

Lawyers in prison

1977
Prisoners of
Conscience Year

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In the course of its work, Amnesty International has discovered that many prisoners of conscience are lawyers. Sometimes they are in prison because of their political activity, but often simply because they have been pursuing their profession.

Upholders of the law are often in danger in countries which violate human rights. Members of the judiciary out to maintain their independence and control the penal authorities; lawyers defending those charged with political offences; academic lawyers and legal bodies in favour of legal checks on the government, or who record violations of such laws – all risk arrest, imprisonment, torture, even execution by those who disregard the rule of law in order to maintain their own power. The same applies to lawyers who challenge legislation which unjustifiably curtails civil liberties.

The most disquieting aspect of the persecution of lawyers is their harassment, intimi-

dation and imprisonment for merely performing their proper functions. Lawyers defending political prisoners and taking up civil rights cases have been imprisoned in Chile, Haiti, Indonesia, S. Korea, Singapore and several other states. A judge in the People's Democratic Republic of Yemen, who acquitted some political defendants because he decided they had not broken any law, subsequently "disappeared". The same has happened to Latin American lawyers who have defended political cases or produced evidence that political detainees have been tortured. Particularly in Argentina, many lawyers have been killed by "death squads", with the government's connivance.

In Africa, the harassment of such leading lawyers as S. African Joel Carlson illustrates the risks lawyers may run through performing their professional duties. There are even worse penalties for lawyers' dissidence in other African countries – Benedicto Kiwanuka, Chief Justice of Uganda, was



Dr. Edson Sithole, Rhodesia
Dr. Edson Sithole, publicity secretary of the African National Council (ANC), was abducted with his secretary Miriam Mhlanga by a group of unidentified assailants outside a Salisbury hotel on 15 October 1975. To this date their whereabouts are unknown.

Regarded as one of the leading African politicians in Rhodesia, Dr. Sithole has spent many years in detention without charge. He

was imprisoned between 1959 and 1963. Upon his release he became publicity secretary of the Zimbabwe African National Union (ZANU). After the banning of ZANU in 1964, he was re-detained and again held without charge until 1971. Released but placed under restriction, he became one of three practising African lawyers in Rhodesia, as well as chairman of the African Bar Association of Rhodesia. He then joined the ANC led by Bishop Abel Muzorewa to work as its publicity secretary.

Dr. Sithole was arrested again in June 1974 and held for a further six months. He was released in December 1974 in order to attend settlement talks in Lusaka, Zambia, between Rhodesian Prime Minister Ian Smith and ANC leader Bishop Muzorewa. He continued to play an active part in nationalist politics in Rhodesia up until the time of his abduction in October 1975.

Although responsibility for Dr. Sithole's abduction has been denied by Rhodesian authorities, there are persistent rumours that he is secretly detained in Rhodesia and has been subjected to torture.

Dr. Sithole was adopted by AI during both his previous periods of detention.

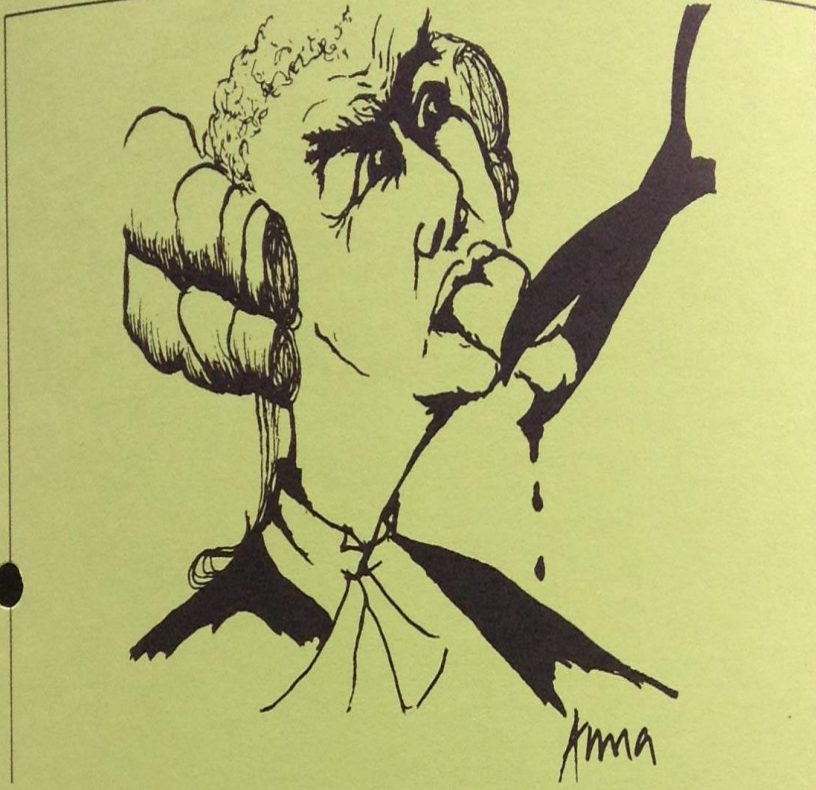
Franc Miklavcic, Yugoslavia
Franc Miklavcic, a 56 year-old district court judge in Ljubljana, Yugoslavia, was arrested in court on 17 May 1976. His trial was held between 12-15 October in the town of Kranj in northern Slovenia. He was reputed to be a fair judge with a notable concern for human rights. He was found guilty under article 101, paragraph 1, of the Yugoslav criminal code (endangering the territorial integrity and independence of the state), article 118, paragraph 2 (hostile propaganda) and article 320, paragraph 2 (disclosure of official secrets).

Mr. Miklavcic was sentenced to five years and 8 months' rigorous imprisonment.

The case of Mr. Miklavcic is closely linked with the case of the wellknown catholic poet Edvard Kocbek. In 1975, Mr. Kocbek, in an interview in the monthly Slovene magazine, *Zaliv*, published in Trieste, Italy, ascribed the execution of several thousand Slovene anti-communists by partisans. After this interview, the official Yugoslav press started a campaign against the 70-year-old Kocbek for misrepresenting Slovenian history.

In a later issue of *Zaliv*, Franc Miklavcic, a personal friend of Mr. Kocbek and a wartime non-communist member of the Yugoslav Liberation Front, defended the poet's assertion. He maintained that Mr. Kocbek's description of the execution of Slovenes at the end of the war in 1945 was based on true historical sources.





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Part of Mr. Miklavcic's sentence was based on his private diary, written between 1939 and 1976, which was alleged to advocate the unity of all ethnic Slovenes in a western-type democracy. The court, however, failed to prove that Mr. Miklavcic wrote his diary for other than private purposes.

Amnesty International adopted Franc Miklavcic in 1976.

Tawfiq 'Az'azi, PDRY
Tawfiq 'Az'azi, age 38, was born in the People's Democratic Republic of Yemen. He became a lawyer in 1966 after studying in Great Britain. On his return to the PDRY he became chief magistrate at the Supreme Court. In 1970 he went to the Yemen Arab Republic but subsequently returned to resume his former position in the PDRY.

Tawfiq 'Az'azi was last seen by friends at the Rex Bar at Tawahi, Aden on 31 March 1972. AI believes that his disappearance

is related to his refusal to convict certain political detainees. He claimed they had committed no offence under the penal code, and ordered their release.

His family made repeated personal appeals to the president and the ministers of the interior and security for information about him. In 1972 they were told that his body had been found in a river. His father was asked to identify him. The head had been severed from the body, but it was not that of Tawfiq 'Az'azi.

In May/June 1975 Amnesty International sent 2 delegates to North and South Yemen, where they were able to make enquiries about Mr. 'Az'azi. The director of prisons and the permanent secretary to the minister of the interior maintained that he had been released on 22 August 1974 and he was currently working in the Gulf. With additional information which they were able to check, the delegates found that this informa-

dragged from his court and murdered by the security forces because of his ruling on a habeas corpus case in September 1972.

Lawyers representing political detainees in the USSR are in a constitutional dilemma. They have to get special permission to take up political cases. But these permits are withdrawn if the lawyers conduct too vigorous a defence or refuse to "comply" when party policy and their professional responsibility clash. Nevertheless, despite being in this dilemma, some lawyers continue to run risks, including that of losing their permits, and sometimes of incurring further penalties such as expulsion from the College of Advocates. This happened to Zolotukhin who, in 1968, defended the dissident Alexander Ginzburg so consistently. In other communist countries, lawyers have been hindered from defending people charged with political offences.

Amnesty International knows about many victimized lawyers who have been hounded

and that the law of non-retroactivity did not apply to Mr. 'Az'azi but rather to another person sharing his first name. Further requests for information concerning him have met with no response from the PDRY government.

Tawfiq 'Az'azi is adopted by Amnesty International.

Angel Cuadra Landrove, Cuba
Angel Cuadra Landrove, born in 1931, was arrested at his home in La Habana in April 1967. He was tried in May 1967 by a Military Tribunal for "activities against the state" and sentenced to 15 years imprisonment. It is believed that he is at present held in the Guanajay political prison.

Senor Cuadra is a lawyer by profession but is also known as a writer and poet and spent a great number of years involved in theatrical activities in La Habana. At the time of his arrest, he was legal advisor for the Cuban Institute for Musicians, authors,

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Amnesty International knows about some victimized lawyers who have been helped by

the support and intervention of their profession, either via bar associations or groups of their colleagues. For example, the Egyptian Bar Association helped Nabil El Hilali, a lawyer who defended students and left-wingers and in 1972 was arrested himself. In March 1973, after widespread protests by his colleagues, he was acquitted and released. Spanish lawyers won a similar victory when they backed their colleague Carlos Garcia Valdes, charged with contempt of court because he tried to find out if his client's confession had been extracted by torture. Only after hundreds of members of the Madrid College of Lawyers were prepared to confirm the torture allegations did he win his appeal against conviction.

These examples highlight the need for lawyers and legal bodies to fight for human rights. Once they are violated, lawyers run the same risks as anyone else in the community – indeed, the very nature of their work makes them especially vulnerable.

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actors and writers. At first, he supported Fidel Castro and the Revolution of 1959, but subsequently believed that the revolution which he had thought was "humanitarian" and nationalist was becoming influenced by communism and he could not continue his support.

He was tried and sentenced for an unspecified offence which he said was connected with activities 3 years before his arrest, and

which were interpreted by the authorities to have been "activities against the state". For some years before his arrest he had attempted through various legal channels to leave the country but was denied permission to do so.

Many of Senor Cuadra's poems have been published – both in Cuba before his arrest and most recently in the British publication **Index** in March 1973.

He is adopted by Amnesty International as a Prisoner of Conscience.

These cases have been chosen by Amnesty International to illustrate the plight of lawyers in prison. As of 15 February 1977 these are all active cases. Should they be released during POC Year facts of their detention and imprisonment nonetheless remain relevant.

What you or your professional association can do to support Prisoner of Conscience Year.

Name, address and organisation (if any)

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What you or your professional association can do to support Prisoner of Conscience Year.

- 1 Join the list of lawyer members of Amnesty International who can be contacted to intervene in particular cases of imprisoned or tortured colleagues.
- 2 Become an active member of Amnesty International and encourage your colleagues to do the same.
- 3 Be prepared as an individual or through your professional association to support colleagues all over the world who come into conflict with the authorities in defence of political prisoners.
- 4 Join the Amnesty International Urgent Action network and send telegrams in cases of extreme urgency to prevent someone being tortured, to appeal for clemency, to avoid the execution of death sentences.
- 5 Indicate your willingness to act as an observer at trials on behalf of Amnesty International.
- 6 Organise fundraising for POC Year amongst your colleagues and legal associations.
- 7 Circulate the petition printed on the reverse side.

- I/We want to join Amnesty International and enclose £ membership fee
 100 500 1000
- Send the following number of copies of the Petition

 100 500 1000
- Send details of Amnesty International publications
- Send sample copies of lists and brochures of prisoners as they become available.
- Send copies of this brochure for distribution by/in my organisation

 100 500 1000
- I/We enclose £ as a donation. Funds are urgently needed.

Name, address and organisation (if any)

Petition

for the release of Prisoners of Conscience

During 1977 Prisoners of Conscience Year, Amnesty International supporters will be circulating the petition below. We welcome your help in obtaining signatures from colleagues and friends.

"We, the undersigned,

OUTRAGED that in many parts of the world, men and women who have neither used nor advocated violence suffer imprisonment solely because of their political or religious beliefs, their race colour, or language;

this, despite the many humane and noble declarations of the assembled nations of the world, beginning with the Universal Declaration of Human Rights three decades ago,

Please complete in **BLOCK CAPITALS**, with your signature, and return with coupon on back to: your National Section.

Name

Address

Signature

Name

Address

Signature

URGE the General Assembly of the United Nations

to take swift and concrete steps to ensure strict observance in all countries of the Universal Declaration of Human Rights

and urge each and every government in the world

to act for the immediate release of all prisoners of conscience."

If you do not belong to a National Section please return to: Amnesty International, International Secretariat, 53 Theobald's Road, London WC1X 8SP, England.

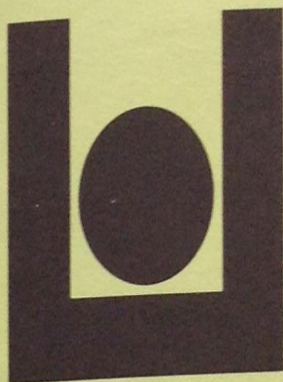
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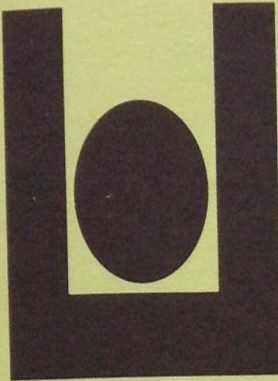
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1977
Prisoners of
Conscience Year

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1977
Prisoners of
Conscience Year

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The Year 1977 has been declared Prisoners of Conscience Year. In a coordinated campaign, the groups and members of Amnesty International will seek to intensify public awareness and concern about violations of human rights wherever they occur and to bring greater support to prisoners of conscience throughout the world. Special contributions are being made by outstanding figures in the world of art, film, music, literature and design. Signatures will be collected in all countries for a petition urging: 1) the General Assembly of the United Nations "to take swift and concrete steps to ensure strict observance of the Universal Declaration of Human Rights," and 2) urging all governments "to act for the immediate

release of all prisoners of conscience."

Funds raised during this special year will be administered under the authority of the International Executive Committee of Amnesty International and will be devoted to the strengthening of the national programs and structures of the Amnesty International movement and for capital expenditure within the International Secreta-

During Prisoner of Conscience Year Amnesty International will be producing lists of prisoners who are adoption or investigation cases in the following categories. These lists do not include all prisoners of conscience in the relevant category.

- Trade Unionists
- Journalists/Writers
- Parliamentarians/Politicians
- Medical Personnel
- Students/Teachers/
Academics

And brochures on the following topics:

- Journalists/Writers
- Parliamentarians
- Medical Profession
- Lawyers
- Business World
- Peasants
- Churches
- Trade Unionists
- Women
- Teachers and Schools
- Youth Movements

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amnesty international

... is a worldwide human rights movement which is independent of any government, political faction, ideology or religious creed. It works for the release of men and women imprisoned anywhere for their beliefs, colour, ethnic origin or religion, provided they have neither used nor advocated violence. These are termed "prisoners of conscience".

... opposes torture and capital punishment in all cases and without reservation. It advocates fair and speedy trials for all political prisoners.

... seeks observance throughout the world of the United Nations Universal Declaration of Human Rights and of the UN Standard Minimum Rules for the Treatment of Prisoners.

... has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and has observer status with the Organization of African Unity (Bureau for the Placement and Education of African Refugees).

... is financed by its members throughout the world, by individual subscription and by donations.

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Lawyers in prison

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