

**AMNESTY  
INTERNATIONAL  
REPORT  
1980**

**This report covers the period  
1 May 1979 to 30 April 1980**

**AMNESTY INTERNATIONAL** is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed “*prisoners of conscience*”.
- It advocates *fair and early trials* for *all political prisoners* and works on behalf of such persons detained without charge or without trial.
- It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

**AMNESTY INTERNATIONAL** acts on behalf of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

**AMNESTY INTERNATIONAL** has over 2,000 adoption groups and national sections in 39 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members, subscribers and supporters in a further 86 countries. Each adoption group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International’s Research Department in London.

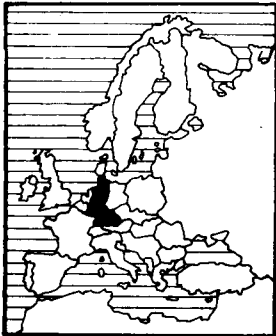
**AMNESTY INTERNATIONAL** has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is member of the Coordinating Committee of the Bureau for the Placement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

**AMNESTY INTERNATIONAL** is financed by subscriptions and donations of its worldwide membership. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by AI’s International Council and income and expenditure are made public in an annual financial report.

amnesty decree, if rearrested within three years, they will have to serve the remainder of their sentences in addition to any new sentence imposed. Amnesty International has learned of the rearrest of four amnestied prisoners.

Large numbers of political prisoners are released annually to the FRG before completing their sentences in exchange for sums of money paid by the Government of the FRG. The GDR authorities suspended this practice for five months following the amnesty but it was resumed in March 1980.

On 15 November 1979, Dr Alfred Frisch, an Austrian lawyer, went to Erfurt on behalf of Amnesty International to observe the trial of Reiner Hoefler, one of its adopted prisoners of conscience. Reiner Hoefler was arrested after the text of a letter written by him to Erich Honecker, criticizing various aspects of the political and educational system in the GDR, had been published in the FRG weekly, *Der Spiegel*. Dr Frisch was able to gain admission to the court-room as the trial was beginning in order to ask the Chairman of the Court for permission to observe the trial. This was refused on the grounds that the trial concerned matters of "state security", although the information available to Amnesty International indicated that the charges related solely to material already made public. The trial was then held *in camera*, as is usual in the case of prisoners of conscience in the GDR, and Reiner Hoefler was sentenced to four years' and six months' imprisonment for "incitement hostile to the state".



## Federal Republic of Germany

The main concern of Amnesty International has been related to prison conditions. Its concern about legislation which can be used to restrict political criticism and the freedom of speech of the individual has not led to the adoption of anyone as a prisoner of conscience. However, it has occasionally interceded where it appeared likely that the

prosecution of individuals might result in their imprisonment for political and conscientiously held beliefs unrelated to the use or advocacy or violence.

On 17 May 1979 Amnesty International sent a message to the public prosecutor of the *Landgericht* Nuremberg/Fürth in connection with the trial of people charged with, among other things, use of

insulting language (*Beleidigung* — paragraph 185 of the penal code, and *Verleumdung* — paragraph 187 of the penal code) and defamation of the state (*Verunglimpfung des Staates* — paragraph 90a of the penal code). The charges concerned a number of texts published by members of the *Knastgruppe Nürnberg*, Nuremberg Prison Group, about the case of Herr Günther Braun. Günther Braun died in Ansbach district hospital on 10 February 1978 a few days after sustaining injuries in Nuremberg Prison.

Referring to Articles 2 and 19 of the Universal Declaration of Human Rights, Amnesty International wrote: "Having read the paragraphs in the indictment which form the basis of the above-mentioned charges and having also read in their entirety the pamphlets and press statements published by this group, Amnesty International is of the opinion that the suppression of the expression of the opinions contained in these publications would be in contravention of the Universal Declaration of Human Rights." It therefore urged that the criminal charges against the defendants which related to the contents of the publications be dropped. Although a number of people were convicted in the lengthy and complex proceedings (which were not restricted to the charges of insulting language and defamation), no one was imprisoned because of the opinions expressed in the publications and none of the accused was therefore adopted as a prisoner of conscience.

Amnesty International has followed closely the cases of defence lawyers charged with offences relating to their work for clients accused of politically motivated crimes. Among these was the case of Kurt Groenewold who, in July 1976, was charged with "support of a criminal association" (Article 129 of the penal code) in the course of his defence of a member of the Red Army Fraction. Kurt Groenewold was accused of, among other things, establishing, financing and running an "Info-System" between 1973 and 1976, which was said to have provided the Red Army Fraction prisoners held in Stuttgart-Stammheim Prison with information designed to maintain their "criminal consciousness". Amnesty International delegated Professor C.F. Rüter, a Dutch criminal lawyer, to observe the trial, which took place in 1978. In its judgment the court held that most of Kurt Groenewold's activities relating to the defence of his clients had been legal and, indeed, that he had acted "fundamentally honourably". Contrary to the claim made in the indictment, the so-called "Info-System" and "defence lawyer's circulars" were not as such unlawful. However, a minor part of Kurt Groenewold's activities did contravene the criminal law. The court accepted that Kurt Groenewold had honestly believed that his acts were not criminal but held that this error of law did not constitute a defence. Kurt Groenewold was

therefore sentenced to two years' imprisonment, which was suspended, and to a fine. The court did not disbar him as the prosecution had requested. In his report, Professor Rüter expressed the personal view that Kurt Groenewold's error of law was excusable and that on this issue the court did not take sufficiently into account the highly charged atmosphere in which Kurt Groenewold had to work or the part the authorities themselves had played in creating this atmosphere. He concluded that Kurt Groenewold had nevertheless received a fair trial with full opportunity to defend himself; that the judgment was in conformity with the law; that the court could reasonably arrive at its judgment; that the findings of the court (both in fact and law) were supported by the reasoning in the judgment; and that the sentence was not exceptionally high by standards in the Federal Republic of Germany (FRG). However, Professor Rüter criticized the practice of requiring all members of the public attending the trial to show their identity cards and allow the cards to be photographed.

Amnesty International continued its work on the prison conditions of people suspected or convicted of politically motivated crimes on the basis of the conclusions of its own special study project, which were submitted to the federal government in a memorandum on 13 February 1979. The memorandum concluded that the forms of isolation in which these prisoners — mainly members of the Red Army Fraction, 2 June Movement and the Revolutionary Cells — were detained had severely damaged the health of some of them and had led to intellectual and emotional disturbances as well as to disturbances of the autonomic nervous system. It urged the authorities to abolish solitary confinement and small-group isolation as regular forms of imprisonment. On 5 June 1979 a meeting to discuss the subject took place in Bonn between representatives of the Federal Ministry of Justice and an Amnesty International delegation. During this meeting the authorities expressed their willingness to lessen the isolation of the prisoners, but pointed out the difficulties posed by the prisoners themselves. Amnesty International, while recognizing these, stressed its belief that it was possible to combine the demands of security with humane treatment, avoiding extreme forms of isolation. After this meeting, the memorandum, already submitted to the federal government, was sent to the *Land* authorities with the same appeal to abolish the severe forms of isolation inherent in the prisoners' conditions. Amnesty International requested that the memorandum be discussed at the 50th session of the *Strafvollzugsausschuss*, Standing Committee on Penal Affairs, of the Justice Ministries of the *Länder*, convened by the Ministry of Justice of Baden-Württemberg in October 1979. Amnesty International informed the *Land* authorities of its delegates' recommendation to establish an independent advisory committee

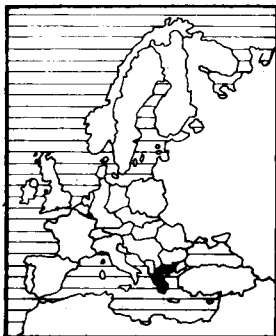
with authority to order medical examinations of prisoners. The delegates recommended that "if on the basis of a medical examination ordered by the Committee, with which the prisoner in question has cooperated fully, the Committee recommends changes in the prisoner's conditions of imprisonment, such as a widening of social contacts, the authorities without delay seek to implement such recommendations". In a letter of 14 January 1980 the Minister of Justice of Baden-Württemberg replied on behalf of all the *Länder*. The reply did not comment on the substance of the Amnesty International memorandum but rejected the proposals.

On 28 May 1980 Amnesty International published a dossier on its work on the prison conditions of people suspected or convicted of politically motivated crimes in the FRG. This contained the text of the memorandum, the report of the meeting with the federal authorities of 5 June 1979 and relevant correspondence. It was decided to publish the dossier, not only because Amnesty International believed that it described important matter relevant to the treatment of prisoners in the FRG, but also because it took the view that its material might contribute to the setting of international standards for high security imprisonment.

In late April 1979 some prisoners began a hunger-strike in which as many as 70 members of the Red Army Fraction, 2 June Movement and Revolutionary Cells became involved. On 15 June Amnesty International sent a message to the Baden-Württemberg and federal authorities about reports that the hunger-strike had reached a critical stage for a number of prisoners. It was particularly concerned about the state of health of Irmgard Möller, imprisoned at Stuttgart-Stammheim, and said that, although it could not support the specific demands made by the prisoners on hunger-strike, it had already expressed to the federal government its general concerns about prison conditions in the context of solitary confinement and small-group isolation of politically motivated prisoners.

On 13 October, a letter was sent to the Senator for Justice of West Berlin, Dr Gerhard Meyer, in connection with the hunger- and thirst-strike of prisoners held in small-group isolation in Moabit Prison. The strike was reportedly caused by a decision to transfer one of the prisoners to another jail, a move which would have further intensified the isolation of the remaining prisoners in the group in Moabit. The letter stated that alternatives could be found to solitary confinement and small-group isolation and recalled previous correspondence in which Dr Meyer had observed that where integration of prisoners in the normal prison regime was impossible, it was his aim to detain them in conditions of such security as provided them with social contacts "as closely as possible comparable to those of the other prisoners".

On 6 February 1980 Amnesty International sent an urgent communication to the state government of Schleswig-Holstein about five prisoners who had gone on hunger-strike in the prison of Lübeck-Lauerhof after a strip-search and transfer to cells in a new high-security wing. It urged that "the prisoners be detained in accordance with the willingness expressed by the FRG authorities to lessen the isolation of prisoners" and reiterated its request, contained in the memorandum, that solitary confinement and small-group isolation be abolished as regular forms of imprisonment. It also asked that "the five prisoners be retained in hospital until sufficiently recovered and until a proper solution regarding their future imprisonment has been established in line with our recommendations". After a period in the prison hospital in Hamburg the prisoners were returned to Lübeck-Lauerhof. It was reported that plans were being made to enlarge their social contacts but it is not known when or if these plans will be put into effect.



## Greece

During the year Amnesty International was concerned about its adopted prisoners of conscience, all of whom were Jehovah's Witnesses, imprisoned because of their refusal to perform military service. In October 1977, the government introduced Law 731/77 which took conscientious objection into account for the first time. It gives conscientious objectors the alternative of performing unarmed military service for a period of four and a half years, twice as long as armed military service. However, Jehovah's Witnesses refuse to perform any form of alternative military service and continue to be imprisoned for their conscientious objection.

In the past, conscientious objectors were given long sentences: for example Vassilis Spanoyiannis was sentenced to 10 years' and Emmanuel Gazis to 18 years' imprisonment. However Vassilis Spanoyiannis subsequently agreed to perform military service and Emmanuel Gazis's sentence was reduced to four and a half years on appeal. Most sentences are four and a half years or are reduced to four and a half years on appeal. The one clear improvement in the position of conscientious objectors brought about by law 731/77 is that they now serve one period of imprisonment for their refusal to perform unarmed military service instead of the repeated sentences to which