

LAWYERS IN PRISON

21 August 1975

AMNESTY INTERNATIONAL

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Members of the legal profession are imprisoned in violation of some or all of the following articles of the United Nations Universal Declaration of Human Rights:

article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

article 9: No one shall be subjected to arbitrary arrest, detention or exile.

article 18: Everyone has the right to freedom of thought, conscience and religion.

article 19: Everyone has the right to freedom of opinion and expression.

article 20(1): Everyone has the right to freedom of peaceful assembly and association.

INTRODUCTION

This document lists the names of 85 members of the legal profession, including defence lawyers, magistrates, academic lawyers and law students in 23 countries, who are in prison or have otherwise been restricted or who have "disappeared" without trace. Most are prisoners of conscience. Many have not been charged or tried. Some have been tortured. It gives only those cases taken up by Amnesty International for adoption or investigation, and is thus far from comprehensive.

The fact that a country is not included does not necessarily mean that no lawyers are imprisoned or otherwise persecuted there, but only that any such cases have not yet been taken up by or come to the attention of Amnesty International.

The reasons for arrest vary considerably. In countries such as South Africa, Pakistan, Nepal, Gabon and Cuba, members of the legal profession have been detained or restricted as a result of their political activities or opposition to the government. Law teachers and students have been imprisoned either because of their membership in proscribed organizations or for participating in non-violent protests or demonstrations against government policies. Lawyers in countries like Brazil, Spain, Uruguay, Syria, Yugoslavia and the Soviet Union, were imprisoned because they exercised fundamental rights such as freedom of speech or freedom of association.

Persecution of members of the legal profession becomes particularly disturbing, however, when it is solely for fulfilling their recognized professional responsibilities within the judicial process. Lawyers defending political prisoners and taking up civil rights cases have been imprisoned in Chile, Haiti, Indonesia, South Korea and Singapore. A judge in the People's Democratic Republic of Yemen, who acquitted some political detainees because he found that they had committed no offence under the penal code, "disappeared".

Such attempts to intimidate or silence members of the legal profession not only violate the rights of the individuals concerned, but threaten the very independence and integrity of the judiciary. Such independence and integrity is essential, especially in situations of internal strife or conflict where the judiciary is often one of the last safeguards against a spiral of repression and violence. For it is clear that the harassment, imprisonment and sometimes torture experienced by lawyers who represent unpopular causes in these and other countries cannot fail to intimidate their colleagues, thus reducing what may once have been a balanced and independent process of law into a mockery of the rule of law.

With regard to the Soviet Union, the two cases listed do not reflect the special problems facing Soviet defence lawyers. Special clearances are required for lawyers in order to be able to take up political cases. These clearances can be withdrawn, however, if the lawyers conduct too vigorous a defence or refuse to "compromise" between the demands of party policy and their professional duties "in strict and undeviating observance of the law". Faced with this institutional dilemma, some lawyers nevertheless continue to refuse to compromise their professional responsibilities. S. Kallistratova, D. Kaminskaya and Yu. Pozdeyev have recently had their clearances withdrawn, and B. A. Zolotukhin, who conducted the highly admired defence of dissident A. Ginsberg in Moscow in 1968, was eventually expelled from the College of Advocates after having been expelled from the Communist Party and having lost his membership in the Praesidium of the College.

The list has been divided into two categories in accordance with the distinction made above:

- (A) those lawyers imprisoned as a direct, identifiable result of their professional activities,
- (B) those imprisoned for other reasons or about whom no specific details are available.

However, all are detained in violation of the United Nations Universal Declaration of Human Rights to which the governments which have arrested them subscribe.

The list also illustrates some general patterns of political imprisonment in different countries which apply to all political prisoners. In Bangladesh, Haiti, Indonesia, Paraguay or Uruguay, prisoners are often held for long periods without charge or trial. In Brazil and the People's Democratic Republic of Yemen people "disappear", while in Spain the eight imprisoned lawyers and law students represent the large numbers of people detained there for their trade union activities or membership in proscribed organizations. Opponents of apartheid in South Africa are generally isolated and silenced by the insidious practice of "banning" all communication between them and a wider audience.

In some cases known to Amnesty International, support and intervention by the legal profession, either through national bar associations or councils or independently by groups of lawyers, has succeeded in securing the acquittal and release of victimized colleagues. Nabil El Hilali, an Egyptian lawyer active in defence of students and leftists was arrested himself in 1972 on grounds of alleged incitement to rebellion. With the support of 200 members of the Egyptian Bar Association, including its president, he was acquitted in March 1973. In January 1972, Spanish

advocate Carlos Garcia Valdes was charged with contempt of court following his efforts before the Public Order Court to establish whether his client's confession had been extracted by torture. His conviction was reversed on appeal only after hundreds of members of the Madrid College of Lawyers offered to confirm the torture allegations.

By publishing comprehensive prisoner lists (others have been compiled previously on "Writers and Journalists in Prison", "Trade Unionists in Prison" and "Women in Prison"), Amnesty International hopes not only to give added momentum to its efforts for the prisoners' release, but also to mobilize worldwide action by particular professional or social groups whose members are victimized by arbitrary state violations of fundamental human rights. The need for support from individual lawyers and legal bodies for persecuted colleagues appears particularly stressing, for as this list demonstrates, the safety of members of the legal profession in any society not only becomes as precarious as that of anyone else in the community once fundamental human rights are violated, but by the very nature of their duties, lawyers may become particularly susceptible to these violations.

LIST OF LAWYERS IN PRISON AS AT 21 AUGUST 1975

- (A) - Those lawyers imprisoned as a direct, identifiable result of their professional activities.
- (B) - Those lawyers imprisoned for other reasons or about whom no specific details are available.

ARGENTINA

Lawyers who act as defence counsel for political detainees in Argentina have been victims of extensive violence, ranging from threats of murder to actual physical elimination. Several have had their offices damaged by explosions and broken into by the police authorities. Some are detained by the executive without any regular trial or the laying of formal charges. Others have had to leave the country or go into hiding, thus necessarily abandoning their professional activities.

The following list names 25 lawyers who are all known to have defended political prisoners and who are at present detained under the "state of siege" legislation. There is a general consensus among experts and observers that these lawyers are wrongly suspected of being in collusion with their clients (who are often guerrillas) and of being engaged in "illegal" political activities. Bar associations in Argentina have called for the release of their colleagues on the grounds that the conditions of their detention constitute a punishment and as such violate article 23 of the state of siege which states:

"Whilst the constitutional guarantees are suspended the President of the Republic may not punish or sentence. Her/his power will be restricted to the arrest or transfer of people, who choose to remain in Argentina, from one part of the country to another."

Susana AGUAD (A) - arrested November 1974; a highly respected figure in legal circles, renowned for her work for political prisoners and trade unionists; married with three children. The Cordoba Bar Association issued a petition calling for her release and that of three other lawyers on the grounds that the state of siege was only to be used to curtail a person's freedom of movement but that conditions of detention of their colleagues were such as to constitute a punishment; detained in Penitenciaría Numero 2 Villa Devoto, Buenos Aires.

Ricardo AMOR (A) - arrested on 12 November 1974 in Santa Cruz; former adviser to the Minister of Interior of the Province of Santa Cruz; presumed detained in Penitenciaría de Santa Cruz, Provincia de Santa Cruz.

Eduardo ANDREOTTI Romanin (A) - arrested in Mar del Plata, Provincia de Buenos Aires in November 1974; detained in the Pabellon 32, Carcel de Villa Devoto, Buenos Aires; aged about 30; believed to be a member of the Partido Socialista de los Trabajadores or the Partido Intransigente.

Hector ARCHETTI (A) - arrested in La Plata on 13 November 1974; detained in the Unidad Penitenciaría de Olmos, La Plata, Provincia de Buenos Aires; distinguished himself defending members of the Peronist Youth Movement, Juventud Peronista and the Montoneros (the armed Peronist guerrilla group).

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Vicente AYALA (A) - arrested 19 November 1974; believed to be detained in the Unidad Nacional de Detencion, Las Heras 1555, Resistencia, Provincia de Chaco; member of the ruling Peronist Party, the Partido Justicialista.

Juan BONACOSSI (or BONACORSI) (A) - arrested in Bahia Blanca, possibly in November 1974; believed to be detained in Carcel de Villa Floresta, Bahia Blanca, Provincia de Buenos Aires; a member of the leftwing Peronist Youth Movement, the Juventud Peronista.

Susana BUCONIC - arrested outside the lawcourts in Cordoba in November 1974; detained in the Penitenciaría Numero 2 Villa Devoto, Buenos Aires; well-known for her work as defence counsel for political prisoners and trade unionists and is a specialist in labour law; the Cordoba Bar Association has petitioned for her release and she herself has filed an appeal calling for her transfer to an establishment which is not under the jurisdiction of the Federal Penitentiary System.

Nestor BUENOS - arrested in Bahia Blanca between November 1974 and February 1975; believed to be held in Carcel de Villa Floresta, Bahia Blanca, Provincia de Buenos Aires; member of the ruling Peronist Party, the Partido Justicialista.

Roberto DIAZ - arrested in the province of Catamarca; the exact date of arrest is not known but he was in detention in April 1975; member of the board of the bar association (Miembro del Comité-Directorio del Colegio de Abogados).

Mary del DAGO - arrested in Villa Constitucion in April 1975; believed detained in Carcel de Coronda, Provincia de Santa Fe.

Armando Rodolfo FERTITA - arrested 1 November 1974; believed to be held in the Carcel de Villa Devoto, Buenos Aires; President of the Mar del Plata branch of the Argentinian League for Human Rights (Liga Argentina por los Derechos del Hombre) and Vice-Chairman of its national executive council; also a member of the Partido Intransigente.

Andres FIDALGO - probably arrested in November 1974 in Jujuy; believed to be held in the Penitenciaría de San Salvador de Jujuy.

Rene GABIOUX - arrested on 8 November 1974; held in the Carcel de Coronda, Coronda, Provincia de Santa Fe; President of the Santa Fe branch of the Argentinian League for the Rights of Man (Liga Argentina por los Derechos del Hombre).

Eduardo GARAT - under arrest since 21 November 1974 in Rosario; detained in the Unidad Nacional de Detencion, Las Heras 1555, Resistencia, Provincia de Chaco.

Alfredo Ramon GUEVARA - arrested in February 1975 in Mendoza; detained in Penitenciaría Numero 2, Carcel de Villa Devoto, Buenos Aires; according to a press statement by the Mendoza Bar Association he was the object of three terrorist attacks, the last of which occurred in January 1975; the bar association has decided to set up a special commission to advise on what measures to take should his detention prove long-term.

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Abraham KOZAK - arrested in November 1974 in Cordoba with Susana Aguad and Susana Buconic; detained in the Penitenciaría Numero 2 Carcel de Villa Devoto, Buenos Aires; the Cordoba Bar Association petitioned for his release in March on the grounds that he was being held in conditions which constituted a punishment when the state of siege legislation only provides for the curtailment of a person's freedom of movement.

Jorge M. MARCA - arrested in the Province of Catamarca and was known to be in detention in April 1975; thought to be detained in the Penitenciaría de Catamarca, Provincia de Catamarca; 38 years old.

Julio MARCOLLI - arrested in the Province of Catamarca and was known to be in detention in April 1975; believed to be detained in the Penitenciaría de Catamarca, Provincia de Catamarca.

Carlos Ernesto PATRIGNANI - the exact date of arrest is unknown but he was detained in Jujuy in February 1975; is probably in the Penitenciaría de San Salvador de Jujuy.

Jorge E. FELLARDINI - arrested 12 November 1974 in Santa Cruz; probably detained in the Penitenciaría de Santa Cruz, Provincia de Santa Cruz; official lawyer of the MID Party (Movimiento de Integración y Desarrollo).

Amalio REY - arrested November 1974 in Cordoba; held in the Penitenciaría Numero 2 Carcel de Villa Devoto, Buenos Aires; colleague of Susana Aguad, Susana Buconic and Abraham Kozak, the Cordoba Bar Association included him in the petition they sent to the government calling for the release of their detained colleagues.

Ada de SALVO - arrested April 1975 in Villa Constitución; held in the Carcel de Coronda, Coronda, Provincia de Santa Fe.

Julio Everto SUAREZ - believed arrested in November 1974; probably detained in the Penitenciaría de San Luis; is the former legal adviser to the Minister of the Interior of the province and the former secretary of the San Luis Peronist Congress.

Fuad TOUM - arrested in February 1975 in Mendoza with Alfredo Ramon Guevara; detained in the Penitenciaría Numero 2 Villa Devoto, Buenos Aires; is well-known as a defence lawyer of political prisoners, trade unionists and students and the Mendoza Bar Association has set up a special commission which is to advise on what measures should be taken on his behalf should his detention prove long-term.

Carlos Mariano ZAMORANO Vega - arrested on 1 November 1974 in the Province of Tucuman; now detained in the Pabellon 32, Carcel de Villa Devoto, Buenos Aires; President of the Tucuman branch of the Argentinian League for the Rights of Man (Liga Argentina por los Derechos del Hombre) and a member of its national board; also a member of the Communist Party (which is legal in Argentina).

BRAZIL

Eduardo COLLIER Filho (B) - aged 25; ex-law student, expelled from Universidade Brasileira Guanabara, Rio de Janeiro, for political reasons; alleged by the authorities to be either a member of the Communist Party or of a leftwing organization; was under investigation prior to his disappearance, and did not attend court hearings by the III Conscricao Judicial Militar; arrested 23 February 1974 by army police, with a friend, Fernando Augusto de Santa Cruz Oliveira (see below); there are fears for his life as his family have not been able to locate him since his disappearance; his name appears on a list of 22 "disappeared" persons whose cases have become a cause celebre in Brazil.

Jose DAMASCENO * (B) - law student; member of UNE (National Union of Students), an organization which has been banned since July 1965, but continued to meet clandestinely and organized many demonstrations against the military dictatorship; arrested autumn 1968 with about 800 other delegates attending a UNE convention; reported to have been seriously tortured; his family have not been able to locate him since his arrest.

Ieda Santos DELGADO (B) - lawyer; disappeared April 1974; detained under the Law of National Security without charge or trial; place of detention unknown.

Manuel Mota FONSECA * (B) - lawyer; arrested 27 February 1975 at his office, Rio de Janeiro; detained under the Law of National Security; place of detention unknown.

Walter Mario Carvalho JESUS (B) - lawyer and active lay church member; probably detained during arrests of Catholic activists in Sao Paulo in January 1974; charged with "subversive activities" under the Law of National Security; tried February 1974, sentence unknown; has been acquitted of charges of "subversion" on three previous occasions.

Stanislau Alkimin MAGALHAES (B) - lawyer; arrested 4 February 1973 with a journalist and his wife who have been charged with sending information abroad concerning the torture of political prisoners; accused of working with the Communist Party and charged under the Law of National Security with "falsification of documents for the Communist Party"; probably released pending trial.

Luis Ignacio MARANHAO (B) - lawyer, university professor and ex-federal deputy; member of the central committee of the Communist Party; disappeared April 1974; his name appears on a list of 22 "disappeared" persons whose cases have become a cause celebre in Brazil.

Thomas Antonio da Silva MEIRELLES Neto (B) - aged 45; lawyer and professor of philosophy, with a diploma from Central University, Moscow; disappeared April/May 1974, Rio de Janeiro; detained under the Law of National Security; previously sentenced to one year on charges of belonging to an opposition group; his name appears on a list of 22 "disappeared" persons whose cases have become a cause celebre in Brazil.

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Fernando Augusto de Santa Cruz OLIVEIRA (B) - aged 26; civil servant and law student in Sao Paulo, former student leader; arrested 23 February 1974 in Rio de Janeiro by army police with a friend, Eduardo Collier Filho (see above), who had a lawsuit pending in which he defaulted; there are fears for his life as his family have not been able to locate him since his disappearance; his name appears on a list of 22 "disappeared" persons whose cases have become a cause celebre in Brazil.

Paulo de Tarso Celestino da SILVA * (B) - aged 31; lawyer, member of Ordem dos Advogados, Brasilia (Order of Lawyers); arrested June 1971 under the Law of National Security shortly after his return from France where he had been studying at the Sorbonne University, Paris; charged with "belonging to a terrorist organization, the Alianca Liberadore Nacional (National Liberation Alliance)"; has not been tried; his family have not been able to locate him since his arrest, but he may be detained in Recife, Pernambuco.

Jaime Amorin de MIRANDA * (B) - lawyer, member of Ordem dos Advogados, Rio de Janeiro (Order of Lawyers); disappeared 16 February 1975; the Ordem dos Advogados have protested against his arrest and disappearance, and his case has been included in a dossier of recent arrests and disappearances prepared by the Brazilian Press Association to be handed to the Minister of Justice; allegedly tortured.

CHILE

Fernando OSTORNOL Fernandez (A) - well-known lawyer who defended political prisoners before his arrest, including Luis Corvalan Lepe, Secretary General of the Chilean Communist Party; arrested 11 April 1975; charges and place of detention unknown.

CUBA

Angel CUADRA Landrove (B) - aged 44; lawyer and writer, legal representative of Cuban Writers Union until his arrest; supported Castro during the 1959 revolution, but later opposed him; attempted to emigrate three times after obtaining scholarships to study abroad but was refused permission to leave Cuba; arrested April 1967 probably because of his attempts to leave and charged with "activities against the State"; tried by military tribunal 16 May 1967 and sentenced to 15 years' imprisonment; detained in Guanajay Prison.

Dr Nestor RIVERO Machiran (B) - lawyer and notary, professor of political economy; charged with "being the leader of an anti-Castro organization"; sentenced to 20 years' imprisonment; detained in Puerto Boniato Prison, Santiago de Cuba.

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HAITI

Alphonse BAZILE (B) - aged 51; lawyer; arrested 1965 in Jeremie; detained without charge or trial.

Emmanuel CAUVIN (A) - lawyer who repeatedly defended political prisoners and ex-president of bar association; arrested April 1963 in Port au Prince; detained without charge or trial.

Paul GABOTON (B) - lawyer; arrested April 1973; detained without charge or trial.

Hubert LEGROS (A) - lawyer; released 23 December 1972 after 2½ years' imprisonment without trial following an amnesty; re-arrested 11 January 1973 after pleading for the release of several other prisoners whose names had appeared on the list of releases but were still detained; accused of being a communist; detained without formal charges or trial in Fort Dimanche; poor health and nearly blind.

Ernst SABALAT (B) - lawyer; arrested April 1973; detained without charge or trial.

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INDIA

All the following lawyers were arrested with more than 10,000 politicians and political workers immediately following the declaration of a state of emergency on 27 June 1975, which provides for wide powers of detention including debarring the detainees from challenging their detention in court.

I. M. BHARDAWAJ (A) - lawyer; member of the team led by Mr Shanti Bushan, counsel for Raj Narayan, who brought corruption charges against Prime Minister Indira Gandhi, which led to her conviction by the Allahabad High Court on 12 June 1975.

S. N. CHOWDHURY (A) - lawyer; member of the team led by Shanti Bushan, counsel for Raj Narayan, who brought corruption charges against Prime Minister Indira Gandhi, which led to her conviction by the Allahabad High Court on 12 June 1975.

Chowdhury DERAKRAM (B) - lawyer and secretary and organizer of the Bhartiya Lok Dal (Indian People's Party), Haryana District.

Pran Nath LEKHI (B) - lawyer and Amnesty International representative at the 56th conference of the International Law Association in 1975 in Delhi.

INDONESIA

Adnan Buyung NASUTION (A) - aged about 35; lawyer and critic of the government who became well-known for his willingness to take up civil rights cases; founded the Indonesian Institute of Legal Aid (Lembaga Bantuan Hukum) sponsored by the Indonesian Bar Association (Peradin) and the Jakarta Municipal Government, but prevented by the army from establishing itself outside Jakarta; in August 1974 he was awarded the first International Legal Aid Award by the International Legal Aid Association "in recognition of his outstanding contribution to the advancement of legal services to the poor"; at the end of 1973 he expressed views that sympathized with the student criticisms of the government, and publicly declared that he considered the Special Powers of the Command for the Restoration of Security and Order (Kopkamtib) unconstitutional; arrested 16 January 1974 following the January 1974 anti-Japanese demonstrations together with several hundred others; detained under Kopkamtib probably on a charge of subversion; place of detention unknown; poor health; married.

Sri SUHARTI (B) - aged about 35; former active member of the Trade Union of Civil Aviation Employees (Serbaud); subsequently studied law at Semarang State University until early 1965; her membership in Serbaud, which was banned in September 1965 with all trade unions affiliated to SOBSI, the communist federation of trade unions, made it virtually impossible for her to practice as a lawyer; arrested 1969 in connection with reports, which were disproved, that her brother, Brigadier General Suharjo, well-known for his leftwing views, had returned to Indonesia and was organizing armed resistance; detained in Bukit Duri Women's Prison, Jakarta; married with five children - her husband is also imprisoned.

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S. H. SUPRAPTO (A) - aged 60; lawyer well-known for defending workers and peasants, and an active trade unionist who had played a leading role in the formation of several trade unions, a member of SOBSI, the communist federation of trade unions, and an official of the Indonesian Scholars Association (HSI), both of which were banned in 1965, professor of law at Padjadjeran University in Bandung and a member of parliament; arrested October 1965 in connection with his leftwing activities and his defence of peasants in the Bandar Betsi case; detained without charge or trial in Buru Island Detention Camp; poor health; married with seven children.

TAN liep Nio (B) - aged 44; lawyer, specializing in sea law and employed as legal adviser to the state shipping company until 1965; arrested in 1967/68 because of contacts with a member of the communist party - the contact was over the sale of some cloth; detained without charge or trial in Bukit Duri Women's Prison, Jakarta.

IRAN

Nasser KAKHSAZ * (B) - aged about 33; judge from Shahi Province; arrested December 1969/January 1970 with 45 others for alleged leadership of a group planning to leave the country in order to join the Palestinian guerrillas; charged probably under article 1 of the law establishing the National Intelligence and Security Organization (SAVAK), with "plotting against the internal and external security of the state"; tried by a military court in January 1970 and sentenced to life imprisonment; formerly detained in Tabriz prison, but possibly transferred to Qassar prison, Teheran; very poor health, severely tortured and blinded in one eye; married (wife is also a lawyer) with one child, born after his imprisonment.

ISRAEL

Farug AL SALFITI * (B) - aged 27; lawyer; Arab from Israeli occupied West Bank territory; probably arrested April 1974 for alleged membership in Palestinian National Front; detained under article 111 of the Defence (Emergency) Regulations 1945 without charge or trial; his detention order was renewed in January 1975 for a further six months; place of detention unknown.

REPUBLIC OF KOREA

HAN Seung-hon (A) - prominent defence lawyer, writer, board member of the Korean Amnesty International Committee, founder member of the National Council for the Restoration of Democracy and legal adviser to the Journalists Association of Korea; arrested 25 March 1975 and charged with "praising an anti-state organization" under the Anti-Communist Law in connection with an article he had written in September 1972 in which, without mentioning names he lamented the execution of a man for his alleged participation in a North Korean spy-ring, and criticized the country's practice of capital punishment; he was arrested two days before the re-opening of the trial of Kim Dae-jung (President

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Park's major political opponent who has been under house arrest since 1973) for whom he had previously acted as defence lawyer; in early 1975 he was interrogated by the Korean CIA after he had made it known that he wished to defend another prominent lawyer (now released) who had been arrested in January; trial began 19 May 1975 and was adjourned; probably detained in Seoul detention center.

NEPAL

The Security Act, under which the following two prisoners are detained, provides for an 18-month detention period without trial, renewable by an advisory board for a maximum of three years. No detention order under this act can be questioned by a court of law.

Prem Nath ARYAL * (B) - aged 30; law student; arrested May 1974 following bombings in March and May 1974 for which the government allege the banned Nepali Congress Party are responsible; detained without charge under the Security Act in Central Jail, Kathmandu.

Ram Raja Prasad SINGH (B) - aged 38; Supreme Court lawyer and prominent member of the Nepali Congress Party which was banned after the royal coup in 1960; an outspoken critic of the government, he was elected to the Rastriya Panchyat (parliament) as one of the four members out of 125 who can be elected by the "graduate constituency", and openly advocated a return to the pre-1960 system of parliamentary rule, questioning the King's 1960 decree which abolished parliamentary democracy; arrested 20 July 1971 in the Rastriya Panchyat when he arrived to take the oath of membership; tried immediately and sentenced to 2½ years' imprisonment and a fine, but was pardoned by the King 23 July 1971; re-arrested 14 October 1971; detained under the Security Act in Nakkhu Jail, near Kathmandu; married.

PAKISTAN

Requests to the Pakistan authorities for information regarding the charges against the following two lawyers have remained unanswered:

Sayyad Imtiaz Husain HANAFI (A) - lawyer and member of the opposition National Awami Party; arrested 9/10 February 1975 after the assassination of Mohammed

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Khan Sherpao, the central government's Home Minister in the North West Frontier Province and one of Prime Minister Zulfikar Ali Bhutto's main supporters, probably because of his work in the defence of a number of political prisoners in Baluchistan; detained under the Defence of Pakistan Rules in preventive detention in Quetta Jail, Quetta, Baluchistan.

Arbab HUMAYUN * (B) - lawyer; arrested shortly after the assassination on 8 February 1975 of Mohammed Khan Sherpao, the central government Home Minister in the North West Frontier Province (NWFP) and one of Prime Minister Zulfikar Ali Bhutto's main supporters; detained in Haripur Jail, NWFP; his brother, Arbab Sikander Khan Khalil, former Governor of the NWFP and member of the opposition National Awami Party is also imprisoned.

PARAGUAY

The three lawyers listed below were detained at the end of 1974 during large scale arrests which took place on the grounds that an alleged conspiracy to assassinate President Alfredo Stroessner had been uncovered. They are held under the State of Emergency legislation without access to legal counsel and serious allegations of torture during interrogation have been made. Although their place of detention is unknown, they are most probably detained in the Departamento Central de Investigaciones, Asuncion.

Ricardo LUGO Rodriguez (B) - lawyer and former leader of the Partido Revolucionario Febrerista, a legal opposition party; arrested December 1974.

Fernando ROBLES (B) - lawyer; arrested November 1974 with his brother.

Enrique SANCHEZ (B) - lawyer and former university leader; arrested December 1974 at his office in San Ignacio, Misiones.

PORTUGAL

Francisco Jose de Abreu Fonseca VELOSO - Supreme Court judge; aged 58; arrested 18 May 1975 at 5 am; held under military jurisdiction in Caxias Prison, Lisbon without being charged; reason for arrest unknown; no outside contact allowed.

Jose Antonio Cardoso VELOSO - son of Francisco Veloso; aged 27; former lecturer in Criminal Law at Lisbon University; arrested 18 May 1975; held under military jurisdiction in Caxias Prison, Lisbon; uncharged; reason for arrest unknown; legal access has been denied; no outside contact allowed.

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SAUDI ARABIA

Youssif AL-SHEIKH * (B) - lawyer; arrested 6 June 1964 for unknown reasons; sentenced to 15 years' imprisonment; detained in Dammam Central Prison; an amnesty for political prisoners sentenced to between 6 and 30 years' imprisonment was announced in April 1975, but there has been no confirmation of Youssif Al-Sheikh's release.

SINGAPORE

T. T. RAJAH * (A) - aged 53; lawyer, one of very few who have been willing to represent political prisoners; he was suspended from legal practice for two years in February 1973 for alleged improper behaviour and allegedly making remarks which "disgraced" the court during a trial involving women political detainees who complained that they had been assaulted by prison officers; he is an outspoken critic of the government; arrested June 1974 with at least 30 other people who were alleged to be members of the Malayan National Liberation Front, an arm of the banned Malayan Communist Party; detained without trial under the 1960 Internal Security Act in Moon Crescent Center, Changi Prison; was held in solitary confinement immediately after his arrest at the Whitley Holding Center; poor health, diabetic; married with two children.

SOUTH AFRICA

The following members of the legal profession, with the exception of Louis Mtshizana, have either been served with banning orders under the Suppression of Communism Act 1950, or charged with offences under the Terrorism Act 1967.

The banning orders vary in severity, but the restrictions most commonly imposed are those which place the banned person under conditions of house arrest between the hours of 6 pm and 6 am, and over the weekends, and which oblige them to remain in the magisterial area in which they live and report to the police at regular intervals. In addition to these physical restrictions, a banned person is not allowed to attend any gathering of more than two other people, nor meet or communicate with others under banning orders. Enrolment at any school or university is prohibited. They may not be quoted either publicly or privately, and may not have any previous or future writings published in South Africa. As a result of these restrictions, many banned people are no longer able to follow their professions as to do so would entail a contravention of the banning order. Banning orders do not automatically end on their fixed expiry dates, and many are renewed. A person serving a banning order, who is subsequently given a prison sentence has to continue to fulfil the terms of the order by being in what amounts to solitary confinement while in prison.

The Terrorism Act 1967, provides for detention without trial, and empowers a senior police officer to order the indefinite detention in solitary confinement of any person suspected of having information about "terrorist" activities. The Terrorism Act also created the offence of "participation in terrorist activities", the definition of which is so wide that it could possibly

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cover almost any activity displeasing the government. It also goes on to remove most of the guarantees of a fair trial for persons charged under the act by providing first for detention for interrogation without the right to counsel, and thereafter for a trial at a place and time chosen by the prosecution with the onus of proof transferred to the accused whose guilt is presumed on any one of a number of highly ambiguous acts.

Rowley ARENSTEIN (B) - aged 57; lawyer; listed as a communist in 1951; sentenced to 4 years' imprisonment in 1966 under the Suppression of Communism Act, and struck off the roll of attorneys of the South African Bar; released in 1971 and "banned" immediately; recently been given permission to resume his law practice; banning order expires 31 October 1975.

Kader HASSIM (B) - lawyer and member of the African People's Democratic Union of South Africa (APDUSA); arrested with 12 other APDUSA leaders in February 1971; charged after five months in detention with offences under the Terrorism Act, and allegedly tortured during this period; convicted in 1972 and sentenced to 8 years' imprisonment; detained on Robben Island, where he organized a petition signed by 50 prisoners, requesting "basic rights and privileges" from the prison authorities and, as a result was placed in solitary confinement for six months - he contested the prison authorities' action and in 1973, when the case came to court, the judge found the prisoners' complaints justified and Hassim's solitary confinement illegal; attempts are now being made to have Kader Hassim struck off the South African roll of attorneys.

Jerry MODISANE (B) - aged 27; law student and former President of the South African Students Organization (SASO); "banned" in March 1973 for 5 years under the Suppression of Communism Act, prevented from continuing his studies, and worked as an articled clerk to a Kimberley law practice to which Robert Sobukwe (see below) was also articled; arrested September 1974 with about 50 other black leaders after police broke up a rally organized by SASO and other black movements in support of the Mozambique liberation movement, FRELIMO; detained without charge probably in Pretoria Central Prison; released 20 June 1975, but is still banned.

Louis Leo MTSIZANA (A) - aged 50; well-known lawyer who built a reputation in the early 1960s for specializing in the defence of Africans charged with political offences, and was, as a result, subjected to police persecution; recently established a successful legal practice near East London and became a prominent member of the opposition in the Ciskei "homeland"; "banished" in October 1974, under the Native Administration Act, to a remote area far away from his established legal practice, for no apparent reason other than his opposition to the Ciskei "homeland" executive.

Pandelani Jeremiah NEFOLOVHODWE (B) - aged 28; law student and President of the black South Africans Students Organization (SASO), which has been an outspoken critic of the South African Government's apartheid policies during recent years; arrested September 1974 with about 50 other black leaders after police broke up a rally organized by SASO and other black movements in support of the Mozambique liberation movement, FRELIMO; charged after three month's detention with offences under the Terrorism Act; currently on trial; probably detained in Pretoria Central Prison.

List of Lawyers in Prison as at 21 August 1975 - 13

Robert Mangaliso SOBUKWE (B) - aged 51; former university lecturer; lawyer; active in African nationalist politics, became President of the Pan Africanist Congress (PAC) in 1959; led the non-violent campaign against the "pass laws" which culminated in the Sharpeville massacre of March 1960 when 68 people were shot dead by the South African police; arrested with other nationalist leaders in March 1960 and charged with "sedition and incitement to riot"; convicted 4 May 1960 and sentenced to 3 years' imprisonment; on completion of his sentence, special legislation was introduced to prevent his release, and he was detained without charge for a further 5 years on Robben Island; released in 1969, but immediately "banned" under the Suppression of Communism Act and restricted to the Kimberley area; studied law while in prison and admitted to the South African bar in 1975; although his banning order remains in force, he has now been given permission to practise as an attorney.

Sonny K. VENKATRATHNAM (B) - articled clerk and member of the African People's Democratic Union of South Africa (APDUSA); arrested with 12 other APDUSA leaders in February 1971; charged after five months' detention with offences under the Terrorism Act, and allegedly tortured during this period; convicted in April 1972 and sentenced to 6 years' imprisonment; detained on Robben Island, where he organized a petition signed by 50 prisoners, requesting "basic rights and privileges" from the prison authorities and as a result was placed in solitary confinement for six months - he contested the prison authorities' action and in 1973, when the case came to court, the judge found the prisoners' complaints justified and Venkatrathnam's solitary confinement illegal.

Joseph Bransby VUSANI (B) - aged 66; lawyer and member of the African People's Democratic Union of South Africa (APDUSA); arrested with 12 other APDUSA leaders in February 1971; charged after five months in detention with offences under the Terrorism Act; convicted in 1972 and sentenced to 8 years' imprisonment; detained on Robben Island; attempts have been made to have Joseph Vusani struck off the South African roll of attorneys.

SPAIN

The eight lawyers and law students whose names are listed below were detained between 1968 and 1974 in connection with trade union activities or for membership in illegal organizations. Since April 1975, however, about 100 lawyers have been arrested in various parts of Spain, during meetings to discuss problems inherent in their profession, and released on bail. Several others have been ill-treated and had their offices ransacked. In all these cases the lawyers concerned were defending political prisoners.

Jose Maria ABAD Gurruzola * (B) - aged 22; law student; arrested 11 March 1974 in San Sebastian, and accused of belonging to a clandestine organization, Organizacion de Estudiantes de Guipuzcoa (Guipuzcoa Students' Organization), which is alleged to have links with the Movimiento Comunista de Espana (Spanish Communist Movement), one of the various factions which have split away from the Spanish Communist Party in recent years, and distributing "subversive" publications; charged under articles 251 and 174 of the Spanish penal code with "illicit association and illegal propaganda"; detained without trial in Martutene Prison, San Sebastian.

*Names marked with an asterisk are not yet adopted prisoners of conscience but are under investigation.

List of Lawyers in Prison as at 21 August 1975 - 14

Rafael BAREZ Vasquez (B) - lawyer; arrested 20 March 1972 after a strike at the BAZAN National Shipyards in El Ferrol, Galicia; charged initially under articles 172-4, 248, 251 and 222 of the Spanish penal code with "illicit association, public disorders, illegal propaganda and sedition"; charge of "illicit association" still pending for which prosecution is asking a 4 year sentence and a 200,000 peseta fine; currently released on bail; allegedly tortured after his arrest.

Ana Felisa BARUQUE Ortega * (B) - aged 19; law student at Universidad de la Iglesia (Church University), Deusto; arrested 22 January 1974 with eight other students at the University of Bilbao and accused of belonging to Organizacion Unitaria, allegedly a Marxist-Leninist group formed to "organize" students of the University into a single mass movement which would work clandestinely to win political and academic demands"; charges unknown, but probably "illicit association"; currently released on conditional liberty.

Lidia FALCON O'Neil * (B) - lawyer and writer; arrested 17 September 1974 at her home in Barcelona, after the bombing of a cafe in Madrid, and accused of collaborating with ETA V (the military wing of the Basque separatist organization) in planning terrorist activities, but is probably detained because of her leftwing sympathies; held under Codigo de Justicia Militar (the Code of Military Justice), exact charges unknown; detained in Complejo Penitenciario Feminina, Calle Juan de Vera 10, Madrid; recovering from hepatitis, beaten during interrogation; husband, Eliseo Bayo Poblador, arrested at the same time.

Rafael Armando LANUZA Torres * (B) - aged 25; law student; arrested 11 March 1974 in San Sebastian, and accused of belonging to a clandestine organization, Organizacion de Estudiantes de Guipuzcoa (Guipuzcoa Students' Organization), which is alleged to have links with the Movimiento Comunista de Espana (Spanish Communist Movement), one of the various factions which have split away from the Spanish Communist Party in recent years, and distributing "subversive" publications; charged under articles 251 and 174 of the Spanish penal code with "illicit association and illegal propaganda"; currently released on conditional liberty.

Manuel MORALES Macias (A) - aged 40; lawyer; arrested 2 February 1968 after demonstrations and a strike, given a suspended sentence; re-arrested 15 September 1968 after a meeting with workers of the SATRA company, which was held to look into the most effective legal means of collecting their salaries, which the company had not paid for several months; held by military authorities under the Decree Law of Banditry and Terrorism and charged with "military rebellion" which covers a wide range of activities including strikes and "any similar acts if they are inspired by political motives or seriously disturb law and order"; denied access to lawyers or family from the time of arrest until trial; tried by military court on 18 October 1968 and sentenced to 8 years' imprisonment; detained in Las Palmas; suffers from kidney ailment and loss of memory as a result of a beating in the prison; married with five children.

Nicholas SARTORIUS Alvarez de las Asturias Bohosquez (A) - aged 35; lawyer; member of Comisiones Obreras (Workers' Commissions), an illegal trade union organization, which has links with the Spanish Communist Party, and whose aims include pressing for workers' rights to membership in free and independent

*Names marked with an asterisk are not yet adopted prisoners of conscience but are under investigation.

List of Lawyers in Prison as at 21 August 1975 - 15

trade unions; arrested 24 June 1972 in a monastery near Madrid after a meeting of leaders of the Comisiones Obreras; charged under articles 172-4 and 251 of the Spanish penal code with "illicit association"; tried December 1973 and sentenced to 19 years' imprisonment and a 250,000 peseta fine; sentence reduced on appeal 11 February 1975 to 5 years; detained in Carabanchel Prison, Madrid; has been arrested three times previously for his opposition to the government and trade union activities.

Jose Ignacio TORRECILLA Zubicarreta * (B) - aged 20; law student; arrested 11 March 1974 in San Sebastian, and accused of belonging to a clandestine organization, Organizacion de Estudiantes de Guipuzcoa (Guipuzcoa Students' Organization), which is alleged to have links with the Movimiento Comunista de Espana (Spanish Communist Movement), one of the various factions which have split away from the Spanish Communist Party in recent years, and of distributing "subversive" publications; charged under articles 251 and 174 of Spanish penal code with "illicit association and illegal propaganda".

SYRIA

Nazir YUNIS (B) - aged about 28; lawyer and member of the Central Committee of the banned Kurdish Democratic Party (KDP) whose aims include securing the rights of the Kurds and the abolition of racial discrimination; arrested, probably in July/August 1973, with several other members of the KDP Central Committee, for protesting to the President against the deportation of 120,000 Kurds as part of the Arab Belt Plan; detained without charge or trial probably in Tel Hassan Prison, Damascus.

URUGUAY

Jose Servando ARRILLAGA Echeverria * (B) - aged 34; lawyer, lecturer at the National University of Uruguay, editor of Lucha Popular and member of Grupos de Accion Unificadora (GAU - Groups for Unifying Action), a legal organization until all political parties and groups left of center were banned at the end of 1973; arrested April 1974 with 24 other GAU members allegedly responsible for an explosion in the Faculty of Engineering at the university which resulted in the death of a student who was also a GAU member; held under the Law of National Security which brings civilians under military justice and charged with "subversive association"; detained without trial probably in Penal de Punta Carretas, Montevideo.

USSR

Ivan Oleksiyovich KANDYBA (B) - aged 45; Ukrainian; lawyer; arrested 1960/61 because of membership in Ukrainian Workers and Peasants Union whose aims included studying the feasibility of the Ukraine's seceding from the Soviet Union under article 17 of the Soviet Constitution; charged with "treason"; sentenced to 15 years' hard labour; detained in a Perm labour camp; has been on hunger strike twice, in 1971 to protest against sentence and prison conditions, and in 1974 to protest against the camp administration.

*Names marked with an asterisk are not yet adopted prisoners of conscience but are under investigation.

Lev Grigorevich UBOZHKO (B) - former engineer and physicist, external law student at Sverdlovsk University; arrested 29 January 1970 for distributing foreign leaflets in support of Grigorenko, Galanskov and Litvinov; charged with "possession of 'samizdat'"; tried 11/12 November 1970 and sentenced to 3 years in an ordinary regime corrective labour camp; retried (charges unknown) during his imprisonment and sentenced to compulsory psychiatric treatment; detained in a prison psychiatric hospital.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN (PDRY)

Tawfiq 'AZ'AZI * (A) - born in 1939; chief magistrate at the Aden Supreme Court, he was called to the English bar in November 1966. In 1970 he went to the Yemen Arab Republic where he met the PDRY Minister of Justice who persuaded him to return to Aden to resume his former position as chief magistrate, assuring him that he would come to no harm. On 31 March 1972 Tawfiq 'Az'azi disappeared from his flat in Fakri Building, Tawahi, Aden. His disappearance was apparently due to the fact that he had refused to convict and sentence some political detainees and had released them on the grounds that they had committed no offence under the penal code. Despite family inquiries to security headquarters, the President and the Minister of the Interior, 'Az'azi's present circumstances are unknown.

In May/June 1975 two AI delegates visited the People's Democratic Republic of Yemen and were told that Mr 'Az'azi had been released on 22 August 1974. They were also told that he was working in one of the Persian Gulf countries, possibly Abu Dhabi, and that his Somali wife was living in Maalla. This information was checked with AI contacts in the Gulf who maintained that Mr 'Az'azi was not in that area, and later AI received confirmation that the information supplied to the delegates by the PDRY Director of Prisons and the Permanent Secretary to the Minister of the Interior applied to an entirely different person. Tawfiq 'Az'azi is believed to be still alive and in detention.

YUGOSLAVIA

Jozo IVICEVIC-BAKULIC (B) - aged 45; Croatian; lecturer in law at Zagreb University; Secretary General of Matica Hrvatska, a Croatian cultural organization, and editor of its publication Hrvatski Tjednik; arrested 11 January 1972 and charged with "allegedly forming an illegal organization within Matica Hrvatska aimed at overthrowing Yugoslavia's social and political system" and "organizing a students strike"; Matica Hrvatska demanded greater autonomy for Croatia, as has been guaranteed by changes in the Federal Constitution; tried 9 October - 24 November 1972 and sentenced to 5 years' rigorous imprisonment, also banned from public appearances for four years and fined 400 dinar for expenses; detained in Stara Gradiska Prison.

Nikola JAKSIC * (B) - district judge of Doboj (Northern Bosnia); arrested 7 December 1972 during the 1972/73 purges and accused by the central authorities of conducting hostile propaganda aimed at destroying the unity of the peoples and nationalities of Yugoslavia and creating mistrust about the constitutional amendments; charged under article 118 of the Yugoslav penal code with "hostile propaganda against the State and people"; tried 23 March 1973 and sentenced to 2½ years' imprisonment.

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LISTS OF PRISONERS PUBLISHED BY AMNESTY INTERNATIONAL

Available from the International Secretariat

TRADE UNIONISTS IN PRISON	• November 1974
WOMEN IN PRISON (English, Spanish and French)**	13 March 1975
JOURNALISTS IN PRISON	28 April 1975
HISTORIANS IN PRISON	17 July 1975

Lists to be published soon

WRITERS IN PRISON

ACADEMICS IN PRISON

- Dates of compilation not publication
- ** Published by French Section