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**Amnesty Notebook**

**THE INTERNATIONAL COUNCIL MEETING** takes place in Oslo from 26th September to the 27th. The official opening will be held in the late afternoon on Friday 25th. It is hoped that all National Sections will be represented. Suggestions for the agenda and resolutions for consideration should be submitted to the International Secretariat through National Sections AS EARLY AS POSSIBLE, but at the latest by Friday 21st August. If at all possible National Sections are requested to ensure their representation and to give early notice of the number of delegates and their names. Details of arrangements will be circulated.

It will be proposed to the International Council that the International Assembly which is open to all members of Amnesty International should be held in Luxembourg in 1971 to celebrate the 10th anniversary of the foundation meeting of Amnesty International, which was also held in Luxembourg, in 1961.

**SPAIN:** In March, Mr. Sean MacBride, Chairman of the International Executive Committee, headed an Amnesty mission to Spain which included Mr. Hajo Wand-schneider and Mr. Marino Porzio. Discussions were held in Madrid relating to prisoners of conscience, treatment of prisoners and the laws relating to trade unions and conscientious objection. The mission was arranged without publicity and was only announced by the Spanish Government some weeks after the return of the Amnesty delegates. Arrangements were made for continuing the series of consultations with the Spanish authorities with regard to prisoners.

**LENIN CENTENARY:** The British Section of Amnesty International issued a report on the occasion of the celebration of the centenary of Lenin's birth to show the contrast between Lenin's intentions and the present situation in Russia and the countries of Eastern Europe. The report stated, "There are undoubtedly thousands of prisoners of conscience in Soviet prisons and camps". It included information on prisoners of conscience in the Soviet Union, East Germany, Czechoslovakia, Rumania, Poland, Hungary and Yugoslavia. The report made reference to the special psychiatric hospitals in the Soviet Union where prisoners are confined, with

or without trial, and given forcible treatment. Quoting from an article which appeared in a Moscow "underground" journal, the report goes on to say that it is at the Serbsky Institute in Moscow that many intellectuals are diagnosed and it is "difficult to point to a single one of these cases in which the results of the diagnosis could be said to be justified on scientific and medical grounds". If prisoners will not renounce their convictions "they are subjected to physical torture, on the pretext of treatment, to injections of large doses of 'amazin' and 'sulfazin' . . . sometimes sodium aminate, a strong narcotic, is administered by injection to weaken the patient, and after the injection he is interrogated. The staff consists of orderlies recruited from security police forces, their uniforms concealed by white overalls, male nurses chosen from among the criminal prisoners, also in white overalls (thieves and recidivist thugs), and lastly the senior and junior medical personnel, many with officers' shoulder-straps beneath their white overalls. The brick walls surrounding these prison hospitals are even more impressive than those of any other kind of prison . . ." This type of report is the more disturbing in that the government of the U.S.S.R. has never permitted independent examination and report.

**GREECE:** A press statement was issued by the International Secretariat following the release of 332 Greek political detainees, the recent freedom given to Mikis Theodorakis to undergo medical treatment in France, and the promised restoration of Article 10 of the Constitution which, in guaranteeing the citizen's freedom from arbitrary arrest, is one of the keystones of any democratic state. The statement welcomed these moves but added: "Nonetheless, while recognising these substantial developments, Amnesty feels it must draw attention to the continued detention and imprisonment of well over 2,000 Greek citizens, even after the 332 have been freed. From our own records it is clear that in addition to the 1,270 on the island of Leros and in Crete, who now enter their fourth year of detention without trial, there exist another 1,000, serving sentences for political offences and detained in other parts of Greece."

**NEPAL:** Amnesty International sent the following cable on 9th April to His Majesty King Mahendra of Nepal, welcoming the release on 27th March of two prominent parliamentarians: "Amnesty International wishes to express appreciation of your Majesty's generous gesture in releasing Krishna Prasad Bhattarai and Rishi Kesh Shah. This will be widely welcomed by all those who have Nepal's best interests at heart."

**ELENI VOULGARI:** Eleni Voulgari, one of the Prisoners of the Year, was married in Averoff Prison Church on February 18th to Charalambos Golemas, also a prisoner of conscience. Since the couple met there have been only a few months when both have been free. Charalambos Golemas was in prison when Eleni Voulgari first met him, on a visit to her brother. He was released in August 1966, together with Eleni Voulgari's brother, under a general amnesty for all remaining civil war prisoners held under Law 375. In November, however, Eleni herself was arrested under the same law and did not come under the amnesty because it applied only to those in jail at an earlier date. Since then Charalambos Golemas has been re-arrested, presumably on the grounds of nothing more than his previous prison record.

## Israel

AT its meeting on March 21st the International Executive Committee prepared for publication a report which included four summarised case histories of allegations of torture in Israel of Arab prisoners.

As Amnesty members will know, we delayed publication hoping that the Israeli government would establish an inquiry based on one of the suggestions we had put forward. We now know that such an inquiry could be established under Israeli law and we hope that this will be considered by those who are in a position in Israel to work in this direction. The questions which have been put to us fall under six main headings:—

### **Anonymity of the complainants**

In its first report to the Israeli government in April 1969, Amnesty included one list of named prisoners who had been seen by our representatives in the presence of Israeli prison officers. The other group referred to persons who had given statements on condition that their names would not be cited except under safeguard of an inquiry formally established. This was clearly stated in the report and was repeated in early September in a letter to the Israeli Consul-General in London when we stated that we had additional evidence relating to the individual cases but that we did not feel able either to identify the prisoners concerned or provide information which could be used for purposes of identification unless the government were willing to give assurances that an initial inquiry would be held and that the witnesses themselves would be protected together with their families. In the report published on 2nd April 1970 we cited "four typical case histories" selected from a larger number of similar cases. This was never claimed to be "conclusive documentation" and no names are published as this would be prejudicial to any inquiry. The Israeli government has all the names and has had them for several months.

### **Prisoners of Conscience and persons tortured**

Our initial report dealt with some prisoners who might be considered as "prisoners of conscience" (non-violent prisoners detained because of their religious or political beliefs). Some of these were released subsequently. In other cases the Israeli government gave conclusive evidence that the prisoners were not "non-violent". Only one of this group of named prisoners was an alleged serious victim of violence by Israeli authorities and in January 1970 he was still in prison more than 16 months after charges against him had been dropped. The remaining cases related to torture and are the subject of Amnesty's request for an inquiry. According to the Statute of Amnesty International adopted in 1968 all cases of torture come within the sphere of Amnesty's activities as related to the provisions of Article 5 of the Universal Declaration of Human Rights.

### **Compromise solutions**

In October 1969 in agreement with the Israeli Ambassador to the U.N. a letter from the Secretary General stated: "Amnesty International would gladly have submitted its report to a judicial committee of inquiry established by the government of Israel. We have the fullest confidence in the independence and integrity of the Israeli judiciary. In the absence of such a commission I have the honour to submit the following proposals to your government subject to confirmation by my Executive." The proposal agreed by the Israeli ambassador was that Amnesty International, with the assistance of a distinguished Israeli jurist acceptable to the Israeli government, be enabled to pursue its inquiries. In December 1969 a further proposal was put forward following consultation with a judge of the Israeli Supreme Court: that a commissioner be appointed "to examine the evidence and carry out an inquiry". This proposal had a precedent in the appointment by the British government of a commissioner to investigate charges of ill treatment of prisoners in Aden. Neither of these proposals was acceptable to the Israeli government despite the fact that both originated in discussions with distinguished Israelis in responsible positions.

### **Jewish prisoners in Arab states and Arab pressure**

The Israeli government and the international Jewish organisations have been in constant consultation with Amnesty over the plight of Jews in prison in Egypt and Iraq—and of course in other countries such as Poland and the U.S.S.R. Equally Amnesty has been in touch with Arab states and lobbies about the Arabs in prison in Israel. This is normal practice. We received one letter threatening resignation from Christopher Mayhew M.P. but this was not even known to the International Executive Committee of Amnesty which drafted the report and decided on its publication. In any case, in a situation such as this, pressure does not come from only one party.

### **Timing of the report**

In September 1969, we accepted an invitation to give evidence publicly to the United Nations. No further hearings were arranged in the autumn in New York and we refused to give evidence in Cairo. Thus publication was averted at that time. In November 1969 the Executive again postponed publication until January pending the outcome of the talks concerning the possible appointment of a commissioner. In January 1970 publication was further postponed until late February to give the Israeli government yet another opportunity of taking a final decision on the commissioner. Both these dates were notified to the Israeli Embassy in London.

### **Israeli response**

The offer of safe conduct for complainants from enemy territory is inadequate unless accompanied by a statement of the procedure to be followed for complaints. This the Israeli government has consistently refused to provide. There is material for investigation in Israel itself without depending on evidence from persons outside. There are people still in prison who would give their own evidence and lawyers who have repeatedly brought up the question of ill treatment of their clients. Israel may have nothing to lose by an inquiry, in which case it has everything to gain by establishing one.

### **Mission Reports Dec. 69 - Jan. 70**

AMNESTY has long known that political freedom and freedom of opinion in South Korea are under rigid governmental control. We have taken up a few cases like that of the writer, Song Ji Yong, and closely watched and investigated the case of those South Koreans made to return from Europe and the U.S.A. in 1967 (accused of espionage), we have never however, had the opportunity to undertake a mission to South Korea and to make direct representations to the Government. Therefore the mission undertaken by Professor Ivan Morris, an expert on Asia, who is also an active Amnesty member, was vital for our future work, particularly with South Korea, but also with Formosa and Japan.

Professor Morris was asked by the International Secretariat to undertake this mission for the purpose of meeting with government officials, collecting further information and establishing contacts in Korea; helping to set up a new Section in Japan; and meeting with government officials in Formosa.

As it turned out his four days in Seoul, South Korea, proved far more productive than he originally expected: he was very well received, had valuable discussions with South Korean government officials, collected more information and was able to establish good contacts for the future. Professor Morris felt that his mission with government representatives resulted in a clear understanding of Amnesty's objectives and methods of working and better co-operation for the future.

One would have wished that Professor Morris could have gone to North Korea, but since the Partition in 1945 the likelihood of his being received in the North, when he was also visiting the South was negligible. It even proved almost impossible to obtain information about North Korea while in Japan.

Korea itself, as is well known, has been divided along the 38th Parallel since 1945. The two countries live under completely different systems; the North is opposed to the South's "imperialism," the South to the North's communism. The division between the two is so complete that visits, correspondence or any other means of communication are impossible; even via a third country like Japan or East Germany attempts for contact can prove extremely dangerous (compare espionage charges and arrests of 1967).

### **South Korea**

The South Korean people technically live in a democracy, but the practice does not always approximate to the theory. The Government controls every important activity and effectively quashes all potential opposition. The Korean CIA has vast autonomous powers and a huge budget, and with good reason is greatly feared by

intellectuals and other individuals suspect to the regime.

The South Korean Constitution contains the customary provisions which guarantee political freedom. However, legislation has been passed like the Anti-Communist and National Security Laws which are so vaguely worded that they are practically meaningless and thus can be used to conflict with the spirit of the Constitution. The Government regards not only all liberal and left-wing activities, but even the efforts of families to get in touch with relatives in the North, as overtly Communist and political acts, and thus punishable.

A common method used by the CIA to deal with a journalist or a university lecturer who may have expressed views which the CIA dislikes is to ask his Editor or the President of his University to warn and sack him. Should they not co-operate, the Government shortens the paper or newsprint supplies, stops funds and foreign currency or prevents the University from buying books from abroad, etc. These measures are usually entirely successful and therefore the South Korean Government does not need to resort to imprisonment. The Ministry of Justice assured Professor Morris that there were no POCs and this may well be true.

This is one of the political situations which occur in other countries also, where the freedom of an individual laid down in the Declaration of Human Rights is not observed, but where Amnesty, which is concerned with the suppression of these rights only when it results in imprisonment, has no effective role.

Nevertheless, there do exist cases for Amnesty, e.g. Seventh Day Adventists who refuse to be drafted, intellectuals who are occasionally arrested and sentenced to anything from 2 years imprisonment to a death sentence, which however is normally commuted. Such exemplary sentences are usually imposed only during political crises or whenever infiltration from the North seems very serious.

We hope that as one result of Professor Morris's mission to South Korea, it may be possible that the understanding of Amnesty by the South Korean authorities will result in better co-operation.

### **Formosa**

The Formosan Government—although we received no formal refusal—effectively prevented Professor Morris from visiting their country by refusing to grant a visa.

Formosa's refusal to receive an Amnesty delegate can only be interpreted as arising from the fear that investigation into the situation of political prisoners must lead to a report damaging to the Formosan Government. The numbers of Prisoners of Conscience are in the thousands but because of the non-co-operation of the Formosan Government it is difficult to be precise and the highest number of 4,000 may be an overestimate.

The general picture of the situation in Formosa—our delegate was able to collect further information in Japan consistent with previous reports—for Amnesty to accept is one of a continuous suppression of free expression.

It seems that Formosa remains a rigidly-controlled police state in which even the most peaceful forms of opposition to the Chiang Kai Shek Government are instantly suppressed. For example, seven or more Formosans cannot gather together without police permission, even in a public place. In 1949 the "state of siege" was declared over Formosa and with it martial law was implemented which has virtually suspended the rights and freedom of individuals which the Chinese Nationalist Constitution of 1947 guarantees. Thus community life in Formosa is under the control of the military authorities; that is, the Garrison Command of the Chinese Nationalist Army in Formosa.

A number of different police organisations (e.g. military, Central Intelligence Agency, Chiang's own personal police network etc.) operate effectively to suppress all possible opposition. The anti-communist laws are so loosely worded and the military courts so lacking in independence that almost anyone can be arrested and kept in prison at the will of the Government. Political cases are tried by court martial, usually in camera, and where the State is the prosecution, lawyers are extremely reluctant to appear for the defence. The use of torture and other forms

of psychological coercion to extract confessions is widely reported. Confessions are frequently used in court as the basis for the Prosecution case, resulting in conviction and lengthy prison sentences. The coercion methods described vary from physical violence and electric shock treatment to threats of summary execution and prolonged interrogation. Attempts to discredit confessions and other evidence in court on the grounds that it was obtained by torture appear to be invariably ineffective and may even make things worse for the prisoner at a later stage. Prison conditions are said to be extremely bad, especially before conviction.

The consistency of reports describing arbitrary arrests, secret trials, news of torture and inadequate prison conditions, coupled with the refusal to admit our delegate show a clear refusal to implement, or even discuss, the human rights which the Formosan Government, as a member of the United Nations, has accepted as fundamental.

### **New Japanese Section**

While in Japan Professor Morris was able to help initiate the formation of a new Section in Tokyo to replace the one in Kyoto. We hope that this new Section—the only one in the Far East—will soon be able to act as a mediator between the other Asian countries and will provide us with the necessary information on individual cases. For this the Japanese Section will be vital in Amnesty's work in East Asia.

### **Brazil**

*In the last edition of AIR we reported the mission of Mr. Kjell A Johansson to Latin America. The following is based on his report on Brazil:—*

**BRAZIL** has now been in the grip of successive military governments for six years. The first was that of Marshall Humberto Castelo Branco who took power when the democratically elected government was overthrown on the 1st April 1964. In March 1967 he was succeeded by Marshall Artur da Costa e Silva who remained in power for two years. After a short interregnum of the three Ministers for the armed forces, General Emilio Garrastazu Medici took office in October 1969.

These military rulers have suppressed all political opposition with increasing ruthlessness. With the creation of arbitrary legislation they have successfully step by step outlawed almost all forms of democratic political activity in Brazil. In 1965 the existing political parties were forbidden and were replaced by two officially constituted groupings—the governmental party ARENA and an "opposition" party, MDB. To make the possibility of real opposition even more unlikely the authorities have deprived a large number of politicians, jurists, journalists and others of their political rights for a period of ten years.

On the 13th December 1968 the "Institutional Act No. 5" was brought into effect, granting dictatorial powers to the President. Parliament was dissolved for an unlimited time and a series of constitutional guarantees was abolished, including habeus corpus in the case of political charges. The regime has justified these steps in the name of a "revolutionary war". Capital punishment has been re-introduced for political crimes. Although it has not formally been put into effect it has in practice been in force for several years through the torturing to death of political prisoners. The new security law which included capital punishment for certain political crimes was passed on the 29th September 1969 to be followed in October by a new constitution. Both documents were signed by the current Ministers for the three armed forces.

### **Political Prisoners**

Since the abolition of habeus corpus the jails of Brazil have become so crowded that the government has turned two islands into prison camps. Political prisoners are outside the normal scope of the law, isolated from the usual facilities provided for prisoners and often removed from almost all hope of representation and defence. Few lawyers will take political cases any longer. Of the 3,000 lawyers listed in the

Sao Paulo directory those who regularly work as defence lawyers in political trials can be counted on the fingers of one hand. In Rio there are a few more: they amount to about a dozen. All these lawyers are, of course, closely watched by the authorities and work at considerable risk.

According to law the prosecution in these cases is allowed three witnesses and the defence only two. In reality, however, the defence witnesses are often subject to pressures and threats not to testify, while the witnesses for the prosecution risk imprisonment if they do not give evidence.

Political trials are normally carried out by military tribunals composed of four officers and one jurist. Theoretically the members of these tribunals are chosen by ballot but in fact they are mainly picked from among a limited number of officers, most of whom have a direct connection with the secret security service.

The secret security services obviously play a large part in the system of political persecution. Apart from the secret police there are a large number of these organisations, competing with and independent of each other. There is the notorious military organisation CENIMAR (Centro de Informações da Marinha), the naval security service, and the SERVIÇO SECRETO DO EXERCÍTO, the army secret police. There is also a general POLÍCIA MILITAR and on the civil side the DOPS (DEPARTAMENTO DE ORDEM POLÍTICA E SOCIAL) is the most feared organisation. This works with a great deal of local independence as does the POLÍCIA FEDERAL, whereas the SNI (SERVIÇO NACIONAL DE INFORMAÇÕES)—of which General Garrastazu Medici was previously head—is co-ordinated for the whole country.

### **Torture**

One of the worst aspects of the regime is the brutal torture of prisoners. Among the methods described as regular interrogation procedures are hunger, attempts to drown, electric shocks, beating and kicking. The "pau de arara" is a common form of torture in which the prisoner is hung upside down on a wooden pole with arms and legs tied and head hanging down; this being often combined with other forms of torture such as beating and electric shock. There are fake executions, the "telephone" torture in which the torturer beats with all his force against both ears of the prisoner simultaneously, injections and other excruciating methods of inflicting pain and permanent damage. Since the abolition of habeas corpus for political crimes brutality against prisoners has greatly increased. Any citizen can be arrested for an unspecified time, can be subject to humiliation and torture without any legal protection or redress. Further, censorship of the press has made public discussion of these conditions impossible.

The Brazilian government has in the past formally denounced torture of prisoners and it was understood that steps were being taken to see that it no longer happened. The situation has not improved, however—in fact, censorship of newspaper reports became even stricter—and on 10th March Amnesty submitted to the Brazilian ambassador in London a proposal that allegations of ill-treatment of prisoners should be properly examined. It was noted that a promise to conduct such inquiries was given by the Minister of Justice, Dr. Buzaid, at a press conference on 2nd December but that on receiving such charges the Minister failed to carry out his commitment. Where commissions of inquiry have been established they have been too closely identified with the interests of those against whom the allegations have been made.

Amnesty is not in a position to report that it has detailed and substantiated evidence of torture in Brazil. The persons affected are still in Brazil and are, rightly or wrongly, reluctant to be interviewed without safeguards as to their protection from further ill-treatment. Their fears may be well-founded in that denunciations of this kind are liable to be labelled as being against the national objectives of Brazil and fall legally under the present law of National Security defined in Decree Law 898 of 29th September 1969. Nevertheless, the existence of a detailed list of alleged tortures should make it possible for the Brazilian Government to establish an in-

quiry, not necessarily in public, but in the presence of independent observers, whereby the conduct of those accused of torture could be examined and evidence submitted by those who were willing to come forward as accusers.

Amnesty International has therefore submitted extracts of its Brazilian report to the Brazilian government and is willing to co-operate in whatever manner possible if an appropriate inquiry is established.

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