

London

air

amnesty international review



**A Quarterly Review
of news and comment
on international
human rights**

**Number 26
February 1969
One shilling**

This issue of AIR contains summaries of reports of missions to Ghana, Sierra Leone, Tunisia, Greece and Malawi. These missions are an integral part of AMNESTY INTERNATIONAL activities. Naturally, the reports have been edited to remove confidential references to private conversations or individual cases.

In December 1968, Mrs. Betty Assheton was sent to Iran to attend a trial which began at the end of that month. Mrs. Assheton was received by the Prime Minister and other Iranian leaders, but the trial is still continuing and we cannot, therefore, include her report. Also in December, Mr. Halldor Sigurdsson left Copenhagen to commence a mission to Brazil and other Latin American countries. Unfortunately, the political situation in Brazil changed rather rapidly and his visit had, therefore, to be postponed. We also hope soon to arrange for a comprehensive inquiry into prisoners and their treatment in the Middle Eastern countries. A mission from Australia to Indonesia is now planned for March 1969. Brazil, the Middle East and Indonesia are therefore projects for 1969.

AMNESTY is concerned with the release of prisoners of conscience and the treatment of all political prisoners. Reports such as these are one means by which we can obtain information and also express our views to governments.

MARTIN ENNALS
Secretary General

Greece

Hearing of the case against Greece at the European Commission of Human Rights

The European Commission of Human Rights, having ruled as admissible the case brought before it against the Government of Greece by the Governments of Denmark, Norway, Sweden and the Netherlands, began its hearings on the merits of the Greek case on September 23rd, 1968. On November 25th, and again on December 18th, the three representatives of AMNESTY INTERNATIONAL who have been concerned with the situation in Greece, Mr. Anthony Marreco, Mr. James Becket and Mr. Denis Geoghegan, were called to give evidence. The Sub-Commission of seven members is expected to go to Athens to continue the Hearings there at the end of January. The political outcome of these proceedings is uncertain, but it is immensely important that the truth should be established and AMNESTY INTERNATIONAL is therefore giving all the assistance it can, both to the Commission and to the Consultative Assembly of the Council of Europe.

Sierra Leone

Mission by Stella Joyce, November 1968

SIERRA LEONE, a former British territory on the west coast of Africa, became an independent state in 1961 under Sir Milton Margai and the People's Party (S.L.P.P.). The internal political situation has been unsettled since 1965, when Mr. Siaka Stevens' opposition party (A.P.C.) first appeared as a serious rival to the S.L.P.P. Mr. Stevens came to power following the 1966 general election (the first since independence), but was immediately deposed by an army coup instigated by Brigadier Lansana. Lansana lacked popular support and was himself soon ousted by junior officers. There followed a period of military government under a National Reconstruction Council, which, although welcomed at first, became increasingly unpopular and was eventually overthrown by the Warrant Officers' Coup of April 1968, when virtually all army and police officers above the rank of sergeant were arrested and a National Interim Council set up to prepare for a return to constitutional rule. Mr. Stevens was invited to form a National Government. His new government, although predominantly A.P.C., did at first contain, both in cabinet and administrative posts, a number of S.L.P.P. and independent members. Many members of the N.R.C. and former S.L.P.P. supporters were arrested. Some were detained only for a short time, but a number are still in prison, and the subject of AMNESTY's concern.

The situation in the country when Miss Joyce arrived was extremely tense. There were frequent reports of violent disturbances, including attacks on Mende and other supporters of the S.L.P.P., the former government party both in the capital and up-country, particularly in those areas where support for the S.L.P.P. government had been strong. Law and order had to some degree broken down. The police seemed demoralised, and in the few disturbances witnessed they made little or no attempt to control the crowd, moving in to make arrests only after individuals had been injured and the crowd already dispersing. During one of several attacks on the offices of opposition newspapers, the observer saw a mob of about 500 assembled outside. She learned later that the presses had been smashed and some of the staff slightly injured. No arrests were made. On another occasion she observed a hostile crowd gathered around the car of one of the opposition leaders. When she attended the preliminary hearing in a treason trial, the corridors leading to the court room were packed with soldiers armed with guns and bayonets. On no occasion during the mission did the government publicly condemn the violence.

In spite of the unsettled atmosphere the government in no way interfered with Miss Joyce's programme and she was able to see everyone she wanted to see, and was courteously received by all the government representatives she met. She had interviews with the Prime Minister, many senior officials and judges, lawyers, and leading members of the university and professional communities.

In October 1968 there were three main groups of prisoners of concern to AMNESTY. The first group consists of sixteen supporters of the former S.L.P.P. government, accused of complicity in a plot to maintain themselves in power by means of a military take-over under the leadership of Brigadier Lansana, who is among the accused. Others include the former Attorney-General (Mr. Berthan Macauley), the

commissioner of police, ministers and senior civil servants. They are all charged with treason, or misprision of treason, for which the death sentence is mandatory.

The second group, also indicted on treason charges, are members of the M.R.C.—its Commissioner of Police; its Acting Attorney-General; and five army officers. Mr. Macauley is charged with this group as well, since it was he who drafted the proclamation which brought the N.R.C. into being. Charges against them include false imprisonment and overthrowing the legal government by force.

There is a third group of uncharged prisoners who have been detained since April—the last three remaining police officers (the others had all been released about two weeks previously); three leaders of the Warrant Officers' Coup; and sixty-one army officers, thirty-five of whom have since been released.

The treason charges smack of vindictiveness, and in the case of the N.R.C. members are dubiously grounded in law. Detention of all three groups is illegal, since no State of Emergency was in force at the time and there is no other provision in Sierra Leone law for detention without trial.

All the political prisoners were detained in Pademba Road Prison, situated in an ordinary street in the centre of Freetown, the capital, but sealed off by road blocks manned by indisciplined soldiers. The prison normally deals with drunks and other petty offenders and has no provision for other sorts of prisoners. During the period immediately after the coup, conditions there were extremely bad. The cells were overcrowded and for forty days prisoners were denied both washing facilities and toilet paper, so that they were forced to tear up their clothes in order to clean themselves. Food was inadequate and usually kicked into the cells in a tin. The warders, who at that time were army privates, treated the prisoners, and particularly the police and army officers, very roughly, and several prisoners were savagely beaten. In October there were in the prison hospital eight prisoners still being treated. Since then conditions had improved, but they were still far from satisfactory. The cells have neither electric light nor lamps, and the windows, which are very small and high up, look only on to an interior courtyard, so that the prisoners were in almost total darkness from 4 p.m. when they were locked in until 7 a.m. Although the prison has a store of beds, etc., there was no furniture at all in the cells; prisoners had not even been issued with mattresses. They were allowed no reading matter and it was forbidden to send or receive letters. (The restriction on correspondence has been relaxed in some cases since the observer's visit.) Visits from relatives were restricted and some prisoners had seen their wives only three times since April, and then only for 15 minutes. Ministers of religion had so far not been allowed access, nor were the prisoners permitted to attend religious services held in the prison. At first it was almost impossible for defence counsel to see their clients, and although reasonably free access had recently become possible there would still occasionally be a soldier or warder within earshot.

Among the issues which she raised with the Prime Minister and other government officials were the unsatisfactory prison conditions, detention without trial, the mandatory death sentence for persons convicted of treason, and the need for measures to ensure the impartial conduct of trials. The Sierra Leone courts do have a reputation for fairness, but the judiciary is politically identified with the present government to a disturbing degree. She was assured by everyone she spoke to that the death sentence would not be imposed on those accused of treason even if they were found guilty, but it was suggested that the sentences might be commuted to terms of imprisonment of 10 to 30 years. The only safeguard against injustice was appeal to the Privy Council, but this has been removed by the new Republican Constitution imposed since my visit, and was in any case limited to points of law.

Since she left Sierra Leone the situation has deteriorated dramatically. A State of Emergency has been declared, hundreds of Mende and S.L.P.P. supporters have been arrested, both opposition papers have been shut down, several deaths have been reported, and the army has been called in to quell the violence. Detailed, reliable information is difficult to obtain and it is not clear to what extent the government has succeeded in restoring law and order.

Tunisia

Mission by the Secretary General, October 1968

Since Tunisia achieved independence in 1959, the government has enjoyed a generally good reputation in the field of human rights. But in the last year there have been reports of increasing repressive action against opponents.

AMNESTY INTERNATIONAL was represented at the trial of a number of students, professors and intellectuals in Tunis by Monsieur Guy Winteler of the Geneva Bar. His report had contained allegations of mal-practice by the tribunal, the sentences passed had been excessive and there were detailed accounts of interference in the method of representation of the defendants by the defence counsel. Reports had also been received that the prisoners were being ill-treated both before the trial and subsequently in prison, and that there had been no contact since the trial between the relatives and the prisoners.

The purpose of the Secretary General's visit was to investigate the situation of those in prison; to meet representatives of the government and to make representations on behalf of the prisoners; to ascertain the date and arrangements for the trial of some thirty Baathist prisoners; to make representations regarding their welfare and treatment and that of opposition leaders in Tunisia. The Secretary General was able to have discussions with senior representatives of the government and was also able to see relatives of those imprisoned.

The Government's view is that Tunisia is facing enormous problems of bringing the country into the twentieth century and is not, therefore, in a position to tolerate the foreign-sponsored opposition represented by those who are in prison. Tunisia had made considerable economic progress during recent years since independence, particularly in the field of education. The attitude of the lecturers and students who refused to work within the Neo-Destour Party but insisted on calling a strike, was unacceptable at a time of national economic crisis. The Government claims that such liberal or "extremist" opposition was tolerable only in countries of economic stability and wealth. The opposition was only amongst the intellectuals, but the problem was amongst those who had very little education and a great need for the benefits which the new Tunisian society was trying to give them.

The Director General of the Neo-Destour Party, Mr. Mohamad Sayah, received Mr. Ennals with courtesy and there was a very full discussion. The Secretary General emphasised the importance of observing human rights, particularly in a country which had over the years established its reputation as a stable and developing community in a period and area of instability and economic problems. He made five principal points:

- (i) the effect of shock which the recent trials had had on the outside world: that people had come to expect better things from Tunisia and that the disappointment was, therefore, greater.
- (ii) that the composition of the court should be changed for the future, so that the tribunal members were not themselves implicated in the politics of the case.
- (iii) that legal representation of the defence should be freely chosen and that there should be ample opportunity for consultation with the clients without repression by the authorities.
- (iv) that conditions within the prisons should be improved, that contacts should be established rapidly between prisoners and their families as being the only way of showing that prisoners were being properly treated.
- (v) that the allegations of torture should be examined and, if substantiated, disciplinary action taken against those responsible.

Those in positions of responsibility expressed their total ignorance of the fact that the relatives of prisoners had had no contact with the prisoners themselves since the trial. They promised to make an immediate investigation and to find out what was going on. Mr. Ennals asked further, that consideration should be given to an act of amnesty by the President. There is reason to think that those sentenced for long periods would probably not serve their full sentences.

Prison conditions are unsatisfactory. Eight of the prisoners, those with the longest sentences, are all thought to be in Bizerta. They have been allowed no direct contact with their families since the trial, and it is very difficult to get hard news. Our information regarding these eight is based on reports which have come out of the prison in Bizerta by people who have been released from ordinary criminal sentences. This information is not, therefore, a hundred per cent reliable, but until visits can be arranged it is the only information we have. Certainly the families have every reason to be concerned. These eight are in dungeons; they are not allowed out for more than five minutes a day exercise; their cells are below ground, have no windows, no furniture except a paliasse on the floor; and there is no light or ventilation. The walls and atmosphere generally are damp, and this is obviously disastrous for anyone who has tubercular tendencies as is the case of Ben Khader Nouedine, sentenced to 14 years. The only way in which this sort of story can be answered is by permitting AMNESTY or the relatives or the International Red Cross to visit these prisoners.

The rest of the prisoners are either being kept in Tunis or in Bizerta, although in somewhat better circumstances. While there has been no visit permitted and no letters have been exchanged between relatives and the prisoners, those in Tunis have had certain contact by being permitted to send parcels or clothing. This does not apply to those who are thought to be in Bizerta. No special provision is made for political prisoners, but the authorities made clear that they did not intend that political prisoners should be treated worse than criminals.

Since Mr. Ennals returned to London, information has been received that there have been significant changes in personnel, particularly at the senior police level. It is not yet clear whether this will result in an improvement in prison conditions and official attitudes towards the prisoners, who in January 1969 are still being refused contact and visits by relatives.

Malawi

Visit by Tom Kellock, Q.C., September 1968

Malawi has been independent since 1964. Reports of widespread detentions and of brutality in the prison camps led to AMNESTY sending an investigator during the summer of 1968. In September 1968 Mr. Tom Kellock, Q.C., went to Malawi to observe a treason trial.

Mr. Kellock, who defended Dr. Banda in the days before independence, was well suited to undertake this mission on behalf of AMNESTY INTERNATIONAL, as not only is he well versed in Malawi procedures but also is well known to many of the country's leaders.

Mr. Kellock went to observe the appeal of persons who had been sentenced to death. Those charged were not prisoners of conscience, but AMNESTY was directly concerned with the risk of those appealing being executed. In addition, we had received a very detailed report about conditions in Malawi prisons and detention camps, and we asked Mr. Kellock to examine for us the other reports which we had received.

Mr. Kellock was impressed that the defence lawyers felt perfectly free to represent the best interests of their clients and felt unimpeded by any question of restraint being brought upon them. In court the accused appeared to be in good physical and mental shape, and it was clear that the court gave very careful consideration to the points of discussion and legal arguments advanced by the defence. In fact the appeal was on purely legal grounds and purely on the question of the actual execution of the death sentence.

Mr. Kellock had confidential discussions with members of the civil service in highly responsible positions about the earlier AMNESTY report on the conditions in Malawi. It is clear that the report was accurate, and the figures of those in detention were correct at the time the report was prepared. It was recognised that there had

been abuses comparable to those described in the report such as indiscriminate arrests, bad treatment within detention centres, and other abuses of authority by officials directly charged with the welfare of the detainees. It is also true that there had been excesses of enthusiasm by members of the government party in getting new recruits amongst the village populations. But Mr. Kellock was told that many of these abuses had now been rectified; that there had been changes of personnel (this confirmed information which was contained in the AMNESTY report). A representative of the International Committee of the Red Cross had been making regular visits to the detention centres mentioned in the report, and there was every indication that although people were still imprisoned without trial, and conditions were certainly far from satisfactory, the overall circumstances had improved considerably since the report was prepared. The Commandant of the particular detention centre which had attracted AMNESTY's attention has now been sacked for corruption and ill-treatment of prisoners. The prison department has now taken over and the camp is run by a disciplined service able to ensure a normal routine acceptable to the prison department. More information was promised to Mr. Kellock by the government officials regarding conditions such as visits, receipt of letters, money and food. To date, no such information has been received.

New laws have been passed relating to the allegations of forced membership of the political party by enthusiastic young pioneers, and the legislation seems to have been well received and well applied.

With regard to the Jehovah's Witnesses, it seems that the real problem has arisen in the villages where Jehovah's Witnesses had refused to co-operate in local self-help schemes where people work "voluntarily" for food in order to improve the conditions of the village community as a whole. The Jehovah's Witnesses attempted to stop this type of development programme, arguing that it was in fact a form of slavery. Obviously, at this point things had frequently gone wrong in the villages, and there had been serious attempts to dissuade by force the Jehovah's Witnesses from carrying out their beliefs. This persecution had since been stopped, and the President of the Republic of Malawi had addressed a meeting of Ministers and party officials at the party headquarters saying that such mis-treatment had to stop. It was admitted that the organisation of Jehovah's Witnesses had in fact been banned and its property forfeited. An independent assessor had been called in and £20,000 compensation had been paid to the Jehovah's Witnesses for the property which had been seized. Individual Jehovah's Witnesses, it was claimed, did not have their property forfeited.

Ghana

Mission by Stella Joyce, November 1968

IN February 1966 President Nkrumah's government was overthrown by a military coup, a development undoubtedly welcomed by the majority of the population. The new military government, known as the Nationalist Liberation Council, reversed many of the political and economic policies of the former government, aligning themselves firmly with the West. Numerous political opponents detained by Nkrumah were released.

During the period immediately after the coup, thousands of C.C.P. supporters were imprisoned (many more than during the seven years of Nkrumah's rule after independence); numbers of political refugees from other African countries were expelled—as were foreigners known to be sympathetic to Nkrumah—all political activities were banned and other restrictive precautionary measures were imposed.

In 1967, an abortive coup led by younger army officers was followed by arrests and a public execution of two leaders. In spite of the threat to security implied by the continued presence of the former President in Guinea, the refusal by a number of African countries to recognise the new government and the serious economic problems inherited from the previous government, the internal political situation in Ghana has stabilised. The N.L.C. appears to be in full control and has, as a result, been able to relax virtually all of the restrictive measures initially imposed. The military government is now on its own initiative preparing the country for a return

to constitutional civilian rule in September 1969.

The purpose of the mission was three-fold:

to discuss with the Ghanaian government means of ensuring the implementation of various resolutions passed at the U.N. Conference on Human Rights in Teheran, 1968;

to explore the possibilities of establishing a National Section of Amnesty in Ghana;

to report on the internal situation as regards those Human Rights which are AMNESTY's particular concern.

The AMNESTY representative was warmly welcomed in Ghana. Our work for detainees during Nkrumah's time had been understood and appreciated and left a fund of goodwill. Several individuals who had been adopted as Prisoners of Conscience stressed how much the knowledge of our support had meant to them in detention. The Ghanaian authorities were most helpful and courteous and offered every facility to Miss Joyce.

Interviews were arranged with ministers, senior civil servants, judges, lawyers, academics, journalists and others. A real respect for freedom of expression and opinion was evident throughout the country. Conversation and political discussion were entirely free and relaxed. The observer's impression was that of a tolerant working democracy which had still retained much of the confidence and dynamism generated by Nkrumah in his most creative period. AMNESTY's image as an impartial and non-political organisation seemed well established, and response to the idea of setting up an AMNESTY Section was encouraging.

The government has inherited the state-owned papers which Nkrumah seized during his time in power. Although there has been some government interference with editorial policy (earlier in 1968 four editors were dismissed after publishing articles criticising a government contract conducted with Israel) the N.L.C. has recently decided to sell the government-controlled newspapers. It is their expressed intention to ensure that when the country finally returns to full constitutional rule no newspaper remains in government ownership. Two privately owned papers exist, the revived "Pioneer" and the newly created "Legon Observer", a distinguished intellectual weekly. Both pursue a vigorous editorial line and are extremely independent of government influence and frequently highly critical of policy. The broadcasting services are government controlled, but censorship is mildly interpreted and discussion and comment in programmes on political subjects is wide ranging and sharp.

In the latter half of November, 1968, only four individuals were detained without trial for political reasons. The large numbers of C.C.P. members and supporters originally detained have now all been released, except for those against whom charges for criminal offences—mostly corruption—have been proved in open court. These number less than 20. There are also a number of non-Ghanaian former detainees who have been refused permission to leave the country.

Legislation

Three legislative measures remain in force which impose serious restrictions on individual liberties.

The Protective Custody Decree of February 1966, passed after the coup, has been used exclusively against former C.C.P. supporters and is the decree under which four detainees are currently held. It allows the authorities to detain without trial or charge. The four men detained are Boye Moses, Ekow Eshun, Benjamin Kofi Otu

CONSCIENTIOUS OBJECTION—A HUMAN RIGHT

The report written for AMNESTY by Pat May is now available

Price 3/6

and Isaac Abraham. They were all arrested some time after the coup, Boye Moses in January 1967 and the others in October 1967. They do not appear to be represented by lawyers and have not been allowed visits by their families. Correspondence is severely restricted.

The Criminal Procedure (Amendment) (No. 3) Act of 1962, which allows the police to detain without charge for 28 days, is a relic of the repressive legislation passed during Nkrumah's time. The Amendment has also been used for criminal cases and its retention has been severely criticised within the country, both by the judiciary and prominent figures of all kinds in the press.

The Elections and Public Offices (Disqualification) Decree, 1968, under which certain named individuals prominent under Nkrumah are disqualified from holding public office for ten years, originally affected nearly 5,000 people. The number has since been drastically reduced, and in mid-November was about 200. Exemption from disqualification can be granted directly by the N.L.C. or may be obtained after appeal to an Exemptions Commission.

Miss Joyce discussed the question of disqualification with almost everyone she saw in Ghana. Views were strongly divided, even among members of the former opposition party, the U.P.

Fear of a revival of the C.C.P. remains strong, and many people argued that those who had misled Ghana in the past were not in practice susceptible to the normal sanctions of the law. They agreed it was undesirable that the law should be twisted to punish offenders from the old regime, but argued that the absence of a law to deal with this kind of offence should not be allowed to make society vulnerable to its recurrence. Some U.P. supporters, particularly in Ashanti, clearly wished the old C.C.P. elite excluded from politics for life, but the general feeling was that a five-year ban, i.e. for the life of one parliament, would be enough. Others felt that a two-year ban, enough to allow a new parliament to be elected without interference, would be a sufficient safeguard.

Recommendations for the repeal of the Act have been made by prominent individuals in Ghana and in the Ghanaian press.

The ban on political activities was still in force while Miss Joyce was in Ghana, but was entirely disregarded except in the most technical sense. It is, in any case, due to be lifted in January 1969 after the opening of the Constituent Assembly, the interim body which replaces the N.L.C.: until the new legislature is appointed after the General Election in September 1969.

Since our observer's visit, two senior Air Force officers have been arrested, accused of subversion, and four trade-unionists have also been detained following a rail strike. We have also had disturbing reports of severe ill-treatment during interrogation and of other detainees not mentioned to our observer.

CONVOYS LTD.

6 Bouverie Street, London, E.C.4

FLE 4060

Travel agents in all parts of the world. Why not book your journeys through us?

AMNESTY INTERNATIONAL does.