The Justice of the Law
by R. A. G. O'Brien

Shadow over Greece
by R. W. Sorenson, M.P.

The Beran Mystery

The Emperor's Enemies

Opportunity

SHORTLY after you receive this issue of Amnesty, the movement as a whole will be given the opportunity of taking a large step forward.

But before we think of the future we can draw some encouragement from a number of things that have happened since the Appeal for Amnesty was first launched and in the six months since this journal first appeared.

For a start, the Russian leaders seem recently to have abjured some of the cruel persecution that went on during Stalin's reign. If conditions in the Soviet Union are not all AMNESTY would like, they are at least a little better than they were under Stalin.

Another Communist tyranny seems to have suffered posthumous humiliation. The Czech Communists seem to be turning away from the adulation of the late Klement Gottwald under whom Archbishop Beran and Mr. Sum (mentioned in the last issue) both suffered.

On this side of the Iron Curtain there are thousands still in prison for their beliefs. Inside, Mr. Sorenson writes of bad conditions in Greece, but he does mention that the number of political prisoners, although still large, has fallen by about 200 this year.

Finally, at home, we can report that our own Government has given a year's asylum to Mr. Wang who was mentioned in Amnesty earlier in the year.

All these diverse items of news are no more than pinpricks of light for which this movement can hardly claim credit. But they are all to the good. Who knows how these pinpricks may grow in the next six months?

An opportunity of bringing the cause of liberty of conscience more into the public eye will occur on Human Rights Day, Sunday, December 10th. AMNESTY'S plans for this day are already well advanced. Suggestions about how every AMNESTY supporter can make them a success are set out inside.
THE JUSTICE OF THE LAW

By R. A. G. O'Brien

This article has been specially written for "Amnesty" by a leading Catholic lawyer to express the Christian attitude towards unjust laws.

The maxim "lex inusta non est lex" is hardly more acceptable to the modern common lawyer than it is to the logical positivist. The latter is likely to consign it to the category of improbable value statements. For the former the difficulty is one of definition; nurtured on "command" and voluntarist theories of law he is apt to regard all commands of the sovereign duly promulgated as law whether they bear just or not. De Lolme's dictum that "Parliament can do everything but make a woman a man, and a man a woman" has been restated thus by a modern Attorney-General: "Parliament is sovereign: it can make any laws. It could ordain that all blue-eyed babies should be destroyed at birth."

It is, however, just because such atrocities have in fact been frequently committed in our times with all the sanction of legality that a reaction has set in. In the middle of the last war Dr. Nathaniel Micklem preached a remarkable sermon to the members of the Inner and Middle Temples. Having shown that Hitler's tyranny was quite legal, he pointed the moral: "Consider what your instinctive reprobation implies. Here are acts which on paper are legal, yet you feel them to be the utter repudiation of the reign of law. That means that law as you understand and revere it has some essential connection with ethics." Law, he concluded, is not so much the expression of the law-giver's will, as the expression, however imperfect, of eternal Justice, the Eternal Reason.

The proposition that municipal law is not necessarily just and to be blindly obeyed was given practical expression in the War Criminal trials, where many of the charges could only be juried justified on the ground that there is a fundamental standard of justice and right behaviour, which underlies all positive law and is therefore owed prior allegiance. The same concept appears in the attempts to frame Declarations of Human Rights, whether of the United Nations or of the Council of Europe.

Indeed, the common man has never accepted that what is legal is necessarily just. He has often been heard to grumble that "it may be law but it isn't fair." He will acknowledge as fair, and so just, what he regards as reasonable in contrast to that which is arbitrary and inexplicable. Unlike the Greek sceptics, the medieval nominalists and the disciples of Hobbes, Rousseau or Hegel, who all considered law as the expression of will, St. Thomas Aquinas, and the medieval common lawyers looked upon it as a dictate of reason. Law, if it was law, was reasonable whether the immediate lawgiver was God, the Church or secular authority; the will of the Prince was only law if guided by reason—otherwise it was lawlessness. Natural law which applied to all men precisely by virtue of their human nature, was the participation by a rational creature in the divine law: it was a law issuing from the divine reason and ascertainable by the reason of a rational creature.

There are laws of nature to control the physical world. It is, therefore, not illogical to suppose that man also has his law consisting of a body of general principles to guide his conduct as a rational creature. Once this is admitted, it follows that the main function of positive human laws is to apply these general principles to actual and contemporary conditions and to deal with a number of details which are necessary in modern communities and for which the natural law makes no provision. In this sense positive law is subordinate to natural law. If it enacts something contrary to the natural law, it not only attempts to achieve what is unnatural, and our nature always reasserts herself—as the Russians found when they had to rescind their laws allowing freedom of abortion: but, what is more to our point, the positive law then does something it has no right to do by contradicting what is anterior to, and more fundamental than, itself.

The same conclusion is reached by considering what is the justification of political authority. No man has any innate power over his fellows. The basis of political authority has been sought in fictions of social compacts and general wills, in less subtle doctrines based on clubs being trumps or in theories founded on the supposed superiority of party or race. Rejecting all these, the traditional Christian view takes its origin from Christ's warning to Pilate that all authority is from God—a view applied by both St. Peter and St. Paul; but, as St. Thomas Aquinas and Pope Leo XIII indicated, it is for the citizens of a community to decide by whom that authority is to be wielded. He who exercises political authority has, therefore, no right to do what is against the law of God (for he would to that extent forfeit his title to that authority); but the natural law is part of this law of God; and so he who exercises political authority has no right to do what is contrary to the natural law. If he does, no matter whether we call the result law or not, he acts ultra vires.

The ultimate sanction for law is not the truncheon or the bayonet, but, as Professor Goodhart has shown in this "English Law and the Moral Law," the respect which the law commands. This respect is born of a sense of obligation, which is a moral concept. If the law is arbitrary or unjust it will inevitably lose any respect and moral claim to obedience. It can then only be maintained by force; which is tyranny. If justice be the giving of every man his due that body of principles which is grounded in human nature is likely to constitute the surest guide to what is due to each man and also to justice. Observance of the natural law is, therefore, the most potent bulwark alike against injustice, disrespect of the law and oppression.
OVER modern Greece, with its many memorials to an ancient glory, lies the heavy shadow of exiles, prisoners and detainees.

Some 113 are in detention under Law 375 of 1936, which, according to an International Commission of Jurists, should have long since have been abrogated. In this category is Manilos Glezos, who gave the signal for the Greek Liberation Movement to begin by tearing down the swastika flag one night in 1941 during the German occupation. After years of post-war detention he was charged with "espionage," sentenced to six years' imprisonment and incarcerated in Aegina Prison. However, the military court that sentenced him for failing to report espionage activities later admitted that in fact there had not been espionage activities! The trial of Glezos, who was a Communist, appears in reality to have been a political trial; and despite many appeals and protests from European non-Communists he remains in prison.

A second category includes those sentenced under the Third Emergency which was imposed during the Civil War of 1946 to 1949, and is still in force. This measure enables civilians to be tried by Courts Martial, and among the 543 prisoners charged and sentenced under this procedure is Tony Ambatielos, married to an Englishwoman living in this country. He has been in prison now for more than 13 years.

A third category consists of men and women sentenced by Civil Courts in 1945 for "crimes during the resistance" and of these there are 757, including Athanasis Elfandis, a teacher, who led a resistance unit against the Nazis and was thanked by British military authorities.

Many others are in enforced exile in remote parts of the mainland or on distant islands, although no charge has been formulated against them. They include Dr. Antonis Flountzis, well known to some British Labour politicians who have made futile representations on his behalf. There are yet others held in house arrest who have regularly and frequently to report to the police. The burden imposed on relatives having to journey long distances to visit them and the difficulty of getting employment for those detained outside prison is obvious.

Having paid two visits to Greece I am acutely aware of the suffering all this involves, for I was able to meet many of the wives and families of prisoners or exiles and also many who had been released or were still under severe restriction. It was significant that when in an interview with the Minister of Justice I mentioned (Continued on page 8)
HUMAN RIGHTS DAY

THE central ceremony organised by AMNESTY is to take place in the crypt of St. Martin's-in-the-Fields at 3 p.m. During the ceremony the “AMNESTY Candle” will be lit and at the end this candle will be brought out from the crypt and placed inside a coil of barbed wire on the porch of the church. From then on, and throughout the night the church will be kept specially open for prayer and meditation on behalf of those who are being persecuted for their opinion or their religion.

There will be a vigil of six people standing round the candle on the porch until 9 p.m. From that time onwards the vigil will move inside the church which will remain open all night on this occasion.

Those who wish to attend the ceremony in the crypt are asked to write to Amnesty for a ticket to make sure of a place, but we hope that as many AMNESTY supporters as can manage to, will come to St. Martin's for at least a short while during the 24 hours from 3 p.m. on the Sunday.

* * *

Human Rights Day is also being commemorated in the following cities:—

Bristol           Edinburgh
Birmingham        Oxford
Derby             Plymouth
Glasgow           Sheffield

If Human Rights Day is not being formally commemorated at your church on Sunday, December 10th, we ask you to use your influence to see that special prayers are offered on Human Rights Day. Special prayer sheets are available from the AMNESTY office.

Order of Service

HUMAN RIGHTS DAY
December at 3

Singing led by the St. Martin's Congregational Church.

INTRODUCTION from ARTICLES 18 & 19 from the AMNESTY Executive.

Two Readings:
Churchill’s written Missionary Letters to Diplomatic Scouts.
Roosevelt’s Speech on Psalms
The Rt. Hon. James G. John i. 1-14, while Amnesty
Letters to Diplomatic Scouts.

Christmas Carol “All people born in the Sherard Singers.
Prayers for Human Rights
Hymn: “God of Grace among the congregation.

BENEDICTION.
DECEMBER 10th

Prayer

O Jesus Christ the Comforter, shield from affliction and despair the families of those who are persecuted for righteousness sake. Be Thou their Father and their shelter and make a speedy end to their hopelessness. Through Jesus Christ Our Lord, Amen.

Volunteers for Human Rights Day

To make Human Rights Day a success at least the following number of volunteers are needed:

- **For the Vigil**—36 men and women to allow replacements at hourly intervals (from 3 p.m. to 9 p.m.).

- **For the protection of the Church**—eight men (from 9 p.m. to 8 a.m. on Monday morning). (The Vicar of St. Martins-in-the-Fields insists that they must be men, as the Church is open all night).

- **For catering**—six women (from 3 p.m. to 4 p.m.). The Scouts and others will need refreshment after the ceremony.

- **For stewarding**—two or three people to deal with tickets and showing people to their seats (3 p.m. to 4 p.m.).

“AMNESTY Candles,” consisting of a candle inside a twisted strand or coil of barbed wire, can be easily constructed. Supporters are asked to make one for themselves, and to have it burning in their home on Human Rights Day. Those who wish to, are invited to leave the candle in position throughout the Christmas period as a reminder of the purposes of the Human Rights Day ceremony.
The Mystery of Archbishop Beran

SINCE June of this year AMNESTY has been pressing the Czech authorities to reveal the present condition and whereabouts of Monsignor Josep Beran, Archbishop of Prague. The Archbishop, to whose sermons the Government took exception, was imprisoned in his palace in 1949. He was removed to an unknown destination in 1951. Since then a number of stories have circulated about his circumstances: all agree that he has been in bad health—the Archbishop spent much of the war in Dachau concentration camp, a prisoner of the Nazis. Some sources have suggested that the Archbishop is no longer alive.

Following publicity of AMNESTY’s actions, many people from all over the world have been writing to the Czech Government, or to the Czech Embassy in their own country, to ask for information. No answer has been given to these inquiries and the great majority have not even been acknowledged.

In a further effort to obtain information AMNESTY recently sent a representative to call on the Czech Embassy in London. The reception was courteous and the information given was as follows:—

Archbishop Beran is not in prison. He is physically well, and is being cared for by nuns. He is studying and writing, and is permitted to celebrate Mass privately.

The Czech Embassy declined to disclose the Archbishop’s address, giving as one reason that the Archbishop did not want to be disturbed by foreign reporters.

AMNESTY has written a letter to the Czech Ambassador calling on him to transmit a request to his Government. It is that the Archbishop should be allowed to return to Prague to celebrate Christmas Mass in his own cathedral.

The Archbishop’s name figures among those of 144 Prisoners of Conscience to whom you are invited to send a Christmas card.

Special AMNESTY cards are available for this purpose from:—

AMNESTY Christmas Card Department,
153, Victoria Street,
London, S.W.1. Price 6s. 9d. per dozen, post free.

THE EMPEROR’S ENEMIES

BY AN AMNESTY CORRESPONDENT

Formerly a member of the household of H.I.H. the Emperor Haile Selassie

IT is very difficult to know where many prisons are in Ethiopia. There are few detention centres or concentration camps in the country to compare with those that have existed in Europe during this century, but, for all that, the lot of the political offender in Ethiopia is hardly less rigorous.

One of the principal punishments of those who disagree with the Emperor and the current political ideas in Ethiopia is banishment. People from Godjam are dumped in Harar, Somalis are deported to Begemder, and so on—the criterion is that the offender should be left among strangers.

Most doors are shut to the exile once it is known that he is out of favour with Haile Selassie. The Emperor is looked on as head of the Church and the cousin of Christ, and anyone who is his enemy is regarded as a traitor to his country and an infidel.

Deprived of resources the exile has to go from village to village as a beggar or live off the country hunting birds or collecting wild fruit.

Some political detainees are used as slave labour in the country’s gold mines in the forest of Adola. I have had first-hand reports from prisoners who have testified that dozens of their fellows have died every month from the effects of emetics given to them to make sure they did not smuggle away small nuggets by swallowing them.

About 120 of those who were involved in the recent rising against Haile Selassie are at present in the Akaki prison in Addis Ababa including Major Yohanes Paulos and Major Getachew Afework.

A further 260 officers arrested after the rebellion have been detained in the Karakore region, and 160 cadets are imprisoned in Asmara in Eritrea.

The tortures that these men are undergoing is such that I appeal for the intervention of an international humanitarian body to investigate the conditions under which these and others live; the Ethiopian Red Cross is not effective—it is administered by a governing board appointed by the Emperor.
The purpose of "Amnesty" is to mobilise public opinion throughout the world in favour of releasing Prisoners of Conscience, and effective guarantees for opinion and religion. Our job is to set a tide running in the affairs of the world against persecution of people for their ideas, and set up organisms which over the years may prove effective in bringing about both releases and improvements in the law.

YOU can become a subscriber to "Amnesty" to help with the work of collecting and publishing information about Prisoners of Conscience and finding out the financial position of their families.

ANYONE can join by paying a minimum of £1. This entitles him or her to free issues of the bulletin, to take part in any special meetings or conferences and to make use of the library. One pound is the minimum subscription. Donations over and above are welcome.

To: AMNESTY
(An international movement for freedom of opinion and religion).

1, Mitre Court Buildings,
Temple,

*I wish to join the AMNESTY Movement (minimum annual subscription £1) and I enclose cheque/ P.O. for £ s. d.

*I am sending the names and addresses of the following people who I think would like to hear more about the AMNESTY Movement.

1. .................................................................

2. .................................................................

3. .................................................................

My name is ..................................................

Address .....................................................

* Delete if inapplicable.

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***AMNESTY NOTES***  
*Continued from page 3*

Sargent of Justice, is at 8.30 p.m. on December 6th at Burgh House, Flask Walk, Hampstead.

Invitations have gone out to local organisations. AMNESTY supporters in North London are invited to go along with their friends.

* * *

HAMPTSTEAD is not the only place that has started a "Threes" group to adopt specific prisoners of conscience and their families. A group has started in Norway and one is expected to be formed soon in Australia. At home the London School of Economics has plans to start one.

Anyone who feels that he is not going to be shamed by London students, Norwegians or Australians can get help in forming his own group from the AMNESTY office at 1, Mitre Court Buildings, E.C.4.

* * *

SERNOR RAMON ALVAREZ, former Secretary-General of the Spanish C.N.T. Trade Union Movement, was arrested by the French authorities on October 12th. Sr. Alvarez has lived in France as a political refugee since 1938. Concerned because he had been denied bail, AMNESTY wrote a letter to the French Embassy in London on November 7th. Within two weeks news came from the British branch of the C.N.T. that Sr. Alvarez had now been released. Thanks were expressed to AMNESTY for its intervention.

***SHADOW OVER GREECE***  
*Continued from page 3*

certain cases I was informed that they did not come within his jurisdiction but that of the Minister of the Interior.

I detected in many people a mood of apprehension lest at any time they would be seized by the police and disappear without charge or trial. Now that the General Election is over and Mr. Karamanlis is again in power renewed efforts must be made to secure a general amnesty. Greece is unlikely to move out of its tragic shadow until and unless the Government now in power can be induced to see the wisdom of a general amnesty.

Undoubtedly savage acts were committed during the Civil War.

Yet it is not only those guilty of violence who are suffering incarceration in various forms, but others against whom the only possible charge is that of subversion or association with suspected persons. Many are Communists or supporters of the Left Wing E.D.A., but many are not and some of the Centre and even of the Right have been victims of the prolonged Government action in repressing opponents, or are severely critical of it.

Savage deeds were done during the time of the National Resistance and the Civil War. The best course is now not to sustain an era of bitterness, but to apply clemency.

The Sunday Times of 16th April, 1961, stated that 1,422 were prisoners and although by November this number had been reduced to 1,231 that formidable number, including those who have languished for many years and many of whom have committed no crime is a measure of the need for the spirit of clemency to intervene.

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**For Christmas**

Why not send all your friends the AMNESTY card this year? It has six pointed quotations in six languages, attractively set in red and black. And it is cheap, too; 6s. 9d. per dozen, or £1 per three dozen (post free).

And please send a few to prisoners. Each box of twelve has a list of prisoners' names and addresses. Remember "The FORGOTTEN PRISONERS" this Christmas and HELP AMNESTY.

All cards (including samples) can be obtained from AMNESTY CHRISTMAS CARD Dept., 153, Victoria Street, London, S.W.1.