to have been tried.

Amnesty International learned of the release in mid-1978 of adopted prisoner Feisal al Za'mi. His 10-year prison sentence for communist activity was reduced by the Prime Minister to 2 years.

On 15 August 1978, some 200 political detainees in Jordan broadcast a statement on a Palestinian radio station claiming that 126 of them were detained in Mahatta Central Prison, Amman, and that another 90 were held without trial in detention in Abdeli Intelligence Service Prison. Some had been there for several years and many had suffered prolonged solitary confinement. Most are believed to be Palestinians engaged in political or resistance activities. The detainees' message was broadcast in response to a statement by Prime Minister Mudar Budran on 24 July 1978 which denied the existence of any political detainees in Jordan other than 45 detained for subversive activities. Thirty-five Palestinians, some convicted, were reportedly released on 17 March 1979. About 50 people had been previously released in June 1978.

The government responded to Amnesty International's request for an inquiry into the reported death in detention on 5 June 1978 of a 41-year-old student, Omar Musa Khalil Ajoury, whom it believed to be a prisoner of conscience. The government affirmed that he was arrested on charges of sabotage and that his death took place in the intensive-care unit of the Central Military Hospital, where he had been transferred after declaring a hunger and thirst strike. The government further stated that, according to his family, Ajoury had been suffering from a chronic kidney ailment. Sources considered reliable challenge the government's claims and maintain that Omar was mistakenly arrested in place of his uncle, who later gave himself up to the police at his family's request. Omar is said to have started a hunger strike to protest at his continued detention and died in

Abdeli Intelligence Service Prison 13 days later.

Amnesty International received reports of six death sentences passed *in absentia* for the sale of property in territory now occupied by Israel during the past year. The government replied to inquiries in May and June 1978 about these reports.

Libya *(the Socialist People's Libyan Arab* Jamahiriya)

In March 1979 changes took place in Libya's governing bodies. Colonel Mu'ammar Gaddafi relinquished his position as Secretary General of the five-member General Secretariat, being replaced by Abdul 'Ati Obeidi, but continued to act as Head of State. Other changes took place within the General People's Committee of 21 secretaries.

Amnesty International continued to work for the release of approximately 80 prisoners of conscience, many of whom are serving heavy sentences in Tripoli Central Prison and in Kuweifiya Prison in Benghazi. In the summer and autumn of 1978, a special campaign urged the declaration of an amnesty for all prisoners of conscience. These include 39 prisoners arrested in April 1973, tried in February 1977 by a people's court and sentenced to periods of imprisonment ranging from 4 to 15 years. Their sentences were later overruled by the Revolution Command Council and amended to life imprisonment in 37 cases and the death sentence in two cases. The 39 were alleged to be members of illegal political organizations: one Marxist, the other the Islamic Liberation Party. Other prisoners include 11 people arrested in February 1973 and others arrested in April 1976 in connection with demonstrations in Benghazi. Another group of 10 were arrested in late 1975. They were tried by an ordinary criminal court and sentenced to life imprisonment in November 1976 on charges of forming an illegal political organization. In March 1979, Amnesty International learned that the Supreme Court which examined an appeal against these sentences had acquitted all 10 and they were subsequently released from prison. Amnesty International later learned that these 10 were re-arrested and may well face a retrial.

At the end of December 1978, 20 to 30 writers and journalists were reportedly arrested when they attended a meeting commemorating the death of a Libyan poet in Benghazi. Those arrested formerly worked for the newspapers *Al Fajr Al Jadid* (New Dawn) and *Al Usbu' Al Thaqafi* (The Cultural Week). According to reports received by Amnesty International they were beaten by police on arrest and later transferred to Tripoli Central Prison or Kuweifiya Prison, Benghazi. Unconfirmed reports state that the reason for their arrest was that they were suspected of being members of a communist organization. In March 1979, Amnesty International wrote to Colonel Gaddafi requesting clarification of the journalists' situation, of the exact charges against them and of when they would be brought to trial.

In its letter to Colonel Gaddafi, Amnesty International also requested further information concerning the situation of the wife and family of Omar El Meheishi, the former member of the Revolution Command Council who is now living in exile in Cairo. His wife and four children have apparently been living under house arrest since August 1975, when Omar El Meheishi fled the country. Since then the children have not been allowed to go to school and only close members of the family are permitted to visit them. All are alleged to be in poor physical and mental health as a result of their prolonged detention.

In early 1979 Amnesty International learned of the release of two prisoners, Professor Abdul Mawla Khalil Dughman and Ahmed Bu Rahil, arrested in 1970 apparently for having prepared the text of a leaflet which was critical of Colonel Gaddafi's policies. A special appeal for Professor Dughman was launched in April 1978, when he was featured as Amnesty International's Prisoner of the Month.

In March 1979 several newspapers reported that 20 army officers had been summarily executed in Misuratah, following their alleged involvement in a conspiracy to overthrow the government. These reports have not been confirmed by the authorities. Amnesty International continued to urge the commutation of the death sentence passed on two adopted prisoners, Abdul Ghani Khanfar and Al Mabrouk Abdul Mawla Al Zoul, charged with membership of illegal political parties. Arrested in April 1973, they were tried by a people's court in February 1977 when Mr Al Zoul was sentenced to 15 years' imprisonment and Mr Al Khanfar to 10 years' imprisonment. Several days later, these sentences were amended by the Revolution Command Council to death. Many appeals have since been made, but they are still believed to be held in solitary confinement under sentence of death.

In August 1977, Amnesty International addressed a report to Colonel Gaddafi based on the findings of a mission to Libya in late 1976, which described its concerns. A reply was received from the Secretariat for Foreign Affairs in December 1977 and Amnesty International responded to this in May 1978 reiterating its concerns and requesting permission from the authorities to send a second mission for high-level talks. In March 1979, Amnesty International repeated this request and also drew attention to the main issues of concern in Libya: political imprisonment; inadequacy of basic legal safeguards; and the death penalty. At the time of writing, there had been no response.

Morocco *(the Kingdom of)* and Western Sahara

Morocco continued to be ruled by King Hassan II. The government formed in October 1977 under Prime Minister Ahmed Osman changed on his resignation in March 1979. Maati Bouabid, expelled from the opposition party—the *Union Nationale des Forces Populaires* (UNFP)—when he joined the government, took over the premiership in the Cabinet reshuffle but remained Minister of Justice. At the same time, the formation of a National Security Council was announced, including among others Ahmed Osman and Abderrahim Bouabid, leader of the largest opposition party, the *Union Socialiste des Forces Populaires* (USFP). The government has faced growing pressure from widespread strikes and economic recession which are exacerbated by the cost of the war against the Algerian-backed Polisario, which is fighting for independence in the Western Sahara. In addition, in February and March 1979 there were reports of mainly short-term arrests and several deaths among students striking in protest against their conditions of study and against the welcome accorded by King Hassan to the deposed Shah of Iran.

Amnesty International continued to work for approximately 180 prisoners of conscience. Among these are members of the UNFP, sentenced at various trials in 1967, 1973 and 1976, and members of various Marxist-Leninist movements sentenced at trials in 1973 and 1977, who are generally known as *Frontistes*.

Some of the latter group–drawn largely from among students and teachers–were active in the *Union Nationale des Etudiants Marocains* (UNEM), suppressed in January 1973. Although the UNEM was legalized once more in November 1978, its imprisoned leaders, who were convicted of plotting against the internal security of the state, have not been released. One reason why the *Frontistes* were suppressed was that they opposed Moroccan annexation of the Western Sahara, which had overwhelming public support.

Amnesty International also investigated cases of people of Sahrawi origin living in Morocco secretly detained without charge or trial since 1976. It is thought that several hundred may be detained in the Western Sahara itself; but it is difficult to obtain detailed information. Some are reportedly held in the *"Calabozo"* Prison in El Ayoun, and some are reported to have undergone "re-education" programmes. Amnesty International's concern for Sahrawi detainees was expressed in its publication for Prisoner of Conscience Week in October 1978.

Amnesty International continues to be concerned at the situation of more than 80 people detained at Meknes Civil Prison, allegedly for left-wing sympathies. In November 1977, it was announced that they had appeared before an examining magistrate, but they have still not been brought to trial. Some are thought to have been detained for their sympathies with the Sahrawi claim for independence. Also of concern are reports that a number of military personnel–tried and sentenced to between 3 and 5 years' imprisonment for their association with a *coup* attempt in 1971–have not been released despite the fact that they have served their sentences. They are allegedly held near Rich.

The majority of prisoners adopted by Amnesty International are held in prisons at Kenitra, Chaouen and Settat. Prisoners at the agricultural prison of Ain Ali Moumen in Settat and at Chaouen Civil Prison were transferred from Kenitra following a hunger strike begun in February 1978 to protest against both their official status as ordinary common law prisoners and the fact that they had been met only once by an independent commission set up to investigate their grievances. This followed a hunger strike in late 1977 in which Saida Menebhi, one of a group of four prisoners held at Casablanca, died. The grievances included poor sanitary conditions, prolonged isolation, repeated interrogation and other arbitrary punishments, and limited medical attention for those injured by earlier tortures.

Conditions at Chaouen and especially at Settat are believed to be considerably better than at Kenitra and there has been a notable increase in the possibility of correspondence. But many prisoners are reported to be in serious need of medical care despite the fact that some have been moved to hospital for short periods of treatment following hunger strikes, or as a result of earlier ill-treatment, one form of which has been prolonged bandaging of the eyes with rags. One prisoner allegedly held for over four years, Brahim Zaidi, died in prison in the early hours of 25 December 1978, reportedly without having received the medical attention he needed. In November 1978, Amnesty International launched an appeal on behalf of Abraham Serfaty, held in solitary confinement in Casablanca, after prolonged fears for his health. It was later learned that he and the two other adopted prisoners remaining there–both women– had been transferred to Kenitra, where Serfaty is reported to be no longer in isolation.

The Minister of Justice, Maître Maati Bouabid, suggested in a press interview in January 1978 that Amnesty International should send delegates to Morocco to inspect prisons and observe the working of the courts. Amnesty International requested permission to do so from the Moroccan government and its Embassy in London but, at the time of writing, had received no formal response.

Syria (the Syrian Arab Republic)

Amnesty International estimates the number of political prisoners presently detained at several hundred, although numbers are known to fluctuate considerably according to the internal situation. Fewer abductions from Lebanon of alleged supporters of opposing parties to the internal Lebanese conflict have been reported.

Despite President Hafez Assad's public announcement in March 1978 that misuse of emergency legislation would, in future, be prevented, almost all political prisoners known to Amnesty International continued to be detained without trial under that legislation.

Amnesty International worked on behalf of 157 political detainees, 50 as adoption cases. Among cases taken up during the year is that of a prominent trade-unionist, 57-year-old Omar Kashash from Aleppo. He was arrested on 14 June 1978 for membership of the political bureau of the prohibited wing of the Communist Party led by Riyad Turk. He was Secretary General of the Printers' Union and had been elected several times to the executive committee of the Syrian Trades Unions' Federation, where he was active in promoting workers' rights. At the time of writing he is reportedly detained in cell 8 of Sheikh Hassan Prison, Damascus–untried and held incommunicado since his arrest. His nervous system is alleged to have been affected as a result of blows to his vertebral column inflicted in detention.

Amnesty International also adopted Yusuf Abdul Kay, a 28-year-old graphic designer from Qamishli in northern Syria who has been detained without trial since May 1978 for alleged membership of a Marxist organization.

Still under adoption are a group of nine Syrian Kurds, members of the Kurdish Democratic Party (KDP), who have been detained without trial since 1973 for protesting against the displacement of Syrian Kurds from their homelands under the Arab Belt Plan. In January 1979, the leader of the Syrian KDP, Daham Miro, and four others were detained in the civilian prison of Al Hasakeh, while Kanaan Agid and Amin Gulin were detained in Aleppo Prison.

Amnesty International continued to work for some 18 members and associates of the former government detained without trial for eight years in Al Mezze prison. It urged the release of two seriously ill detainees, former Head of State Dr Nureddin Atassi and former Prime Minister Dr Yusuf Zu'ayyin, who are reportedly suffering from diabetes and tuberculosis respectively.

Four adopted prisoners, all of whom were arrested in Lebanon in 1976 for their support of the Iraqi wing of the Ba'ath Party, were released in 1978: Dr Adnan Sino, a surgeon; Dr Nabil Qulaylat, a physician; Dr Fuad Adhami, a Lebanese government official; and Dr Omar Abdul Hayy, a university professor.

Amnesty International has not been informed whether any of the 74 cases which its representatives brought to the attention of Syrian Minister of Justice Adib Nahawi in March 1978 have been released.

During the year, Amnesty International took up the cases of 66 people reported

to have been detained without trial since 1977 or 1978 for alleged support of prohibited Marxist movements and is seeking to discover their place of detention and further details. The governing coalition, the National Progressive Front, mainly composed of the Ba'ath Party, includes the Communist Party and three socialist parties. All other political parties are prohibited, giving rise to a proliferation of small opposition splinter groups, many of which are locally based and not politically organized. Arrests of members of such movements–Marxist and socialist, as well as fundamentalist religious movements such as the Muslim Brotherhood and its offshoots–are believed to account for a large percentage of political detentions. The restrictions on open political activity as well as the absence of legal safeguards make political detentions throughout Syria hard to document, which accounts for the high number of investigation cases.

In June 1978, the Damascus Bar Association called for the lifting of the state of emergency and changes in the emergency legislation, and for the release or fair and open trial of all political detainees by civilian courts with proper rights of defence. A new commission for human rights was formed to work for these objects.

In March 1979 Amnesty International received reports of detention and harassment of members of the Jewish community following a number of unauthorized emigrations. Restrictions previously imposed on the Jewish community had reportedly been lifted in 1976 and 1977, although emigration is still restricted. The reports are being investigated.

Five executions were reported. Amnesty International asked the government to confirm reports of two public hangings of men convicted of murder in May 1978 and three further reported executions in February and March 1979, one by public hanging in Damascus for murder and two in northern Syria.

Amnesty International asked the government to make known the findings of a promised inquiry into matters of concern raised with Minister of Justice Adib Nahawi during its mission in March 1978, and expressed a wish to send a further high-level mission.

Tunisia (the Republic of)

Tunisia continues to be ruled by President Habib Bourguiba representing the Socialist Destour Party (PSD), the sole legal political party. In June 1978 the *Mouvement des Démocrates Socialistes* (MDS), led by Ahmed Mestiri, a former minister, sought permission from the Minister of the Interior to establish its own political party. In October 1978 it was learned that permission had been refused.

Amnesty International worked on behalf of 75 prisoners of conscience, approximately half of whom are trade-unionists arrested in connection with the one day general strike on 26 January 1978; also for the release of prisoners serving long sentences in Bourj Er-Roumi Prison near Bizerte. These include five who were originally arrested and tried by the State Security Court in 1968 on charges of conspiracy against internal security and membership of an illegal organization. They were given prison terms varying from 2 to 16½ years. In 1970, all were granted an amnesty following two presidential decrees. But they were subsequently re-arrested and given fresh sentences in 1973 and 1974. Furthermore, in 1974 two additional Presidential decrees declared the amnesties of their former sentences void.

As a result, Mr Noureddine Ben Khader, Mr Gilbert Naccache and Mr Rachid Bellalouna are today serving the 16 year, 16½ year and 11½ year sentences imposed on them respectively in 1968, although they have finished serving the 1 to 1½ year sentences imposed on them in 1973. Mr Ahmed Ben Othman Reddaoui is currently serving both the 12 year sentence pronounced in 1968 and the 10 year term imposed on him in 1974. Mr Abdullah Rouissi's 1968 sentence of 2 years has expired but he is now serving the fresh 10 year sentence handed down to him in 1974.

On the occasion of the Islamic feast of *Aid El Adha* in November 1978, five members of the *Mouvement d'Unité Populaire* were released from prison. All had been adopted by Amnesty International after they had been sentenced by the State Security Court in Tunis in August 1977 to 2 to 3 years' imprisonment on charges of membership of a clandestine organization, propagating false information and defamation of the government. Mounir Kachoukh, who was serving a sentence of 4 years' imprisonment, was released some days later, apparently because of ill-health. Following their release, they were ordered to remain in restricted residence for a period of 10 years and to report each day to the police. Nine other adopted prisoners released in March 1979 after serving their sentences of 5 years and 4 months, were placed under similar constraints.

In Autumn 1978, between 80 and 100 people throughout the country were imprisoned in a new wave of arrests. Some were allegedly involved in writing and circulating an underground version of *Ech-Chaab* (The People), the official organ of the General Union of Tunisian Workers (UGTT), while others were apparently accused of membership of illegal organizations. Many were reportedly subjected to torture in police custody and most are still in detention. It is not known whether they will be charged or tried. Amnesty International launched several urgent actions on their behalf and is making further investigations with a view to adoption.

In July and August 1978, Amnesty International sent an observer to trials of trade-unionists in Sfax and Sousse. Of the 12 defendants in the trial at Sfax, five were sentenced to 2 years' imprisonment, three received suspended sentences of 2 years' imprisonment and four were acquitted. Amnesty International adopted the five, as prisoners of conscience. In July 1978, an Amnesty International representative observed part of the trial of 101 trade-unionists before the criminal court at Sousse. During this trial, the prosecution demanded the death sentence for 39 people, but the tribunal declared itself incompetent to pass judgment and the cases were referred to the State Security Court of Tunis. Amnesty International issued a news release drawing attention to procedural irregularities in the treatment of these trade-unionists and expressed its concern that most had been arrested and imprisoned for exercising their rights of freedom of association and expression, not for any violent or criminal activity.

In November 1978, the examining magistrate of the State Security Court dismissed the charges against 89 of these people and ordered their release. The remaining 12 are awaiting trial before the State Security Court.

In September and October 1978, 30 union leaders were tried by the State Security Court in Tunis. Amnesty International sent an observer to the trial who was refused permission to attend. No reason was given. The trial began on 14 September 1978 when the 76 lawyers for the defence requested an adjournment

of two months in order to study the dossier of 4,000 to 5,000 pages. The tribunal allowed two weeks.

On 28 September many of the families of the detained trade-unionists were refused entry into the State Security Court. No reason was given. As they dispersed, 30 were arrested and 14 were tried two days later by the *Tribunal Cantonal* (regional tribunal) of Tunis. Thirteen were sentenced to 1 year's imprisonment and one was sentenced to 18 months' imprisonment. Their sentences were subsequently reduced to 4 months' imprisonment for five of those arrested (including one of the sons and son-in-law of Habib Achour) and to a suspended sentence of 4 months' imprisonment for the remaining nine.

On 28 September, at the State Security Court a lawyer for the defence, Mohamed Bellalouna, former chairman of the Tunisian Bar and former Minister of Justice, requested that all members of the defendants' families should be allowed into the court since the trial was an open one, and objected to the frequent interruptions of the defence counsel speeches. During his speech, Bellalouna was interrupted again by the president of the tribunal and he withdrew from court. He was followed by the remaining 75 lawyers for the defence. On the same day the court appointed 18 of the original 76 lawyers to continue the trade-unionists' defence in the court on the following day.

On 29 September, the defendants refused to accept this, claiming they had had no contact with those lawyers. The lawyers declared themselves unable to defend them as there had been no time to consult the defendants or study the case dossier but also because they had been assigned to different clients among the defendants. Nevertheless, the prosecution demanded the death sentence for all 30 trade-union leaders, including Said Gagui who was at that time in hospital and has since died. In a statement on 24 October Amnesty International said that "the rights of the defence in this trial were gravely abused. . . and although article 12 of the Tunisian constitution 'guarantees the necessary conditions for self-defence' . . . the proceedings fell far short of internationally recognized standards of impartiality as set down in article 12 of the International Covenant on Civil and Political Rights which the Tunisian government ratified in 1969".

On 9 October 1978, the tribunal sentenced two trade-union leaders (Habib Achour, Secretary General of the UGTT, and Abderrazak Ghorbal, Secretary General of the Sfax office of the UGTT)–to 10 years' hard labour; three others were given sentences of 8 years' hard labour; four received sentences of 6 years' hard labour; six received sentences of 5 years' hard labour; 8 received suspended sentences of 6 months' imprisonment; one person was sentenced to 6 months' imprisonment; and six of the defendants were acquitted. An appeal against the State Security Court's verdict was referred to the *Chambre de Cassation*, which rejected the appeal in November 1978. Amnesty International has taken up for adoption all cases of those imprisoned. They are all serving their terms in Tunis Civil Prison with the exception of Habib Achour and Abderrazak Ghorbal, who on 11 December were transferred to Bourj Er-Roumi Prison.

The State Security Court also announced sanctions against two of the defence lawyers under the provisions of article 17 of the law dated 2 July 1968, which established the State Security Court. Mohamed Bellalouna was banned from practising for two years. Noureddine Boudali was given a caution.

In a separate trial on the events of January 1978, twenty trade-unionists including

the Secretary General of the local union, were tried at Tozeur on 20 and 21 December 1978. Nine were found guilty and sentenced to terms of imprisonment ranging from 1 month to 4 years. Eleven were acquitted.

Amnesty International continued to receive reports of torture (some of them testimonies from the prisoners themselves). The forms of torture most commonly alleged are the "swing", and beatings with a length of hose-pipe, wooden stick or iron bar, while the prisoner is in the "swing" position, on sensitive parts of the body such as the soles of the feet, ribs and genitals. Other forms of physical torture reportedly include cigarette burns and enforced standing for prolonged periods of time. Some detained trade-unionists claimed that they had been forced to sit on the neck of a bottle. In other cases detainees were beaten so severely that teeth were knocked out or respiratory or stomach troubles were caused. In at least two cases electricity was used as a method of torture.

Detained trade-unionists also claimed that they had been subjected to psychological torture which included threats of violence, including rape, to members of their families.

Many trade-unionists claimed during their trial that confessions had been extracted under torture or other forms of pressure. In the Sousse trial, a number of defendants requested a medical examination to corroborate their complaints of torture. Some defendants named the people they alleged had tortured them and in at least one instance during the trial a defendant pointed to the person he accused of having tortured him.

On 13 September 1978 Amnesty International wrote to the Tunisian Minister of Justice Mr Salaheddin Baly seeking assurance from the government that medical examinations had been undertaken when requested by detained trade-unionists and that the government would initiate an independent inquiry into all allegations of torture and ill-treatment. There has been no response.

On 1 June 1978 (Tunisia's Victory Day), Amnesty International sent petitions to President Habib Bourguiba expressing concern at the situation of arrested trade-unionists and requested that all prisoners of conscience be granted an amnesty.

In February 1979, Amnesty International issued a report entitled *Tunisia: Imprisonment of Trade-Unionists in 1978.* The report describes the circumstances of the arrests which took place as a result of the general strike on 26 January 1978 and outlines the proceedings of the three trials (at Sousse, Sfax and Tunis) to which Amnesty International sent an observer. The report also examines allegations of torture and prison conditions at Sousse, Sfax, Tunis and Nador (Bourj Er-Roumi). The report concludes: "The majority of the trade-unionists were arrested solely for the exercise of their rights of freedom of expression and association, which are guaranteed by articles 19 and 20(1) of the Universal Declaration of Human Rights and articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ratified by the Tunisian Government in 1969) as well as by article 8 of the Tunisian constitution which states that: 'Freedom of thought and expression of the press, printing and meetings, freedom to found societies registered and according to the law, are ensured by the law. The right to form a trade union is guaranteed'.

"Torture and maltreatment of arrested persons were widespread in violation of the United Nations Declaration on the Protection of All Persons from Torture

and other Cruel, Inhuman or Degrading Treatment or Punishment (1975). Article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights were also violated.

"Trial procedures, particularly those in the State Security Court, fell far short of the standards established in article 14 of the International Covenant on Civil and Political Rights and were also in contravention of article 12 of the Tunisian constitution which states that 'Each person shall be considered innocent until his guilt is proved in court where he is guaranteed the necessary conditions for self-defence'.

"Conditions under which many trade-unionists are or were being held do not conform with the United Nations Standard Minimum Rules for the Treatment of Prisoners with regard to hygiene, food, medical services and accommodation."

In March 1979 Amnesty International launched an international campaign on behalf of the imprisoned trade-unionists and other prisoners of conscience.

Missions May 1978 ~ April 1979

Country	*Date*	*Delegates*	*Purpose*
Grenada	June	Herbert Semmel (American)	to observe the trial of two men charged with the murder of a former police officer and facing a possible death sentence
Lesotho	July	John Humphreys (Canadian)	to attend a United Nations Commission on Human Rights conference in Maseru on political imprisonment in South Africa
Tunisia	July/ August	June Ray (International Secretariat)	to observe the trials in Sfax and Sousse of trade-unionists arrested following the one-day general strike on 26 January 1978
Tanzania	August/ September	Martin Ennals, Martin Hill, (International Secretariat)	to talk with mainland and Zanzibar governments about prisoners of conscience
Tunisia	September/ October	June Ray (International Secretariat)	to observe the trial by the State Security Court in Tunis of leaders of the General Union of Tunisian Workers; AI's delegate was refused entry
Czechoslovakia	October	Dr Wolfgang Aigner (Austrian)	to observe the trial of three AI-adopted prisoners charged with incitement for copying and distributing material "inimical to the socialist and state order of the Republic". AI's delegate travelled to Brno but was detained for five hours. The trial was postponed
Israel	October	Kevin Dwyer (International Secretariat)	general research mission
Costa Rica/ Honduras	October	Michael McClintock (International Secretariat)	to visit refugees from Nicaragua in the camps in Costa Rica and Honduras
Afghanistan	October	Mümtaz Soysal (Turkish) Yvonne Terlingen (International Secretariat)	to introduce AI to the new government and to discuss the government's statements on human rights; to discuss cases of prisoners of conscience, the trials of political prisoners and prison conditions; to conduct general research
Iran	November	David Emil (American) Anne Burley (International Secretariat)	to meet previously detained political prisoners and conduct general research

Country	*Date*	*Delegates*	*Purpose*
Malaysia/ Singapore	November	Thomas C. Jones (American) Michael Williams (International Secretariat)	to bring to the attention of the governments AI's concerns regarding political imprisonment without trial and the use of cruel and degrading punishment
Chile	November/ December	Martin Ennals (International Secretariat) Javier Zuniga (International Secretariat)	to attend the Chilean Catholic Church's Symposium on Human Rights; to talk with officials about AI's concerns in Chile; and to conduct general research
Brazil	December	Dra. Vera Adao e Silva (Portuguese)	to observe the trial of 17 people, mainly students, alleged to belong to the *Movimento Pela Emancipacao do Proletariado* and who had been charged with violating the law of national security by distributing "subversive propaganda"
Tanzania	January/ February	Martin Hill (International Secretariat)	to attend a conference on African refugees organized by the Organization of African Unity and the United Nations High Commission for Refugees
Mozambique/ Rhodesia	January/ February	Dick Oosting (International Secretariat) Malcolm Smart (International Secretariat)	to receive four Rhodesian prisoners released in Maputo by ZANU and to observe the Bureau Meeting of the Non-Aligned Countries; to discuss AI's concerns with Rhodesian authorities in Salisbury
Romania	February	Whitney Ellsworth (American) Peter Baehr (Dutch) Martin Ennals (International Secretariat)	to discuss AI's concerns with the government
Pakistan	February	Mümtaz Soysal (Turkish) Louis Blom-Cooper QC (British)	to discuss with the government the application of the death penalty in Pakistan, and to attend the Supreme Court hearing of a review petition of the court's verdict upholding the death penalty on Mr Z.A. Bhutto
Taiwan	March	Toshiyuki Nishikawa (Japanese)	to observe the trial of two people charged with failing to report an alleged communist agent to the authorities
United States of America	March	Brian Wrobel (British)	to observe the hearing for a retrial of Richard Marshall, an American Indian convicted of murder, and to study current US cases of AI concern
United States of America	April	Brian Wrobel (British)	to discuss an individual death penalty case with the Governor of Alabama; AI's delegate was refused an interview
Iran	April	Brian Wrobel (British) Anne Burley (International Secretariat)	general research mission

Country	*Date*	*Delegates*	*Purpose*
France	April	David Braham (International Secretariat)	to research cases of Breton autonomists facing trial by the Court of State Security

Amnesty International Accounts, Treasurer's and Auditors' Reports

INTERNATIONAL TREASURER'S REPORT FOR THE YEAR ENDED 30 APRIL 1979

Expenditure approved at the Tenth International Council in September 1977 for funding by contributions from National Sections for the financial year ended 30 April 1979 was £1,202,300, plus £55,000 of expenditure on publications which it was expected would be matched by income of that amount from sales of publications.

The audited accounts for the year show an expenditure of £1,245,748 including £109,504 on publications and printing, and £28,683 relating to the Nobel Peace Prize Fund.

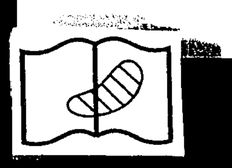
In addition to the expenditures through the regular operating budget, the International Secretariat disbursed relief funds amounting to £251,631 and Special Projects funds amounting to £138,140. Details are shown in the accompanying accounts.

The present assessment system, whereby the expenditure budget is subscribed by National Sections by way of a group-related fee plus an income-related fee, was designed to spread the burden of the budget in a manner more equitable than the previous so-called fair share system of only a group-related fee. It has benefited the financially weaker Sections. Nevertheless it appears that some Sections still find that the burden of fulfilling assessments creates hardship and in some instances the payment of such a high proportion of the Section's total income leaves inadequate funds within the Section for necessary administration expenses.

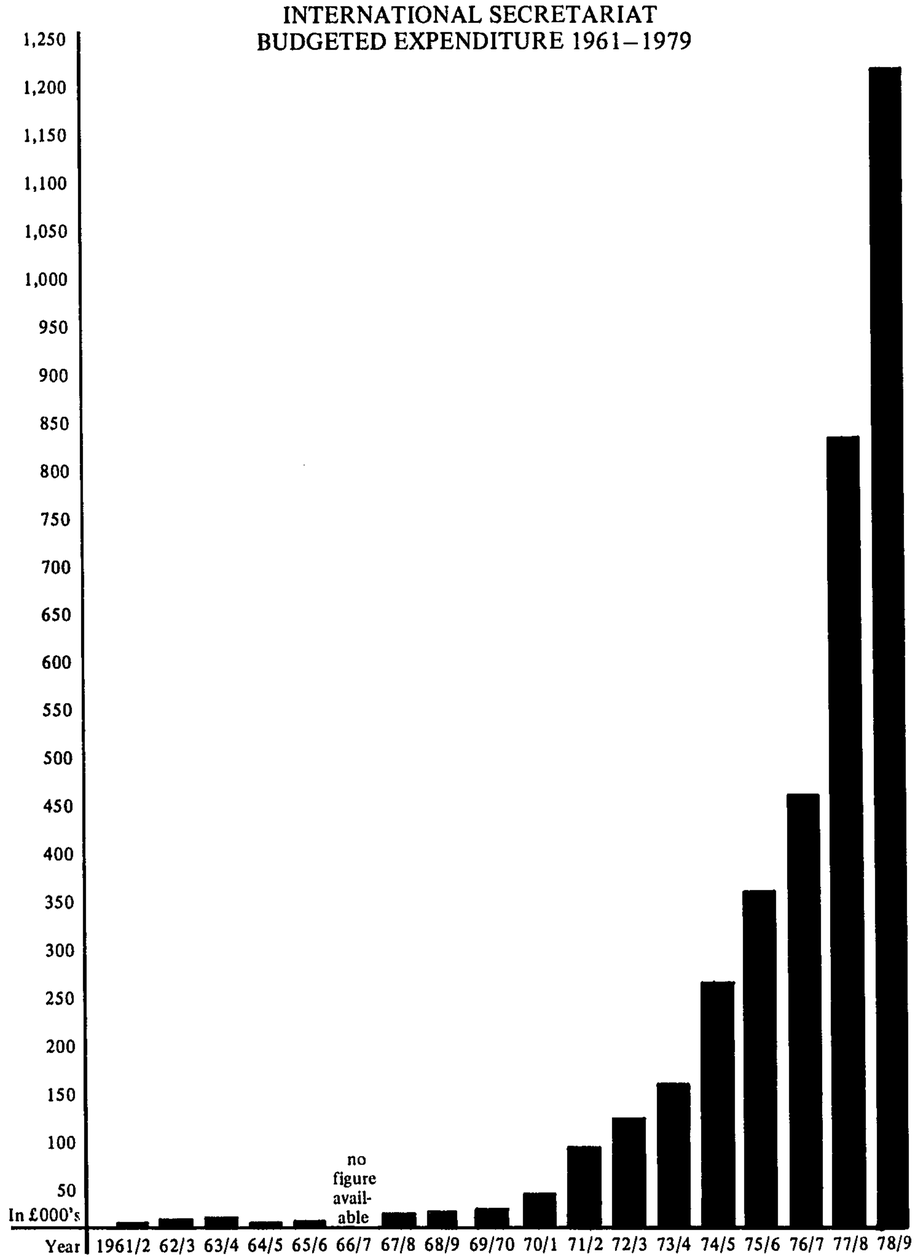
It has been inferred that the assessment system is responsible for this situation. Of course it is not–the plain fact is that the expenditure of the International Secretariat has increased substantially and rapidly in recent years, perhaps more rapidly than the income of the Sections can cope with. The table on page 182 illustrates the fact.

Obviously we must try to achieve a balance to ensure that the cost of operating the International Secretariat does not result in National Sections having to contribute such a high proportion of their total income as to curtail their effectiveness and inhibit their natural growth. Clearly a highly-geared central machine at the International Secretariat without effective National Sections to utilize the information produced and to implement programmes approved by International Council Meetings would stultify the overall work of Amnesty International. Conversely, highly organized National Section administrations built at the cost of starving the International Secretariat of necessary funds would result in the International Secretariat being unable to service the National Sections. This dilemma must be faced, but I am confident that discussions should enable an agreement to be reached for some adjustments to the formula for assessment of National Section contributions which would resolve some of the problems.

Kevin T. White
International Treasurer



INTERNATIONAL SECRETARIAT
BUDGETED EXPENDITURE 1961–1979



AUDITORS' REPORT

To the International Executive Committee, Amnesty International:

We have examined the balance sheets of Amnesty International as of 30 April 1979 and 1978 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 accompanying accounts on pages 184 to 192 present fairly the financial position of Amnesty International as of 30 April 1979 and 1978, 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
29 June 1979

AMNESTY INTERNATIONAL
BALANCE SHEETS – 30 APRIL 1979 AND 1978

	1979	1978
CURRENT ASSETS:		
Cash (Note 2)	£579,953	£341,386
Due from National Sections	124,110	128,614
Due from The Prisoners of Conscience Fund	–	6,165
Sundry debtors and prepaid expenses	33,553	43,382
Publications stocks (Note 3c)	13,929	15,670
	751,545	535,217
CURRENT LIABILITIES:		
Creditors and accrued expenses	161,257	142,467
Due to National Sections	48,258	65,313
Relief funds, per attached statement (Note 2)	185,258	69,888
Special Projects funds, per attached statement (Note 6)	218,908	176,052
	613,681	453,720
Net current assets	137,864	81,497
PROPERTY AND EQUIPMENT, net (Notes 3b and 4)	62,214	84,931
PAST SERVICE SUPERANNUATION LIABILITY (Note 9)	(8,700)	(9,280)
Net assets	£191,378	£157,148
Representing –		
ACCUMULATED FUND (Note 7)	£191,378	£157,148

The accompanying notes are an integral part of these balance sheets.

AMNESTY INTERNATIONAL
STATEMENTS OF INCOME AND EXPENDITURE FOR THE YEARS ENDED 30 APRIL 1979 AND 1978

	1979	1978
INCOME:		
National Section contributions (Note 3a)	£1,192,081	£ 935,906
Nobel Peace Prize (Note 7)	–	79,635
Donations (Note 3a)	34,246	60,705
Publications revenue (Notes 3a and 5)	35,279	102,144
Interest income	15,839	7,883
Other receipts	2,533	5,750
Exchange gains (Note 3d)	–	12,175
	1,279,978	1,204,198
EXPENDITURE (Notes 3 and 5):		
Salaries and related costs	696,793	536,067
Administrative and programme support expenses	144,952	112,487
Publications and printing	109,504	135,950
Travel and subsistence	69,538	49,310
Office expenses	169,434	158,811
Other expenses	18,760	59,367
Exchange losses (Note 3d)	8,084	–
Nobel Peace Prize expenditure (Note 7)	28,683	–
	1,245,748	1,051,992
Net surplus	34,230	152,206
ACCUMULATED FUND, beginning of year	157,148	122,783
TRANSFER TO SPECIAL PROJECTS FUND, on closure of the Promotion Department	–	(117,841)
ACCUMULATED FUND, end of year	£ 191,378	£ 157,148

The accompanying notes are an integral part of these statements.

AMNESTY INTERNATIONAL
STATEMENTS OF CHANGES IN FINANCIAL POSITION
FOR THE YEARS ENDED 30 APRIL 1979 AND 1978

	1979	1978
SOURCES OF FUNDS:		
Increases in Accumulated, Relief and Special Projects funds:		
Accumulated fund–		
Net surplus for year	£ 34,230	£152,206
Depreciation and other items not involving cash flow during the year	40,247	27,710
	74,477	179,916
Relief funds	115,370	35,768
Special Projects funds	42,856	23,968
	232,703	239,652
Other sources–		
Proceeds from sale of property and equipment	–	546
Decrease in debtor balances	20,498	–
Decrease in publications stocks	1,741	–
Increase in creditor balances	18,790	60,199
	273,732	300,397
USES OF FUNDS:		
Purchase of property and equipment	18,110	69,747
Increase in debtor balances	–	106,938
Increase in publications stocks	–	4,657
Decrease in creditor balances	17,055	–
Decrease in loans from National Sections	–	28,539
Decrease in CAT Special Project and Karen O'Donovan funds	–	14,474
	35,165	224,355
Increase in cash during the year	£238,567	£ 76,042

The accompanying notes are an integral part of these statements.

AMNESTY INTERNATIONAL
STATEMENTS OF MOVEMENT ON RELIEF FUNDS
FOR THE YEARS ENDED 30 APRIL 1979 AND 1978
(Note 2)

	1979	1978
INCREASES:		
Specific relief funds received, including £97,919 received in 1979 from the Commission of the European Economic Communities	£360,275	£199,605
Interest income	6,726	2,463
The Prisoners of Conscience Fund (Note 2)	–	23,850
	367,001	225,918
DECREASES:		
Relief funds paid	251,631	166,300
Relief funds paid on behalf of The Prisoners of Conscience Fund (Note 2)	–	23,850
	251,631	190,150
Net increase in Relief funds	115,370	35,768
BALANCE OF RELIEF FUNDS, beginning of year	69,888	34,120
BALANCE OF RELIEF FUNDS, end of year	£185,258	£ 69,888

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 1979 AND 1978
(Note 6)

	1979	1978
INCREASES:		
Receipts (including £7,018 from the Promotion Department in 1978)	£180,996	£105,096
Transfer from the fund established for the Campaign for the Abolition of Torture	–	13,803
Transfer of net surplus arising from Promotion Department	–	110,823
	180,996	229,722
DECREASES:		
Payments	138,140	87,913
Net increase in Special Projects fund	42,856	141,809
FUND BALANCE, beginning of year	176,052	34,243
FUND BALANCE, end of year	£218,908	£176,052
Comprising–		
Amount allocated to identified projects	£ 42,147	£ 83,967
Unallocated portion	176,761	92,085
	£218,908	£176,052

The accompanying notes are an integral part of these statements.

NOTES TO ACCOUNTS – 30 APRIL 1979 AND 1978

1. *AIMS AND ORGANIZATION:*

Amnesty International is an unincorporated, non-profit organization which has as its object the securing, throughout the world, of the observance of the provisions of the Universal Declaration of Human Rights. The specific objects, the methods to be applied in achieving these objects, and details of its organization are covered by the Statute of Amnesty International, as amended by the Eleventh International Council meeting in Cambridge, United Kingdom, in September 1978.

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 organized 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, and, for 1978, the Promotions Department which completed its activities on 15 March 1978. 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. These unpaid funds are held in separate bank accounts (the relief accounts). Relief funds are reflected as a current liability of the International Secretariat.

Certain relief funds are contributed periodically by the managers of The Prisoners of Conscience Fund. To ease administration, these relief funds are paid out through the channels of Amnesty International, using the International Secretariat's relief bank account. Although the managers are advised by Amnesty International, they retain complete discretion as to how these relief funds are disbursed, both as to quantum and direction.

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 summarized 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. Adequate reserves have been provided against certain 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 value of sales of publications to third parties during the year, primarily National Sections.

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.

During the year ended 30 April 1979, the International Executive Committee revised its estimate of the useful life of office equipment from six to four years. The effect of this change was to increase the charge for the year by £13,628.

c) Publications stocks

Publications stocks are stated at the lower of cost and net realizable 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.

e) Prior year reclassifications

Certain minor reclassifications have been made to the statement of income and expenditure for the year ended 30 April 1978 to facilitate comparison with changes in classifications in 1979. The net surplus for the year has not been affected.

4. *PROPERTY AND EQUIPMENT:*

Movement on the account for the year was–

	Balance, 30 April 1978	Additions/ Provisions	Retirements	Balance, 30 April 1979
Cost–				
Leasehold improvements	£ 48,146	£ –	£ –	£ 48,146
Office equipment	73,443	18,110	–	91,553
	121,589	£18,110	£ –	139,699
Accumulated depreciation–				
Leasehold improvements	16,049	£13,349	£ –	29,398
Office equipment	20,609	27,478	–	48,087
	36,658	£40,827	£ –	77,485
Net	£ 84,931			£ 62,214

5. *PUBLICATIONS UNIT:*

The income and expenditure of the Publications Unit of the International Secretariat (included in the statement of income and expenditure) was as follows–

	1979	1978
Publications revenue	£ 35,279	£ 29,330
Publications cost of sales	(48,630)	(47,950)
Gross loss	(13,351)	(18,620)
Cost of information literature	(12,198)	(9,163)
Salaries and related costs	(55,774)	(42,047)
Other costs	(30,085)	(30,476)
Deficit for year	£(111,408)	£(100,306)

6. *SPECIAL PROJECTS FUNDS:*

Special Projects funds, replenished from time to time by National Sections, are maintained to enable the organization to carry out specific projects for which resources would not otherwise be available. Examples of these projects include missions to attend trials of prisoners of conscience, investigations into prison conditions and providing information services for certain regions.

The Promotion Department, which conducted a major promotion and fund

raising campaign in 1977, was closed on 15 March 1978, and the net surplus was transferred to the Special Projects funds.

The movement on Special Projects funds is summarized in the attached statement; receipts and payments of Special Projects funds do not comprise income and expenditure of Amnesty International.

7. *ACCUMULATED FUND:*

The accumulated fund represents–

	1979	1978
General accumulated fund	£120,362	£ 56,152
Nobel Peace Prize	50,952	79,635
Erasmus Prize	20,064	21,361
	£191,378	£157,148

During the year ended 30 April 1978, Amnesty International was awarded the Nobel Peace Prize. On the recommendation of the International Executive Committee, the prize has been placed in a special fund, for the purpose of strengthening the worldwide organization of Amnesty International and for special programmes identified with peace. During the year ended 30 April 1979, £28,683 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 capital purposes, is being used to establish a document centre. During the year ended 30 April 1979, £1,297 was expended from the fund.

8. *LEASE COMMITMENTS:*

In 1979, the organization renegotiated the terms of the lease of its premises at Southampton Street, London WC2. Subject to contract, the lease will extend to 25 December 1983 at an annual rental of £110,000.

Under the terms of the lease, the organization has paid a deposit of £12,250 as surety, 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 amortized over 20 years on a straight-line basis; the unamortized balance at 30 April 1979 is £8,700.

10. *TAXATION:*

Amnesty International is regarded for tax purposes as a body corporate and is chargeable to corporation tax on profits arising from any trading activity and on interest income. No provision for corporation tax has been made in these accounts as trading losses (from publications) exceed interest income.

Appendices

APPENDIX I

Statute of Amnesty International

As amended by the Eleventh International Council meeting in Cambridge, United Kingdom, 21–24 September 1978

OBJECTS

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 objects of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:
   a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "Prisoners of Conscience");
   b) opposing by all appropriate means the detention of any Prisoner of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to recognized norms to ensure a fair trial;
   c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

METHODS

2. In order to achieve the aforesaid objects, AMNESTY INTERNATIONAL shall:
   a) at all times maintain an overall balance between its activities in relation to countries adhering to the different world political ideologies and groupings;
   b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in article 1 hereof;
   c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;
   d) take all necessary steps to establish an effective organization of national sections, affiliated groups and individual members;
   e) secure the adoption by groups of members or supporters of individual Prisoners of Conscience or entrust to such groups other tasks in support of the objects set out in article 1;
   f) provide financial and other relief to Prisoners of Conscience and their 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 objects.

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 objects of AMNESTY INTERNATIONAL. The International Secretariat shall maintain a register of national sections.

9. Groups of not less than three members or supporters may, on payment of an annual fee determined by the International Council, become affiliated to AMNESTY INTERNATIONAL or a national section thereof. Any dispute as to whether a group should be or remain affiliated shall be decided by the International Executive Committee. An affiliated adoption group shall accept for adoption such prisoners as may from time to time be allotted to it by the International Secretariat, and shall adopt no others as long as it remains affiliated to AMNESTY INTERNATIONAL. No group shall be allotted a Prisoner of Conscience detained in its own country. The International Secretariat shall maintain a register of affiliated adoption groups. Groups shall take no action on matters that do not fall within the stated objects of AMNESTY INTERNATIONAL.

INDIVIDUAL MEMBERSHIP

10. Individuals residing in countries where there is no national section may, on payment to the International Secretariat of an annual subscription fee determined by the International Executive Committee, become members of AMNESTY INTERNATIONAL. In countries where a national section exists, individuals may become members of AMNESTY INTERNATIONAL with the consent of the national section. The International Secretariat shall maintain a register of such members.
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 for a period of one year; they shall be eligible to be re-co-opted. Co-opted members shall not have the right to vote.
29. In the event of a vacancy occurring on the Committee, other than in respect of the representative of the staff, it may co-opt a further member to fill the vacancy until the next meeting of the International Council, which shall elect such members as are necessary to replace retiring members and to fill the vacancy. In the event of a vacancy occurring on the Committee in respect of the representative of the staff, the staff shall have the right to elect a successor representative to fill the unexpired term of office.
30. If a member of the Committee is unable to attend a meeting, 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 objects and methods set out in articles 1 and 2 or does not observe any of the provisions of this statute. Before taking such action, all national sections shall be informed and the Secretary General shall also inform the national section, affiliated group or member of the grounds on which it is proposed to deprive it or 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-thirds of the votes cast. Amendments may be submitted by the International Executive Committee or by a national section. Proposed amendments shall be submitted to the International Secretariat not less than 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
Conference on the Abolition of the Death Penalty

DECLARATION OF STOCKHOLM
11 December 1977

The Stockholm Conference on the Abolition of the Death Penalty, composed of more than 200 delegates and participants from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region,

RECALLS THAT:

- The death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life.

CONSIDERS THAT:

- The death penalty is frequently used as an instrument of repression against opposition, racial, ethnic, religious and underprivileged groups,
- Execution is an act of violence, and violence tends to provoke violence,
- The imposition and infliction of the death penalty is brutalizing to all who are involved in the process,
- The death penalty has never been shown to have a special deterrent effect,
- The death penalty is increasingly taking the form of unexplained disappearances, extra-judicial executions and political murders,
- Execution is irrevocable and can be inflicted on the innocent.

AFFIRMS THAT:

- It is the duty of the state to protect the life of all persons within its jurisdiction without exception,
- Executions for the purposes of political coercion, whether by government agencies or others, are equally unacceptable,
- Abolition of the death penalty is imperative for the achievement of declared international standards.

DECLARES:

- Its total and unconditional opposition to the death penalty,
- Its condemnation of all executions, in whatever form, committed or condoned by governments,
- Its commitment to work for the universal abolition of the death penalty.

CALLS UPON:

- Non-governmental organizations, both national and international, to work collectively and individually to provide public information materials directed towards the abolition of the death penalty,
- All governments to bring about the immediate and total abolition of the death penalty,
- The United Nations unambiguously to declare that the death penalty is contrary to international law.

APPENDIX III

United Nations General Assembly Resolution 32/61
of 8 December 1977 on Capital Punishment

The General Assembly,

HAVING REGARD to article 3 of the Universal Declaration of Human Rights[20] which affirms everyone's right to life, and article 6 of the International Covenant on Civil and Political Rights, [21] which also affirms the right to life as inherent to every human being,

RECALLING its resolution 1396 (XIV) of 20 November 1959, 2393 (XXIII) of 26 November 1968, 2857 (XXVI) of 20 December 1971 and 3011 (XXVII) of 18 December 1972 as well as Economic and Social Council resolutions 934 (XXXV) of 9 April 1963, 1574 (L) of 20 May 1971, 1656 (LII) of 1 June 1972, 1745 (LIV) of 16 May 1973 and 1930 (LVIII) of 6 May 1975, which confirm the continuing interest of the United Nations in the study of the question of capital punishment with a view to promoting full respect for everyone's right to life,

CONCERNED at the fact that only 32 Governments responded to the questionnaire on capital punishment addressed to them for the preparation of the first five-year report of 1975 on capital punishment,[22] submitted in accordance with General Assembly resolution 1745 (LIV),

NOTING WITH CONCERN that, notwithstanding the limited progress mentioned in the first five-year report of the Secretary-General of 1975 on capital punishment, it remains extremely doubtful whether there is any progression towards the restriction of the use of the death penalty, thus justifying the conclusions drawn by the Secretary-General in the aforementioned report,

CONSIDERING that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be held in 1980,

TAKING NOTE of the request of the Economic and Social Council, in its resolution 1930 (LVIII), to the Secretary-General, in accordance with General Assembly resolution 2857 (XXVI), to proceed with the report on practices and statutory rules which may govern the right of a person sentenced to capital punishment to petition for pardon, commutation or reprieve, and to report on these questions to the Council at the latest at its sixty-eighth session, together with the basic report of 1980 on capital punishment,

EXPRESSING the desirability of continuing and expanding the consideration of the question of capital punishment by the United Nations,

1. REAFFIRMS that, as established by the General Assembly in resolution 2857 (XXVI) and by the Economic and Social Council in resolutions 1574 (L), 1745 (LIV) and 1930 (LVIII), the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which

20 General Assembly resolution 217 A (III)
21 General Assembly resolution 2200 A (XXI), annex.
22 E/5616 and Corr. 1 and 2 and Add. 1.

the death penalty may be imposed with a view to the desirability of abolishing this punishment;

2. URGES Member States to provide the Secretary-General with relevant information for his preparation of the second five-year report of 1980 on capital punishment and of the report on practices and statutory rules which may govern the right of a person sentenced to capital punishment to petition for pardon, commutation or reprieve;

3. INVITES the Economic and Social Council to report to the General Assembly at its thirty-fifth session on its deliberation and recommendations on the basis of the aforementioned reports of the Secretary-General and of the study to be submitted by the Committee on Crime Prevention and Control in accordance with Council resolution 1930 (LVIII);

4. CALLS UPON the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to discuss the various aspects of the use of capital punishment and the possible restriction thereof, including a more generous application of the rules relating to pardon, commutation or reprieve, and to report thereon, with recommendations, to the General Assembly at its thirty-fifth session;

5. REQUESTS the Committee on Crime Prevention and Control to give consideration to the appropriate place on the agenda of the Sixth Congress of the issue mentioned in paragraph 4 above, and to prepare documentation on the question;

6. DECIDES to consider, with high priority, at its thirty-fifth session the question of capital punishment.

APPENDIX IV

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

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

Article 1

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

2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

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

Article 3

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

Article 4

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

Article 5

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

Article 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

APPENDIX V

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

RESOLUTION 690(1979)[1]
on the Declaration on the Police

The Assembly,

1. Considering that the full exercise of human rights and fundamental freedoms, guaranteed by the European Convention on Human Rights and other national and international instruments, has as a necessary basis the existence of a peaceful society which enjoys the advantages of order and public safety;

2. Considering that, in this respect, police play a vital role in all the member states, that they are frequently called upon to intervene in conditions which are dangerous for their members, and that their duties are made yet more difficult if the rules of conduct of their members are not sufficiently precisely defined;

3. Being of the opinion that it is inappropriate for those who have committed violations of human rights whilst members of police forces, or those who have belonged to any police force that has been disbanded on account of inhumane practices, to be employed as policemen;

4. Being of the opinion that the European system for the protection of human rights would be improved if there were generally accepted rules concerning the professional ethics of the police which take account of the principles of human rights and fundamental freedoms;

5. Considering that it is desirable that police officers have the active moral and physical support of the community they are serving;

6. Considering that police officers should enjoy status and rights comparable to those of members of the civil service;

7. Believing that it may be desirable to lay down guidelines for the behaviour of police officers in case of war and other emergency situations, and in the event of occupation by a foreign power,

8. Adopts the following Declaration on the Police, which forms an integral part of this resolution;

9. Instructs its Committee on Parliamentary and Public Relations and its Legal Affairs Committee as well as the Secretary General of the Council of Europe to give maximum publicity to the declaration.

1. *Assembly debate* on 1 February 1979 (24th Sitting of the 30th Session) (see Doc. 4212, report of the Legal Affairs Committee).
Text adopted by the Assembly on 8 May 1979 (2nd Sitting of the 31st Session).

APPENDIX

Declaration on the Police

A. Ethics[1]

1. A police officer shall fulfil the duties the law imposes upon him by protecting his fellow citizens and the community against violent, predatory and other harmful acts, as defined by law.

2. A police officer shall act with integrity, impartiality and dignity. In particular he shall refrain from and vigorously oppose all acts of corruption.

3. Summary executions, torture and other forms of inhuman or degrading treatment or punishment remain prohibited in all circumstances. A police officer is under an obligation to disobey or disregard any order or instruction involving such measures.

4. A police officer shall carry out orders properly issued by his hierarchical superior, but he shall refrain from carrying out any order he knows, or ought to know, is unlawful.

5. A police officer must oppose violations of the law. If immediate or irreparable and serious harm should result from permitting the violation to take place he shall take immediate action, to the best of his ability.

6. If no immediate or irreparable and serious harm is threatened, he must endeavour to avert the consequences of this violation, or its repetition, by reporting the matter to his superiors. If no results are obtained in that way he may report to higher authority.

7. No criminal or disciplinary action shall be taken against a police officer who has refused to carry out an unlawful order.

8. A police officer shall not co-operate in the tracing, arresting, guarding or conveying of persons who, while not being suspected of having committed an illegal act, are searched for, detained or prosecuted because of their race, religion or political belief.

9. A police officer shall be personally liable for his own acts and for acts of commission or omission he has ordered and which are unlawful.

10. There shall be a clear chain of command. It should always be possible to determine which superior may be ultimately responsible for acts or omissions of a police officer.

11. Legislation must provide for a system of legal guarantees and remedies against any damage resulting from police activities.

12. In performing his duties, a police officer shall use all necessary determination to achieve an aim which is legally required or allowed, but he may never use more force than is reasonable.

13. Police officers shall receive clear and precise instructions as to the manner and circumstances in which they should make use of arms.

1. Parts A and B of the declaration cover all individuals and organisations, including such bodies as secret services, military police forces, armed forces or militias performing police duties, that are responsible for enforcing the law, investigating offences, and maintaining public order and state security.

14. A police officer having the custody of a person needing medical attention shall secure such attention by medical personnel and, if necessary, take measures for the preservation of the life and health of this person. He shall follow the instructions of doctors and other competent medical workers when they place a detainee under medical care.

15. A police officer shall keep secret all matters of a confidential nature coming to his attention, unless the performance of duty or legal provisions require otherwise.

16. A police officer who complies with the provisions of this declaration is entitled to the active moral and physical support of the community he is serving.

B. Status

1. Police forces are public services created by law, which shall have the responsibility of maintaining and enforcing the law.

2. Any citizen may join the police forces if he satisfies the relevant conditions.

3. A police officer shall receive thorough general training, professional training and in-service training, as well as appropriate instruction in social problems, democratic freedoms, human rights and in particular the European Convention on Human Rights.

4. The professional, psychological and material conditions under which a police officer must perform his duties shall be such as to protect his integrity, impartiality and dignity.

5. A police officer is entitled to a fair remuneration, and special factors are to be taken into account, such as greater risks and responsibilities and more irregular working schedules.

6. Police officers shall have the choice of whether to set up professional organisations, join them and play an active part therein. They may also play an active part in other organisations.

7. A police professional organisation, provided it is representative shall have the right:

- to take part in negotiations concerning the professional status of police officers;
- to be consulted on the administration of police units;
- to initiate legal proceedings for the benefit of a group of police officers or on behalf of a particular police officer.

8. Membership of a police professional organisation and playing an active part therein shall not be detrimental to any police officer.

9. In case of disciplinary or penal proceedings taken against him, a police officer has the right to be heard and to be defended by a lawyer. The decision shall be taken within a reasonable time. He shall also be able to avail himself of the assistance of a professional organisation to which he belongs.

10. A police officer against whom a disciplinary measure has been taken or penal sanction imposed shall have the right of appeal to an independent and impartial body or court.

11. The rights of a police officer before courts or tribunals shall be the same as those of any other citizen.

C. War and other emergency situations—occupation by a foreign power[1]

1. A police officer shall continue to perform his tasks of protecting persons and property during war and enemy occupation in the interests of the civilian population. For that reason he shall not have the status of "combatant", and the provisions of the Third Geneva Convention of 12 August 1949, relative to the treatment of prisoners of war, shall not apply.

2. The provisions of the Fourth Geneva Convention of 12 August 1949, relative to the protection of civilian persons in time of war, apply to the civilian police.

3. The occupying power shall not order police officers to perform tasks other than those mentioned in Article 1 of this chapter.

4. During occupation a police officer shall not:
   - take part in measures against members of resistance movements;
   - take part in applying measures designed to employ the population for military purposes and for guarding military installations.

5. If a police officer resigns during enemy occupation because he is forced to execute illegitimate orders of the occupying power which are contrary to the interests of the civilian population, such as those listed above, and because he sees no other way out, he shall be reintegrated into the police force as soon as the occupation is over without losing any of the rights or benefits he would have enjoyed if he had stayed in the police force.

6. Neither during nor after the occupation may any penal or disciplinary sanction be imposed on a police officer for having executed in good faith an order of an authority regarded as competent, where the execution of such an order was normally the duty of the police force.

7. The occupying power shall not take any disciplinary or judicial action against police officers by reason of the execution, prior to the occupation, of orders given by the competent authorities.

1. This chapter does not apply to the military police.

APPENDIX VI

Amnesty International News Releases 1978-79

1978	
4 May	AI cabled President Ernesto Geisel of *Brazil* asking him to do all in his power to end a hunger strike of nearly all of the country's political prisoners
4 May	AI urged President Nur Mohammed Tarakki of the newly proclaimed *Democratic Republic of Afghanistan* to intervene to prevent further political killings of those associated with the former administration
9 May	AI welcomed the opportunity to undertake a study of conditions inside the "special prisons" in *Italy* with the cooperation of the authorities
15 May	AI released the report of its mission to *Pakistan* which reflected the organization's concern at the introduction of a set of stern martial law provisions
17 May	AI appealed to the Government of *Thailand* to release various categories of political prisoners
19 May	AI denounced the verdict and sentence in the Moscow trial of Yury Orlov, the Chairman of the unofficial Moscow Helsinki monitoring group and a member of AI
23 May	AI published in English seven issues of *A Chronicle of Current Events*, the *samizdat* journal of the human rights movement in the Soviet Union
23 May	AI expressed concern at reliable reports from the *Dominican Republic* stating that officials of the electoral commissions supervising the presidential election, and political activists had been arrested on 19 May
13 June	AI published the report of its mission to *Northern Ireland* to investigate in detail allegations of police ill-treatment of persons detained on suspicion of involvement in or knowledge of terrorist offences
13 June	AI issued a statement regarding the British government's public response of 8 June to AI's report on allegations of police maltreatment in *Northern Ireland* of persons detained under the emergency legislation
18 June	AI called for the immediate release of Royal Ulster Constabulary Constable William Turbitt, whom the Provisional Irish Republican Army have said they are holding for "interrogation"
21 June	AI expressed concern at the widespread use of detention without trial in *Guinea* and urged President Ahmed Sékou Touré to take immediate and effective action to improve the human rights situation
23 June	AI protested to the government of the Indian state of *Andhra Pradesh* about a recent move which will render secret a public

	inquiry into allegations of torture and killings of political prisoners
26 June	AI presento la edición en castellano de su *Informe Anual de 1977*, que trata de las violaciones de derechos humanos en 117 países, es decir, más de dos tercios de los países miembros de las Naciones Unidas, y es–con sus 278 páginas–el más extenso de los publicados por AI en sus diecisiete años de historia
8 July	AI called upon President Alfredo Stroessner of *Paraguay* to release Dr Domingo Laino, a former deputy and vice-president of the authentic Radical Liberal (center opposition) party, who was abducted in Asunción on Friday, 7 July
11 July	AI expressed concern over the scale of official repression of human rights activists in the *Soviet Union* since the signing of the Helsinki Final Act in June 1975
28 July	AI welcomed the *Indonesian* government's announcement on Wednesday 27 July of the release of 4,000 political prisoners held without trial. At the same time it called on the government to release immediately and unconditionally the tens of thousands of other political prisoners held in Indonesia without trial, many of whom have now been in prison since 1965
17 August	AI expressed concern at the decision of the Criminal Court of Sousse, *Tunisia*, to transfer the cases of 101 trade-unionists to the State Security Court in the capital, Tunis
21 August	AI dissociated itself from the film "Midnight Express", in particular from any tendency which could be interpreted as a generalized denigration of *Turkey* and the Turkish people, and from its proceeds
24 August	AI cabled President Jorge Rafael Videla of *Argentina* to express the organization's profound concern about persistent violations of human rights in the country
14 September	AI expreso su honda preocupación por la situación de más de 1,500 presos políticos, arrestados en *Chile* desde el golpe de estado de 11 de setiembre de 1973, y cuya detención es negada por las autoridades chilenas
14 September	AI called on President Alfredo Stroessner of *Paraguay* to investigate the murder at the end of August of peasant farmer Doroteo Grandel
16 September	AI warmly welcomed the publication in India of its 1977 Annual Report for distribution in 18 Asian nations by Vikas Publishing House
18 September	AI appealed to President Leonid Brezhnev of the *Soviet Union* not to force a number of Ethiopians studying in the USSR to return to Ethiopia
21 September	AI reported that former *Philippines* Senator José Diokno in the 1978 Sean MacBride lecture had attacked "fashionable justifications" for authoritarianism in Asian developing countries as "racist nonsense and lies"

24 September	AI called for a worldwide campaign for ratification of the United Nations international human rights covenants by the some 100 countries which have not yet done so
5 October	AI said that an AI representative was detained by *Czechoslovak* police on 3 October and questioned for a total of five hours
9 October	AI criticized the *Irish* government for rejecting the recommendations of an independent committee set up by the government to advise on safeguards for people in police custody and for the protection of the police from unfounded allegations of maltreatment
10 October	AI appealed to the Organization of African Unity (OAU) to take action to prevent further violations of human rights in *Equatorial Guinea*, which is celebrating the 10th anniversary of its independence on 12 October
6 November	AI presento en Madrid la edición en castellano del *Informe de una Misión de Amnistía Internacional a la República de Filipinas*
7 November	AI announced that an official AI mission had visited *Afghanistan* in late October and had met Vice-Premier and Minister of Foreign Affairs, Hafizullah Amin, to discuss political imprisonment in the country
9 November	AI released the text of a memorandum to the government of Cuba calling on it to publish precise statistics of the country's political prisoners or "counter-revolutionary offenders"
15 November	AI appealed to the Ethiopian Head of State, Lieutenant-Colonel Mengistu Haile Mariam, to take urgent action to achieve full protection of human rights in *Ethiopia* and to halt continuing political detention, torture and killing
20 November	AI appealed to President Nicolae Ceausescu of *Romania* to release all human rights activists, members of religious and ethnic minorities and dissident workers who are being held as prisoners of conscience in the country's prisons, forced labour camps and psychiatric hospitals
27 November	AI published a major report on political imprisonment in the *People's Republic of China*
11 December	AI charged that political prisoners in *Iran* were being subjected to torture and cruel treatment at the hands of the police and SAVAK agents despite frequent assurances by the Shah that the practice had been halted
1979	
10 January	AI published a report recommending that *India* remove provisions for preventive detention from her constitution
15 January	AI called on the Roman Catholic bishops of *Latin America* to intervene personally in individual cases of political imprisonment, torture, disappearances and killings throughout the continent

31 January	AI announced that it had taken action against violations of human rights in 110 countries during 1978, the 30th anniversary of the Universal Declaration of Human Rights
6 February	AI appealed to the President of *Pakistan* General Zia-ul-Haq, to grant clemency to former Prime Minister Zulfikar Ali Bhutto, Mian Muhammad Abbas, Arshad Iqbal, Ghulam Mustafa and Rana Iftikar Ahmad
22 February	AI appealed to Ayatollah Ruhollah Khomeini and Prime Minister Mehdi Bazargan to halt all executions in *Iran*
28 February	AI announced that two internationally distinguished jurists had presented a report to the organization setting out legal grounds for mitigation of the death sentences passed against former Prime Minister of *Pakistan*, Zulfikar Ali Bhutto, and Mian Muhammad Abbas, Arshad Iqbal, Ghulam Mustafa and Rana Iftikar Ahmad, who have been condemned with him
4 March	AI appealed to President Masie Nguema of *Equatorial Guinea* to release all prisoners held in his country for political and religious reasons
16 March	AI said it would be seeking a meeting with Britain's Secretary of State for *Northern Ireland*, Mr Roy Mason, to discuss the introduction of safeguards to protect individuals from maltreatment while detained by the police under emergency legislation
29 March	AI urged *Dijbouti*'s President Hassan Gouled to institute an immediate inquiry into a reported death under torture on 27 March
1 April	AI said that the organization's Medical Advisory Board had expressed fears for the life of the imprisoned Yugoslavian dissident, Professor Davor Aras
1 April	AI announced that Professor Davor Aras, the imprisoned Yugoslavian dissident, had been granted a three-month suspension of sentence to permit him to receive medical treatment
3 April	AI disclosed that Governor Forrest James of *Alabama* had refused to meet with a delegation from the international human rights organization
4 April	AI called on the government of *Pakistan* to halt all executions in the country and to abolish the death penalty
8 April	AI called for an international moratorium on executions and appealed to *United Nations* Secretary General, Dr Kurt Waldheim, to convene an emergency meeting of the United Nations Security Council under article 99 of the UN Charter to halt the resurgence of political killings throughout the world

APPENDIX VII

Amnesty International Publications 1978-79

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 programme may be obtained from the offices of National Sections. For addresses see page 217

Annual Report: *Amnesty International Report 1978* (1979) ISBN 0 900058 81 1
Children: *Children*–an Amnesty International Publication (1979) ISBN 0 9000 58 95 1
China: *Political Imprisonment in the People's Republic of China* (1978) ISBN 0 900058 80 3
Death Penalty: *The Death Penalty*–an Amnesty International Publication (1979) ISBN 0 900058 88 9
Indonesia: *Sebuah Laporan Amnesti Internasional* (Indonesian edition) (1979) ISBN 0 900058 84 6
Peru: *Amnesty International Briefing Paper* Number 15 (1979) ISBN 0 900058 85 4
Syria: *Amnesty International Briefing Paper* Number 16 (1979) ISBN 0 900058 96 X (also available in Arabic)

Leaflets

Amnesty International Statute (1979) (also available in Arabic, Portuguese and Russian)
Protestant Prisoners in the USSR (1978) AI Index PUB 97/00/78
Amnesty International: an explanatory leaflet (1979)
Amnesty International and the Death Penalty (1979) AI Index ACT 05/08/79

A Chronicle of Current Events (the *samizdat* journal of the human rights movement in the USSR) is translated and published by Amnesty International. Both back and current issues are obtainable on subscription from Routledge Journals, Broadway House, Newton Road, Henley on Thames, Oxon, RG9 1EN, England. US orders may be sent to: Routledge Journals, 9 Park Street, Boston, Mass. 02108, USA.

A Chronicle of Current Events, Numbers 40-42 ISBN 0 900058 90 0
A Chronicle of Current Events, Number 49 ISBN 0 900058 82 X
A Chronicle of Current Events, Number 50 ISBN 0 900058 87 0
A Chronicle of Current Events, Number 51 ISBN 0 900058 97 8

Amnesty International also produces an international *Newsletter*. The *Newsletter* is a monthly account of Amnesty International 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.

Argentina: *The Disappeared of Argentina: List of cases reported to Amnesty International (March 1976-February 1979)* AI Index: AMR 13/35/79
Ethiopia: *Human Rights Violations in Ethiopia* (1978) AI Index: AFR 25/07/78
India: *Report of an Amnesty International Mission to India (31 December-18 January 1978)* AI Index: ASA 20/03/78
Korea (DPR): *Ali Lameda: A Personal Account of the Experience of a Prisoner of Conscience in the Democratic People's Republic of Korea* AI Index: ASA 24/02/79 (July 1979)
Latin America: *Derechos Humanos en América Latina. Mensaje de Amnistia Internacional a la III Conferencia General del Episcopada Latinoamericano* AI Index: AMR 03/02/79 (August 1978) (also available in Portuguese)
Tunisia: *Imprisonment of Trade-Unionists in 1978* AI Index: AFR 58/03/79 (February 1979)
Uruguay: *Political Imprisonment in Uruguay* AI Index: AMR 52/16/79 (June 1979)
Report of the Amnesty International Conference on the Death Penalty, Stockholm, Sweden 10-11 December 1977 AI Index: CDP 02/01/78 (August 1978)
Report of an Amnesty International Medical Seminar; 'Violations of Human Rights, Torture and the Medical Profession' Athens 10-11 March 1978 AI Index: CAT 02/03/78 (August 1978)

APPENDIX VIII

National Sections and Committees

Australia: Amnesty International, Australian Section, Box X 2258, GPO Perth, Western Australia 6001
Branch addresses:
New South Wales: Amnesty International, New South Wales Branch, PO Box 2598, GPO Sydney, New South Wales 2001
Queensland: Amnesty International, Queensland Branch, PO Box 87, Clayfield, Brisbane, Queensland 4011
South Australia: Mrs Vira Chawtur, 42 Maple Avenue, Royal Park, South Australia 5054
Tasmania: Mrs B.E.G. Rolls, 194 Waterworks Road, Hobart, Tasmania 7005
Victoria: Amnesty International, Victorian Branch, PO Box 28, 277 Inkermann Street, St Kilda, Victoria 3182
Western Australia: Ms V. Payne, 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-speaking)* Amnesty International, Blijde Inkomststraat 98, 3000 Leuven
(French-speaking) Amnesty International, 145 Boulevard Leopold 2, 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 Colon, San José
Denmark: Amnesty International, Frederiksbörggade 1, 1360 København K
Ecuador: Casilla de Correo 8994, Guayaquil, Ecuador
Faroe Islands: Anette Wang, Tróndargøta 47, Post Box 23, 3800 Tórshavn
Finland: Amnesty International, Finnish Section, Laivasillankatu 10 A, Helsinki 14
France: Amnesty International, French Section, 18 rue de Varenne, 75007 Paris
Germany, Federal Republic of: Amnesty International, Section of the Federal Republic of Germany, Heerstrasse 178, 5300 Bonn 1
Ghana: Dr I. S. Ephson, Ilen Chambers, PO Box 6354, 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, 39 Dartry Road, Dublin 6
Israel: Amnesty International, Israel National Section, PO Box 37638, Tel Aviv
Italy: Amnesty International, Italian Section, via della Penna 51, Rome
Ivory Coast: Section Ivoirienne, 55 Boulevard Clozel, 01 BP 698, Abidjan 01

Japan: Amnesty International, Japanese Section, Room 74, 3-18 Nishi-Waseda 2-chome, Shinjuku-ku, Tokyo 160
Korea, Republic of: Amnesty Korean Committee, Fifth floor, Donhwamoon Building, 64-1 Kwonnongdong, Chongnoku, Seoul
Luxembourg: Amnesty International Luxembourg, Boîte Postale 1914, Luxembourg-Gare
Mexico: Amnistía Internacional, Sección Mexicana, Apartado Postal No. 20-217, Mexico 20 DF
Nepal: Amnesty International, Nepal Section, GPO Box 890, 21/242A Dillibazar, Kathmandu
Netherlands: Amnesty International, Dutch Section, 3e Hugo de Grootstraat 7, Amsterdam
New Zealand: Amnesty International, New Zealand Section, PO Box 3597, Wellington
Nigeria: Amnesty International, Nigerian Section, 15 Onayade Street, Fadeyi-Yaba, Lagos
Norway: Amnesty International, Norwegian Section, Akersgatan 39, II, Oslo 1
Pakistan: Amnesty International, Pakistan Section, 615 Muhammadi House, I.I. Chundrigar Road, Karachi
Peru: Casilla 2319, Lima, Peru
Spain: *Secretariat:* Columela 2, 1° derecha, Madrid 1
Barcelona: Rambla del Prat 21 1°, Barcelona 12
San Sebastián: Apartado 1109, San Sebastián
Sri Lanka: E. A. G. de Silva, 79/15 Dr. C.W.W. Kannangara Mawatha, Colombo 7
Sweden: Amnesty International, Smålandsgatan 2, 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
USA: Amnesty International of the USA, 304 West 58th Street, New York, NY 10019
Western Region: Amnesty International of the USA, Western Regional Office, 3618 Sacramento Street, San Francisco, CA 94118
Washington Office: 413 East Capitol Street, S.E., Washington, DC 20003
United Kingdom: Amnesty International, British Section, 8-14 Southampton Street, London WC2E 7HF
Venezuela: Amnesty International, Venezuelan Section, Apartado 51184, Caracas 105

There are Amnesty International individual members, subscribers and supporters in:

Algeria
Bahamas
Barbados (group)
Bermuda
Bolivia
Botswana
Brazil
Burma
Cameroun
Chad
Chile
China, People's Republic
Colombia
Congo, People's Republic
Cuba
Curacao (group)
Cyprus (group)
Czechoslovakia
Dominican Republic
Egypt
El Salvador
Fiji
Gabon
Gambia
Grenada
Guyana
Guatemala
Haiti
Honduras
Hong Kong (group)
Hungary
Indonesia
Iran
Iraq
Jamaica
Jordan
Kenya
Kuwait
Lebanon
Lesotho
Liberia
Libya
Malagasy Republic
Malawi
Malaysia
Malta
Martinique
Mauritania
Mauritius
Monaco
Morocco
Mozambique
New Caledonia
Nicaragua
Panama
Papua New Guinea
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
United Arab Emirates
Upper Volta
USSR (group)
Vietnam, People's Democratic Republic
Yemen, People's Democratic Republic
Yugoslavia
Zambia
Zimbabwe (Rhodesia)

APPENDIX IX

International Executive Committee

Name	Place of Residence
Andrew Blane	New York
Margherita Boniver	Milan
Dirk Börner	Hamburg
Thomas Hammarberg (Chairperson)	Aland (Finland)
Irmgard Hutter (to February 1979)	Vienna
Edy Kaufman	Jerusalem
Nigel Rodley	London
Kevin White (International Treasurer)	Dublin
Suriya Wickremasinghe	Colombo
José Zalaquett (co-opted)	Washington D.C.

APPENDIX X

Some Amnesty International Statistics

As of 1 May 1979 these were:

2,283 adoption groups in 39 countries, an increase of 110 groups since July 1978.
More than 200,000 members, subscribers and supporters in 125 countries, an increase of 14 countries over 1977-78.
There are National Sections in 38 of these countries. 4,153 prisoners under adoption or investigation.

During the period 1 May 1978–30 April 1979:

1,573 new cases were taken up and 1,449 prisoners released. 217 urgent actions were taken on behalf of individuals or groups in emergency cases.

During the same period Amnesty International:
sent missions and observers to 21 countries, issued 50 news releases.

During the financial year 1 May-30 April, the International Secretariat of Amnesty International dispensed of £252,000 in relief to prisoners and their families.