AMNESTY INTERNATIONAL REPORT 1977

Amnesty International Publications

First published 1977 by Amnesty International Publications
10 Southampton Street, London WC2E 7HF, England

ISBN 0 900058 68 4
AI Index: PUB 79/00/77
Original Language: English
Printed by Twentieth Century Press, 8-13 New Inn Street, London EC2A 3HE, England

Hungary. In 1971 a German Democratic Republic court sentenced him to 8 years' imprisonment on several charges including "incitement hostile to the state". While in Brandenburg prison he protested about various aspects of conditions there. He was punished for trying to educate fellow prisoners and for refusing to do compulsory prison labour. He staged at least one hunger strike in protest about prison conditions and ex-fellow prisoners reported that he had been a source of strength and inspiration. He suffered from a kidney complaint. Two Amnesty International groups adopted him in 1973. After his release in 1976 he expressed his appreciation for the work they had done on his behalf.

Georgios Bakalios was a Greek social worker employed by a church organization in West Berlin. His activities for this organization took him to East Berlin on a number of occasions. In May 1970, he and his elderly father crossed into East Berlin to obtain the necessary transit visas for his parents who were on a visit from Greece. Both men were arrested, but the father was released after 5½ months; in 1972 the son was sentenced to 12 years' imprisonment for alleged espionage. An Amnesty International group adopted him in 1974.

Germany (Federal Republic of)

In the past year Amnesty International has been concerned by possible implications for human rights of some legislation newly introduced in the Federal Republic of Germany in the context of official efforts to deal with terrorist offences.

Articles 131 and 140 of the Penal Code provide that a citizen who produces or distributes written material which "glorifies violence" and a citizen who rewards, consents to, or approves of punishable offences can get up to one years' imprisonment (or a fine) and up to three years' imprisonment (or a fine). Amnesty International is concerned that these laws may in some cases require subjective interpretation of motive and opinion by FRG courts and could be applied in such a way as to enable the imprisonment of authors or publishers for exercising their right to freedom of expression without advocating violence.

Amnesty International has also been concerned about the application of Article 88a which was incorporated into the Penal Code in early 1976. Article 88a allows for up to three years' imprisonment (or a fine) for those involved in the production, distribution or public display of written material advocating or supporting criminal acts contravening the Constitution or endangering the stability and

security of the state. It has provided legal sanction for a series of police raids of mainly left-wing bookshops and printers. Although people have been arrested, to Amnesty International's knowledge no one has yet been imprisoned under this Article.

Since early 1975, a series of laws changing the right to defence have been incorporated into the Code of Criminal Procedure, in connection with incidents during the trial at Stammheim of the Red Army Fraction defendants Ulrike Meinhof, Jan-Carl Raspe, Gudrun Ensslin and Andreas Baader. These laws have considerably affected rights of defence in the Federal Republic of Germany. Defendants may no longer be represented by more than three lawyers (Article 137 of the Code of Criminal Procedure). Lawyers "strongly suspected of participating in the client's crime or of abetting it in any way" may be excluded from the proceedings (Article 138). Several defendants may no longer be defended by the same lawyer (Article 146). A trial may now continue in the absence of defendants who have wittingly placed themselves in a situation in which they cannot follow the proceedings (Article 231).

Official supervision of communications between the defence lawyer and a defendant charged under Article 129a of the Penal Code with "membership of a criminal association" is permitted by Article 148. Further provisions allow up to five years' imprisonment for failure to report the formation of a "terrorist organization" and permit the exclusion of lawyers suspected of conspiring with their clients from any other trial dealing with the same offence.

The most notable use so far made of the new laws altering rights to defence has been in the case of the Red Army Fraction trial at Stammheim. Within a few days of the opening of the trial, all the lawyers defending Andreas Baader were excluded from the case on suspicion of participating in or abetting the crimes of which their clients were accused. One of them, Dr Kurt Groenewold, was subsequently charged under Article 129a of the Penal Code with "support of a criminal association". He was accused of establishing, financing and running an "Information System" between 1973 and 1976 which was said to have provided the Red Army Fraction prisoners at Stammheim with information designed to maintain their "criminal consciousness" as urban guerrillas. He was also accused of supporting and coordinating a hunger-strike by the defendants. Amnesty International is studying his case in the Oberlandesgericht in Hamburg to gain information as to how the 1975 Defence Laws are being interpreted by the courts.

Amnesty International is concerned about the status of Conscientious Objectors to military service in the Federal Republic of Germany. In September 1976 Amnesty International wrote to President Walter Scheel welcoming proposed changes in the legislation dealing with conscientious objection. According to the bill in question, those not wishing to do miltiary service would no longer have to undergo protracted examination of their motives, as they have had to in the past, in order to be recognized as Conscientious Objectors. Amnesty International urged President Scheel to sign the bill into law and to free all those imprisoned or facing imprisonment for refusing to do military service for reasons of conscience or who had left the country to avoid prosecution for such refusal.

President Scheel did not sign the bill, but in May 1977 the *Bundestag* approved similar legislation making it unnecessary for German citizens to have to satisfy an examination board that they were genuine Conscientious Objectors and permitting those who objected to military service to apply directly for alternative service. Such a law would help prevent the imprisonment of Conscientious Objectors and Amnesty International hoped it would encourage similar moves in other countries which continue to imprison people for refusing to do compulsory service on grounds of conscience. The new law retained compulsory alternative service for Conscientious Objectors and therefore did not alter the situation for those who on religious or political grounds decline to perform either sort of service (for instance, Wolfgang Stengele, Egon Spiegel and Karl-Eugen Kurrer, who had been sentenced for such refusal to between four months' and one years' imprisonment, on whose behalf Amnesty International's Secretary General requested a New Year amnesty on 24 December 1976).

Amnesty International is also concerned about some aspects of prison conditions in the Federal Republic of Germany, particularly regarding solitary confinement and isolation practices. While these practices have affected prisoners in various categories, allegations regarding them have most frequently concerned Red Army Fraction and related prisoners. In April 1977 a number of such prisoners who were detained on charges or court convictions of involvement in acts of terrorism, undertook a hunger-strike in protest against the varying degrees of solitary confinement or isolation in which some of their number were being held. In April 1977 Amnesty International wrote to Federal Minister of Justice Dr Hans Vogel and to Minister of Justice of Baden-Württemberg Dr Traugott Bender about its concern at reports that three Red Army Fraction defendants in Stammheim Prison had been subjected to conditions that endangered their mental and physical health. Amnesty International made reference to the findings regarding the Stammheim prisoners by

officially-appointed doctors and psychiatrists including the chief prison doctor, who had formally expressed fear for the health of the prisoners and advised changes in their conditions of imprisonment.

Shortly afterwards the Baden-Württemberg Government promised certain concessions to the prisoners in Stammheim including permission to use larger rooms and to associate with groups of up to 10 fellow prisoners. It was understood that associated prisoners in other prisons who had joined in the hunger-strike would receive similar privileges. Amnesty International asked for precise information about the conditions of the three prisoners at Stammheim (Andreas Baader, Gudrun Ensslin and Jan-Carl Raspe). In a detailed reply the Federal Ministry of Justice denied that they had been cruelly or inhumanely treated and pointed out that the separation of the Red Army Fraction prisoners from others was indispensable on security grounds. The Ministry stated that, according to the Baden-Württemberg Government, these prisoners were allowed to share cells at night with other prisoners of their own sex; they could spend four hours a day with fellow-prisoners Irmgard Möller and Ingrid Schubert, with whom they were allowed to take exercise and participate in sports; they were permitted frequent visits from their lawyers and others, with the normal visiting time being regularly extended; they might read papers and magazines, view television, listen to the radio and record players and use a library containing more than 2,000 books; and that they were able to make purchases at the prison twice a month and get weekly supplies of fresh fruit.

In June 1977, Amnesty International received news that six prisoners connected with the "2nd June Movement" and charged with terrorist offences had been beaten and otherwise ill-treated after they had refused to cooperate in an identification procedure. On learning this Amnesty International urged the Federal German authorities to allow an immediate independent medical examination in order to establish the facts. The *Polizeipräsident* in Berlin replied that preliminary proceedings had been taken against officials of the Berlin police by the Public Prosecutor's office of the Berlin *Land* Court. They had been charged with causing bodily injury while on duty.

Amnesty International has also interceded in cases of persons facing extradition from the Federal German Republic to countries where they might become Prisoners of Conscience. One such case was that of Vidoje Stanislavljević, a Yugoslav citizen faced with deportation from the Federal Republic of Germany to Yugoslavia after using forged documents to enable him to remain in the Federal

Republic of Germany. He claimed to have been imprisoned twice before in Yugoslavia on charges of "hostile propaganda" and refusing to serve in the armed forces and that he left Yugoslavia after being called up again for military service in May 1976. To date the German authorities appear to have turned down his application to remain in Germany. He has since applied to emigrate to Australia, but the result of his application (which is supported by Amnesty International) is not yet known.

Greece (Hellenic Republic of)

All except one of Amnesty International's adopted prisoners in Greece during the past year have been Jehovah's Witnesses, imprisoned because of their refusal to perform military service.

The only adopted prisoner who was not a Jehovah's Witness was Nicholas Psaroudakis, publisher of the weekly paper, *Christianiki.* He was sentenced to 16 months' imprisonment in March 1976 on a charge of "insulting the authorities" in an article criticizing a Supreme Court decision which exonerated ministers who had served under the former military dictatorship. The sentence was reduced to four months in June 1976, and Nicholas Psaroudakis was released after serving the full sentence.

The average sentence passed on Conscientious Objectors in Greece, all of whom are Jehovah's Witnesses, is four-and-a-half years. In December 1976, however, Andreas Dedotsis, who has already served one sentence for refusing to perform military service, was sentenced to 10 years' imprisonment. He was one of the prisoners featured in Amnesty International's Prisoners of the Month campaign in January 1977 because of his exceptionally long sentence and because he suffers from arthritis of the toes. His sentence was subsequently reduced to 20 months on appeal.

In June 1976, Amnesty International appealed to Minister of Justice Constantine Stephanakis to do everything possible to ensure a retrial for Nicholas Moundis, who was convicted of murdering an English freelance journalist, Ann Chapman, during the military régime. Ann Chapman's parents believe their daughter was killed for political reasons and that Nicholas Moundis was implicated only because he was a chance witness. He is alleged to have made a confession only as a result of torture and new evidence which has come to light has led to an official investigation of the case.

In December 1976, Amnesty International wrote to Minister of