



# AMNESTY

No. 6. 6th September, 1961

Subscriptions £1-1s. for six months

UTRECHT  
COLLOQUY  
EDITION

## This is a special issue of AMNESTY

Almost all the contents are about "The Frontiers of Freedom" Conference, to be held at Utrecht in Holland from 27th to 30th December. In order to provide the basis for the Working Paper at this Conference, AMNESTY supporters all over the world are being asked for their views about the meaning of the word "freedom". It is vitally important that the Working Paper should set out the highest common factor of agreement from all the many countries where people read this paper. For this reason it is hoped that readers will accept for this issue the special format of the paper and will spare the time to send an answer.

### Appearing in the next issue —

Articles on:

The work of the Defence  
and Aid Fund in South  
Africa.

Recent arrests in the  
Basque Provinces of  
Spain.

Imprisonment of Nation-  
alists in the Baltic States  
of the U.S.S.R.

The Assassination of Felix  
Moumie of the Cam-  
eroons.



"If I had my way, I would lock up Posterity as well."

# Who is a Prisoner of Conscience?

## What is your opinion?

**I**NSIDE this issue you will find a questionnaire on the "Boundaries of Freedom". Its purpose is to discover the views and sympathies of AMNESTY supporters with regard to the rights they consider an individual should have in a society, what limits a society is entitled to impose upon an individual, and in what circumstances an individual should be able to leave his country and enter another where his views are more acceptable.

The results of the questionnaire will be incorporated into the Background Paper which is being prepared for the APPEAL FOR AMNESTY colloquy at Utrecht at the end of December. The answers given by AMNESTY supporters will be analysed in order that some kind of definition may be given to the problems facing the Appeal.

The five questions which the questionnaire poses are very wide and admit many different points of view. They have therefore each been set out with a short introductory paragraph which outlines the

salient problems for AMNESTY'S purpose. They have also been subdivided into a number of shorter questions which are more simple and can be answered briefly with a straightforward "Yes" or "No", or with examples.

The most difficult problem in compiling this questionnaire was that of language. What words could be used to apply to all people and all countries, and what words would of necessity exclude certain societies? The assessment of the rights of an individual in a totalitarian state can hardly be used as the yardstick by which to assess the rights of citizens in a democratic country.

What does legitimate mean? Lawful and within the law of a society, or what can be regarded as morally right? For the purposes of this questionnaire it has the latter meaning.

There are many occasions when people rebel against the laws and conventions which restrain them in their personal lives, but though they may express horror and indignation at the news of the Sharpeville risings or of the imprisonment of Olga Ivinskaya it does not trouble them for very long and they do not think of the implications. The implications touch us all. For each of us has to live in a society, and each society has to have a government. What is the duty of a citizen to his government and to other citizens? What is the duty of the government to the citizens and to the citizens of other countries? Why should an individual who does not agree with the views of the majority have to abide by their rules? Should not his views be tolerated? The questions and their implications are endless: wheels within wheels.

If you have time, and if you wish to express your views on the rights of the individual, please fill in the questionnaire so that we can apply what you think to the problems that will be facing the assembly in Holland, and so mark out some common ground for them.

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### AMNESTY NOTES

#### Further news from 'Down Under'

A steady stream of letters has been rolling into Mitre Court over the last few days as a result of an ABC broadcast in which a member of AMNESTY, 1961, was interviewed by Wilfrid Thomas on the aims and activities of the Appeal. The letters have consisted of requests for further information, offers of help and enthusiastic demands for AMNESTY Christmas cards.

## EVIDENCE

the universities' magazine

incorporating *Oxford Opinion*  
published by Thames & Hudson  
out in October

photos text. word-image. evidence  
them-us. Machine, bureaucracy, cog,  
Jack. Mass-media, -movement, -ideo-  
logy, -production . . . and identity

## EVIDENCE

# Questionnaire on the Boundaries of Freedom

**APPEAL FOR AMNESTY** is to hold a colloquy in Holland at the end of 1961 to debate the theme which is vital to its own work, "The Boundaries of Freedom," i.e., what are the boundaries which must not be overstepped if the integrity of the individual on the one hand, and of the society to which he belongs, on the other, are to be preserved? For the guidance of the fifty or sixty men and women, each eminent in his or her own walk of life, who will take part, a Background Paper is being prepared. An essential part of the preparatory work for the Paper will be to sound the opinion of "Amnesty" supporters on the five major problems which the colloquy will discuss.

Hence the questionnaire which follows!

We should be very grateful if you, as one who has a special interest in our aims, would let us know what you think about the problems which are raised by these questions. Do not worry too much about the detailed wording of the questions (or the illustrations which sometimes follow, if you do not find them helpful). Seize the substance of the problem (which, at bottom, is the relationship of the dissenting individual, or minority group, to the majority), and let us know what you think about it.

There is no limit to how much you write—nor do we ask you to answer every question if some of them do not interest you particularly.

**But do let us have your reply by 30th September, 1961, at the latest!**

PETER BENENSON.

ERIC BAKER.

Appeal for Amnesty,  
1, Mitre Court Buildings,  
Temple, London, E.C.4.



1. WHEN MAY A CITIZEN LEGITIMATELY ENDEAVOUR TO CHANGE HIS GOVERNMENT, OR ITS POLICY?

In all societies at some time tension between the government (national, local, trade union, etc.) and the governed may run dangerously high. The purpose of regular elections and other forms of constitutional machinery is to provide a release for the tension before it reaches breaking point. Nevertheless, the tension sometimes becomes greater than a citizen (or a group of citizens) feels is tolerable, and he may feel justified in finding unconstitutional ways of expressing his frustration. The purpose of the following is to discover the limits which he—and the government he opposes—should recognise.

(a) *During Normal Times :*

In what circumstances is a citizen entitled to break the law for political reasons (as opposed to the conscientious reasons which are discussed under Question 3)?

(Is he, e.g., justified in breaking the law when he has no constitutional method of bringing about an election before the expiration of the term of his representative; when he is not allowed to publish his views in press, radio, television or at his own expense; when his employment is threatened by imminent personal dismissal, by industrial lock-out or strike?)

(b) *In a " State of Emergency " :*

Are there any rights which a state is not entitled to suspend ? (e.g., *Habeas Corpus*).

(c) *In a Newly-Emerged State :*

Are there any rights to which a citizen is not entitled ? If so, which, for what period of time, under what safeguards?

(Should such safeguards include, e.g., the right of individual appeal to a supra-national tribunal, etc.?)

(d) *Where a Citizen has no Elected Representative :*

Is he ever entitled to do an act which might cause physical injury to persons or property, or loss of revenue to persons or state?

2. WHAT ARE THE LEGITIMATE LIMITS TO THE FREE EXPRESSION OF OPINION ?

To demand freedom of thought is relatively innocuous so long as the thought remains in one individual's head. But what about the freedom of expression, e.g., the freedom to convince other people of the truth of his beliefs? What limits must those recognise—or be compelled to recognise—who wish to express their opinions on matters political, religious, literary, personal?

(a) (i) Is a citizen entitled to say what he wishes, where, when and how (in whatever language, printed or pictorial form or by gesture) he likes? If not—

(ii) What are the limitations to this?

(e.g., use of censorship, judicial injunction, etc.)

(b) Are there any limitations on the following grounds?

- (a) Breach of copyright;
- (b) Libel or Slander;
- (c) Corruption of Morals;
- (d) Blasphemy;
- (e) Sedition;
- (f) Danger of Breach of the Peace;
- (g) Sanctity of Institutions (and which institutions);
- (h) When a law case is *sub judice*;
- (i) Leakage of scientific and military secrets;
- (j) Existence of a State of Emergency.

3. WHAT ARE THE LIMITS TO CIVIC EXEMPTION BASED ON CONSCIENTIOUS OBJECTION?

This question demands a prior analysis of duty. Is it my duty to do what the majority tells me to do? Or is duty something which is not necessarily determined by what anyone else says? If the first, then it is possible to argue that the "heretic" is claiming exemption. If the second, then it may be the majority who are claiming exemption and the "heretic" who is refusing to do so. (This latter is the case with the conscientious objector to military service.)

(a) (i) How far should an individual allow the will of the majority (expressed in legislation or in other less formal ways) to determine his conduct?

(ii) Are there any duties which a citizen is entitled to refuse to perform on conscientious grounds?

(e.g., on what sort of conscientious grounds should he be entitled to refuse absolutely or conditionally?)

(b) Is a citizen ever entitled to break a democratically approved law, if he sincerely believes it to be a bad one?

(What sort of law, upon what grounds?)

(c) (i) Is there a place for a dissenting minority in society? What is its function and value?

(ii) How far should a society go in accommodating dissenters?

(iii) What limits should be put on punishing or coercing them

(e.g., by loss of liberty, livelihood—trade union membership, for example—or life.)

(d) Is a man, who in support of his principles has chosen imprisonment (after a fair trial) rather than conformity, still a prisoner of conscience?

(e) Are there any circumstances when one citizen should be required to incriminate another?

4. WHAT OBLIGATIONS HAS ONE STATE TO ADMIT THE CITIZENS OF ANOTHER?

To be able to migrate to a land of greater political or religious or economic freedom is one of the bright hopes which has led so many people, before and since the war, to seek political asylum or economic opportunity across a border. Few countries are willing—or able—to accept migrants without restriction. What restrictions are legitimate?

- (a) (i) Is there any general obligation of hospitality? If so—
- (ii) Is the test the convenience of the state, or is this limited by an obligation to admit certain categories?  
(e.g., political refugees, unemployed from underdeveloped or “blighted” countries, personal guests of citizens, or those invited to conferences and meetings.)
- (b) Is a state ever entitled to refuse to admit certain persons?  
(e.g., those suspected of a political—or a non-political—crime, or carrying an infectious disease.)
- (c) When a state has admitted someone, in what circumstances is it entitled—
  - (i) to refuse to renew his residence permit?
  - (ii) to deport him before the expiration of his permit?
- (d) If a state has admitted someone, what conditions should he fulfil to qualify for—
  - (i) the right to become a naturalized citizen?  
(e.g., after what period of time, under what conditions..)
  - (ii) the right to a residence permit for his family?  
(e.g., what constitutes “family.”)
  - (iii) the right to be allowed to work?
- (e) In the event of refusal under (b), (c) or (d) should a non-citizen have any right of appeal to—
  - (i) judicial machinery?
  - (ii) a committee of the executive?
  - (iii) a committee of legislature?
- (f) (i) Is a state entitled to claim diplomatic immunity for non-citizens admitted to its embassies and consulates abroad, and with what reservations?
- ii) Where a citizen has been granted asylum in an embassy or consulate, has his own state any obligation to allow him to travel from that embassy to the embassy’s own country?

5. IS THE STATE EVER ENTITLED TO DEPRIVE A CITIZEN OF HIS NATIONALITY OR TO WITHDRAW ITS PROTECTION FROM HIM?

One of the most serious forms of punishment which a state can impose on a man is to refuse any longer to regard him as a member of the national community.

- (a) In what circumstances is a state entitled—
  - (i) to deprive a citizen of his nationality?
  - (ii) to withdraw its protection from him?  
(e.g., if he is granted nationality by another state, has committed a number of civil offences, has attacked his own government when abroad.)
- (b) Where a state has withdrawn its protection from a citizen, should the latter be entitled to apply for restoration before the expiration of the period of withdrawal, and, if so, to what authority?
- (c) Should a man whose own nation has withdrawn its protection from him, or deprived him of his nationality, be left “stateless”? Has the international community a duty towards him, and, if so, within what limits?



# This is what AMNESTY is all about

THE organisation known as **APPEAL FOR AMNESTY** 1961, was launched by a group of lawyers, writers and publishers in London, all of different backgrounds, political attitudes and religious views.

It aims for the release of all people, in whatever country, who are held prisoner for their opinions and their conscience, who are physically restrained from expressing genuine non-violent views.

It aims to build up in all countries a publicity campaign which will set a tide of opinion running in favour of all Governments—of whatever shade of opinion, in whatever part of the world—guaranteeing the freedom of men to express their opinions and practice their faiths, however opposed to their nation's Establishment.

Membership of the founding group is reserved to those who are determined to ensure that the conduct of **APPEAL FOR AMNESTY** 1961 remains wholly impartial — between countries, parties, politics, ideologies, religions. Its aim is not to speak for non-communist prisoners in Communist lands, nor for Communist prisoners in other totalitarian lands, but to agitate for the rights of both—and, indeed, those who are neither.

The Joint Directors are: Eric Baker, former Joint Secretary of the Quaker Centre in Delhi and Secretary of the National Peace Council in London; and Peter Benenson, who in 1956 took the initiative which led to the formation of "Justice," the all-party body of lawyers to uphold the Rule of Law.

There is a tremendous lot more to be said about **APPEAL FOR AMNESTY** 1961 that cannot be said in this column.

If you want to know more, as we hope you do, write to Mitre Court Buildings or 'phone London Central 7867/9429.

## COMMENT

**E**VEN in time of war or grave national emergency the invocation of arbitrary powers by the government of a supposedly democratic country used to arouse indignant and even violent protest.

If, however, these powers are assumed during a time of peace, relative prosperity and effective government, one would assume that the volume of protest would take on the dimensions of a tidal wave. It is all the more surprising, and indicative perhaps of the state of world feeling in the 1960s, that the ruling of the Ghana Supreme Court on August 28th, that the Preventive Detention Act, under which people can be detained for periods of up to five years without trial, was not unconstitutional, was greeted by little more than an apathetic sigh.

The Court went on to expand its ruling: the Act was not in conflict with Dr. Nkrumah's solemn declaration of fundamental human rights made at the time of his assumption of office. It is difficult to comment on this without lapsing into the obvious. Instead let us consider the case which gave rise

to this remarkable judgment. Eight men, including Baffour Osei Akoto, were arrested in November, 1959, under the terms of the Act. They were accused of "acting in a manner prejudicial to the security of the state." Last Monday the Supreme Court, whilst making their historic ruling, dismissed an appeal on behalf of the eight men against a refusal by a lower court judge of an application for a writ of "habeas corpus".

This is an appropriate occasion for the reassertion of one of the objects of the Appeal. While not in any way wishing to undermine the basis of law in Ghana or to attempt to disrupt the functioning of normal government, it should be pointed out that one of the aims of **AMNESTY** 1961, is "to urge effective international machinery to guarantee freedom of opinion." Here is a case where supporters of Amnesty all over the world can act in unison to translate this fundamental aim into action by protesting, and urging others to protest, against a flagrant subversion of an elementary human right.

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We have ourselves circulated the paper on approval to those we thought might take a subscription. We now ask them to send in a guinea and in return they will receive AMNESTY until the end of the year.

As the weeks pass so the quality of the paper will improve. This fortnight's issue, in view of the forthcoming meeting at Utrecht, departs from the now established layout of the paper and, instead, invites YOUR active participation.

Will you help us to stay alive and grow?

To: AMNESTY.

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