Turkey

1. Introduction
The following human rights issues in Turkey are of particular concern to Amnesty International:
   a) legislation which has led to violations of Articles 18, 19 and 20 of the United Nations Universal Declaration of Human Rights and Articles 9, 10 and 11 of the European Convention on Human Rights;
   b) the imprisonment of non-violent political and religious activists;
   c) the use of torture;
   d) executions.

2. The Political Context
Turkey became a republic in October 1923 and its President from that time until his death in 1938 was Mustafa Kemal Atatürk, leader of the Republican People's Party (Cumhuriyet Halk Partisi CHP), the only legal party. In 1945, a multi-party system was introduced, and in 1950 the Democrat Party, led by Adnan Menderes, was elected to power. In 1960, in response to widespread unrest throughout Turkey and clashes in the universities, martial law was declared in Ankara and Istanbul. On 27 May 1960, a group of army officers overthrew the government, dissolved parliament and abolished the 1923 Constitution. A new Constitution was drawn up and approved by a national referendum on 9 July 1961. In this Constitution the old unicameral Grand National Assembly was transformed into a bicameral legislative body, the judiciary was made independent of the government and economic and social rights were introduced in addition to the classic fundamental human rights, which were spelled out in a much more detailed way than in the previous Constitution. Provision was made for a Constitutional Court, as a safeguard against parliamentary violation of the Constitution. Elections were held in October 1961 and resulted in a CHP-dominated coalition government.

In 1965, the right-wing Justice Party (Adalet Partisi AP) came to power with Suleyman Demirel as Prime Minister. With the growth of the trade union movement and increasing political awareness amongst university students, intellectuals and workers between 1965 and 1971, the struggle between the left and right in Turkey became more intense. Armed extremist right-wing groups were formed and a small section of the left decided to use violent tactics to achieve their political aims. The government showed itself unable to control the situation and
Politically motivated killings were initially carried out by the Commando groups. A new "above-party" government was formed under Nihat Erri, and on 26 April 1971 martial law was declared in 11 of 67 provinces. In May 1971, the 1961 Constitution was described as "a luxury for Turkey" by the Prime Minister, and in June 1971 he announced draft amendments to forty different articles. This greatly limited the freedoms previously guaranteed by the Constitution. In the two years that followed, thousands of people were imprisoned because of their political beliefs and many were tortured. Most of these prisoners were not charged with involvement in violent actions, but with "making propaganda for communism" or "membership of an illegal organization". They included writers, journalists, publishers, academics and lawyers. Under martial law such trade union activities as strikes and demonstrations were forbidden and many trade unionists were imprisoned.

Mr Erri was succeeded as prime minister by Ferit Melen in April 1972. Mr Melen was in turn replaced by Naif Talu in April 1973. In October 1973, elections were held for the first time since the military intervention. No party obtained sufficient seats to form a government. Not until January 1974 was a coalition government eventually formed by the Republican People's Party (CHP), now established as a centrist party, which won most seats, and the National Salvation Party (Milli Savet Partisi MSP), which had campaigned for a return to Islamic traditions and a program of industrialization based on Koranic concepts. The Prime Minister was Bulent Ecevit, leader of the CHP, a politician noted for his liberal views, who fought for the inclusion of political prisoners in the general amnesty which had been declared in 1974 to mark the 50th anniversary of the Turkish Republic, celebrated in October 1973. In July 1974, political prisoners, originally excluded from the amnesty by the votes of right-wing parties in parliament, were ruled to be included in it by the Constitutional Court, and all prisoners sentenced under Articles 141 and 142 of the Turkish Penal Code were released. However, arrests under Articles 141 and 142 have continued since the amnesty. Those sentenced under Article 146 (that is, accused of involvement in violent actions) remained in prison, but their sentences were reduced.

The CHP-MSP coalition was maintained with some difficulty until September 1974, when the fundamental differences between the two parties became impossible to reconcile, and Mr Ecevit was forced to resign. For the next six months, while politicians from all parties tried to form another coalition, Turkey had no effective government. The deadlock ended in April 1975, when Suleyman Demirel won a vote of confidence in favour of a coalition between four right-wing parties in parliament, the Justice Party, the National Salvation Party, the Republican Reliance Party (Cumhuriyeti Goven Partisi CHP) and the National Movement Party (Milliyeti Hareket Partisi MHP). This coalition is still in power at the time of writing.

Turkey is at present very unsettled politically. The coalition is weakened by internal differences and is apparently unable to control the high level of violence, particularly within the universities, which have almost ceased to function. Politically motivated killings were initially carried out by the Commando groups.

3. Legal Situation

(i) Legislation under which prisoners are held

The two Articles of the Turkish Penal Code most frequently used to prosecute left-wing political activists are Articles 141 and 142. Article 141/1 states that: "Whoever attempts to overthrow the constitutional order of the state and to establish a totalitarian regime shall be punished by heavy imprisonment of from 5 to 10 years. Whoever conducts and administers more than one or all such societies shall be punished by death". Members of left-wing organizations and groups are imprisoned under this Article.

Article 142/1 states that: "Whoever makes propaganda with the purpose of establishing the domination of one social class or other, exterminating any of the established basic economic or social orders of the country, shall be punished by heavy imprisonment of from 5 to 10 years. Whoever conducts and administers more than one or all such societies shall be punished by death". Other Articles of the Turkish Penal Code under which people are imprisoned because of their political or religious beliefs are Articles 158, 159, 163, 311 and 312.

Article 158 provides a sentence of up to 5 years imprisonment for insulting the President of the Republic and Article 159 a sentence of up to 6 years imprisonment for insulting the government, the judiciary, the armed forces or the security forces. Articles 311 and 312 deal with incitement to commit offences; 312 in particular stating that those who "...incite any social classes to hatred and hostility to the detriment of the public are punishable by imprisonment for from 3 months to 1 year".

Under Article 163: "Whoever, opposes secularism, forms or organizes, plans manages or administers a society aiming, even partially, to impose religious principles on the basic social, economic, political or legal order of the state is punishable by imprisonment for from 2 to 7 years".

The Turkish Bar Association has called for the abolition of Articles 141, 142 and 163 and the Turkish legal profession generally has been very active in its efforts to protect human rights, as shown by the declarations of the major Bar Associations on issues such as violence, torture and repressive legislation.

In Amnesty International's opinion the application of Articles 141, 142 and
163 of the Turkish Penal Code is generally incompatible with Articles 18, 19 and 20 of the United Nations Universal Declaration of Human Rights and Articles 9, 10 and 11 of the European Convention on Human Rights, which guarantee freedom of thought, conscience and religion; freedom of opinion and expression and freedom of peaceful assembly and association.

(iii) Legal procedures

a) Arrest process. In Turkey detention by the police does not constitute arrest, which can only be carried out by a court order. According to the Turkish Constitution (Article 30), people detained for crimes committed individually may be held only for 48 hours before being brought before a magistrate, but if the alleged crime has been committed collectively or comes within the jurisdiction of the State Security Courts (now abolished) or in wartime or under martial law a suspect may be held for up to 15 days before being brought before a court. Some Turkish lawyers who act for political prisoners say that many people are held for much longer than the legally permitted time before being brought to court. This is, of course, extremely important when defendants allege they have been tortured, as often happens. The law is not clear as to whether or not suspects have the right to communicate with their families or lawyers before being charged, but in practice no communication is allowed until after appearance in court. However, the same Article 30 of the Constitution stipulates that the next of kin should be “immediately” informed when a person is detained or arrested. According to the Constitution (Article 33), no defendants can be compelled to give evidence or to testify against themselves or their relatives, and refusal to make such a statement should not be regarded by the court as evidence of guilt. The frequent allegations of torture during interrogation, made by defendants, may indicate that this Article of the Constitution is sometimes disregarded by the police.

b) Conduct of trials. Most people now in prison for political offences were sentenced by the State Security Courts which were established in 1973 to replace military tribunals for dealing with “subversion”. These courts, which were strongly criticized by many members of the legal profession in Turkey, including Professor Faruk Erem, President of the Turkish Bar Association, were in theory intended to deal with both right-wing and left-wing offenders, but in practice they dealt almost exclusively with the latter. They comprised five judges, two of them officers appointed by the military, the other three, civilian judges chosen by the Supreme Court from a list of candidates submitted by the government. In October 1975, the Constitutional Court repealed the law establishing the State Security Courts on procedural grounds and gave the government a year in which to introduce a new law, during which time the courts continued to operate. Mr Demirel encountered great opposition, both in and outside parliament, to his attempts to get a new bill passed, and on 11 October 1976 the State Security Courts ceased to exist. Mr Demirel has, however, announced his intention of trying to revive them. While in existence, the State Security Courts tried 3,244 people, of whom 623 had been sentenced up to the time when these courts were abolished.

After 11 October 1976, all cases being tried in State Security Courts were transferred to civil courts and in some cases defendants who had been detained were released while their trials continued. All offences under the Articles of the Penal Code referred to above as applying to political cases, with the exception of some offences under Articles 311 and 312, are tried in courts consisting of one presiding judge and two assessors. Cases under Articles 311 and 312 not coming under the jurisdiction of these courts are dealt with by a court consisting of one judge. Decisions of both these courts are subject to the Courts of Appeal, but if defendants are successful in their appeals, their cases are returned by the Appeal Court to the same court for re-trial. Public prosecutors have an unlimited right of appeal against acquittals. The legal process in any particular case may, therefore, be prolonged for months, even years. Some Turkish lawyers criticize the conduct of trials of political prisoners in civil courts, but there appears to be no doubt that they provide more safeguards for the defendants than the State Security Courts. The legal system has been criticized by the present government as being too lenient towards political prisoners.

c) Release process. Release is possible after two-thirds of the sentence has been served and even before this day release may be allowed. Amnesty International has very little information about how many political prisoners get remission of sentence because the general amnesty which was extended to non-violent political prisoners in July 1974 led to the release of most prisoners before they had served two-thirds of their sentences. Political prisoners are subject to periods of exile within Turkey after release from prison, the length of time in exile being the equivalent of one-third of the sentence. While in exile, former prisoners must report to the police daily. Although the courts should exile people to places where they can carry on with their normal professions, in practice this rarely happens. Released political prisoners are subject to the permanent loss of their civil rights, such as employment in public services and election to public office. They may have difficulty obtaining employment after release and their families may also suffer discrimination, particularly in the sphere of public employment where appointments in many cases are first screened by the National Security Organization (MIT).

(iii) International Law

Turkey is a member of the United Nations, but has not signed or ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights or the Optional Protocol to the former. Turkey is also a member of the Council of Europe and a party to the European Convention on Human Rights. The country has not, however, granted the right of individual petition under Article 25 of the Convention, nor has it recognized the compulsory jurisdiction of the European Court of Human Rights under Article 46 of the Convention.
4. Number and Analysis of Prisoners

It is impossible to say precisely how many political prisoners there are in Turkey at present, for two reasons: one is that, although lawyers in the main cities can give estimates of the numbers imprisoned in each city, there are few sources of information in the smaller towns or in the provinces generally. This means that many cases are never brought to the attention of Amnesty International. The other reason why it is difficult to arrive at a definite figure is because in many cases prisoners are released while their trials are still going on, or while their appeals are being heard, so up-to-date information about their predicament is difficult to obtain. However, according to one Turkish lawyer, the total number of political prisoners in Turkey at the time of writing is from 600 to 700, and from the information available to Amnesty International this seems a likely figure.

Most of those actually in prison at present are young and belong to extreme left-wing groups; but many older people—academics, writers, journalists, publishers—are only temporarily at liberty while their cases continue. One of these is Professor Server Tanilli of Istanbul University Law Department. He has been charged under Article 142 of the Turkish Penal Code, with encouraging communism in his text-book History of Civilization, used in another institution of higher education.

Journalists, in particular, are vulnerable to prosecution under Article 142. Many journalists have several cases pending against them. Another category which appears to be particularly liable to imprisonment is travelling folk-singers and troubadours. They are frequently detained after participating in concerts. Sah Turna, a blind woman troubadour, has been tried a number of times and has been sentenced to many years imprisonment because of strikes and demonstrations against the State Security Courts. Most were released within several days.

Amnesty International does not have much information about those imprisoned because of their religious beliefs, but there are periodic reports in Turkish newspapers of arrests of members of the Islamic Nur sect. Jehovah’s Witnesses have also in the past been imprisoned because of their religious activities, but they now appear to have been recognized as a legitimate Christian sect and as such are no longer prosecuted.

Kurdish separatists in Turkey have always been particularly liable to imprisonment. Amnesty International has received reports that many are in prison at present, especially in Deyarbakir in Eastern Anatolia (See also section 9 The Kurds).

5. Location of Prisons

Political or religious prisoners are held in jails throughout Turkey, but most of those sentenced are probably in the following prisons: Nigde Prison, Sakarya Prison (near Istanbul), Kayseri Prison (Capadocia), Adana Prison, Sagmalcilar and Topkapi Prisons (Istanbul), Buca Prison (Izmir) and Mamak Military Prison (near Ankara).

6. Prison Conditions

Most complaints received by Amnesty International about prison conditions in Turkey stress the following: overcrowding, insufficient beds, bad food, lack of recreational facilities and inadequate medical treatment. Better food can be obtained by those who can afford to pay for it, and having money makes prison life easier in various ways. Many prisoners allege that their requests for medical treatment are either ignored or not taken sufficiently seriously. Amnesty International has not been able to check the validity of these allegations.

7. Allegations of Torture

In the years following the military intervention of March 1971, Amnesty International received hundreds of allegations of torture from Turkey, mostly in the form of minutely detailed statements written by prisoners themselves. In January 1972, Muir Hunter, an eminent English lawyer, went to Turkey on behalf of Amnesty International and in May 1972 he produced a document entitled An Examination of the Allegations of the Torture of Prisoners in Turkey in which he concluded: "There appears to be a strong prima facie case for investigating the allegations of torture, brutality and threats in the treatment of prisoners in Turkey." This document was sent to the Turkish government and to the Council of Europe. In November 1972, Mr. Hunter returned to Turkey as leader of an Amnesty International mission to investigate allegations of torture. Although the delegates were allowed to interview only one prisoner they stated in their report that: "In our opinion Ilkay Demir was a truthful witness, both as to what she had experienced herself and as to what she had learned from other prisoners... we accept the substance of what she said as correct"—that is, that torture had taken place in Turkish prisons and detention centers. On 12 December 1972, the London Sunday Times, reporting on its investigation into torture allegations in Turkey, stated: "...there is a weight of evidence supporting the allegations which cannot be dismissed".

The most common techniques of torture said to have been employed at this time were falanga (beating the soles of the feet) and electric shocks. Sexual torture, such as the insertion of truncheons and electric prods into victims’ anus or vaginas, was also alleged to have been inflicted.

In November 1973, in response to pressure from the political opposition, the acting prime minister, Naim Taha, announced that the government would investigate allegations of torture. As those appointed to conduct the investigation were officials of the Justice, Interior and Defence Ministries, and included members of the security police, it was not surprising that, when the findings were reported in January 1974, government departments were cleared of all charges. However, on 21 March 1976, the Turkish daily paper Milliyet reported that the General Board of the Military Court of Appeal had quashed death sentences passed on four students, on the grounds that statements made by the accused while in detention had clearly been made under torture and that such statements could not be accepted as evidence.
Following the Turkish intervention in Cyprus in July 1974 Amnesty International received allegations that Greek Cypriot prisoners who had been taken to Turkey had been subjected to torture. One of these allegations was substantiated by the report of a Dutch doctor who examined a Greek Cypriot sailor two months after his release and reported that X-rays revealed fractures of two cervical vertebrae, which were consistent with his allegation that an iron band had been clamped around his neck, through which he was given an electric shock.

Amnesty International has continued to receive allegations that political prisoners in Turkey are tortured and, on 26 April 1976, wrote to the Turkish Prime Minister, Süleyman Demirel, requesting an investigation into allegations that torture of political prisoners had become routine practice in at least two police stations–Ankara Emniyet Sarayı and the First Bureau of the Istanbul Police at Gazıetepe. Amnesty International referred to specific allegations of torture in this letter, including one case supported by a doctor’s statement which read as follows: “Hasan Aksoy, born in 1955, was examined on 17 January 1976. The nail of his right big toe had been recently pulled out...there were substantial bruises on the soles of his right and left feet, also burn wounds probably caused by cigarettes”. Other torture techniques said in this letter to have been inflicted on prisoners in January 1976 were beating, kicking, “sadako” and administration of electric shocks. Amnesty International also gave the Prime Minister the names of alleged torturers.

On 1 April 1976, Milliyet reported that 15 members of parliament belonging to the Republican People’s Party had called for an inquiry into recent claims of torture; and, on 6 June 1976, the same newspaper reported that the President of the Association of Contemporary Lawyers, Halit Celenk, had announced that prisoners in Adana Prison were being tortured with “sadako”.

Outlook, an English language weekly published in Ankara, reported, on 7 April 1976, that: “Police superintendent, Bekir Cetiner, is being tried on charges of causing the death of law student, Cahit Senyuz, by beating him to death.” The result of this trial is not known to Amnesty International.

More recently, on 9 and 10 January 1977, the Turkish newspaper Cumhuriyet reported that a student, Pasa Güven, who was detained by the Istanbul police on 6 January 1977, had been taken to Beyoğlu First Aid Hospital on 8 January, suffering from trauma, alleged to be the result of beating. The Istanbul Public Prosecutor was said to be investigating the cause of Pasa Güven’s condition. Amnesty International wrote to him asking that the findings of the inquiry be made public.

Allegations of beatings inflicted by the security forces are made frequently by students who have been detained during disturbances in Turkish universities over the past year or so, and some trade unionists arrested in September 1976 also said that they had been beaten by the police.

8. The Death Penalty and Unofficial Political Deaths

Thirteen articles of the Turkish Penal Code call for the imposition of the death sentence; they are all to do with offences against the constitution or the state, including espionage. Murder is a capital offence only under certain circumstances.

All death sentences, if upheld by the Court of Appeal, must be ratified by both houses of parliament and then confirmed by the President. The President may, however, repeal the sentence only on grounds of age or ill-health.

The most recent executions for political offences took place in May 1972 when three young men were hanged at Ankara Central Prison. They had been sentenced to death under Article 146 for allegedly trying to “completely or partially alter the Constitution, to abolish it; to prevent Parliament from discharging its functions”. The men belonged to the Turkish People’s Liberation Army and were accused of bank robbery, shooting and kidnapping, but were not charged with having killed anyone. Their death sentences were strongly opposed inside and outside Turkey, both on principle and because it was felt that their trial by a military tribunal was biased and not properly conducted. In particular the tribunal made no attempt to investigate the defendants’ allegations of torture.

Many other death sentences were passed in the period following the military intervention of 12 March 1971, but they were all commuted, some as a result of the general amnesty, which applied to political prisoners in July 1974.

Amnesty International has very little information about executions for murder, but Turkish lawyers indicate that not more than three executions have taken place in Turkey during the past year.

A notable and distressing aspect of life in Turkey at present is the large number of political murders. On 3 February 1977, the Turkish correspondent of the London Financial Times reported that about 130 students had been killed since Mr. Demirel formed his coalition of right-wing parties. On 17 November 1976, Reuters, after reporting the death of a left-wing student as a result of a beating, stated: “The killing brought to 71 Turkey’s unofficial death toll from a year of intermittent political clashes, mostly among students.” Recently the body of the editor of a professional publication for engineers and architects, also a member of a left-wing party, was found in a forest near Istanbul. According to medical reports, he had been tortured before being killed and his murder is assumed to have been politically motivated.

There seems little doubt that the killings are mainly the work of right-wing commando groups allied to the neo-fascist National Movement Party. Most of those killed have been left-wing students, and, although the killings have been described in many foreign newspapers as the results of clashes between left-wing and right-wing students, only recently have there been clear indications of left-wing retaliation leading to the killing of some right-wing activists. There does not appear to have been any real attempt by the police or the government to end the violence or to prevent killings. Arrests are sometimes made, but to Amnesty International’s knowledge the police have not, to date, produced sufficient evidence to bring about a conviction.

9. The Kurds

Since the Kurdish revolt of 1925, which followed the establishment of the Turkish Republic, the Kurds have been subjected to harassment and persecution in attempts to force them to become assimilated. It is impossible to give an exact figure for the number of Kurds in Turkey, because they have no official
existence in the eyes of the authorities who refer to them as Kurdish speaking citizens, but the Minority Rights Group report, *The Kurds*, published in February 1975, states: "There may be anything from three to eight million Kurds in Turkey" and goes on to say that according to even the lowest estimate this makes them much the largest Kurdish minority in any state. In 1924, a law was passed which prohibited the use of any language other than Turkish in official communications; the teaching of Kurdish in schools is forbidden, publications in Kurdish are suppressed and those who translate anything into Kurdish are likely to be imprisoned. The 1964 Political Parties Act bans parties which base their activities on the existence of different ethnic groups or languages in Turkey.

In 1970, the Progressive Cultural Organization of Eastern Anatolia (DDKO) was formed to combat the cultural repression of the Kurds, but it was banned on the day martial law was first declared in April 1971. Even before this, the leaders of DDKO had been arrested and accused of "separatism", which is forbidden under Article 57 of the Turkish Constitution. On 20 July 1971, the Turkish Labour Party (TIP) was abolished by the Constitutional Court because it passed a resolution protesting against the repression of the Kurdish people. The leaders of TIP later received sentences of from 10 to 25 years imprisonment on charges which included "following separatist policies". In December 1972, the leaders of the DDKO received sentences of from 10 to 25 years imprisonment, and, throughout the 1971-73 period of martial law, Kurdish intellectuals and activists were imprisoned on various charges. All, except those charged under Article 146 of the Turkish Penal Code, were released during the 1974 amnesty, but the prosecution of Kurdish separatists has continued.

The position of the Kurds in Turkey has not been substantially different under any recent governments, although, in periods of general repression, their persecution increases.

### 10. Action by Amnesty International

Amnesty International's first actions over Turkey were taken soon after the organization was founded in 1961. It was one of the bodies which appealed against the execution of the former Prime Minister, Adnan Menderes. During the 1960's, individual cases of people sentenced under Articles 141 and 142 of the Turkish Penal Code were taken up, and, in 1967, the British journalist and foreign affairs expert, Keith Kyle, went to Turkey on Amnesty International's behalf to investigate the case of one such prisoner, the writer Sadi Alkilic. In January 1969, another Amnesty International delegate, Mrs Betty Asheton, visited Mr Alkilic in prison.

Towards the end of 1971 and at the beginning of 1972 Amnesty International was particularly concerned about threatened executions of political prisoners in Turkey, and sent an appeal for the abolition of the death penalty to the Turkish prime minister. The subject of death sentences was also raised with the Minister of Justice by Mr Muir Hunter, a British lawyer, when he visited Turkey as Amnesty International's representative in January 1972. In November 1972, Mr. Hunter returned to Turkey with Mrs Hunter and Sir Osmond Williams, both of whom are magistrates, to inquire into allegations of torture of political prisoners. Their report was submitted to the Council of Europe for its consideration and was subsequently published.

In February 1973, Dr Peter Noll, a Professor of Penal Law at Zurich University, attended a trial in Ankara as an observer for Amnesty International and the International Commission of Jurists. In July 1973, a further appeal was sent to the Turkish authorities for the commutation of death sentences and the abolition of the death penalty.

In July 1974, Thomas Hammarberg, a member of Amnesty International's International Executive Committee, accompanied by Amnesty International's researcher on Turkey, had an interview with the Minister of Justice, Sevket Kazan, with whom they discussed various matters of concern to Amnesty International, including Articles 141 and 142 of the Turkish Penal Code.

In March 1975 the organization's Secretary General wrote to the Turkish Prime Minister requesting an investigation into fresh allegations of torture, and further letters about this were sent in July 1975, March 1976, April 1976 and February 1977.

In February 1977 Amnesty International groups worked on behalf of 29 adopted prisoners and 17 investigation cases.
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AMNESTY INTERNATIONAL opposes torture and the death penalty in all cases and without reservation. It advocates fair and early trials for all political prisoners and works on behalf of persons detained without charge or without trial and those detained after expiry of their sentences.


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