

A  
REPORT  
by

AMNESTY INTERNATIONAL

(Peter Benenson)

A D E N 1963-1966

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ENGLAND

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A D E N (1963 - 1966)

The people of Britain value freedom above all else. They have a long and honourable record of opposition to all forms of physical cruelty. The matters referred to in this report are no reflection upon the people of Britain. They did not know what was being done in Aden. Nor does this report doubt the good intentions of the Ministers of two successive governments of opposing political views. In particular, several of the Ministers of the present administration have devoted their public career to the cause of independence of developing territories, none more so than Lord Caradon who represents Britain at the United Nations.

The history of Aden before and after British rule is well summarised by Lord Sorensen, an honoured supporter of the present British Government, in his pamphlet published in 1961 by the Fabian International and Commonwealth Bureaux entitled "Aden, The Protectorates and the Yemen". An understanding of the climate, economy and history of Southern Arabia is a pre-requisite to any analysis of the events which have occurred there since 10th December (Human Rights Day) 1963. Since the question of Aden has been regularly debated at the United Nations during the last four years it is trusted that the delegates who read this report have that understanding.

It will be recalled that on 14th December 1960 the United Nations General Assembly adopted the "Declaration on the granting of independence to colonial countries and peoples". This stated that "Immediate steps shall be taken, in trust and non self-governing territories and all other territories which have not yet attained independence, to transfer all powers to the peoples of these territories". The British Government has not dissented from this Declaration but has taken steps to follow its injunction. Independence has been granted to every territory of any size during the years 1960-1966 with the exception of Aden, or, more exactly, to the Federation of South Arabia. For the British Government announced in 1964 that it intended to give independence to this Federation "by 1968".

"Amnesty International" was established to uphold articles 18 and 19 of the Universal Declaration of Human Rights which guarantee freedom of religion, expression and opinion. It is not for us to enquire into or comment upon the reasons why the granting of independence to Aden has been delayed longer than to, say, Basutoland. Nor to our terms of reference permit us to express any opinion on whether a Federation is a desirable form of government for this or any other territory. The one - and crucial - point which we are entitled to make is that it is perfectly possible to hold strong views about the undesirability of this federation in particular or all federations in general without being the supporter of a power or ideology hostile to Britain. The desirability of a federation is a matter which is eminently suitable for public debate; indeed, we would go so far as to say that any federation is doomed to disintegration unless its formation has been preceded by discussion and consensus. "Amnesty International" felt obliged to draw this consideration to the notice of the now separated parts of the Malaysian Confederation when, in our view, the opponents of that Federation were unreasonably denied the right of full expression and arbitrarily detained. Nothing that has occurred since in Malaysia causes us to alter that view.

The background to the Federation of South Arabia, its aspirations and proposed functioning, is set out in a publication issued in 1965 by British Information Services entitled "Aden and South Arabia" (R. 5671/65). It is a matter of record that the leading political, municipal and professional men in the Colony of Aden have opposed its entry into a Federation with 19 Sultanates as has been proposed, indeed, as has been nominally effected by the British Government. It is not for us to detail their objections to Federation; they have been supplied to delegates of the United Nations on several occasions.

The Federation was built up gradually from 1959 onwards as Sheikhs and Sultans agreed to accede. In January 1963 the Colony of Aden (renamed Aden State) was brought into the Federation by executive action of the British Government. It is a matter of record that this act of accession was bitterly opposed by a significant section of the population of Aden State.

On 10th December 1963 while the then British High Commissioner, Sir Kennedy Trevaskis, was waiting at the airport a hand-grenade was thrown which injured 50 people and killed two. There is no doubt that this regrettable action was a protest against the Federation. On the same day a State of Emergency was declared by proclamation and this State has been in force from that day to this. Again, it is not for "Amnesty International" to say whether it was necessary to declare or prolong a State of Emergency. We are only concerned with acts done to repress freedom of expression and our concern with that State of Emergency is to consider the consequences which flow from it.

The British Government has ratified the European Convention of Human Rights in respect of Aden State and that ratification was effective throughout the period under consideration. Under Article 15 Britain is entitled to derogate from several of the fundamental freedoms in the Convention "in time of war or other public emergency threatening the life of the nation". Under Article 15 (3) a High Contracting Party availing itself of this right shall keep the Secretary-General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. Without doubting that the British Government has properly informed the Secretary-General, we are obliged to record that this information has had singularly little circulation either to the British Parliament and public or to the United Nations. And we feel it pertinent to comment that no single copy of the measures of derogation was available when we applied to the Government Bookshop.

However, no State of Emergency entitles any Government to derogate from Article 3 which reads: "No one shall be subjected to torture or to inhuman or to degrading treatment or punishment". And it is with this article that our report is concerned.

The allegations that there had been violations of this article were first made immediately after the incident at the airport on 10th December 1963 when considerable numbers of Adenis, many of them prominent people, were arrested. The Chief Justice of Aden, Sir Richard le Gallais, was appointed to investigate these complaints. His report is a matter of record. In brief, he found that

most of the complaints of individual ill-treatment were unfounded, but that the collective complaint that a number of detainees had been handed over to the Sultan of Fahdli for custody during 62 days was found to be true. It is to be recalled that the Adenis arrested were objecting to a Federation of their State with, among others, the Sultanate of Fahdli. In our view, this action by the British authorities in Aden is largely responsible for the mistrust which has grown to such alarming proportions at the present time.

The complaints made to the United Nations and to the Council of Europe by the Greek Government of violations of Article 3 by the British Government in Cyprus are also a matter of record. It is significant that these complaints which originated with prominent Greek Cypriots, now in the Government of Cyprus, flowed from the date when a number of Greek Cypriot detainees, released from custody, were transported to and left in the Turkish Cypriot village of Gunyeli, where some were massacred.

It is now public knowledge that the British Government would not permit any inspection of Aden by delegates of the International Committee of the Red Cross during 1964 and that, although a delegate visited twice in 1965, he was not enabled to see the detainees. It is for the International Committee of the Red Cross, if it sees fit, to release the correspondence and minutes of the negotiations which led to permission to visit the detainees in Aden being finally granted by Rt. Hon. Anthony Greenwood, Colonial Secretary, in December 1965 - two years after the complaints had started. "Amnesty International" on its part, in that event, would be prepared to publish the letters written to the many successive ministers entrusted with these negotiations during the three year period: Rt. Hon. R. A. Butler, Rt. Hon. Duncan Sandys, Rt. Hon. Anthony Greenwood, Rt. Hon. the Earl of Longford, Rt. Hon. Fred Lee, Rt. Hon. Michael Stewart and Rt. Hon. George Brown. It is sufficient for this report to say that as long ago as 29th October 1965 we drew the attention of the Colonial Office to the conditions attaching to the publication of Red Cross Reports, namely, that it is at the option of the Government receiving them to publish subject to the condition that the publication shall be in full. What Ministers and Foreign Office spokesmen have said to the contrary in Parliament and at briefing conferences is not our concern, but that of the people of Britain.

If the complaints of breaches of Article 3 had been properly investigated and the findings disclosed at the appropriate time we believe that the present unhappy situation in Aden could have been avoided.

"Amnesty International", principally concerned to secure the release of persons held in breach of Articles 18 and 19 of the Universal Declaration of Human Rights (Article 9 of the European Convention), has always considered that it was its duty to make representations about the humane treatment of all categories falling under the broad definition of "political prisoner" and to seek a general amnesty on their behalf.

We are quite satisfied that in respect of complaints from Aden we have made these representations to the British Government with responsibility and reasonableness and are happy for any investigation of the letters and minutes of meetings, because we believe that they will bear out our case. In so far as certain people in Britain have suggested that the publication of the affidavits and statements collected in Aden in July 1966 by our delegate from Sweden, Med. Dr. Selahaddin Rastgeldi, was irresponsible and prejudicial to the British position, we must point out that on 20th June, long before Dr. Rastgeldi went to Aden, our Secretary-General warned the British Government that, by allowing the delegate to go to Aden but by refusing him all facilities and declining to put forward any contrary evidence, the inevitable result was that our delegate would have nothing to publish except statements made by Adeni complainants made ex-parte. This is exactly what happened.

We now come to examine the allegations of multiple breaches of Article 3 of the European Convention in respect of the administration of Aden State. We do not set ourselves up as judges; indeed, one of the underlying maxims of our organisation is "Judge not that ye be not judged". Our function is to make representations on the humane treatment of prisoners in the light of evidence available to us. But, it is pertinent to point out that the judicial machinery of the Council of Europe has always been available to the British Government if it wished for a vindication of its stewardship. That machinery was usefully employed over the complaints from Cyprus. Even if no other Government in Europe wished to bring this matter before the Council, it was open to the British

Government to seek an Advisory Opinion under the terms of the Second Protocol to the European Convention.

Had the complaints of physical ill-treatment been impartially investigated at the time, we believe that it would have been possible to reach an unambiguous finding. Our present view, which is not uninfluenced by the telegrams which we have received from various public and reputable bodies in Aden, such as the Municipal Council, on the one hand, and by statements made by British officers to the press and on television, on the other, is that the stage for impartial investigation has passed. We refer to the findings of the Coroner who investigated the death of 11 African detainees at Hola Camp, Kenya, on 3rd March, 1959. The Coroner found that he could accept none of the evidence either of the surviving detainees nor of the warders. In our experience when passions have reached such an intensity during a nationalist conflict, the obligation of loyalty to the party or corps is likely to exceed that of telling the unvarnished truth.

As is now well known, the affidavits and statements collected by Dr. Rastgeldi and published in Stockholm by the Swedish Section of "Amnesty International" allege both physical torture and the subjection of detainees and their families to degrading treatment. We see no advantage in providing sensationalism by repeating details of these allegations. The purpose of this report, in the light of the denials of British Government spokesmen (we are not aware of any Minister having expressed himself publicly) is to analyse whether sufficient credence should be attached to these statements to justify the United Nations in taking some action to uphold Article 5 of the Universal Declaration of Human Rights (which substantially reproduces Article 3 of the European Convention).

In reaching any decision as to whether or not there is a sufficient prima facie case of torture and degrading treatment or punishment, one can only be guided by the balance of probabilities, for the British Government has provided neither in confidence nor in public any rebutting evidence.

When delegates to the United Nations come to decide whether there has been a breach or breaches of Article 5 of the Universal Declaration, we suggest that the following are appropriate considerations:-

On the one hand

- a) the natural resentment of men arbitrarily detained and of the families;
- b) the bond of loyalty which unites one member of a nationalist movement to another and leads to mutual corroboration;
- c) the long tradition of physical ill-treatment of prisoners in the history of Arabia which means that the incidents complained of are likely to be closer to the memory in the Middle East than in Europe or North America;
- d) the tendency to over-state which is part of the Arabic literary tradition;
- e) Sir Richard le Gallais's finding that most individual complaints were unfounded or greatly exaggerated;
- f) knowledge by nationalist movements that the British Parliament and public are particularly sensitive to allegations that their representatives have been guilty of cruelty and the historical fact that such allegations in the past have led to changes in British policy;
- g) the record, character and public statements of Sir Kennedy Trevaskis, lately and Sir Richard Turnbull, presently High Commissioner of Aden.

On the other hand

- a) the natural resentment of men made the target of bullets and hand-grenades;
- b) the knowledge that physical ill-treatment of prisoners is against the law and that any admission of such might lead to prosecution or disciplinary action;
- c) the ethnic and cultural differences between interrogators and interrogated which might lead the former to believe that the behaviour pattern of restraint is unsuitable when dealing with Arab detainees particularly as these have been represented as serving a cause hostile to Britain;
- d) the tendency to under-state which is part of the English cultural pattern;
- e) Sir Richard le Gallais's finding that detainees were deliberately handed over to the custody of a traditional opponent, the Sultan of Fahdli;

- f) knowledge by British officers and public servants that their Parliament and public are particularly sensitive to allegations of cruelty and that such allegations have been relentlessly pursued by members and supporters of the present British Government in respect of past complaints from Kenya, Nyasaland and Cyprus.
- g) the public and professional standing of the Adeni bodies which have indentified themselves with the complaints, namely, the Civil Service Association of South Arabia, the Aden Municipal Council, the Aden Teachers Association and the Aden Jurists' Association among others;
- h) the personal standing of the complainants themselves who include a Government Under-Secretary, a senior police officer, several teachers, a prison warder and numerous civil or municipal servants;
- i) the admission apparently made to certain British newspaper correspondents by the British authorities in Aden that the interrogators involved in the incidents referred to in the 6 affidavits sworn before a representative of the High Commission and annexed to the memorandum of the Civil Service Association have been sent away from Aden;
- j) a statement made to the correspondent of the "Sunday Telegraph" by an unnamed British official and printed in that paper on 30th October 1966 that the purpose behind the refusal to allow journalists to inspect the interrogation methods used at Fort Morbut was "reluctance to give away interrogation procedures to the enemy.....but we would rather have mud thrown at us than reveal our methods". This statement is to be considered in the light of the fact that several of the detainees from Fort Morbut have been released and have already made public statements of what they claim to be the methods used.
- k) the claim made by Sir Richard Turnbull to Dr. Rastgeldi and frequently asserted by British spokesmen that it is impossible to bring the detainees to trial because of the reluctance of Adeni witnesses to come forward. This statement is to be considered in the light of the allegation that most of the detainees either used or were in possession of firearms or explosives, which matter is capable of judicial proof in accordance with the principle res ipsa loquitur.
- l) the fact that none of the coporate bodies or individuals putting forward publicly allegations of ill-treatment have either been prosecuted for making a wilful misstatement under the Emergency Powers or for the offence of Public Mischief under English Common Law;
- m) the long delay in admitting a delegate of the International Red Cross (previously referred to) and the failure to publish any of the Red Cross reports;

- n) the refusal of the authorities to allow a visit by the Sub-Committee delegated for that purpose by the United Nations Special Committee on Colonialism;
- o) the failure of the British Government to take advantage of any of the facilities available for international vindication such as the Council of Europe machinery (previously referred to);
- p) the failure of the British Government to publish any White Paper or to lay any relevant papers before Parliament or public;
- q) the refusal of facilities to "Amnesty International's" delegate, Med. Dr. Selahaddin Rastgeldi, and the decline of the offer, in the event of those facilities being afforded, to delay publication of the report to allow for any matters of criticism to be attended to and to include the comments of the British Government;
- r) the admitted regular practise of the Emergency Powers to hold Adenis for up to 28 days for the purpose of interrogation before the service of any detention order;
- s) the admitted refusal to disclose the whereabouts of persons arrested for interrogation to their families;
- t) the admitted refusal to permit persons arrested for interrogation to make contact with a lawyer;
- u) the admitted refusal to allow persons arrested for interrogation to be attended by their own doctor;
- v) the admitted increase in the number of "terrorist" attacks. This admission must be analysed in the light of the claim that the purpose of the Interrogation Centre is to obtain information which would enable such attacks to be forestalled;
- w) the failure of the British authorities to explain who are the persons employed to interrogate, what are their contracts of service, under what code of discipline do they act, to whom are they responsible, and whether any of them have been previously the subject of such complaints in Palestine, Kenya or Cyprus.

As previously maintained, the issue of whether or not there have been breaches of Article 5 of the Universal Declaration must depend on a proper consideration of the balance of probabilities. "Amnesty International" has through its Swedish Section published sufficient ex parte allegations of such breaches for these now to be assessed in the light of the considerations above listed and any others which have been unwittingly omitted. We must, however, state that we have received, particularly since the publication of the ex parte statements, further evidence which we do not intend to publish because it has been sent to us in confidence. It is proper, however, to add that

nothing in this further evidence causes us to doubt that we acted reasonably in making repeated representations to the British Government or that our Swedish Section was right to publish the ex parte statements referred to.

British spokesmen have commented that, in so far as there are any allegations of ill-treatment in Aden, they are relatively trifling compared to more serious complaints about the treatment of political prisoners in other member-States. We have never dissented from that view, and delegates from many states at the United Nations, from all continents and every system of government, can testify that "Amnesty International" and its 460 Groups spread round the world have not been idle in making representations about these complaints. We think that in matters of human suffering all comparisons are odious. Britain, particularly because of her traditions and her public pledges before the United Nations in the realm of human rights, has set herself a standard. We believe that the standard is higher than the minima laid down in the Universal Declaration and the European Convention. We have confidence that steps will now be taken to draw aside the veil which obscures Aden and to vindicate that high standard of consideration for human life and dignity.

We hope that when the United Nations have considered these matters they will give the British Government a proper opportunity itself to take any such remedial action as may be called for. We say this with emphasis because we believe that the members of this British Parliament, so many of whom support the objectives of "Amnesty International" will not now be slow in seeing that those objectives are achieved in Aden. We are in this view supported by the choice of a former Deputy-Speaker of Parliament, Roderic Bowen, Q.C. to go out to examine the procedures current in Aden for the arrest, interrogation and detention of persons suspected of terrorist activities; and to advise the Secretary of State whether there are any ways in which these procedures can be improved, having in mind on the one hand the rights of the individual and on the other the duty of the authorities to safeguard the community as a whole from lawless acts".

In concluding this report we are obliged to draw attention to one other matter which reflects on the rights of the individual without in any way safeguarding the community as a whole from lawless acts. Although we illustrate the point by one particular case which is germane to the subject-matter of the report, we believe that it is by no means isolated. Nor do we assert that the practice complained of is unique to the British Government. It is, however, a matter of considerable public importance both because the practice adversely affects the individual, but also because it undermines the confidence of one Government and another and has, in at least one case known to us, made further international negotiation impossible.

The practice is that of a Government Department convening privately certain selected newspaper correspondents and giving to them what are termed "non-attributable" briefings. We believe, first, that this practice is contrary to the principle of public responsibility, and, second, that the selectivity of correspondents infringes the principle that all are equal before government. The practice is particularly to be deplored when occasion is taken to make use of the protection of "non-attributability" to statements which if repeated or published would be defamatory.

A series of "non-attributable" statements have been made both in London and in Aden about Amnesty's delegate Med. Dr. Selahaddin Rastgeldi. The burden of these statements, which largely consist of selected excerpts of monitored broadcasts from Cairo Radio, is that Dr. Rastgeldi ( who is of Kurdish, not Arab ethnic origin) was pro-Egyptian and therefore not to be trusted, because he called at Cairo to see Adeni exiles on his way to Aden and on his way back. In fact, Dr. Rastgeldi on leaving Stockholm came first to London where he stayed to attend upon the British Foreign Office, called at Cairo to see Adeni exiles, went to Aden for 8 days and then returned to Cairo where he already knew the Swedish Ambassador, taking up a social invitation extended to him on the way south. We see nothing in Dr. Rastgeldi's itinerary to suggest partiality; indeed, we think it was his duty to take evidence from the leaders of the Adeni parties and trade unions in exile. We take the strongest exception to the suggestion that there was any impropriety in his itinerary when the suggestion comes from unidentified officials serving under Ministers

who, when they themselves investigated complaints of ill-treatment in Cyprus, followed exactly the same itinerary mutatis mutandis. Further, we think it not inappropriate for us to raise this protest because we know that these very Ministers and Members of Parliament were subjected to the same attack by "non-attributable" briefing when they properly, as Members of Parliament, investigated the complaints of their constituents. It should not be forgotten that many Cypriots, as do some Adenis, live in the United Kingdom.

The moral of this last complaint as of the rest of this report is that nothing so inflames suspicion or breeds resentment as needless secrecy. The opposite injunction of "Publish and be damned" is also dangerous. The right principle, surely, is publish to save.....to save, suspicion, fear, resentment and injury to reputation. It is for this reason that our movement which has as its emblem a candle shining out of barbed wire, has thought it fit to publish this report.....to save further suffering and bomb-attacks in Aden, to clear the reputation of Dr. Rastgeldi, of the Adenis who have given him statements and of the British Regular Forces whose honour has never been impugned and whose sacrifice, commemorated on this day of publication, twice preserved that freedom which "Amnesty International" and the United Nations now works to extend. It is for this reason also that the writer of this report signs his name:-

Peter Benenson.  
President of the International Executive.

11th November, 1966.