Amnesty International Briefing

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THE GERMAN DEMOCRATIC REPUBLIC IN OUTLINE

The German Democratic Republic (GDR), commonly known as East Germany, is one of the two Germanies which emerged from World War II after 1945.

The GDR covers a total area of 108,178 square kilometers. Her neighbours are, from east to west, Poland, Czechoslovakia and the Federal Republic of Germany (FRG), commonly known as West Germany; in the north the Baltic Sea is the border. The total population of the GDR is 16,850,125 (1975 figures) of whom 1,094,000 live in the capital, Berlin (East). The country is very densely populated with 155 persons per square kilometer. Fifty-one per cent of the population are Protestant and eight per cent Roman Catholic. The GDR is officially described as a people's democracy and a workers' and peasants' state. The Council of State (Staatsrat) functions as the collective head of state of the GDR. Since 1976 Erich Honecker has been Chairman of the Council of State as well as General Secretary of the Central Committee of the Socialist Unity Party (Sozialistische Einheitspartei Deutschlands—SED) and Chairman of the National Defence Council.

The GDR is a member of the Warsaw Pact and is closely linked to the USSR and other Warsaw Pact countries by a series of bilateral treaties. Her complex relations with the FRG were regularized by the Basic Treaty (Grundvertrag) of 21 June 1973. The GDR was admitted to the United Nations on 18 September 1973.

The GDR is economically the most highly developed country in Eastern Europe. Forty per cent of her labour force work in industry; one of the country's biggest problems is the continuing shortage of labour. The GDR makes and exports sophisticated products, particularly in engineering and electronics. The GDR is a member of COMECON (Council for Mutual Economic Assistance). Her largest trading partner, with approximately forty per cent of exports and imports, is the USSR. Outside Eastern Europe the GDR's most important trading partner is the FRG with ten per cent of the GDR's exports and imports.

German Democratic Republic (GDR)

1. Introduction

Amnesty International considers the following human rights issues in the GDR of particular concern:

- a) the existence of legislation leading to violations of the United Nations Universal Declaration of Human Rights, in particular of Articles 12, 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights.
- b) the continued practice of arrests, prolonged pre-trial detention and imprisonment of citizens who show themselves critical of the state and/or society or who try to exercise other internationally recognized civil rights in a nonviolent manner;
- c) the retention of the death penalty for a series of political and military offences.

2. The Constitutional and Political Context

The territory of the GDR is confined to the frontiers settled by the London Protocol of 1944 as those of the Soviet zone of occupation of defeated Nazi Germany. The GDR thus comprises the German Länder of Brandenburg, Mecklenburg, Saxony, Saxony-Anhalt and Thuringia. East Berlin is its capital (a part of the divided, previous all-German, capital Berlin).

During the immediate post-war period the Soviet zone (now the GDR), the American, British and French zones (now jointly the Federal Republic of Germany—FRG) and Berlin, analagously divided into four zones, were administered by a four-power Allied Control Commission. Important landmarks for all of divided Germany included the Potsdam Agreement of 1945, the London Conference of 1947 and the Berlin blockade and air lift of 1948-49.

The Constitutional Context

Under its first constitution of 7 October 1949 the GDR was established as a "democratic anti-fascist state". Between 1949 and the promulgation of its second Constitution of 6 April 1968 (as amended by the law to supplement and amend the constitution of 7 October 1974, Gesetz zur Ergänzung und Anderung der Verfassung) the country underwent a transformation. In many ways the second constitution simply confirmed piecemeal amendments already made to the first, the 1949 Constitution.

The federal structure was abandoned. Its characteristic features had been the division of the country into relatively autonomous Länder; each Land had its own administrative organization (Landesregierung) and its regional parliament (Landtag);

the Landtage elected deputies to the second legislative chamber (Länderkammer). The abolition in turn of the Länder, the Landtage and Landesregierungen from 1952 onwards was followed by the folding up of the Länderkammer in 1958. The federal structure was replaced by a less autonomous, more unified and centralized administrative structure on the Marxist-Leninist principle of "democratic centralism". Under this new structure the GDR was divided into 14 districts (Bezirke), subdivided into 191 rural and 22 urban circles (Landkreise and Stadtkreise), with the capital Berlin (East) subdivided into eight urban districts (Stadtbezirke). The Landkreise and Stadtkreise are directly dependent on the central authorities.

The GDR is officially described as a socialist state of workers and peasants. Under its Constitution supreme authority is vested in the People's Chamber (Volkskammer); its 500 delegates are elected for a term of four years. Elections to the People's Chamber, as well as those to local government bodies, are based on a single list of candidates. The People's Chamber approves all laws and decrees and elects the Council of State (Staatsrat), the Council of Ministers (Ministerrat) and the Chairman of the National Defence Council (Nationaler Verteidigungsrat). The Council of State of 24 members exercises collectively the function of head of state. Currently its Chairman is Erich Honecker. The Council of Ministers of 42 members forms the executive government; in its Präsidium it has an inner cabinet. Currently the Chairman of the Council of Ministers is Willi Stoph. Government departments, other central state organs and the district councils are responsible to the Council of Ministers. The regional and local organs of government (örtliche Volksvertretungen) in the 15 districts including East Berlin are each run by a council and committees (Rat und Kommissionen).

The composition of the National Defence Council is not known, and its present Chairman, Erich Honecker, combines this chairmanship with his other top posts.

The seat of power in the GDR is the Socialist Unity Party (Sozialistische Einheitspartei Deutschlands-SED). Its party organization and membership are closely intertwined with government and society. The Party Conference elects the Central Committee of the SED. Currently the Central Committee's General Secretary is Erich Honecker. The Central Committee in turn elects both its Politbüro, and its Secretariat. The Politbüro which was elected in 1976 consists of 19 members and nine non-voting candidate members.

The SED was formed by the merger of the Communist Party (Kommunistische Partei Deutschlands-KPD) and the Social Democratic Party (Sozialdemokratische Partei-SDP) in April 1946. Since the formation of the National Front (Nationale Front des Demokratischen Deutschlands) in October 1949, the SED has been the dominant party organization in the GDR. The National Front issues a joint program before general elections. The National Front embraces the SED and the following minority parties and mass organizations: the Christian Democratic Union of Germany (Christlich-Demokratische Union Deutschlands-CDU), the Liberal Democratic Party of Germany (Liberal-Demokratische Partei Deutschlands-LDPD), the National Democratic Party of Germany (National-Demokratische Partei Deutschlands-NDPD), the Democratic Peasants' Party (Demokratische

Bauernpartei Deutschlands-DBD), the Confederation of Free German Trade Unions (Freier Deutscher Gewerkschaftsbund-FDGB), the Free German Youth (Freie Deutsche Jugend-FDJ), the Democratic Women's League of Germany (Demokratischer Frauenbund Deutschlands-DFD), and the German League of Culture (Deutscher Kulturbund).

The Constitution guarantees to citizens of the GDR the following rights: freedom of conscience and belief under Article 20; the right to profess a religious creed, Article 39; freedom of opinion and the press, radio and television, Article 27; freedom of assembly, Article 28; freedom of association, Article 29; freedom of movement, within the GDR, Article 32.

The Political Context

From 1945 onwards what is now the GDR constituted the Soviet occupied Zone of Germany, between the Oder-Neisse line in the East and the limits of the American, British and French zones of occupation in the West. In 1949 the GDR emerged as one of two German states. In 1977, less than a generation later, the workers' and peasants' state is a highly industrialized country. Most of the economy is state-planned and state-controlled. Agriculture is largely in the hands of collectives and state farms (Landwirtschaftliche Produktionsgenossenschaften-LPG and Volkseigene Güter-VEG). Until the early 1970s the movement aimed to eliminate the private sector, bringing all of industry, agriculture, trade, finance and transport under direct control of the state. From 1974-75 this policy has been reversed; since then some form of mixed economy is being tolerated, a small sector of private enterprise being permitted to exist on a small scale. Some 80 industrial associations (Vereinigungen volkseigener Betriebe) exercise control over large enterprises, whereas smaller firms report to regional economic organizations (Bezirkswirtschaftsräte). Trade unions play an important role in helping to implement planning policies of the state and in enforcing labour discipline.

Dissidents from the official line, whether political, religious or cultural, are not tolerated. Essential aspects of the human rights situation in the GDR are censorship of press and communications, a heavily guarded frontier with the neighbouring FRG including the Berlin Wall built in 1961, and severe restrictions on freedom of movement, expression and association. Applications for permission to emigrate are unofficially reported to have reached the 100,000 to 200,000 mark by 1976. Most such applications, and virtually all of those by professionally trained men and women, are turned down. In the summer of 1976 a doctor in a country town of which few people outside the GDR had ever heard, presented a human rights petition with more than 30 signatures for which he and his wife are still serving prison sentences. In November 1976 the songwriter Wolf Biermann, himself a communist and an immigrant to the GDR, was deprived of his GDR citizenship and prevented from returning from a tour in the FRG. For years his criticism in words and music had been silenced in the GDR. Since November 1976 many who protested about his expulsion have been detained in GDR prisons; others have been persuaded to recant their criticism and/or publicly to profess their support for the regime.

3. Legal Situation

(i) Legislation under which prisoners may be held:

GDR law is guided by the principle that: "socialist law is an essential instrument of the workers' and peasants' state for shaping and developing its society and community in all its aspects—economic, organizational, educational and cultural. This law protects the socialist order of society. It is used as a weapon against those in the service of imperialist agencies... ... committing acts hostile to the GDR and her citizens... or against those who by other serious crimes put themselves outside society."

This principle has since 1952 guided the reform of penal legislation in the GDR. The current penal code (1968-75) contains a number of articles which are incompatible with international human rights guarantees in the Constitution and which prescribe imprisonment for the exercise of a number of human rights in a manner not approved of by the authorities.

The GDR's current penal code (Strafgesetzbuch) dates from 1968 and was slightly amended on 20 January 1975. Information about further amendments, effective from 5 May 1977, has only just reached Amnesty International's Secretariat. The latest amendments include provision for longer prison sentences for some political offences. The penal code lays claim to jurisdiction inter alia over offences against "the sovereignty of the GDR, peace, humanity and human rights", whether such offences were committed by GDR citizens or citizens of other states within or without GDR territory.

A high proportion of GDR Prisoners of Conscience adopted by Amnesty International have been imprisoned for trying to exercize the right to freedom of movement. The new GDR Constitution (1968-74) no longer guarantees the right to leave any country including one's own. Those trying to leave the GDR without official permission face a charge of "illegal crossing of the frontier" (ungesetzlicher Grenzübertritt) under Article 213 of the penal code (maximum penalty 5 years). This article makes any preparations or plans for such a flight a punishable offence. Alternatively, GDR citizens who persist in applying for official permission to leave the country face such political charges as "incitement hostile to the state" (staatsfeindliche Hetze) or "defamation of the state" (Staatsverleumdung). Before the introduction of the 1968-75 penal code, "illegal crossing of the frontier" was referred to as "attempted breaking through the frontier" (Grenzdurchbruch) or a charge was brought under the passport laws for "flight from the GDR" (Republikflucht); the term "Republikflucht" is still common parlance.

Since 1975 there has been an increase in the number of Prisoners of Conscience known to Amnesty International who have been sentenced for the exercise of human rights other than attempting to flee the GDR. Such offences include:

(i) Article 106 "incitement hostile to the state" (staatsfeindliche Hetze), Article 220 "defamation of the state" (Staatsverleumdung), Article 221 "vilification of foreign personalities" (Herabwürdigung ausländischer Persönlichkeiten), for which the following sentences may be imposed: under Article 106 1 to 10 years' imprisonment, Articles 220 and 221 maximum 2 years;

- (ii) Article 98 "collecting of information" (Sammlung von Nachrichten), Article 100 "contact with enemies of the state" (staatsfeindliche Verbindungen), Article 107 "forming associations hostile to the state" (staatsfeindliche Gruppenbildung), Article 218 "forming associations for illegal purposes" (Vereinsbildung zur Verfolgung gesetzwidriger Ziele) and Article 219 "illegal contacts" (ungesetzliche Verbindungsaufnahme), which carry the following sentences: Article 98, 2 to 12 years' imprisonment, Article 100, 1 to 5 years, Article 107, 2 to 12 years, Article 218 maximum 2 years and Article 219 maximum 3 years.
- (iii) Article 217 "gathering in crowds" (Zusammenrottung), and Article 215 "hooliganism" (Rowdytum) defined as group activities directed against public order or the rules of socialist community life, under which the penalty is: Article 217, 1 to 5 years' and Article 215 maximum 5 years' imprisonment.

Those exercizing in a manner not approved of by the authorities the right to freedom of (i) opinion and expression, (ii) association and (iii) assembly thus find themselves contravening one or more of these and other articles of the GDR penal code.

Among GDR cases Amnesty International is investigating are those of GDR citizens imprisoned on a charge of economic sabotage (Diversion) under Article 103 of the 1968-75 penal code. The charge is defined as "destroying, rendering useless, damaging or removing machinery, equipment, etcetera with the object of impairing the economy, the power of the State or defence strength of the GDR"; Article 103 provides for a minimum sentence of 3 years' imprisonment and a maximum sentence of life imprisonment or a death sentence. Article 103 replaced Article 22 of the supplementary penal code (Strafrechtsergänzungsgesetz) of 11 December 1957; Article 22 in turn had grown out of the ill-defined charge of "Boykotthetze" of Article 6 Section 2 of the (first) 1949 Constitution: "Incitement to boycott of democratic institutions or organizations; incitement to attempts on the life of democratic politicians; manifestations of political or racial hatred and of hatred towards other peoples; militaristic propaganda, warmongering, as well as other discriminatory acts". GDR penal legislation took the concept of "Diversion" from Soviet law and it can be traced in decrees of the Soviet military administration.

Prisoners may be held, too, on charges of "crimes against peace" under the provisions of the still extant though by 1977 rarely invoked law for the protection of peace (Friedensschutzgesetz) of 1950. Its preamble states inter alia that "the war propaganda of the Anglo-American imperialists and their helpers constitutes a serious threat to European peace and the friendship of the German people with all peace-loving nations." The maximum penalty under the law for the protection of peace is life imprisonment or a death sentence.

(ii)Legal procedures

a) Arrest and pre-trial detention. Article 100 of the GDR Constitution stipulates that only a judge may impose and continue to sanction pre-trial detention. Article 102 guarantees accused persons the right to a defence

counsel. Article 127 and 305 of the Criminal Procedure Code (Strafprozessordnung) 1968-74 allow for one formal complaint by the arrested person within a week of the arrest warrant having been taken out; Article 132 empowers the procurator to order renewed pre-trial detention after an arrest warrant has been rescinded. The procedural code restricts the accused's access to the indictment: Article 203 (3) stipulates that if the security of the state or other considerations demand it, the accused lose entitlement to a copy of the indictment; if this provision is invoked they need only be shown it. The procedural code, in Article 103, stipulates that pre-trial investigation must be concluded within three months.

In practice those arrested and detained by the security police have their homes searched; their property may be confiscated. Pre-trial detention frequently lasts much longer than three months.

- b) Conduct of trials. In practice the accused are not permitted to choose their own defence counsel, but are assigned lawyers. In political cases counsel so assigned urges the defendant to plead guilty. In many cases defendants are deprived of proper access to the text of the indictment and thus prevented from preparing their own defence. Trials of political prisoners are conducted in camera. Once judgement has been passed, the appeal technically allowed the prisoner under Article 283 of the Criminal Procedure Code may be set aside as "obviously unfounded" (offensichtlich unbegründet). By contrast a protest by the procurator that a sentence is too lenient normally leads to a re-trial under Article 293. No further appeal is allowed the prisoner against sentence pronounced on re-trial.
- c) Release process. Under Article 77 of the 1968 Constitution the right to amnesty is exercised by the Council of State. In many cases prisoners have benefitted from remission of one third, one half, or even two thirds of their prison sentence. Amnesty International has no exact information on the criteria by which the authorities decide on remission. However, one criterion appears to be the recommendation of the prisoner's official 're-educator'. The task of this prison official is to persuade prisoners to state that they will henceforth conform to the official ideological and political line.

(iii) International Law

The GDR is a member of the United Nations and a signatory to the International Covenant on Civil and Political Rights, the International Covenant on Economic. Social and Cultural Rights, the Covention on the Political Rights of Women and the International Convention on the Elimination of All Forms of Racial Discrimination. The country has not yet signed or ratified the Optional Protocol to the International Covenant on Civil and Political Rights nor the International Convention and Protocol relating to the Status of Refugees. The GDR is also a signatory to the Final Act of the (Helsinki) Conference on Security and Cooperation in Europe.

4. Number of Prisoners

The fact of political imprisonment in the GDR is officially denied. Between 1949 and 1965 27,239 political sentences were passed in the GDR. Of these 13,821 were for "Boykotthetze", 4,800 for "Republikflucht", 2,579 for "incitement", 2,000 for "espionage" and 2,000 against proscribed Jehovah's Witnesses. GDR courts thus passed an average of 1,700 political sentences per year in the first 16 years of the country's existence as a sovereign state. Until 1960 the GDR granted no amnesty to political prisoners, although individual prisoners were released under acts of clemency. From 1960 onwards several partial amnesties included some political prisoners. Under a general amnesty 31,695 prisoners, including 4,000 political prisoners, were released between November 1972 and January 1973.

Since 1963-64 the Governments of the GDR and the Federal Republic of Germany (FRG) have retained lawyers who negotiate behind closed doors and operate the so-called "buying-out scheme". This originally secret intergovernmental scheme has become common knowledge and the subject of criticism abroad during the past few years. In essence, prisoners are released to the FRG against the delivery of scarce goods to the GDR; a price is negotiated for each individual man or woman so released. In spite of the dubious morality of this scheme, increasing numbers of political prisoners have benefitted by it, although it is by no means certain that all released prisoners were bona fide political prisoners. In 1976 1,300 men and women were released and allowed to leave the GDR for the FRG under this scheme.

Currently it is estimated that there are several thousand political prisoners in the GDR, a high proportion of them serving relatively short sentences of between one and three years for trying to leave the country without permission.

5. Location of Prisons

As political prisoners are considered criminal offenders in the GDR, they are detained together with criminals. Pending trial they are imprisoned in Untersuchungshaftanstalten (pre-trial detention centers); after trial they are transferred to Strafvollzugsanstalten (prisons), still commonly known as "Zuchthäuser" (houses of correction); some prisoners are sent to one of the 30 or so Strafvollzugs-Kommandos, formerly classified as Haftarbeitslager (labour camps), or the approximately 10 Arbeitserziehungs-Kommandos (labour and reeducation centers); there are separate Militär-Strafabteilungen.

Prisoners adopted by Amnesty International as Prisoners of Conscience have been detained in men's prisons including Bautzen I and II, Berlin-Rummelsburg, Brandenburg, Cottbus, Leipzig, Torgau and Waldheim, women's prisons including Halle and Hoheneck-Stollberg in the Erzgebirge, and prisons for young offenders (Jugendhaftanstalten) such as Dessau and Luckau.

6. Prison Conditions

Until May 1977 prison conditions in the GDR were governed by the detention and rehabilitation laws, the Strafvollzugs- und Wiedereingliederungsgesetz (SVWG) of 12 January 1968, as amended on 19 December 1974. Under these laws GDR prisoners served their sentences in one of four categories of detention, in

ascending order of severity known as I erleichterte (privileged), II allgemeine (general), III strenge (severe) and IV verschärfte (restricted) Vollzugsart (form of imprisonment). A new detention law, the Strafvollzugsgesetz effective as from 5 May 1977, provides only for categories I and II, hence the severe and restricted categories have been abolished. Under the amendments, instead of one half-hourly visit every three months by one close relative, prisoners will be allowed one visit of one full hour by two persons every two months; instead of three parcels per year prisoners will be allowed to receive four parcels of food; the number of letters a prisoner may write per month will be slightly increased; prisoners will be entitled to daily exercise in the open air for an hour instead of half an hour; prisoners should now be able to buy newspapers and books normally available in the GDR; the percentage of pay for compulsory prison labour which a prisoner may retain to buy extra food, cigarettes, toiletries etceters should henceforth be higher than previously.

Annesty International cannot yet evaluate how far these welcome changes in the law will affect the actual conditions of imprisonment. In the meantime the Amnesty International publication *Prison Conditions in East Germany*, August 1966, should be used as a guide to the reality of the lives of political prisoners in the GDR. The findings of this report as summarized below are still valid.

Prisons are overcrowded. Political prisoners are detained in close association with criminals of all kinds. Criminals are chosen for positions of authority within the prisons. Prisoners are encouraged to spy on one another.

All prisoners work for low pay. Those who do not fulfil their quota of work are subjected to punishments. Both industrial safety measures and medical care are insufficient. Basic privileges such as parcels, correspondence, visits, newspapers, etcetera may be curtailed or withdrawn.

All prisons have official "re-educators". Their task is to persuade prisoners to accept the approved political ideology of the GDR. Those prisoners who resist being re-educated may be refused permission to appeal for remission of sentence.

The Procurator General is responsible for ensuring that all prisoners are treated according to the law. The Procurator General himself is directly responsible to the People's Chamber, the *Volkskammer*, and between its sittings to the Council of State, the *Staatsrat*. According to the *Gesetz über die Staatsanwaltschaft der DDR* (effective as from 5 May 1977): "only someone loyal and devoted to the working class and the socialist state qualifies for the office of procurator".

7. Released Prisoners

Under the general amnesty of 1972-73 some 4,000 political prisoners were freed. Since then the annual releases under the buying-out scheme operating between the two Germanies reached the figure of 1,300 for the calendar year 1976. GDR citizens included in this scheme are deprived of their GDR citizenship and transported across the border to the Federal Republic of Germany.

No figures are available about those political prisoners who are released under an amnesty on remission or on completion of sentence but not permitted to leave the GDR. From individual cases Amnesty International knows that many released prisoners and their families have been subjected to restrictions: for example teachers and other professional people are no longer permitted to work in their profession and are forced to take poorly paid manual jobs; ex-prisoners are often subjected to an order for restricted residence and none receive compensation for property confiscated at the time of arrest. The children of political prisoners are in many cases excluded from any kind of higher education. Not infrequently ex-prisoners have repeated their political protest or attempted once more to flee the country, and subsequently have received a longer prison sentence than the first.

8. Death Penalty

Both the penal code and the rarely invoked law for the protection of peace, the 1950 Friedensschutzgesetz, provide for the death penalty. The death sentence is non-mandatory for murder and for a dozen offences grouped together as "crimes against the sovereignty of the GDR, against peace, humanity and human rights, and crimes against the state"; a death sentence may be passed for nine military offences committed when the country is considered to be "in a state of defence" (im Verteidigungszustand). It is not clear whether such an extraordinary state is presumed in law to exist when an offence is committed in peacetime but within the heavily fortified frontier regions of the GDR. A death sentence may not be passed on anyone below the age of 18, nor may a death sentence be carried out on a pregnant woman or a mentally ill person. The right of pardon (Begnadigungsrecht) is exercised by the Council of State.

The GDR does not publish any official statistics on the implementation of the death penalty. Foreign observers have concluded that during the immediate postwar period some 122 death sentences were passed and carried out mainly for Nazi and war crimes. Between 1951 and 1967 at least 77 death sentences were passed for crimes against the state, as against 22 death sentences for murder. Of these 77 political sentences, 13 were connected with the June revolt in 1953 and 23 were passed in 1955 alone. Since 1968 death sentences carried out included one for murder in February 1974, three for war crimes, one for genocide and war crimes (Herr Gorny) and one for espionage (Herr Glombik). The figures quoted here for the period from 1968 onwards are in no way complete; they merely represent a few cases in which news leaked out from the GDR. No conclusion can be drawn as to how many death sentences were passed and carried out in the GDR during the past nine years.

A few people—probably fewer than 10 a year—are killed trying to escape from the GDR. The frontier with the neighbouring FRG is heavily fortified. Deaths have resulted from automatic shooting devices being set off, from lethal shots fired by frontier guards, or from drowning of those fleeing in small craft with patrol boats in pursuit.

9. Conscientious Objection

Under the 1962 Act of Universal Conscription all male GDR citizens aged 18 to 24 are liable for call-up to military service for a period of 18 months. Conscientious objection to military service is not recognized as a right. However, since 1964 conscripts may be assigned to service in the so-called Construction Units (Baueinheiten) of the National People's Army (Nationale Volksarmee—NVA).

his alternative service is performed unarmed but under the control of the Ministry of National Defence. A conscript assigned to a Construction Unit must wear military uniform, work on the construction of military installations and swear an Oath of Loyalty (instead of the Oath on the Colours of the regular serviceman) "to do everything in his power to increase the preparedness of his country for defence" and "to work with the Soviet Army and the armies of our allied socialist countries, to defend the socialist state against all enemies and to gain victory". If a conscript's application for service in the Construction Units instead of military service with arms is turned down, he must enrol in the armed services. If he persists in rejecting any kind of military service, he becomes liable to be sentenced under Article 256 of the Penal Code to up to 5 years' imprisonment for refusal to "serve the cause of peace".

No official statistics are available on the number of imprisoned Conscientious Objectors. Every six months some 29,000 conscripts are called up. At each callup some 15 to 20 men refuse military service in Berlin, the largest of the 14 military districts. There may thus be around 200 Conscientious Objectors per callup or 400 per year. These numbers include many Jehovah's Witnesses.

Two classic examples of conscientious objection are the following: (i) Peer Cwiklinski: born 1947, married with 2 children. Due for call-up May 1972, he informed the authorities in writing of the reasons for his refusal to do military service, quoting the UN Universal Declaration of Human Rights and the UN Covenant on Civil and Political Rights. He was arrested within 24 hours of failing to attend his call-up and tried more than a month later before a military court without being provided with defence counsel. The military prosecutor accused him of being "an enemy of the state". Sentenced to 22 months' detention, he was freed under a general amnesty in October 1972. A number of Jehovah's Witness Conscientious Objectors were detained and tried at the same time as Cwiklinski. (ii) Thirty-four-year old Rainer Kubitz was called up in December 1973, two months after the British Embassy in East Berlin had applied to the GDR authorities on his behalf for an exit visa; he wished to join and marry his British fiancée with whom he had a child. Called up for May 1974, he staged a protest demonstration near the British Embassy. Detained for 24 hours and called up once again, he staged another demonstration. This time he was detained and charged with "defamation of the state". He was, however, released speedily and rejoined his family in July 1974, after a wide press campaign in the United Kingdom and the FRG.

10. Other Violations of Human Rights

Whereas an estimated several thousand GDR citizens are currently imprisoned for political offences, an even larger number of GDR citizens suffer infringement of their human rights not entailing imprisonment.

Intellectuals and artists: In November 1976 it became known outside the GDR that more than a hundred intellectuals and artists had petitioned the GDR authorities to revoke their decision to deprive the songwriter Wolf Biermann of his citizenship and prevent him from re-entering the GDR. Not all those arrested were tried and imprisoned; Amnesty International has several reliable reports that

some among the protesters lost their jobs at universities and in theaters. Many writers and journalists had long before November 1976 been silenced; their works are not published.

A typical case is that of the physicist and dissenting Marxist philosopher Professor Robert Havemann. Professor Havemann was once imprisoned in a Nazi concentration camp alongside the present GDR head of state, Herr Erich Honecker. During the winter term of 1963-64 a lecture on the concept of freedom cost Professor Havemann his teaching post at Humboldt University, East Berlin, and his membership of the Academy of Sciences. In 1968 he condemned the occupation of Czechoslovakia by Warsaw Pact forces. In 1976 Professor Havemann was prominent in defending Wolf Biermann's right to criticize the GDR authorities. In November 1976 Professor Havemann was first arrested, then put under house arrest. In December 1976 his daughter Sybille was expelled as a student from Humboldt University.

Restrictions of religious freedom: About 51 per cent of the population of the GDR are Protestants; 50 per cent are members of the Evangelische Kirche, the Lutheran Reformed Church, and approximately one per cent belong to the Federation of Evangelical Free Church Communities, consisting mainly of Baptist and Methodist Churches. Some eight per cent of the population are members of the Roman Catholic Church. The Roman Catholic bishops now have their own Bishops' Conference since they became officially independent of their fellow bishops in the Federal Republic of Germany in October 1976.

All the churches in the GDR are heavily committed to social and charitable work. Outwardly there has, until very recently, been a truce between the atheist state and the Christian churches. However in August 1976 Pastor Oskar Brüsewitz burned himself to death in the market square of Zeitz in Saxony in protest against what he regarded as official GDR hostility to all forms of Christianity. The authorities reacted sharply with a campaign of vilification against the dead pastor.

At a synod held in May 1977 leaders of eight Protestant Churches voiced outspoken complaints about discrimination against Christians in education and employment. Amnesty International has more than one report of children who have attended voluntary classes in religious teaching in schools and who have for this reason been effectively barred from higher education. Such children have been harassed by teachers and fellow pupils.

Children of prisoners: Amnesty International has evidence that in many cases where a husband and wife have been imprisoned for political reasons their children have, against the wishes of the parents, been sent to a children's home or to foster parents. Even when the parents are finally released and expelled to the FRG, it frequently takes months before their children are permitted to rejoin their parents. Again and again cases of forced adoption are being reported to the press outside the GDR.

Action by Amnesty International

Since its foundation Amnesty International has included GDR Prisoners of Conscience in its concerns and actions. As early as 1968-69 Amnesty International adoption groups acted on behalf of 70 prisoners. Considering that the turnover rate in GDR cases is high and as many men and women appear to be arrested and imprisoned as there are releases in any one year, adoption groups have death with several hundreds of GDR Prisoners of Conscience since the foundation of Amnesty International. During 1976-77 the number of prisoners adopted reached the figure of 144.

In August 1966 Amnesty International published a report on *Prison Conditions in East Germany* which gave wide publicity to Amnesty International's concern with the conditions under which political prisoners, both men and women, were then held. Recent GDR legislation may alleviate slightly the lot of political prisoners. (See Section 6, **Prison Conditions**)

In June 1976 a Dutch lawyer, Professor C F Rüter, undertook a mission to the GDR on behalf of Amnesty International in an attempt to initiate a dialogue with the GDR authorities.

These papers are intended to summarize available information on political imprisonment, torture and capital punishment in a single country or territory governed by a specific political authority. They are designed to be concise and factual and are written primarily for reference purposes.

Since Amnesty International is limited by its statute to act only in specific human rights situations, reference is made to the political, economic and social situation in each country only where this has direct relevance to particular human rights problems. The information contained in each paper is accurate at the time of publication.

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