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Amnesty International,  
Turnagain Lane,  
Farringdon Street,  
London E.C.4

SURVEY OF POLITICAL IMPRISONMENT

JULY 1972

## SURVEY OF POLITICAL IMPRISONMENT

The Research Department commissioned Mrs. Margot Levy to examine the information on certain countries available in the files at the London office, and then put it into a concise and easily comprehensible form. The project was referred to as the pilot scheme of the Survey of Political Imprisonment.

It covers the following countries:

Indonesia, Singapore, Taiwan; Greece, the German Democratic Republic, Spain, U.S.S.R.; Iran; Brazil and Paraguay.

Each country is examined under the following headings:

- I. Number of prisoners.
  - (i) The total number of prisoners, and the proportion believed to be prisoners of conscience.
  - (ii) The number of prisoners adopted or under investigation by Amnesty groups.
- II. Recent political developments which explain the detention of the majority of prisoners.
- III. An analysis of the prisoners, indicating their political affiliation and (where appropriate) ethnic group and social class.
- IV. The Legal Framework.
  - (i) The laws under which most prisoners are detained.
  - (ii) Judicial procedure.
  - (iii) Administrative detention.
  - (iv) House arrest.
  - (v) Exile.
  - (vi) Restrictions on freedom of movement as a separate or supplementary penalty.
  - (vii) The Death Penalty.
- V. Prison Conditions.

The information in this survey is believed to be correct up to 5 April 1972.

We should be glad if Amnesty members commented on this experimental project, and let us know for what purposes - work for their prisoners, publicity, their own general information - they have used it, and whether there are additional items they wish to be included.

Zbynek Zeman

## INDONESIA

### I. NUMBER OF POLITICAL PRISONERS

- i. Total number of political prisoners: It is estimated that between 200,000 and 250,000 prisoners were arrested in 1965-66, following an attempted left-wing coup on 30 September 1965 and the subsequent violent purge of suspected Communist Party (PKI) supporters. By the end of 1971 Amnesty estimated the numbers detained at approximately 70,000. This is a higher estimate than official figures (50,000 in September 1971), but even these vary considerably and are often confused and contradictory. The purge of suspected communists has continued since the events of 1965-66, and several thousand people have been arrested in each subsequent year, a high point being the period preceding the general election of July 1971. Estimates for the number so detained are not available. It must be appreciated in considering both the Indonesian Government's statements and Amnesty's estimates that it is difficult to obtain accurate statistics of any kind in Indonesia.

The overwhelming majority of political prisoners are prisoners of conscience. Only a handful of those detained took any part in planning or carrying out the murder of the six generals which ~~constituted~~<sup>accompanied</sup> the attempted coup of September 1965, or in later armed resistance.

- ii. Number of adopted prisoners: 55.  
Comparatively few adoptions have so far been made because individual adoption has seemed less appropriate than negotiations on behalf of the political prisoners as a whole. Another important factor which limited individual adoption was the fear that intervention from abroad might cast further suspicion on the prisoners concerned and so delay the possibility of their being released.

### II. RECENT POLITICAL DEVELOPMENTS

The Republic of Indonesia consists of an archipelago of some 3,000 islands with an estimated population of 120 million (1971). The islands were administered as a colony by the Dutch from the sixteenth century; they were occupied by Japan during the Second World War, and Dutch attempts to re-institute colonial rule after 1945 were strongly resisted. Independence was proclaimed in 1945, but the Indonesian Republic attained international recognition only in 1949 after a four-year war of independence; in the same year Sukarno became the Republic's first President.

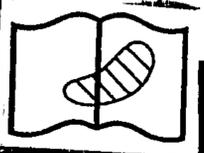
Since 1949, Indonesia has attempted three political systems in an effort to create the political and economic stability necessary for the survival of a large, diverse and radically underdeveloped country. In 1956, parliamentary democracy gave way to 'guided democracy' under the increasingly autocratic leadership of President Sukarno, who withdrew from the United Nations, based his foreign policy on fervent anti-imperialism, and pursued a policy of 'confrontation' (undeclared warfare) against Malaysia in an attempt to annex the north Borneo states. The Indonesian Communist Party (PKI), with a membership of three million and a claimed following of a further fourteen million, was the largest Communist movement outside Russia or China, the only legal Communist Party (with the exception of North Vietnam) in South-East Asia and exerted a growing influence on Sukarno's policy. The PKI's growing strength and alignment with Peking - combined with traditional Islamic prejudice against the Indonesian Chinese minority - encouraged fears among the Muslim community and among military leaders that communism would become the dominant political force in the country.

In September 1965 six prominent generals were murdered by a group of left-wing officers led by Colonel Untung; it was assumed that they were acting on behalf of the PKI. The Army retaliated by taking over effective control throughout the Republic. A purge of PKI officials and supporters was instituted. The military action initiated a wave of popular revanchism and indiscriminate killing, during which at least 300,000 communists or alleged communist sympathisers were murdered. By the time the PKI was officially proscribed in March 1966, 250,000 political prisoners were in detention as suspected members of the PKI or its supporting organisations. Arrests have continued on a substantial scale.

The right-wing government which has controlled Indonesia since 1966, when General Suharto became head of the Executive, has sought to obtain international recognition and aid from Japan and the West. In 1966 Indonesia was almost bankrupt and one of the new regime's first priorities was the reduction of government spending - including the abandonment of Sukarno's grandiose projects for prestige public expenditure - and the stabilisation of the rupiah. By 1970 stringent fiscal controls on spending and credit had helped to secure a moratorium on foreign debts - both the Western powers and the USSR had agreed to the rescheduling of debts over a thirty year period. Inflation had declined from 1140% in 1966 to 12% in 1970, and there has been an increase in output in all sectors of the economy; however, unemployment is high and wages are low - the average per capita income in 1971 was only \$4 per annum. The Suharto Government has succeeded in gaining international recognition, reversing Sukarno's policy of isolation from the West, and has obtained substantial financial aid and foreign investment from the West.

in Europe, Australia and Japan. The present Government has sought to bring the country on a programme of economic stability. The elimination of communism is an explicit and major point of policy. Although it came to power with considerable Islamic support, the Government has avoided the extreme theocratic position of the Muslim right wing. In July 1971 elections were held for the first time since 1955, resulting in a majority for the officially approved Golkar organisation of 233 out of the 360 seats contested. Another 100 seats are filled by Presidential nominees, many of them representatives of the Armed Forces. Members of the PKI or its mass organisations were prohibited from standing for election or voting, a large number of alleged Communist sympathisers were detained in the months before the election, while leaders of some contesting parties complained that their supporters had been intimidated.

Although fear of Chinese influence, accentuated by the Peking orientation of the PKI, was an additional factor in the purges of 1965-66, action was not then directed at individual Chinese. But in 1967 there was widespread discrimination and violence against the Chinese community (2.4% of the population) a minority group which had traditionally been resented by sections of the population for economic as well as religious reasons. There was a wave of violence against Chinese persons and property. More than 50,000 Chinese peasants were evicted from their homes in Kalimantan, supposedly on the grounds that they sympathised with the local guerilla movements, and in North Sumatra, a strongly Muslim area, 10,000 Chinese were expelled from the region and interned in Medan to await 'repatriation' to China - this group did not have Indonesian citizenship though they were long-standing residents, and were officially described as 'voluntary emigrants'. Approximately 4,000 were taken to the People's Republic of China on Chinese ships; the others have remained in Medan. The situation of those Chinese (approximately 750,000) who do not have Indonesian citizenship, remains insecure; approximately 250,000 have mainland Chinese nationality while 500,000 are technically stateless.



### III. ANALYSIS OF POLITICAL PRISONERS

Detention policy is based on the assumption that the PKI planned the 1965 coup attempt, using Colonel Untung as its instrument; individual responsibility therefore falls not only on the leadership but on Party officials and even down through the organisation to ordinary PKI members. Someone who held office in the PKI or SOBSI (the communist-influenced Trade Union Federation) or GERWANI (the PKI womens' organisation) is therefore said to have been 'involved' in Untung's attempt to take power, sometimes called the 30th September Movement. The prisoners have therefore been classified into one of three categories according to the believed degree of their commitment to the communist movement - and thus their 'involvement' in the 1965 coup plan. The classification process is carried out by military screening teams who investigate a detainee's past political activities and affiliations and allocate him to Category 'A', 'B', or 'C'. There is no review or appeal mechanism and the procedure is wholly non-judicial. The principles of the classification process were officially set out in 1969. Prisoners in Category A (those for whom the military authorities claimed they had evidence of "direct involvement" in the coup attempt) would be charged and tried; Category B prisoners, regarded as committed marxists but for whom there was 'insufficient evidence' for legal proceedings, would be deported to permanent exile on the island of Buru and elsewhere, Category C prisoners, who were merely suspects, would be gradually released. According to Amnesty's records, there were in 1971 between 75,000 and 90,000 prisoners, of whom 5,000 prisoners were in Category A, 10-15,000 in Category B, and 30,000 in Category C. There were in addition some 30-40,000 prisoners (Category X) who had not been classified, many of whom had been arrested after 1966.

By 1971 some progress had been made with the release of Category C prisoners, and possibly 10,000 had been freed; in January 1972 President Suharto announced that all 22,000 Category C had been released. In fact, not all of these releases appear to have taken place - it may be that local military commanders have simply not carried out releases decided centrally, or that many detainees although theoretically free remain de facto prisoners as members of compulsory labour units. By 1971, 10,000 prisoners had been deported to permanent exile on the island of Buru. Negligible progress has been made with the trial of Category A prisoners: only 200-250 trials have been held since 1966.

Thousands of prisoners have thus been held without trial for over six years because of their alleged support for a political party which was not proscribed until after their arrest, and against whom the authorities admit they have no evidence on which to bring legal proceedings. The detention of prisoners in 1965-66 was an entirely arbitrary proceeding by local military commanders, and a high proportion of the prisoners may have had only the most marginal association with the PKI or its supporting trade union, cultural and student organisations. The majority of prisoners are men, and they come from all social strata; the level of education is probably highest among those in Categories A and B, which contain the leadership of the PKI which survived the 1965-66 killings. The prisoners in 'B' category cover a wide spectrum ranging from Central Committee members of the PKI to rank and file members of left-wing student and cultural groups; there is a substantial number of teachers, doctors, lawyers and technologists. A number of 'B' prisoners were arrested when very young and are now only in their late teens or very early twenties. The youngest prisoner on Buru was arrested in 1965 at the age of 12.

## Violence

The overwhelming majority of the prisoners are the victims rather than the perpetrators of violence; only a few were directly involved in the murder of the six generals in 1965, and there were only a few known incidents of violent communist aggression during the succeeding massacres. With the exception of Kalimantan, where guerilla activity has continued for several years, there are no indications of any violent resistance to the present government, although in 1968 the discovery of a PKI 'military force' was announced in East Java.

## IV. LEGAL FRAMEWORK

### i) Laws under which most people are imprisoned/Administrative detention

The massive arrests of 1965-66 took place without any legal process; all prisoners are held by the Army, which has justified its actions (sometimes retrospectively) by reference to Sukarno decrees of the early 1960s authorising detention without trial during a state of emergency. These have been supplemented by more recent Presidential and military decrees. In practice the army's power of arrest and detention is unlimited; there is no regular procedure whereby prisoners are informed of the reasons for their arrest, they have no right of appeal, nor have they access to legal advice or protection. Although the Indonesian Constitution and legislation establishes legal rights for those in custody, in practice these do not apply to anyone arrested for political reasons.

### ii) Judicial procedure

Although the Indonesian Government claims that it intends to try the 5,000 Category A prisoners, fewer than 250 trials have been held since 1965. The Indonesian authorities estimate that trials will not begin in earnest until 1976 because of the time needed to prepare cases and train the judicial officials necessary for this task. Most of the prisoners who have been tried have been brought before military courts; although in theory they can choose a military or civilian lawyer to defend them, in practice this choice is limited because few lawyers are willing to act in political cases. No prisoner has been allowed access to a lawyer except when his trial is due. As prisoners are held under military jurisdiction, the civilian courts have no part to play in their detention; it is also relevant that the Indonesian legal system is grossly undeveloped and that legal remedies are not generally available to the Indonesian population at large.

### iii) Exile

The deportation of approximately 10,000 male prisoners to the almost unpopulated island of Buru in the Moluccas between 1969 and 1971 provoked international concern. The prisoners are apparently intended to remain on Buru permanently. They live in restriction areas, are in practice (if not theory) prisoners, and work as agricultural labourers in order to produce food on which to live. Although the Government has announced its intention of releasing some exiles, it seems that this will relate to the restrictions under which they live on Buru and will not include repatriation to their homes on Java or elsewhere. A few prisoners' wives will probably move to the island in the near future.

### iv) House arrest/Restrictions on freedom of movement

House arrest and restrictions on freedom of movement have been used on a large scale since 1965-66. In October 1969 the Attorney General stated that 47,000 persons had to report to the police regularly, and although no subsequent

official figures have been given the number so restricted will have remained high because all released prisoners have to report regularly to the local military commanders for between six and twelve months. In many areas, released prisoners are denied a political clearance certificate - a requisite for employment.

v) Death Penalty

Seven of the death sentences passed on Category A prisoners by military courts have been carried out; an unknown number have been commuted to life imprisonment. But these judicial sentences represent a minute proportion of the total number who have suffered summary execution since 1965.

V. PRISON CONDITIONS

Since 1965, prisoners have been held in prisons, camps and requisitioned buildings throughout the Republic. Except in the case of the small number of sentenced prisoners who are held in civilian prisons, administration is wholly in the hands of military officials. Normal Indonesian prison regulations do not therefore apply. Although it should be remembered that criminal prisoners' conditions are far from good, the conditions in which political detainees are held have been consistently, and often grossly, below the standards usually considered necessary for health or subsistence. There are now no longer reports of death from starvation, but alarming reports of malnutrition continue, and this in turn encourages illness. Although provision for the maintenance of the prisoners is made in the central budget, the sums allotted may fail to reach their destination or may simply be too small to purchase enough food. There were reports in 1966-68 that prisoners in East Java had been arbitrarily shot because the military authorities could not provide food for them. In Central Java, as recently as 1971, the regional military commander was compelled to deduct 1% from his soldiers' pay to provide food for the detainees. Conditions have improved since that time, but the incidence of TB and deficiency diseases among prisoners is growing, in some camps there is in practice no official medical attention, and as a general rule prisoners rely on minimal amounts provided by Christian relief organisations.

Reports of torture during interrogation continue.

No reading matter other than religious literature is allowed. Except in the case of Buru, correspondence between prisoner and family is forbidden. Family visits take place only at the discretion of the local military commander, and some prisoners have not seen their relatives throughout the period of their detention. Families are not informed of the arrest of relatives, nor, in many places, told of illness or death. The inadequacy of official funds encourages corruption among prison officers, some of whom, especially on Buru, are said to make substantial personal profits from relief sent in to prisoners in their care. Some officials also supplement their earnings by employing prisoners as labourers, supporting them with food, but retaining the profits as personal income.

## S I N G A P O R E

### I. NUMBER OF PRISONERS

- i. Total number of political prisoners: approximately 100. The official figure of 93 (January 1971) may not include all persons detained that month, and four journalists were detained in May. Three long-term detainees and one of the journalists were released during 1971. The majority of the detainees are probably prisoners of conscience, but as they are all detained without trial no formal charges have been brought against them.
- ii. Number of adopted prisoners: 17.  
Number of investigation cases: 11.

### II. RECENT POLITICAL DEVELOPMENTS

Singapore was administered by Britain as part of the Straits Settlements from 1867. It was captured by Japan in 1942, and became a separate colony after the end of World War II. Steps towards self-government began in 1953, and a Labour Front Government led by David Marshall was elected in 1955. Violent pro-communist riots in 1955 and 1956 were put down with the help of British troops; a State of Emergency and martial law were in force from 1955 to 1960, when the communist insurgency in Malaya was defeated. The radical leaders - whose main support lay in the Trade Unions and the Chinese Middle Schools - were released from preventive detention. In 1959, Lee Kuan Yew became Singapore's first Prime Minister and his People's Action Party (P.A.P.) obtained 43 of the 51 seats in Parliament with 53% of the votes cast. Foreign policy and defence remained under British control, and internal security under a mixed council of Singaporeans, Malaysians and British. Lee Kuan Yew hoped that, as head of an anti-colonial socialist government, he might easily secure federation with Malaya - a move long advocated by Britain for economic and strategic reasons. But this hope was obstructed by the formation of the Barisan Sosialis (Socialist Front) in 1961; the Front was led by former P.A.P. political figures who were officially regarded as pro-communist. In the 1961 elections the P.A.P.'s majority was reduced to one, but the massive popular support demonstrated for the Barisan Sosialis promoted Malaya's acceptance of Singapore's entry into a Federation of Malaysia, since this would make it easier to contain the left-wing threat represented by the Barisan Sosialis. The Federation was enlarged by the inclusion of the former British colonies in Borneo, Sabah and Sarawak.

The Barisan Sosialis campaigned vigorously (and sometimes violently) against Federation, objecting in particular to the agreement by which a separate Singaporean citizenship was introduced which would prevent left-wing Singaporeans from standing for election outside Singapore, and detention without trial was used to curb their opposition. The Government obtained a majority of 71% in a referendum on the proposed Federation, and the Malaysian Federation was established in July 1963. Although the P.A.P. won the ensuing elections in Singapore with 37 seats in Parliament, the strength of the Barisan Sosialis was demonstrated by its victory in 13 constituencies and the support of 30% of the voters. The Federal experiment was a failure, and Singapore seceded from it in 1965; disagreements between the Prime Ministers and Malay suspicion of Chinese influence came to a head when Lee attempted to field P.A.P. candidates in elections on the mainland. In the meanwhile, Malaysia's control over Sabah and Sarawak contributed to Malaysian - Indonesian confrontation, and there were pro-Indonesian Barisan Sosialis demonstrations in Singapore and serious race riots in 1964.

It is against this background that the Singapore Government has detained leaders of the Barisan Sosialis and Trade Unions, alleging that they are pro-communist and that their release would endanger national security. Singapore became fully independent after leaving the Federation, and adopted a Republican Constitution. Lee Kuan Yew has attempted to promote democratic institutions, but Singapore has become effectively a one-party State as the Barisan Sosialis has boycotted elections since 1963. It remains a legal party and represents popular opposition to the P.A.P. (the most recent estimates suggest that it would win 40% of the vote), but it refuses to participate in elections on the grounds that it does not recognise Singapore's independence. The Malay National Party has joined the Barisan Sosialis boycott, and in 1968 the P.A.P. won all 58 seats in Parliament. A new opposition party, the United National Front, opposing the Government's restrictions on personal liberty, failed to win any of the five seats for which it put up candidates in by-elections in 1970.

Since independence, Singapore's economy has developed rapidly, both in terms of entrepot trade and local industries, and population growth is being held back. The withdrawal of the British garrisons has been cushioned by economic assistance and mitigated by the development of a civilian army. The end of Malaysian - Indonesian confrontation has removed the immediate threat to Singapore's external security, although the Singaporean Government is convinced of the need to build up the island's defences against the long-term and continuing threat of China. Lee Kuan Yew's policies of promoting multi-racialism appear to be successful; despite complaints that the Malay minority do not have equal opportunities and that new housing developments threaten the communal nature of Malay family life, it is significant that there were no serious disturbances in Singapore during the Malaysian race riots of 1969.

Lee Kuan Yew is acknowledged to be one of the ablest diplomats and politicians now in office and was host to the first Conference of Commonwealth Prime Ministers to be held outside the U.K. However in May 1971 his autocratic treatment of the Press led to strong criticism. In addition to the detention of four members of the staff of the Chinese-language Nanyang SiangPau the Government deported the Editor of the Singapore Herald and revoked its licence to print, and closed down the Eastern Sun, alleging that all three papers were agents of 'black operations' to discredit the Singapore Government.

### III. ANALYSIS OF POLITICAL PRISONERS

The numbers of political detainees have fluctuated with the level of anti-Government demonstrations and according to the events outlined above. The official figures show an overall decline in the number of prisoners as follows:

1963	180
1964	181
1965	200
1966	203
1967	77
1968	62
1969 )	
1970 )	no official estimates
1971 (January)	93

The Barisan Sosialis claims that the official statistics underestimate the number of detainees, and that there are between 100 and 120. In January 1971, 13 supporters of the Barisan Sosialis were arrested, and four journalists

and executives of the Nanyang Siang Pau were detained in May. There is no means of verifying the Government's estimate since detention orders are not published and even close relatives may not be informed that an individual has been detained. In addition to the long-term detainees, groups of students and trade unionists are known to be held for short periods for interrogation.

According to Amnesty's (incomplete) records, the detainees now include:

- (a) a small number may have been detained since 1957 for alleged support of the Malayan Communist Party; Amnesty has been unable to verify the Barisan Sosialis' claim that there are such prisoners, but has records to show that at least one prisoner has been in prison since that date, having been served with a detention order on the expiration of a five-year prison sentence;
- (b) 27 persons detained since the Barisan Sosialis demonstrations against Singapore's entry to the Malaysian Federation in 1963; they did not benefit from the amnesty of detainees in 1967, and include members of the Barisan Sosialis, the Party Rakyat, and officials of trade unions, all of which organisations are alleged by the Government to be communist front organisations;
- (c) 25 persons detained between 1966 and 1969 following sporadic demonstrations, some of which involved violence, including trade unionists protesting against the Government's intensified control over union activities;
- (d) 13 members of the Barisan Sosialis and Party Rakyat arrested in January 1970 who are alleged to have been involved in 'hit-and-run' attacks intended to create disorder during the Commonwealth Prime Ministers' Conference;
- (e) An unknown number of young men sentenced to short terms of imprisonment for refusing to register for compulsory military service; these are not conscientious objectors in the terms laid down in the Constitution, which permits exemption from military service on religious grounds, but supporters of the Barisan Sosialis (including the son of the leader of the party) who have refused military service on political grounds since they reject the aim of defending Singapore against China;
- (f) Four senior staff members of the Chinese daily, Nanyang Siang Pau, served with two-year detention orders in May 1971 following government allegations that the paper 'glamorized' Communism and incited 'chauvinistic' feelings among the Chinese population. The detainees categorically deny the Government's charges and initiated unsuccessful habeas corpus proceedings, demanding to be tried under the Sedition Act, which specifically covers race relations. In December 1971, one of the four was released.

In addition to the long-term detainees, students, trade unionists and journalists have been held for short periods for interrogation. 12 persons - 11 of them women, some elderly - were arrested in January 1971 after demonstrating against the detention of their relatives, but were acquitted of a charge of demonstrating illegally in May. In general, it is clear that the Government uses political detention as a method of containing the opposition. The Government maintains that the long-term detainees are hard-core communists whose release would provide a public platform for communist propaganda. However, the prolonged detentions and the recent detentions of journalists under security legislation have provoked widespread criticism.

The majority of the detainees are men, and most are of Chinese origin, although there are also Malay and Indian prisoners. A high proportion are professional politicians, trade unionists, journalists and students.

## Violence

There have been a number of bombing incidents since 1969, the most recent involving an explosion during the Commonwealth Prime Ministers' Conference in January 1971. The police hold the Barisan Sosialis responsible, whilst the Barisan Sosialis maintain that their members are blamed for every act of vandalism that occurs. Singapore is a small highly-organised State with a well-organised police force which appears to be capable of containing existing threats to internal security. The memory of the Emergency of 1955-6 and the fear of racial violence (although there were no disturbances in Singapore during the 1969 Malaysian race riots) have strengthened the Government's determination to take strong measures to deal with the threat of violence. Resentment against the P.A.P.'s increasingly autocratic style of government and the absence of a parliamentary opposition may contribute to a future acceleration of violent opposition.

## IV. THE LEGAL FRAMEWORK

### i. Laws under which most people are imprisoned/Administrative detention

There are no sentenced political prisoners in Singapore. The Government has wide powers to order detention without trial, which has been employed since the Emergency Regulations of 1948. The 1955 Preservation of Public Security Ordinance (P.P.S.O.) passed by the Labour Front Government provided for the detention without trial for up to two years, subject to renewal, of any person whose activities constituted a threat to the security of the country, subject to review by a judicial tribunal sitting in camera, which had the power to order the release of a detainee if it was satisfied that he was not an immediate threat to public security. In 1959, the P.A.P. replaced this tribunal by an Advisory Tribunal appointed by the Government with no powers to order release.

The 1958 Criminal Law (Temporary Provisions) Ordinance provided for the detention of persons associated with activities of a criminal nature, and was intended to deal with secret society gangsters; it has since been used to detain political prisoners, together with the Malaysian Internal Security Act of 1970. This Act empowers the government to order detention without trial (s.8) and its provisions became law in Singapore by Malaysian Legal Notifications 271 of 1963 and 335 of 1964, during Singapore's membership of the Malaysian Federation. After 1965, persons held under the P.P.S.O. were detained under the Internal Security Act, which has been applied since the expiration of the P.P.S.O. in 1969. Under the Malaysian Internal Security Act, the Minister of Justice may issue detention orders which are renewable, for periods of up to two years; there is no appeal to the courts. Detention orders are subject to review by an Advisory Board every six months.

As the records of political detainees show, the Singapore Government has used the provisions outlined above to order the indefinite detention of members of the opposition. The Barisan Sosialis has boycotted the Review Tribunal since 1965 on the grounds that its members are appointed by the Government and in any case have no powers to order release. There is evidence that detainees are not released unless they have admitted their support of the Communist Party, and recanted; since 1966, releases have been accompanied by a public confession, usually televised, that the ex-detainee was a communist.

### ii. Judicial Procedure

The legal system is modelled on the English pattern, and judges in the superior courts are recruited from successful practising lawyers. The judicial standards are high, and there are no suggestions of corruption.

However, political detainees have no recourse to the courts. There is recent evidence that the judiciary and the Singapore Bar are disturbed by the Government's use of extra-judicial procedures. High Court judges have refused to serve on the Advisory Tribunal reviewing detention orders.

iii. Administrative detention see above

iv. Exile

Deportation became an established method of dealing with 'troublemakers' during the British administration of Malaysia. It was used against members of the Malayan Communist Party in the 1930's, and on a large scale between 1948 and 1950, when 35,000 Chinese were deported from Malaya to China. The use of deportation has continued since independence in both Singapore and Malaysia, and has been facilitated by the complicated citizenship laws introduced at independence and during the Federation. Banishment Orders may be imposed under the 1959 (Criminal Law Temporary Provisions) Ordinance, intended to deal with the activities of secret society gangsters. The Malaysian Internal Security Act provides that a political detainee may leave the country or be deported provided that another country is willing to receive him. This has led to at least one case of shuttlecocking of a Singaporean prisoner, who was detained in 1956, deported to China in 1967, refused entry at his own request, served with a Banishment Order on his return to Singapore, and convicted of a criminal offence for failing to comply with its terms, and finally released and admitted by the U.K. in 1969.

Some prisoners who have agreed to leave Singapore are unable to leave because although they were born in Malaysia, they are not Malaysian citizens and the Malaysian government will not accept them. China will not admit a deportee against his wishes.

The number of detainees deported under these provisions is not known, though one source (Daily Telegraph, 29.6.71) gives a figure of 23 deportations since 1965, mostly to China. Three detainees are known to have been admitted to China in 1969 after being served with Expulsion Orders, and a further three prisoners have been sentenced for failing to comply with Banishment Orders after a protracted period of detention. The conditions under which prisoners served with Banishment Orders are held are worse than those of political detainees as they are held in isolation on the top floor of the Renaid Prison, Queenstown, and are denied letters or visitors.

v. House arrest, restrictions on freedom of movement

The Malaysian Internal Security Act of 1960 empowers the Minister to suspend a detention order on a number of conditions, including the determination of residence and employment, prohibiting an individual from being out of doors during certain hours, requiring him to notify his movements, prohibiting him from travelling without permission, and prohibiting him from participating in any political activities. He may be permitted to leave the country provided another Government is prepared to accept him. (s.10). Released detainees therefore remain under strict surveillance.

## V. CONDITIONS OF IMPRISONMENT

Political detainees received relatively favourable treatment until 1963. International concern over reports of solitary confinement for the persons detained in 1963 led to some improvements (following inspection by a Red Cross delegate). There was a further deterioration from 1967, when detainees were dispersed in a number of different prison blocks. The present conditions are as follows:

(a) newly-arrested detainees are interrogated by the Internal Security Department at the Central Police Station, where they may be detained in solitary confinement for as long as three months. There have been cases of brutality during questioning.

(b) All political detainees have since May 1970 been held in the newly-built Moon Crescent Centre, Changi Prison. They are confined in single cells, which they only leave for six hours per day. The cells are small and poorly ventilated. Detainees spend five hours a day doing menial work, and during exercise periods and meals see only the three to five detainees in the same group. Food is described as unpalatable and a limited amount of food may be sent in by families. Books are restricted to six at a time, and subject to censorship; writing materials are restricted. There is one family visit of half an hour each week, conducted by telephone across thick soundproof glass. Conversations are terminated if prison conditions are mentioned. No inspection of prison conditions has been allowed by prisoners' lawyers. In December 1970 news was received of a protracted hunger strike in protest against prison conditions, and this was publicised by the Barisan Sosialis. The Prisons Act makes hunger strikes a minor offence (sec.60) and lays down three types of punishment for such an offence (s.58 (1)). The prison authorities attempted to curtail the 1970 hunger strike by resorting to forcible feeding; Amnesty received reports that this resulted in the development of aspiration pneumonia in a number of cases.

## T A I W A N

### I. NUMBER OF PRISONERS

- i. Total number of political prisoners: The total number of political prisoners is a military secret and no official statistics are given. Estimates (mostly from Taiwanese exiles) are that there are between five and ten thousand political prisoners. The overwhelming majority are prisoners of conscience; only a very small minority have been involved in the advocacy or use of violence.
- ii. Number of adopted prisoners: 18. There are in addition 102 cases under investigation by Amnesty groups, since there is insufficient evidence for full adoption. Amnesty has the names of some 1,000 prisoners, but the alleged reasons for their arrest, and information of trials or sentences is available for only 25%.

### II. RECENT POLITICAL DEVELOPMENTS

Taiwan has been controlled by the Nationalist (Kuomintang) Government of the Republic of China since 1945. The island had been occupied by Japan since 1895, and was restored to China at the end of World War II. The Nationalists were welcomed as liberators from foreign rule, but the corruption and rapacity of the Kuomintang provincial authorities provoked a Taiwanese rebellion in 1947, which was brutally suppressed. In 1949 the Nationalists were driven from the Chinese mainland by the Communists, and the Peoples Republic of China was established in Peking in October 1949. Chiang Kai-shek fled to Taiwan with some two million refugees; American aid was withdrawn from his discredited and defeated regime, and the extinction of the Kuomintang was imminent. The situation was transformed by the outbreak of the Korean War in June 1950: President Truman ordered the U.S. Seventh Fleet to 'neutralize' the Straits of Taiwan to prevent a Communist attack on the island, Taiwan became a bastion of American strategy against China, and a mutual security pact was signed in 1954. Economic development proceeded rapidly; the annual rate of growth is one of the highest in the world, the standard of living the highest in Asia after Japan, and reductions in American aid in the 1960's did not hinder economic growth. However prosperity has been accompanied by the maintenance of an entirely repressive political system, based on the fiction that the Government of the Republic of China still controls the whole mainland (so that Taiwan's representation on the elective organs of state is only 2-3%) and used to perpetuate oligarchical control by the mainlanders through the apparatus of the Kuomintang. Taiwan is effectively a one-party State, and executive decisions are taken through the Executive of the KMT. Although the KMT has a membership of over one million, it is pre-eminently a party of the mainland Chinese, and the Taiwanese majority (approximately 12 million) are excluded from political life. The Government has consistently suppressed all opposition or criticism: criticism of the Kuomintang, questioning of the Government's claim to be the legal government of China, and support for the Taiwanese independence movement - which seeks to introduce representative government - are punished with long prison sentences under martial law. The state of siege imposed in 1949 has never been lifted, and a formidable array of civilian and military intelligence agencies secures the arrest of suspected opponents of the regime for often trivial offences.

The Republic of China was a founder member of the United Nations and a permanent member of the Security Council, and it continued to occupy China's seat at the U.N. after the establishment of the People's Republic. Although many countries - both Communist and non-Communist - recognised the People's Republic as the Government of China, the United States successfully blocked

proposals for the admission of the People's Republic to the U.N., and both the Communist and Nationalist Chinese rejected the 'two Chinas' solution, under which a separate seat would be made available for Taiwan. The transformation of Sino-American relations in 1971 paved the way for the admission of the People's Republic to the U.N. in October 1971 in place of Nationalist China which was refused a seat. After his visit to Peking in February 1972, President Nixon acknowledged that 'Taiwan is part of China', and announced the 'ultimate objective' of the withdrawal of American forces and military installations from Taiwan. The timing of this withdrawal, and its effects of the 1954 agreement between the U.S. and the Nationalist Government were not specified, but the U.S. acknowledgment of the territorial integrity of China and Taiwan and of the territorial rights of the People's Republic over Taiwan has left the Nationalist Government diplomatically isolated. There are unlikely to be any immediate changes within Taiwan, although there was an unprecedented amnesty of a small group of political prisoners in October 1971.

### III. ANALYSIS OF POLITICAL PRISONERS

The number of political prisoners is estimated by Taiwanese exiles at between five and ten thousand, but there is no means of verifying this information as no publicity is ordinarily given to arrests. In addition to those serving prison sentences, large numbers are detained for interrogation for a period of days or weeks without trial. It is generally the case that anyone advocating Taiwanese independence or criticising the KMT is likely to be arrested and possibly convicted on the most arbitrary evidence. Teachers, students and writers are most vulnerable to persecution.

Amnesty has some information about the personal background, charges and sentences of some 1,000 prisoners in three prisons, the amount of information available being limited by the personal danger to those supplying it. An analysis of this information shows that of some 260 prisoners held in two prisons 87 have been convicted for activities associated with the Formosan Independence Movement, 55 are described as 'leftist' and 119 as Communist. 100 of the prisoners are known to have been born in Taiwan, and 120 in China; this is evidence of the Government's fear of opposition among refugees from the mainland, and of the fact that political persecution is universal. The high proportion of 'Communists' should not be regarded as indicating membership of a Communist organisation since this group (which accounts for many of the mainlanders in prison) includes people who may have been sentenced to long terms of imprisonment for belonging to a Communist youth organisation during their childhood. The prisoners are between 18 and 60 years of age, and many are serving sentences of between 15 and 27 years. Two advocates of Formosan Independence and one Communist have been sentenced to death.

Information about another group of 200 prisoners, for whom details are available, shows that 75 have been convicted for advocating Taiwanese independence, 73 for criticising the KMT (including 17 members of the police and armed forces described as victims of a purge within the KMT), 34 on account of membership of Communist youth groups or because of their association on the mainland before 1949, and only four because of their alleged involvement in acts of violence. 77 prisoners in this group are teachers, writers or students; 19 are traders or businessmen, 13 are clerks or technicians, and 23 are skilled or manual workers. As many as 34 are members of the army, navy, police or security services, and 11 are civil servants or party officials. These figures demonstrate the fact that criticism of the government tends to be concentrated among the educated elite, and that political imprisonment is used to ensure conformity within the KMT and especially in the army.

### Violence

There is no evidence that any of the political prisoners known to Amnesty has been involved in acts of violence, with exception of four who are said to have been convicted of an alleged attack on an aeroplane and one bombing incident. The control of the police and intelligence services, which include a wide network of spies and agents provocateurs, appears to be absolute.

## IV. THE LEGAL FRAMEWORK

### i. Laws under which most people are imprisoned

Martial law has been in force since 1949 under the declaration of the state of siege under which all public meetings, strikes, demonstrations or petitions are forbidden. The state of siege carries into operation the whole body of Martial Law (as promulgated by the Chinese Nationalist Government in 1934) under which the Military Commander may forbid assemblies, control publications, search premises, and detain suspects; all constitutional guarantees of civil liberty are negated by the state of siege. Additional provisions for the punishment of political offences are contained in the Statute for the Punishment of Rebellion (1949, amended 1950 and 1958), and the Statute for the Denouncement and Punishment of Rebels (1940, amended 1954). The death penalty is provided for a large number of offences, and others carry a minimum sentence of ten years. This legislation covers all forms of political activity.

### ii. Judicial procedure

Under the provisions of Martial Law, offences covered by the state of siege are dealt with by military courts, and the range of offences under military jurisdiction was increased by the Military Trial Law (1956, amended 1959). The Judicial Interpretation of November 26, 1956 removed the time limitation on the court's right to bring a prosecution, and prosecutions can be brought on the grounds of offences committed at any time, even during childhood. Trials are held in secret, and acquittals almost never occur. A prisoner is allowed to see a lawyer only after a formal indictment has been made against him, and a taped manuscript of his conversations with his lawyer is available to the court.

### iii. Administrative detention

In addition to the heavy penalties laid down for political offenders, the Statute for the Denouncement and Suppression of Rebels provides that 'those who commit lesser offences and need reform shall be sent for reform'. This enables the Garrison Command to intern individuals without trial for an indefinite period (detention may be ordered for periods of three years, indefinitely renewable), and there is no appeal.

### iv. Exile

This is not used as a penalty, and released prisoners are placed under close police surveillance to prevent their leaving the country.

### v. & vi. House Arrest / Restrictions on Freedom of Movement

Constant police surveillance is regularly employed over suspected persons and martial law empowers the Garrison Command to control an individual's movements.

vii. Death Penalty

The death penalty is provided for a number of political offences but according to the Government's Information Officer death sentences are no longer carried out. Amnesty has records of at least three prisoners who have been under sentence of death for some years. One source (1965) claims that eight death sentences were carried out during the six months he spent in a military prison, but Amnesty has no evidence that capital punishment is used at present.

V. CONDITIONS OF IMPRISONMENT

Political prisoners are held by the military authorities in special prisons under conditions far worse than those of other convicts. Prisoners are held incommunicado for a period of weeks or months during interrogation before trial, during which they may be subjected to physical or mental torture. After conviction, exercise, reading matter, letters and family visits (half an hour per week) are limited. Food is of poor quality but usually adequate. An unknown number of prisoners are held in the prison fortress on Green Island from which apparently no one is ever released.

## G R E E C E

### I. NUMBER OF PRISONERS

- i. Total number of political prisoners: There were at the end of March 1972 approximately 334 sentenced prisoners, serving sentences ranging from a few months to life imprisonment, and approximately 65 persons awaiting trial.
- ii. Number of adopted prisoners: 170.  
Number of investigation cases: 12.

### II. RECENT POLITICAL DEVELOPMENTS

Greece became a constitutional monarchy in 1911, but most pre-war Governments were authoritarian, and from 1936-41 General Metaxas established a right-wing dictatorship during which the active political persecution of the Left began. Greece was invaded by Italian forces in 1940 and by Germany the following year. British troops sent to assist the Greeks were forced to retreat to Crete, and the Germans occupied the greater part of the mainland, while the King went into exile. Resistance to the German occupation was organised mainly by the Communist Party (KKE) through a Popular Front (EAM), whose military wing (ELAS) developed into a well-organised guerilla army in the mountains. Even before the end of the German occupation the divisions between the Communist and royalist arms of the resistance had widened into open warfare. In 1944 ELAS's attempt at revolution was put down with the help of British forces, but civil war broke out in 1946. The USSR - having recognised Allied claims over Greece - sent no help to ELAS, and by 1949 the royalist forces, supplied with American arms, had wiped out the last pockets of ELAS resistance. There was considerable brutality on both sides during the civil war, and the legacy of hatred which survives from this period helps to explain the continuing gulf between Right and Left, the vilification of their opponents by both sides, and the political apathy which has followed the coup of 1967.

Parliamentary democracy was restored in 1946 and the royal family returned from exile. Between 1946 and 1951 no party gained a clear majority and 13 different cabinets held office. From 1952 to 1963 a right-wing coalition government provided political stability, and economic growth slowly gathered momentum with American aid. Greece became a member of NATO in 1951. The Communist Party was banned in 1946; 20,000 Communist prisoners were held at the end of the civil war, and although these prisoners were gradually released political scrutiny of former Communists continued. Some Communists continued to work through the legal United Democratic Left Party (EDA).

In 1963 the right-wing government fell and a Centre Union Government was formed under the veteran liberal and republican George Papandreou, whose social reforms showed some promise of real progress. However, in 1965 Papandreou quarrelled with the young King Constantine over control of the army and allegations of a conspiracy of left-wing army officers known as Aspida, involving the Premier's son. A caretaker government was formed pending elections which were due on 28 May 1967, and which were expected to result in a victory for the Centre Union.

In April 1967 a hitherto unknown group of right-wing army officers seized power in an efficient and virtually bloodless coup d'etat, claiming that their intervention was necessary to avert national disaster and a threatened Communist takeover. Some 6,000 people - including the Prime Minister, the leaders of all political parties, and all known former Communists - were arrested, and martial law was proclaimed. In December 1967 King Constantine went into exile.

after the failure of a royalist counter-coup, and the head of the military regime, Colonel Papadopoulos, renounced his Commission and became Prime Minister; in March 1972 he assumed the office of Regent. The consolidation of the present regime has been accomplished through a purge of the civil service, the judiciary, the teaching profession, the Church, and the Army, and the introduction of educational programmes identifying anti-Communism and 'Christian' nationalism. A new draft Press Law, for example, demands that journalists be 'inspired by the Hellenic-Christian tradition'. Criticism of the regime is suppressed, and all political parties are proscribed; only registered trade unions are allowed, and unofficial strikes are illegal.

Greece has been heavily dependent on US aid throughout the post-war years, and became a member of NATO in 1951. Owing to her strategic importance, the US government is anxious to keep Greece within NATO. American military aid was officially suspended immediately after the coup d'etat, but was restored in September 1969. The Foreign Affairs Committee of the US House of Representatives voted in August 1971 for the cessation of military aid until Greece has returned to democratic rule, but President Nixon, who has in the past expressed support for the military regime, can ignore this decision on the grounds of 'over-riding requirements of national security'. Greece was a member of the Council of Europe until December 1969, when she resigned to avoid the certain expulsion following the findings of the European Commission on Human Rights that the torture and ill-treatment of prisoners had been 'officially tolerated'. Negotiations between Greece and the European Economic Community were frozen at the time of the coup.

Opposition to the Government within Greece has been controlled by the use of political imprisonment on a wide scale. The Government has sought to win popular support by an ambitious programme of economic reforms including road and public building projects, the cancellation of farmers' debts, and higher salaries for army officers and public servants, and by its assurance of stability after the political instability of the post-war period. Some though of the more ambitious of the government's projects have failed to find foreign financial backing. The opposition in exile is weakened by divisions between the different parties and factions. The most effective, open, and persistent opposition has come from the intelligentsia in Greece, including some leading members of the business community.

### III. ANALYSIS OF POLITICAL PRISONERS

The political prisoners include members of all political parties and alleged supporters of exile organisations opposed to the present regime. An analysis of the 334 prisoners detained in March 1972 revealed that there were 312 men and 22 women among them. Nearly half the prisoners were serving sentences of over 15 years imprisonment, and 33 were serving life sentences. Of the 254 prisoners whose occupations were known, 65 were students, 80 were workers, 13 were farmers and 96 were members of professions, including professors, lawyers, doctors, army officers, engineers, civil servants, teachers, and magistrates. The latter figure reveals the significant extent of opposition to the regime amongst the intelligentsia as well as the Government's determination to root out the leadership of potential opposition groups.

There are also an unknown number of Jehovah's Witnesses who have been sentenced to terms of imprisonment for refusing to carry out military service.

#### Violence

The 1967 coup was virtually bloodless - though considerable violence was inflicted on those detained - and no organised violent resistance movements have developed. There have been a few isolated bomb attacks and an assassination attempt was made on the Prime Minister near Athens in 1968, but there are no indications that violence is increasing.

#### IV. THE LEGAL FRAMEWORK

##### i. Laws under which most political prisoners are charged

Martial law was imposed at the time of the coup d'etat in April 1967, and continues in force in certain areas although the Greek Government announced in April 1971 that martial law would be reduced to 'a mere shadow' by limiting the jurisdiction of the military courts to 13 specific offences listed in the penal code. Most political prisoners have been sentenced under Law 509 (1947) of the Penal Code, passed during the Civil War and providing penalties for those charged with 'the direct or indirect aim of putting into practice ideas aimed at the violent overthrow of the State and social regime in its present form'. Since 1971 the majority of those charged under Law 509 have been tried by civilian courts. The offences reserved to the military courts include revolt, damaging state property, incitement to revolt, incitement and plotting to commit a felony, disturbing the public peace, spreading false reports, forming an armed band, and causing an explosion, as well as cases involving five violations of martial law concerning propaganda against the established constitutional order, unauthorised possession and operation of radio transmitters, the illegal disposal of duplicating or printing machines, the transmission or performance of music by Mikis Theodorakis (the Communist composer, detained for three years and now in exile) and the sale of records by Melina Mercouri, the expatriate actress and outspoken opponent of the regime.

Recently, Civilian Courts have on occasions refused to sentence defendants under Law 509.

The sentences imposed by both military and civil courts under Law 509 are considerably higher than those imposed in ordinary criminal proceedings. 118 of the 334 sentenced prisoners in March 1972 were serving sentences of over 15 years imprisonment, although none had been accused of murder, armed robbery or any other offence which would carry such heavy penalties under criminal law.

##### ii. Judicial procedure

Since 1971 the majority of those charged under Law 509 have been tried by civilian courts, although the trial of Lady Fleming before a military tribunal in September 1971 shows that the government is concerned to reserve important political cases to military courts. Military trials are in principle open to the public, but observers regarded as undesirable may be excluded. The accused is allowed defence counsel, but lawyers are often obstructed in both civil and military trials by inadequate access to their clients and lack of information, sometimes being informed of the date of trial at very short notice. Defending counsel have themselves been charged and sentenced for carrying out their professional tasks. The civil judiciary was purged after the 1967 coup, and 25% of the highest ranking members of the judiciary were dismissed and replaced by political appointees - they included the President of the Council of State, the supreme judicial authority. Defence counsel operate slightly more freely in the civil courts than before courts martial, but they are still subject to the obstruction mentioned above. There is a slightly higher proportion of acquittals - usually through lack of evidence - before the civil than the military courts.

##### iii. Administrative detention

At the time of the 1967 coup, approximately 6,000 persons were arrested and detained without trial. The majority were released in 1968-9, and the last 79 were released at Christmas 1971. Some of those detained were charged and sentenced, and transferred to prison.

Administrative detention has now officially been abolished, and in April 1970 the Government announced the implementation of Article 10 of the new constitution, which guarantees that no person should be arrested or imprisoned without a judicial warrant, and that charges must be brought against them within 24 hours. However, this provision is generally ignored, and many prisoners were known to have been held for many months without trial or charge and without access to a lawyer or to their families. There have been frequent reports of torture during interrogation, and the European Commission of Human Rights found in 1969 that the torture and ill-treatment of prisoners had been officially tolerated by the Greek Government. Reports of torture have continued to emerge from prisoners, especially at their trials.

iv. House arrests/Restriction on freedom of movement

House arrest has frequently been used against opponents of the regime. Deportation to remote areas has been used against released detainees, and in a few cases prison sentences have been commuted to enforced residence in a remote area under police surveillance. The use of this method of restriction appears to be declining, but all released prisoners and detainees have to declare their place of residence, report regularly to the police, and their freedom of movement may be restricted. Released prisoners experience great difficulty in finding future employment.

v. Death penalty

The death penalty may be imposed under Law 509. Only one death sentence - against the soldier Panagoulis alleged to have made an assassination attempt against Mr. Papadopoulos - has been passed since the coup, but this was not carried out.

V. PRISON CONDITIONS

Sentenced prisoners are held mainly in Aegina, Alikarnassos (Crete), Chalki, Eplapyrgion (Salonika), Kerkya (Corfu), Korydallos (Piraeus) and Trikala prisons. The detention camps, including the notorious island prisons on Leros and Oropus, where internees were held after the coup, have been closed. Political prisoners are known to be detained under very poor conditions, particularly at prisons on Kerkya (Corfu) and Trikala. There have been reports from most prisons of inadequate heating, lighting, food, and medical care. In 1969 the Greek Government agreed to allow the International Red Cross to inspect prisons, but abrogated this agreement after it had been in operation for only a year. There is considerable concern for the health of prisoners, particularly the ill and elderly. In March 1972, 22 prisoners had been temporarily released for health reasons, but two were returned to prison - against the advice of their doctors - and their requests for further suspension of their sentences was refused. Political prisoners have been refused the remission of one-third of their sentences normally available to ordinary criminals.

## E A S T G E R M A N Y (DDR)

### I. NUMBER OF PRISONERS

- i. Total number of political prisoners: There are no official figures as the Government denies that any political prisoners are detained. Current estimates available to Amnesty from West German sources estimate that there are between three and four thousand political prisoners, but it is difficult to obtain information about many groups of prisoners - persons sending information about prisoners abroad risk prosecution - and these estimates cannot be verified. The majority of political prisoners are probably prisoners of conscience.
- ii. Number of adopted prisoners: 15. There are in addition 38 cases under investigation by Amnesty groups, including prisoners not yet tried, cases where there is a possibility that a charge of espionage may be substantiated and a few cases where very little information is available.

### II. RECENT POLITICAL DEVELOPMENTS

The German Democratic Republic was established in the Soviet zone of occupied Germany in 1949, and is not recognized by Western countries. From the time of its foundations the DDR was dominated by Walter Ulbricht, First Secretary of the ruling Socialist Unity Party (S.E.D.) until his retirement in 1971, and Chairman of the State Council (the Head of State) from 1960, a post which he still holds. Ulbricht is the only Communist leader to have remained in power since the end of the war, due to his firm control of the Party and his unswerving loyalty to the Moscow line - he was a strong supporter of the Warsaw Pact invasion of Czechoslovakia in 1968. His successor as First Secretary of the Party, Erich Honecker, is unlikely to introduce any new departures. Tension between the DDR and the Federal Republic of Germany has decreased with Chancellor Willy Brandt's treaties with Poland and the USSR in 1970, which were ratified in May 1972. Although the West German Government has not yet officially recognized the DDR, high level talks have been held between East and West German ministers.

One factor which held back post-war reconstruction of the DDR was the loss of population through West Berlin. Between 1950 and 1960, an estimated 3½ million East Germans emigrated to the West, including a high proportion of doctors, teachers, lawyers, engineers and skilled workers. Emigration was stopped by the building of the Berlin Wall in 1961, and the rest of the frontier with West Germany was strengthened. The only East Germans who may legally enter the West are people on government business, and old age pensioners (who are allowed a four-week visit to the West once a year). Very few people manage to leave illegally and the majority attempting to do so are caught and sentenced to terms of imprisonment. The sealing of the frontier contributed to East Germany's economic revival in the 1960's, and it is now the most highly industrialized and most prosperous state in Eastern Europe.

The Constitutions of 1949 and 1968 provide for an elected Volkskammer (People's Assembly). However elections are organized to ensure an almost unanimous vote in favour of supporters of the S.E.D., who belong to a large number of small political parties standing for election as a National Front. The Volkskammer is usually a rubber stamp for the decisions of the Politburo of the S.E.D. which also determines the decrees promulgated by the State Council. The Government is firmly in control; there have been no large-scale popular demonstrations against the regime since the widespread strikes of 1953 (which were crushed with the help of Soviet tanks and troops). Since 1961 opponents of the regime have been unable to express their discontent by 'voting with their

feet', but the strong security system and the subsequent raising of the standard of living have maintained stability.

### III. ANALYSIS OF POLITICAL PRISONERS

Political imprisonment has been declining since the 1950's. In 1951 (on the basis of the official figures of 1950) there were some 13,000 political prisoners who had been detained since 1945. By 1961, there were an estimated 9,000 prisoners, and by 1966 an estimated 6,000. As stated above, all estimates are based on West German figures and Amnesty has no means of checking their accuracy or of determining the exact number of prisoners of conscience. Because East Germans have such close ties with the West it is sometimes possible to obtain very detailed information about prisoners through their relatives in West Germany, but in many instances only the names of prisoners are available and there is no means of establishing why they have been imprisoned; it is a paradoxical situation, where pockets of detailed information contrast with areas of ignorance. The general trend has been that whereas in the 1950's individuals were imprisoned for long periods on very slight pretexts, most East German prisoners during the last decade have benefited from amnesties, and the present policy is to combine frequent arrests with short sentences. It should be noted that East Germany has pioneered various forms of penological reform in respect of the treatment of criminals, and that although certain political offences are more heavily punished than common crimes (see IV below) the political prisoners have benefited from the trend towards shorter sentences.

The adopted prisoners of conscience fall into three categories.

(a) Persons sentenced for attempting to leave the DDR illegally, or for assisting others to do so.

The 1968 Constitution excludes the right to emigrate, and few applications to leave the country are granted. Despite the difficulties in the way of a successful escape, several hundred people attempt to emigrate illegally each year. Those who fail and are tried under the provisions of the penal code forbidding illegal emigration are considered to be prisoners of conscience; the U.N. Declaration of Human Rights defines freedom of movement as a basic human right, and Amnesty regards persons attempting to migrate as 'voting with their feet'. Such prisoners are adopted provided they have not used violence or helped people to leave the country in exchange for payment. The majority of Amnesty's adopted prisoners - over 80% in May 1971 - fall within this category, since they are likely to have contacts in the West. Most of these prisoners are serving sentences of about two years. The majority are in their twenties and most are professionally qualified - they include doctors, nurses, teachers, engineers.

(b) Persons sentenced for 'incitement to boycott democratic institutions' or for offences involving criticism of the policies of the regime. There are probably a very large number of these prisoners, but Amnesty has only been able to obtain information about a handful of them. It is now known that a large number of arrests were made for criticizing the invasion of Czechoslovakia in 1968. Those arrested included several hundred high school children (including the children of prominent Party members, who were soon released). Many people were sentenced to terms of imprisonment of between 2 and 4 years, but no details are available. The majority of prisoners in this category are teachers, students and writers.

(c) Jehovah's Witnesses. The sect is banned in the DDR, and membership is an offence. Very heavy sentences were imposed in the early 1960's on members of the sect who had refused military service. The current estimates by the Jehovah's Witnesses in the West are that there are 64 young men serving sentences of 18 to 22 months for refusing military service. All long-term prisoners have been

released and those now convicted have the same sentences and treatment as Lutherans or others who have refused military service on conscientious grounds.

(d) In addition, a number of prisoners charged with espionage are under investigation. Espionage is defined so widely that prisoners so charged are sometimes adopted where there is adequate information to show that their offence has consisted of expressing opinions hostile to the State or of very innocuous activities.

#### Violence

There have been no outbreaks of popular violence in the DDR since the general strikes of 1953. One reason for the internal stability of the regime may be that until 1961 West Berlin acted as a safety valve, and the convinced opponents of the regime were able to emigrate whilst the new generation has grown up accustomed to authoritarian control.

#### IV. THE LEGAL FRAMEWORK

##### i. Laws under which most people are imprisoned

The Constitution of 1968 provides for most human rights, but excludes the right to emigrate and the right to strike. Persons attempting to leave the DDR illegally or assisting others to do so may be sentenced to imprisonment, a fine, or public rebuke. Severe cases may be punished by sentences of five years. (Penal Code, para. 213). Persons assisting others to emigrate for alleged payment may be sentenced under para. 105, which prohibits 'trading in persons hostile to the State'.

The Penal Code provides for sentences ranging to the death penalty for treason, espionage, spreading illegal propaganda, supporting organizations hostile to the DDR, forming illegal organizations, etc. Offences frequently involved for adopted prisoners are 'incitement hostile to the State' (para. 106/1), punishable with imprisonment of 1 to 5 years, and 'defamation of the State' (para. 220), punishable with imprisonment of up to 2 years, or with probation, a fine or public rebuke.

In general, it should be noted that the 1968 Penal Code imposes heavier sentences for political than for criminal offences; theft involving manslaughter, for example, is punishable by 2 years imprisonment, but high deterrent sentences are imposed for political crimes.

##### ii. Judicial procedure

As in other Communist countries, there is no separation of powers between the government and the judiciary. Judges are appointed for four-year terms and are answerable to the State. Political prisoners usually plead guilty. Political trials are secret, though invited guests are occasionally admitted for the prosecution's opening speech and the final sentencing. However, it should be noted that show trials have not been used in the DDR as a method of purging the Party.

iii. Administrative detention is not provided for in the Penal Code, but political prisoners are sometimes held for as long as 18 months awaiting trial. Prisoners are held incommunicado until the investigation is completed.

##### iv. Restrictions on freedom of movement

The Government controls where people live and work under the 1961 Decree governing Restriction of Residence. In principle, all released prisoners return

iv. Restrictions on freedom of movement

The Government controls where people live and work under the 1961 Decree governing Restriction of Residence. In principle all released prisoners return to work, and the prison authorities and local government organs are responsible for finding every prisoner a job and a place to live after his release; any subsequent discrimination against a person because of his prison record is punishable by law. These provisions were devised as part of the DDR's enlightened attitude towards the after-care of criminals. In the case of political prisoners, the regulations will be used to ensure that ex-prisoners are isolated from their former associates. Teachers are seldom, if ever, able to return to their profession, and most white-collar workers will probably be placed in manual occupations. Since 1961, fixed work and domicile orders have been served on many political prisoners for a certain period after their release. In addition, the Decree has been applied to move suspected persons out of Berlin, or well away from proximity to the Berlin Wall.

v. CONDITIONS OF IMPRISONMENT

A full account of prison conditions may be found in Amnesty's Report on Prison Conditions in East Germany (1966). There are prisons in most cities, the best known being Brandenburg, Bautzen and Cottbus. The majority of long-term political prisoners are held in the Brandenburg Prison, and are subject to the strictest regime (Category 1). They work long hours (though the small proportion of their earnings they are allowed to retain supplements the inadequate prison diet), are poorly fed and allowed one censored letter from a relative each month, one monthly visit, and one annual parcel. Prisoners are allowed approved reading matter. One of the political prisoners' greatest hardships is the continuing practice of holding them with criminals, who act as spies for the prison authorities, a practice which imposes great mental strain, and some prisoners have been sentenced to a further term of imprisonment on the basis of remarks made in prison. Various forms of psychological pressure and physical deprivation may be used during the prolonged period of interrogation. There have been no recent reports of the existence of labour camps.

## S P A I N

### I. NUMBER OF PRISONERS

- i. Total number of political prisoners: there are an estimated 800 political prisoners who have been tried and sentenced, and a fluctuating number, many of them students, arrested for short periods. There are in addition 200 conscientious objectors imprisoned for refusing military service. The overwhelming majority of political prisoners are prisoners of conscience.
- ii. Number of adopted prisoners: 330-350, 155 of whom are conscientious objectors. There are in addition 17 cases under investigation by Amnesty groups, these being members of Basque nationalist organisations who may have taken part in acts of violence.

### II. RECENT POLITICAL DEVELOPMENTS

In 1931 Spain was proclaimed a Republic on the abdication of King Alfonso XIII. A provisional Government of Republicans and Socialists, backed by the powerful trade unions, held office until the General Election of February 1936 resulted in an outright victory for the left-wing Popular Front. A military revolt under the leadership of General Franco rapidly gained the support of the landowners, the Church, monarchists, and industrialists. Spain was plunged into civil war. After three years of bitter fighting with the loss of a million lives, the war ended with victory of the Nationalist forces. General Franco assumed power as Chief of State, Head of Government, Generalissimo, and Caudillo (Leader) of the Falange (the National Movement). The Nationalist victory owed much to aid from Nazi Germany and Fascist Italy, but Spain remained neutral during World War II, and General Franco modified the openly Fascist image of his regime by the restoration of the Cortes (Parliament) in 1942 and the institution of a charter of constitutional rights (the Fuero de los Espanoles) in 1945. Since 1947 Spain has technically been a monarchy, with General Franco retaining the office of Head of State for life; in 1969 the succession was settled on Don Juan Carlos de Borbon.

Suppression of political opposition has been a characteristic of the Franco regime since its foundation. Popular participation in Government is permitted only through the representation of family heads and municipalities in the Cortes (whose membership is predominantly official, and which has only advisory functions), and political parties are banned. Membership of the state-controlled Sindicatos (vertical trade unions) is compulsory and all other trade union organizations are banned. Freedom of assembly, freedom of association, and freedom of expression are severely restricted. In recent years the Government has been transformed by the exclusion of the Falangists and the promotion of the so-called 'technocrats', many of them members of the Catholic lay organization Opus Dei, who have sought to modernize the Spanish economy, encourage foreign investment, and seek close links with the E.E.C., with whom Spain signed a trade agreement in 1970. However their progressive economic policies have not led to any political liberalisation, and the suppression of opposition to the regime has continued.

This opposition has grown in recent years, and covers a wide political and social spectrum. It ranges from the moderate liberals, whose criticism of the Government has become more outspoken over the last five years, to the increasing clandestine activity of the Communist, Anarchist and Socialist parties.

Strikes and non-official trade union activities are prohibited by Spanish law, but industrial unrest is widespread (and is increasing because of the accelerating rate of inflation) and illegal trade union organisations exist in all industrialised areas. Since 1969 every important industry has been affected by strikes and in 1970 Spain had more strikes than any European country except Italy. The Church, traditionally one of the strongest supporters of the regime, has - under the influence of the liberal policy of the Vatican and the protest movement among the lower clergy particularly in the Basque areas - sought to detach itself from the State and has called for political and human rights. Opposition among students led to violence at the beginning of 1972 and the closing of some faculties at all Spanish universities. The most extreme opposition to the Government has come from the Basque nationalists, whose militant separatist organisation (ETA) has been responsible for sabotage, assassination, and kidnapping. The growth of opposition from these many quarters has led to stronger repressive measures against the Press, trade unionists, and national extremist groups.

### III. ANALYSIS OF POLITICAL PRISONERS

There are an estimated 800 sentenced political prisoners, the majority of whom are members of the Communist party. The 187 political prisoners adopted by Amnesty groups may be classified as follows:

(i) Over 100 are described as members or alleged members of the Communist party, which is the best-organised opposition party. Under the leadership of Sr. Santiago Carillo (who is in exile) the Party broke with Moscow over the invasion of Czechoslovakia though some splinter groups retain links with Moscow and a few are avowed Maoists. Since 1969-70 the Party has pursued a policy of solidarity with all opposition groups - including the Catholic Workers Organisation, HOAC - in order to carry out direct action against the Government. The most important method of organisation against the Government has been the establishment of Workers' Commissions (Comisiones Obreras), illegal trade union organisations which are strong in the industrialised areas around Madrid and Barcelona. Many leaders of the Comisiones Obreras have been prosecuted under the Public Order Law, and 21 of them, serving long terms of imprisonment, have been adopted by Amnesty. (It should be noted however that not all leaders of the Comisiones are Communists, and that the proportion of political prisoners described as Communists may be inflated because the official press releases, while giving detailed reports of the trial of Communists, are reticent about describing prisoners as Socialists.) The Communist Party has promoted direct action against the Government through industrial action, student revolt, and political demonstrations. The Communist candidates have also won all the elected positions available at the lowest level of the official sindicatos, the elections having been boycotted by the Socialists and Anarchists. When those elected have attempted to exercise their legal powers they have frequently been charged under the Public Order Law or dismissed from employment without compensation.

(ii) The two great pre-war trade unions, the Socialist U.G.T. and the Anarchist C.N.T., continue to operate illegally, and both parties have active youth branches. The Socialists are traditionally strong in the Asturias mines and in the Basque country, and a small number of adopted prisoners are described as Basque Socialists, members of the U.G.T., or Anarchists and members of the C.N.T.

(iii) The number of students imprisoned fluctuates, most of those arrested being released after a short time, charged under the Public Order Law or suspended from their studies. Amnesty has adopted eight prisoners - some of them Communists - serving long sentences for their part in student unrest.

(iv) Illegal separatist movements in the Basque areas have gained wide support. The half-million Basques joined the Republican side in the Civil War because the Republic had granted them regional autonomy, and after the Nationalist victory the Basque language and local customs were suppressed. The local clergy were unique in opposing the Nationalist cause, and have continued to support the national aspirations of the Basque people; in 1960, 339 Basque priests signed a letter to their bishops protesting against the denial of civil liberty, political imprisonment and the practice of torture. Since 1963 there has been a militant Basque nationalist movement, the ETA, advocating violent resistance. Sporadic violence in the Basque areas has on four occasions since the Civil War led to the imposition of a state of emergency in the Basque areas. In 1968 the assassination of a police chief believed to have tortured ETA suspects led to hundreds of arrests and the trial in Burgos of 16 alleged terrorists, six of whom were sentenced to death but whose sentences were commuted. 16 alleged members of ETA are under investigation by Amnesty groups, since it is likely that the allegations of violence against them are unfounded. Amnesty's adopted prisoners include 11 Basque priests, many of them charged with sheltering prisoners or assisting their families, and 10 Basque prisoners described as nationalists or socialists and not associated with ETA.

In addition to the political prisoners, there are 200 conscientious objectors serving prison sentences for refusing to carry out military service. The majority are Jehovah's Witnesses. Military service is compulsory, and there is no provision for conscientious objection on religious or ethical grounds. Prisoners are sentenced to successive terms of imprisonment for refusing to carry out military service until the end of call-up age. Amnesty has adopted 155 conscientious objectors.

#### Violence

The principal opposition group advocating violent resistance to the regime is the Basque nationalist organisation, ETA, which has carried out a number of sabotage operations and whose members were found guilty in the Burgos trial of the assassination of a police chief. There is however an increasing amount of violence in clashes between the police and students and workers, which has led to a number of deaths - including that of a worker shot at point-blank while distributing pamphlets - and sporadic violence appears to be increasing.

#### IV. THE LEGAL FRAMEWORK

##### i. Laws under which most people are imprisoned

There are three concurrent systems of law in operation, and each carries penalties for the opponents of the regime.

The Law on Public Order (1959, amended 1971) is administered by the Executive. The Council of Ministers, Minister of the Interior, Director-General of Security, Civil Governors and Mayors are empowered to impose fines on persons charged with breaches of law and order. Such breaches are very widely defined, and include organised strikes, public demonstrations, illegal meetings, and hostile propaganda. Terms of imprisonment may be imposed in the event of non-payment of fines. There are no rights to legal defence, and appeals lie with the higher administrative authority. Amendments introduced in July 1971 - despite strong resistance from the Cortes, the General Council of Spanish Lawyers, and others - greatly increased the scale of fines, to a maximum of 250,000 pesetas (£1,500), which may be increased by 50% for persistent offenders. The maximum period of imprisonment in the event of non-payment was increased from 30 to 90 days. The Law on Public Order is frequently used against workers involved in strikes and illegal trade union activities.

The Penal Code is administered by the Judiciary. Its provisions include penalties for illegal associations, 'gross insults to the Spanish nation' (defined as a treasonable offence and carrying major penalties), strikes, and illegal propaganda. The Penal Code is supplemented by Decree Laws enacted annually by the Head of State. Most political prisoners have since 1963 been tried by the Public Order Courts established in that year (they were previously brought before military tribunals). The accused has the right to defence counsel and of appeal to the Supreme Court.

The Military Courts have jurisdiction in cases involving espionage, military rebellion, and insurrection. 'Military rebellion' includes mutiny, strikes, sabotage, and any similar act if they are 'inspired by political motives or seriously disturb law and order'. In addition, martial law operates during the period of a State of Emergency, which has been declared on four occasions in the Basque areas since the end of the Civil War, most recently in 1971. In 1968 the Decree against Banditry and Terrorism, under which the military courts may impose the death sentence or up to thirty years' imprisonment for a wide range of activities, was introduced to deal with the Basque resistance. The Decree was re-enacted annually until 1971, when it was made permanent by the incorporation of the Law of Banditry and Terrorism into the Code of Military Justice. Lawyers were generally excluded from summary military tribunals - this practice has recently changed - and appeals to the Supreme Court of Military Justice may only be made by the Captain-General of the Military Region, not on the initiative of the accused.

Penalties for such acts as illegal propaganda and strikes are therefore provided under each of the juridical systems. There have been cases where a prisoner has been tried by more than one court for the same offence, and examples where a group of prisoners, involved in the same offence, have been separated into two groups, receiving very different penalties according to whether they were subject to military or civil jurisdiction. In 1970 a draft Organic Law of Justice, unifying the courts and abolishing the exceptional jurisdiction of the military courts over civilians, was prepared by the Government for submission to the Cortes, but no further progress has been reported.

#### ii. Judicial Procedure

In trials under the penal code, the accused does not have the right to communicate with a lawyer during the period between his arrest and his appearance before a court. It is during this period that the accused is called upon to make a confession. Trials are public (although in practice the public galleries are often filled by plain-clothes policemen) unless the presiding judge orders that they be held in camera since matters concerning public order or public morality are involved. There is a professional judiciary, and appointments are made by the Executive. There is no provision for defence counsel for persons brought before administrative tribunals under the Public Order Law or before military courts for summary judgement. Spanish advocates - both individually and collectively through the College of Advocates, which is represented in the Cortes - have shown great courage in representing political prisoners, often at personal cost: some prominent defence counsel have been suspended from practice on the grounds that they have insulted the Public Order Court by questioning its jurisdiction or by introducing issues considered irrelevant to the proceedings by the presiding Judge, such as the use of torture by the police.

#### iii. Administrative detention

Article 18 of the Fueros provided that no Spaniard may be arrested except in the cases prescribed by law, and that all arrested persons must be freed or turned over to the judicial authorities within 72 hours. This provision is

frequently ignored, and there have been many instances of detention for several weeks before the accused is brought before a judge. It is during this period that the prisoner is called upon to make a confession, and there have been frequent and regular reports of the use of torture in police stations during interrogation. After being charged before a judge, the prisoner may be kept in 'preventive imprisonment' until his trial. Bail is often refused in political cases, or fixed so high that the prisoner cannot pay it. There have been cases where 'preventive imprisonment' has continued for up to three years.

During the proclamation of a state of emergency, the police may detain suspects indefinitely without trial.

The Public Order Law (see (i) above) provides for detention for up to 90 days on the findings of an administrative tribunal.

iv. Restrictions on freedom of movement

House arrest has very occasionally been used, and in 1962 Article 14 of the Fueros (which guarantees freedom of residence) was temporarily suspended by Decree to enforce the exile to the Canary Islands of 80 Spaniards who had attended a Congress of the European Movement in Munich, and called for democratic reforms. This provision has not subsequently been used, but released prisoners appear frequently to be blacklisted by the sindicatos to experience great difficulties in finding employment.

v. Death Penalty

The death penalty is applicable for the crime of military rebellion. The death sentences passed on six Basque nationalists after the Burgos trial in December 1970 were commuted by General Franco following an international protest.

v. CONDITIONS OF IMPRISONMENT

Political prisoners are held with common criminals in prisons throughout Spain; conscientious objectors are held in military prisons. The main complaints received by Amnesty concern grossly inadequate medical facilities, poor and insufficient food and sanitation, and overcrowding. Political prisoners are frequently subjected to disciplinary punishments - including solitary confinement for up to 80 days - for alleged misconduct, which includes letters of protest, hunger strikes, and breaches of minor regulations.

In theory, all prisoners may earn remission of sentence by serving in the prison workshops, and may serve the last quarter of their sentences under 'conditional liberty' - these privileges are never allowed to political prisoners.

U.S.S.R.

I. NUMBER OF PRISONERS

- i. Total number of political prisoners: The total number of prisoners is variously estimated as between 5,000 and several hundred thousand. Accurate information is available for only a small proportion of prisoners. The overwhelming majority of those convicted of political offences, and all victims of religious persecution, are prisoners of conscience; only a tiny minority have advocated or taken part in acts of violence.
- ii. Number of adopted prisoners: 250. Amnesty has the names of some 600 persons, but adoption is only possible where some details of trial and sentence are available. There are in addition 39 cases under investigation by Amnesty groups, most of whom are prisoners awaiting trial.

II. RECENT POLITICAL DEVELOPMENTS which account for the detention of the majority of prisoners

Until his death in 1953, Stalin's system of governing Russia had claimed the lives of an estimated 20 million people in twenty years, and brought about the imprisonment, exile and deportation of millions more. One of the first acts of Stalin's successors was the abolition of the N.K.V.D., the Secret Police whose courts had sentenced hundreds of thousands to death or labour camps in secret and summary proceedings. Many political prisoners were released immediately, and further amnesties and official rehabilitation (i.e. declarations of innocence of alleged crimes) followed the denunciation of Stalin by Khrushchev at the 20th Party Congress of 1956. As far as can be determined in the West, almost all political prisoners detained during the Stalinist period have been freed, although they may have remained in the areas to which they were banished after release from labour camps. One group known to have been continuously interned in labour camps since 1944 are the Ukrainian nationalists who resisted the Soviet re-occupation of the Ukraine after the German retreat; this group are technically prisoners of war, who have been continuously detained in defiance of the Geneva Conventions. But whole populations continue to suffer from the legacy of Stalinist persecution, notably the Crimean Tatars, forcibly deported to Central Asia in 1944 and denied the right to return to the Crimea although members of other nationalities have been allowed to settle there.

Destalinization brought the release and rehabilitation of political prisoners but it should not be interpreted as a policy of liberalization. Stalin's successors have aimed to establish legality, to strengthen party organs and party democracy, and to promote economic growth. Destalinization was never intended to alter the totalitarian character of the Soviet system or to authorize dissent, and the sweeping terms of the relevant articles of the post-Stalinist legal codes have provided the Soviet authorities with ample powers to suppress critics of the State. During the 1960's an increasing number of Stalinist functionaries were reinstated in high office, and the present leadership's determination to enforce the Moscow interpretation of Communist orthodoxy was definitively demonstrated by the invasion of Czechoslovakia in 1968. The KGB, successor to the NKVD, is probably the most massive security system in the world, and it effectively controls political arrests and trials (see IV below). The State restricts freedom of expression, freedom of assembly, freedom of movement, employment, education and religious observance; critics of Soviet policy, advocates of civil rights, members of certain religious groups, and leaders of national minorities are subjected to continuous pressure and frequently prosecuted.

Political dissent is seen by the authorities as either an unnecessary luxury or a threat to the security of the state: its size and geographical position between Europe and the Far East has made the task of its rulers difficult.

### III. ANALYSIS OF POLITICAL PRISONERS

#### i. Critics of the Soviet Government and advocates of civil rights

The prisoners in this group are those best known in the West. They include the writers, scientists and academics who, despite the continuously repressive policies of the Soviet Government, have protested against Soviet policy, denounced the suppression of civil rights, and publicized the conditions under which prisoners are detained in labour camps and mental hospitals. The civil rights movement has been growing since 1960, and the Soviet authorities have been embarrassed by the support the movement has obtained from leading scientists (who occupy a privileged position and are to some extent protected by their international repute) and writers. The founders of the Soviet Committee for Human Rights (established in November 1970 and declared illegal the following February) included eminent scientists, who were joined by the writer Alexander Solzhenitsyn. No critics of the Soviet regime are immune from persecution of some form: this may take the form of professional demotion, enforced "treatment" in a mental hospital on the basis of a bogus psychiatric examination, loss of employment and residence permits, a term of imprisonment in a prison or labour camp, or exile to a remote area. Details of the civil rights movement and of the penalties imposed on its supporters are assembled in the Chronicle of Current Events, an underground journal circulated in typescript in the Soviet Union and published in London, in an English translation, by Amnesty International. Those detained include critics of Soviet policy (including the demonstrators who staged a brief sit-down in the Red Square, Moscow, in protest against the Soviet invasion of Czechoslovakia), distributors of samizdat (unofficial literature), and those who have themselves protested against imprisonment of critics of the regime - the most recent well-known case being that of Vladimir Bukovsky, who was sentenced to a total of 12 years of imprisonment, exile, and house arrest, for publicising the treatment of dissidents in mental hospitals; he had previously served three years' imprisonment in a labour camp for agitation in favour of the writers Sinavsky and Danil.

Amnesty knows of between 75 and 100 prisoners in the category. The majority of them are members of the intelligentsia.

#### ii. Religious prisoners of conscience

The majority of the prisoners sentenced because of their religious beliefs are members of the dissident Baptist congregations which broke away from the official All-Union Council of Evangelical Christian Baptists (AUCEB) in 1960 on the grounds that the AUCEB was influenced by atheists from the State Council for Religious Affairs in Moscow. Most dissident Baptist congregations have been refused the registration which the authorities require, and are subject to continuous persecution. Both the leadership (such as the leaders of the 1966 Moscow deputation of 157 Baptists from all over the Soviet Union, and the leaders of the Council of Baptist Prisoners' Relatives, formed in 1964) and the rank and file have been sentenced to terms of imprisonment for alleged disturbances of the peace or for breaking the laws which regulate the practice of religion in the USSR. The persecution of religions in the Soviet Union has varied in intensity according to the determination of the central authorities in enforcing atheism (both Baptists and some leaders of the Orthodox Church were subjected to persecution during Khrushchev's anti-religious purge in the early 1960's) and there has always been some variation in anti-religious

persecution in different parts of the USSR. A small group of prisoners have been sentenced for advocating political reform along religious lines.

In December 1970 the second All-Union Congress of the Council of Baptist Prisoners' Relatives in Kiev addressed an open letter to the Secretary General of the United Nations recording that since 1962, 524 Baptists had been imprisoned, of whom 176 were currently detained. There are at present 130 prisoners adopted by Amnesty who have been convicted for breaking the laws regulating the practice of religion; some of them have been also sentenced for carrying out anti-Soviet propaganda. The Baptist prisoners are drawn from all parts of the Soviet Union and the majority are labourers or artisans.

Although the majority of religious prisoners of conscience in the USSR are Baptists, some members of the Orthodox Church have also been sentenced to terms of imprisonment for breaches of the laws controlling religious practice. There are some prisoners who are members of small sects, notably the banned Jehovah's Witnesses.

### iii. Leaders of national and ethnic minorities

Each of the 15 Republics composing the USSR represents a national group, whose cultural and linguistic rights are recognised to varying degrees by the Constitution, and there are in addition 91 recognised 'national groups'. The Russians are the largest nationality, and there is controversy about the extent to which national languages other than Russian are recognised; a number of national groups believe that their civil and cultural rights are being denied. Amnesty has records of prisoners sentenced for advocating greater national rights for the Armenian, Moldavian, Latvian, Ukrainian and Turkmen people.

The majority of prisoners in this category are Ukrainians. Ukrainian resentment of Moscow was intensified by Stalin's forcible collectivization of agriculture in the 1930s and the massacre and deportations of the Kulaks, the large farmers, by Stalin. Many Ukrainians welcomed the German occupation of 1941 and resisted Soviet re-occupation in 1944. Latterly there have been protests and many arrests for the Ukrainians' opposition to what they considered to be an intolerable policy of Russification, including the use of Russian in secondary schools and universities. The Soviet Government has taken strong action to suppress Ukrainian nationalism: the leaders of a short-lived non-violent secessionist movement were sentenced to 15 years' imprisonment in 1961. Amnesty know of numerous cases of Ukrainian nationalists imprisoned for advocating greater autonomy for the Ukraine or for protesting against alleged discrimination against Ukrainian in the proportion of books published by the State. There are similar, smaller movements in the Baltic provinces, and in Moldavia, and Armenia.

The Crimean Tatars have been pressing for the right to return to their homeland. They were deported to Central Asia in 1944, with great loss of life, and although they have been officially cleared of the charge of collaborating with the Germans, they have been refused permission to return to the Crimea, although members of other nationalities have been allowed to settle there. Major-General Grigorenko has been held in a mental hospital since 1969 for taking up their cause, and a number of their leaders have been sentenced to terms of imprisonment for allegedly exaggerating the numbers who died as a result of deportation.

Most Soviet Jews live in the cities of western Russia and the Ukraine. (There are only a few thousand in the so-called Jewish region in eastern Siberia called Birobidzhan). The pogroms of Tsarist times are still remembered, and during Stalin's antisemitic campaign of 1948-52, all Jewish schools, theatres, and publishing houses were shut and many leading Yiddish writers and Jewish leaders were shot. Although this campaign is officially

condemned, the Middle East War of 1967 and Soviet pro-Arab policy produced a new wave of antisemitism. Many Soviet Jews - a small but growing minority - have applied for permission to emigrate to Israel. Only a fraction of the total number of applications have been granted, but over the years some thousands have been allowed to emigrate: 13,000 were allowed to do so in 1971, an exceptionally high year. Many of those who have applied to emigrate have been victimised by being deprived of their jobs, and interrogated by the KGB. Some have been sentenced to terms of imprisonment for allegedly disseminating Zionist propaganda. In 1970 a group of Leningrad Jews were sentenced to long terms of imprisonment for a plot to hijack an aeroplane and fly to Israel. The number who have applied to emigrate is estimated at 70,000. In addition, some of those imprisoned for their activities in the civil rights movement are Jews.

#### Violence

Few prisoners in the Soviet Union have been involved in acts or attempted acts of violence (the Leningrad hi-jack plot being an exception) - the obstacles to violent opposition to the State are obvious. There have been some fringe organisations such as the All-Russian Social-Christian Union for the Liberation of the People, which advocated a popular rising against the regime, but the State is so powerful that such groups command little support. Outbursts of popular violence of a non-political character - such as food riots (reported in the Donbass in 1962) - are dealt with by troops. There have been frequent incidents of violence being employed by the police against peaceful demonstrators or religious meetings.

#### IV. THE LEGAL FRAMEWORK

##### i. Laws under which most people are imprisoned

Freedom of speech, freedom of the press, and freedom of assembly are guaranteed by Article 125 of the Soviet Constitution of 1936, and freedom of religion by Article 124, but these guarantees have no application in practice. The USSR abstained from voting when the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations in 1948.

Freedom of expression and freedom of assembly are restricted by Articles 70 and 190 of the Penal Code of the Russian Soviet Federated Socialist Republic (RSFSR), and by similar provisions in the Penal Codes of the other 14 Republics comprising the USSR. These Penal Codes were drawn up in the post-Stalinist period, when the criminal law was revised and rationalised, and the Courts were strengthened. The Special Board of the NKVD - which had been responsible for the execution, imprisonment and exile of hundreds of thousands of 'socially dangerous persons' in secret and summary proceedings - was abolished immediately after Stalin's death. The Statute on Military Tribunals (1958) limited their jurisdiction over civilians to cases of espionage and complicity in military trials. In the same year, reforms in the criminal codes included the abolition of such counter-revolutionary crimes as 'representing or committing a socially dangerous act' or 'active deeds against the working class or against the revolutionary movement', while the penalties for political offences were rationalised and reduced: the maximum period of deprivation of freedom was reduced from 25 to 15 years, exile and banishment were limited to five years, and such punishments as being declared an enemy of the people and deprivation of political and civil rights were abolished.

But although the jargon of counter-revolutionary crimes and punishments disappeared, and the arbitrary methods characteristic of Stalin's regime gave way to a rationalised system of jurisdiction the range of political offences remains wide enough to include any criticism of the regime; political offences

have continued to be punishable by heavier penalties than common crimes. The original RSFSR Penal Code of 1960 was thought by many Soviet citizens and politicians to be too lenient in its treatment of political offences, and the range of political crimes has been extended. In 1961-2 penalties for the most serious crimes against the State (which include anti-Soviet agitation and propaganda) were drastically increased, an additional sentence of a period of exile was applied as a supplementary punishment in a large number of crimes, and a new range of crimes against the State - including crimes against the economic and administrative system - were introduced.

Most critics of the Soviet regime are convicted under Articles 70 or 190 Section I of the RSFSR Penal Code or their equivalent. Article 70 provides that

"agitation or propaganda carried out with the purpose of subverting or weakening the Soviet regime or in order to commit particularly dangerous crimes against the State, the dissemination or production or harbouring for the said purpose of literature of similar content are punishable by imprisonment for a period of from six months to seven years."

"Anti-Soviet agitation and propaganda" have been interpreted in the widest terms to silence writers critical of the regime. The terms of Article 190, Section I, introduced in the autumn of 1966, are however wider still, providing that

"the systematic distribution in verbal form of clearly false fabrications discrediting the Soviet State and public order, as well as the preparation or distribution in written, printed or other form of such contents ... shall be punished by deprivation of liberty of up to three years ..."

Article 190, Section I, renders any verbal criticism of the Soviet system a punishable offence, and there is no necessity to prove that the accused intended to "subvert or weaken Soviet authority". Similar penalties may be imposed for "the organisation as well as participation in group activities which rudely disturb public order" (Article 190, Section 3), and have been invoked against Baptist gatherings as well as against the Red Square demonstrators in 1968.

The laws regulating freedom of religion are complex. The activities of religious organisations have been severely curtailed since the 1929 Law on Religious Associations, which limits the holding of religious services and the conduct of religious education to registered communities, which may lease premises for these purposes from the State. The religious groups recognised by the State are the Russian Orthodox Church, the Baptist Church and the Jewish and Muslim communities. Certain groups, such as the Eastern Rite Roman Catholics (the Uniates) and the dissident Baptist congregations, have a semi-legal status; others such as the Jehovah's Witnesses, are banned outright.

Article 142 of the RSFSR Penal Code provides for the separation of church and State and provides penalties of up to three years in a labour camp for such actions as "enforced collections and taxation for the benefits of religious organisations", "the committing of deceitful acts, aiming at arousing religious superstition among the masses of the population", "the organisation and systematic teaching of religion to minors". Article 227 provides penalties of up to five years' imprisonment for the organisation of activities which, under the appearance of preaching religious beliefs and performing religious ceremonies, are "connected with causing harm to citizens' health or with any other infringements of the person or rights of citizens, or with inducing citizens to refuse social activity or performance of civil duties, or with

drawing minors into such groups." Specific propaganda directed at the commission of such acts is punishable by up to three years' imprisonment.

These laws enable the Soviet authorities to persecute religious groups of all denominations. In addition to the specific penalties provided, Article 227 lays down that if the activities mentioned "do not represent a great social danger, measures of social pressure may be applied to them". This provision provides legal immunity for the disruption of religious meetings and the harassment of religious groups.

#### ii. Judicial procedure

One of the most important post-Stalinist reforms was the abolition of indefinite detention without trial, and political prisoners are now tried and sentenced by the courts - with the important exception of those confined in mental hospitals who may be detained indefinitely on the findings of a Special Board of Psychiatrists, although there have been cases where such prisoners have been tried in absentia on the ground of their mental unfitness to plead, and ordered by the courts to undergo a period of compulsory treatment. This respect for legality (which is part of the general strengthening of the courts and the procuracy as part of the legal reforms of the early 1960's) does not mean that trials are open in the Western sense; in the first place, no political prisoners are ever acquitted, although prisoners are occasionally released after investigation - this implies that decisions as to the guilt of a prisoner are taken by the Security Police in deciding whether to bring a prisoner to trial, and not by the judges; in the second place, political trials are not usually open to the public - close relatives are occasionally allowed into the court, but although Soviet Law states that trials shall be open to the public unless state secrets are involved, the public galleries are often filled with plain clothes Security policemen and the public are not allowed to attend. Invariably finding political offenders guilty, the judiciary are assumed to be acting in accordance with the dictates of the Security Police or the Central Committee of the Communist Party, who are also probably responsible for determining sentences.

The rights of defence counsel have been cautiously expanded in recent years; the Constitution declares that the accused has the right to defence, but does not specify at what stage in the proceedings this right may be exercised. An amendment of August 1970 permits defence counsel to be present at the preliminary examination with the consent of the prosecutor, and there are Soviet jurists who are anxious to extend the right of defence counsel to the moment of arrest. Although the defence lawyers in political trials have argued that, for example, the prosecution's case does not amount to a breach of the laws involved, their speeches do not appear to make any impact on the courts.

#### iii. Administrative detention

Prisoners are not held without trial, in prisons for indefinite periods, although the period of investigation before trial may last for up to a year, and during this period bail is not allowed, visits from relatives are rarely permitted, and lawyers are only given access to prisoners after the completion of preliminary investigations.

Confinement in mental hospitals is a particular form of imprisonment without trial: even if an individual is committed to undergo a course of treatment in a mental hospital by a court order the accused is disqualified from pleading against such an order by reason of his alleged insanity.

iv. Exile

The Penal Code provides that exile of between two and five years may be imposed as a punishment on its own or as a supplementary punishment following a term of imprisonment in a prison or a labour camp. Exile consists in the removal of a convicted person from his place of residence, to a remote place, where he is assigned work by the executive committee of local Soviets of Workers' Deputies.

Banishment may also be imposed as a basic or supplementary punishment, and consists in a prohibition against a convicted person living in certain localities, without prescribing where he shall go.

Under an edict of the Soviet Praesidium of 1961 persons who "avoid socially useful work, derive unearned income from the exploitation of land plots, automobiles, or housing, or commit other anti-social acts which enable them to lead a parasitic way of life" may be sentenced to "resettlement" in designated localities, where they are obliged to work. A number of writers have been sentenced to terms of "resettlement" under these anti-parasite laws.

v. Restrictions on freedom of movement

There is no freedom of movement or residence in the Soviet Union. Residence permits are required for all citizens, and may be withheld from people in trouble with the authorities. Residence permits in towns are given only to those who were born there, who have lived there for a substantial period of time, or who have been offered employment there. It is under such regulations that the Crimean Tatars have been refused permission to return to the Crimea. Town dwellers with residence permits and certain other people may obtain internal passports which enable them to travel to most places within the USSR without formality, subject to registration with the local militia. The vast majority of rural inhabitants cannot obtain such passports and are seriously restricted in their freedom to choose employment or travel.

Employment is controlled by the State. Individuals under suspicion by the authorities may have difficulty in obtaining the employment of their choice, or be dismissed from their positions - this has frequently occurred in the case of Jews who have applied for permission to emigrate. The courts may impose a sentence of "correctional tasks without deprivation of freedom", whereby a convicted person is assigned for a period of up to a year to particular tasks "determined by those in charge of the execution of the sentence". During this period, the convicted persons have to pay between 5 and 20 per cent of their wages to the State. The Courts may also disqualify convicted persons from occupying certain offices or engaging in certain activity.

There is no freedom to emigrate. Trips abroad are only possible in the context of Party-approved missions, delegations or tourist groups and the procedure for obtaining permission to travel abroad in this way is perhaps one of the most complex in the world; the applicants are often refused permission, even at the last moment. The absence of freedom to emigrate has been demonstrated by the attempts of many Soviet Jews to obtain permission to emigrate to Israel. The fact that several thousand have been allowed to do so represents an exceptional concession by the Soviet authorities.

vi. Death Penalty

The death penalty is provided for the most serious crimes against the State and for some economic crimes, but is seldom used. Although two of the Leningrad Jews who plotted to hi-jack an aeroplane were sentenced to death in December 1970, the sentence was commuted as a result of international publicity.

V. PRISON CONDITIONS

Prison conditions in the Soviet Union are well documented in the accounts of former prisoners published in the West. The majority of political prisoners are detained in the Dubrovlag (Potma) complex of prison camps in Mordovia, 200 miles south-east of Moscow, where 30,000 prisoners are detained. There are recent reports that labour camps still exist in the Kolyma district of North-East Siberia. Political prisoners are subject to worse treatment than many criminals; they are almost invariably held under the second most austere of the four categories of prison treatment, the "strict regime", under which they receive a daily ration of 2,400 calories (sufficient for a child aged 7-11) on which they are required to perform heavy manual work in all seasons. "Refractory" prisoners are placed on "special regime" punishment rations of 1,300 calories. These conditions rapidly undermine the prisoner's health and amount to a policy of deliberate starvation. An appeal to the International Red Cross from a group of political prisoners in the Mordovian labour camps in December 1971 stated that

"the entire system of camp maintenance is aimed at gradually transforming a person into an unthinking, intimidated, and obedient animal, consenting in advance to anything at all".

The prisoners declared that more than half the 480 inmates in their camp were invalids, whose health had been undermined by deprivation of calories and vitamins, and who were denied medical facilities. Similarly harsh conditions of imprisonment have been described by Baptist leaders. Conditions in Vladimir Prison in Moscow are reported to be worse than those in the labour camps (though there are some reports of improved conditions in prisons elsewhere).

Physical violence is not used during interrogation, solitary confinement and prolonged questioning being the characteristic forms of psychological pressure used to secure confessions.

During the last ten years, mental hospitals have been used to an increasing extent for the punishment of political dissidents. The victims are subjected to drug therapy, and are held on the basis of spurious forensic diagnoses, alongside genuinely deranged persons. The majority of reported cases were diagnosed at the Serbsky Institute in Moscow, but similar detentions are known to have been ordered in Special Psychiatric Hospitals in other parts of the Soviet Union. The victims include writers and scientists.

Internment in a mental hospital can cause permanent physical and psychological damage, and there have been cases of death resulting from the methods of 'treatment' employed or from suicide. There is no limit to the length of time for which a prisoner can be detained in a mental hospital, and released prisoners may be ordered to submit to further periods of compulsory 'treatment' or 'investigation'.

## I R A N

### I. NUMBER OF PRISONERS

#### i. Total number of political prisoners

No official figures are available; unofficial estimates range from 2,000 to 20,000. The latter figure is perhaps high, but numbers have undoubtedly risen in the last 18 months. It is impossible to estimate the number of prisoners of conscience and distinguish them from drug smugglers and guerilla activists, since most trials are held in secret, and information is, generally speaking, extremely difficult to obtain.

ii. Number of adopted prisoners: 15. This low figure reflects the difficulty in obtaining reliable information.

### II. RECENT POLITICAL DEVELOPMENTS

Iran is, in theory, a constitutional monarchy; in practice, however, the Crown is the sole source of authority. The present King, Mohammad Reza Shah, ascended the throne in 1941, on the abdication of his father. At that time, Iran was occupied by Russian and British forces.

In the immediate post-war period, the Shah faced considerable challenges to his rule, which may help to explain his present refusal to allow any opposition, and his persecution of dissidents. Under the protection of Soviet forces who, together with the British, had occupied the country in 1941, an independent Republic was proclaimed in Azerbaijan, a province of Northern Persia, by the communist Tudeh Party; and, under considerable pressure, the Shah was forced to accept communists in his cabinet. Members of the Tudeh Party were later expelled, and the republic in Azerbaijan collapsed; but in the late forties and early fifties, a new crisis presented a further challenge. The Prime Minister, Dr. Mossadeq, managed to create a National Front, uniting a wide variety of opposition groups on the demand for the nationalisation of the oil industry, largely controlled by British interests, and in 1951 the Majlis and the Senate approved a Bill nationalising the oil industry. The issue quickly became a constitutional one concerning the relative powers of King and Prime Minister and, after internal disturbances, the Shah was forced to flee the country. In his absence, the Army put down the opposition, Dr. Mossadeq was arrested, and the Shah was invited to return. Agreement with the oil companies was reached in 1954.

Once the Shah had shown his ability to survive such a severe crisis, the American attitude to his regime, formerly sceptical of his survival, began to change. The Shah himself determined to use increased oil revenues and American aid to finance a programme of economic development and a carefully controlled series of social reforms, including land reform. At the same time, the American Central Intelligence Agency helped to provide the Shah with an efficient security organisation.

The new policy, cautious at first, encountered considerable opposition from the landowners, who at that time dominated the parliament; and there was considerable, though sporadic, unrest in the towns, whose causes were partly economic. Nevertheless, in 1963, the Shah announced his 'White Revolution' - land reform, worker shares in industry, nationalisation of some natural resources, a literacy campaign, the emancipation of women - and promptly held a national referendum to endorse it. The degree of reform achieved by the 'White Revolution' is difficult to assess.

In the period after 1963, the country was politically stable and economically strong. There was no return to the widespread strikes and riots of the Mossadeq era; opposition to the Shah appeared weak and divided, and lacking in firm basis of active popular support. Nevertheless, opposition certainly continued, and, recently, some groups have taken to guerilla action and assassination.

Fear of assassination is probably an important motive for surveillance and repression in Iran. In 1965, an attempt was made on the life of the Shah by a conscript soldier in the Imperial Guard. Such fears were increased by the assassination, in April 1971, of the Military Prosecutor, General Farsi, shortly after a secret military court had passed a number of death sentences.

The government has been faced, more recently, with the organization of bands of guerillas. In 1971, there were several reports of attacks on police stations in remote regions. Thirteen people accused of such activities at Siakhal in the north-west were executed and, subsequently, fifty more persons were arrested. In addition, there seem to be some signs of more general unrest; in the spring of 1971, there were reports of disturbances at the University of Tehran, and of strikes and disturbances in factories near the capital.

Political tension increased in October 1971, when Iran celebrated the 2,500th anniversary of the foundation of the Persian Empire. The celebrations were preceded by a wave of arrests - between 1,000 and 4,000 people were interned, and the enormous cost of the celebrations caused widespread resentment. Early in 1972, it was learnt that over 120 persons would be tried. In February a series of trials began before the Tehran Military Tribunal; the charges ranged from armed robbery and attempted kidnap to the formation of illegal associations. By the middle of May, about half the defendants had been sentenced and 23 had been executed. The attitude of the Government has undoubtedly hardened.

### III. Analysis of Political Prisoners

Most political prisoners whose names have become known abroad are students or members of the professional class; university teachers, bank employees etc., whose opposition is liberal or left-wing in character. There are occasional reports of arrests of religious leaders, and in 1970, after the crisis in Iran's relations with Iraq, some Kurds were detained. It is possible that industrial workers have also been arrested.

Some political prisoners may not be members of any identifiable group, but had simply been associated with a group of friends who discussed politics and expressed disapproval of the Shah or of his policies. Others may be members or ex-members of the recently banned Iranian Confederation of Students. Recently, some of those on trial have been linked with small groups of guerillas, who advocate the use of violence and have sympathy, and perhaps contact, with the Palestinian liberation movements. It should be noted that people who were associated, in even the most minor way, with Mossadeq's National Front, and who came to the attention of the security police at that time, are peculiarly subject to arrest when they are connected with any protest or strike.

### Violence

Violence on the part of opponents to the regime has undoubtedly increased in the last year or so; but whether this represents a temporary upsurge of frustration, or a growing movement, is difficult to say. Certainly, it is caused in part by the repressive nature of the regime; with the increase of violence the government has become more intransigent.

#### IV. THE LEGAL FRAMEWORK

##### i. Laws under which most people are imprisoned

Most political prisoners have been charged under Article 1 of the Law Establishing the National Intelligence and Security Organisation (SAVAK) which makes it an offence, punishable with from three months to ten years' imprisonment, to form or to belong to a group or association whose ideology is in opposition to the Constitutional Monarchy or is communist or Marxist in nature. The vagueness of the wording in the latter article, and the actual conduct of trials, mean that the mildest and most peaceful critics of the regime can be convicted of political offences.

Articles 316-320 of the Military Criminal Code also provide for the trial and punishment of those participating in, or plotting, the assassination of the Shah. The death sentence may be imposed for this offence.

Some persons, whose crime was essentially criticism of, or opposition to, the regime may have been arrested under the pretext that they had been smuggling drugs. This offence carries the death penalty, which has in many cases been carried out.

##### ii. Judicial Procedure

All political crimes against the State fall within the jurisdiction of the permanent military tribunals, whose establishment is provided for by the Supplementary Constitutional Law (1907), which reads 'Military Courts shall be organised throughout the country in accordance with special laws'.

The constitutionality of trial by military tribunal appears to be questionable, since the Constitution provides that 'in political and press offences, a jury must be present'. Whether trials can legally be held in camera is also a matter of doubt, since the Constitution and the Military Criminal Code are in conflict on this point. But defence objections on either of these grounds have always been rejected.

The entire investigation of alleged political crimes, and the preparation of the files on the basis of which trials are conducted, is entrusted to the security police organisation, SAVAK, which acts in private and is subject to no form of judicial control. Criticism of Iranian legal procedure in political cases has been almost universal among foreign lawyers who attended trials since 1965.

The military tribunals are composed of four military judges. At the beginning of 1972 it was announced that foreign observers and journalists would be prohibited from attending trials. Appeals may be made to the Military Court of Appeal, and the Shah has the right to grant clemency. One surprising feature of the 1972 trials has been the Appeal Courts extension of sentences; in some cases, it has imposed death sentences on prisoners sentenced in the first instances to life-imprisonment.

##### iii. Administrative detention

Pre-trial prisoners may be held by SAVAK indefinitely during the preparation of the prosecution case, and suspects are often held incommunicado for many months. It is frequently alleged that prisoners are tortured during this period to obtain confessions or information, and no legal remedies are available to them. It seems likely that many of the accusations of torture are substantially true.

iv. Death Penalty

The death penalty may be imposed for the crime of plotting the assassination of the Shah, and for violent offences. Since 1971 there has been a dramatic increase in the number of prisoners sentenced to death and executed. It is believed that more than 30 executions have been carried out since the beginning of 1972 alone.

In cases falling within the investigating jurisdiction of SAVAK, a suspect or an accused person has no right of access to a legal adviser during the investigation of the case. Once the investigation is completed, the accused has a right to select one or more military personnel to act as defence counsel. Once defence counsel has been appointed, he must be allowed five days, between ten and five days before the opening of the trial, to study the file and to prepare the defence.

v. Conditions of Imprisonment

The physical conditions in some prisons in Tehran, seen by one Amnesty observer, are fairly good. Very little is known about prisons outside Tehran; conditions in some are probably primitive and uncomfortable, and bad climatic conditions, particularly in the south of Iran, have badly affected the health of some prisoners. There seems also to be a certain amount of casual brutality, practised on political and criminal offenders alike.

## B R A Z I L

### I. NUMBER OF POLITICAL PRISONERS

- i. Total number of political prisoners: According to the Commission of World Jurists, there were about 12,000 political prisoners in Brazil in May 1970. This number probably fluctuates, but has certainly remained very high. It is impossible to ascertain the number of genuine prisoners of conscience. The growth of violent resistance and the development of urban guerilla groups has meant that a large number of persons are detained because of their real or suspected association with groups advocating or using violence, and in only a small proportion of these cases is it possible to discover whether such allegations are true or false.
- ii. Number of adopted prisoners: 119. There are 59 cases under investigation.

### II. RECENT POLITICAL DEVELOPMENTS

It is necessary, in any discussion of Brazilian politics, to be aware of the country's enormous size, and of the economic and social variety of its constituent states. Brazil, in fact, is as large as the United States minus Alaska, and until the dictatorship of Getulio Vargas, which lasted from 1937 until 1945, the country was organised mainly as a loose federation of autonomous states, each governed by a political boss with local militia under his own command. Vargas attempted to change this situation by creating a centralised government and a national system of political institutions controlled from the centre.

The Army had played a crucial role in Brazilian history, helping to end slavery in 1888 and to depose the Emperor Pedro II in 1889. For the first few years of the Republic, army officers, almost alone, governed the country, until they were ousted from power by politicians of the wealthy states of Sao Paulo and Minas Gerais. The officers remained important; and their support for Getulio Vargas was crucial. The Army's tradition of involvement in politics, and the centrifugal tendencies of Brazilian society, in which civilian politicians tend to represent local loyalties rather than broad national or class interests, has made it natural for army officers to regard themselves as the only truly 'representative' group in Brazil. Indeed, civilian government has generally existed only on the sufferance of the army and the other armed forces.

The Army removed Vargas from power in 1945. A series of civilian presidents followed, none of whom attempted increasingly necessary reforms, until, in 1961, Joao Goulart took office, proposing redistribution of land to the peasants, the extension of voting rights to illiterates, and other major reforms. The Army, alarmed at the proposed reforms and dismayed at the worsening economic situation in Brazil, seized power on 31 March 1964.

For a short period after the 1964 coup, few repercussions were felt in the area of civil liberties; political parties continued to function, although weakened by the loss of key figures, Congress remained unimpaired, and the press remained remarkably free to criticise the government. However, the results of the gubernatorial elections in 1965 were widely interpreted as a major defeat for the regime, which, fearful for its position and conscious of its self-assigned role as 'voice of the people', passed 'Institutional Act No 2'. The Act gave the President power to suspend Congress and to govern by decree, called for indirect presidential elections, and dissolved existing political

parties; new parties, sponsored by the government, were quickly created.

Criticism of the government increased from many quarters towards the end of Castello Branco's term of office, due to expire in 1967. In particular, there was a growing demand for more concern over social matters, expressed notably by Dom Helder Camara, Archbishop of Olinda and Recife. When Castello Branco was succeeded (in 1967) by Marshal Costa e Silva, the new President spoke of 'humanising' the government, and restoring democracy; but the President himself was a prisoner of his right-wing colleagues - perhaps because nothing came of such promises.

By 1968, many of the more outspoken and active opponents of the regime, ranging in opinion from liberals to revolutionary communists, had come to the conclusion that violence was the only viable means of opposing the military regime. No doubt, this mood was assisted by the demoralisation of former civilian leaders and their inability to offer the government any effective challenge - in any case, many Brazilians, whilst they disliked the military regime, identified the politicians with corruption and patronage.

Throughout 1968, violence on both sides increased. Urban guerilla groups were formed, and voluntary 'Death Squads', many of whose members were off-duty policemen, began systematically to eliminate opponents of the regime, suspected criminals, homosexuals, etc. The activities of these groups were at first ignored by the authorities.

Increasing violence led, in December 1971, to new repressive measures - Institutional Act No 5 and a Complementary Act - which provided for the indefinite dismissal of Congress, the dissolution of state and municipal assemblies, the bestowal of sweeping new powers on the President, and the imposition of a rigid censorship on the press and other media.

The new measures probably helped to cause the rapid increase in the level of violence. Shortly after the kidnapping by guerrillas of US Ambassador Burke Elbrick, a new Act imposed the death penalty for the 'crime of psychological warfare and revolutionary or subversive war'. The government, claiming that the country was, in effect, at war, explained that it now had unlimited powers to act against any individual or groups it chose to describe as subversive. This measure completed the destruction of civil liberties.

In October 1969, Costa e Silva was succeeded by Emilio Garrastazu Medici, whose selection by the armed forces represented a further move towards repression and intransigence. It is from this date that well authenticated reports of torture, often of an unspeakably hideous kind, begin to abound. The number of reports of intimidation and of arbitrary arrest also increased considerably.

In February 1970, the government launched a major campaign, accompanied by an appeal by General Syseno Sarmiento, for all 'loyal Brazilians' to denounce 'Communist cells' or 'suspicious' neighbours. By May, according to a Commission of World Jurists' report, there were about 12,000 political prisoners in Brazil, although this figure may have been too high. In early June, the Brazilian Bishops, in a joint pastoral letter, condemned the torture of political prisoners.

During 1971, there was no respite in the continued violence and repression. Newest reports are that the tendency is now to shoot wanted persons on sight after having followed them long enough to gain an idea of their contacts. There are unconfirmed reports that persons may be arrested and interrogated

for short periods (24 hours) and then killed. Officially, they are listed as shot on capture. Often, proceedings open against people who are already known to be dead. Official releases say that they are in hiding, or in exile.

Legal and political developments do not give much promise for liberalisation in the near future. Decree law 69.534 signed in November 1971 in Brazil by President Medici, for example, gives the President the power to draft secret or reserve (censored or limited explanation and circulation) decrees concerning any matter related to the national security. These decrees will be published in an official journal, noted by number. The government will furnish only a 'brief resume in such a way so as not to break the secrecy.'

A new human rights law signed by Medici on 6 December 1971 also follows this principle of mystery. The law provides that the meetings of the Council for the Defence of Human Rights will henceforth hold its sessions in secret and that its decisions will be secret as well. The Council itself was enlarged in order to seat more government representatives.

Thus, Brazilian citizens are now in a position where they may be breaking 'secret' laws of which they are unaware; they may have certain individual rights protected as well, but these too remain a mystery. Reductio ad absurdum of the principle 'ignorance of the law is no excuse'!

Hopes for popular elections in 1974 of state governors, as promised by the constitution promulgated by the military in 1969, have been dimmed by recent actions taken by Medici. Popular elections for these positions, powerful posts in a country of Brazil's size, were last allowed in 1965. Since then, governors have been appointed by the government, and ratified by the state legislative assemblies. On 3 April, in a surprise move, the President submitted a constitutional amendment, changing the rules for state gubernatorial elections. This was seen as a clear signal that the military-led regime does not intend to allow a return to direct democracy in Brazil in the near future.

### III. ANALYSIS OF POLITICAL PRISONERS

Detailed information on the backgrounds of political prisoners is difficult to obtain. However, almost anyone even suspected of mild dissent, is likely to be held by the police and subject to harassment. Sometimes suspects are held for only a few hours or days; but there have been many reports of torture during interrogation, and certain groups, such as students, are particularly liable to such treatment.

Prisoners held for long periods include dissident Catholic priests and nuns, trade unionists, students, intellectuals, and politicians of the 'old regime'. Many prisoners may not be active politically, but have merely expressed, or are suspected of having expressed, disapproval of the regime or its methods. Others may be liberals, or Catholics concerned with social injustice, socialists or revolutionary communists.

#### Violence

The extent and intensity of political violence in Brazil has increased rapidly since 1964, and it seems probably that a large measure of responsibility for this rests with the government. Active opponents of

the regime are probably a minority, although a far larger section of the community may be privately opposed to the regime. Violence by the opposition is to some degree the result of despair.

#### IV. THE LEGAL FRAMEWORK

##### i. Laws under which people are arrested

A large body of repressive legislation has been brought into existence since the seizure of power by the military. Laws are vaguely worded, sometimes contradictory, and, repressive as they are, are often evaded or ignored. Essentially, then, Brazil is a country without even the minimum safeguards of legality or civil liberties.

Nevertheless, it may be useful to give here a selection of relevant legislation, which is at present known to Amnesty.

Early legislation subjected teachers and students to criminal sanctions if they acted 'against the public order' - a phrase broadly interpreted by the military tribunals - and further legislation prohibited 'subversive propaganda'. In effect, the latter measure makes it a crime to disseminate facts which, even if true, might create ill-will against the authorities.

An Institutional Act passed in 1965 enables the Supreme Command at its own discretion to suspend the political rights of any citizen for up to ten years, and increased presidential powers to declare a 'state of siege'. Under a state of siege, the president may 'oblige persons to reside in a particular place', detain suspects 'in buildings not intended for persons convicted of common crimes', and suspend the rights of freedom of assembly and of association. In 1971, the government explained that the country was, in effect, at war, in which case these conditions would apply; but, in practice, these powers were already in use.

The Fifth Institutional Act (1971) enabled the President to issue complementary acts, and allowed the suspension of habeas corpus, 'in cases of political crimes against the national security, the social and economic order and the consumer economy'. A further Act imposed the death penalty for the crime of 'psychological warfare and revolutionary or subversive war'.

The government, then, has a carte blanche for any measure it thinks necessary. It is important, however, to note that most of these laws only gave post hoc 'justification' for practises already in use. Many prisoners are tried for offences committed before the present regime made the actions in question illegal.

##### ii. Judicial procedure

A political suspect may be held or arrested by any one of a large number of agencies, all of which are to some extent autonomous, and which are in competition with each other. Such agencies are: the political police force of each state in the Federation; the Air Force; CENIMAR (the Counter-Espionage service of the Marines); DOPS (the secret police), and Operation Bandeirantes. All of these agencies practise torture and ignore the rules relating to the holding of prisoners formulated by the government, which are in any case repressive and self-contradictory. The government has recently made some attempts to eliminate the quasi-autonomous power of these agencies, but under the present circumstances, the phrase 'judicial procedure' has little application.

Once a suspect has been detained, he may be subject to a 'police investigation'. According to Article 18 of the Code of Military Penal Procedure, introduced by the regime in January 1970, the accused may be held, during the police investigation, for up to thirty days. This period may be prolonged by twenty days. The arrest must be communicated to the competent judicial authorities. In practice, these provisions may be ignored.

It is alleged that during this period the suspect is subjected to torture. After having 'confessed', the prisoner may be sent to DOPS - the secret police - where the case against him is more fully prepared. Those who refuse to sign the statements of cross-examination without which the prisoner will not go for trial - are again tortured. Once the 'evidence' has been prepared, the suspect may either be held in prison, or is kept nearer at hand so that 'interrogation' may be conveniently continued.

The next stage consists of a hearing before a military tribunal, consisting of four military judges, and one civilian judge. The detailed conduct of the trial depends largely on the latter; the former vote only on any request for bail, and on the sentence.

Once the case has reached the military tribunal, a lawyer can at last be informed, and may ask permission to visit his client.

Article 390 of the Code of Military Penal Procedure provides that the hearing should be terminated within fifty days from the judge's decision to prefer charges after the accusation has been brought by the Procurer. The Procurer himself has five days in which to bring accusations forward, and the judge has fifteen days in order to decide whether the case should go forward to trial or should be dismissed.

The trial should, therefore, be completed within a maximum period of seventy days. These regulations, however, are ignored; hundreds of prisoners have been waiting for trial for more than two years.

The trial itself consists of four public hearings; cross-examination of the accused, of the witnesses for the prosecution, of witnesses for the defence, and the verdict. Appeals may be made to the Supreme Military Court at the request of the prosecution as well as the defence.

Witnesses for the prosecution are generally police officials, often the very same men who have tortured the prisoner, and who state that the accused signed the relevant statements of his own free will and without coercion.

However, on some occasions, prosecution witnesses have not been policemen, and some witnesses have withdrawn their statements made to the police under pressure. Such witnesses have been threatened with proceedings for perjury if they do not confirm their statements, and even confined in an empty room, in order to 'refresh their memories'. Few witnesses dare to resist such coercion, and the court obtains the 'evidence' which it demands. On one occasion, a prisoner was 'identified' by a witness as responsible for a crime committed three months after his arrest.

Lawyers no longer present witnesses for the defence, since such witnesses are later seized by the police, in order to 'explain their sympathy for the accused'.

V. CONDITIONS OF IMPRISONMENT

The governor of the state of Sao Paulo has attested to the fact that prison conditions are poor and has denounced the fact. Three Dominican fathers adopted by Amnesty International, and held in Presidio Tiradentes in Sao Paulo, are held in a cell which measures 6 by 2.5 metres; there is no light or ventilation, and in summer, the temperature reaches over 40° centigrade. Toilet facilities are primitive and are located within the cell. Religious services are not provided for the prisoners.

Cells are on the whole overcrowded; in Presidio Tiradentes, there are collective cells ranging between 5 and 50 people, and the prisoners are allowed about one hour of exercise a week. Presidio Tiradentes is on the whole considered better than Casa de Detencao, another Sao Paulo prison where political prisoners are held.

As noted, reports of torture in the prisons have been received from several sections of Brazil, but do tend to emanate principally from the Rio de Janeiro, Sao Paulo and Recife areas.

Allegations of torture include reports of savage and prolonged beating, electric shock treatment and mock executions. The most notorious prisons in this regard are the Isle Grande Prison, and the Ilha das Flores, both near Rio de Janeiro. The latter has been used as a political prison and interrogation centre since 1964, while Isle Grande was reportedly used as a political prison in the time of the Vargas dictatorship of 1935-45.

Undoubtely, torture is widespread and commonly accepted in Brazil, and its practice has been admitted by a junior government minister. It is surely only necessary to point out here that the numerous reports received by Amnesty International and by other international organisations have included the most horrifying examples of their kind received from anywhere in the world.

## P A R A G U A Y

### I. NUMBER OF PRISONERS

- i. Total number of political prisoners: There are at least 150 long-term political prisoners, and probably at least as many detained without trial for short periods at any given time. The majority are probably prisoners of conscience.
- ii. Number of adopted prisoners: 22. There are in addition 11 cases under investigation by Amnesty groups. These figures reflect the number of prisoners for whom adequate information is available.

### II. RECENT POLITICAL DEVELOPMENTS

Paraguay is a landlocked republic with a population of 2.4 millions, mainly of mixed Spanish and Guarani Indian origin. It is an essentially agricultural country, and the standard of living of the majority of the population is extremely low. 52% of the arable land is held by 145 proprietors of large estates (latifundias) and the landless peasants have an annual average wage of below \$200, functional illiteracy runs at 75% of the total population, and educational and public health provisions are minimal. Meat production (Paraguay's main export industry) and the potential oil-producing areas are controlled by foreign investors, primarily American. Unemployment is officially estimated at 100,000, and over half a million Paraguayans have emigrated since 1945 - mainly to Argentina and Uruguay - to obtain employment. The low level of economic development results from the disastrous wars which have twice decimated Paraguay's male population (the War of the Triple Alliance against Argentina, Uruguay and Brazil of 1865-7 and the Chaco Wars against Bolivia of 1932-35) and the absence of any stable progressive government. Paraguay's political history consists of a series of short-lived civilian presidencies and military dictatorships; 39 Presidents held office between 1870 and 1954, and the majority were imprisoned, murdered or exiled before completing their term of office. A bitter civil war in 1947 was followed by six ineffective presidencies until in 1954 General Alfredo Stroessner was elected President; his regime has provided a period of sustained and entirely repressive dictatorial rule. Paraguay began receiving American aid during the Second World War; a number of large-scale development projects are underway, and the U.S. has contributed to the creation of a well-equipped army and advised on the suppression of Communist guerilla movements. Although the U.S. is embarrassed by the Stroessner regime she has shown neither the will nor the ability to alter its totalitarian policies.

Paraguay is governed under a dictatorial constitution which gives the President (who appoints the Executive from members of the ruling Colorado Party) absolute powers; the 1940 Constitution was revised in 1967 by the National Constituent Assembly and the President's discretionary control was increased. A state of emergency was declared on General Stroessner's gaining office in 1954, and has only been lifted to permit his re-election; in 1967, the Constitution was amended to enable his fourth re-election. There are a number of legal political parties in addition to the Colorado Party, the principal legal opposition being the Liberal Party, which (like the Colorado) is a conservative party founded at the end of the last century.

In the early 1960's, in response to American pressure, candidates belonging to parties other than the Colorado were allowed for the first time to contact Congressional elections. The Liberal Party split between those who refused to

co-operate and the 'New Liberals' who agreed to form a loyal opposition occupying 20 of the 60 seats in Congress irrespective of the number of votes cast. In practice, Congress is powerless, and the Colorado Party controls the executive, government contracts, and professional advancement. Other legal opposition parties are the Febreristas (who now claim to be Social Democrat) and a small Christian Democrat Party, whose leaders were expelled in 1969. Members of all political parties have been imprisoned or arrested, including 300 members of the Colorado Party who were detained for interrogation in September 1970 following an alleged attempt on the President's life.

The illegal opposition contains the Communist Party, the MOPOCO (a breakaway Colorado faction), the United Liberation Front and the Movement of the 14th of May, all of which have participated in guerilla raids from Argentina. The army had little difficulty in suppressing these disorganised attacks, which have decreased in frequency since the early '60's; one contributory factor is the fact that 70% of the population live within a radius of 100 miles of Asuncion, the capital, and the sparsely-populated frontier is relatively easily patrolled.

The press, trade unions, the university and the Church have been subject to Government interference and all radical opposition is suppressed. The Paraguayan Federation of Workers called a general strike in 1958 in an attempt to obtain higher wages during a period of rapid inflation. The strike was broken and three of its leaders are still in detention without trial. The Federation was taken over by the government and those union officials able to escape have formed an exile organization in Montevideo. Recently the Catholic trade unions have come under attack. Newspapers criticizing the government's policies are banned. In the last few years, the Church has played an increasingly prominent part in criticizing the regime, and the Archbishop of Asuncion has condemned political detention without trial. This has provoked severe reprisals; priests and nuns have been interrogated and often subjected to maltreatment, sanctuary has been violated, and the culminating act of harassment in 1971 (the arrest of a Uruguayan apostolic delegate on the specious charge that he was a Tupamaro urban guerilla, and his deportation after being subjected to torture) led to the Archbishop's excommunicating the Minister of the Interior and the Chief of Police. Catholic educational establishments, youth organizations and trade unions have been raided.

### III. ANALYSIS OF POLITICAL PRISONERS

According to the available information, political prisoners come from all social classes and all political parties, but most long-term prisoners are of working class or campesino origin. Middle class prisoners are perhaps less likely to be subjected to indefinite detention, but the three longest-serving political prisoners are Professors Antonio Maidana and Julio Rojas and an accountant, Alfredo Alcorta, who were the leaders of the 1958 general strike. Maidana has been held in defiance of a court order for his release, and Rojas and Alcorta have remained in prison without trial since the expiration of two-year sentences under Law 294. An analysis of fifty prisoners detained in Asuncion shows that all occupations and social classes are represented: they include 9 members of the professions, 9 government servants and clerks, 3 shopkeepers, 14 manual workers, 5 policemen and soldiers, and 3 students. A disturbingly high proportion of prisoners appear to have been detained solely because of their familial relationship with other detainees or with suspects who are in exile. There are at least eight women prisoners. Amnesty's records show that 3 prisoners have been held since 1958, 6 since 1959-60, 8 since 1961-3, 32 since 1964-5, 9 since 1966-7, 13 since 1968-9, and 23 since 1970 or 1971, (lists of June 1971). These arrests can be related to the 1958 general strike, to guerilla activity in the early 1960's, and to the recent ferment in

the Church and University, but many arrests appear to have been made on an entirely arbitrary basis.

There is no means of establishing how many people are detained for short periods of interrogation (which may be accompanied by torture) or of the number of peasants who may be detained in remote rural areas.

#### Violence

Violence has often seemed the only recourse of the opposition, but guerilla raids in the 1950's and early 1960's were badly organized and easily suppressed by the army. There have been a number of alleged assassination attempts against the President but there is no evidence of increasing violence and to date (March 1972) there have been no instances of political kidnapping or reports of urban guerilla activity.

#### IV. THE LEGAL FRAMEWORK

##### i. Laws under which most people are imprisoned

Under the state of emergency (imposed under Article 52 of the 1940 Constitution and Articles 79 and 181 of the 1967 Constitution) which has been in force since 1954 the President may order the arrest of suspected persons. The guarantees against arrest without warrant and of habeas corpus, which appear in both constitutions, have been ignored by the Government and prisoners are detained indefinitely without trial. The Courts have ruled on a number of occasions that the state of emergency does not invalidate judicial proceedings and this principle was specifically included in the 1967 Constitution. However the Government has consistently ignored it, and prisoners who have obtained habeas corpus rulings in the courts have been re-arrested immediately.

Although all political prisoners are detained without trial, there are laws proscribing the Communist Party or any other subversive organizations. Law 294 of 1955 makes membership of the Communist Party, or any other organization seeking the violent overthrow of the existing regime a criminal offence, and gives the Government wide powers to close down any newspaper, educational establishment, or other organization furthering the aims of the Communist Party, or of affiliated groups. The Government has frequently closed down newspapers and quasi-political organizations, but has almost never ordered a prosecution under this law. In September 1970 a new Law for the Defence of Public Order and Individual Liberty provided draconian penalties including cumulative sentences for participating in illegal activities, and also laid down heavy sentences for kidnapping. No persons subsequently arrested have been tried.

##### ii. Judicial Procedure

Although judges are appointed by the Executive the Courts have ordered the release of a number of prisoners who have been able to apply for writs of habeas corpus; such prisoners have been re-arrested immediately; the Government has consistently ignored judicial interference in the detention of political prisoners.

##### iii. Administrative Detention

All political prisoners are administrative detainees. Two prisoners held since 1958 have been detained since the expiration of the two-year sentences imposed upon them. Detention is applied arbitrarily and indefinitely (see III).

iv. Exile

The provisions of the state of emergency empower the President to deport individuals from the country, and most of the few released prisoners have been ferried across the Paraguay River into Argentina. Individuals are also sometimes exiled after interrogation. In 1971 the Socialist Government in Chile offered asylum to Paraguayan political prisoners.

v. House Arrest, Restrictions on Freedom of Movement

The state of emergency provides for the President's control over individual movement. The 1966 Report mentions one individual being confined to a small town outside Asuncion and further information suggests that this penalty is occasionally used, especially with military prisoners.

vi. Death Penalty

The Constitutions of 1940 and 1967 lay down that no-one can be sentenced to death for political reasons. However deaths among prisoners have been reported as a result of torture or neglect.

V. CONDITIONS OF IMPRISONMENT

Political prisoners in Paraguay are detained under exceptionally bad conditions, far worse than those of common criminals. A few prisoners are detained at the Penitentiary Labour Camp at the Batillon de Seguridad in the suburb of Tucunbu, but the majority of prisoners are held in cells attached to police stations in Asuncion. The cells are overcrowded, unventilated, have no sanitation and no light; food is inadequate, and prisoners depend on relatives for sufficient food to keep alive; many contract tuberculosis, dysentery, and deficiency diseases. There is well-established evidence of the practice of torture, and of sexual assaults on women prisoners. There have been a number of hunger strikes in protest against these appalling conditions, to which the police have retaliated by the curtailment of visiting hours (at best, only 15 minutes once a week) and according to one source the recent escape of two prisoners from a particular police station led to the shackling of prisoners.

Little is known about prison conditions outside Asuncion. The 1966 Report on Prison Conditions suggests that some survivors of guerilla raids in the 1950's and early 1960's may be held in the Pena Hermosa, an island prison on the Paraguay River, although the concentration camps set up by the army in the remoter regions during this period had been closed.