

EUSTOMY



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A MOVEMENT FOR FREEDOM OF OPINION AND RELIGION, HAVING CONSULTATIVE STATUS WITH THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

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1965 INTERNATIONAL ASSEMBLY

This year's International Assembly will be held in the Netherlands. The site selected is "Op Gouden Wieken" (Golden Wings), a conference centre on the outskirts of the Hague on the road to Scheveningen. The Assembly will take place on Saturday 25th and Sunday 26th September.

It is hoped that each country in which there is a Group established will take advantage of its voting rights to send *two delegates* to take part in the decisions determining the future policy of the movement. Accommodation will be provided at the expense of the movement in "Op Gouden Wieken" for all voting delegates. There are numerous hotels of all categories in the Hague and Scheveningen where other supporters who wish to be present may be accommodated. As in previous years the International Executive is not able to pay the travelling expenses of delegates, but where appropriate it is hoped that National Sections and Groups will make contributions to the cost of travel.

It is essential that the International Secretariat should be informed by 1st July whether each country will be represented by its full complement of two delegates. The names of the delegates and of other supporters wishing to be present should reach the Secretariat not later than 1st September.

International organisations in the human rights field will be invited to send observers, as in previous years. In addition the Executive will be pleased to consider suggestions from Groups that an invitation to send an observer should be sent to a suitable national organisation in their country.

RESOLUTIONS

Resolutions for the agenda of the International Assembly must reach the International Secretariat by August 1st. The subject matter of a resolution may concern either (a) Any situation in any country where freedom of opinion or religion is curtailed or (b) Any action which should be taken by AMNESTY INTERNATIONAL as an international movement, or (c) The internal working of AMNESTY INTERNATIONAL.

Where there is a National Section a resolution submitted by a Group or individual member must be forwarded to the International Secretariat with the endorsement of the committee of the National Section. Where there is no National Section, Groups or members may send a resolution direct to the International Secretariat but the Executive reserves the right of decision whether the resolution is to be included in the final agenda.

One resolution already on the agenda is the recommendation by the Irish Section, accepted by the International Executive, that each National Section should start an "Emergency Fund" to provide a source to finance emergency missions in cases where the death sentence is likely.

HUMAN RIGHTS DAY, 1965

This issue goes to press in April 1965, the twentieth anniversary of the liberation of the Nazi Concentration camps. It is suggested that National Sections and Groups organising ceremonies to commemorate Human Rights Day should consider adopting a common theme this year—honour to those who died in the camps, and particularly to those whose conscience led them to oppose Nazism when by silence they could have escaped. If one name should be taken to symbolise the victims, let it be that of Pastor Dietrich Bonhoeffer, done to death by the S.S. Black Guards on 9th April, 1945.

VISIT TO CUBA

In January, 1965, Irving Teitelbaum, a British lawyer, paid a two-week visit to Cuba as an AMNESTY delegate, to report on the situation there and during his visit he was able to be present at a Revolutionary Tribunal. His account of the Tribunal is given below.

"I attended a Revolutionary Tribunal and on the day before some proceedings at the Criminal Courts. These both took place in the Palace of Justice. I was informed that in Havana, less serious offences heard by Revolutionary Tribunals are commonly tried in La Cabana Prison. This may

involve some difficulty for members of the public who wish to attend a trial, but the public benches of the Tribunal I attended were full. I was informed that a point is always made of permitting the relatives of the accused to attend, and I know that in one case recently where an Italian was one of the Defendants, the Cuban Government requested that a member of the Italian Embassy be present at the hearings.

The speeches of Counsel were highly emotional, and were as much an exhortation to the public to adhere to the principles of the Revolution as they were a résumé of the evidence given, and it would appear therefore, that attendance of the public is an integral part of the Tribunal proceedings.

On arrival at the Court Room, we had to answer enquiries by a Soldier who then let us in. I have no knowledge whether he had authority to permit or refuse attendance.

"I spent one morning listening to the Tribunal proceedings. Two cases were heard, and the verdict was reserved in both. The first case was of a minor nature, being a charge against a Cafeteria administrator for permitting misappropriation of public funds by negligence. Thirty pesos had disappeared from the cafeteria till, and it was alleged that this theft, although he was not accused of it, had been caused by his negligence.

"I had been informed that there was no bail for persons charged with offences heard before these Tribunals, but in evidence it was revealed that this Defendant had remained living at home pending his trial, although he had been suspended from his job.

"The case was opened by Prosecuting Counsel, and the Defendant elected to declare. Questions were asked about his home life, his children, the wages he earned and what Revolutionary Organisations he belonged to before the specific facts of the case were dealt with. Subsequently, he was cross-examined by his own Counsel, who was an Abogado de Oficio (a lawyer attached to the Court). She was a woman of about thirty, who told me that she had defended approximately one thousand cases before Tribunals in the last six months.

"Subsequently, evidence from witnesses was taken. Amongst the evidence given was that of the G.2 (Cuban Secret Service). This dealt not only with the offence charged, but also with the Defendant's personal character and revolutionary affiliations. This evidence was of a wide nature, and was generally favourable to the Defendant. The witness was also cross-examined by Defence Counsel.

"In the closing speeches, Prosecuting Counsel, although stressing the negligence of the Defendant, also pleaded for the Judges to take into account the small nature of the offence and the accused's good character. Counsel pointed out that the Revolution had been a fight against misappropriation of public funds and it was, therefore, important that such things should not occur. It seemed clear, however, that this was a plea either for a very lenient sentence, or alternatively for a discharge.

"Sentence was reserved and the accused permitted to return home pending it.

A more serious case

"The second case was more serious. There were six Defendants who were accused of varying degrees of complicity in stealing and killing cattle and subsequently selling the meat on the black market. Prosecuting Counsel was the same as in the first case and the same Defence Counsel represented three of the accused, while a private lawyer represented the other three.

"At this stage I should mention that the day before when I was in the Criminal Court, I had seen Prosecuting Counsel prosecuting in other cases and wearing civilian clothing. In the Revolutionary Tribunal he and all the other Officials of the Court wore military uniform.

"All the accused elected to declare and only one of them denied guilt. Evidence was heard in the same way as in the first case, and one of the accused elected to make a final statement.

"As in the first case, the evidence of the G.2 was very wide. In the case of the Defendant who was alleged to be the leader of the group, it was stated that he had been pro-Batista and helped people to leave Cuba illegally, had joined the Police Force after the Revolution, but had left again when he found that it was no longer a profitable job. It was stated that his membership of Revolutionary Organisations was a sham and covered for his counter-revolutionary activities. No serious cross-examination of this evidence took place, nor was there any supporting evidence brought to establish the facts stated. The G.2 evidence was not only very wide, but also very prejudicial to most of the Defendants, and being given before verdict, this may have had an adverse affect on sentences if the Defendants were found guilty.

"The G.2 evidence said that there were facts to implicate the sixth Defendant who denied guilt, and both Prosecuting and Defence Counsel emphasised that a denial had been made. Defence Counsel, however, did not seem to make a strong case of the denial, nor did the Defendant elect to make a final statement to contradict the G.2 evidence.

"Speeches by Counsel were long and highly emotional. As before they dealt not only with the facts, but also with the philosophy of the Revolution.

"The defendants were under armed guard in Court, and were in prison uniform. They were allowed to sit during the proceedings, except when giving evidence. The day before, I had noticed that prisoners on criminal charges had been under armed guard between the Court and the transport taking them back to prison."

JUSTICE IN THE AMERICAN SOUTH

During the past few weeks, a great deal of publicity has been given to the racial situation in the Southern States of America; the now famous march from Selma to Montgomery and the

subsequent measures taken by the Federal Government to speed up the process of negro vote registration. Last summer an AMNESTY delegate visited the Southern States and his report "Justice in the American South" was published in February. The delegate selected to undertake this journey was Anthony Lester, a London lawyer. He was chosen because of his expert knowledge of the Civil Rights movement and of the legal issues involved, gained during a previous period of study at Harvard Law School, during which he had visited the Southern States. The extracts quoted below are taken from the press release issued at the time of publication.

"The prevailing mood in the Deep South is one of fear, states Anthony Lester, a British lawyer, in a report published today on a three-month visit to the Southern States of America as a delegate of AMNESTY INTERNATIONAL. It is fear by the white conservatives of the 'Black Peril', a guilty foreboding that one terrible day the negro population will rise up against whites, and fear by the negro and white dissenters of economic reprisals, imprisonment, beatings and killings.

"While observing Freedom Day celebrations at Rolling Fork, Sharkey County, he and a party of American lawyers were followed by 'carloads of threatening men' and at one point were menaced at a distance with a knife.

"The Southern way of life, he says, is not the American way of life. The South today must be treated as though it were a separate foreign country. It is characterised by the value Southerners still place on chivalry and violence, their lack of realism, the one-party system of government, the absence of public dissent, the atmosphere of fear.

"The Mississippi volunteers had started a revolution dedicated not to opposing Federal Government policy, but to implementing it. Judges and police, who were elected and thus directly dependent on local opinion, reflected white supremacist attitudes. The basic ideal of impartiality in the administration of justice was frustrated.

"Rape was a capital offence in all Southern States but no white had ever been executed for raping a negro girl. The last time a white person was executed in Mississippi for a crime against a negro was in 1890.

"In a Southern States court a policeman's evidence is never challenged; if there is conflict between negro and white a judge appeared automatically to believe the white; negro witnesses are patronisingly called by their Christian names though the U.S. Supreme Court has ruled the practice unconstitutional.

Hope in the South

"There are many hopeful signs in the Deep South" concludes Mr. Lester. At last Southern businessmen whose interests were hurt by bad publicity were asking to be protected from lawlessness and violence. "Millions of Americans now understand the horror of the Southern way of life, and the new voting strength of the Northern

negroes will insure that the liberals do not again turn their backs on the South".

He confirmed that in most of the Deep South negroes did not receive equal protection of the law, but that the law was used to preserve segregation and deny negroes their constitutional rights.

"The commitment of the Federal Government and thousands of Americans to the struggle for racial equality is impressive, but to this foreign observer it appeared that insufficient political energies have yet been directed to improving the process by which law is administered, rather than the laws themselves. The needs are obvious: to educate local police forces and improve their recruiting; to ensure that Federal officials are really working for the Federal Government; to provide Federal protection for those who are exercising their undoubted rights; to end the exclusion of negroes from juries (or else the need for local trials by jury); and through Governmental and professional bodies to educate Bench, Bar and Police in their responsibilities."

"It is unnecessary to point out" states Mr. Lester finally, "that unless negroes are given justice in the courts, they may at last emulate their white fellow citizens and take the law into their own hands."

Owing to the cost of publishing the report, it is not possible to send complimentary copies to our fully subscribed members. It is, however, available to ALL members at the reduced rate of 3/6d. The price to non-members is 5/6d. per copy.

PORTUGAL

In the last issue we published extracts from the report of a delegate's mission in December. The continued arrest of students caused another delegate to go to Lisbon in February; he was Maitre Nicolas Jacob of Paris, member of the International Executive. While in Portugal he reported on the judicial system in political cases. This is how he summarises the system:

"It is a special jurisdiction, called 'Tribunal Plenario', which deals with political offences; there is a right of appeal to the Criminal Chamber of the Supreme Court. Preliminary examination of the accused is secret in political cases, as it is also in ordinary common law cases, with this difference that, while enquiries in a common law case are conducted by a magistrate, in a political matter the examination is carried out by the political police, the P.I.D.E.

"The accused person can be detained for a period of up to 3 months upon the decision of the police alone, and then for two further periods of 45 days by decision of the Minister of the Interior or of Justice upon the written request of the police. As requests are rarely revised, this means that in practice the accused frequently remains in prison for up to six months without any intervention of the judiciary; during this period he has no right to see his lawyer, and neither he nor his relatives have the right to discover the nature of the charge. At the end of six months the accused has then the

right to ask for a hearing at which he can call witnesses. At this stage he may be released on bail. But the police may propose to the Tribunal Plenario before any hearing has been held that the accused should be held in detention, or the police may of its own accord hold him in custody for a further period of six months.

"Under Article 19 of Decree 34,749 of 9th August 1954, for the purpose of a preliminary examination in a political case the powers of a magistrate may be exercised not only by the Director of the P.I.D.E., but also by a Chief Inspector or even a Sub-Inspector in any case where the prosecution has been commenced by the police.

"The result is that there has been created a virtual system of arbitrary administrative imprisonment which denies to citizens the most elementary personal rights.

Hampering the Defence

"What is more, the P.I.D.E., during the period of the preliminary instruction, interpret the decree of 13th October, 1945, which deals with the confidential nature of the examination, in such a way as to prevent the accused from having any contact with a lawyer. Even when the examination is completed the accused may only see his lawyer in the presence of two policemen or prison officers in the prison building, that is to say, in conditions which make it impossible for him to have any confidential discussion with his adviser.

"So far as the trial is concerned, the Tribunal Plenario sits in Lisbon and in Oporto. It consists of three judges from the Criminal Chamber selected by the Government. The trial opens with an examination of the accused. He is generally denied the right to make any reference to ill-treatment which he may have suffered in detention, to justify his actions or to explain why he opposes the policy of the regime. If he insists on referring to these matters, he may be removed from court and the case carried on without him.

"The defence is relatively free in what it may say, but even so, when Maitre Palma Carlos tried to insist on the court recording one of his submissions, he found himself condemned to seven months' imprisonment and a year's disbarment. He was released the next day with a fine, and the Order of Advocates ultimately remitted the fine. However, since then, this lawyer has been served with an order confining him to the city of Lisbon, which he may only leave with police permission . . .

" . . . Throughout, the procedure applied to political prisoners is wholly contrary to the principles laid down in 'AMNESTY INTERNATIONAL'S Code of Conduct', published on 10th December, 1962."

SPAIN

The International Secretariat has followed closely recent developments. It has drawn the Government's attention to a number of cases and features with satisfactory results. The decision in April to give students the right to organise their

own union is particularly welcomed. Outstanding recommendations to the Government concern the establishment of proper machinery to investigate complaints of police brutality, the ending of all emergency legislation passed during the Civil War period and the constitution of a juridical committee to advise on changes necessary to bring Spanish law into conformity with the European Convention of Human Rights.

NEWS FROM THE LONDON OFFICE

Mr. Jack Halpern has resigned at the expiration of his six-months' appointment. The International Executive has expressed its appreciation to him at the way in which he carried out his assignment.

Mr. Martin Enthoven was appointed by the International Executive as Executive Secretary.

Mrs. Maureen Teitelbaum, formerly Maureen de Santos who married in December, 1963, has finally had to resign from her work in the Library and Investigation Bureau. Her enthusiasm and energy have been greatly appreciated and it is hoped that she will be able to give occasional help in the future.

Miss Anna Lumley has joined the Library staff.

Mr. Peter Day has started working with "The Prisoner of Conscience Fund" in fund-raising.

Miss Stephanie Grant has taken on an assignment to write two reports on prison conditions—in Rumania and South Africa.

Mr. Donald Cameron, part-time librarian and book-keeper, leaves at Easter to the great regret of the whole staff.

HUMAN RIGHTS YEAR

The United Nations has declared 1968 to be "Human Rights Year". The U.N. Planning Committee on the International Year for Human Rights recommends that organisations having an interest in the promotion of respect for human rights and fundamental freedoms, including non-governmental organisations in consultation with ECOSOC United Nations associations, research institutions, universities and other institutions of higher learning and other private organisations should be invited to participate fully in the celebration of the International Year and to organise special activities of their own during 1968.

All National Sections are encouraged to consider ways in which a concerted effort can be made by the groups to publicise "Human Rights Year" and are invited to submit resolutions on ways in which AMNESTY INTERNATIONAL can make an effective contribution.

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