

# INTERNATIONAL COMMISSION OF JURISTS

COMMISSION INTERNATIONALE DE JURISTES - COMISION INTERNACIONAL DE JURISTAS  
INTERNATIONALE JURISTEN-KOMMISSION

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109, ROUTE DE CHÊNE, 1224 CHÊNE-BOUGERIES/GENEVA, SWITZERLAND - TEL. 49 35 45  
CABLE ADDRESS: INTERJURISTS, GENEVA

## R E P O R T

on the

ACTIVITIES OF THE INTERNATIONAL COMMISSION OF JURISTS

1971 - 1977

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## ACTIVITIES OF THE INTERNATIONAL COMMISSION OF JURISTS

1971 - 1977

### Introduction

1. The activities of the International Commission of Jurists in the six years 1971-1977 have continued to be directed on the one hand to the positive promotion of human rights and their legal protection and on the other to the study and publicising of violations of human rights and the Rule of Law.
2. This report contains a brief account under subject headings of the more important activities under both aspects of the work. Detailed summaries of the different kinds of activity will be found in the appendices.

### POSITIVE PROMOTION OF HUMAN RIGHTS

#### United Nations

3. A great deal of the activity for the positive promotion of human rights has taken place within the United Nations pursuant to the consultative status enjoyed by the ICJ with the Economic and Social Council. This activity has included making reports and oral and written submissions to various UN bodies, either alone or jointly with other international non-governmental organisations, and lobbying governmental delegations and members of UN bodies in support of the proposals put forward.
4. The subjects covered have included proposals for improving procedures for considering and acting upon human rights violations; the elimination of racism and racial discrimination and apartheid; the protection of prisoners and detainees against torture, ill-treatment, arbitrary arrest and detention; the protection of human rights in armed conflicts and the revision of the Geneva Conventions; the rights of non-citizens and migrant workers; the promotion of regional human rights organisations; and the ratification of the international covenants on human rights. Further details of these activities will be found in Appendix I.

#### Comparative study on the Right to Privacy

5. In 1971 and 1972 the staff of the ICJ carried out a comparative study on the legal protection of the right to privacy. The study was commissioned by UNESCO. It surveyed the existing law in ten countries (Argentina,

Brazil, Mexico, Venezuela, Federal Republic of Germany, France, Sweden, Switzerland, United States of America and the United Kingdom), dealing with the impact of technological developments on the right to privacy, the general law prevailing in the 10 countries, specific intrusions into privacy, and the public disclosure of private information. Finally, the study set out certain conclusions and recommendations for the adequate legal protection of privacy. The 162-page study was published in September 1972 in Vol. XXIV, No. 3 of the UNESCO International Social Science Journal.

#### Campaign against Torture

6. The International Commission of Jurists has been active in several ways in the international campaign against the torture of prisoners and detainees.

7. Many of the studies on situations of gross violations of human rights have included detailed information about torture practices, and have pointed to the defects in the legal systems which encourage and make possible these practices.

8. A draft Code of Conduct for Lawyers was prepared for use in connection with Amnesty International's campaign against torture.

9. A detailed statement of draft principles for the protection of prisoners and detainees against torture and ill-treatment was drawn up by the ICJ and submitted to the UN Human Rights Commission (UN Doc: E/CN.4/NGO/191 dated 12 February 1976), and a similar document related to the Standard Minimum Rules for the Treatment of Prisoners was submitted to the 5th UN Congress on Crime Prevention and Control (UN Doc: E/AC.57/NGO 1 dated 21 June 1976). Oral interventions were made in support of these documents and the Secretary-General was a member of the Committee which drafted the UN Declaration on Torture, later approved by the General Assembly. The ICJ draft principles have been published by the American Association for the ICJ and widely distributed.

10. This subject is now under examination by the UN Human Rights Sub-Commission and the ICJ is taking an active part in a working group of non-governmental organisations which has been formed in Geneva to assist the Sub-Commission's Rapporteur, Ambassador Nettel of Austria.

11. Detailed memoranda analysing the nature of torture practices and the conditions which made them possible, illustrated with examples, were submitted to the UN Sub-Commission in 1975 and 1976. Oral interventions on this subject were also made by members of the staff.

12. An intervention by the Secretary-General before the UN Human Rights Commission in 1976 criticising a new Chilean decree aimed at preventing torture was published in full in the summary record.

13. An article entitled "Lawyers against Torture" was published in ICJ Review No. 16, and an article urging that torture should be recognised as an international crime was published in Review No. 17. Extracts from it were circulated to delegates of the Sixth Committee of the General Assembly in 1976.

### Humanitarian Law

14. The ICJ has continued to follow and further the development of international humanitarian law for the protection of victims of war.

15. A resolution drafted by the ICJ on improved procedures for investigating violations of human rights in armed conflicts was distributed by the Geneva Special NGO Committee on Human Rights to all members of the General Assembly in 1972.

16. ICJ observers attended the ICRC Intergovernmental Experts Conference in 1972 and the Diplomatic Conferences in Geneva in 1974, 1975 and 1976. The ICJ was a member of a working group of non-governmental organisations (NGO's) which prepared a detailed memorandum commenting on the two ICRC Draft Protocols to the Geneva Conventions. The memorandum was distributed to all participating governments and received a number of favourable comments. This was an outstanding instance of NGO cooperation, as the memorandum was eventually signed by about 50 organisations of widely differing orientation. A further NGO memorandum was prepared and circulated as a Conference document at the Thirs Session of the Conference. The NGO working group held a number of meetings with leading delegates during the sessions of the Conference.

### The Right of Asylum

17. One of the most serious human rights problems is the protection of refugees from political persecution. The ICJ has maintained close contact with the office of the UN High Commissioner for Refugees, in relation both to individual cases and to the general advancement of international law and procedures to safeguard refugees.

18. In 1975 the ICJ decided to undertake a study of the application of refugees conventions in Latin America. For this purpose it sent three distinguished international lawyers, Professor José Cabranes of the USA, Professor Frank Moderne of France and Professor Hector Cuadra of Mexico to Buenos Aires to begin a visit to eight latin-american countries in connection with the study. The Argentine government had been notified of the mission and had raised no objection to it. (They had asked at the last moment that the mission be delayed for 14 days but, as was explained to them, it was impossible to rearrange the itinerary at this stage.) In spite of this, on arrival at Buenos Aires, Professor Cabranes was arrested and detained for six hours, without being allowed to contact the US Consul or Ambassador (in breach of the Vienna Consular Convention). He was then expelled on a plane to Brazil. On the following day, Professor Moderne was allowed to leave and return to France, but Professor Cuadra was arrested and held for 2½ days before being expelled to Colombia.

19. No explanation has been forthcoming from the Argentine authorities for this extraordinary conduct. It can only be assumed that the security authorities took the matter into their own hands and decided to sabotage this mission. Meanwhile the consent which had been given by some other governments to the mission was withdrawn.

20. In spite of this setback the work was continued by the staff of the ICJ, and in September 1975 a 64-page study was published and circulated to the members of the Executive Committee of the Office of the UN High Commissioner for Refugees. The document sets out the international law relating to asylum, extradition and non-refoulement for the protection of political refugees. It then describes in detail a number of cases in which refugees in Latin America have been harassed, attacked, kidnapped and even assassinated, and others where they have been returned (refoulé) in violation of international Conventions and declarations. In a number of cases the persons responsible appeared to belong to or have close connections with the security authorities of the countries concerned. The study concluded with a number of recommendations for improving the protection of refugees.

#### The protection of lawyers

21. Another subject which has given much cause for concern in the protection of lawyers who are persecuted or threatened with persecution for carrying out their professional duties.

22. The mission of three distinguished North American lawyers to Athens in April 1973 on behalf of six lawyers who were being detained and tortured, is described below in the section dealing with Greece.

23. As a result of numerous reports received from Argentina, Professor Heleno Claudio Fragoso, Vice-President of the Brazilian Bar Association, was sent on a mission to Argentina in 1975 to enquire into the situation. In June of that year his report was published. It disclosed that 32 defence lawyers had been arrested and detained without trial under the state of siege proclaimed in November 1974, six defence lawyers had been murdered since November 1973, 26 threatened with murder, and eight others driven from the country by such threats; threats and attacks had also been made upon judges thought to have acted too leniently in political cases. The report also dealt with cases of torture of political prisoners, a practice which had become "common", and with restrictions on freedom of the press.

24. The Argentine government were afforded an opportunity to comment on the report before publication, but no comment was made. Unfortunately this situation has not improved since the military coup in January 1976, and a great many defence lawyers are in custody, or have been killed or have gone into exile.

25. As a result of an initiative by members of the American Association for the ICJ, the House of Assembly of the American Bar Association passed a resolution in February 1975 authorising its President, whenever he thinks it right to do so, to urge the US government to bring to the attention of foreign governments the concern of the ABA about cases of arrest and detention of lawyers because of their representation of individual clients.

26. In September 1976 an article by the Secretary-General containing a plea for professional solidarity between lawyers' organisations in support of professional colleagues persecuted in this way was published in the journal of the UK Law Society. Following this article, the Council of the Law Society (the solicitors' professional organisation) decided to take action in appropriate cases brought to its attention.

of Dar-es-Salaam University, the delegates spoke with considerable frankness and the discussions were lively. The seminar concluded that, in spite of the obvious limitations on freedom of speech and freedom of association which are inherent in the concept of a one-party state, a considerable degree of openness could be achieved in this form of society. To achieve this does, however, require the understanding, support and commitment of the Party at all levels to the principles of human rights and the Rule of Law. The principal recommendation was, therefore, that there should be regular education programmes within the party on these principles.

34. Another recurrent theme was that many of the existing restrictions on human rights found in one-party states within east and central Africa were a factor of the problems of development rather than a necessary consequence of the one-party system.

#### STUDIES AND REPORTS OF VIOLATIONS OF HUMAN RIGHTS

##### East Pakistan/Bangladesh

35. In the middle of 1971 many reports were being received of grave violations of human rights in the armed conflict which had broken out in East Pakistan. In September 1971, the Aspen Conference of Jurists called upon the ICJ to set up a Commission of Enquiry into these events. A Commission of three prominent international lawyers was accordingly appointed in November. The Indian government and the provisional government of Bangladesh agreed to cooperate fully with the Commission, but unfortunately the former Pakistan government refused their cooperation, contenting that the subject of the enquiry was a purely internal matter.

36. The Commission were due to leave for India in December to take evidence there, when open hostilities broke out between India and Pakistan. The Indian government asked that the visit of the Commission should be postponed, but as the members of the Commission were not available at a later date, the Commission of Enquiry had to be cancelled.

37. However, as a great deal of valuable documentary evidence had been collected, together with some oral evidence, it was decided that the Secretariat of the ICJ should prepare a Staff Study covering the same ground as the proposed Commission of Enquiry. The scope of the Study was extended to consider the application of the right of self-determination of peoples, the role of the United Nations and the role of India.

38. The 98-page Staff Study which was published in 1972 contains a factual account of the events which occurred in East Pakistan from March to December 1971, together with a discussion of some of the legal issues involved. These include the position under Pakistan law and under international penal law, the right of self-determination, the role of the United Nations and the Role of India. Among the conclusions were that there had been massive violations of human rights committed by the Pakistani forces against Bengalis and by the Bengali insurgent forces against Biharis and other non-Bengalis; that crimes were committed under both domestic and international law; that the persons responsible were liable to trial by an international court under

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international law; that the martial law regime of General Yahya Khan was unconstitutional and illegal under Pakistan law (this was subsequently confirmed by a decision of the Pakistan Supreme Court); that the Awami League leaders were not entitled in international law to proclaim the independence of Bangladesh in March 1971 under the principle of the right to self-determination, but they were entitled to resist by force the attempt of the illegal regime to force upon them a different constitution to that approved in a free election; and that India's invasion of Pakistan was not justifiable on grounds of self-defence, but could be justified as a humanitarian intervention in view of the inaction of the UN in dealing with the massive violations of human rights which were causing a continuing and intolerable refugee burden to India.

39. After the conclusion of hostilities the Secretary-General visited Bangladesh early in 1972 and sought to persuade the government to set up an international tribunal if they wished to try those responsible for war crimes. The government did pass legislation providing for a special tribunal clothed with jurisdiction to try cases under international law, but the tribunal was to be constituted solely with Bangladesh judges. In the event, the tribunal was never constituted; as part of the subsequent settlement with Pakistan, the war crimes trials were abandoned.

40. Meanwhile, in August 1972 the ICJ had issued a statement urging the Indian government that in view of the cessation of hostilities, it was their duty under the Geneva Conventions to release the Pakistani prisoners of war captured in East Pakistan.

41. An agreeable postscript was that in February 1974 the Secretary-General was invited by the Pakistan government to address the first Pakistan Jurists Conference held in Karachi on the subject of "The Revision and Implementation of the Geneva Conventions".

#### Greece

42. From the time when, within days of the 1967 military coup in Greece, Mr. Sean MacBride as Secretary-General of the ICJ raised with the governments of the Council of Europe the violations of the European Convention occurring in Greece, the ICJ took repeated steps to bring to world attention the nature of the repression in Greece. The following is a brief summary of the actions taken between 1971 and the liberation of Greece in 1974.

43. Articles on developments in Greece were published in ICJ REVIEW Nos 1 (March 69), 6 (April 1971), 7 (December 1971) and 10 (June 1973).

44. On 16 May 1972 the Secretary-General attended the court proceedings in Athens for the dissolution of the Society for the Study of Greek Problems and the Greek-European Youth Movement. Both were lawful organisations which had held a series of orderly public meetings with lectures and discussions. The conduct of the trial was criticised in the Secretary-General's report and a press release was issued commenting upon the decision to dissolve these societies.

45. A 'communication' to the UN on the gross violations of human rights in Greece was referred by the ICJ, jointly with three other organisations, to the UN Sub-Commission by its Working Group on communications. An extensive report of this communication by Kathleen Telsch was published in the New York Times on 21 September 1972.

46. In October 1972 the Secretary-General attended the hearing of the appeal against the dissolution of the two societies referred to above. Lord Gardiner also attended on behalf of Amnesty International.

47. The Secretary-General obtained the permission of the authorities to visit the 'exiles' who had been banished to the remote mountain village of Thermos. He was the first and only foreign visitor to be allowed to do so. On returning to Athens he gave a press conference which was widely reported in the Greek press describing the conditions under which the exiles lived and denouncing this system of banishment by administrative order.

48. When the Secretary-General left Athens Mr Stamatopoulos, Secretary of State to the Prime Minister, issued a statement denying that there had been any report of violations of human rights in Greece by the UN Sub-Commission (which had not been alleged). The Secretary-General's reply, stating the correct facts, was broadcast in the Greek Service of the BBC on 12 October 1972.

49. On 13 October 1972 the ICJ and Amnesty International jointly published an appeal smuggled out of Korydallis Prison in Athens signed by 54 prisoners concerning the torture of Wing Commander Minis, Stathis Panagoulis and others. The statement also commented on some remarks made by the US Ambassador, Mr Tasca, to a US Congressional Committee, which had been referred to by the prisoners.

50. In January 1973, Professor Otto Triffterer of the German Federal Republic attended an ICJ Observer trial in Athens of Partsalidis, Dracopoulos and 15 other members of the Greek Communist Party of the Interior.

51. On 18-20 January 1973, Maître Christian Grobet of the Geneva Bar, attended the trial in Athens of Stathis Panagoulis and 12 others. In his extensive report on the trial he made critical comments on the conduct of the proceedings and the prolonged detention in isolation and the torture and ill-treatment to which the defendant had been subjected.

52. On 15 February 1973 the ICJ published a letter sent to Prime Minister Papadopoulos protesting that in spite of the supposed abolition of 'exile', suspects were still being threatened with this penalty, and contending that the appeal procedures available to political prisoners were inadequate.

53. Maître Martin-Achard, former Batonnier of the Geneva Bar, attended as an ICJ Observer the trial in Athens on 19 February 1973 of Wing Commander Minis and Dr Pantelakis. On his return to Geneva he gave a press conference at which were released his report of the trial, a copy of Dr Pantelakis' statement describing his torture by electricity, a summary of Wing Commander Minis's diary of his 111 days detention and torture in the Military Police Interrogation Centre, and statements by 3 co-prisoners confirming their allegations. Maître Martin-Achard stated that by ignoring the defendants' complaints the judges were "accomplices in torture".

54. On 27 February 1973 the ICJ in a press statement demanded that the recently arrested lawyers of the Greek students should either be released or brought to trial. The Secretary-General also raised this issue in a public intervention before the UN Commission on Human Rights.

55. In April 1973 three distinguished North American lawyers, Mr Morris Abram, Professor John Humphrey and Mr William J. Butler, flew to Athens to intercede on behalf of the six lawyers, who were still being detained and tortured in the military police interrogation centre. The authorities refused to see them, but the mission obtained very widespread publicity in Greece, in the United States and elsewhere, including a leading article in the New York Times and a feature articles in the Los Angeles Times. The lawyers were released a few weeks later.

56. On 27 April 1973 the ICJ submitted a second 'communication' to the UN Secretary-General, concerning the gross violations of human rights in Greece, dealing with illegal arrests, illegal detentions, persistent and brutal torture, brutal repression of students, suppression of press freedom and freedom of speech and association.

57. On 25 March 1974, the ICJ published a press release on the situation in Greece since the coup of November 1973 which brought General Phaedon Gizikis to power, stating that the current repression was more severe than at any time since the original military coup of 1967.

58. After the liberation of Greece, Mr George Mavros, as Minister of Foreign Affairs, officially thanked the Secretary-General for the contribution which the ICJ had made to the liberation of Greece, and the encouragement it had given to all who were striving for a return to freedom.

#### Turkey and the European Convention on Human Rights

59. In 1973 the staff of the ICJ circulated to members of the European Parliament a Study of the constitutional changes and legislation in Turkey since the proclamation of martial law in 1971. These were considered in relation to the European Convention on Human Rights to which Turkey is a party, and it was suggested that in a number of respects this legislation was in violation of Turkey's obligations under the Convention.

60. A shortened version of the study was published in Review No. 10. An attack on the study by Professor Ernst E. Hirsh was published in Berlin in 1974, and a reply to this was published in Review No. 12. The ICJ study was translated into Turkish and published in Turkey in 1974. Significantly, the publishers decided to omit the passages relating to oppression of the Kurdish minority for fear that it might lead to a prosecution for "separatist propaganda".

#### Uruguay

61. In Review No. 8 (June 1972), an article was published predicting that the policies followed by the government were in danger of reducing the political life of the country to the level of brute force. This provoked a strong reply from the Uruguayan government which was published in Review No. 9 (December 1972). Unfortunately, the ICJ predictions were fulfilled

when the Parliament was dissolved in June 1973 and the military-based dictatorship was established. (In the meantime, Professor Sebastian Soler of Argentina had regrettably resigned from the Commission in protest against what proved to be an inaccurate press agency report of the original ICJ article).

62. As the government reply of 1972 invited the ICJ to send an impartial mission to Uruguay to ascertain the truth, the Secretary-General paid a visit to Uruguay for that purpose together with a Research Officer of Amnesty International in May 1974. The report of their mission described the legal system in force, the system of repression of political suspects including the torture and ill-treatment of prisoners and made recommendations with a view to reducing the risk of these excesses.

63. The situation in Uruguay continued to deteriorate. A supplement to the report was published in January 1975 dealing with renewed arrests and holding of suspects incommunicado, the assassination in Montevideo of 5 Uruguayans kidnapped in Argentina, the indefinite postponement of the Presidential elections, the purge of the university staff and the increased restrictions on the press. A further supplement published in January 1976 gave details of the treatment given to political prisoners, the general state of insecurity, mass arrests and the absence of rights of defence.

64. The day after publication of the report of the mission to Uruguay, namely on 18 June 1974, the ICJ Commission Member in Uruguay, Dr Ramon Real, was arrested. While still in custody he wrote, with apparent reluctance, resigning from the Commission. He was released after one month.

#### Chile

65. Within days of the military coup of 11 September 1973 in Chile, reports were received of serious violations of human rights by the army. A telegram raising a number of the most important points was sent to President Pinochet on September 19. These matters were also referred to the Inter-American Commission on Human Rights. As will be seen from the very extensive report published by that organisation a year later, it was this communication by the ICJ and a similar intervention by Amnesty International which was the starting point of the study made by this important inter-governmental body.

66. In April 1974 at the invitation of the World Council of Churches, the ICJ sent a mission comprising the Secretary-General, Professor Covey Oliver (USA), and Dr Kurt Madleper (Fed. Rep. of Germany) to Santiago to enquire into the situation. The mission was greatly assisted by Dr Illanes Benitez, then a member of the Commission, and by the President of the College of Advocates. This mission received a great deal of information. It first published a preliminary report on 17 May 1974 expressing the opinion that the legal procedures and safeguards in force did not meet the minimum standards that Chile was bound to observe in the then "state of war" under Article 3 of the Geneva Conventions, and finding that severe ill-treatment, sometimes amounting to severe torture, was carried out systematically by interrogators. A number of immediate recommendations were put forward. The Final Report (39pp) was published in September 5, 1974, and received world-wide publicity. It described in some detail the constitutional position, and the system in force for the arrest, interrogation, detention and trial of political suspects, including the system of 'military justice in time of war'. Finally

it made fuller comments and recommendations on the steps which should be taken to restore the Rule of Law.

67. Supplements to this report prepared by the ICJ staff were published in January 1975 and September 1976. The Report and Supplements were supplied to the UN Secretary-General and circulated as official documents to the UN Human Rights Commission.

68. The ICJ staff have maintained constant and close liaison with the UN Secretariat and with the Working Group on Chile of the Commission on Human Rights. On numerous occasions evidence has been given before the Working Group and documentation, including copies of legislation, have been supplied to them. The assistance furnished by the ICJ has been publicly acknowledged by the Chairman of the Working Group. Oral and written interventions were also made before the Commission itself and its Sub-Commission in 1975 and 1976.

69. Press releases drawing attention to recent developments in Chile, dealing with the military control of education and other matters, were issued in October and December 1974.

70. The Secretary-General testified on Chile before a Sub-Committee of the House Foreign Affairs Committee of the US Congress in November 1974, during which he referred to a report which had been received that the Chilean government were considering a scheme to send to rehabilitation camps the children of supporters of the former President Allende. An inaccurate report in the Chilean press of this testimony led to the resignation from the Commission of Dr Illanes Benitez, who had, it should be said, shortly before agreed to accept nomination as an Honorary Member on the termination of his full membership. He had done this in the full knowledge of the contents of the Final Report of the ICJ mission.

#### Uganda

71. A major report (63pp) on Violations of Human Rights in Uganda since General Amin came to power in 1971 was published in June 1974, receiving world-wide publicity. The extensive coverage by the BBC Africa Service provoked General Amin to threaten to expel all the remaining British subjects from Uganda.

72. This report was submitted to the UN Commission on Human Rights under its confidential "communications" procedure. When considered by that body in January 1975, a decision was postponed for one year to give the government further time to reply (although it had already had the report for over six months). In the following year, when the Commission also had before them a supplement to the report containing an Open Letter to General Amin by Wanumi Kibedi, his brother-in-law and former foreign minister, which fully confirmed the ICJ report, as well as other supporting evidence, the UN Human Rights Commission decided to take no action.

73. In June 1976 the ICJ sent to the UN Secretary-General a second report on Violations of Human Rights in Uganda (92pp). On this occasion the report was not published, as one of the arguments used against acting on the first report was that it had been published. There was no reason under the rules why this should not be done. At the time when the UN Human Rights Commission

met to consider this report in February, 1977, news was received of the killing in Kampala of Archbishop Luvum and two of General Amin's Ministers.

74. The Commission on Human Rights discussed the Uganda case at considerable length in private session. At one point there was a majority in favour of some action through the Secretary General. This would have fallen short of either of the actions specified in Resolution 1503, namely to set up a Committee of Enquiry (with the consent of the government concerned) or to undertake a 'thorough study'. In the end, failing agreement with the Secretary General, it was decided to take no action other than to keep the matter under review. This means that Uganda are on notice that the Commission will reconsider the subject in 1978

#### Southern Africa

75. Ever since the publication in 1960 of "South Africa and the Rule of Law", the apartheid system of racial discrimination in South Africa and Namibia (South-West Africa) and the repressive measures needed to enforce it, have been a major preoccupation of the ICJ. This has continued to be the case in the period 1971-1977.

76. Articles on new repressive laws and on leading trials have been published in nearly every issue of the Review. Observers have been sent regularly to important trials. Press statements have been issued commenting on urgent situations and developments. Evidence has been given by the Secretary-General on several occasions to the UN Committee on Apartheid and the Ad Hoc Working Group of Experts on Southern Africa of the UN Commission on Human Rights. Interventions relating to South Africa and Namibia have been made before the Commission on Human Rights and its Sub-Commission.

77. Two ICJ studies on racial discrimination in Southern Africa were published later in the year in the UN quarterly "Objective: Justice", viz;

- Infringements of the Universal Declaration of Human Rights in South Africa, Vol. 5, No. 4

- Apartheid in Namibia, Vol. 6, No. 1.

78. In January 1974, the Secretary-General paid a visit to South Africa to observe the proceedings taken against Dr Beyers Naudé and other leaders of the Christian Institute of South Africa for refusing to testify before the notorious inquisitorial enquiry known as the Schlebusch Commission. During his trip he attended the Conference of the Institute of Race Relations, paid a short visit to Windhoek in Namibia, met many of the leading lawyers in South Africa and paid a call upon the Minister of Justice.

79. In June 1974, the Secretary-General testified on racial discrimination in Southern Africa to a joint meeting of two Sub-Committees of the House Foreign Affairs Committee of the US Congress.

80. In July 1975 a 188p book entitled "The Trial of Beyers Naudé: Christian Witness and the Rule of Law", edited by the ICJ, was published by Search Press, London. It is an account of the trial referred to above, with a Preface by Lord Ramsey, Former Archbishop of Canterbury, and introductions by Sir Robert Birley and Professor A.N. Allott, which describe the political and legal background and significance of the case.

81. In January 1976, in response to a request to Mr Sean MacBride, UN Commissioner for Namibia, the ICJ agreed with the International Association of Democratic Lawyers to assist the International Institute of Human Rights to organise a Conference on "Namibia and Human Rights" in Dakar, Senegal. The Conference was addressed by President Senghor and the Foreign Minister of Zambia, and a message was received from the UN Secretary-General. Among the participants were representatives of most African countries and several intergovernmental and non-governmental organisations, church leaders, well known jurists, and leaders of the national liberation movements, in particular the South West African People's Organisation (SWAPO). The Conference adopted the "Declaration of Dakar" and a Programme of Action" which were both commended and widely distributed within the United Nations and elsewhere.

### Rhodesia

82. In January 1972, when the Pearce Commission was sent by the British government to Southern Rhodesia to assess African opinion towards the settlement proposals which had been negotiated between the British government and the Smith régime, the ICJ issues a statement analysing the Declaration of Rights under the proposed settlement. It suggested to Lord Pearce that it should be made clear to all Africans that the exceptions contained in the Declaration were so widely drawn that it offered very limited protection and that the safeguards it contained would be ineffective to prevent a Rhodesian government determined to maintain white supremacy from prohibiting any normal political activity by Africans. Lord Pearce distributed copies of the statement to all the members and staff of his Commission.

83. Following an NGO Conference on Racial Discrimination in Southern Africa, held in Geneva in September 1974, the ICJ decided to undertake a study of the system of discrimination and repression in Southern Rhodesia. It took an unusually long time to collect the necessary information for the study, and eventually the Secretary-General paid a visit for this purpose to Southern Rhodesia in October 1975. Before leaving Salisbury he held a press conference in which he condemned the racial discrimination, the minority rule, the torture and ill-treatment of suspects and the recent Indemnity Act barring access to the courts in such cases. This statement was reported in full in the Rhodesian press.

84. The 125 page ICJ study was completed and published jointly with the Catholic Institute for International Relations, London, in May 1976, receiving very widespread publicity. It analyses the illegality of the white régime both under UK and international law, the system of discriminatory and repressive laws, the practices of torture and ill-treatment of suspects, and control of the African population in operational areas in 'protected' and 'consolidated' villages.

85. In October 1976 Mr Justice Seamus Henchy of the Supreme Court of Ireland attended the trial in Umtali of Bishop Donal Lamont as an Observer on behalf of the ICJ. Bishop Lamont was convicted of failing to report and 'inciting' a nun at a remote catholic mission in the operational area not to report the presence of terrorists to whom she had, on his advice, given medical aid. He contended that the work of missionaries would become impossible if they were to act as informers on behalf of the racist government. After his sentence had been reduced on appeal the government announced that he would be deprived of his citizenship and expelled.

Iran

86. In May 1976 the ICJ published an 80 page study on "Human Rights and the Legal System in Iran", containing two reports by William J. Butler, Esq. Chairman of the Executive Committee of the ICJ, and Professor Georges Levasseur of the University of Paris II, a distinguished comparative penal lawyer. They each made separate visits to Iran in 1975.

87. Mr Butler's report, after a historical introduction, describes a series of political trials, 1963-1975, and then examines the situation concerning human rights. He describes the progress made in the field of economic and social rights under the programme of the White Revolution. He then outlines the restrictions on civil and political rights. He found abundant evidence of the systematic use of torture by the SAVAK secret police.

88. Professor Levasseur's report gives a detailed account of the legal system, including the military tribunals and special courts as well as the ordinary courts. He expressed the hope that the functions fo the military courts would be limited to those normally performed by such courts and that their procedure would approximate more closely to those of the ordinary courts.

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ACTIVITIES WITHIN THE UNITED NATIONS

and

OTHER INTER-GOVERNMENTAL ORGANISATIONS

By virtue of its consultative status with the Economic and Social Council of the United Nations, the International Commission of Jurists has made numerous interventions and submitted documents containing information and/or proposals for action to various UN bodies. The following is a summary of the principal actions taken:-

HUMAN RIGHTS COMMISSION AND SUB-COMMISSION

Communications procedure under ECOSOC Resolution 1503

Communications were submitted under this procedure:

- in 1972, together with three other NGO's, concerning violations of human rights in Greece;
- in April 1973, a report on the Burundi massacres by William J. Butler and G. Obiozor;
- in May 1974, ICJ report on violations of human rights in Uganda (1971-1974);
- in July 1974, the "Kibedi supplement" to the ICJ report on Uganda;
- in August 1974, a statement by James Byakika, concerning Uganda;
- in June 1976, second report on violations on human rights in Uganda (1974-1976).

Numerous interventions were made and documents submitted urging improvements to the Resolution 1503 procedure, in particular to avoid delays and enable up to date information to be furnished to the Human Rights Commission.

Interventions to this effect were made:

- to the ECOSOC in May 1972;
- to the Human Rights Commission in March 1973;
- to the Sub-Commission in September 1973;
- to the Human Rights Commission in February 1974.

Protection of prisoners against torture and ill-treatment

- 1972 The ICJ submitted with other NGO's proposals to the General Assembly and for an international convention outlawing torture and degrading treatment of prisoners as crimes under international law.
- 1973
- 1974 Further submission to General Assembly on action against torture.
- 1975 ICJ Draft Principles for the Protection of Persons under all forms of Detention and Imprisonment submitted to the Human Rights Commission and circulated as an official document.
- March 1975 Memorandum submitted to the 5th UN Congress on Crime Prevention and Control on revision of the Standard Minimum Rules so as to protect prisoners against torture and ill-treatment.

- June 1975 Memorandum on Violations of Rights of Persons in Detention or Imprisonment submitted to the Sub-Commission.
- Sept. 1975 Oral intervention before Sub-Commission in support of this memorandum.
- Sept. 1975 Oral interventions in support of the above memorandum made at the 5th UN Congress on Crime Prevention and Control. Participation in the Committee to draft the Declaration on Torture.
- Sept. 76 Further memorandum on violations of rights of persons in detention or imprisonment circulated to members of the Sub-Commission, and oral interventions made in support.
- Oct. 1976 Article in ICJ Review on torture as an international crime circulated to members of the Sixth Committee of the General Assembly.

#### Chile

- August 1974 Oral intervention to Sub-Commission on violations of human rights in Chile.
- Feb/ March 1975 Oral intervention to Human Rights Commission on the military control of education in Chile.
- 1975 and 1976 Oral and written testimony on numerous occasions to the Human Rights Commission's Working Group on Chile, dealing with recent legislation, illegal arrests and detentions, torture and ill-treatment of prisoners, the growing number of disappearances, and recent court decisions.
- 1976 Oral intervention to Human Rights Commission analysing recent Chile Decree on measures to prevent torture.
- 1977 Report on ICJ activities on human rights in Chile (1973-1976) circulated officially to the Human Rights Commission.

#### Southern Africa

- March 1972 Conclusions of ICJ Aspen Conference circulated in an official document to the Human Rights Commission.
- March 1972 Judge William Booth made an oral statement before the UN Council for Namibia on the trial of the Ovambo strikers in Namibia.
- March 1972 George Lindsay, Michael Davis and Joel Carlson made statements about South Africa to the UN Committee on Apartheid, dealing respectively with ICJ observers at trials, the need to help defendants in political cases, and the responsibilities and difficulties of lawyers in South Africa.
- July 1972 The Sec-Gen presented to UN NGO Committee the proposals for the New York and Geneva Committees on Human Rights on participation in the Decade for action against racism and racial discrimination.

- August 1973 Sec-Gen testified before UN Committee on Decolonisation in New York on the activities and torture methods of the Portuguese Secret Police (DGS) in Mozambique.
- August 1974 Sec-Gen testified before the Human Rights Commission's Working Group of Experts on the floggings in Namibia, the Schlebusch Commission, the Affected Organisations Act, the Riotous Assemblies Act, and the defamation proceedings taken against Prof. Barend van Niekerk.
- Feb. 1975 Sec-Gen gave further testimony on developments in Southern Rhodesia to the Human Rights Commission's Working Group, including the Indemnity Bill, the shooting of curfew breakers, the torture and ill-treatment of suspects by the security forces, and the "protected villages".
- April 1975 ICJ statement on methods of intimidation in the Ovambo elections in Namibia was circulated officially to members of the Council for Namibia.
- June 1976 Sec-Gen testified before the Working Group on the "independence" for the Transkei, the Parliamentary Internal Security Commission Bill, the Promotion of State Security Bill, and recent political trials in South Africa and Namibia.
- Sept. 1976 Oral intervention before the Sub-Commission on self-determination and the independence of the Transkei.
- June 1976 ICJ observer's report on trial of SWAPO members at Swakopmund, Namibia, was officially circulated to the UN Committee on Decolonisation.

Other interventions before the Human Rights Commission and Sub-Commission

- March 1972 Written statement to the Human Rights Commission suggesting action concerning violations of human rights in the armed conflict in East Pakistan.
- Dec. 1972 Written intervention submitted to the Human Rights Commission jointly with other NGO's suggesting a comprehensive review of the human rights of non-citizens and of migrant workers, with Special Rapporteurs. (These suggestions were later adopted).
- March 1973 Statement concerning Pakistani prisoners of war in India before the Human Rights Commission.
- August 1976 Intervention in Sub-Commission on illegal methods of repression in the countries of the 'south cone' of Latin America.

UN COMMITTEE ON THE QUESTION OF DEFINING AGGRESSION

- April/ May 1973 ICJ pamphlet written by Mr Benjamin Ferencz on "A proposed definition of aggression by compromise and consensus" was circulated to all delegations.

UN COMMISSION ON STATUS OF WOMEN

April 1975 Memorandum submitted jointly with other NGO's urging the Commission to examine communications relating to violations of human rights concerning the status of women. (This proposals was later adopted).

UN SEMINAR ON PROMOTION OF HUMAN RIGHTS IN AFRICA

Oct/ Nov. 1973 The ICJ was represented at this seminar in Dar-es-Salaam by Dr Osita C. Eze, of Nigeria, who presented a paper on the International Implementation of Human Rights.

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

The case of the arrest of four Brazilian lawyers, Drs. Heleno Claudio Fragoso, August Sussekind de Moraes and George Tovaes referred by the ICJ to the Inter-American Commission in November 1970, was considered by the Commission in 1971 and 1972. In the light of the reply of the government of Brazil, who denied that the acts alleged had been committed by governmental authorities, the Commission eventually decided to file case "without prejudice of its merits".

On May 6, 1974, the Inter-American Commission notified the ICJ that it had considered the communication submitted by the ICJ in 1973 concerning the situation of human rights in Chile, and had decided to request of the government of Chile the authorisation necessary to visit its territory and to examine in loco the situation of human rights. This authorisation was given and later in the year the Commission published a report whose findings endorsed those of the ICJ mission to Chile in 1974.

Professor Fragoso's report on the situation of defence lawyers in Argentina (see para 23 of the report) was submitted as a communication to the Inter-American Commission in October 1975. The Commission took up the case with the Argentine government. In October 1976 the ICJ sent the Commission a further communication with additional information on this subject. The case is still under consideration.

PUBLICATIONS

The Review

The Review of the International Commission of Jurists has been published twice yearly (June and December) in English. Spanish editions were published of Reviews Nos 7 (December 1971), 8 & 9 (1972-double number), and 16 & 17 (1976 - double number). French editions were published of Reviews Nos 7 & 8. For financial reasons it has not been possible yet to renew publication of the French edition or to publish more regularly the Spanish edition. The three editions of the Review have been distributed to some 15,000 lawyers and legal organisations in all parts of the world.

The Japanese Section of the ICJ has also published each year a journal entitled "Law and Human Rights" in Japanese, containing translations of articles in the ICJ Review.

The Review contains the following regular features:-

- a section on Human Rights in the World. These have included articles on developments concerning the Rule of Law and Human Rights in Argentina, Bangladesh, Botswana, Bolivia, Bulgaria, Brazil, Chile, Czechoslovakia, Equatorial Guinea, France, Greece, India, Indonesia, Iran, Khmer, Lesotho, Malaysia, Malta, Morocco, Namibia, Northern Ireland, Pakistan, Rhodesia, South Africa, South Korea, Sri Lanka, Spain, Sudan, Swaziland, Switzerland, Taiwan, Turkey, Uganda, Uruguay, USA, USSR, Yugoslavia;
- commentaries on the work of the UN Commission on Human Rights and its Sub-Commission on Minorities and Discrimination, as well as on issues of general interest;
- articles on legal issues affecting human rights, such as the Rule of Law in South Africa, interrogation procedures, the expulsion of aliens, conscientious objection to military service, administrative detention, independence of the judiciary, Turkey and the European Convention on Human Rights, the Law of the Sea, race and social structure, human rights in Islamic law, ILO examination of human rights situations, development of international humanitarian law, psychiatry, the law and dissent in the USSR, torture of political prisoners, migrant workers, press freedom, 'ordre public' in the European community, and mercenaries;
- basic texts, making available documents of international interest, such as the UN Principles of Equality in the Administration of Justice, and Principles of the Right to Leave and Return;
- judicial application of the Rule of Law, containing notes of court decisions of general interest;
- book reviews, and ICJ news.

Special Studies

The following special studies have been published by the ICJ:-

- The Events in East Pakistan, 1971, 98pp.  
Comparative Study on the Protection of Privacy, UNESCO Social Science Journal, 1972, 212 pp.  
The Rule of Law in Turkey, 1973, 37pp.  
Gross Violations of Human Rights, A Practical Guide to Filing Communications with the U.N., 1973, 27pp.  
Violations of Human Rights and the Rule of Law in Uganda, 1974, 64pp.  
Report of Mission to Uruguay, 1974, 10pp.  
Supplement to Report of Mission to Uruguay, Jan. 1975, 3pp.  
Supplement to Report of Mission to Uruguay, Jan. 1976, 9pp.  
Report of Mission to Chile, The Legal System and the Protection of Human Rights, 1974, 39pp  
Supplement to Report of Mission to Chile, Jan. 1975, 9pp.  
Supplement to Report of Mission to Chile, Sept. 1976, 32pp.  
The Situation of Defence Lawyers in Argentina, 1975, 21pp.  
The Application in Latin America of Int'l Declarations and Conventions relating to Asylum, 1975, 64pp.  
The Trial of Beyers Naudé, Christian Witness and the Rule of Law, 1975, 188pp.  
Racial Discrimination and Repression in Southern Rhodesia, 1976, 119pp.  
Human Rights and the Legal System in Iran, 1976, 72pp.

"Objective: Justice"

An ICJ study on "Infringements of the Universal Declaration of Human Rights in South Africa" was published in the UN quarterly magazine "Objective: Justice" Vol. 5, No. 4, 1973.

A statement by the ICJ Secretary-General on the activities of the Portuguese Secret Police in Mozambique was published as a special supplement to "Objective: Justice" in 1973.

An ICJ study on Apartheid in Namibia was published in "Objective: Justice" in 1974.

Articles in other Journals

- A lecture by the Secretary-General to the Pakistan Law Conference on "The Revision and Implementation of the Geneva Conventions" was published in Portuguese in the Review of the Order of Advocates of Brazil in 1974.
- A lecture by the Secretary-General to the Canadian Institute of Human Rights was published in 1975 in the Review of the Order of Advocates of Brazil in Portuguese, and in 1976 in the Dalhousie Law Journal, Vol. 3, No. 1, 1976.
- A lecture by the Secretary-General to the Portuguese Order of Advocates on "The Rule of Law and the Protection of Human Rights" was published in Portuguese in the Journal of the Order.
- A lecture by the Secretary-General to the Annual Meeting of the Catholic Institute of International Relations in 1976 on "The Churches and Human Rights" was published as a pamphlet by the Institute.

- An article by the Secretary-General on the ICJ was published in 1975 in "International Associations", the Journal of the Union of International Associations.
- An article by the Secretary-General entitled "Am I my brother's keeper: a plea for professional solidarity" in support of persecuted defence lawyers was published in the journal of the UK Law Society, Sept. 1976.
- Testimony by the Secretary-General to the Sub-Committees of the US Congressional Committee on Foreign Affairs, dealing with Human Rights generally (March 1974), Southern Africa (June 1974) and Chile (November 1974) was published in the Congressional Record.

#### National Section Publications

Various National Sections have published documents on subjects of general interest, e.g.

#### American Association:

Reports to the American Bar Association, International Law Section, on Activities of the ICJ, 1973/4, 1974/5 and 1975/6; the International Bill of Human Rights; Draft Principles on the Human Rights of all Persons in Prison or Detention.

#### Austrian Section:

"Abuse and Denial of Fundamental Rights" (Grundrechtsmissbrauch und Grundrechtsverwirkung). Document prepared for an Icelandic-Austrian Conference held in Reykjavik in June 1972.

"Data Protection"(Datenschutz). Documents prepared for a conference held in Vienna in April 1975.

"Problems of the Rule of Law in the Welfare State"(Rechtsstaatliche Probleme des Sozialstaats). Document prepared with the Swedish Section, for a conference of the German, Austrian and Swedish Sections of the ICJ at Lund, in August 1973.

"The use of legitimate force to control civil disorder"(Die Zulässigkeit des Einsatzes staatlicher Gewalt in Ausnahmesituationen). Report of a Conference of European Lawyers in September 1975 in Amsterdam and The Hague.

#### German Section:

June 1972: Selected papers, Attersee Conference, 1971.

October 1972: "Criminology and penal policy in the Soviet Union" and "Assessment of proof in criminal cases (Strafprozessuale Beweiswürdigung) in East and West Germany"; papers prepared for a conference in Mainz on 4/5 December 1971.

- March 1973: Papers delivered to a joint symposium of the German and French Sections of the ICJ in Baden-Baden, October, on the Right of Extradition.
- November 1974: Papers delivered to a conference in Karlsruhe on 15/16 December 1973.
- June 1975: Vol. I of "The Rule of Law under Stress" (Rechtstaat in der Bewährung); a paper on "Data Protection" delivered to a Conference held in Schlangenbad in October, 1974.
- December 1975: Vol. II of "The Rule of Law under Stress"; a paper on "The use of legitimate force to control civil disorder" delivered to the conference of European Sections held in The Hague and Amsterdam on 26-28 September 1975.
- 1977: A report on the activities of the Section for 1976.
- 1977: Vol. III of "The Rule of Law under stress": papers delivered to a joint conference of the French and German sections in Strasbourg on 27/28 November 1976 on "The Right to a humane Death".

Italian Section:

- "Freedom of movement of persons within the European Community" (Libertà di movimento delle persone nell'ambito delle Comunità europea). L'Aquila, 23/24 May 1970 - report published in 1972.
- "Protection of the personality in society" (Tutela della personalità nelle formazioni sociali). Perugia 25-26 March 1972 - report published in 1972.
- "Preventive Detention and the Rights of the Individual" ("Esecuzione della pena detentiva e diritti dell'individuo"). Roma 22-25 January 1973 - report of seminar held by the German and Italian Sections.
- "The Embodiment of the rules of Adoption in International Private Law" (L'adozione e la sua disciplina del diritto internazionale privato). Rome, 23 March 1973.
- "Secrecy in judicial investigation in relation to the requirements of Justice, the rights of the personality and the obligation to information" (Il segreto istruttorio in rapporto alle esigenze di giustizia, ai diritti della personalità ed al dovere di informazione). Siena 5-7 April 1974.
- "Discretion of <sup>the</sup> penal judge and certitude of the law" (Discrezionalità del giudice penale e certezza del diritto). Rome 20 May 1975.
- "The judge in the new family law" (Il giudice nel nuovo diritto di famiglia). Rome 23-24 February 1976. Report published in 1977.



Libre Justice:

The french section published "Les Libertés Publiques", containing five papers presented to a Colloquium on this subject.

"Justice"

The British Section has published in addition to its annual reports, the following:-

- 1971: Administration under Law  
Litigants in Person  
The Unrepresented Defendant in Magistrates' Courts  
Home-made Willa  
Perjury\*
- 1972: Living it Down  
The Judiciary  
Inside Trading  
Eleventh Report of Criminal Law Revision Committee  
The Law and the Press\*
- 1973: Compensation for Compulsory Acquisitions and Remedies for Planning  
Restrictions  
False Witness  
Eleventh Report of Criminal Law Revision Committee\*
- 1974: No Fault on the Roads  
Going to Law  
The Redistribution of Criminal Business  
Evidence of Identity  
The Future of Trial by Jury\*
- 1975: Parental Rights and Duties and Custody Suits  
Boards of Visitors<sup>(1)</sup>  
Compensation for Accidents at Work  
Bankruptcy  
A Companies Commission  
Breach of Confidence  
Children and the Law\*
- 1976: The Community Land Bill  
The James Report\*

\* = Transcript of JUSTICE Conferences.

(1) = Report of Joint Committee with Howard League and N.A.C.R.O.

Association sénégalaise d'Etudes et de Recherches juridiques

The Senegalese Section of the ICJ Produced 9 numbers of the Senegalese Law Review (Revue Sénégalaise de Droit) during the period December 1971/ December 1975. It also published 5 numbers of the Casebook and Legislation of Senegal (Recueil A.S.E.R.J. de Jurisprudence et Législation du Sénégal).

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PRESS RELEASES, RADIO, TV and PRESS INTERVIEWS

Over 100 press releases have been issued during the period under review. Many of these have received widespread publicity in virtually all parts of the world.

Many have also resulted in radio, television and press interviews by the Secretary-General and other members of the staff of the ICJ. Over 100 such interviews were given, in either english, french, spanish or german, to radio, TV or press correspondents in or from Austria, Bangladesh, Canada, Chile, France, German Federal Republic, Ireland, Italy, Japan, Namibia, Netherlands, Norway, Pakistan, Portugal, Rhodesia, Senegal, South Africa, Switzerland, Tanzania, United States, United Kingdom, Uruguay and Zambia.

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Appendix IV

PRIVATE INTERVENTIONS WITH GOVERNMENTS

In addition to public interventions, the ICJ staff also frequently make private interventions with governments related to alleged violations of human rights. Depending on the nature of the case these are made by letter, telegram or telephone, or by sending a personal mission.

Private interventions have been made in nearly 250 cases in 63 different countries, namely: Argentina, Bangladesh, Bolivia, Botswana, Brazil, Central African Republic, Chile, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Egypt, Ethiopia, German Democratic Republic, German Federal Republic, Ghana, Guatemala, Guinea, Israel, India, Indonesia, Iraq, Iran, Kenya, North and South Korea, Netherlands, Lesotho, Malawi, Malaysia, Mali, Malta, Mauritius, Morocco, Mozambique, Namibia, Nigeria, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Rumania, South Africa, Southern Rhodesia, Spain, Swaziland, Taiwan, Tanzania, Trinidad & Tobago, Tunisia, Turkey, United Kingdom, Uruguay, USSR, USA, South Vietnam, Yemen Arab Republic, Yugoslavia, Zaïre, Zambia.

INTERNATIONAL CONFERENCES AND SEMINARS

Largely for financial reasons no international conferences or seminars were organised by the ICJ between the Aspen Conference and Commission Meeting in 1971 and 1975.

Dakar Conference on Namibia

On 5-8 January 1976, the International Commission of Jurists, together with the International Association of Democratic Lawyers, assisted the International Institute for Human Rights (René Cassin Institute) to organise an international conference on "Namibia and Human Rights" in Dakar, Senegal.

This conference, had an important effect in bringing together governmental and non-governmental international organisations and individual experts concerned with the liberation of Namibia. An account of the conference will be found in paragraph 81 of the report.

Dar-es-Salaam Seminar

The International Commission of Jurists' seminar on "Human Rights, their Protection and the Rule of Law in a One-Party State", held in Dar-es-Salaam in September 1976, is described in paragraphs 28-34 of the report.

Other Conferences and Seminars

The Commission has also been represented at a large number of international conferences and other meetings sponsored by other organisations. At several of these the representatives of the Commission presented papers or otherwise took an active part. Among these were the following (except where otherwise stated, the conference was attended by the Secretary-General and/or other members of the staff):-

1971

November. Mr. John Salzberg, ICJ representative at the UN in New York, attended a conference in Washington on the events in East Pakistan.

1972

March. Mr. John Salzberg addressed a Symposium of the American Society of International Law at Virginia University School of Law on "Strengthening of the UN".

May. The ICRC Government Experts' Conference on Humanitarian Law in Geneva.

May. SWAPO Conference on Namibia, in Brussels.

June. The Triennial Conference of international non-governmental organisations, in Geneva.

June. The Secretary-General, Mr. Gustaf Petren (Sweden) and Mr. William Butler (US) attended the UN Conference on the Human Environment in Stockholm.

June. René Cassin Institute Colloquium on "The Right to leave and Return" in Uppsala. The Secretary-General wrote a paper.

August. Conference of the International Comparative Law Society on Crimes against Humanity and Crimes against Peace, in Geneva.

August. The Secretary-General attended the American Bar Association meeting in San Francisco and addressed a joint meeting of the International Law Section and the American Foreign Law Association on "Crimes against Humanity in Bangladesh".

August. International Law Association Conference in New York.

September. Colloquium organised by the Belgian Section of the ICJ on "Adoption and Legitimation in International Law" in Brussels.

September. NGO International Conference on Disarmament, in Geneva.

1973

June. A seminar on Legal Aspects of Torture held by Amnesty International in London.

August. The Secretary-General addressed the International Law Section of the American Bar Association on "Current activities of the ICJ", in Washington.

August. Plenary Assembly of the World Federation of United Nations Associations, in Geneva.

September. The Secretary-General addressed a Symposium held by the World Council of Churches near Geneva on "International Action for the Implementation of Human Rights".

September. International Council of Amnesty International in Vienna.

September. Congress of the World Confederation of Labour, Evian.

September. Assembly of the Council of Europe in Strasbourg.

December. Mr. E.W. Debevoise attended the Conference of international non-governmental organisations at the UN Headquarters in New York to celebrate the 25th Anniversary of the Universal Declaration of Human Rights.

1974

January. Conference of the Institute of Race Relations, in Capetown.

February. The Secretary-General addressed the first Pakistan Jurists Conference in Karachi on "The Revision and Implementation of the Geneva Conventions". After the Conference he addressed meetings of the Bar Associations in Lahore, Rawalpindi, Islamabad and Hyderabad.

February-March. First Session of the Diplomatic Conference on Humanitarian Law, in Geneva.

March. Preparatory Committee of the Second World Conference of Religion for Peace, in Louvain.

June. The Secretary-General held a seminar on Human Rights in a course for post-graduate students at Sao Paulo University, Brazil.

July. The Secretary-General addressed a seminar of the René Cassin Institute on "The Role of Non-Governmental Organisations in the Futherance of Human Rights", in Strasbourg.

July. A Seminar on Human Rights in Latin America, held in Peru.

August. World Conference of Religion for Peace II, in Louvain. (The Secretary-General drafted <sup>the</sup> report of the Commission on Human Rights, which was adopted by the Conference).

September. Round Table on humanitarian law at the International Institute of Humanitarian Law, in San Remo.

November. The Secretary-General addressed the first Conference of the Canadian Institute of Human Rights on "The Credibility Gap in Human Rights", in Toronto.

#### 1975

January. A Conference on Vietnam, organised by the International Association of Democratic Lawyers, in Paris.

February to April. Second Session of the Diplomatic Conference on Humanitarian Law, in Geneva.

February. Meeting of the Council of the International Institute for Human Rights in Geneva.

February. The Secretary-General addressed a dinner of judges and advocates in Stockholm, and held a seminar on human rights at the Faculty of Law.

February. Commission of Enquiry on Chile, in Mexico City.

March. The Secretary-General gave a lecture on "The International Implementation of Human Rights" at the Nobel Institute in Oslo.

April. Round Table discussion at the Institut Henri Dunant, Geneva, on future options for the ICRC in the field of protection.

May. General Assembly of the International Press Institute, in Zürich.

May. The Secretary-General addressed the University Law Society, Oxford, on the work of the ICJ.

June. Annual Meeting of Libre Justice, French Section of the ICJ.

July. Meeting in the House of Commons, London, on "The UN and Human Rights".

July. The Secretary-General addressed a meeting of the Portuguese Order of Advocates in Lisbon on "The Rule of Law and the Protection of Human Rights".

September. Round Table on present problems of humanitarian law at the International Institute of Humanitarian Law, in San Remo.

September. NGO Conference on Migrant Workers in Europe, in Geneva.

September. Conference of European Sections of the ICJ on "The Legitimate Use of Force to Control Civil Disorder", in The Hague and Amsterdam.

October. Executive Council of the Office of the UN High Commissioner for Refugees, in Geneva.

1976

March. General Assembly of the Conference of NGOs, in Geneva.

March. Consultation on Refugees and Exiles in Europe organised by the World Alliance of YMCA's in Geneva.

April-June. Third Session of Diplomatic Conference on Humanitarian Law, in Geneva.

May. Seminar of NGO representatives held in Geneva on "Torture of Prisoners".

June. The Secretary-General gave an address on "Human Rights and the Churches" at the Annual Meeting of the Catholic Institute for International Relations, in London.

July. NGO Symposium on political prisoners in Southern Africa, at the Palais des Nations, Geneva.

July. 20th Anniversary Meeting of Libre Justice, French Section of the ICJ.

September. Round Table on humanitarian law held by the International Institute of Humanitarian Law, at San Remo.

OBSERVERS AT TRIALS

Date	Place	Trial	Observer
<u>1972</u>			
January	Windhoek, Namibia	The Ovambo Trial: 12 persons charged with incitement to strike	Mr. Alex Lyon, M.P., English barrister
February	Windhoek, Namibia	The Ovambo Trial: 12 persons charged with incitement to strike - re-opening of adjourned trial	Judge William Booth Criminal Court Judge, New York
April	Windhoek, Namibia	Final phase of the Ovambo trial	Mr. Edward Lyons, Q.C., M.P. English barrister
May	Athens, Greece	Dissolution of "The Society for the Study of Greek Problems" and the "Greek Europe Youth Movement"	Mr. Niall MacDermot Sec-Gen. ICJ
August	Capetown South Africa	Dean Edward Laurie King of Capetown charged with contravening Section 27(a) of the Police Act of 1958, and the Rev. Kotze and 15 others	Prof. Garth Nettheim University of N.S.W. Australia
October	Athens, Greece	Appeal of the Society for the Study of Greek Problems and of the Greek Europe Youth Movement against orders for their dissolution	Mr. Niall MacDermot Sec.Gen. ICJ
November	Seoul, South Korea	Appeal of Sung So against his death sentence for espionage	Mr. A.J.J. Sanguinetti Hongkong barrister



Date	Place	Trial	Observer
<u>1973</u>			
January	Athens, Greece	Stathis Panagoulis and 12 others before a Military Tribunal, accused of participation in 'Greek Resistance'	Maître Christian Grobet Geneva Advocate
January	Athens, Greece	Dimitrios Partsalidis, Charalambos Dracopoulos and 15 other leaders of the "internal" communist party, before a civil court	Prof. Dr. Otto Triffterer Freiburg im Breisgau, Germany
February	Athens, Greece	Wing-Commander Minis and Prof. Dr. Pantelakis for having caused the explosion of 15 home-made bombs as protests against the régime, before a military tribunal	Maître Edmond Martin-Achard former Bâtonnier Geneva bar
February/ March	Ankara, Turkey	40 members of Dev-Genç (Revolutionary Youth) Group before a military tribunal	Prof. Peter Noll Zürich
May	Lisbon, Portugal	Sr. Correia Soares, for being member of the (illegal) Communist Party	Guilherme da Cunha Brazilian lawyer Legal Officer, ICJ
June/July	Zanzibar	81 persons (18 in absentia) tried before "people's court" for treason leading to assassination of Zanzibar President in 1972	Bruce Douglas-Mann, M.P. English barrister
July	Kenitra, Morocco	157 persons accused of subversive acts in attempting to overthrow the government of King Hassan II in March 1973	Prof. Dr. H.C. Werner Sarstedt Karlsruhe, Germany
November	Pretoria, South Africa	Rev. Beyers Naudé, tried for refusing to testify before Schibusch Commission	Prof. Antony Allott London, England
December	Madrid, Spain	"Summario 1001" or "Carabanchel 10" - Marcelino Camacho and 9 others, accused of belonging to illegal trade union organisation the "Comisiones Obreras"	Dr. Kurt Madlener Freiburg im Breisgau, Germany

Date	Place	Trial	Observer
<u>1974</u>			
January	Barcelona; Spain	Salvador Puig Antich and 2 others, members of Iberian Liberation Movement, charged respectively with killing a policeman when resisting arrest and in connection with a bank robbery	Me Christian Gröbet Geneva Advocate
January 8 Jan.14-15	Pretoria, South Africa	Rev. Theo Kotze, accused for refusing to testify before Schlebusch Commission	Mr. Niall MacDermot Sec.Gen. ICJ
January	Kenitra, Morocco	Re-trial of 13 men (previously tried and sentenced in 1973 as part of a group of 159 defendants) charged with acts against security of the State	Dr. Samuel Suckow Legal Officer, ICJ
January	Barcelona, Spain	3lawyers, Alberto Fina Sanglas, M.a Montserrat Avilés Vilá, Acensión Solé Puig, accused of illegal propaganda (leaflet explaining to workers their legal rights)	Dr. Kurt Madlener German Advocate
March	Chile	several trials before military courts	Dr. Horst Woësner Germany
May	Madrid, Spain	Me Jaime Miralles Alvarez, accused of "injuries or offences against the army" and illegal propaganda	Me Claude-Serge Aronstein Belgian Advocate
July	Xania, Crete	C. Mitsotakis and E. Tsourlakis accused of illegal use of a printing press	Dr. Samuel Suckow Legal Officer, ICJ
July	Barcelona, Spain	Don Oriol Solé Sugrañes & Don José Luis Pons Llovet (friends of Puig Antich) charged with various offences arising out of two armed hold-ups for MIL	Me Elisabeth Ziegler-Müller Geneva Advocate
August	Jakarta Indonesia	Hariman Siregar - opening stages	Mr. Paul Steen & Mr. John Dowd barristers of N.S.W., Australia

Date	Place	Trial	Observer
<u>1974 (cont'd)</u>			
June	Pietermaritzburg, South Africa	Civil case of Defamation, Pelser (former Min. of Justice) v. S.A. Associated Newspapers Ltd & Prof. Barend van Niekerk	Prof. William Church Univ. of Zambia
September	Quito, Ecuador	Appeal of Don Jaime Galarza (leftist writer) against sentence of 3 years imprisonment for alleged participation in armed bank hold-up	Dr. Lisandro Martinez Colombian advocate
<u>1975</u>			
February	Madrid, Spain	Appeal of the "Carabanchel 10"	Dr. Samuel Suckow New York Bar Legal Officer, ICJ
March	Madrid, Spain	"FRAP" trial of Jesus Diz Gomez and others	Dr. Manuel Correia Neves Portuguese advocate
March	Madrid, Spain	Trial of Alberto Fina Sanglas and his wife, Montserrat Avilés Vilá	Dr. Samuel Suckow Legal Officer, ICJ
March/ April	Tananarive, Madagascar	Treason trial (this mission was at the invitation of the government)	Prof. Peter Noll Professor of Penal Law, Zürich
April	Madrid, Spain	MATESA trial of Juan Vila Reyes and others	Maitre Claude-Serge Aronstein Belgian Advocate
April	Santiago, Chile	Air Force trial of Arturo Vilabella Araujo and others	Dr. Alfonso Reyes Echandia Colombian Advocate
May	Pretoria, South Africa	SASO/BPC trial of Sathasivan Cooper and 12 others	Mr. John Archer, Q.C. English barrister
August	Burgos, Spain	Trial of Garmendia and Otaegui	Maitre E. Martin-Achard former Bâtonnier of Geneva.

Date	Place	Trial	Observer
<u>1975(cont'd)</u>			
August	Pretoria, South Africa	Second SASO/BPC trial of Sathasivan Cooper and 8 others	Mr. Anthony Cripps, Q.C. English barrister
November	Pretoria, South Africa	Trial of Breyten Breytenbach	M. Charles-Albert Morand Professor of Law, Univ. of Geneva
November	Pretoria, South Africa	Second SASO/BPC (continuation)	M. Charles-Albert Morand
<u>1976</u>			
February	Murcia, Spain	Trial of members of "Tinker" minority	Dr. Alejandro Artucio Uruguayan advocate Legal Officer, ICJ
February	Swakopmund, Namibia	Trial of Aaron Mushimba, Andreas Nangolo, Hendrik Shikongo and others for alleged complicity in murder of Chief Elifas	Mr. Patrick McEntee, S.C. Irish barrister
May-July	Seoul, South Korea	Trial of christian leaders for issuing a statement at Seoul Cathedral declaring their adherence to democratic principles	Hunter Hale, E.J. Hammond, and Gary L. Soholt, US attorneys
September	Umtali, Rhodesia	Trial of Bishop Donal Lamont for failing to report terrorists and 'inciting' a nun not to report terrorists (to whom she had on his instructions given medical aid at a remote mission in the operational area)	Mr. Justice Seamus Henchy, of the Supreme Court of Ireland

OTHER MISSIONS

- March 1973 Mr Bernard Sheridan, a London solicitor, visited Tanzania to discuss the defence arrangements and the possibility of observers at the treason trial in Zanzibar following the assassination of Vice-President Karume.
- April 1973 Mr Morris Abram (US), Prof. John Humphrey (Canada and Mr William J. Butler (US) undertook a mission to Athens to enquire into the situation concerning six Greek lawyers under arrest and allegedly severely tortured (see para 55 of the report).
- May 1973 Professor Barend van Niekerk visited Mozambique to enquire into the situation concerning two Spanish priests held by the Portuguese authorities for 17 months without trial. While there he received many reports of systematic torture of prisoners held in Machava prison.
- April 1974 The Secretary-General, Professor Covey Oliver (USA) and Dr Kurt Madlener (West Germany) visited Chile from 19-28 April, 1974, to study the situation concerning the Rule of Law and the protection of Human Rights (see paras 66-67 of the report).
- May 1974 A joint mission, comprising the Secretary-General on behalf of the ICJ and Miss Inger Fahlander, a Research officer of Amnesty International, visited Uruguay in April and May 1974 to enquire into the legal situation concerning the arrest and detention of political suspects (see paras 62-63).
- July 1974 Professor Dr. Günter Demmann of Augsburg University went to Athens on behalf of the ICJ on July 24 to make unofficial representations to the Greek authorities concerning the arrest and detention of his colleague Professor Tsatsos, and of Mr Pasmazoglou, Mr Maronitis, Mrs Tsouderos and others. Most of them, including Professor Tsatsos, were in fact released a few days later, shortly before a general amnesty.
- August 1974 Mr Geoffrey Garrett, Chairman of the Executive Committee of "Justice", British Section of the ICJ, went on a mission to Cyprus from 22 to 29 August on behalf of the ICJ to enquire into the situation regarding the rule of law, with particular reference to the abduction of the Minister of Justice and numerous allegations of ill-treatment of detained persons by the para-military auxiliary police force. In his report he concluded that brutal violence and intimidation had been used by members of the para-military police force, and that this force was not under proper control. He recommended either its disbandment or its integration in the normal police force. He also recommended additional powers for the Bar Council Sub-Committee, which has been set up to investigate allegations of ill-treatment, as well as the stricter application of the legal safeguards available under the Constitution and the law.

March 1975 Dr Heleno Claudio Fragoso of Brazil, Member of the ICJ, visited Buenos Aires, March 3-12, to study the situation of defence lawyers under the state of siege in Argentina (see para 23 of the report).

June 1975 Professor José Cabranes of the USA, Professor Frank Moderne of France and Professor Hector Cuadra of Mexico, went to Buenos Aires, Argentina, to begin a visit to eight latin-american countries as part of a study undertaken by the ICJ on the application of the refugee conventions (see paras 18-19 of the report).

Mr William J. Butler (USA) and Professor Georges Levasseur (France) made separate visits to Teheran in 1975 to collect information for their reports on human rights in Iran and on the legal system in Iran which were published in March 1976 (see paras 86-88 of the report).

1975-1977 The following missions went to the Philippines to collect information for a study in progress on the operation of martial law in the Philippines:

May 1975, Mr William J. Butler (USA)

November 1975, Mr G.E. Bisson, Q.C., Chairman of the New Zealand Section of the ICJ.

February 1977, Mr William J. Butler (USA) and Professor John Humphrey (Canada).

May/June 1976 Mr Yap Thiam Hien of Indonesia, a Member of the ICJ, went on a mission to South Korea to make enquiries of the authorities about political prisoners and, in particular, certain lawyers believed to be held in detention.