

on Security and Cooperation in Europe. In his declaration he said that he was willing to do alternative service in a hospital or nursing home. He was arrested on 4 May 1978, shortly after receiving notification of his call-up, and sentenced to 21 months' imprisonment.

The GDR Government continues to release political prisoners to the Federal Republic of Germany in exchange for sums of money, estimated at between 30,000 and 160,000 D-marks per prisoner. It is estimated that 1,300 prisoners were released in this way in 1977.

During the year under review, Amnesty International has been concerned by a number of reports alleging maltreatment in GDR prisons and the frequent infliction of special forms of punishment on prisoners. Early in 1978, Amnesty International received from three separate sources reports of at least a temporary deterioration of conditions in Cottbus prison, where a large number of its adoptees are held. According to these reports, food was made too salty as an "educational measure", beatings by warders became more commonplace and many people were held in special detention with only one hot meal every three days. In February 1978, a number of inmates of this prison refused to work, on the grounds that work for prisoners is officially described as "voluntary". The prison authorities are alleged to have reacted by putting them on reduced rations and allowing them to wear only underclothes and socks, in which clothing they were compelled to shovel snow. Some of these prisoners were allegedly subjected to beatings which resulted in broken collar bones, broken jaws, knocked out teeth and, in one case, a ruptured kidney. Amnesty International groups working for prisoners in the GDR wrote letters to the GDR authorities, requesting an inquiry into these allegations.

Although the death penalty is retained in the GDR for a number of offences, including political ones, Amnesty International does not know of any instances of its being imposed during the year under review.

On 10 October 1977, Amnesty International published a Briefing Paper on the German Democratic Republic. Copies of this were sent to the country's leading officials and to its embassies abroad, and a campaign was organized by national sections to draw public attention to the main areas of Amnesty International concern in the GDR.

### *Germany (the Federal Republic of)*

During the period covered by this report (July 1977 - June 1978), Amnesty International has found difficulty in assessing alleged human rights violations in the Federal Republic of Germany (FRG). The most highly publicized of these violations related to Government efforts to cope with political violence and to treatment of imprisoned terrorist suspects and convicts. No FRG prisoners have been adopted or had their cases investigated by Amnesty International groups during the past year.

After a series of acts of violence, kidnapping and murder, FRG law continued to be so amended as to make it easier to prevent acts of political violence and to capture those who commit them. In February 1978, changes in anti-terrorist legislation were passed which increased the discretionary power of the executive over the exercise of civil and political rights. In a message sent on 14 February 1978, before the vote on these legislative changes, to the Federal Chancellor,

Helmut Schmidt, and to the leaders of the fractions in the parliamentary parties, Amnesty International referred specifically to paragraph 138a of the proposal embodying the changes. This allows for the exclusion of defence counsel from legal proceedings against people charged with "criminal" or "terrorist association" when the authorities decide that "certain facts establish suspicion" that the defence counsel is implicated in the crime of which the defendant is accused. (The law had previously allowed the exclusion of defence counsel only when there was "compelling suspicion".) Amnesty International's view was that Article 138a left too much discretionary power in the hands of the executive and that it was likely to detract from the appearance of fairness in the FRG's judicial procedures.

Another legislative innovation which restricts the rights of some citizens is the "contact ban law", passed with unprecedented haste by the *Bundestag* after the kidnapping of the industrialist Hans-Martin Schleyer in September 1977. It was aimed at preventing prisoners from participating in acts of violence carried out by groups outside. The contact ban law may be imposed in the event of current danger to life, limb and freedom. It allows the authorities to suspend, for a renewable period of 30 days, all forms of communication among prisoners who are either convicted or suspected of "criminal" or "terrorist association" and between such prisoners and the outside world, including their lawyers. About 70 prisoners were affected by this law during the entire month of October 1977.

No one convicted of committing or being implicated in acts of violence has been adopted by Amnesty International as a prisoner of conscience. However, the organization takes the view that under such legislation as Articles 131, 140 and 88a of the Penal Code (referred to in *Amnesty International Report 1977*) and the others mentioned here, respect for the human rights of some suspects and defendants becomes excessively dependent upon the good will of the government in power and upon the discretion of the judiciary and the prosecution. That a nation's anxiety about political violence may be accompanied by abuse of human rights, where this is allowed by legislation, was shown in January 1978 by the trial in Munich of Hans Heinrich Sautmann, a student and member of the Communist Federation of West Germany. At a demonstration he had helped to organize a publicity stand on which there was a placard saying that the "bourgeoisie" wished to cause an "imperialist war" for reasons of profit. The placard called the German commandos who had conducted the Mogadishu rescue operation "killer troops of the bourgeoisie" and accused the authorities of the "liquidation of revolutionaries" in prison. For this Hans Heinrich Sautmann was charged with "defamation of the State" (Article 90a of the Penal Code) and "incitement of the people" (Article 130). The judge at his trial acknowledged that Article 90a presented the difficult problem of deciding when a statement was acceptable polemic and when it was criminal calumny against the state, but he found the defendant guilty and sentenced him to four months' imprisonment, suspended for three years. Herr Sautmann had already spent three months in custody by the time of the trial.

Amnesty International sent to observe the trial a Dutch lawyer, Theodor L. Bellekom. He reported that the case was "a matter of political criticism", not involving advocacy of violence. He was critical of the decision of the Munich courts to refuse to release the defendant pending trial and commented that the official explanation for this refusal made considerable reference to Herr Sautmann's political views.

In March 1978, Amnesty International sent Professor Peter J.P. Tak of the University of Nijmegen in the Netherlands to observe the trial of four students in Göttingen. The defendants were charged with "incitement of the people" and "defamation of the memory of a deceased person", for publishing an article on the assassination of the Federal Public Prosecutor, Siegfried Buback. At the start of the trial, the prosecution unexpectedly brought two new charges, including "defamation of the State", and partly on this charge two of the defendants were found guilty and sentenced to a fine of DM 1,800 each. In his report, Professor Tak stated that the defendants were allowed to speak freely and without interruption and that all parties behaved correctly during the proceedings. Nevertheless, he expressed regret at the decision to prosecute in the case. The issues at stake in the trial involved the acceptable limits to public free speech and the influence of public opinion on the decision to prosecute. The relation of these issues to the proper application of Amnesty International's Statutes is a complex one, but the organization is concerned with several aspects of both the Munich and Göttingen trials and has undertaken a study of them.

The past year saw a deterioration in respect of the human rights of citizens of the FRG who, on grounds of conscience, refuse to be conscripted. In 1977, Amnesty International had welcomed legislation which made it unnecessary for those conscientious objectors who had not yet been conscripted to satisfy an examining board that their grounds for objection were genuine, and which permitted them to apply directly for alternative service. However, in December 1977, the Federal Constitutional Court suspended the new measures, and, in April 1978, ruled that they were in contravention of the Constitution of the FRG. It was the majority view of the Court that some form of conscience-testing was necessary and that the new legislation failed to ensure that only genuine conscientious objectors would be recognized. The Court suggested that if this conscience-testing were not done by examining boards, it might be done by making alternative civilian service both harder and longer. Proposals submitted by the Government parties in June, including provision for an increase in the length of service, have met with opposition from a large number of people actually carrying out alternative service, and Amnesty International fears that to increase its length and to take other measures being considered, such as putting conscientious objectors in barracks, could be considered as punishment for or as a deterrent to the expression of conscientious objection.

During the past year, Amnesty International took further action over the prison conditions of people either convicted of or charged with involvement in offences by the Red Army Fraction and 2nd June Movement groups. On 8 December it wrote to police and judicial authorities in West Berlin and to the Chief Federal Prosecutor of the FRG reiterating its concern about the use, in May 1977, of *Knebelketten*, restraining devices, on 2nd June Movement prisoners. The conclusion of an inquiry being undertaken when Amnesty International first intervened was that the application of increasing pressure to the body (the wrist or arm) by means of *Knebelketten* was lawful and justifiable in order to obtain cooperation from prisoners in identification procedure. Amnesty International stated that the use of such a device constituted a form of ill-treatment and was unacceptable under any circumstances.

In August 1977, many Red Army Fraction and 2nd June Movement prisoners

went on hunger and thirst strike in protest against withdrawal of concessions made the previous April whereby they were to be allowed to associate together in larger groups. In September 1977, Amnesty International urged the FRG authorities on humanitarian grounds to take whatever steps were necessary to prevent loss of life or mental or physical damage to the prisoners on hunger and thirst strike and to restore them to health where it had deteriorated. The question of the extent to which the conditions of imprisonment of politically-motivated prisoners come within the scope of Amnesty International in terms of the provision in its Statute regarding "cruel, inhuman or degrading treatment or punishment" is a complex one and towards the end of 1977 Amnesty International's International Executive Committee commissioned a study of this matter.

On 18 October 1977, while the contact ban law was in force, three members of the Red Army Fraction were found dead in their cells at Stammheim, and, on 12 November, a fourth, who had been held since August either in solitary confinement or in the total isolation imposed by the contact ban law, was found hanged in her cell at Stadelheim men's prison. Amnesty International was invited by the FRG authorities to observe the autopsies on the bodies of the three Stammheim prisoners, but the autopsies began on the very same day, before Amnesty International had had any chance to clarify the precise terms of reference of the invitation. Other forensic specialists from outside the FRG were present at the autopsies.

Amnesty International called for an independent and public international inquiry into the deaths in Stammheim, in view of wide public concern about them and conflicting interpretations of the circumstances in which they occurred. A reply from the Baden-Württemberg Minister of Justice, the competent authority, stated that there was no need for such an inquiry in addition to the investigation already being undertaken by a special commission set up by the Baden-Württemberg parliament. After this investigation, the state's public prosecutor declared that the three prisoners had committed suicide.

### *Greece (the Hellenic Republic)*

Amnesty International's major concerns in Greece are imprisoned conscientious objectors and the retention of the death penalty. The organization's only adopted prisoners in the country are 50 Jehovah's Witnesses, imprisoned because of their refusal to carry out military service.

In October 1977, the law regulating conscription in Greece was amended to allow religious objectors to military service to perform unarmed military service. This alternative service was to be for a term of four years, twice as long as armed military service. All imprisoned conscientious objectors were released at that time, but those who had served less than four years' imprisonment were immediately recalled to the army, and, when they refused to accept the alternative of unarmed military service, they were imprisoned again. Four men who had served well over four years in prison remained free until April 1978 when they were again sentenced to terms of imprisonment, but as the sentences were either short or suspended, they were released within one or two months. On 18 April 1978, Amnesty International wrote to the Minister of Justice, George Stamatis, asking for clarification of Law 731/77, which had previously been thought to limit the imprisonment of conscientious objectors to a single term of four years. If the