



ICJ
Report on Activities
1981 - 1985

INTERNATIONAL COMMISSION OF JURISTS

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ACTIVITIES OF THE
INTERNATIONAL COMMISSION OF JURISTS

1981 to 1985

INTRODUCTION

The activities of the International Commission of Jurists in the five years 1981 to 1985 have continued to be directed on the one hand to the positive promotion of human rights and their legal protection and, on the other hand, to studying and publicising violations of human rights and the Rule of Law, and giving assistance to victims of violations.

This report summarises the main ICJ activities during these five years under a number of different headings. More detailed information will be found in the appendices.

THE HAGUE CONFERENCE ON DEVELOPMENT AND THE RULE OF LAW

From 27 April to 1 May 1981, immediately preceding its 1981 Commission meeting, the ICJ held a conference on Development and the Rule of Law, in The Hague. It brought together ICJ Commission Members, Honorary Members, representatives of national sections and affiliates, and nine distinguished development experts. The conference and the Commission meeting which followed it concentrated on a new dimension to the work of the ICJ - a growing commitment to concern itself with development-related issues and to deepen the understanding of the role that law and lawyers can play in the development process.

Different concepts of development were considered in the discussions at the conference. Shridath Ramphal, Secretary-General of the Commonwealth and ICJ Commission Member, in his key-note address, quoted the Brandt Commission report, of which he is one of the authors: "Development is more than the passage from poor to rich, from a traditional rural economy to a sophisticated urban one. It carries with it not only the idea of economic betterment, but also of greater human dignity, security, justice and equity."

The recognition that the different human rights, whether they are called civil, political, economic, social or cultural are inseparable from each other, was stressed, as was the need for the right to development to be more fully elaborated as a legal concept. As a contribution to this, the conference formulated an important statement of principles on the meaning of the right to development.

It was felt that one of the most significant contributions of the conference was its recognition and discussion of the need to re-orient the legal profession towards implementing the right to development. There was a need not only to provide the impoverished peoples of the third world with traditional legal aid but also to build up their legal resources i.e., the development of their community strength, knowledge and capacity to make use of the law.

In the period covered by this report, the right to development has been one of the major emphases of the work of the ICJ. Regional seminars on rural development and human rights in south and south-east Asia were followed by a series of seminars with lawyers, social scientists and development NGOs on the provision of legal services in rural Africa.

A full report of the 'water-shed' Hague Conference which led to this activity was published by Pergamon Press, Oxford, an entitled "Development, Human Rights and the Rule of Law".

A summary of the conclusions of the Hague conference relating to the right to development was published in Development Forum (July/August 1981), a UN monthly journal on development issues and a paper based on these conclusions and recommendations was submitted to a conference on Law and Development organised by the Bureau for External Affairs of the University of Leiden, the Netherlands, from 19 to 21 May 1981. At the 37th session of the UN Commission on Human Rights, the ICJ and the International Center for Law in Development submitted a statement to the Working Group of Governmental Experts on the Right to Development.

WATELER PEACE PRIZE

In December 1984, the Carnegie Stichting at the Hague announced that the Wateler Peace Prize for 1984 would be awarded to the ICJ "for its considerable activities in the field of human rights".

The prize was founded by Mr. J.G.D. Wateler, a Dutch citizen who bequeathed his estate to the awarding of a Peace Prize to a person or institution who has rendered valuable service in the cause of peace or contributed to the finding of means of combating war.

On 16 January 1985, the Secretary-General received, on behalf of the ICJ, a scroll commemorating the prize from Baron D.W. Van Lynden, President of the Board of Directors of the Carnegie Foundation which owns the Peace Palace, where the ceremony was held.

During his speech of acceptance, the Secretary-General noted that "the recognition by this award of the link between peace and human rights under the Rule of Law is particularly gratifying to us ... This is a somewhat neglected subject. Let us hope that next year, 1986, dedicated by the United Nations to peace, will see some evolution of thought and action in this field."

PROMOTION OF HUMAN RIGHTS AND THE RULE OF LAW

THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS

A great number of the activities for the positive promotion of human rights have taken place within the United Nations pursuant to the consultative status enjoyed by the ICJ with the Economic and Social Council. This has included making reports and oral and written interventions, either alone or jointly with others, and lobbying governmental delegates and members of UN bodies in support of proposals put forward.

The subjects covered have included the elimination of Apartheid, racism and racial discrimination, the protection of detainees against torture, ill-treatment and arbitrary arrests, detention and execution of disappeared persons, gross and systematic violations of human rights, economic, social and cultural rights and the right to development, the promotion of regional and national institutions in the field of human rights, discrimination against women, the rights of the child, rights of mental patients, states of emergency, administrative detention, independence of the judiciary and the legal profession, and the ratification of human rights instruments. Details of these activities will be found in Appendix A.

Activities in the framework of other inter-governmental international organisations such as the Human Rights Committee under the Covenant on Civil and Political Rights, specialised agencies of the UN and regional inter-governmental organisations will be found in Appendix B.

Activities relating to other international organisations such as the Inter-Parliamentary Union and the International Committee of the Red Cross are summarised in Appendix C.

REGIONAL SEMINARS

The ICJ continued to organise its series of regional seminars on human rights matters of common interest to countries in the region. These were as follows:

Penang Seminar on Human Rights and Development in the Rural Areas of South-East Asia: 1981

A seminar on Human Rights and Development in the Rural Areas of South-East Asia, organised by the ICJ and the Consumers' Association of Penang (CAP), was held in Penang, Malaysia, from 30 November to 4 December 1981.

The 40 participants came from Indonesia, Malaysia, the Philippines, Singapore and Thailand and included lawyers, economists, development education leaders and environmental experts. ESCAP, ILO, FAO and UNESCO sent observers. The subjects discussed included: Agricultural and Economic Policies; Land Reform; the Role and Status of Women; Participation in Decision-Making; Social and Legal Services; and Natural Resources and Environmental Questions.

The seminar was opened by Y.T.M. Tunku Abdul Rahman Dutra Al-Haj, former Prime Minister of Malaysia, and the key-note address was delivered by Y.A.A. Tun Mohammed Suffian, Lord President of the Federal Court of Malaysia and Member of the ICJ. Other opening addresses were given by Param Kumaraswamy of the Malaysian Bar Council, S.M. Mohd. Idris, J.P., President of CAP, and Niall MacDermot, Secretary-General of the ICJ. Twelve working papers were submitted and discussed.

The participants reached agreement upon a great many conclusions and recommendations. These confirmed many of the conclusions reached at previous seminars in this series but specified in much greater detail the effects of mal-development upon the human rights of the rural poor. The

ICJ and CAP published a full report of the seminar entitled "Rural Development and Human Rights in South-East Asia". The report included the conclusions and recommendations, the working papers and the list of participants.

Lucknow Seminar on Rural Development and Human Rights in South Asia: 1982

A seminar on Rural Development and Human Rights in South Asia, organised by the ICJ and the Human Rights Institute, Lucknow, was held in Lucknow, India, from 4 to 9 December 1982.

The 40 participants came from Bangladesh, India, Nepal, Pakistan and Sri Lanka and included lawyers, judges, teachers, local government officials and members of numerous social action groups. ILO, ESCAP and the Ford Foundation sent observers.

The participants divided into six committees and discussed subjects such as agricultural and economic policies and their effects on the rural population; socio-economic structures at village level; bonded labour; the effects of the population explosion on development; disadvantaged minorities and social groups; and legal aid and legal services in rural areas. In addition to the working papers prepared for each committee, several participants prepared short papers which were distributed for consideration.

The seminar was opened by an inaugural address delivered by the Honourable Y.V. Chandrachud, Chief Justice of India, and a speech of welcome by the President of the seminar, the Honourable Sripat Misra, Chief Minister of Uttar Pradesh. The keynote address was delivered by Clarence J. Dias, President of the International Center for Law in Development, New York. An address prepared by Professor Upendra Baxi, Vice-Chancellor of South Gujarat University, who was unable to attend the seminar, was distributed to the participants. Other opening addresses were given by R.N. Trivedi, Director

of the Human Rights Institute, Lucknow, and Niall MacDermot, Secretary-General of the ICJ.

The ICJ and the Human Rights Institute, Lucknow, published in India a full report entitled "Rural Development and Human Rights in South Asia". It included the conclusions and recommendations, the working papers and the list of participants.

LEGAL SERVICES IN RURAL AFRICA

In 1982, the ICJ decided to embark on a programme seeking to introduce in Africa a system for providing legal services in rural areas that has operated successfully in parts of Latin America and Asia. Since that decision, considerable progress has been made.

The essence of the system is for lawyers to cooperate with grass-roots development organisations which have the confidence of the rural populations, and to train 'para-legals' in the law that is relevant in the rural areas. The task of the para-legals is to inform people of their rights under the law, to help them to assert and obtain those rights, to negotiate on their behalf and, where necessary, to contact a lawyer in the town if they meet with difficulties or obstruction in securing those rights. The lawyers and the para-legals have recourse to litigation only as a last resort, and encourage other forms of dispute settlement. The para-legals may be drawn from the rural areas, or from the development organisations or from university students. They act as a bridge between the lawyers in the towns and the rural populations in the villages. Where the laws prove to be inadequate, the lawyers work for their reform.

Dakar Seminar

The first step in this programme was a meeting organised in April 1983 by the ICJ jointly with CODESRIA (The Council for the Development of Economic and Social Research in Africa - an inter-African organisation of social scientists) between leading African lawyers and social scientists to consider whether this system could help the development process in Africa.

Over 30 participants (mainly sociologists and lawyers) from 16 countries took part in the three-day seminar. The working papers were presented by the ICJ and CODESRIA. These were respectively: "The Importance of Legal Resources in Strategies for the Rural Poor in Sub-Saharan Africa" prepared by Clarence Dias and James C.N. Paul, and "Development and Legal Services in Africa: A Social Science Perspective", prepared by Prof. Boubakar Ly. Discussion centred around four main topics: law; development; legal resources; and the role of the jurist.

The participants agreed unanimously that it would be appropriate to bring the law and legal services to the rural population, to review the existing laws affecting them, and to give them the necessary legal assistance. A report of that meeting was published jointly by CODESRIA and the ICJ, entitled "Development and Legal Services in Africa".

Tambacounda Seminar

In April 1984, the ICJ and CONGAD (Conseil des organisations non-gouvernementales d'aide au développement) organised jointly at Tambacounda, Senegal, a seminar on "Legal Services in Rural Areas". The Secretary-General and Adama Dieng, Legal Officer for Africa, attended.

Some 30 participants attended including 13 lawyers, 15 representatives of NGOs connected with development, two Senegalese villagers and Mrs. S.H. Morales, Director of the Brazilian Association of Agrarian Reform (ABRA), who explained how the provision of such services operated in

Brazil. The President of Senegal, Abdou Diouf, sent an encouraging message of welcome to the participants.

The seminar considered working papers describing the experience of lawyers' organisations in providing legal services in rural areas in Brazil, India and the Philippines.

The participants then discussed in three working groups the identification of legal problems arising in rural areas; the training of para-legals and the scope of their work in rural areas; and research and action: means of action. Participants thereafter discussed with representatives of OFADEC (the Senegal-based African Office for Cooperation and Development) one of the OFADEC projects in East Senegal based on the concept of self-reliant development. Members of the rural population involved in the project also participated in the discussion.

The seminar adopted a set of recommendations and decided to establish a follow-up Committee with a mandate to:

- set up a pilot project for training para-legals for rural areas;
- organise a seminar to evaluate the pilot project, and
- formulate a project for legal services in rural areas at the national level.

Limuru Seminar

In October 1984, a seminar on the same topic, sponsored by the ICJ, the African Bar Association and the All-Africa Conference of Churches, was held at Limuru, Kenya. Participants came from Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Sierra Leone, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe, and UNICEF. Father J. Idiakunnel, a legal activist in India, was the expert consultant and he explained how the provision of

such services operated in Gujurat, India. The Secretary-General and Adama Dieng, Legal Officer for Africa, attended on behalf of the ICJ.

Working papers were presented on legal services for the rural poor in Asia; the training of para-legals; development NGOs in Africa; and possible conflicts with customary law and traditions. The discussions focussed on various forms of legal activity to assist rural populations such as legal research, law reform, negotiation with authorities and training of para-legals.

After the opening plenary session the participants met in smaller groups to discuss the present situation of landless agricultural labourers and their exploitation in India, Pakistan, Bangladesh, Sri Lanka and Nepal respectively.

The ICJ Conference on the Implementation of Human Rights in Africa which takes place in Nairobi from 2 to 4 December 1985 will continue this exploration of the need for and the potential of the provision of legal services in the African context. Influential jurists from some 20 African states and Commission Members of the ICJ will discuss the subject at both the international and national level. At the international level it will aim to promote the remaining 11 ratifications of the African Charter on Human and Peoples Rights that are needed to bring it into force. At the national level it will focus on the programme for providing legal services in rural areas, and on African 'Ombudsman' institutions.

ORGANISATIONS THE ICJ HAS HELPED FOUND

Regional Council on Human Rights in Asia

During the Penang Seminar, the participants decided to explore the possibility of creating a regional organisation for the promotion and protection of human rights.

Consequently, at a meeting in Manila in February 1982, twelve leading human rights jurists from Indonesia, Malaysia, the Philippines and Thailand decided to form a Regional Council on Human Rights in Asia (RCHRA). The goals of the Council are:

- (1) to adopt a regional declaration of human rights that reflects the culture, values and aspirations of the peoples of the region, to disseminate the declaration as widely as possible within the region, and to seek the support of the peoples of the region for the declaration;
- (2) to promote and encourage respect for individual and collective human rights - civil, political, social, economic and cultural - throughout the region;
- (3) to encourage the governments of the region to ratify or concur in the two International Covenants on Human Rights with the Optional Protocol, and the second Protocol to the four Geneva Conventions on the conduct of armed conflict;
- (4) to receive petitions or complaints of individuals and groups of violations of their rights and to assist them to obtain redress;

- (5) to undertake studies and researches into the state of human rights in the region, develop indicators of respect for human rights, and publish the results thereof;
- (6) to do any and all other things necessary, proper or convenient to attain the above goals.

The RCHRA held its First General Assembly in Jakarta in December 1983. Two major documents were approved during the Assembly and filed with the ASEAN Secretariat. These were the Declaration of the Basic Duties of ASEAN Peoples and Governments and the Statement on the Protection of Human Rights in the ASEAN Region. The former document was published in ICJ Newsletter no. 25.

Daniel Ravindran, ICJ Legal Officer for Asia, attended the Second General Assembly of the RCHRA from 30 November to 2 December 1984 in Bangkok. The efforts to disseminate the Declaration (supra) were reviewed and the goal restated that all ASEAN governments be encouraged to incorporate it into their national constitutions and law.

During discussion of the practice of preventive detention in the region, Mr. Ravindran informed the meeting of the detailed questionnaire the ICJ had prepared in connection with its study on states of emergency.

The founder members of the RCHRA are:

Yap Thiam Hien, Adnan Buyung Nasution and Mulya Lubis of Indonesia, T. Rajamorthy and Azmi Khalid of Malaysia, Malee Pruekponsawalee, Viboon Engkagul and Gotham Arya of Thailand, and Roberto Concepcion, José W. Diokno, José B. L. Reyes and Samuel Occena of the Philippines. Mr. Yap and Mr. Concepcion are Commission Members of the ICJ.

SAARD

As a result of the Lucknow Seminar, a follow-up organisation, the South Asian Association for the Right to Development (SAARD), was created.

SAARD's goal is the continued cooperation, begun in Lucknow, of social activists, lawyers and other concerned professionals in South Asia.

SAARD held a seminar in Kathmandu from 27 to 30 May 1984 on bonded labour and other forms of labour exploitation.

The ICJ helped organise this seminar and Daniel Ravindran attended. The purpose of the seminar was to work out a common strategy for the region, specifically to facilitate:

- exchange of factual information on the various forms of exploitation of labour including bondage that exists in the rural areas of South Asia;
- exchange of experiences on the methods adopted by the activists to deal with the problems of agricultural labour and to analyse the shortcomings of the existing legal and administrative structures;
- evolving new strategies on the basis of experiences shared.

After the opening plenary session the participants met in smaller groups to discuss the present situation of landless agricultural labourers and their exploitation in India, Pakistan, Bangladesh, Sri Lanka and Nepal respectively.

The Strategies for Action adopted by the participants were published in Newsletter no. 21.

PROTECTION AGAINST TORTURE AND OTHER ILL-TREATMENT

UN Convention Against Torture

During the years 1981 to 1984, the Secretary-General took an active part in the pre-sessional working group on torture of the UN Commission on Human Rights (hereafter, "the UN Commission"). In particular, the ICJ was instrumental, along with Amnesty International, in extending certain obligations under the Convention to other acts of cruel, inhuman or degrading treatment which do not amount to torture.

At its 40th session in February 1984, the UN Commission adopted the draft convention as submitted to it by the working group and forwarded it to the General Assembly with all but two articles agreed. After consideration by its Third Committee, the General Assembly adopted the Convention on 10 December 1984. Thirty-two states have so far signed the Convention which will only enter into force after ratification by 20 states.

Among the articles of special significance are Article 7, providing for "universal jurisdiction", which means that a state party in whose territory an alleged torturer from another country is found, will be obliged to try him itself if it does not extradite him, and Article 20, which provides for an unprecedented implementation measure permitting the Committee Against Torture (set up under the Convention) to institute a confidential inquiry on its own initiative if it receives apparently reliable information of a systematic practice of torture in the territory of a state party.

Other articles impose upon states parties duties:

- to take effective legislative, administrative and judicial measures to prevent torture;

- not to extradite or return a person to a country where there are reasonable grounds to believe he would be in danger of being tortured;
- to penalise all acts of torture;
- to assist other countries to bring torturers to justice;
- to give instruction on the prohibition of torture in the training of police, military and medical personnel, public officials, prison officials and interrogators;
- to investigate promptly and impartially allegations of torture;
- to give redress to victims of torture.

It had been proposed previously that once the text of the Convention had been adopted, the Commission on Human Rights would consider the text of a Draft Optional Protocol to that Convention. This draft was prepared by the ICJ and the Swiss Committee Against Torture and submitted to the UN Commission in 1980 by the government of Costa Rica.

It proposed that an international committee elected by the member states of the protocol should have the power to send delegates on a regular basis and on other occasions as required, to visit places of detention of any kind in the territory under the control of the member states. The Committee would report its findings and recommendations in confidence to the government concerned. Usually these would not be made public, but in the event of an unresolved disagreement between the government concerned and the Committee, the Committee would have a discretion to publish them in whole or in part.

The sponsors believed that this proposal would offer a better prospect of protection against torture than other means of implementation. The power of the Committee to visit any place of detention, including police stations and interrogation centres, without notice, acting on

information from any source, would serve as a deterrent against torture practices, and where they existed systematically, would be likely to lead to their discovery. Among other advantages of the proposal were that it is a system of prevention, as well as of investigation; it does not involve any public attack or accusation being made against the government concerned; in consequence the government is not thrown upon the defensive and has no incentive to impose delays, but rather has an incentive to cooperate under a confidential procedure in remedying any abuses which may exist; and it enables swift action to be taken without requiring lengthy legal procedures to be followed, both at the national and international level.

In the first half of 1982, two factors combined to change the approach of those promoting the draft of the Optional Protocol.

The first was a realisation that consideration of the substance of the draft Protocol in the UN framework was likely to last for several years.

The second was a proposal by the rapporteur of the Legal Affairs Committee of the Council of Europe (M. Berrier) to institute a system of visits to places of detention in Council of Europe Member States on the lines of the Draft Optional Protocol.

The ICJ and the Swiss Committee Against Torture therefore prepared a draft Convention (based on the Draft Protocol) to give effect to such a system of visits at the regional European level. This was submitted to M. Berrier in English and French on 30 July 1982. Since that date progress has been rapidly made within the Council of Europe.

The draft was approved by the Parliamentary Assembly on 28 September 1983 and considered by the Committee of Ministers during its meeting from 20 to 27 October of the same year. The Committee referred the draft to its Steering Committee on Human Rights, which transmitted it in March 1984 to the Committee of Experts for the Extension

of the Provisions of the European Human Rights Convention. This Committee is revising the draft. When this is completed it will send the draft to the Council of Ministers for adoption via the Steering Committees on Human Rights and on Criminal Matters.

During this period the ICJ has been active in promoting the European draft at all stages. It has worked closely with the Swiss Committee Against Torture and has canvassed its European National Sections and Affiliated Organisations, asking them to lobby for support for the Convention in their own countries.

The Assistant to the Secretary-General made two visits to the Council of Europe in Strasbourg. The first in October 1983 was to attend the 46th reunion of NGOs having consultative status with the Council of Europe, during which she drew the attention of the meeting to the Draft European Convention Against Torture which was shortly to come before the Committee of Ministers. She invited NGOs to lobby governments in support of the Convention and to liaise with the ICJ and the Swiss Committee Against Torture.

The second in February 1984 was to lobby for support of the Convention at the meeting of the Steering Committee on Human Rights. She had discussions with the Ambassadors of Italy, Cyprus and Denmark. The latter, in his role as Chairman of the meeting, offered to arrange for reproduction and distribution of the article on the draft European Convention Against Torture appearing in ICJ Review no. 31. This article, in addition to giving an overview of the proposed Convention, sought to answer possible objections that might be made to having such a Convention at a European level.

In February 1985 the ICJ and the SCT prepared a memorandum entitled, "On the Practical Aspects of the Visits provided for in the Draft European Convention".

This was circulated to members of the Committee of Experts at their meeting in March.

On 17 and 18 March 1985, the ICJ organised an NGO meeting in Vienna designed to complement the meeting of the Foreign Ministers of the Council of Europe held from 19 to 20 March and to allow NGOs to make their views available to the Ministers.

The Draft Convention was one of the major items on the agenda and the report of the NGO meeting stressed the importance of rapid progress towards the early adoption of "a workable and effective text". (A full account of this meeting will be found in Appendix B.)

On 21 May 1983 the Committee of Experts received a delegation composed of representatives of the ICJ, the SCAT and the International Committee of the Red Cross (ICRC). After the ICJ Secretary-General's opening statement the delegation answered questions for the rest of the session which lasted for 2½ hours.

Outside the Council of Europe the ICJ has carried out an educative function vis-à-vis the Draft European Convention.

The Assistant to the Secretary-General has talked to many groups of lawyers, activists and law students about the Draft European Convention, including members of a seminar on Torture and Political Detainees, organised in Stockholm by the Swedish Red Cross.

In addition, an article on the Draft European Convention was published in ICJ Review no. 31 of December 1983. This was followed in January 1984 by a booklet published jointly by the ICJ and SCAT outlining the ideas behind the Draft Convention and annexing to this the text of the Convention.

Other Activities Against Torture

In the latter half of 1981, ICJ staff members participated in informal exchanges of view prior to the setting up of the UN Voluntary Fund for Victims of Torture. These meetings were designed to gather basic background information to enable the UN Secretariat to assist, as promptly as possible, in the implementation of such a fund. Topics included the delimitation of persons falling within the scope of the Fund's beneficiaries; review of the types of needs of those beneficiaries for humanitarian, legal and financial aid; and possible means for delivering the type of aid needed.

The Fund itself was set up by the General Assembly in December 1981.

From 20 to 22 April 1982, the ICJ Legal Officer for Latin America attended a seminar in Geneva on Torture and Forced Disappearances in Latin America, organised by the International Association Against Torture. He presented a two-part paper entitled: I. The Doctrine of National Security - Torture and Disappearances; II. The Destruction of Democratic Institutions and the New Institutionalisation of Repressive Regimes. He also made an oral intervention during discussion of the Ideology of National Security.

The ICJ Secretary-General addressed the seminar on the content and progress of the UN Draft Convention Against Torture.

From 28 to 29 April 1983, the Secretary-General participated in an International Colloquium on How to Combat Torture, organised by the SCAT. This Colloquium led to a follow-up meeting in Utrecht on 1 June 1983 at which a consultant was appointed to prepare an appropriate coordinated structure of action against torture.

This resulted in a proposal to run a 'clearing-house' for information on torture and torture victims which

would facilitate the dissemination of information and provide a focal point for urgent action in specific cases. Called 'SOS Torture', this new organisation, which will be run under the auspices of the SCAT, will be launched in 1986.

On 26 April 1984, the Secretary-General attended a hearing on Turkey in Brussels before the Political Affairs Committee of the Council of Europe. He made a short statement on behalf of the ICJ dealing principally with the new Turkish Constitution. He then introduced Dr. Hüseyin Yildirim, a Turkish lawyer from Diyarbakir, who presented a paper on the situation in Kurdistan, and described his own imprisonment and torture in Diyarbakir.

From 30 November to 1 December 1984, members of the ICJ staff attended a Round Table discussion on "Torture" at Fribourg University, Switzerland, organised by a local Amnesty International group.

On 15 May 1984, Alejandro Artucio, Legal Officer for Latin America, testified before the Sub-Committee on Human Rights and International Organisations of the US Congress House Foreign Affairs Committee, at the invitation of Amnesty International.

The hearing was on torture and included statements from victims from Afghanistan, Turkey and Uruguay, as well as presentations by Amnesty International staff members.

Mr. Artucio's statement was given in his personal capacity as a former torture victim in Uruguay. He also added that because of his long association with the ICJ he was in a position to suggest positive steps that could be taken in this area by the US Congress, viz.:

- continuing to monitor the general human rights situation;
- examining the question of and promoting the independence of judges and the legal profession;

- ratifying international instruments on torture and encouraging other countries to ratify;
- promoting and encouraging more effective implementation procedures; and
- supporting the work of the Organisation of American States and the Inter-American Committee on Human Rights.

The ICJ continued to supply information inter alia on torture to the UN Commission, the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities (hereafter called the UN Sub-Commission), the UN Human Rights Committee (hereafter called the UN Committee) and the Inter-Parliamentary Union.

ICJ publications in this period specifically dealing with torture, in addition to those already mentioned, include:

- Torture in South Africa - Recent Documents, co-published with the Catholic Institute for International Relations and the Human Rights Forum (British Council of Churches), in December 1982.
- The Fight Against Torture, by J.H. Burgers, in ICJ Review no. 32, June 1984.
- Torture and Intimidation in the West Bank - The Case of Al-Fara'a Prison, co-published with Law in the Service of Man, in January 1985.

STATES OF EMERGENCY STUDY

In April 1983, the most extensive ICJ study to date was published. Entitled "States of Emergency - Their Impact on Human Rights", this 480-page publication helps to fill a noticeable gap regarding research into the

operation of states of emergency. It contains detailed studies on states of emergency in 20 countries during the 1960s and 1970s, a summary of the replies to two questionnaires sent to 158 governments, and an analysis of this material by the staff of the ICJ, followed by a set of recommendations.

The country studies on Argentina, Canada, Colombia, Eastern Europe (Czechoslovakia, German Democratic Republic, Hungary, Poland, USSR, Yugoslavia), Greece, Ghana, India, Malaysia, Northern Ireland, Peru, Syria, Thailand, Turkey, Uruguay and Zaire are based on papers prepared by experts, mostly from the countries concerned, and deal with:

- the constitution and legislation existing at the time of the declaration of emergency;
- the legislation introduced and measures taken under the emergency and their compatibility with the constitution and pre-existing legislation;
- the circumstances under which the emergency was terminated or prolonged;
- the abuses manifest during the emergency, including excessive prolongation of the emergency;
- suggestions as to measures that could be taken to reduce the risk of abuses.

The two questionnaires related to the law and practice under states of exception, and administrative detention.

The concluding chapter of general observations and conclusions deals with the effects of states of emergency on economic, social, cultural and political rights; the rights to due process and the rights of detained or imprisoned persons; and safeguards in domestic and international law against abuse of emergency power. Finally, there is a summary of 44 recommendations for implementation at international and national levels.

In interventions to the 36th session of the UN Sub-Commission and to the 40th session of the UN Commission the

Secretary-General referred to the study. He outlined the research which had gone into it and drew attention to the recommendations for implementation at international and national levels. He stressed the importance of continuing review and study of the subject and supported the proposal of the Sub-Commission to examine and prepare for the Commission an annual report on declarations or terminations of states of emergency.

The Commission accepted this proposal and Mr. Leandro Despouy of Argentina was appointed Special Rapporteur. He submitted a preliminary report to the Sub-Commission in August 1985.

Copies of the ICJ study were made available to members of the Commission and Sub-Commission as well as to the members of the UN Committee.

The response to the study was encouraging and extensive. Reviews appeared in The Human Rights Quarterly, Libertas-European Review, The International And Comparative Law Quarterly, The Sunday Observer (India), and The Indian Express. Reference was made to the study in the Criminal Justice Review and Patterns of Prejudice.

In the course of its work on this study the ICJ was able to supply information and make suggestions to Madame Questiaux, the Special Rapporteur of the Sub-Commission charged with preparing a UN study on the implications for human rights of recent developments in the application of states of siege or emergency.

Madame Questiaux's report was completed and presented to the Sub-Commission at its 35th session in August 1982.

SIRACUSA PRINCIPLES

From 8 to 13 May, a meeting of distinguished international lawyers was held at the Institute of Higher Studies in Criminal Sciences in Siracusa, Sicily, on "Derogation and Limitation Provisions in the International Covenant on Civil and Political Rights". The meeting was organised jointly by the ICJ, the International Association of Penal Law and the Urban Morgan Institute of Human Rights.

The participants, who were all leading international lawyers, came from Austria, Brazil, Canada, Chile, Egypt, France, Greece, Hungary, India, Ireland, Kuwait, Netherlands, Norway, Poland, Switzerland, Turkey, United Kingdom and U.S.A., and included experts from the staff of the UN and the ILO.

The meeting drew up definitions and commentaries upon the meaning and scope of the derogation and limitation provisions in the Covenant. Participants worked in two groups which considered respectively derogations pursuant to Article 4 and the limitation clauses found in the substantive articles.

They sought to identify the legitimate objectives and the general principles of interpretation of the imposition and application of the limitation and derogation provisions and also some of the main features of the grounds for limitation and derogation.

The participants were agreed that:

- (a) there is a close relationship between respect for human rights and the maintenance of international peace and security - indeed the systematic violation of human rights undermines the national security and public order and may constitute a threat to international peace; and

(b) notwithstanding the different stages of economic development reached in different states, the implementation of human rights is an essential requirement for development in the broadest sense.

The so-called "Siracusa Principles" which resulted from this meeting were distributed to the 41st session of the UN Commission in February/March 1985, as UN document E/CN.4/1985/4, at the request of the Netherlands government.

Professor Koojimans, the head of the Netherlands delegation and former President of the Commission, warmly praised the Siracusa Principles and spoke at some length on the contribution they made to the interpretation of the Covenant. His speech was summarised in the Summary Records as follows:

"The adoption in 1984, by human rights experts from all over the world, of the so-called Siracusa Principles on the limitation and derogation provisions in the International Covenant on Civil and Political Rights was of particular importance. The finding in principle 10 that whenever a limitation was applied it had to pursue a legitimate aim and had to be proportional to that aim was of great significance. With regard to specific limitation clauses, it was worth mentioning that "public order" (principle 22) was defined as the sum of the rules which ensured the functioning of society; consequently respect for human rights was itself part of public order. Principle 32 stated that the systematic violation of human rights undermined national security and that, consequently, a State responsible for such violations should not invoke national security as a justification for measures aimed at suppressing opposition to such violation. His delegation suggested that the Centre for Human Rights should bring those principles to the attention of the members of the Human Rights Committee and the Sub-Commission."

A full report on the Siracusa meeting was published in the Human Rights Quarterly, Volume 7, number 1, of February 1985. It includes the Principles, the commentaries by the rapporteurs and the working papers for the two committees (on the limitation provisions and on the derogation provisions), as well as a copy of the International Covenant on Civil and Political Rights and the Optional Protocols, individual limitation provisions cross-referenced to the Covenant, and a list of participants at Siracusa.

In addition, the American Association for the ICJ has published a pocket-sized edition of the Principles. This includes an Introductory Note; the Principles themselves, the text of the International Covenant on Civil and Political Rights; the text of the Optional Protocol to the Covenant; and the individual limitation provisions cross-referenced to the Covenant.

The members of the UN Commission received a copy of the February edition of the Human Rights Quarterly which was also distributed, along with the AAICJ booklet, to members of the UN Committee and the UN Sub-Commission.

MEETINGS WITH SOVIET JURISTS

Secretary-General's visit to Moscow

From 18 to 25 June 1983, the Secretary-General visited Moscow at the invitation of the Association of Soviet Jurists. He had seven meetings with Soviet lawyers, including two presided over by the First Vice-Minister of Justice and First Vice-President of the ASJ, Mr. Alexander V. Sucharev. Mr. Sucharev described the structure and role of the ASJ, which is a nation-wide organisation and includes 80% of lawyers in the USSR. Through the International Association of Democratic Lawyers, they have relations with 70 other national associations including several developing countries.

During his stay, Mr. MacDermot gave a talk about the ICJ to the staff and senior students of the International Law Department of the P. Lumumba University. Two-thirds of the students of the Department are from third world countries.

He also had meetings respectively with the Director and other staff members of the Institute of State and Law and of the Institute of Africa of the Academy of Sciences, the Vice-President of the Supreme Court of the Soviet Union, and three officers of the Foreign Bar Association.

Meeting Between Members of the ICJ and the ASJ

A meeting of members of the ASJ and of the ICJ was held in the House of Friendship, Moscow, from 3 to 7 December 1984.

The members of the ICJ and its national sections and affiliated organisations came from Canada, Finland, the Federal Republic of Germany, Ireland, Kenya, Norway, Palestine, Sweden, Switzerland, the United Kingdom, the United States of America, and Zambia.

Soviet participants included many distinguished jurists, including judges of the Supreme Courts of the USSR and the Russian Soviet Federal Republic.

The following statement was agreed at the final session:

"The members of the ICJ and the ASJ discussed the following three subjects during the December meeting:

Nuclear Weapons and International Law

Discussion was devoted to the contribution that international law and lawyers can and should make to the most fundamental problem in the world today,

the elimination of the threat of nuclear war. It was pointed out by a number of speakers that discussion of the other subjects on the agenda, human rights and the contribution of lawyers and their role in the administration of justice was futile except on the assumption of a peaceful world in which those rights could be realised.

All the participants in the debate started from the premise of the illegality of war under international law as a means of furthering national policy, and still more so of such a war where nuclear devices were employed. Some maintained that international law implicitly banned all use of nuclear weapons, and some extended this to their possession. Others, equally convinced of the necessity of securing reduction and ultimate abolition of all such weapons, feared that the persuasive force of international law would be weakened if too much was claimed for it. Consequently, some argued for a treaty expressly banning the use of nuclear weapons.

Everyone was agreed that international lawyers have a very important role in drawing attention to possible avenues of approach to agreement on reduction and abolition of nuclear weapons, which was generally felt to be urgent and imperative.

Various possible approaches were proposed, such as an agreement on no first use of nuclear weapons and the creation of nuclear free zones. It was also emphasised, however, that these approaches must be judged according to the extent that they would be likely to increase confidence and a feeling of equality of security between the nations.

The resumption of high-level disarmament talks between the USA and the USSR was warmly welcomed.

Human Rights, Internal Legislation and International Law - On this subject issues concerning the enforcement of human rights, in particular those enshrined in the two International Covenants of 1966, were discussed. The participants all agreed that after the main work of standard-setting had been accomplished at the international level, special emphasis should now be placed on implementation and realisation of human rights.

In this connection, a broad variety of questions was discussed, including the concept of universality of human rights, the meaning of the right to work and existing mechanisms to secure its enjoyment by everyone, as well as recent Soviet legislation in this field. Participants from the developing countries drew attention to some of the difficulties which the implementation of human rights encounters in their countries.

The ICJ informed the meeting of an ICJ draft document on derogation and limitation clauses in the International Covenant on Civil and Political Rights (Siracusa Principles).

The importance was stressed of the ratification of the International Covenants on human rights by states which have not yet done so.

Principles of Legal Procedure and the Role of the Jurist in the Administration of Justice - The discussion under this heading focussed upon the role of the jurist in the administration of justice and the principles of legal procedures, particularly in criminal law.

Among the topics discussed were the election of judges, the role of the Prokuratura, the system of People's Control, and the role of the defence lawyer in criminal cases.

All were agreed that the independence of the defence lawyer is indispensable for the proper administration of justice.

Members of the ICJ delegation also visited the Supreme Court of the USSR, a People's Court, the Institute of State and Law of the Academy of Sciences and the Collegium of Advocates.

The ICJ delegation was received by the Chairman of the Soviet of Nationalities, one of the Chambers of the Supreme Soviet of the USSR.

All participants were agreed on the importance of further meetings to continue the constructive dialogue and cooperation between the ICJ and the ASJ.

A further meeting with the ASJ is to be held in Western Europe in 1986.

THE RIGHTS OF MENTAL PATIENTS

The ICJ has continued to be active within the framework of the UN Sub-Commission on the question of the rights of mental patients (see infra Appendix A., "Human Rights and Technological Development").

Mrs. Daes, the Special Rapporteur on this subject, introduced her report to the Sub-Commission at its 36th session in 1983. In it she referred to the 'remarkable' contribution of the ICJ and the International Association of Penal Law, which was reflected in her draft principles.

From 1983 to the present, the ICJ has participated in the working group set up by the Sub-Commission to study Mrs. Daes' report and draft guidelines.

Following the 1984 discussion at the working group on the articles dealing with minor and juvenile patients, the ICJ requested Dr. Timothy Harding, Head of the Division of Legal Psychiatry at the University Institute of Legal Medicine, Geneva, and a former official of the World Health Organisation, specialising in legislation concerning mental patients, to comment on these articles. The ICJ reproduced his remarks for the benefit of the working group and shared his conclusion that separate guidelines would be more appropriate.

Mission to Mental Hospitals in Japan

An article on the mentally ill in Japan was published in June 1984 in ICJ Review no. 32, drawing attention to grave violations of human rights which have occurred.

The ICJ subsequently made an intervention on this issue during the 1984 session of the UN Sub-Commission.

Rising concern over the plight of the mentally ill in Japan soon became apparent both internationally and in Japan itself. The Japanese Association of Psychiatric Hospitals wrote an "Opinion in Reference to the ICJ Review", in which it stated that the "ICJ should have collected more extensive and fair information".

The ICJ soon had the opportunity to do so when it decided to send a group of experts to visit Japan and make recommendations as to how existing legislation could be brought into line with international standards regarding treatment of mental patients, particularly in the light of the draft guidelines presently under consideration by the UN Sub-Commission. Subsequently, the newly-formed International Commission of Health Professionals (ICHP) associated itself with the ICJ in sponsoring the mission.

The mission, from 4 to 16 May 1985, was made possible by funds raised independently by the Japanese

Fund for Mental Health and Human Rights. Active cooperation was forthcoming from the Ministries of Justice and Health and Welfare in planning the visit, which was welcomed by the Ministry of Foreign Affairs.

The mission was composed of three experts: Dr. T.W. Harding - University Institute of Legal Medicine, Geneva; Hon. J. Schneider - Presiding Judge, Cook County Court, Illinois; Dr. H. Visotsky, Professor and Chairman, Department of Psychiatry, North Western University, Medical School, Chicago. The Executive Secretary of the ICHP, Dr. C. Graves, acted as Secretary.

The conclusions and recommendations of the observers were released on 31 July 1985 and received extensive coverage in the Japanese press. Among Western press coverage were articles in the London Guardian and the Times. In addition, the Secretary-General gave radio interviews on the mission to the overseas services of the BBC, France-Inter, Voice of America, and Swiss Radio.

The Secretary-General made an intervention to the 38th session of the UN Sub-Commis'sion in which he summarised the recommendations of the ICJ/ICHP mission. He went on to state:

"We understand that it has recently been reported in Japan that the government accepts that revision of the Mental Health Act is needed and that they propose to set up an Advisory Committee to help them to formulate the legislation.

"We respectfully urge that it is essential, if this Committee is to carry weight, that:

1. It should be composed of truly independent persons, independent of government and independent of the mental hospitals;

2. It should receive and consider evidence from all those who wish to submit information or proposals to it, including, of course, the mental hospitals;
3. Its report should be published as soon as it is completed and before the amending legislation is introduced;
4. The Committee should, inter alia, be requested to consider what changes are necessary in order to bring the Japanese mental hospital system into line with international standards and Japan's obligations under the International Covenant on Civil and Political Rights."

A delegation of five members of the Japanese Parliament, all from the opposition Socialist Party, came to Geneva to attend the Sub-Commission. The Secretary-General had two sessions with them during which they discussed the action needed to implement the mission's recommendations.

A full report of the ICJ/ICHP mission will be published shortly.

ACTIVITIES CONCERNING HUMAN RIGHTS VIOLATIONS

REPORTS ON SPECIAL SITUATIONS

Suriname

From 3 to 17 February 1981, Professor John Griffiths of the University of Groningen in the Netherlands undertook a mission to Suriname. The purpose of the mission was firstly to examine the working of the Special Tribunal to deal with corruption charges, which was established in September 1980 following the military coup in February 1980, and secondly, to inquire into the principal allegations made of violations of human rights.

With regard to the Special Tribunals, Professor Griffiths criticised the retroactivity and the vagueness of the definition of the crime of corruption in the relevant decree, but found that these had been considerably mitigated by the interpretation which the Tribunal had given to its jurisdiction and its sensitivity to the human rights problems posed by the Decree.

With regard to other allegations, Professor Griffiths drew attention in particular to:

- infringement of press freedom 'by means of lawless, arbitrary intimidation';
- arrest and ill-treatment of suspects by the military authorities.

He noted that in all trials the sentencing had been consistent with the humane tradition of Suriname's judiciary but, he concluded, "An atmosphere of insecurity hangs over the country, an atmosphere of defencelessness which is itself a human rights problem of very serious dimensions."

On 31 March 1981, the ICJ issued a press release announcing the publication of Professor Griffiths' report. The text of this report was subsequently reproduced as an Appendix to ICJ Newsletter no. 8.

On 25 February 1983, the ICJ issued a press release announcing a second mission to Suriname by Professor Griffiths who was this time accompanied by Professor Marc Bossuyt of the University of Antwerp, Belgium. The mission took place from 25 February to 4 March with the purpose of studying the situation of the Rule of Law and respect for human rights following the events of 7/8 December 1982, when 15 leading critics of the military regime were arrested and shortly afterwards met their death while in military custody. The government alleged they were shot while attempting to escape, but this was not borne out by examination of the corpses in the mortuary.

A report of the mission to Suriname was issued to the press on 21 March 1983 and appeared as Appendix A in ICJ Newsletter no. 16.

The full text of the mission's report was published separately on 13 July 1983 and was also reproduced in ICJ Review no. 30.

The report received wide media coverage, especially in the Netherlands, and was the subject of several radio interviews by ICJ staff members.

On 8 December 1983, the ICJ issued a press release welcoming the recommendations in the report of 15 to 18 November 1983 of the Committee on Freedom of Association of the ILO, which condemned in the strongest terms the deaths in Suriname of trade unionists who were among the 15 prominent opposition figures killed while in the custody of the army, on 8 December 1982. The report called for an impartial investigation.

Morocco

On 27 October 1981, the ICJ released a 26-page report by its observer, Professor André Tremblay, an advocate and professor at the University of Montreal, on a trial which took place from 13 to 18 July 1981 in Rabat in Morocco.

In this trial, one among many, 81 defendants, half of them between 14 and 17 years of age, were accused of rioting and other charges arising out of disturbances on 20 and 21 June 1981 in Rabat and other Moroccan cities.

After attending the opening of the trial on 13 July Professor Tremblay, in company with other international observers, was expelled from the country in the manner described in his report. The explanation of this unprecedented action by the authorities through the Moroccan press is refuted by the Secretary-General of the ICJ in his introduction to the report.

After describing in some detail the background to the case, Professor Tremblay commented that this group or mass trial fell short of internationally accepted minimum standards in many ways. In particular, he criticised the length of pre-trial detention, the doubtful validity of police statements, the lack of time available for each individual case, the court's refusal to permit witnesses for the defence and the general climate of repression and violence surrounding the trial.

Professor Tremblay also commented on the way in which the demonstrators and persons arrested - many of very young age - were treated by the police and the government's refusal to return the bodies of those who were killed to their respective families.

He concluded that Morocco: "is unfortunately heading on the road to repression".

The report was also published at Appendix C of ICJ Newsletter no. 10 with an introduction by the Secretary-General of the ICJ and a supplement by the ICJ Secretariat giving information about further developments in this and other trials since Professor Tremblay's mission.

Media coverage of this mission included a press conference given in Paris on 16 July 1981 by Professor Tremblay and the other observers who had been expelled from Morocco with him; in October members of the ICJ staff gave interviews to Radio France International and Deutsche Welles on the publication of the report.

Sri Lanka

Throughout the 1981 to 1985 period, the ICJ has been active in its concern about the situation of the Tamil minority in Sri Lanka.

As well as making numerous interventions before the various UN bodies, the ICJ has taken the following action:

On 14 December 1981, the ICJ published an 88-page report on Ethnic Conflict and Violence in Sri Lanka by Professor Virginia Leary of the State University of New York, Buffalo.

After a careful survey of the background, causes and nature of ethnic conflict and violence, and an examination of the legal and administrative measures adopted by the government, Professor Leary arrived at the following, among others, findings and recommendations:

Findings

- Although the government has made efforts to meet certain demands of the minority Tamil community, violence is escalating and the government has taken

measures with regard to terrorism which are in violation of international human rights norms.

- The violence includes communal violence against the Tamils, violence by security forces primarily against the Tamil community, and political terrorism by a small group of Tamil youths directed primarily against the police.
- The Terrorism Act (which Professor Leary compares with the South African Terrorism Act) violates Sri Lanka's obligations under the International Covenant on Civil and Political Rights and is neither justified by nor effective to prevent the existing degree of violence. It has permitted prolonged incommunicado administrative detention resulting, as found by the Court of Appeal, in violent and illegal assaults against detainees.
- The existing tension creates an extremely dangerous situation which may escalate into major violence and negate all development efforts.
- Certain actions of the government and ruling party, which include actions of the security forces, the stripping of Mrs. Bandaranaike's civic rights, the extraordinary vote in Parliament of no confidence in the Tamil opposition leader, and the adoption of the Terrorism Act, have regrettably undermined respect for the Rule of Law in Sri Lanka.

Recommendations

- A primary concern of government should be the physical security of the Tamils. The burning of many areas of Jaffna by police in May-June 1981 and the communal violence against Tamils in August 1981 should be thoroughly investigated and those responsible should be prosecuted.
- Both the government and opposition parties should discourage their members from actions or language which exacerbate racial tension.

- The government should lead a major effort to rebuild and develop the Jaffna Public Library destroyed by arson by the police in June 1981.
- The government should seriously consider ratification of the Convention for the Elimination of All Forms of Racial Discrimination.
- The Terrorism Act should not be renewed in 1982, or should be amended to conform with Sri Lanka's international obligations.
- The most effective method of combating Tamil youth terrorism would appear to be:
 - to provide equal access to education and employment on the basis of merit;
 - to prevent violence by the security forces against Tamils, and
 - to give substantial autonomy to the Tamil population in the north. (In an epilogue Professor Leary welcomes the apparent increase in the powers of District Development Councils under a recent settlement reached with Tamil opposition leaders, details of which have not yet been made public.)
- The government should adopt a system of recruitment to the government service giving equal opportunities regardless of ethnic origin.
- Renewed attention should be given to Tamil concern over government-sponsored 'colonisation' (i.e. settlement) schemes for Sinhalese in Tamil areas.
- Consideration should be given to providing Tamils with a larger role in the security forces in Tamil areas.
- Clear directives should be given to police and army officers that assault and torture of detainees is an unacceptable practice, and those responsible for such practices should be prosecuted.

- A major effort should be made towards education in racial understanding and tolerance at all levels of education and among the adult population.

Copies of this report were made available to members of the UN Sub-Commission. If anything, the situation in Sri Lanka subsequent to the publication of that report, deteriorated.

In 1982, President Jayawardene held a referendum to seek approval for a constitutional amendment to enlarge the term of the Parliament for a further six years without holding parliamentary elections due for 1983. In a press release and interviews given at the time, the ICJ stated that it was unprecedented in a parliamentary democracy for the life of a parliament to be extended in this way other than in time of war, and that the recent and proposed amendments to the Constitution savoured more of political manoeuvring than of a desire to maintain the stability of the Constitution.

This was followed in July/August 1983 by disturbances leading to great loss of life, including the massacre in Welikada prison of 53 Tamil prisoners at the hands of Sinhalese fellow inmates.

The flare-up of the ethnic conflict which had always been simmering in the background and the way in which the government was dealing with the problem led to an updating and reprinting of the 1981 ICJ report by the ICJ staff with the help of information from a report by Mr. Tim Moore, Honorary Treasurer of the Australian Section of the ICJ, who had visited Sri Lanka in June 1983. During this visit, Mr. Moore attended, as an observer on behalf of the ICJ, the trial in Colombo of persons accused of giving aid and sustenance to persons previously convicted of offences under the Prevention of Terrorism (Temporary Provisions) Act 1979.

The provisions of this Act had been described by the ICJ Secretary-General in an intervention before the 40th session of the UN Commission, as having parallels with the

Terrorism Act of South Africa. He said that: "In spite of its title, it is no longer a temporary Act. It has been made part of the permanent legislation of Sri Lanka and, as such, is in our view not only counter-productive but is a violation of Sri Lanka's obligations under the International Covenant on Civil and Political Rights."

In April 1984, the ICJ issued a press release announcing the publication by the ICJ and its British national section, 'Justice', of a report of an ICJ mission to Sri Lanka in January 1984 by Mr. Paul Sieghart, Chairman of the Executive Committee of Justice. The report, entitled "Sri Lanka: a mounting tragedy of errors", was of outstanding interest in that Mr. Sieghart was able to have frank discussions on recent communal violence in Sri Lanka and related issues in meetings with President Jayawardene, the Ministers of Foreign Affairs and International Security, the Secretaries of the Ministries of Defence and Justice, the Chief Justice, the Assistant Solicitor-General and other leading personalities.

Mr. Sieghart's report supported, updated and reinforced the 1981 ICJ report by Professor Virginia Leary on "Ethnic Violence in Sri Lanka". Among the conclusions reached by Mr. Sieghart are:

- (1) Ethnic tensions, often based on myths and irrational fears, have led to a steadily deteriorating situation which threatens Sri Lanka's traditions of tolerance and respect for human rights and fundamental freedoms, the Rule of Law and the independence of the judiciary.
- (2) The mechanisms for the effective protection of the individual rights enshrined in the Constitution are inadequate and should be substantially enlarged.
- (3) There have been recent attempts to bring pressure upon the judges to be more pliant to the wishes of the Executive, including two quite improper interventions by the President himself.

- (4) . Full and independent judicial inquiries into the events of July/August 1983, and in particular the massacres in Melikada prison, and a sustained effort by the government in support of education for tolerance are essential if the tensions between the two main communities are to be reduced.

Articles on the situation in Sri Lanka have appeared in ICJ Reviews nos. 29 and 31.

Philippines

The ICJ became increasingly concerned about the situation of human rights in the Philippines during the period under consideration.

Information received from the Asian Coalition of Human Rights Organisations prompted an ICJ press release in July 1983 concerning reports that more than 5,700 members of the Basao, Butbut and Betwagen tribes had been living under virtual siege since 27 June as armed forces dropped bombs and used ground mortars to flush out dissidents. In addition, prolonged gun battle had confined farmers to their homes. These operations not only disturbed community life but also destroyed the main source of livelihood and this would soon result in widespread hunger unless the siege was lifted. According to local reports, ten of the 51 children in the area had been killed.

The ICJ also sent a cable to President Marcos expressing its concern about this report and asking that the siege be lifted. No response was received from the Philippine authorities.

During the first two weeks of January 1984, the ICJ mounted a mission to the Philippines to report on the current situation of human rights in the country and to up-date the 1977 ICJ report on the Philippines. The members

of the mission were Professor Virginia Leary (USA), Dr. Kurt Madlener (FRG) and Anthony Ellis, Q.C. (New Zealand).

On 19 September 1984, the ICJ announced the publication of the report of this mission which covered economic, social and cultural rights as well as civil and political rights.

Among the 40 conclusions of this 124-page document, entitled "The Philippines: Human Rights After Martial Law", were that human rights abuses by the army and police, including illegal killings, massacres, burning of villages, arbitrary arrests and torture, were still widespread in the rural areas of the Philippines. The victims included ordinary civilians, not only suspected rebels. These abuses were rarely investigated and those guilty rarely prosecuted.

'Militarisation' was continuing. Despite the nominal lifting of martial law and the holding of elections, the Philippines was still a dictatorship. President Marcos continued to legislate by decree and arrest and detain suspects indefinitely without charge or trial. Habeas corpus was not available to those arrested on 'security' grounds. There were severe limitations on trade union rights.

These abuses, so far from helping to defeat the armed rebels, were leading to increased support for them.

Members of the mission travelled to different parts of the country to interview victims and their relatives. They also met government ministers, senior military officers, leading lawyers and judges, prisoners, community workers, Cardinal Sin and other members of the Catholic hierarchy, university professors, trade unionists, human rights activists and foreign diplomats.

Among the recommendations were the abolition of the presidential power to legislate by decree and to arrest and detain without trial; full restoration of habeas corpus; repeal of laws making non-violent political activities

criminal offences; trial of the military by civilian courts for offences against civilians; termination of abuses, repeal of repressive labour laws; and restoration of other economic and social rights as well as civil and political rights.

The report received extensive press coverage, notably in Europe, Asia, Australia and New Zealand.

The Secretary-General gave several radio interviews on the situation in the Philippines; these included the BBC World Service and Far Eastern Service, Swiss Radio's Far Eastern Service and English Language Service.

Daniel Ravindran, ICJ Legal Officer for Asia, brought the ICJ report on the Philippines to the attention of the Working Group on Detention of the UN Sub-Commission on 14 August 1984. He cited the situation in that country as an example of how emergency powers can continue to be used even after the formal lifting of a state of emergency. He said that the ICJ report: "confirms that despite the lifting of martial law, President Marcos still retains emergency powers to arrest and detain individuals, and that extra-judicial killings or 'salvaging' by security forces and torture during detention are widespread. In short, the oppressive features of the martial law period continue and the legal system retains many of its characteristics."

He also said: "To quote from the report of the mission, 'Amendment No. 6 of the 1973 Constitution (adopted during the martial law period) permits the President to issue decrees and letters of instruction which form part of the law of the land'. President Marcos has freely availed himself of this right to legislate. He has issued more than 900 decrees, orders and letters of instruction. The most notorious of the decrees are those permitting issuance of Presidential Commitment Orders or PCOs and Preventive Detention Actions or PDA. Using a PCO and now a PDA, the President has total discretion to arrest and detain alleged suspects indefinitely without bail and without trial. Presidential decrees have

also imposed severe penalties, including life sentence and death, not only for armed insurrection or rebellion, but for non-violent opposition to the government."

The ICJ also sent an observer, Mr. Dermot Kinlen, S.C., of the Irish Bar, to a trial in the Philippines which was illustrative of some of the problems being experienced by that country. Three Colomnan Fathers, Father Niall O'Brien of Ireland, Father Brian Gore of Australia, and Father Vicente Dangan of the Philippines, together with six Filipino laymen, were charged with the ambush and murder of a town mayor, Mr. Pablo Sola, on 10 March 1982.

Although the communist New People's Army claimed responsibility for the murder, the prosecution was proceeded with and the trial began in the Regional Court at Kabankalan, Negros Occidental, at the beginning of February, after an initial postponement.

It was claimed that the accused were being persecuted for their human rights activist work in the province of Negros, an area of sugar plantations where sugar-cane workers are paid barely subsistence wages, malnutrition is widespread and popular discontent is checked by a severe military repression.

Mr. Kinlen's report was published in ICJ Newsletter no. 20 and was reproduced in booklet form by the Association of Irish Jurists, an ICJ affiliate, of which Mr. Kinlen is Chairman.

On 28 June the ICJ issued a press release in which, along with its observer, Mr. Kinlen, it welcomed the decision of the Philippine authorities to withdraw all charges against Fathers Brian Gore, Niall O'Brien and Vincent Dangan and the six Filipino churchworkers. The statement looked forward to the complete discharge of the churchworkers after the six-month probationary period imposed upon them. It also expressed the hope that a similar decision would be taken in the case of Father

Lercaro and Mr. Casper who had been held in custody for two years without being brought to trial.

Articles on the Philippines have appeared in ICJ Review nos. 30 and 33.

Israeli Occupied Territories

Law in the Service of Man, the ICJ's West Bank affiliate, has been increasingly active in exposing human rights violations in the occupied West Bank during the period under consideration.

It was largely through LSM that the ICJ learned of reports of students being arrested and detained during the June session of their Tawjihi (Matriculation) examinations and subsequently released without charge but too late to sit the examinations. The ICJ issued a press release protesting against this form of harassment. The ICJ was also concerned about reports of arbitrary closures of educational institutions in the West Bank and general patterns of interference with academic freedom.

This prompted the ICJ, in collaboration with the World University Service, to send a mission to the region from 27 November to 9 December 1983. The members of the mission were Ms. Boel Joergensen, Rector, Roskilde University Centre, Denmark; Professor Frank Newman, School of Law, University of California, Berkeley; and Mr. Adam Roberts, Reader in International Relations, St. Antony's College, Oxford.

They were based in Jerusalem and visited the institutions of higher education in the West Bank and the Islamic University in Gaza. They endeavoured to determine the extent to which the academic freedom of these institutions is affected by the military occupation and, in particular, by the military orders introduced by the occupation authorities.

Their 88-page report, written after visiting the region and meeting both Palestinians and Israelis, calls

for a fundamental reappraisal of the relationship between the Israeli military authorities and the Palestinian institutions of higher education in the West Bank and Gaza Strip.

The authors reached a number of important conclusions and ended with a set of recommendations which the ICJ and WUS, as sponsoring organisations, hope may make a useful contribution to the important debate on academic freedom in the Occupied Territories. As the two organisations state in the preface, "Other considerations than legal ones must be taken into account in determining what limitations on academic freedom are proper during an occupation" - particularly one that has lasted for more than 17 years, and with such uncertainty as to the future of the area.

Press releases concerning the report were issued simultaneously in Geneva by the ICJ and in the UK by the World University Service.

On 26 October 1984, Alejandro Artucio gave a press interview in Spanish to Swiss short-wave radio concerning the report, and on 25 January 1985, the Secretary-General was interviewed on Radio Suisse Internationale's English programme.

The ICJ was also concerned about the increasing number of reports of harassment of the Palestinian population of the West Bank by means of what amounted to arbitrary detention allied to torture and ill-treatment at the hands of the detaining authorities.

On 31 January 1985, the ICJ published a report, prepared by LSM, entitled "Torture and Intimidation in the West Bank: The Case of Al-Fara'a Prison", describing conditions in the Israeli Army's prison camp at Al-Fara'a in the Occupied West Bank from May 1982 to May 1984.

The camp was established pursuant to a policy document issued by the Israeli Chief of Staff, General Rafael Eitan. It stated:

"1. It is necessary to act with force against the agitators and to imprison them at every opportunity.

"2. ... When it is necessary, use legal measures which enable imprisonment for interrogation (without a trial) for a period stated in the law, and release them for one or two days and then re-imprison them (turtur)."

This was a patent abuse of Military Order 378 which permits detention for up to 18 days without bringing the suspect before a court. 'Turtur' is an army colloquialism for harassing and degrading treatment.

Al-Fara'a Correction Centre was established under this policy in a building and stables, formerly used by the British Army, 20 kms north-east of Nablus.

The bulk of the report consists of 20 affidavits sworn under oath by former detainees who were questioned by lawyers of Law in the Service of Man, following the rules of evidence observed by the courts. None of these witnesses knew what was said by the others.

The affidavits are in four groups. The first five cover the period 1982/83 and describe the regime of harassment, humiliation and indignity with inadequate food, hygiene and toilet facilities. Those who protested were jeered at, insulted and beaten up in punishment cells.

The next ten cover the period January to May 1984, after the camp had been converted into an interrogation centre. The affidavits describe the interrogation techniques aimed at procuring a confession. These included brutal physical and mental punishment. Those who confessed, in order to avoid further ill-treatment, were usually convicted

and sentenced on the basis of their confessions. Those who refused to confess to a false charge were released without trial. The methods used included isolation, often hooded and handcuffed, for hours or days in cells awash with filthy water; standing naked in the rain at night; beating on the genitals; kicking with steel-capped shoes; burning with lighted cigarettes; dousing with buckets of urine and cold water; prolonged wall-standing; frequent beating, insults and threats; prolonged deprivation of sleep or food; and various other forms of extreme humiliation and brutalisation. The food was such that one detainee lost 16 kilograms (35 lbs) in one month.

The third group are three affidavits showing the lack of medical care. Two of the detainees in severe pain were refused a doctor unless they signed a confession. The third developed a serious skin complaint with inflammations and pus over his stomach and back. A doctor was called only after he had signed a false confession.

In the fourth group two detainees describe the repeated beatings inflicted on them for having complained to visiting delegates of the International Committee of the Red Cross about the previous beatings they had received. In one case the beatings were with electricity cables and continued till the detainee lost consciousness.

These affidavits corroborate the allegations made by the Israeli League for Civil and Human Rights in a petition to the Supreme Court announced to the press on 26 March 1984, and still awaiting hearing.

One torturer, identified in the last affidavit, Captain Ghadir, was convicted by a military court of assault on prisoners at Al-Fara'a. Sentenced to four months imprisonment suspended and a fine, this was altered on the prosecutor's appeal to the 'still derisory sentence' of two months actual and two suspended with the fine cancelled and reduction in rank by one degree.

As the report states: "The outstanding feature of Al-Fara'a is that confessions are manufactured... It is the function which Al-Fara'a is intended to serve which constitutes the violation that must be stopped."

The report was published simultaneously in New York, the West Bank and Geneva and attracted widespread publicity, receiving newspaper coverage in, among others, the London Times, the Washington Post, the International Herald Tribune, the Miami Herald, the Jerusalem Post, The Christian Science Monitor, and the Journal de Genève.

Both co-directors of LSM gave interviews about the report: Raja Shehadeh talked in Jerusalem to The Christian Science Monitor, stating that: "we hope that exposure will bring about improvements and stop the use of the prison in the way that it has been used". He said that the coalition government, which took office last September, had promised a variety of improvements in conditions in the West Bank, "but so far there have only been promises which have not been kept." Jonathan Kuttab, who was in the United States when the report was released, was interviewed by the Washington Post. The interview noted that Mr. Kuttab would present the report to congressional committees and the State Department's Human Rights Bureau in an effort to gain support for improved conditions.

The International Herald Tribune reported an interview it had had with a spokesman for the International Committee of the Red Cross (ICRC) who confirmed that the ICRC visits the Al-Fara'a Centre. However, he added that "this does not give any indication on the treatment of prisoners".

In addition to newspaper coverage, the Secretary-General gave numerous radio interviews about the report. These included BBC World Service, BBC Radio One, BBC World at One, Irish Radio, Radio Suisse Internationale (English and Arabic programmes), Netherlands Radio and France-Inter.

The Israeli authorities reacted strongly to the media coverage the report received. Israel's Defence Minister, Yitzhak Rabin, described the report as "total nonsense" and another statement, attributed to military sources and issued in Tel Aviv, said it was a "web of false claims and baseless facts" put out by "hostile organisations who make cynical use of legal-juridical organisations to spread their base opinions". In addition, the Israeli Ambassador, Ephraim Doweik, made a statement before the UN Commission attacking the report, the ICJ and LSM.

In his statement to the Commission, the Secretary-General of the ICJ said that the information in the report was the first reliable indication of the systematic practice of physical torture the ICJ had had from the occupied territories for over ten years, and Al-Fara'a prison, as far as he knew, was the only place where such torture had been practised. In answering briefly the specific comments made by the Israeli authorities, he wished to make several points.

First, it had been said by an anonymous military spokesman that the allegations were "a web of false claims and baseless facts". The ICJ finds this difficult to reconcile with the fact that one of the torturers mentioned in the report, a Captain Ghadir, had been prosecuted for his mistreatment of the detainees. He was convicted and sentenced to imprisonment and to a reduction in rank.

Next, it had been suggested that the report did not merit credence as it was compiled by Palestinian lawyers. This seemed to be the equivalent of saying that allegations of anti-semitism should be ignored when they are made by Jews. The ICJ knows these lawyers personally and can vouch for their integrity.

If it be implied that more credence would be attached to the allegations if made by Israelis, he would point out that a petition making similar allegations was filed last March in the Israeli High Court by the Israeli

League for Civil and Human Rights. For some reason it has not yet been heard.

He went on to note that it had been stated by Israel, as Chile and others had stated in like circumstances, that the ICRC were allowed to visit the camp, as if that proved there was no ill-treatment. The Israeli authorities well knew that the ICRC will not publish their reports, which are made confidentially to the government concerned. It is, however, open to the Israeli authorities to do so, and he challenged them to publish in full the reports received from the ICRC about this prison between May 1982 and May 1984.

The ICJ reiterated this challenge. If the torture allegations are true they are sure to be reflected in the ICRC reports. Per contra, if there is no reference to them, this will be the most convincing refutation.

West Bank Road Plan - In the same intervention before the UN Commission, the Secretary-General outlined objections to a new road plan for the West Bank drawn up by the Israeli authorities. LSM has recently published a report on this plan in which they argue that it constitutes further evidence of the Israeli intention to treat the West Bank as part of Israel and that it was Israel's interests that were paramount in drawing up the plan. They also contend that the plan was not drawn up in accordance with the law in force in the West Bank, namely the Jordanian Planning Law as amended by Israeli Military Orders. Furthermore, there was no form of consultation of any kind with the local authorities or the local population in whose interests the plan is supposed to have been devised.

Ghana

On 27 June 1983, the ICJ issued a press release expressing its concern about reports coming from Ghana that its system of justice is to be replaced by a system of lay justice and peoples' courts. It noted that a proclamation to this effect had been issued by the Community and Workers'

Defence Committee in Accra and that it had asked the Ghanaian government for a clarification of the situation.

On the same day, the Attorney-General of Ghana and PNDC Secretary for Justice categorically denied that the Office of Chief Justice in Ghana has been abolished and that the Judicial Council of Ghana has been dissolved. The Attorney-General has said that while he shared the concerns expressed by the Community and Workers' Defence Committee over the failings of Ghana's judicial system, it was his view that "the spontaneous and precipitate abolition of the judicial system will not achieve the results envisaged by all those who shared these concerns". The Attorney-General also observed that the legal profession itself was aware of its short-comings and that the government had already taken some significant steps, including the reconstitution of the Judicial Council, as the beginning of the process of transformation.

The ICJ's disquiet over the administration of justice in Ghana led to the mounting of a mission to that country from 23 June to 8 July 1984 by Professor Cees Flinterman of the University of Maastricht, the Netherlands, formerly a law lecturer at the University of Ghana.

On 23 April 1985, the ICJ announced the publication of a report of that mission entitled "Human Rights in Ghana" by Professor Flinterman. His visit to Ghana was made on behalf of the ICJ and its Dutch Section, the Netherlands Committee for Human Rights. The report was published by the Netherlands Institute of Human Rights. The sponsors expressed their gratitude to the government for its cooperation in helping Professor Flinterman to carry out his mission.

The first part of the report deals with the administration of justice, in particular the system of Public Tribunals to try certain criminal cases. While impressed with his visit to a Public Tribunal in action, Professor Flinterman expresses his disquiet at the potential

for abuse. For example members of the tribunals are appointed by the government and no legal training is required. There is no security of tenure and there are no criteria for judging suitability for office.

The Public Tribunals have the same jurisdiction as the ordinary criminal courts and it is left to the executive to decide which cases should be referred to the Public Tribunals and which to the ordinary courts. The Public Tribunals sentence more severely, and have a minimum sentence for any offence of three years imprisonment or 'such fine as the tribunal may determine'. There is no right of appeal from the Public Tribunals to the ordinary courts, and consequently no meeting point between the two systems of justice.

As a result of these deficiencies the Bar Association of Ghana has boycotted the Public Tribunals, making it difficult for defendants to be legally represented.

The second part deals with the general human rights situation. While acknowledging that the Provisional National Defence Council (PNDC) is making considerable efforts to improve the quality of life of its citizens and to overcome the country's grave economic ills, Professor Flinterman points out that economic, social and cultural rights are being implemented to the detriment of the free exercise of civil and political rights.

The Constitution was suspended after the military coup on 31 December 1981. The author refers to the reports of arbitrary actions at first of the People's Defence Committees (PDCs) and the Workers' Defence Committees which, together with the National Defence Committee, were established to uphold and defend the objectives of the revolution. He does not feel able to evaluate the practice of these bodies, but grants that if properly used the PDCs may enable citizens to participate meaningfully in the development and political process of the country. However, in the light of their limited membership and lack of electoral

rules, they do not meet the criteria of Article 21 of the Universal Declaration of Human Rights relating to the right to take part in the government of one's country.

A programme for decentralisation is under consideration. The author hopes that the PNDC will heed the demand for a referendum on the government's policies, and for the fundamental right of the people to choose their own leaders.

The author criticises the censorship which has "silenced in various ways ... the once flourishing private press of Ghana", and the disturbing use of preventive detention. The Bar Association sought to counter this latter by making habeas corpus applications on behalf of some 35 detainees. The government reacted swiftly by depriving the judiciary of the power to enquire into the grounds for taking a person into preventive custody, a reaction which he said "must occasion strong disapproval" and has worrying implications for the future.

Professor Flinterman, while recognising and applauding the government's commitment to social reform, ended his report with a set of seven recommendations.

Turkey

On 12 September 1980, the Turkish armed forces seized power for the third time in 20 years, in order, as General Evren stated, to defend the country against the threat of civil war.

Both central government and all local government were brought under military control. All provinces were subjected to martial law and the jurisdiction of the military courts extended far beyond anything previously seen.

Military tribunals were used in a series of mass trials to declare illegal and to sentence to death or to

long terms of imprisonment the leaders of not only terrorist organisations, but any political parties, trade unions or associations whose ideology was critical of the existing order of society. The extraordinary way in which these trials were conducted provoked great international concern and prompted the ICJ to take a series of actions which started with a mission in January 1982 to the trial in Istanbul of 52 leaders and elected representatives of the Confederation of Progressive Trade Unions of Turkey (D.I.S.K.). The ICJ observer was Mr. Tomas Rothpfeffer, a member of the Swedish Bar, who was also representing the European Trade Union Confederation and the International Confederation of Free Trade Unions.

This was followed in July 1982 by a mission to trials before military tribunals in Diyarbakir. The ICJ observer was Dr. Konrad Meingast, Advocate and member of the Disciplinary Council of the Bar Association for Upper Austria, who was accompanied by Mr. Helmut Oberdick, an interpreter from the Federal Republic of Germany.

Dr. Meingast attended a mass trial of over 380 alleged members of the PKK-group, 'Mardin'. Thereafter, he attended five other trials with fewer accused all of whom were charged with, inter alia, membership of illegal (Kurdish) organisations. Dr. Meingast came to the following conclusions:

- (1) Numerous statements by the accused and by witnesses indicate violations of human rights by:
 - a) torture;
 - b) inhuman and degrading treatment of prisoners;
 - c) forced confessions.

- (2) Requirements for fair trial are not being met:
 - a) detention is unreasonably long;
 - b) adequate and unimpeded preparation of defence is not granted;

- c) trials are not in public;
- d) the taking of minutes is not correct; when allegations of torture were made by the accused, the court did not enquire into the allegations in any way and ignored them as if they had not been made;
- e) excessive demonstration of military power in the courtroom obviously serves to intimidate the accused and the witnesses rather than to promote security.

The text of Dr. Meingast's report was published in ICJ Newsletter no. 14 (Appendix B) and a resumé of it attached to the press release announcing the completion of his mission.

On 4 August 1983, the ICJ issued a press release expressing its deep concern about the hunger strike by over 2,000 political prisoners in Istanbul. The strike, which began on 7 July 1983, was in protest against prison conditions and ill-treatment and was being carried out by prisoners in Metris, Kabakoz, Sagmaalcilar and Sulatnahmat prisons. Among the demands of the prisoners were:

- an end to repeated interrogation accompanied by torture;
- the right to converse freely with lawyers and members of their families;
- improvement in their living conditions; and
- the right to have books and writing materials.

One hundred and five relatives of prisoners who sought to make representations to the Martial Law Commander in Istanbul were taken to the police headquarters and interrogated. Ninety-four of them were released the following day, but the remaining eleven were kept in custody. Thirteen others who went to the authorities in Ankara were also arrested.

In a statement he made to the Political Committee of the European Parliament in Brussels in April 1984, the Secretary-General referred to another hunger strike, in Diyarbakir, during which the Minister of Justice himself had been denied entry to the prison and had been told by the Military Governor that the government could not intervene as it was not within its domain to do so.

The bulk of the Secretary-General's statement to the Political Committee however dealt with the new Turkish Constitution and he referred to an article analysing it which was published in ICJ Review no. 31. He also presented to the members of the Committee, Dr. Huseyin Yildirim, a defence lawyer who had been forced to flee the country. Dr. Yildirim presented a paper on the situation in Turkey with particular reference to Kurdistan.

The ICJ subsequently sent Dr. Walter Truckenbrodt, a former German ambassador, currently a practising lawyer in Bonn, to attend as an ICJ observer the appeal in Ankara of members of the Workers' Peasants' Party of Turkey (TIKP), on 17 October 1984.

After the hearing before the Military Supreme Court, Dr. Truckenbrodt, together with other foreign observers, was received by the President and Vice-President of the Court and the Chief State Prosecutor. This was the first time that foreign observers had been so received and were able to discuss questions with members of the Military Supreme Court, although not questions specifically relating to the trial.

The appeal failed, notwithstanding that the Chief Military Prosecutor urged the Court that the defendants should be set free.

A report of Dr. Truckenbrodt's mission was published in ICJ Newsletter no. 24.

In June 1985, an article describing the legal and political changes that occurred after the general elections

vis-à-vis the exercise of power, was published in ICJ Review no. 34. This complemented two previous Review articles, one published in June 1981 dealing with the legal and political aspects of the military regime and the other, referred to above, published in December 1983 and dealing with the 1982 Constitution.

South Africa

In addition to its activities within the framework of the UN, the ICJ has been concerned principally with detentions in South Africa and with the government's "bantustanisation" policy.

Action has included two missions by Mr. Anthony McNulty, Director of the British Institute of Human Rights, to trials in the bantustans of Venda and Ciskei, in February 1982 and March 1984 respectively.

In Venda, Mr. McNulty attended the preliminary proceedings in Sibasa concerning the Rev. Phaswane and the Rev. Phosiwa. These two black Lutheran pastors were accused of being accomplices in the murder of two policemen during an attack on a Venda police station in October 1981. They were arrested on 19 November and held in incommunicado detention under Section 6 of the Terrorism Act. During the proceedings, the Rev. Phaswane repeated his complaints (made to the court of 5 February) of ill-treatment during his detention. The magistrate ordered the accused to be remanded in custody pending their trial on 3 May before the Venda Supreme Court.

A follow-up mission to the trial of the two Pastors by the Hon. George Edwards, Chief Judge, US Court of Appeals for the 6th Circuit, was called off when charges against Pastor Phaswane were withdrawn and he was released unconditionally. Pastor Phosiwa, who was given a suspended sentence relating to an earlier offence (giving shelter to a "terrorist") was also released.

In Ciskei, Mr. McNulty attended the trial of Father S. Mkhathshwa at the Regional Court of Zwelitsha. Father Mkhathshwa, who is Secretary-General of the Southern Africa Catholic Bishops' Conference, was charged with subversion, incitement to violence and addressing an unlawful meeting (a prayer meeting on the Campus of Fort Hare University), contrary to the National Security Act. He was discharged on all counts. Mr. McNulty's report was published in ICJ Newsletter no. 20 (Appendix E).

On 20 July 1984, Adama Dieng, ICJ Legal Officer for Africa, met with Father Mkhatswana, who thanked the ICJ for its contribution towards his final release from detention.

Various comments, reports and studies on the situation in South Africa have been published by the ICJ in the period under consideration. These include a booklet entitled "Torture in South Africa" which was released on 20 December 1982 by the ICJ, together with the Catholic Institute for International Relations, London, and the Human Rights Forum of the British Council of Churches. The publication includes a description of the condition of Neil Aggett shortly before his death written by a fellow detainee, Auret van Heerden (Neil Aggett was the Transvaal Regional Secretary of the Food and Canning Workers' Union who was found dead hanging in his cell on 5 February 1982, 39 days after being detained). There is also an account of electric shock torture on a churchworker, Alexander Mbatha. The main document in the publication is a statement prepared by a South African non-governmental organisation called the Detainees Parents Support Committee (DPSC), in response to a challenge from the South African government that they justify their allegations of torture by the security police. It presents a convincing and well-documented account of the torture practices and shows how these abuses are the direct result of South Africa's security legislation, under which suspects are held incommunicado for long periods. Not only their families but their doctors and lawyers are also denied access to them

so that they are deprived of any form of protection against ill-treatment.

In Information Note No. 31/82 (dated 20 December 1982) the UN Centre Against Apartheid and the Special Committee Against Apartheid welcomed the publication of "Torture in South Africa". The Note stressed the Special Committee's grave concern: "over the widespread and brutal torture of detainees, including many trade union leaders, in South Africa and expressed the hope that this publication would help promote a worldwide campaign against such practice and "assist efforts to punish the culprits under the International Convention for the Suppression and Punishment of the Crime of Apartheid". The Chairman of the Special Committee, H.E. Alhaji Yusuff Maitama-Sule, sent a message to the ICJ, the CIIR and the Human Rights Forum of the British Council of Churches commending them for publicising the documents.

In October 1984, the paper entitled "Self-Determination and the 'Independent Bantustans' ", presented by the Secretary-General at the International Seminar on the Legal Status of the Apartheid Regime (see supra) in Lagos, was published as a separate document by the UN Centre Against Apartheid.

South Africa has also received extensive coverage in the ICJ Review. Articles on the bantustans of Ciskei, Venda and Kangwane appeared in June 1983, December 1983 and June 1984. These were followed in December 1984 by an article by Professor John Dugard on the denationalisation of black South Africans, in which he urges the General Assembly to refer the legality of this action to the International Court of Justice.

Other articles published in this period include "Disinvestment in South Africa" by Thomas M. Franck, Director of Research, UNITAR, in December 1981.

Japan

In June 1984, the ICJ published in its Review no. 32 an article on the plight of the mentally ill in Japan. Subsequently, on 19 July 1984, the ICJ issued a press release concerning the situation of patients in mental health institutions in Japan and stating that it had written to the Prime Minister of Japan suggesting the appointment of an independent commission to review the conditions of persons suffering from mental disorders.

This letter was based on reports received from Japanese lawyers working for the rights of mental patients. These lawyers stated that there were nearly 320,000 patients in mental institutions and that nearly 200 unexplained deaths had taken place in the last three years in only one hospital in Utsunomiya. These reports had also cited cases of ill-treatment, including physical assault on patients and indiscriminate use of drugs.

The ICJ had brought to the notice of the Japanese government that in other countries in circumstances less grave than this the governments concerned have thought fit to establish an independent commission of enquiry.

The press release resulted in extensive coverage in the Japanese press, including one of the largest daily newspapers, Asahi.

The ICJ also made interventions before the UN Sub-Commission about this problem (supra).

In the light of gathering international concern about the reports of possible human rights abuses in Japanese mental hospitals, the ICJ invited a group of experts to visit Japan and make recommendations (supra, see The Rights of Mental Patients).

OBSERVER MISSIONS

Between 1981 and 1985, the ICJ sent observers to trials on 21 occasions to study human rights issues in specific countries on eight occasions. Particulars of these missions are on the following pages:

Observers to Trials

<u>Date</u>	<u>Place</u>	<u>Trial</u>	<u>Observer</u>
<u>1981</u>			
February	Managua, Nicaragua	Trial of J.E. Gonzalez, charged with slandering the revolution	Mr. William J. Butler, Attorney, USA
January	Versailles, France	Re-trial of case from Tahiti	Maitre Lionel Chevrier, Q.C., former Minister of Justice, Canada
July	Rabat, Morocco	Trial arising from disturbances during riots	Professor André Tremblay, advocate and professor, University of Montreal, Canada
<u>1982</u>			
January	Istanbul, Turkey	DISK Trial	Mr. Tomas Rothpfeffer, member of Swedish Bar
February	Sibasa (Venda), South Africa	Trial of pastors Phaswane and Phosiwa	Mr. Anthony McNulty, Director, British Institute of Human Rights, UK
March	Heidelberg, Germany	Disbarment proceedings	Dr. Heinrich Orator, attorney, member of Bar Council of Vienna
July	Diyarbakir, Turkey	PKK Trial	Dr. Konrad Meingast, advocate, Austria
<u>1983</u>			
February/ March	Zimbabwe	High treason trial of Lookout Masuku and 6 others	Mr. Julius B. Sakala, advocate and vice-president of Inter-Africa Union of Lawyers, Zambia

Observers to Trials (continued)

<u>Date</u>	<u>Place</u>	<u>Trial</u>	<u>Observer</u>
1983 ----- (continued)			
June	Colombo, Sri Lanka	Trial of persons accused under Prevention of Terrorism (Temporary Provisions) Act 1979	Mr. Tim Moore, lawyer, Australia
December	Istanbul, Turkey	Trial of 27 Iranian students	Dr. Konrad Meingast
1984 -----			
February	Maseru, Lesotho	Trial of 12 on charges of treason	Mr. Julius B. Sakala
February	Philippines	Trial of "Negros Nine"	Mr. Dermot Kinlen, S.C., Ireland
March	(Ciskei), South Africa	Trial of Fr. Mkhathwa on charges of treason	Mr. Anthony McNulty
May	Ankara, Turkey	Appeal of 27 Iranian students	Dr. Konrad Meingast
July	Grenada	Trial of Bernard Coard and others	Members of Bar Association of Trinidad and Tobago
August	Chile	Appeal regarding creation of Council of War to try those accused of killing General Urzua	Maitre Thierry Mignon, advocate, France
October	Ankara, Turkey	TIKP appeal	Dr. Walter Truckenbrodt, lawyer and former German ambassador, Germany

Observers to Trials (continued)

<u>Date</u>	<u>Place</u>	<u>Trial</u>	<u>Observer</u>
1984 (continued)			
November	Thailand	Trial of Sulak Siveraksa on a Lese Majeste charge	Mr. Daniel Ravindran, Jurist, Geneva
1985			
April	Mbabane, Swaziland	Trial of 4 accused of sedition and subversive activities	Mr. Julius B. Sakala
April	Cairo, Egypt	Trial of Ahmed Nabil of Hilaly	Dr. Harald Schwarz, judge, Austria
September	Argentina	Trial of 9 Generals	Mr. Alejandro Artucio, Jurist, Geneva

Human Rights Missions

<u>Date</u>	<u>Place</u>	<u>Objective</u>	<u>Observer(s)</u>
1981			
February	Suriname	Examine working of special tribunal and inquire into violations of human rights	Professor John Griffiths, University of Groningen, Netherlands
1982			
October	Haiti	Human rights survey	Mr. Jean-Louis Weil, lawyer, France

Human Rights Missions (continued)

<u>Date</u>	<u>Place</u>	<u>Objective</u>	<u>Observer(s)</u>
1983 ---			
February/ March	Suriname	Study situation of the Rule of Law following events of December 1982	Professor John Griffiths, Netherlands and Professor Marc Bossuyt, Belgium
November/ December	Occupied Territories	Investigate academic freedom	Ms. Boel Joergensen, Rector, Roskilde University, Denmark; Prof. Frank Newman, University of California, Berkeley, USA; and Mr. Adam Roberts, St. Antony's College, Oxford, UK
1984 ---			
January	Philippines	Human rights survey	Prof. Virginia Leary, USA; Dr. Kurt Madlener, FRG; and Anthony Ellis, Q.C., New Zealand
January	Sri Lanka	Examine the Rule of Law and legal protection of human rights in the framework of outburst of ethnic violence	Mr. Paul Sieghart, U.K.
July	Ghana	Human rights survey with reference to administration of justice and right to development	Prof. Cees Flinterman, Netherlands

Human Rights Missions (continued)

<u>Date</u>	<u>Place</u>	<u>Objective</u>	<u>Observer(s)</u>
1985 --- September/ October	Sudan	Inquire into legal system and administration of justice	Hon. Adib Helsa, Supreme Court Judge, Jordan; Mr. John D. Cook, lawyer, Ireland; and Ms. Ustina Dolgopol, Secretary, CIJL, Geneva

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PRESS RELEASES AND RADIO AND PRESS INTERVENTIONS

In the period under review the ICJ issued over 60 press releases, many of which received widespread publicity throughout the world.

Over 100 radio, television and press interviews were given by members of the staff in English, French or Spanish.

More detailed information concerning these press releases and interviews will be found in the ICJ Newsletters.

INTERVENTIONS

In addition to its public activities, the ICJ frequently made private interventions with governments relating to alleged violations of human rights.

In the period under review, interventions were made in more than 140 cases in all parts of the world. These were as follows:

Afghanistan, Angola, Argentina (3), Bahrain (5), Bangladesh (2), Bolivia (2), Brazil, Chile (2), Colombia, Cuba, Czechoslovakia, South Korea (5), Egypt (5), El Salvador, German Democratic Republic (4), Ghana (4), Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Indonesia, Iran, Iraq, Israel (7), Jamaica, Japan, Kenya (3), Malawi (4), Malaysia (4), Malta, Mauritania, Nicaragua, Niger, Nigeria (2), Pakistan (6), Paraguay (3), Philippines (4), Poland (5), Romania (2), Sierra Leone, Somalia, South Africa (14), Sudan (4), Suriname (2), Syria, Tanzania (2), Thailand (3), Turkey (6), Uganda (2), USSR (4), Burkina Fasso, Viet Nam (4), Zambia (2).

PUBLICATIONS

The ICJ Review has been published twice-yearly in June and December in English and Spanish and in French since March 1983.

The ICJ Newsletter has been published four times a year in English.

The Bulletin of the Centre for the Independence of Judges and Lawyers has been published twice-yearly in English, French and Spanish.

A more detailed description of the contents of the Reviews will be found in Appendix E.

Special Studies

The following special studies have been published by the ICJ from 1981 to 1985:

- Suriname, Recent Developments Relating to Human Rights (1981)
- Morocco, Trial in Rabat (1981)
- Ethnic Conflict and Violence in Sri Lanka (1981)
- The West Bank and the Rule of Law (French and Arabic editions) (1982)
- Conclusions of ICJ/CAP Penang Seminar and The Right to Development (1982)
- Torture in South Africa (1982)
- States of Emergency: Their Impact on Human Rights (1983)
- Human Rights in Suriname (1983)
- Ethnic Conflict and Violence in Sri Lanka (update) (1983)

- Recommendations and Conclusions of ICJ Lucknow Seminar (Tamil edition) (1983)
- Sri Lanka: A Mounting Tragedy of Errors (1984)
- The Philippines: Human Rights After Martial Law (1984)
- Academic Freedom in the Occupied Territories (1984)
- Torture and Intimidation in the West Bank: The Case of Al-Fara'a Prison (1985)
- Human Rights in Ghana (1985)

Reports of ICJ Conferences and Seminars

The following reports of ICJ Conferences and Seminars have been published from 1981 to 1985:

- Development, Human Rights and the Rule of Law (1981) (1981 Hague Conference)
- Human Rights in Islam (1982) (1980 Kuwait Seminar)
- Rural Development and Human Rights in South East Asia (1982) (1981 Penang Seminar)
- Rural Development and Human Rights in South Asia (1984) (1982 Lucknow Seminar)
- Development and Legal Services in Africa (1984) (1983 Dakar Seminar)
- Les Services Juridiques en Milieu Rural (1985) (1984 Tambacounda Seminar)
- Legal Services in Rural Africa (1985) (1984 Limuru Seminar)

A report on ICJ activities from 1977 to 1980 was published in August 1981. August 1981 also saw the publication of an updated version of the ICJ brochure "The International Commission, its Objectives, Organisation and Activities". A French edition of this booklet has recently been published. It was prepared by Professor A. Tremblay, member of the Council of the Canadian Section of the ICJ.

Lists of publications with order forms were printed in 1981 and 1982. In May 1983, a new leaflet suitable for inclusion with a letter was prepared. It describes the structure and goals of the ICJ and incorporates a list of publications and order form. A similar leaflet was prepared for the CIJL. Both these leaflets are also available in Spanish.

CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS

Following a decision of the ICJ Vienna Commission in 1977, the ICJ established at its headquarters in Geneva a Centre for the Independence of Judges and Lawyers. The objects of the Centre are:

- to collect and distribute information about harassment, repression, persecution and other attacks on the independence of judges and lawyers;
- to mobilise international support for particular individuals or groups who are the victims of such treatment; and
- to promote and elaborate the concept of the independence of the judiciary and the legal profession.

PUBLICATIONS OF THE CENTRE

The CIJL publishes a Bulletin twice-yearly in English, French and Spanish. This contains reports on individual cases of harassment and persecution of judges and lawyers, notes on developments concerning the independence of the legal profession and the judiciary and articles on these subjects. The Bulletin is circulated to lawyers' organisations and individual lawyers and judges in 127 countries throughout the world. The total distribution in all three languages is approximately 2,000 copies.

MISSIONS

Austria

On 4 March 1982, Dr. Heinrich Orator, member of the Bar Council of Vienna, attended disbarment proceedings in Heidelberg against Mr. Jurgen Schifferer, on behalf of the CIJL, the ICJ and the Österreichisch Jurestenkommission, the Austrian Section of the ICJ.

Egypt

The Secretary of the CIJL undertook a mission to Egypt from 26 February to 9 March 1983. The purpose of the mission was to investigate the facts surrounding the dissolution of the elected Bar Council in July 1981, and, if possible, to make attempts to resolve the situation. For this purpose the Secretary obtained information about the text of a new law being drafted by the People's Assembly, which is intended to govern the future organisation and operation of the Bar Association.

Based on the detailed information she received, the Secretary of the Centre concluded that the Rule of Law and the independence of the legal profession would best be preserved by allowing the members of the old Bar Council to return, but at the least it was to be hoped that a compromise agreement could be reached between the government, the parliament and the Bar Association.

The Secretary's report was published as Appendix A to CIJL Bulletin no. 11 and concerned organisations were invited to write to the Egyptian government urging a resolution of the controversy which would protect and preserve the Rule of Law and the independence of the legal profession, and in particular, urging that the old Bar Council be restored and that lawyers be given a meaningful opportunity to participate in the drafting of the new law.

Since then, the Constitutional Court declared the law dissolving the elected Bar Council unconstitutional. Parliament subsequently rescinded the 1983 law governing the Bar. The elected Bar Council was restored, and a new law drafted with the participation of the Bar.

Philippines

The Secretary of the Centre was in the Philippines from 1 to 14 September 1983. During this period of time, she had numerous opportunities to speak with and interview lawyers and judges about the status of the judiciary and legal profession. Her report was published in CIJL Bulletin no. 12.

Indonesia

From 14 to 18 September 1983 the Secretary of the Centre visited Jakarta. While there she was able to meet numerous lawyers and several independent observers and to discuss with them the situation of lawyers and, to a lesser extent, judges in Indonesia.

Her report is published in CIJL Bulletin no. 12.

Paraguay

In February 1984, Mr. Daniel O'Donnell undertook a mission to investigate the independence of the judiciary in Paraguay. Mr. O'Donnell is a member of the Bar of New York and former Secretary of the CIJL. The mission was sponsored by the Paraguayan Section of the Association of Latin American Lawyers for Human Rights (AALA) and co-sponsored by the ICJ and the CIJL.

During his stay of nine days in Paraguay, Mr. O'Donnell interviewed a large number of practising lawyers, officers of the Bar, active and retired judges, law professors, human rights activists, representatives of the church and others. His report was published in

CIJL Bulletin no. 14 and was circulated to members of the Sub-Commission during its 1985 session, pursuant to a resolution adopted at its 1984 session, requesting information "concerning new developments on the question of putting an end to the state of siege" in Paraguay.

Philippines

From 18 to 28 August 1985, the CIJL and the ICJ participated in an international fact-finding mission to the Philippines which examined the state of human rights advocacy in that country. The mission was triggered by killings and arrests of a number of lawyers engaged in giving legal assistance to the poor. A report of the mission will be published shortly.

Sudan

The CIJL and the ICJ organised a mission to the Sudan from 17 September to 6 October 1985. The Secretary of the CIJL participated. The mission enquired into the legal system and the administration of justice in Sudan. The members of the mission met with senior government officials, members of the judiciary, leaders of the political parties, trade unions, the National Alliance for Salvation, the Bar Association, faculty members of the University of Khartoum, prison officials, representatives of the Southern regional government and representatives of various organisations representing the interests of southerners, as well as interested observers. A report of the mission will be published shortly.

CIRCULAR LETTERS AND INTERVENTIONS

During the period of this report, the ICJL issued 27 circular letters asking judges' and lawyers' associations to intervene on behalf of colleagues and made 56 other interventions.

The circular letters concerned the following countries:

Argentina, Czechoslovakia, Egypt (2), El Salvador, Guatemala (4), Iran, Kenya, Malta, Namibia, Pakistan (3), Philippines (2), Poland, South Africa (3), Tunisia, Turkey, Yugoslavia (3).

The other interventions were sent to the relevant organisation or government authority in the following countries:

Argentina, Bahrain, Bolivia, Brazil (3), Columbia, Czechoslovakia (3), Egypt (2), El Salvador, Guatemala (3), Indonesia, Israel (3), Kenya, Malaysia, Namibia, Pakistan (6), Paraguay (2), Philippines (2), Poland (2), Republic of Korea, South Africa (2), Sudan (3), Swaziland (2), Tunisia, Uruguay, Yugoslavia (8), Zaire (2), Zambia.

Over 70 Bar Associations or other lawyers' organisations have responded to requests for action on their part by the CIJL. In several cases these interventions have resulted in the release of lawyers from detention. The organisations which have taken action in response to these requests and have provided copies of their interventions to the CIJL are:

Bar Associations: American Bar Association, Law Council of Australia, College of Lawyers of Barcelona, Bermuda Bar Association, Order of Advocates of

Brazil - Federal Section; Order of Advocates of Brazil - Rio de Janeiro Section; College of Advocates of Buenos Aires; College of Advocates of Chile; College of Advocates, Costa Rica; Cyprus Bar Council; Danish Bar Association; Dominican Republic Bar Association; Order of Advocates of Geneva; Ghana Bar Association; Collge of Advocates of Guatemala; Guyana Bar Association; Bar Council of India; Incorporated Law Society of Ireland; Istanbul Bar Association; Jordanian Bar Association; Law Society of Kenya; Bar Association of Lima, Peru; Malta Bar Association; Natal Law Society; Nepal Bar Association; Netherlands Order of Advocates; Bar Association of the City of New York; New Zealand Law Society; Norwegian Bar Association; Order of Advocates of the Court of Paris; Penang Bar Committee; Association of Lawyers of Sao Paulo; Bar Association of Sierra Leone; General Order of Advocates, Spain; Bar Association of Sri Lanka; Swedish Bar Association; Trinidad and Tobago Bar Association; College of Advocates of Uruguay.

Federations of Bar Associations: African Bar Association; International Bar Association; Union Internationale des Avocats; Union of Turkish Bars.

Other Organisations: American Association of Jurists; Andean Commission of Jurists; Association of Arab Jurists; Association of Legal Practitioners of Guyana; Association of Progressive Jurists; Belgian League for Human Rights; Confédération Syndicaliste des Avocats, France; French Commission for Justice and Peace; Institute for Legal Aid, Indonesia; International Association of Young Lawyers; International Association of Democratic Lawyers; International Federation for Human Rights, Paris; International Federation of Women in Legal Careers; International Human Rights Law Group; International League for Human Rights, New York;

International Legal Defence Counsel; International Movement of Catholic Jurists; Japan Civil Liberties Union; LAWASIA; Lawyers' Committee for Civil Rights Under Law, Washington; Lawyers' Committee for International Human Rights, New York; National Lawyers Guild, USA; Netherlands Association of Jurists; Netherlands Commission of Jurists for Human Rights; New Zealand Section, ICJ; Pax Romana (International Catholic Lawyers' Movement); Union for Civil Liberties, Thailand; Union Syndicaliste des Magistrats, France; Union of Arab Lawyers.

CIJL AFFILIATES

The Indian Centre for the CIJL

The Indian Centre for the Independence of Judges and Lawyers inaugurated on 14 December 1981 became the first affiliate of the CIJL. Founded at the initiative of Dr. L.M. Singhvi, U.N. Special Rapporteur on the independence of judges and lawyers, the organisation has two purposes: to "foster citizen education and awareness of the role and ramifications of the independence of judges and lawyers, and to undertake and promote research and case studies on and development of the independence of the judiciary and the legal profession in India and other countries of the world and disseminate and circulate research data, findings and information on the subject".

It commenced its educational activities by sponsoring four speaking engagements in various parts of India by Lord Justice Templeman of the English Court of Appeal, who spoke on "The Independence of Judges and Lawyers". Lord Justice Templeman also addressed the inaugural meeting of the ICIJL, as did its President, Dr. Singhvi, Mr. Hidayatullah, Vice-President of India and Honorary Member of the ICIJL, Mr. Sen, President of the Supreme Court Bar Association, and

Mr. Sorabjee, Vice-President of the ICIJL and former Solicitor-General of India.

The National Bar Association of the Philippines

CIJL Bulletin no. 12 (October 1983) announced the affiliation of the National Bar Association of the Philippines with the CIJL. The National Bar Association (NBA) is composed of judges and lawyers and is the Philippines branch of the All-Asia Bar Association. It is dedicated to upholding the dignity and independence of the legal profession, participating more actively in the maintenance of a high standard of justice, promoting the independence of the judiciary and protecting and preserving the Philippine Constitution and the Rule of Law.

Paraguayan Section (LALHR) and Quito Bar Association

In December 1983, the CIJL announced the affiliation of the Paraguayan Section of Latin American Lawyers for Human Rights and the Quito Bar Association. Both organisations have demonstrated a commitment to the promotion and protection of the Rule of Law and the independence of the judiciary and the legal profession.

CONFERENCES AND SEMINARS

Meetings of Experts on the Independence of the Judiciary and the Legal Profession

In 1979, the Sub-Commission appointed Dr. L.M. Singhvi, Special Rapporteur for the study on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers. The CIJL, the ICJ and the International Association of Penal Law organised two seminars, hosted by the International Institute of Higher Studies in Criminal Sciences in Siracusa, and Noto, Sicily, for the purpose of contributing

to the discussion on the independence of judges and lawyers and of being assistance to the Special Rapporteur in the carrying out of his mandate.

These took place from 25 to 29 May 1981 and from 10 to 14 May 1982 and concerned the formulation of principles on the independence of the judiciary and on the independence of the legal profession respectively (the so-called "Siracusa" and "Noto" principles). Among the participants, who attended in their personal capacity, were many distinguished judges, lawyers and jurists representing Africa, Asia, the Americas and Eastern and Western Europe.

Dr. Singhvi was present on each occasion. He submitted both the draft principles on the independence of the judiciary and those on the legal profession to the Sub-Commission and they were attached to his progress and final reports. His final report, presented to the August 1985 Sub-Commission, will be discussed in detail at the 1986 session.

World Conference on the Independence of Justice

The Secretary of the CIJL and the Secretary-General of the ICJ participated in the World Conference on the Independence of Justice, held in Montreal, Canada, from 5 to 10 June 1983. The conference was organised by the former Chief Justice of the Superior Court of Quebec, Jules Deschênes, and delegates came from five continents and over 20 international organisations and professional bodies, including international courts.

The goal of the conference was to prepare a universal declaration concerning the independence of justice and to assist Dr. Singhvi in the preparation of his study. The conference participants worked in five commissions dealing with international judges, national judges, lawyers, jurors and assessors. The CIJL and the ICJ had contributed to the preparation of the basic working documents of the conference.

The Siracusa and Noto principles (supra) played an important role in the work of the conference. A Universal Declaration on the Independence of Justice was adopted at the final plenary session and was reproduced in CIJL Bulletin no. 12.

Geneva Meeting on the Independence of Judges and Lawyers

The CIJL, along with the Union Internationale des Avocats and the ICJ, convened a meeting of leading international judges' and lawyers' organisations to discuss the problem of the independence of their profession. This was the first attempt to bring together these organisations. The meeting took place on 13 March 1981 and the discussions focussed on the development of criteria to be applied in determining when to intervene, whether publically or privately, and methods of promoting and defending the independence of judges and lawyers.

In addition to the organisers, the following were represented: the Inter-African Union of Lawyers, the International Association of Democratic Lawyers, the International Association of Penal Law, the International Association of Young Lawyers, the International Bar Association, the International Movement of Catholic Lawyers, the Union of Arab Lawyers, the Union Internationale des Magistrats. Attending as observers were: the UN Division of Human Rights, the Inter-Parliamentary Union, Amnesty International, the journal of Human Rights Internet, the International League for Human Rights and the International Federation of Human Rights.

Institutionalisation of the State of Exception in Uruguay

The CIJL assisted, along with several other non-governmental organisations, the Secretariat Internationale des Juristes pour l'Amnestie en Uruguay (SIJAU) in organising a colloquium on 26-27 February 1981 on the institutionalisation of the state of exception in Uruguay. The

Secretary of the CIJL spoke about the work being undertaken by the CIJL with regard to Uruguay.

Rights of the Defence under States of Exception in Latin America

In May 1983 the Secretary participated in a Colloquium on the Right to Justice under States of Exception in Latin America held in Paris. She delivered a paper on the plight of defence counsel. Excerpts from the paper are reproduced in CIJL Bulletin no. 12.

First International Seminar-Workshop on "Managing Delay in the Courts"

This seminar-workshop took place in Manila from 6 to 8 September 1983. It was sponsored by the University of Philippines, LAWASIA, the Integrated Bar of the Philippines, the Asia Foundation and the Foreign Service Institute. The Secretary of the CIJL was invited to attend as an observer.

Lawyers' and Judges' Organisations

The Secretary of the CIJL has attended several conferences organised by judges' and lawyers' organisations during the period under consideration.

International Bar Association

The CIJL has assisted at the Biennial Conferences of the IBA held in New Delhi in October 1982 and in Vienna in October 1984, as well as the Section on General Practice in Lisbon in 1981 and in Madrid in 1985. At the New Delhi conference the Secretary of the CIJL participated in the plenary discussion of the main topic: "The Eighties - The Challenge to the Legal Profession and the Judiciary" as well as the work of the Administration of Justice Division and the Human Rights Committee. At the Vienna meeting the Secretary of the CIJL led a panel discussion organised by the Human Rights Committee on responses to human rights

violations, particularly those directed at judges and lawyers, and participated in the work of the Division on the Administration of Justice.

In Lisbon, the Secretary of the CIJL made an intervention in the Committee on International Legal Aid and participated in the work of the Administration of Justice Committee; in Madrid, the Secretary presented a paper entitled: "Lawyers and Justice - Can Lawyers Effectively Carry Out Their Role ?" to the Division on the Administration of Justice.

Mr. Manfred Simon, President de Chambre honoraire à la Cour d'Appel de Paris, represented the CIJL at the IBA conference on Minimum Standards of Judicial Independence, which took place in Jerusalem in March 1982. He delivered two addresses; "The Siracusa Draft Principles on the Independence of the Judiciary and UN Standard Setting", and "The Role of the Judge in a Rapidly Changing Society".

LAWASIA

In October 1982 and September 1983, the Secretary of the CIJL participated in the annual meeting of the LAWASIA Standing Committee on Human Rights in New Delhi and Manila respectively. After the Manila meeting she attended the Eighth Biennial Conference of LAWASIA also held in Manila.

International Association of Young Lawyers

In August 1982 the CIJL Secretary attended the 20th Congress of the International Association of Young Lawyers, held in Lausanne, and addressed the Congress on the work of the CIJL.

Union of Arab Lawyers

The Secretary of the CIJL attended the 15th Congress of the Union of Arab Lawyers in Sousse, Tunisia,

during November 1984. She addressed both the Committee on the independence of the judiciary and legal profession and the Committee on human rights.

British Amnesty Lawyers' Group, London

During April 1985, the Secretary of the CIJL addressed the annual meeting of the British Amnesty Lawyers' Group. The title of the address was "Under Attack: Lawyers, Judges and Justice".

Netherlands Jurists Commission for Human Rights (ICJ National Section)

In November 1981 the Secretary addressed a national meeting organised by the Netherlands Jurists Commission and the Dutch Section of Amnesty International, with the support of the Netherlands Order of Advocates, entitled: "Jurists for Jurists". Her address was entitled: "Lawyers, Lawyers' Organisations and Human Rights".

FLAG (ICJ Affiliate)

In September 1983, the Secretary attended, as an observer, the annual meeting of FLAG (the Free Legal Assistance Group of the Philippines) in Cebu City.

Canadian Section of the ICJ

The Secretary of the CIJL was asked by the Canadian Section to address a Symposium it had organised in honour of Dr. J.P. Humphrey, OC, QC, on the occasion of his 80th birthday. One of the topics was: "The Search for World Recognition of the Necessity for the Independence of Judges and Lawyers"; the Secretary of the CIJL was the keynote speaker for this topic.

Miscellaneous

The Secretary of the CIJL provided a paper to the annual meeting of the American Society of International Law, held in April 1982, entitled: "The Independence of Judges and Lawyers: UN Standard Setting and the Siracusa Draft Principles on the Independence of the Judiciary".

While in the Philippines, the Secretary of the CIJL was invited to lecture at the University of the Philippines Law Centre about the international protection of human rights, including the work of the ICJ and the CIJL.

The CIJL Secretary, in conjunction with ICJ Legal Officer, Daniel Ravindran, conducted a seminar on the development of legal resources at the International Institute of Human Rights in Strasbourg in July 1985.

UN ACTIVITIES

Seventh UN Congress on Crime Prevention and Control

On 12 December 1983, the CIJL submitted to the UN Crime Prevention and Criminal Justice Branch its comments and observations on the preliminary draft of a manual on guidelines for the independence of judges and the selection and training of judges and prosecutors. These guidelines were submitted to the UN Committee on Crime Prevention and Control during its meeting in Vienna in March 1984. The CIJL Secretary attended this meeting and actively participated in the meetings of the working group reviewing the guidelines. The working group completed its review and the guidelines were put before the seventh UN Congress on the Prevention of Crime and the Treatment of Offenders which was held in Milan from 26 August to 6 September 1985.

The CIJL Secretary attended both the inter-regional preparatory meeting for the Congress, which was held in Varenna in September 1984, and the Congress itself. She actively participated in the work of Committee I of the Congress which considered the guidelines (supra). Prior to the Congress, the CIJL had submitted its observations and comments (at the request of the Crime Prevention Branch of the UN Secretariat) on an explanatory paper which accompanied the guidelines.

The "Basic Principles on the Independence of the Judiciary" were adopted by the Congress; once approved by the General Assembly, they will become the first set of UN Standards on the independence of the judiciary.

The Seventh Congress also adopted a resolution concerning the role of lawyers, that recommends that member states provide for protection of practising lawyers, requests the Secretary-General to provide technical assistance to member states for the attainment of this objective and requests the Committee for Crime Prevention and Control to study this question and prepare a report on the role of lawyers. The Secretary of the CIJL has been asked to assist the Committee with this work, particularly in the elaboration of standards.

Commission on Human Rights

In March 1984 the CIJL forwarded to the special rapporteur on summary and arbitrary executions copies of a circular letter it had issued concerning Guatemala, pointing to the summary and arbitrary execution of Yolanda Urizar de Aguilar and the kidnapping of Manfredo Belteton de Leon.

The CIJL Secretary made oral interventions before the 1984 and 1985 sessions of the Commission concerning advisory services in the field of human rights, stressing the need to provide assistance for the strengthening of legal institutions.

Human Rights Committee

The CIJL has submitted information concerning the implementation of the Covenant on Civil and Political Rights in various countries and has provided comments on proposed general comments.

ILO

The CIJL has provided information to the ILO concerning the disbarment of lawyers for political reasons in violation of Convention III, and has supplied information on the administration of justice and the ability of lawyers to represent trade unions and other workers' organisations. Information has also been provided to some of the major international trade union organisations for their use in bringing proceedings before the ILO.

THE MEDIA

Articles on the work of the CIJL have appeared in the summer issue of Human Rights (published by the Section of Individual Rights and Responsibilities of the American Bar Association); the Guardian Gazette of the Law Society of England in its 29 February 1984 edition; the Boletin of the Andean Commission of Jurists in its April 1984 edition; the Commonwealth Law Bulletin, in its July 1984 edition; and Mennesker og Rettigheter, a Norwegian journal on human rights, during July 1985.

The Secretary of the CIJL has given radio and press interviews about the work of the CIJL and topics and situations in which the CIJL takes a special interest.

During the period under consideration the CIJL, in addition to issuing circular letters, has issued five press releases concerning situations of particular gravity, inter alia, the killing of lawyers in Guatemala, the harassment and intimidation of lawyers in Indonesia and the abduction of lawyers in El Salvador.

NATIONAL SECTIONS AND AFFILIATES

The ICJ Secretariat in Geneva has sought to encourage and facilitate the flow of news and information between itself and its national sections and affiliates, and among the national sections and affiliates themselves.

Since 1983 a regular section in the ICJ quarterly Newsletter, entitled "National Sections and Affiliates News", has carried information on the following:

AUSTRIA

Austrian Section

Seminar on the Rights of Schoolchildren

From 11 to 13 August 1983, the Section held a Seminar on the rights of schoolchildren at Lochau bei Bregenz. The Section welcomed participants from the Federal Republic of Germany and Switzerland.

WeiBenbach Seminar

From 11 to 14 September 1983 in WeiBenbach am Altersee, the Section held a seminar on the rights of the child (youth) and the lawyer's duty of confidentiality. The Section welcomed 20 Polish participants.

Secretary-General visits Poland and Roumania

Dr. Rudolph Machacek, Secretary-General of the Austrian Section, visited Warsaw at the end of August 1983 at the invitation of the Sejm and visited Bucharest in the beginning of September following an invitation from Roumania.

Proposed Lecture Tour in Moscow

From 30 October to 2 November 1983, Dr. Machacek was in Moscow lecturing on criminal law on the invitation of the Association of Soviet Jurists.

Other Activities

The Section was represented at the International Seminar on Violence in the Family, held in Vienna on 21 November 1983.

AUSTRALIA

The May 1983 issue of "Justice", the newsletter of the Australian Section of the ICJ, contains the text of the final draft Constitution of the Section, submitted to the Bi-annual General Meeting, held in Brisbane on 6 July 1983. The newsletter also noted with regret that Gough Whitlam, the current president of the Section, would step down from that position in July due to his leaving to take up an appointment in Paris as Australian Ambassador to Unesco.

BANGLADESH

Institute of Human Rights and Legal Affairs (IHLRA)

On 28 August 1984, the IHLRA, a new human rights organisation affiliated to the ICJ, was launched in Dhaka, Bangladesh (see ICJ Newsletter no. 23, pages 25-26).

A formal inaugural ceremony and a seminar on Law and Human Rights were held on 15 and 16 February 1985. The ICJ was represented by Mr. Paul Sieghart, Chairman of 'Justice', the ICJ's British Section. In his speech as chief guest, Mr. Sieghart spoke on the developing body of international human rights law; the concept of the Rule of Law; the independence of the judiciary; the provision of legal services for the poor and the pioneering work of the

ICJ in this respect; and the relationship between human rights and development.

The occasion was reported in the Daily News, the New Nation and the Daily Ittefaq.

The 25 office bearers and members of the governing body of the IHRLA include eminent judges and former judges, former ambassadors and ministers of state, former members of parliament and distinguished academics.

CANADA

At the Annual General Meeting of the Section, held in Quebec City during the Canadian Bar Association annual meeting, on 31 August 1983, the new Executive and Council were elected.

At the Canadian Bar Association Annual General Meeting, the Canadian Section joined with the Civil Liberties Section at a joint session. There were two panels. One concerned the relevance of decisions of international bodies such as the Human Rights Committee of the United Nations to the future interpretation of the Canadian Charter of Rights and Freedoms.

The second related to the use of international treaties and conventions in the interpretation of the Charter.

During the year, the Section was involved in many interesting seminars and meetings. In the late spring the Section was involved in a seminar held at Ottawa University under the sponsorship of the Canadian Human Rights Foundation where the subject was Human Rights and Canadian Foreign Policy. The Section's President, Madame Justice Claire l'Heureux-Dubé, chaired the conference.

The Section was a co-sponsor of a World Conference on the Independence of Justice, which took place in June in Montreal under the distinguished leadership of Chief Justice Jules Deschênes.

A Council meeting of the Section was held at the same time and attended by Niall MacDermot, Secretary-General of the ICJ, and by Mr. William Butler, the President of the USA Section.

In May 1985, the Section organised a tour of the major Western Canadian states by Professor Virginia Leary, one of three members of an ICJ mission to the Philippines and co-author of the ICJ report, "The Philippines: Human Rights after Martial Law". Professor Leary had made a similar tour (also organised by the Canadian Section) of Central Canadian cities in November 1984.

On 4 June 1985, the Section held a Symposium and Banquet in tribute to Dr. John P. Humphrey, OC, QC, on the occasion of his 80th birthday. The Symposium included speeches and discussion on such topics as: "The Search for World Recognition of the Necessity for the Independence of Judges and Lawyers" and "The Process and the Substance of the Search for the Protection of Human Rights". Ustinia Dolgopol, Secretary of the CIJL, attended on behalf of the ICJ and spoke on the independence of judges and lawyers.

The Symposium was well-attended by representatives from the Canadian government and members of the legal profession.

Dr. Humphrey was the author of the first draft of the Universal Declaration of Human Rights adopted by the UN in 1948. He was also first Director of the Human Rights Division of the UN - from 1946 to 1966.

In addition to his key role in the formulation of human rights in the UN, Dr. Humphrey originated the

Canadian Section of Amnesty International and was one of the originators of the Canadian Human Rights Foundation.

An Officer of the Order of Canada, he is also a Professor of law at McGill University and author of a recent book: "Human Rights and the United Nations: A Great Adventure".

It is an honour to have him as one of the vice-presidents of the ICJ.

FINLAND

Finnish Jurists for Human Rights (the Finnish Section of the ICJ) and the Finnish Society for Legal Philosophy organised an international forum on 17 June 1981 in Helsinki, to discuss the following topic: "Civil Disobedience - A Seed of Terrorism or a Tool of Development ?" The main purpose of the forum was to echo the themes of the ICJ Conference on Development and the Rule of Law, in the way of a serious analysis of the concept of civil disobedience, a topic widely debated in today's Scandinavia.

The FJHR held its annual meeting on 7 May 1985. On the same occasion, a discussion was organised on the topic: "Human Rights and Crime Policy". The invited speakers were Professor Peter Tak from the Netherlands and Mr. K.J. Lang, Head of Prison Department, Finnish Ministry of Justice.

FRANCE

Libre Justice, ICJ's French National Section, held a meeting in Münster from 14 to 15 October 1983 on legal questions relating to the environment. The ICJ national sections of Sweden, Austria, the United Kingdom and France were represented.

On 2 February 1985, Libre Justice held its General Assembly in "les locaux de l'ordre des avocats" in Paris.

The Section celebrated its 30th anniversary on 17 April 1985 during its annual General Assembly. Members of Libre Justice and representatives of other ICJ national sections attended a celebration dinner at the Club des Arts et Métiers. The Secretary-General attended on behalf of the ICJ. He spoke to participants of the contribution made by Libre Justice to the cause of human rights since it was founded in 1955, and looked forward to a continuing fruitful association between the ICJ and one of its longest-standing national sections.

GERMAN FEDERAL REPUBLIC

Number 13 of the German Section's publication "Rechstaat in der Bewahrunghas" was published, containing documentation from the meeting held jointly with the Swedish and Austrian sections, in Stockholm, whose theme was "Human Rights and the Human Image in the Constitutions of Sweden, FRG and Austria".

Press Release on Asylum for Turkish Nationals

The Section issued a press release concerning the treatment of asylum requests by Turkish Christians which have for some time been systematically rejected. The Section noted with concern the different treatment given to these requests by the different "Länder" and urged all the governments of the Länder to allow Turkish Christians to stay in the FRG.

Other Activities

Dr. Klass, Herr Martin and Herr Brehmer of the Section attended the meeting of the Austrian Section on 10 to 13 August 1983 on the rights of schoolchildren.

IRELAND

Association of Irish Jurists (AIJ)

On 1 October 1984, the AIJ met with a view to reactivating its membership and electing new officials. Mr. O'Flaherty, S.C., is the President; Mr. Dermot Kinlen, S.C., the Chairman; and Mr. Richard T. Keane, the Secretary.

NETHERLANDS

The ICJ Executive Secretary attended the Annual General Assembly of the NJCM (Netherlands Section of the ICJ) from 9 to 11 October 1981 in Leiden, the Netherlands.

The Dutch national section prepared an explanatory memorandum on the UN Draft Convention Against Torture which it circulated to all ICJ national sections and affiliates. It requested that they contact their national delegations to the 39th session of the General Assembly, stressing the importance of an early decision on the definitive text. The Dutch section took this action in response to a widely expressed fear that the reopening of discussions on the draft Convention at the General Assembly in autumn of this year might result in considerable delay.

The NJCM, in an effort to encourage individuals to contribute to the UN fund for victims of torture, has recently opened a special bank account for the UN fund. This, it is hoped, will facilitate transferring donations from private persons to the fund and will help minimise costs. Although only recently publicised, the special NJCM/UN fund bank account received more than 800 guilders in the first month of its existence. The NJCM would like all ICJ national sections and affiliates to follow its initiative in this matter. The ICJ and the NJCM would appreciate receiving notification of any such similar accounts set up by other national sections and affiliates.

NEW ZEALAND

In view of the fact that the New Zealand government proposes to introduce a draft Bill of Rights, the New Zealand Section has prepared a paper considering the issues that a document such as the Canadian Charter of Rights and Freedoms would raise in the New Zealand context.

This has aroused some interest and the Section is proposing to organise a major seminar on this topic later this year.

OCCUPIED WEST BANK

Law in the Service of Man

The ICJ's West Bank affiliate, Law in the Service of Man (LSM) produced its first newsletter in April 1984. It contains a wealth of information regarding the activities of this outstanding organisation. The text of the Newsletter was published in ICJ Newsletter no. 24 as Appendix C.

PERU

In October, the Andean Commission of Jurists, an ICJ affiliate with headquarters in Lima, was officially recognised by the Peruvian government by means of a resolution of the Ministry of Foreign Relations signed by the President. The ACT is the first non-governmental organisation to be recognised by the Peruvian government.

Shortly thereafter, in November, the ACJ was active in the Third Congress of FEDEFAM (a Latin American Federation formed to assist detained and disappeared persons) which took place in Lima. At the end of the Congress the ACJ and FEDEFAM organised a meeting with 20 Peruvian jurists regarding disappearances and which considered the possibility of drawing up an International Convention on Forced Disappearances.

In May 1983, the ACJ issued a statement concerning disappeared persons in Argentina and commenting on the "Final Document of the Military Junta Concerning the War Against Subversion and Terrorism" issued by the military junta.

An initiative has been launched by the ACJ on behalf of the families of Peruvians disappeared in Argentina. Meetings have been held with the families to plan future action and the ACJ has organised a publicity campaign to bring these cases to the attention of the public. The ACJ also:

- contacted the Peruvian Minister of Foreign Affairs who promised to expedite investigation on the cases through the respective Peruvian Consulates in the different Argentine cities in which the disappearances occurred;
- lobbied for legislative action, resulting in a Senate resolution concerning the fate of the Peruvian disappeared and asking the Minister of Foreign Affairs to take steps to locate them (this resolution mentions the role of the ACJ);
- contacted the President of the Congress who responded positively to the idea of naming an Official Commission to travel to Argentina to make investigations in situ; and
- liaised with several international organisations, in particular the UNHCR.

Other Activities

The ACJ Executive Secretary has been active on behalf of victims of individual violations of human rights in the Andean region.

The ACJ has published in Spanish a 323-page report on its seminar on "International Rules on Human Rights and Internal Law". It contains interventions and papers

presented to the seminar and has an annex with a selection of international human rights documents.

The ACJ regularly publishes its "Boletin" in Spanish which deals with the human rights situation in the Andean region.

PORTUGAL

On 3 April 1984, the ICJ Secretary-General met with Dr. Antonio Maria Pereira, President of the ICJ's Portuguese National Section. They discussed areas of mutual interest and possible future action. Dr. Pereira presented the Secretary-General with a copy of his book, Direitas do Homen, concerning recent developments in human rights in Portugal.

SPAIN

Asociacion Pro Derechos Humanos de Espana

José Maria Mohedano, President of the ICJ's Spanish affiliate, the Asociacion Pro Derechos Humanos, has recently been awarded the Cruz de Honor de la Orden de San Raimundo de Penafort. Mr. Mohedano received this award in recognition of his work as a jurist and as President of the Asociacion Pro Derechos Humanos.

The APDHE has recently published a comprehensive report on the human rights situation in Spain during 1984. The report covers such topics as civil liberties, torture, the anti-terrorist law, the right to work, conscientious objection, the rights of the disabled, and peace and human rights. It concludes with a set of recommendations to the authorities.

The APDHE also published a report on the prison Ocana I. The first part deals with prison conditions, while the second part contains comments on the first part by the prison authorities.

SOUTH AFRICA

Democratic Lawyers' Association

The Democratic Lawyers' Association, an affiliate of the ICJ in South Africa, is based in Durban.

Activities Against the Proposed New Constitution

The DLA had been engaged with other community organisations in actively campaigning against the imposition of the proposed new Constitution in South Africa. This Constitution, to be the subject of a whites-only referendum, purportedly contained elements of reform but at the same time totally excluded African participation in government. The DLA had reiterated its stand for a unitary state on the basis of universal adult franchise and was party to the launching in Cape Town on 20 August 1983 of the United Democratic Front, a broad-front organisation established to coordinate opposition to the new Constitution. The rally launching the United Democratic Front was attended by some 15,000 people.

DLA Seminars

The DLA has been involved in organising several seminars, mainly on security legislation. It also took part in a workshop on "Removals and the Law" in Grahamstown. A member of the DLA delivered a paper at this conference and discussed and analysed the circumstances in which lawyers played community support roles.

Assistance to Detainees

The Association is also represented on the Detainees Support Committee, which consists of various community-based organisations whose aim is to help families to trace the whereabouts of people detained by security police, provide support for their families and, when allowed to do so by the security police, provide

detainees with items of food and clothing. The Committee also helps provide legal assistance to the detainees where this is possible and makes representations on their behalf to the authorities. Detainees, in terms of South African security legislation, until brought to trial, are held incommunicado and not allowed access to lawyers.

Activities Against the Death Penalty

The Association has actively worked for the abolition of the death penalty and in particular petitioned the State President to commute the death sentences on people convicted of political offences. No success can be reported. In keeping with policy, the Association also wrote to the President and Attorney-General of Malawi, urging that the death sentence imposed upon Orton and Vera Chirwa, prominent civil rights campaigners, be commuted.

Protests Against Harassment of Lawyers

The Association has repeatedly protested at the detention and restrictions placed on lawyers in South Africa who have from time to time been harassed by the authorities when taking civil rights cases or when actively engaged in legitimate political activity. A classic example of this kind of harassment is the detention in the Ciskei of attorney Siwisa who was at the time of his arrest engaged in the defence of trade union leaders and civil rights campaigners. At the time of writing this report, he was still in detention (incommunicado) notwithstanding widespread appeals from all sectors to the Ciskeian government for his immediate release.

SWEDEN

The Swedish National Section

Mr. Lennart Groll, Chairman of the Swedish Section of the ICJ, visited the Secretariat in June to discuss the work of the Section and possible future areas of cooperation

with the Geneva headquarters. He contributed the following assessment of the performance of the Section to the Newsletter:

"Over the last few years the Swedish Section has become increasingly active with interest being taken both in violations of human rights in the world and in the application of the Rule of Law in Sweden itself. Membership has doubled to around 300, showing the increasing interest in human rights matters among Swedish jurists. Membership of the Section is in principle open to anyone who has passed a legal examination.

"In 1981 a meeting was held jointly in Stockholm with the Swedish, German and Austrian Sections. The theme was 'Human Rights and the Human Image in the Constitutions of Sweden, FRG and Austria'. The meeting drew 80 participants and was reported in number 13 of the German Section's publication 'Rechtstaat in der Bewahrung', which also reproduced the documentation of the meeting.

"'Human Rights in the World' was the theme of a meeting in April 1983 at which Mr. Hans Danelius, Head of the Legal Department of the Swedish Foreign Office presented a report on the work of the Council of Europe and the United Nations in the field of human rights. The meeting also heard accounts from persons who had been victimised by violations of human rights in different countries.

"Swedish legal problems have been discussed at several meetings of the Section. In this field, interest has focussed on, for example, the danger of violations of the right of the individual in a developed welfare state. The very extensive use of classification numbers is one such danger. Another is the tendency of a well-developed

bureaucracy to regulate the life of citizens in different ways.

"The Swedish Section held a seminar on threats to the Rule of Law in Sweden on 17 March 1984. Working groups discussed problems concerning classification numbers, children's rights, the application of labour laws and legal problems connected with fiscal policy and this was followed by a panel discussion. The Ministry of Justice was represented on the panel. The seminar was attended by 120 persons and was given wide coverage in the Swedish media.

"Mention should also be made of the educational activities of the Section. Provisions concerning human rights have been added to the Swedish Constitution in recent years but the understanding of their implication is inadequate among the general public. With the help of private funding, the Section has arranged seminars for lawyers on the new provisions of the Constitution, in order to make them better equipped in helping clients to exercise their legal rights. Mr. Gustaf Petré, member of the ICJ and a Justice of the Swedish Supreme Administrative Court, has been a prominent lecturer at these seminars."

A member of the Board of the Section, Mr. Stellan Gärde, acted as an observer in Belgrade, Yugoslavia, when six intellectuals stood trial for alleged subversive activities.

Another member of the Board of the Section, Mrs. Birgitta Alexandersson, a lawyer from Stockholm, was a member of a group of observers to Malta in March 1985. The group, which was organised by the Swedish Helsinki Watch Committee, has issued a report.

The Secretary of the Swedish Section, Mr. Gunnar Berg, a lawyer from Stockholm, attended a conference of lawyers in Buenos Aires on violations of the Rule of Law in Latin America.

The Chairman of the Swedish Section, Mr. Lennart Gröll, took part in a conference in Stockholm in February 1985 on human rights and democracy in Turkey. Mr. Gröll gave a lecture on recent constitutional and legal developments in Turkey.

Representatives of the Swedish Section took part in the meeting between the ICJ and the Association of Soviet Jurists in Moscow in December 1984. This was reported in the Swedish press.

During the last year the Section arranged two public debates on current legal issues in Sweden. One concerned the use of bugging, house searches, etc. by the police during investigations of crimes and the second, problems concerning the efficiency and reliability of the Swedish courts.

At the request of the government, the Swedish Section has presented its views on different subjects of proposed legislation, e.g., the use of bugging in police investigations.

UNITED KINGDOM

'JUSTICE' - UK National Section

Justice has set up a Standing Committee on Miscarriages of Justice, whose function will be, inter alia, to develop policy guidelines, scrutinise selected cases and suggest lines of enquiry. Members of the Committee will include a retired Chief Constable, a forensic expert, a retired Permanent Secretary, a journalist and a practising solicitor. The Standing

Committee will liaise closely with the Executive Committee of Justice.

A memorandum has been submitted by Justice to the Department of Trade and Industry commenting on the proposals in the government's White Paper, "A Revised Framework for Insolvency Law". After identifying three main defects in the existing insolvency laws, the memorandum welcomes the White Paper proposals for dealing with the first two of these but is critical of the lack of remedial action regarding the third, namely the excessive degree of protection given to preferential and secured creditors at the expense of unsecured creditors.

The Section's report, Justice in Prison (see Newsletter no. 18, page 25), was submitted to the government's Departmental Committee on the Prison Disciplinary System, together with an offer to amplify any matters which the Committee might wish to raise.

A full-time case-worker has been appointed to Justice under a grant from the Greater London Council.

In September 1984, the latest Justice report, Justice in Prison, was published. It received editorial comment in The Times, Telegraph, Sunday Mirror, and New Law Journal. The latter stated:

"This report cannot be recommended too highly... In a reasoned, precise manner, it argues for changes in the system that in every respect are designed to ease tension, increase accountability and ensure justice and fairness. Its implementation in some form could do much to ease the crisis in our prison system and prevent it from becoming any worse. To ignore its advice would be foolish."

Regular Column

Since June 1984, Justice has contributed a regular column in The Law Society's Guardian Gazette, one of the main legal journals in the UK.

Human Rights Monitoring Working Party

A Working Party is currently monitoring the compliance of the UK with its human rights obligations under international law. This Human Rights Monitoring Group examined and commented on the UK's Second Periodic Report under the International Covenant on Civil and Political Rights. These comments were made available to members of the Human Rights Committee (set up under the Covenant to examine the country reports). Members of the Monitoring Group attended the Committee's examination of the UK report in April of this year.

Justice has been actively involved in scrutinising proposed legislation and drafting amendments and assisting members of both Houses of Parliament, with reference to the Police and Criminal Evidence Act. It is now involved in the Prosecution of Offences Bill, the Insolvency Bill, and the Administration of Justice Bill. The amendments aim to promote a number of reforms advocated by Justice over the years and include:

- (i) a scheme for statutory compensation for wrongful imprisonment;
- (ii) extending legal aid to cover costs where a judge dies or is incapacitated; defamation cases; points of law of exceptional importance;
- (iii) opposition to the attempt to give the prosecution a right to appeal against sentence and remove the right of appeal against the decision of a Single Judge refusing leave for judicial review; and

- (iv) considerable changes in the Insolvency Bill in accordance with its response to an earlier government White Paper.

A report was published on Fraud Trials, the substance of which was submitted to the Roskill Committee sitting on this subject. One of the main conclusions is that Justice is firmly and strongly opposed to any interference with the right to trial by jury in fraud cases.

In June 1985, Justice published its 28th Annual Report, copies of which can be obtained from its headquarters at 95a Chancery Lane, London WC2A 1DT.

Justice continues to monitor proposed legislation and to draft amendments to it as well as conduct studies and produce reports and memoranda on a number of topics such as the Criminal Injury Compensation Scheme.

The Section held its Annual Members' Conference on 30 March 1985 with the theme: "The Future of the Legal Profession". This was followed on 11 July by its Annual General Meeting.

USA

AAICJ London Colloquium

From 3 to 4 October 1983, the ICJ Secretary-General attended a colloquium organised by the American Association for the ICJ on The Role of Government Departments in the Formulation and Implementation of Human Rights Considerations in Foreign Policy, held at the Royal Institute of International Affairs (Chatham House), London. The objective was to provide a forum for the heads of governmental departments charged with carrying out the human rights policies of their governments, to exchange experiences and compare perspectives. Participants shared with each other the day-to-day problems and difficulties in implementing human rights decisions in the bilateral arrangements

between their own and other governments in the United Nations and in the various multilateral and regional institutions concerned with human rights.

The colloquium was attended by senior human rights officers of eleven Western group governments (Australia, Austria, Canada, Denmark, Federal Republic of Germany, France, Netherlands, Norway, Sweden, United Kingdom and USA) and a summary of the discussion was produced by the rapporteur under "Chatham House rules" (i.e. on a non-attributable basis). The participants expressed their appreciation to the organisers for a meeting they found very useful.

At the request of the participants a similar colloquium was held in Paris in October 1984, and a third meeting was held in Rome in October 1985, both organised by the AAICJ.

ZAMBIA

Since February 1983, the Law Association of Zambia has become an ICJ affiliate.

On 13 February 1984, the Chairman of the Law Association, Mr. R.M.A. Chongwe, wrote to Life President Dr. Hastings Kamuzu Banda of Malawi pleading for clemency on behalf of Orton Chirwa and his wife Vera.

On 28 June 1984, a letter was sent by the Chairman to the President of the Republic of Nigeria voicing the Association's concern about the creation of military tribunals to try civilian politicians and ministers.

Mr. Chongwe, as President of the Association, attended the ICJ meeting with the Association of Soviet Jurists in Moscow in December 1984.

ICJ MEMBERS

Between 1981 and 1985, several changes have taken place in the membership of the ICJ. Chief among these was the great loss occasioned by the deaths of Chandra Kisan Daphtary, Heleno Claudio Fragoso, Fernando Fournier and Masatoshi Yokota among the members of the ICJ, and Guiseppe Bettiol, Vivian Bose, A.J.M. Van Dal, and Isaac Forster among the Honorary Members.

Membership was also depleted by the conclusion of the terms of office of Godfrey L. Binaisa, Allan Bakhsh K. Brohi, Joel Carlson, Eli Whitney Debevoise, Edgar Faure, T.S. Fernando and Boutros Ghali.

To bring the number of Commission Members up to the full complement of 40, several elections have been held, resulting in the following new Members joining the Commission:

- in 1981, Badria Al-Awadhi (Kuwait), Guillermo Figallo (Peru), Kinuko Kubota (Japan), Tai-Young Lee (South Korea), Tun Mohamed Suffian (Malaysia), and Amos Wako (Kenya);
- in 1982, Juma Reginald Sawaya Mawalla (Tanzania), and Fali S. Nariman (India);
- in 1983, Professor Chitti Tingsabadh (Thailand); and
- in 1984, Raul F. Cardenas (Mexico), Augusto Conte-MacDonell (Argentina), Justice Michael D. Kirby (Australia) and Sir Moti Tikaram (Fiji).

ACTIVITIES IN THE UNITED NATIONS

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1. Apartheid and the Elimination of Racial
Discrimination

In addition to publishing articles in its periodicals, issuing press releases, co-publishing "Torture in South Africa" and sending observers to important trials in South Africa, the ICJ undertook many and varied activities within the UN system.

UN Special Committee Against Apartheid

The ICJ has participated in many meetings and seminars organised by the UN Special Committee Against Apartheid, including a special session of the Committee in March 1981 in New York which the Secretary-General attended at the invitation of the Chairman of the Committee. He was one of a number of experts who were requested to address the Committee on different aspects of apartheid in South Africa under international law. The Secretary-General presented a paper on "Self-Determination and the 'Independent' Bantustans" (the text of this paper was reproduced in ICJ Newsletter no. 8).

Subsequently, the Committee organised an Asian Regional Conference on Action Against Apartheid in Manila in May 1982. Roberto Concepcion, former Chief Justice of the Philippines, attended on behalf of the ICJ which, at the request of the organisers, had submitted for distribution at the conference a paper on its activities against apartheid from 1955 to 1982.

The summer of 1984 saw ICJ participation in two international meetings organised by the Committee: in July Adama Dieng, the ICJ Legal Officer for Africa, attended an International NGO Conference on the Independence of Namibia and the Eradication of Apartheid, convened by the Committee along with the UN Council for Namibia and the NGO Subcommittee on Racism. Mr. Dieng made an intervention focussing on the South African government's decision to rescind the Namibian Courts' jurisdiction to hear an application for the release of 37 civilian prisoners. In

August, the Secretary-General attended a seminar on the Legal Status of the Apartheid Regime in South Africa and Other Legal Aspects of the Struggle Against Apartheid. Mr. MacDermot's paper on the so-called 'independent' bantustans, copies of which were distributed to the participants, was reproduced in a selection of legal papers on apartheid published by the UN in August 1985.

UN Commission and Sub-Commission

The ICJ regularly attends the debates on apartheid which take place during the annual meetings of the Commission and Sub-Commission. Interventions made by members of the ICJ staff have stressed the threat that the policy of apartheid constitutes to the peace and security of neighbouring African countries; have criticised the new Constitution which gave the coloured and Indian populations a limited right of participation in the parliamentary life of the country; have proposed that the World Court should give an Advisory Opinion on the legality of South Africa's denationalisation policy towards its black citizens (in this intervention the Secretary-General referred to an article entitled: "The Denationalisation of Black South Africans in Pursuance of Apartheid" by Professor John Dugard of Witwatersrand University, which was published in ICJ Review no. 33); and have expressed the opinion that the declaration of the state of emergency by South Africa was essentially a political move designed to impress international opinion.

Requests for Information

On a number of occasions the ICJ has been requested to supply information to various organs of the UN. For example, in November 1981, the ICJ submitted information relating to the Bantustans in South Africa; in May 1983, the Legal Officer for Africa met with the Delegation of the UN Council for Namibia and supplied information on ICJ action in that country; in January 1982 and January 1984, a report of the action taken by the ICJ in accordance with

the Programme for the Decade to Combat Racism and Racial Discrimination in the previous two years was submitted to the UN Centre for Human Rights.

Attendance at Conferences and Seminars

Members of the ICJ staff and selected observers have attended various conferences and seminars on behalf of the ICJ during the period under consideration. These have included a UN conference organised in cooperation with the Organisation of African Unity, on sanctions against South Africa; a one-week seminar on "Effective Measures to Prevent Transnational Corporations and other Established Interests from Collaborating with the Racist Regime of South Africa"; a UN regional seminar on "Recourse Procedures and Other Forms of Protection Available to Victims of Racial Discrimination and Activities to be Undertaken at the National and Regional Levels", a UN Conference in Support of the Struggle of the Namibian People for Independence; and a meeting of the Ad Hoc Working Group on Southern Africa on the denationalisation of blacks (the President of the Working Group paid tribute to the ICJ and its 'unceasing action in the struggle against apartheid'); and a UN media roundtable at The Hague on international legal issues relating to apartheid and racial discrimination.

In addition, the ICJ was represented at the 1983 and 1984 commemorations of the UN International Day for the Elimination of Racial Discrimination and at the 1983 celebration of the Second World Conference to Combat Racism and Racial Discrimination.

The Universal Declaration of Human Rights and the South African Reality

In 1983, a study commissioned from the ICJ by Unesco and written by former ICJ Legal Officer, Marion Raoul, was published. Entitled, "The Universal Declaration of Human Rights and the South African Reality", this study in French examines the principles proclaimed in the Universal

Declaration and the reality of the situation of human rights in South Africa by a comparative analysis referring to international human rights instruments.

2. Slavery and Slavery-Like Practices

During the period under consideration the ICJ has contributed both to the general debate on the above topic during the plenary sessions of the UN Sub-Commission and has attended the pre-sessional working group on Slavery.

The ICJ contributed information on the grave problem of prostitution in Thailand to the working group in 1982 and 1984. In 1982 it submitted a copy of a report on this subject which was published in the Human Rights in Thailand report of the Coordinating Group for Religion in Society. The ICJ Legal Officer for Asia, Daniel Ravindran, also made an intervention before the working group underscoring the magnitude of the problem and quoting from an article on the subject which appeared in ICJ Review no. 28. Further information had come to light in 1984, when Mr. Ravindran drew the working group's attention to a fact-finding team organised by two women's organisations and a leading human rights organisation in Thailand to investigate the conditions of women in prostitution in the province of Phuket. In his submission, he said that the first step which was needed was to improve the working and living conditions of prostitutes. The ICJ also broached the problem of prostitution and the tourism industry in the Philippines. Mr. Ravindran distributed copies of a study on this topic prepared by the University of the Philippines which analysed the link between the promotion of tourism and the proliferation of prostitution. The ICJ suggested that the working group consider requesting governments to provide information on their on-going projects to help prostitutes, and if no such projects existed, to suggest that they seek assistance from experts through the specialised agencies of the UN. Further, NGOs at the national level should be involved in the planning and implementation of these projects.

Another major topic with which the ICJ was involved, most particularly in 1983 and 1984, was that of debt bondage. Mr. Ravindran prepared two papers on "Bonded Labour in Tamil Nadu, India" and "Child Labour in Tamil Nadu" which were submitted to the working group in 1983. He also addressed the Sub-Commission on this problem, suggesting that that body undertake a study on debt bondage in the framework of a five-year programme of work.

At this session, Mr. Ravindran also introduced to the working group Swami Agnevis, an Indian expert working with bonded labourers. He is Chairman of the Bonded Labourer's Liberation Front and a former Minister of Education in the State of Haryana, India. He described various aspects of the problem of debt bondage, illustrated with slides depicting harrowing details of this form of slavery.

At the 1984 session, Mr. Ravindran prepared and presented a memorandum for the working group. It contained a report on the seminar organised by the ICJ and the South Asian Association for the Right to Development on Bonded Labour and Other Forms of Labour Exploitation in South Asia. The memorandum also dealt with debt bondage in Pakistan and Nepal and with the question of legal aid and legal resources.

3. Economic, Social and Cultural Rights -
The Right to Development

A few months after the ICJ's Hague conference, which confirmed the ICJ's commitment to the right to development, a new working group on the right to development (established by the UN Commission) held its first meeting in Geneva. Its mandate was to study the scope and contents of the right and by the end of its first session in July 1981 it had formulated a preliminary framework for its future work which included the following points: the scope and content of the right to development; the most effective means to ensure the realisation in all countries of economic, social and cultural rights; the obstacles encountered by developing

countries in their efforts to secure the enjoyment of human rights; and concrete proposals for implementation of the right to development and for a draft international instrument on this subject.

The ICJ has attended the meetings of this working group regularly since its inception and, along with the International Center for Law in Development, submitted a statement to it which was distributed as a working paper at its inaugural meeting. This statement, which contained the main elements of the conclusions of The Hague conference, was supplemented by further documentation and an oral statement by the ICJ Executive Secretary.

The ICJ also contributed to the debate on economic, social, and cultural rights in the Sub-Commission and the Commission. At the 1981 and 1983 sessions of the Sub-Commission members of the ICJ staff made interventions concerning the New International Economic Order pointing out, inter alia, the impact of the NIEO on human rights, welcoming the preliminary report on the right to food (submitted in 1983) and summarising the conclusions of the ICJ's Penang and Lucknow seminars on rural development and human rights.

During the 1982, 1983 and 1984 sessions of the Commission, the ICJ made both oral and written interventions. These stressed that the right of individuals and groups to participate in the formulation, application and monitoring of development programmes which concern them is of the essence of the right to development. To make a reality of such participation it is imperative that freedom of expression and freedom of association be respected. Reference was made to a draft Declaration on the right to development which the ICJ had submitted to the working group and which had been circulated as UN document E/CN.4/AC.34/WP.23 (January 1982). The ICJ also submitted a written statement to the 1982 session of the Commission which outlined the ICJ's interest in development and the role of human rights in this context.

4. Human Rights of Persons Under Detention or Imprisonment

The ICJ has been active on the question of the rights of persons under detention or imprisonment in the Commission and the Sub-Commission and its working group on detention.

In the working group of the Sub-Commission members of the staff expressed concern over the growing practice of extra-territorial abductions of persons living in exile by the security forces of their country of origin. This intervention came (in 1982) in the light of the abduction of Orton Chirwa and his wife by Malawi security forces. There was a widespread fear that they would be executed and the ICJ suggested to the working group that the Sub-Commission should request the Chairman of the Commission to transmit a telegram urging the government to release them. This proposal was accepted and the telegram concluded by respectfully urging a public inquiry "into the circumstances of the arrest and that any trial of the accused be before the High Court".

Documentation was also submitted to the working group: in 1983, detailing conditions of detention in Sri Lanka, South Korea and Taiwan and summarising the recommendations of the ICJ study, "States of Emergency - Their Impact on Human Rights" (copies of this study were made available to members of the working group); and, in 1985, circulating a "Suggested Framework for Future Study" on the question of administrative detention.

The ICJ contributed to the debate in the Sub-Commission with particular reference to the question of disappeared persons in Latin America.

At the suggestion of the ICJ the Sub-Commission was requested by the Commission to analyse the available information on the practice of administrative detention and to make recommendations. This led to the working group

being entrusted with this task to which the ICJ made an initial contribution in the form of the document referred to above.

5. States of Emergency

During 1981 and 1982 the ICJ worked on this subject in tandem with the Special Rapporteur of the Sub-Commission, Mme N. Questiaux.

At the 1981 session of the Sub-Commission the ICJ submitted a 38-page paper containing the provisional findings and conclusions of its in-depth study on states of emergency. Mme Questiaux in an oral statement said that she would take the ICJ's submission into account in preparing her final report. During this session the ICJ also made an oral intervention recommending that the question of states of emergency be kept under annual review by a rapporteur. The need for continuing review was again stressed in an ICJ intervention in 1983 which also referred to the ICJ's major study, "States of Emergency - Their Impact on Human Rights", which had been published in April of that year. The need for an annual review was formally proposed to the Sub-Commission in 1984 and the ICJ Secretary-General welcomed this development in an intervention in which he also put forward the suggestion that the Sub-Commission be invited to formulate a statement of principles for the protection of human rights under states of emergency. Other interventions had been made on general aspects of states of emergency (types of abuse arising thereunder, length of imposition, etc.) during the period under consideration and the ICJ had also manifested its support for the study on amnesty laws being carried out by Mr. L. Joinet, Special Rapporteur of the Sub-Commission. Information was submitted on this subject to the Special Rapporteur whose report was submitted to the Sub-Commission in 1985. The ICJ is currently preparing a study on this subject which will be published in ICJ Review no. 35.

6. Disappearances

The ICJ was active in its relations with the Commission's working group on disappearances, submitting written documentation on disappeared persons in Iran and Pakistan and on the 50,000-page report produced by the Argentine National Commission Concerning the Disappeared. It also submitted copies in English and Spanish of its press release commenting on Argentina's Draft Amnesty Law.

The Secretary-General and Dr. E.F. Mignone (on behalf of the ICJ) made interventions before the Commission in 1981 and 1982 respectively welcoming the work of the working group. Dr. Mignone also referred to the situation in Guinea, Guatemala and Argentina, where his daughter, arrested in 1976, is one of the many thousands of disappeared persons. An attempt by the Argentine Ambassador to take exception to Dr. Mignone as ICJ representative was successfully countered by the Secretary-General at the end of a prolonged debate, thus reaffirming the right of NGOs to nominate their own speakers.

Although strongly supporting the work of the working group, which he described in 1981 as of "exceptional quality", the Secretary-General pointed out in 1984 that the working group's report of that year had shown that it had obtained little success in clarifying cases which had occurred. He suggested that the time might have come for the working group to adopt a more active role and be directed towards discovering the whereabouts of missing persons and to preventing future disappearances.

7. Indigenous Populations

In the Sub-Commission in 1981 the ICJ stressed the urgent need for a working group on indigenous populations. Such a working group was established by the Sub-Commission the following year. Subsequently, the ICJ has followed the work of the working group closely and has made substantial contributions to discussions within that body. In 1983, it introduced Swami Agnevisch to the members of the working group who spoke about the problems of tribals in India and underscored the importance of considering them as an indigenous population. He outlined their problems which were those common to all indigenous peoples and related largely to land rights and the use of forest resources. He quoted from a paper on the subject that had been prepared by the ICJ Legal Officer for Asia and distributed to the working group. The text of this paper was published in ICJ Newsletter no. 18.

The following year, Eric Lucas, lecturer at the School of Administrative Studies in Canberra, made two interventions on behalf of the ICJ. The first was an oral intervention in which he outlined the ICJ's view that it is better to defer settling on a definition of what constitutes an indigenous population until evidence has been received from representatives of those who consider themselves indigenous populations. The second took the form of a memorandum he had prepared entitled: "An Existing Guarantee of Land Rights". It welcomed the programme of the working group for elaborating standards for the land and other rights of indigenous populations and suggested that as a first step, the working group might, in its report to the Sub-Commission, draw attention to the extent to which Article 17 of the Universal Declaration of Human Rights requires states to protect land rights.

8. Human Rights and Technological Development

The ICJ has been increasingly interested in and active on the question of the rights of mental patients which falls within the ambit of the item human rights and technological development. Most of the ICJ's work has been done in the framework of the Sub-Commission and its working group on the question of persons detained on the grounds of mental health that was established in 1982. Prior to this, in 1981, the ICJ and the International Association of Penal Law had submitted to the Sub-Commission a document containing a draft body of principles for the protection of persons suffering from mental disorder. In an oral intervention the ICJ Secretary-General had expressed the hope that this document would be useful to Mrs. E. Daes, the Special Rapporteur for the study on the protection of those detained on the grounds of mental health. Mrs. Daes had submitted her preliminary report to the Sub-Commission that same year. She was nominated Chairman of the working group (supra) set up to consider the guidelines, principles and guarantees contained in her study. She subsequently paid tribute in her interim report to the "remarkable" contribution of the ICJ and the Association of Penal Law through the reports of the two meetings of experts they had organised in Siracusa in 1980. Members of the ICJ staff also intervened in the Sub-Commission to voice support for the work being undertaken by the working group under Mrs. Daes' chairmanship.

In addition, the ICJ intervened under this item on the question of data protection, underscoring the vital need to establish national and international norms to protect individuals against the unlawful or wrongful use of personal information files, and drawing attention to the lack of consensus on defining the protection of privacy.

9. Situations of Gross Violations

Chile

During the period under consideration, Alejandro Artucio, ICJ Legal Officer for Latin America, made interventions before the Commission every year on the situation of human rights in Chile. In 1981 he referred in particular to an ICJ memorandum on the new constitution that was circulated as an official document. The text of it was published in ICJ Review no. 25. In 1982, Dr. Artucio again voiced the ICJ's concern about the dangers inherent in the new constitution. In 1983, 1984 and 1985, he continued to urge the Commission to remain vigilant regarding human rights abuses in Chile. He noted that in all the years since the Pinochet regime had come to power, not a single year had passed without some form of emergency rule denying people many of their legal rights.

Israeli Occupied Territories

In November 1981 and 1982, the ICJ was represented at the International Day of Solidarity with the Palestinian People and copies of its study, "The West Bank and the Rule of Law", co-published with its West Bank affiliate, Law in the Service of Man (LSM), were distributed. This signalled an increasing concern by the ICJ about the situation in the Israeli Occupied Territories. In 1982, 1983 and 1985, the ICJ made submissions before the Commission on this subject. In 1982, at the request of the Hashemite Kingdom of Jordan, copies of "The West Bank and the Rule of Law" and of ICJ Review no. 27 (containing an article on The Legal System of the Israeli Settlements in the West Bank, by Raja Shehadeh) were made available to delegates. During the 1985 session, the Secretary-General made an intervention in which he referred both to the ICJ/LSM report on Al-Fara'a prison and to the new road plan for the West Bank, drawn up by the Israeli authorities without any local participation, and in seeming contradiction to the needs of the Palestinian population. In a statement before the Commission, the

Israeli Ambassador attacked the ICJ, LSM and the Al-Fara'a report (for a full account of this incident and of the Al-Fara'a report, see supra "Occupied Territories").

Other Situations

The ICJ submitted information about human rights violations in various countries to the UN Centre for Human Rights for distribution during the period under consideration. This included a report of violations in El Salvador, Guatemala and Bolivia in 1981; a paper prepared by the Centro de Estudios Legales y Sociales, the Argentine affiliate of the ICJ, in Spanish, giving information on the situation of human rights in Argentina from November 1980 to February 1982 submitted in April 1982; and a report in English, French and Spanish of the human rights situation in Haiti. The text of this last document was published in ICJ Review no. 32.

The ICJ was also active within the Commission and the Sub-Commission. During the 1981 meeting of the Commission Dr. Artucio made an intervention on developments in Equatorial Guinea, El Salvador, Bolivia and Guatemala, and drew attention to a written statement submitted by the ICJ and 13 other NGOs calling for a study by a Special Rapporteur of the situation in El Salvador. This was followed in 1982 by an intervention referring to violations of human rights in El Salvador, Guatemala, Thailand, Iran, South Africa, Morocco, Turkey and Poland. Equatorial Guinea was the subject of an ICJ written intervention during the 1983 session. This document analysed the new constitution and was circulated as a UN document. The text was published in ICJ Review no. 29. At the same session, the Representative of the Netherlands in a letter drew the attention of the members of the Commission to the situation of human rights in Suriname and annexed to his letter the report on Suriname prepared by the Netherlands Lawyers' Committee for Human Rights, the ICJ National Section in the Netherlands.

In July 1984, the ICJ sent a telegram to the Chairman of the UN Commission on Human Rights concerning Wilson Ferreira Aldunate, the Uruguayan presidential candidate arrested and brought before a military tribunal on his return after 11 years of exile. The Chairman then sent a telegram to the Minister of External Affairs in Uruguay expressing his concern and requesting information.

Sri Lanka was the subject of interventions at the Commission's 1984 and 1985 sessions, in which the Secretary-General urged that the Commission should maintain the question of the human rights situation in Sri Lanka on its agenda and monitor developments.

Sri Lanka also featured largely in interventions before the Sub-Commission during the period under consideration. During the 1983 session the ICJ organised an informal meeting for members of the Sub-Commission and other interested parties regarding the upsurge of ethnic violence in that country. Professor V. Leary, author of the ICJ report on Ethnic Conflict and Violence in Sri Lanka, gave a most detailed and scholarly appraisal of the situation and responded to many questions from those present. At the same session the Secretary-General made an oral intervention on the explosion of ethnic violence against the Tamils. The text of this intervention was published in ICJ Newsletter no. 18. The ICJ's concern over the situation in Sri Lanka was again evident at the 1984 session when the Secretary-General made another intervention on the situation in which he cited Paul Sieghart's report, "Sri Lanka: a mounting tragedy of errors".

Also during the sessions of the Sub-Commission of this period, the ICJ made interventions on the denial of the right of an individual to live in his own country as exemplified by Argentina and Uruguay; on how the current human rights situation in Latin America could endanger international peace and security; and on the state of emergency in Sudan.

The ICJ was thanked during the 1985 session of the Commission by the Uruguayan delegate, Dr. Alberto Zumaran, for its contribution of "outstanding import" over the last several years in working for a return to democracy.

10. Totalitarian Ideologies and Practices

In 1983 and 1984, Alejandro Artucio made interventions before the Commission in which he stressed, with particular reference to Latin America, that the concept of 'national security' must be included among totalitarian ideologies and practices. He underscored the systematic negation of human rights arising from this doctrine, which has proved the theoretical base for many modern dictatorial regimes.

11. Convention on the Rights of the Child

Since 1982, the ICJ has worked closely with the Commission's working group on the question of a convention on the rights of the child. Ustinia Dolgopol, Secretary of the CIJL, has attended regularly the meetings of the working group. In 1982, the ICJ was one of the signatories of an NGO written statement (drawn up by a working group of the Geneva Special NGO Committee on Human Rights) on the Draft Convention on the Rights of the Child. Subsequently, in 1985, the ICJ and three other NGOs on behalf of the NGO ad hoc working group submitted a written statement appealing for greater interest by the developing countries in the drafting process, as the specific needs of children in these countries needed to be highlighted.

12. Conscientious Objection

The ICJ has taken part in an NGO initiative to have the right to conscientious objection to military service specifically recognised by the UN as a human right. To this end, in addition to numerous consultations with other NGOs,

ICJ interventions have been made in both the Commission and the Sub-Commission. These welcomed the report of the Special Rapporteur on the subject which was presented to the Sub-Commission in 1983; underscored the necessity of having non-military bodies make decisions on applications for conscientious objection; commented on the rapporteur's recommendations regarding alternative service; and called for the Commission to clearly affirm the right of conscientious objection as a human right.

13. Independence of Judges and Lawyers

During the 1981 session of the Sub-Commission the Special Rapporteur on the independence of judges and lawyers, Dr. Singhvi, submitted a progress report on his study. He informed the Sub-Commission that he had been assisted by the meetings of experts which he had attended in May 1981 in Siracusa, Sicily, held under the auspices of the ICJ and the International Association of Penal Law. The text of the draft principles on the independence of judges and on the independence of lawyers which resulted from these meetings were annexed to his report (see section on the CIJL Conferences and Seminars, supra). The text of the draft principles were also published in ICJ Newsletter no. 9 (independence of judges) and no. 13 (independence of the legal profession).

In 1984, Ms. Dolgopol made an intervention stressing the critical importance to the Sub-Commission's work of Dr. Singhvi's study and urging that the study be completed as quickly as possible. The study was in fact submitted during the 1985 session, but there was not time for it to be discussed.

14. Other UN Meetings

Members or representatives of the ICJ attended the following conferences and seminars:

In 1981:

- the Third UN Conference on the Law of the Sea (August) in Geneva;
- the UN Conference on New and Renewable Sources of Energy (August) in Nairobi;
- a public debate on development organised by the 1% Fund for Development (September) in Geneva;

In 1982:

- a UN seminar on the Promotion and Protection of Human Rights in the Asian Region (June/July) in Colombo;
- a meeting on self-determination in Geneva (September) organised by the Sub-Committee on Petitions, Information and Assistance of the UN Special Committee on Decolonisation. Dr. Artucio represented the ICJ, which was one of six NGOs whose opinion was sought by the Committee. The Sub-Committee expressed its appreciation of the ICJ's work and asked to receive its publications on a regular basis;

In 1983:

- a UN International Seminar on the Experience of Different Countries in the Implementation of International Standards on Human Rights (June/July) in Geneva. Adama Dieng represented the ICJ. He presented a working paper and made an intervention on the role of NGOs in the implementation of human rights standards;

- the presentation of the Nansen Medal to President Nyerere of Tanzania in recognition of his services to refugees (October), in Geneva;
- a ceremony at the Palais des Nations, Geneva, to mark the 35th anniversary of the Universal Declaration of Human Rights. The Secretary-General spoke in his capacity as Chairman of the Geneva NGO Special Committee on Human Rights;

In 1984:

- a UN meeting to mark the 36th anniversary of the Universal Declaration of Human Rights, which the Secretary-General was invited to address;
- during the session of the Commission interventions were made submitting the declaration adopted at the NGO conference held by the Geneva NGO Special Committee to mark the 35th anniversary of the Universal Declaration; inviting the Commission to give consideration to four proposals for improving and accelerating the examination of situations of gross violations of human rights under the 1503 procedure; discussing ways and means of providing technical assistance to governments when they are drafting reports or preparing human rights legislation; and reflecting on the nature of the right to self-determination (the text of this intervention was published in ICJ Newsletter no. 20);

In 1985:

- the first meeting of the working group on traditional practices set up by the Commission;
- during the session of the Commission the ICJ made interventions on the creation of a new NGO based in Geneva, the International Commission of Health Professionals; and on advisory services;

- during the session of the Sub-Commission the ICJ made interventions on the progress report on the right to leave and return; and on genocide.

ACTIVITIES IN OTHER INTER-GOVERNMENTAL ORGANISATIONS

Council of Europe

In addition to its work regarding the draft European Convention Against Torture, the ICJ has submitted information to the Political Committee of the Parliamentary Assembly of the Council of Europe, inter alia, in 1981, a memorandum outlining the constitutional and legal changes which had been made in Turkey since the coup d'état of 12 September 1980; and in 1982, a copy of the ICJ publication "Civilian Administration in the Occupied West Bank" and of CIJL Bulletins nos. 8 and 9 concerning the situation in Turkey and the Occupied West Bank. A member of the ICJ staff also attended a session of the Political Committee to prepare for the meeting on "Europe and Latin America: A Challenge for Human Rights". This meeting was held in Paris in June 1981.

On 28 January 1981, the Secretary-General received on behalf of the ICJ the gold medal and scroll of the first European Human Rights Prize, which was presented by the Secretary-General of the Council of Europe in the presence of the President of the Council of Ministers and the President of the Parliamentary Assembly. The Secretary-General's speech of thanks for the award is reproduced in Newsletter no. 8.

European Economic Community

In April 1984, the Secretary-General attended a hearing on Turkey before the Political Affairs Committee of the European Economic Community in Brussels. He made a short statement on behalf of the ICJ dealing principally

with the new Turkish constitution and then introduced Dr. H. Yildirim, a Turkish lawyer, who presented a paper on the situation in Kurdistan.

Members of the ICJ staff attended various sessions of the Human Rights Committee and submitted information designed to aid members in their consideration of the country reports coming before them. This information concerned, inter alia, Japan, Morocco, Australia, Chile, Sri Lanka, New Zealand and El Salvador.

In July 1984, the ICJ and the Quaker UN Office sponsored a reception for the members of the Human Rights Committee and those NGOs who follow the Committee's work.

Commentaries on the work of the Committee have appeared regularly in the ICJ Review.

UNHCR

Members of the ICJ staff regularly attended the annual sessions of the Executive Committee of the UN High Commission for Refugees. In 1981 and 1984, members of the staff attended the first and second International Conferences on Assistance to Refugees in Africa (ICARA) organised by the UNHCR.

Also in 1981 and 1984, members of the staff attended NGO/UNHCR Consultations in Geneva, designed to reassess the operational partnership between the voluntary agencies and UNHCR.

Unesco

Between 1981 and 1985, the ICJ has been commissioned by Unesco to prepare three in-depth studies. The first, written by Ms. Marion Raoul and entitled, "The Universal Declaration of Human Rights and the South African Reality", was published in 1983; the second, written by Daniel Ravindran, entitled "Access to Rights and Measures to Promote

the Effective Exercise of Human Rights", and based mainly on the experience gained from the third world seminars on development and human rights organised by the ICJ, will be published shortly; and the third, a study on the right to privacy, is currently being written.

The ICJ has submitted several periodic reports on its activities to Unesco during this period, the most substantial being that required for the Septennial report of the Unesco Executive Board on NGOs in categories A and B, covering the period 1976 to 1982.

Members of the ICJ staff attended various conferences and seminars run under Unesco auspices; for example, a meeting in February 1982 of the Committee of Governmental Experts on the Safe-Guarding of Folklore to which the ICJ contributed a working paper; and an expert meeting on the Teaching of Human Rights at which the ICJ representative made an intervention concerning Africa.

The ICJ has also submitted information to the Unesco Special Committee on Human Rights during this period.

ILO

Members of the staff have attended meetings of the International Labour Conference in Geneva and brief comments on the more important of these have been published in the Newsletter.

In 1984 and 1985, the ICJ, in cooperation with the ILO, organised seminar/workshops concerning the use of ILO conventions and procedures by non-trade union and non-governmental organisations. Documentation was made available to the participants and there was extensive exchange of views.

WHO

The ICJ was concerned in the campaign regarding the marketing of breastmilk substitutes and worked with the World Health Organisation on this subject, viz., attending NGO briefings on the draft Code for Marketing of Breastmilk Substitutes, organised by WHO and UNICEF; and making available the article on the Code of Conduct published in the Review, for circulation as an official document at the 34th World Health Assembly.

World Food Council

An ICJ representative attended the 10th ministerial session of the World Food Council in Addis Ababa in June 1984.

UN Congress on Prevention of Crime

In August/September 1985, the Secretary of the CIJL attended the 7th UN Congress on Crime Prevention and Control in Milan. She actively participated in the work of Committee I which was considering guidelines on the independence of the judiciary. An ICJ observer had attended the European Regional Meeting in preparation for this Congress in June 1983 in Sofia.

IPU

The ICJ has continued to submit information on the violations of the human rights of parliamentarians to the Inter-Parliamentary Union. This information has concerned, inter alia, Turkey, Zaire, Bahrain, Bolivia, Brazil, Indonesia, Singapore, Uruguay and the Somali Democratic Republic.

ACTIVITIES WITH NON-GOVERNMENTAL ORGANISATIONS

Members of the ICJ staff and other ICJ representatives attended many conferences and seminars organised by other non-governmental organisations. In addition to contributing to general discussion during these meetings, ICJ staff members often contributed working papers, chaired group and plenary sessions, gave key-note speeches and, in some cases, helped to organise the conference or seminar. An abbreviated, chronological list of these meetings follows:

1981:

- Conference in Paris on The Policy of Involuntary Disappearances;
- Consultation in Kuala Lumpur on People and Structures of Domination, organised by the Christian Conference of Asia;
- Colloquium in Paris on the state of exception in Uruguay;
- 30th General Assembly in Nairobi of the International Press Institute;
- One-day course on the prison visiting activities of the International Committee of the Red Cross, organised by the ICJ;
- Meeting in Tokyo to inform public opinion of human rights violations in South Korea;
- A Round Table in San Remo on Asylum Seekers;
- Meeting in Bangkok of the Human Rights Standing Committee of the VII LAWASIA Conference;

- Meeting in Paris on Energy and Society, organised by the Groupe de Bellerive (of which the Secretary-General is a member);
- Congress in The Hague on the interface of law and psychiatry;
- Meeting in London of a working group for a Human Rights International Documentation Service;
- The 5th European Conference of Justice and Peace in Chantilly;
- The plenary assembly of the World Federation of UN Associations;
- A conference in Costa Rica on The Organisation and Delivery of Legal Services in Latin America and the Caribbean;
- A Council of Europe colloquium in Madrid on Europe and Latin America;
- A workshop in Geneva on Rural Development;
- A conference in Geneva on the protection of refugees from Africa and Asia;
- A seminar in London to review the procedures of the European Convention on Human Rights;
- A Latin American Congress of Families of Disappeared Persons in Caracas;
- A seminar on the problems of exile and return for Chilean refugees;

1982:

- A conference in Holland on extra-judicial executions;
- A seminar in Gabarone on Human Rights and Development;
- The annual meeting of the Young Lawyers' International Association in Lausanne;
- The annual meeting of the Canadian Bar Association in Toronto;
- The annual meeting of the ICJ Canadian Section;

- An International Congress on Child Abuse and Neglect in Paris;
- The LAWASIA Human Rights Standing Committee meeting of NGOs in New Delhi;
- The 19th Biennial Conference of the International Bar Association in New Delhi;
- A meeting in Brussels to examine the recent events in Lebanon in the light of humanitarian law;
- A meeting in Oslo on The Situation of Human Rights in Latin America;
- A symposium in Dakar on the African Charter;
- A seminar in Penang on Law, Justice and the Consumer;
- A workshop for lawyers in Penang on Promoting Breastfeeding and Implementing the International Babymilk Code;
- The 5th World Congress of the International Federation of Plantation, Agricultural and Allied Workers, held in Geneva;
- The First World Congress on Human Rights, held in Alajuela, Costa Rica;

1983:

- The NGO Conference in Geneva on the Convention on the Rights of the Child;
- The International Colloquium on States of Emergency in Latin America held in Paris;
- A two-day meeting on human rights and medicine in Geneva;
- The World Conference on the Independence of Justice held in Montreal;
- A Round Table in Florence on the Movement of People;
- A Colloquium in Sao Paulo on the Legal Basis for a True Return to Democracy in Uruguay;

- Several meetings of the Informal NGO Consultative Group on the Draft Convention on the Rights of the Child;
- A meeting in Geneva to coordinate NGO action at the Sub-Commission regarding the report of the Special Rapporteur on Conscientious Objection;
- An informal meeting in Geneva of NGO press and media organisations;
- A workshop on the work of various organs of the UN concerned with human rights held in San Remo;
- A seminar organised by Youth for a New International Economic Order in Strasbourg. The ICJ representative gave a talk on the right to development and its relevance to youth;
- A seminar in Geneva on the Role and the Future of the UN;
- A Consultation in Hong Kong on Asian Lawyers for Justice and Human Rights;
- A meeting on Sri Lanka in The Hague;
- An international conference in Tokyo on Human Rights in Korea and the Philippines and Peace in Asia;
- An international seminar in Geneva on Health and Human Rights;
- A meeting in Utrecht to examine the different human rights bodies in the UN;
- An international colloquium in Geneva on Nuclear and/or Conventional Forces in European Security;

1984:

- A seminar in Dakar on the theme of rural animation in the 1980s;
- A colloquium in Paris on International Humanitarian Law in the Conflict in El Salvador;
- A seminar in Geneva on Nuclear Arms and International Law;

- A seminar in Geneva on the situation of workers' movements in the Philippines and Sri Lanka;
- A talk in Geneva on human rights in Africa;
- A meeting of the drafting committee of the Committee on Enforcement of Human Rights of the International Law Association;
- A lecture in Geneva given by Keba M'baye, President of the ICJ and judge of the International Court of Justice on the African Charter;
- A study day at Bonne organised by the Fédération internationale des mouvements d'adultes ruraux catholiques;
- A meeting in Penang to prepare and finalise the constitution of an Asian Human Rights Commission and an Asian Legal Resource Centre;
- A meeting at the offices of the Coordinating Group for Religion in Society in Thailand;
- A lecture at Neuchâtel University on The Contribution of the Concept of the Right to Development to the Elaboration of Development Strategies in Africa;
- An international NGO meeting in Geneva on the Question of Palestine;
- A Colloquium in Buenos Aires on Uruguay and Paraguay: From State of Emergency to a Democratic Transition;
- An International Seminar in Geneva on the Illegality of Nuclear Weapons of Societal Destruction;
- A symposium in San Remo on Current Problems of International Humanitarian Law;
- An NGO seminar in Geneva on Children in Prison;
- An NGO colloquium in Geneva on Nicaragua;
- NGO consultations on the Draft Convention on the Rights of the Child;

- A consultation in Utrecht on Ethnic Violence and Minority Problems;
- A colloquium in Brussels on the Development Process in Africa;
- A congress in Sousse of the Union of Arab Lawyers;
- A meeting in Geneva on Palestine;
- A meeting in Bangkok of the ASEAN Coalition of Human Rights Organisations;
- A briefing session for missions and international organisations on the Rights of the Child;
- The Second General Assembly of the Regional Council for Human Rights in Asia;
- Meeting with the Chairman of the Commission on Human Rights' working group on the Rights of the Child;

1985:

- An NGO meeting in Vienna to discuss the programme of the first Ministerial Meeting on Human Rights of the Council of Europe;
- A meeting in Geneva on the situation of displaced or refugee teachers and researchers in the field of social science;
- The Second National Congress of the Ligue Tunisienne pour la défense des droits de l'homme held in Amilcar;
- The 20th Congress of the International Union of Food and Allied Workers, held in Geneva;
- A Euro-African Colloquium in Florence on The Sahel and the Sahara: From Independence to Drought;
- The 2nd Conference of the Union of Arab Jurists in Amman;
- A meeting of the Advisory Panel of the Children in Prison Study;
- The European Trade Union Congress held in Geneva;

- A meeting in Geneva with a view to an exchange of opinions on the current world situation;
- An international meeting in Paris on Human Rights and Freedoms;
- A colloquium in Paris on The Contribution of NGOs to the Formation and Application of International Norms;
- The Annual International Human Rights Symposium of Columbia University's Center for the Study of Human Rights;
- A meeting of NGOs in Geneva on the Iran-Iraq war;
- A training course organised by the Ecole instrument de Paix in Geneva;
- Visit to the Parliamentary Commission enquiring into the question of persons who had disappeared in Uruguay;
- Visit to the Uruguayan Bar Association.

CONGO

In September 1982 and September 1985, the Secretary-General represented the ICJ at the 15th and 16th tri-annual General Assembly of CONGO (the Conference of Non-Governmental Organisations in consultative status with the ECOSOC). On both occasions he acted as Co-Chairman of the Commission on Human Rights.

The ICJ was re-elected to the Board of CONGO in 1982 and 1985.

In addition to attending meetings of the Board, the Secretary-General acts as Chairman of the Geneva NGO Special Committee on Human Rights set up within the framework of CONGO.

The Special Committee meets regularly throughout the year and among its activities have been:

- A Fête des Droits de l'Homme organised in honour of Theo van Boven, then Director of the UN Division of Human Rights in April 1982;
- A Conference in December 1983 to mark the 35th anniversary of the Universal Declaration of Human Rights organised on behalf of the Special Committee by the ICJ;
- A briefing meeting on Central America in February 1984 to which all delegates to the Commission on Human Rights were invited.

CONTENTS OF ICJ REVIEWS

The section Human Rights in the World contained short articles on the following countries:

Albania	Mauritania
Argentina (2)	Mozambique
Bangladesh	Namibia
Bolivia	Pakistan (3)
Colombia	Peru (2)
East Timor	The Philippines (2)
El Salvador (2)	Spain
Equatorial Guinea	Somalia
France	Sri Lanka (2)
Guatemala	South Africa (4)
Haiti	South Korea (2)
Honduras	Sudan
Indonesia	Tanzania
Iran (2)	Thailand
Israel	Uganda
Japan	Upper Volta
Lebanon	Uruguay (2)
Malawi	Zaire
Malaysia	Zimbabwe
Malta	

as well as others on Quebec, Western Sahara, Latin America, the southern Cone and Captain Astiz.

Commentaries were published on the following subjects:

The Legal Situation in Turkey
 UN Working Group on Economics, Social and
 Cultural Rights
 The Falkland Islands

ILO Committee on Freedom of Association - Poland
The Korean Minority in Japan
Unesco Special Committee on Human Rights
European Social Charter
Expulsions in Africa
ILO Studies on Discrimination in Employment
European Draft Convention Against Torture
Individual Petitions Under the Convention on
Racial Discrimination
France's Consultative Commission on Human Rights
Academic Freedom Under Israeli Military Occupation
Democracy in Korea
Five Meetings of the UN Commission on Human Rights
Four Meetings of the UN Sub-Commission on Prevention
of Discrimination and Protection of Minorities
Four Articles on Meetings of the Human Rights
Committee.

Signed Articles were published on:

Involuntary Patients in Soviet Psychiatric Hospitals
Information, Technology, Law and Human Rights
Disinvestment in South Africa
Basic Human Rights/Needs
Legal System of Israeli Settlements
The Right to Development and Human Rights
Social Action Litigation in the Indian Supreme Court
Independence of Lawyers in Rumania
South Africa - The Veil of Secrecy
European Social Charter
Expulsions in Africa
The Universal Declaration at 35
Human Rights and the Peace of Nations
Restructuring Democracy in Turkey
Developments in International Human Rights Law
The Fight Against Torture
Plant Genetic Resources
Arrest and Detention in Mexico
Self-Rule Proposals for Canadian Indians
The Denationalisation of Black South Africans

Towards an International Declaration on Land Rights
New Human Rights
Legal Instruments of Political Repression in Chile
Who's in Charge in Turkey

The text of the African Charter on Human and Peoples' Rights, ILO Convention 141 and ILO Recommendation 149 on Organisations of Rural Workers, the UN Declaration on the Elimination of Religious Intolerance and the UN Principles of Medical Ethics were published in full.

In the section Judicial Application of the Rule of Law summaries were published of judicial decisions in the following cases:

Argentina - Administrative tribunal requires evidence to support alleged security reasons for dismissal of a teacher
India - concerning the right of detained persons to a lawyer and to visits
The Inter-American Court's first case
India - a controversial decision relating to the Law of Preventive Detention

In addition, were published in the Review: the report of an ICJ mission to Suriname; a review of The International Law of Human Rights by Paul Sieghart and The Dark Side of Trees, a poem by Cecil Rejendra, a Malaysian poet concerned with human rights issues.

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NGO BA THANH

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TUN MOHAMED SUFFIAN

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SIR MOTI TIKARAM

Ombudsman, Fiji

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CHRISTIAN TOMUSCHAT

Professor of Int'l Law, University of Bonn

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W.J. GANSHOF VAN DER MEERSCH, Belgium

EDWARD ST. JOHN, Australia

SECRETARY-GENERAL

NIALL MACDERMOT

The International Commission of Jurists

The International Commission of Jurists is a non-governmental organisation devoted to promoting throughout the world the understanding and observance of the Rule of Law and the legal protection of human rights.

Its headquarters is in Geneva, Switzerland. It has national sections and affiliated legal organisations in over 50 countries. It enjoys consultative status with the United Nations Economic and Social Council, UNESCO and the Council of Europe.

Its activities include the publication of its Review, Newsletter, and CIJL Bulletin; organising congresses, conferences and seminars; conducting studies or enquiries into particular situations or subjects concerning the Rule of Law and publishing reports upon them; sending international observers to trials of major significance; intervening with governments or issuing press statements concerning violations of the Rule of Law; sponsoring proposals within the United Nations and other international organisations for improved procedures and conventions for the protection of human rights.



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