



ICJ Report on Activities 1977-1980

INTERNATIONAL COMMISSION OF JURISTS

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ACTIVITIES OF THE INTERNATIONAL COMMISSION OF JURISTS

1977 - 1980

INTRODUCTION

The activities of the International Commission of Jurists in the four years 1977-1980 have continued to be directed on the one hand to the positive promotion of human rights and their legal protection, and on the other to studying and publicising violations of human rights and the Rule of Law.

This report seeks to summarise the main ICJ activities during these four years under a number of different headings. More detailed information on these and other topics will be found in the appendices.

It may be said that during this period the ICJ has taken a more structural approach to human rights problems, as will be apparent in particular from the regional seminars, the content of some of the special reports, and its activities pursuant to its consultative status (Appendix A).

European Human Rights Prize

In November 1980 it was announced by the 21-nation Council of Europe that its first European Human Rights Prize had been awarded to the International Commission of Jurists by decision of the Council of Ministers upon the recommendation of the Parliamentary Assembly. It was awarded for the Commission's "exceptional contribution to the cause of human rights in accordance with the principles of individual freedom, political liberty and the Rule of Law, which are the foundations of any truly democratic society and reflected notably in the European Convention on Human Rights".

On 28 January 1981 in Strasbourg the Secretary-General received on behalf of the ICJ a scroll and medal commemorating the prize from the Secretary-General of the Council of Europe in the presence of the Chairman of the Council of Ministers and the President and Members of the Parliamentary Assembly.

Part I

PROMOTION OF HUMAN RIGHTS AND THE RULE OF LAW

* * * * *

1. UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS

1.1. A great deal 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 U.N. bodies in support of proposals put forward.

1.2. The subjects covered have included the elimination of Apartheid, racism and racial discrimination, the protection of detainees against torture, ill-treatment and arbitrary arrest and detention, 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, rights of mental patients, states of emergency, 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.

1.3. 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 U.N. and regional inter-governmental organisations will be found in Appendix B.

1.4. 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.

2. REGIONAL SEMINARS

2.1. Following the 1976 ICJ Dar-es-Salaam seminar on 'Human Rights in a One-Party State', it was decided at the 1977 Vienna Commission Meeting that the ICJ should continue to organise a series of regional seminars on human rights to discuss matters of common interest to countries in the region. In most cases the seminars were co-sponsored by other organisations within the region in question. The participants usually comprised, in addition to judges, academic lawyers, practicing lawyers and lawyers in the public service, human rights experts in other disciplines such as political scientists, economists, trade unionists and churchmen. Apart from the opening sessions, these seminars were held in private. The participants discussed common problems rather than situations in particular countries. The discussions were held in committees, which permitted more intense discussion of a greater number of issues.

2.2. On several occasions the seminars resulted in follow-up action. Thus in April 1978 Mr Frederick Chomba, then a member of the Supreme Court of Zambia, and the ICJ Executive Secretary, Mr Hans Thoolen, visited the countries from which the participants to the Dar-es-Salaam seminar came (Sudan, Tanzania, Zambia, Botswana, Lesotho and Swaziland) and discussed the implementation of the seminar's recommendations with Ministers of Justice, Attorneys-General, Judges and lawyers. The further regional seminars organised in the period under review were as follows.

2.3. Caribbean Seminar, 1977

2.3.1. A seminar was held in Barbados from 8-13 September 1977 on 'Human Rights and their Promotion in the Caribbean'. It was organised in cooperation with the Organisation of Commonwealth Caribbean Bar Associations (OCCBA).

2.3.2. There were 72 participants from the following 16 countries: Bahamas, Barbados, Bermuda, Cuba, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Surinam and Trinidad and Tobago and the following Associated Territories: Antigua, Dominica, St. Kitts, St. Lucia and St. Vincent. The participants included government ministers or senior officials from the 11

countries underlined. There were representatives of the following Caribbean organisations: the Caribbean Community (CARICOM), Caribbean Conference of Churches, Caribbean Congress of Labour, and OCCBA.

2.3.3. Equal focus was given in the discussions to economic, social and cultural rights and to civil and political rights, and this was reflected in the working papers. A report on the seminar, including the key-note speech by Mr William Demas, Director of the Caribbean Development Bank, the working papers, a summary of the discussions and the Conclusions and Recommendations was published by the Cedar Press, Barbados, in 1978 (190 pp.).

2.3.4. On the initiative of some of the Caribbean participants the seminar decided to establish a Follow-up Committee to seek to implement the Recommendations.

2.4. Francophone African Seminar, 1978

2.4.1. A seminar was held in Dakar, Senegal, from 7-12 September 1978 on 'Le développement et les droits de l'homme'. It was organised in cooperation with the Association sénégalaise d'études et de recherches juridiques (ASERJ), an affiliated organisation of the ICJ.

2.4.2. There were 48 participants including 40 Africans from the following 12 countries: Benin, Cameroon, Congo, Ivory Coast, Mali, Mauritania, Niger, Rwanda, Senegal, Togo, Upper Volta and Zaïre. The participants included senior government officials, judges, lawyers, sociologists, economists and churchmen from these countries, as well as representatives of the Organisation of African Unity, the U.N. Human Rights Division, the ILO, UNDP and UNESCO.

2.4.3. After a remarkable introductory speech by the President of the ICJ, Mr Kéba M'Baye, the participants discussed a number of important issues, including possible regional human rights organisations for Africa, the new international economic order, the participation of the people in development, the rights of minorities, the rights of women and of the child, the structure and training of the public service, ombudsman institutions, the independence of the judiciary and the role and duties of lawyers in the defence of human rights.

2.4.4. A report on the seminar, including the opening speech by Mr Kéba M'Baye, the working papers, a summary of the discussions and the conclusions and recommendations was published in a special issue of the Revue Sénégalaise de Droit in 1979 (255 pp.).

2.4.5. The participants decided to establish a follow-up committee (comité de suivi) with a mandate to distribute the conclusions and recommendations of the seminar in the most appropriate manner. This committee arranged for deputations of distinguished African lawyers to visit ten heads of state and governments within the region and discuss with them the conclusions and recommendations of the seminar, with particular reference to an African Commission on Human Rights. The ICJ raised the funding for these missions.

2.5. European Seminar, 1979

2.5.1. A European seminar on the 'Legal Protection of the Rights of the Child' was held in Warsaw on 16-19 January 1979, organised by the International Commission of Jurists, the International Association of Democratic Lawyers and the Polish Association of Jurists. This was the first meeting in Europe organised by the ICJ jointly with lawyers from the Eastern countries. It proved to be interesting and fruitful, with a wide measure of agreement in spite of ideological differences.

2.5.2. Apart from numerous Polish jurists, some 50 participants came from abroad, approximately half from the socialist countries of Eastern Europe (Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Rumania, USSR and Yugoslavia) and half from Western Europe (Austria, Belgium, France, German Federal Republic, Ireland, Italy, Netherlands, Norway, Sweden, Switzerland and the United Kingdom), as well as representatives of the U.N. Secretariat for the International Year of the Child, the U.N. Division of Human Rights and the U.N. High Commissioner for Refugees. Many of the participants were jurists of considerable eminence with experience and expertise in the field of family law.

2.5.3. Working Papers were prepared by the three General Rapporteurs for the three Commissions as follows:

- (i) The Evolution of the Concept of the Rights of the Child,
by Maître Roland Weyl (France, IADL);

- (ii) The Responsibility of the Family and of Society towards the Child,
by Dr. Olive Stone (U.K. and Canada, ICJ);
- (iii) State Organs Empowered to Take Decisions about Children,
by Dr. Marta Katona Soltez (Presidente de Chambre, Supreme Court of
Hungary).

2.5.4. Several other very informative papers were prepared by participants describing the legislation and practice concerning the rights of the child in their own countries. At the Closing Plenary Session, reports were received from the three Commissions, and a statement of principles concerning the legal protection of the rights of the child was approved. This statement was submitted by the Polish government to the U.N. Commission on Human Rights. It was published in ICJ Review No. 22, June 1979.

2.6. Andean Seminar, 1979

2.6.1. A seminar on Human Rights in the Rural Areas of the Andes Region was organised by the ICJ and cosponsored by the Consejo Latinoamericano de Derecho y Desarrollo (CLDD), i.e. the Latin American Council for Law and Development, in Bogota on 2-11 September 1979.

2.6.2. The 61 participants came from Venezuela, Colombia, Ecuador, Peru, Bolivia and Chile and included judges, law professors, advocates, social and political scientists, economists, trade unionists and peasant and indian leaders, all having knowledge of problems in the rural areas. The subjects chosen for discussion were essentially ones relating to economic, social and cultural rights. They included agrarian reform, labour legislation and trade union rights, rights of the indigenous (indian) and peasant population, economic and agricultural policies, the administration of justice and access to legal services in the rural sector, and social services, in particular health care and education.

2.6.3. In their conclusions and recommendations the participants stated that the failure to promote economic and social rights more successfully in the rural areas was largely due to the repression of civil and political rights and the denial to the rural population of the right to participate in the formulation and application of agricultural and development policies which concern them.

2.6.4. A report of the seminar was published in spanish by Ediciones Internacionales, Bogota, entitled 'Derechos Humanos en las Zonas Rurales', in December 1979 (306 pp.). It included a preface by Dr. Carlos Lleras Restrepo, former President of Colombia, the working papers, a summary of the discussions and the Conclusions and Recommendations.

2.6.5. At the suggestion and request of the participants, the ICJ established an independent Andean Commission of Jurists to further the promotion and protection of human rights in the region. The Executive Secretary is a former staff member of the ICJ, Mr Alberto Donadio. The address of the ACJ is Apartado 16914, Bogota, Colombia.

2.7. Islamic Seminar, 1980

2.7.1. A seminar on 'Human Rights in Islam' was held in Kuwait from 9-15 December 1980, organised and co-sponsored by the ICJ, the University of Kuwait and the Union of Arab Lawyers. The sixty participants, who included leading scholars of the Sharia and Islamic Studies, professors of law, of economics and of social sciences, judges and practicing advocates, writers, and representatives of international organisations, came from the following 26 Islamic countries or countries with a substantial muslim population: Algeria, Afghanistan, Bahrein, Bangladesh, Cameroon, Egypt, India, Indonesia, Irak, Iran, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Morocco, Nigeria, Pakistan, Palestine, Saudi Arabia, Senegal, Somalia, Syria, Tunisia and Turkey. The Deputy Secretary-General and three other representatives of the Islamic Conference Organisation attended, as did the Deputy Director General of the ILO and representatives of the League of Arab States and the U.N. Division of Human Rights.

2.7.2. The keynote address was given by Mr A.K. Brohi, former Minister of Law and Religious Affairs of Pakistan, a Member of the ICJ. His paper was in three parts. The first dealt with the character of Islamic Law in general, its sources and a comparative study of its principles in the context of Judaic and Christian traditions. The second took account of the way in which western scholarship had tended to take a cynical if not totally negative view of the originality of the Qur'an as a revealed word of God, and the authenticity of the traditional literature, the two main sources on which Islam takes its position. The third discussed the concept of justice

in Islam, the value that Qur'an and the traditions of the Prophet of Islam have assigned to it, and the way in which this large and liberal concept of justice imparts to the juristic concepts of human rights their content, meaning and scope, as also their sanctity for the believers.

2.7.3. During the plenary discussion many learned contributions were made as to the nature of Islamic Law and its concept of human rights. Other speakers expressed concern about certain violations of human rights occurring in moslem countries and stressed the need for effective protection of rights within the framework of Islamic Law and Sharia.

2.7.4. The seminar then divided into six committees which discussed the following subjects:

1. Economics of human rights, and economic freedom and taxation in Islam
2. Education: Islamic concepts and modern society
3. Problems of muslims as minorities and muslims in secular states
4. Equality before the law, and treatment of minorities and foreigners in Islamic states, and freedom of opinion, expression and association
5. Judicial safeguards of human rights:
 - security of the person, and rights of defence
 - the role of judges, jurisconsults and lawyers
6. Status of women in Islam

2.7.5. The conclusions and recommendations of these committees contained both a statement of Islamic principles relating to the particular subjects and specific recommendations for their promotion and protection. They were examined closely in the final plenary session and approved subject to amendments.

2.7.6. A report of the seminar in arabic is in preparation and will be published by the University of Kuwait. The International Commission of Jurists intends to publish english and french versions of this report.

3. CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS

3.1. Following a decision of the ICJ Vienna Commission Meeting 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 inform judges and lawyers and their organisations throughout the world of the plight of their colleagues in many countries who are being harassed or persecuted for their professional work in upholding the principles of the Rule of Law, and
- to mobilise these professionals and their organisations, and encourage them to take action in various ways in support of these colleagues.

3.2. Publications of the Centre

3.2.1. The Centre has since February 1978 published 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 articles on the subject. The Bulletin is circulated to lawyers' organisations and individual lawyers throughout the world. The total distribution in all three languages is approximately 2,000 copies.

3.2.2. In May 1979 the Centre published a 65-page report (in 1,400 copies) entitled Persecution of Defence Lawyers in South Korea, following a mission to the country led by Mr Adrian DeWind (see below under 'Missions').

3.3. Interventions and Circular Letters

3.3.1. The Centre also issues circular letters requesting supporting action and makes private interventions with governments relating to particular cases. A summary of these circular letters and interventions will be found in Appendix D.

3.3.2. Forty-six 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 are:

Bar Associations

- American Bar Association
- Law Council of Australia
- Bermuda Bar Association
- Order of Advocates of Brazil, Federal Section
- College of Advocates of Buenos Aires
- Danish Bar Association
- Dominican Republic Bar Association
- Order of Advocates of Geneva
- Ghana Bar Association
- Association of Legal Practitioners of Guyana
- 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
- Norwegian Bar Association
- Order of Advocates of the Court of Paris
- Bar Association of Sri Lanka
- Swedish Bar Association
- Trinidad and Tobago Bar Association

Federations of Bar Associations

- African Bar Association
- International Bar Association
- Union Internationale des Avocats
- Union of Turkish Bars

Other Organisations

- American Association of Jurists
- Association of Arab Jurists
- Belgian League for Human Rights
- Confédération Syndicaliste des Avocats, France
- Institute for Legal Aid, Indonesia
- International Association of Young Lawyers
- International Federation for Human Rights, Paris
- International Federation of Women in Legal Careers
- International League for Human Rights, New York
- Lawyers Committee for Civil Rights Under Law, Washington
- Lawyers Committee for International Human Rights, New York
- National Lawyers Guild, U.S.A.
- Netherlands Association of Jurists
- Netherlands Commission of Jurists for Human Rights
- Pax Romana (International Catholic Lawyers Movement)
- Union for Civil Liberties, Thailand
- Union Syndicaliste des Magistrats, France

3.4. Missions

3.4.1. In January 1978 the first Secretary of the CIJL, Mr John Woodhouse, a New Zealand lawyer, visited seven countries: India, Indonesia, Iran, Malaysia, Pakistan, Singapore and Turkey. He met with distinguished jurists, law teachers, defence lawyers, bar association officials and members of other organisations. Valuable information was gathered regarding the status of the bar and judiciary in certain of these countries. In Indonesia and Pakistan he also collected information about particular cases of lawyers under threat of persecution.

3.4.2. In May 1979, Mr. Adrian DeWind, former President of the Bar of the City of New York, and the Secretary conducted a mission in South Korea investigating harassment of lawyers and other infringements on the rights of the defence. Meetings were had with the Ministers of Justice and of Foreign Affairs, the president of the bar association and various lawyers and members of the political opposition. The mission resulted in the publication of a report of 65 pages, entitled Persecution of Defence Lawyers in South Korea.

3.4.3. On the occasion of the South Korea mission the Secretary undertook visits to Hong Kong, Sri Lanka, Thailand and the United States. The purpose of these visits was to gain information with respect to the status of the bar and judiciary and to gain support from the legal community for the work of the Centre. He met with several eminent lawyers in Thailand, and with members of a human rights group called the Co-ordinating Group for Religion in Society, and addressed the Thailand Law Association Council. In Sri Lanka, in addition to private meetings with lawyers, the Secretary addressed the Sri Lanka Civil Liberties Union, the Sri Lankan Bar Association and a meeting of lawyers and judges at the Sri Lanka Institute. He also met with a number of high ranking members of the government and judiciary for frank discussions regarding recent developments touching the independence of the judiciary. In Hong Kong the Secretary met with both judges and lawyers and received useful information regarding the status of the judiciary and indications on the part of lawyers of willingness to cooperate in future CIJL endeavours.

3.4.4. In the United States the Secretary, together with Mr. DeWind gave

briefings regarding the CIJL South Korean mission to NGO representatives, members of the New York Bar Association and members of the diplomatic community. He also met with members of the relevant ABA committees to discuss ABA cooperation with the Centre and with staff of the Library of Congress to discuss services available regarding documentation of foreign and international law.

3.4.5. In February 1980, Mr Woodhouse returned to New Zealand and Mr Daniel O'Donnell, a United States Lawyer, was appointed to succeed him.

3.4.6. In July 1980, the CIJL Secretary visited Pakistan to attend hearings in the trial of former Attorney-General Yahya Bakhtiar. During this mission he met members of the High Court of Baluchistan, a member of the Supreme Court and various members of the bar, and collected documentation regarding the position of the judiciary in Pakistan. An article commenting upon the Bakhtiar case and certain developments which undermine the authority and independence of the judiciary appears in Bulletin No. 6.

3.4.7. The Centre also has contributed to a report by the United Nations on the Independence of Judges and Lawyers and to a United Nations seminar on National and Local Institutions for the Promotion and Protection of Human Rights.

3.4.8. In May 1980 the CIJL Secretary attended the Constitutive Congress of the Inter-African Union of Lawyers in Dakar, participating in the Commission on the Legal Profession.

3.4.9. The CIJL Secretary also participated in May 1980 in a colloquium on Human Rights and African Political Systems, and gave a speech about international mechanisms for the protection of human rights. He also met government officials, judges and legal practitioners from Cape Verde, Mali, Mozambique, Niger, Senegal, Tunisia and other countries to discuss the independence of judges and lawyers and the work of the Centre.

3.4.10. In June 1980, the CIJL Secretary attended the Fourteenth Congress of the Union of Arab Lawyers, dedicated to the theme of the independence of the legal profession. During the Congress he met a number of lawyers and bar association officials, gathering information about the position of lawyers in various countries in North Africa and the Middle East.

3.4.11. In January 1981, the Centre sponsored, together with the Group of Argentine Advocates Exiled in France, the International Commission of Jurists, the International Movement of Catholic Jurists, the Union Internationale des Avocats, the International Federation for Human Rights and the International Association of Democratic Lawyers, a colloquium in Paris on "The Policy of Involuntary Disappearances".

3.4.12. In February 1981, together with the International Secretariat of Jurists for an Amnesty in Uruguay, the International Commission of Jurists, the International Federation for Human Rights and the International Association of Democratic Lawyers, the Centre sponsored a colloquium in Geneva on "The Policy of Institutionalisation of the State of Exception in Uruguay. The Secretary of the Centre spoke on the efforts of the institutionalisation of states of emergency on lawyers and judges.

3.5. Conferences and Other Activities

3.5.1. In May 1979 the Centre sponsored, together with the International Commission of Jurists, the Mouvement International de Juristes Catholiques, the International Association of Democratic Lawyers and the Fédération Internationale des Droits de l'Homme, a colloquium in Paris on 'National Security and the Rights of the Defence - the Argentine Case'. A speech was made by the CIJL representative concerning the repression of judges and lawyers in that country and describing CIJL actions on their behalf.

3.5.2. The Centre participated in the preparation of two ICJ regional conferences, the September 1978 Dakar Conference on 'Development and Human Rights' and the September 1979 Bogota Conference on 'Human Rights in the Rural Areas of the Andes Region'. As a result the relationship between an independent judiciary and bar and the effective protection of human rights was discussed and figures in the conclusions of both conferences.

3.6. Funding

The work of the Centre has been made possible by generous grants from the Rockefeller Brothers Funds. In response to the work of the Centre, grants have also been received from the Ford Foundation (for the publications

program) and from the following lawyers' organisations:

Association of Arab Jurists
Danish Bar Association
Netherlands Bar Association
Netherlands Association of Jurists
Norwegian Bar Association
Swedish Bar Association.

4. DRAFT OPTIONAL PROTOCOL TO THE U.N. DRAFT CONVENTION ON TORTURE

4.1. The Proposal

4.1.1. In June 1978 the International Commission of Jurists, with the assistance of some leading Swiss international lawyers, prepared a Draft Optional Protocol to the Draft Convention on Torture submitted by the Swedish government to the U.N. Commission on Human Rights. The Protocol derives from proposals first put forward by a Swiss lawyer, Monsieur Jean-Jacques Gautier, and is based on the experience of the International Committee of the Red Cross in visiting persons detained in prisons.

4.1.2. The protocol proposes 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.

4.1.3. The sponsors believe that this proposal offers 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 are 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.

4.1.4. The arguments in favour of this mode of implementation are more fully deployed in an article in ICJ Review No. 22 at p. 31 entitled 'How to Enforce the Torture Convention', and in a 60-page booklet available from the ICJ (in english, french and spanish) at Swiss Francs 4.00 plus postage, entitled 'How to Make the Torture Convention Effective'.

4.2. Approaches to Governments and their Reactions

4.2.1. On 6 March 1980, the government of Costa Rica submitted officially to the U.N. Commission on Human Rights the text of the Draft Optional Protocol prepared by the International Commission of Jurists and the Swiss Committee against Torture. It has been distributed to all member states of the U.N. under Document No. E/CN.4/1409.

4.2.2. The ICJ submitted its proposal to a number of governments inviting them to join Costa Rica in sponsoring the Draft Optional Protocol in the U.N. Commission on Human Rights. Three governments, those of Barbados, Nicaragua and Panama have already agreed to do so. The governments of Austria and Senegal have agreed to support it if there appears to be a majority in favour of it.

4.2.3. Several governments have shown in varying degrees approval or interest in the proposal. Among them are those of Australia, Colombia, Canada, the Federal Republic of Germany, Netherlands, Sweden, the United States and Venezuela. The attitude of the Swedish government is of particular interest, as the Swedish government prepared and proposed the Draft Convention now under consideration by the U.N. Commission on Human Rights.

4.2.4. In a letter of 25 February 1979, the Swedish Minister of Foreign Affairs, Mr Hans Blix, wrote "The ideas reflected in this draft protocol are themselves attractive and would certainly be acceptable to Sweden", but added that "it might be preferable first to complete the work on the

convention and once it has been adopted to try to gain support for a protocol of the kind envisaged by you". A similar concern has been expressed by some other governments. Deputy Assistant Secretary George Dalley of the United States Department of State wrote on 15 March 1979 "While the preventive approach of the draft Optional Protocol has obvious merit and we view it positively, ... the United States believes it would be most constructive to press for completion of the Convention first and then consider the Optional Protocol issue at a later date".

4.2.5. The ICJ for its part has no wish to delay completion of the consideration of the Draft Convention, and would be content to have consideration of the Draft Optional Protocol deferred until after the drafting of the Convention has been completed, if the Commission on Human Rights prefers to adopt that course.

4.3. 6th U.N. Congress on Crime Prevention and Treatment of Offenders

4.3.1. At the 6th U.N. Congress on the Prevention of Crime and the Treatment of Offenders held in Caracas, Venezuela, from 25 August to 5 September 1980, the ICJ was represented by a delegation comprising the Secretary-General, Mr Jean-Jacques Gautier of Switzerland and Mr Alberto Donadio, Executive Secretary of the Andean Commission of Jurists.

4.3.2. The main objective of the delegation was to promote a resolution on the prevention of torture. To this end an NGO meeting was organised by the ICJ on the third day of the conference on this subject, co-sponsored by Amnesty International, the International Association of Penal Law, the Union of Arab Jurists and the World Council of Churches (Commission of the Churches on International Affairs). The meeting which was chaired by Professor Heleno Claudio Fragoso, of Brazil, was well attended by representatives of governmental as well as non-governmental delegates. The Secretary-General of the ICJ, in addressing the meeting on the Draft Optional Protocol to the Draft Convention against Torture, answered some of the questions which had been raised. The text of his address was published as an Appendix to ICJ Newsletter No. 6.

4.3.3. The ICJ, together with the delegates of the Association of African Lawyers (Maître Seck) and the Union of Arab Lawyers (Maître Youssoufi) promoted a resolution requesting the U.N. General Assembly to take action in

relation to a number of documents relating to the prevention of torture, including a recommendation to the Commission on Human Rights to examine the Draft Optional Protocol after it has transmitted to ECOSOC its Draft Convention against Torture. The government of Costa Rica, which has formally submitted the Draft Optional Protocol to the Commission on Human Rights, agreed to sponsor the draft resolution. Eleven other countries agreed to cosponsor, namely Barbados, Ecuador, Gabon, Ghana, Malta, Netherlands, Norway, Panama, Spain, Sri Lanka and Venezuela.

4.3.4. Questions were raised by a number of eastern european and other delegations as to the reference to the Draft Optional Protocol, on the ground that they had not yet had an opportunity to examine it in detail. On the initiative of the United Kingdom delegation a compromise formula was agreed which requested the Commission on Human Rights to "examine all the proposals that would ensure the effective application of the convention against torture". A similar formula was adopted at the General Assembly in November 1980.

4.4. Council of Europe

4.4.1. In January 1980 a proposal for a Recommendation concerning the Draft International Convention against Torture was tabled by Mr Schürch (Switzerland) and several other members of the Parliamentary Assembly. The Recommendation as adopted by the Assembly on 26 January invited "the governments of member states of the Council of Europe represented on the U.N. Commission on Human Rights to do their utmost to ensure that the Commission gives detailed consideration to the draft Optional Protocol as soon as the text of the draft convention has been submitted to the Economic and Social Council of the United Nations, with a view to strengthening the implementation of the convention."

4.4.2. To assist the passage of this Recommendation the Secretary-General of the ICJ, on 29 September 1980, submitted to the Committee on Legal Questions of the Parliamentary Assembly a memorandum answering objections to the Draft Optional Protocol.

4.4.3. On 16 December 1980, the ICJ Executive Secretary attended by invitation a meeting of governmental experts to exchange views on matters relating to the Draft Convention against Torture, organised by the Council of Europe.

4.5. Publication

The text of the Draft Optional Protocol was published in ICJ Newsletter No. 1 in July 1979, and ICJ Review No. 22 of December 1979 contained an article on it by the Secretary-General. Together with the Swiss Committee Against Torture, a 60-page booklet entitled 'Torture: How to Make the International Convention Effective' was published in 1979, and a revised edition in July 1980 in english, french and spanish. It contains the text of the Protocol, articles by Niall MacDermot, Eric Martin, Jean-Jacques Gautier and François de Vargas. There are also 16 comments by distinguished individuals.

4.6. Supporting Non-Governmental Organisations and Individuals

4.6.1. Considerable interest in the proposal has been shown by non-governmental organisations. Mention may be made in particular of the following:

The International Committee of the Red Cross. On 22 February 1979, Mr R.-J. Wilhelm, Directeur adjoint du Département de la Doctrine et du Droit, wrote as follows to the Secretary-General of the ICJ: "Le CICR salue favorablement tous les projets qui sont de nature à renforcer la protection des victimes potentielles de la torture ... Le projet de Protocol facultatif ... peut constituer, à notre avis, un pas en avant dans la lutte pour une meilleure protection des personnes détenues." (The ICRC looks with favour upon all proposals which are likely to strengthen the protection of potential victims of torture ... The Draft Optional Protocol ... can, in our view, constitute a step forward in the struggle for the better protection of persons in detention.)

The World Council of Churches. In December 1978 the Commission of the Churches on International Affairs of the World Council of Churches published a 52-page background paper on 'The Need for an International Convention against Torture' prepared by the Executive Secretary of the ICJ. It discusses the Swedish Draft Convention and the ICJ Draft Optional Protocol and contains the text of both drafts. A spanish version was published in March 1979. At a meeting in Jamaica in January 1979 the Central Committee of the World Council of Churches noted with appreciation the information contained in the Background Paper and commended it to the churches for study and action.

Amnesty International. On 14 March 1979, the Secretary-General of Amnesty International wrote: "Amnesty International considers that it is essential for any Convention on Torture to have a strong implementation mechanism. The system of routine inspection of all places of detention proposed in the Draft Optional Protocol clearly would constitute a most effective means of inhibiting the practice of torture. Accordingly, Amnesty International welcomes the initiative of the International Commission of Jurists and the Swiss Committee against Torture introducing their draft."

4.6.2. The list of international non-governmental organisations who support the Optional Protocol is now as follows:

Amnesty International, London
Association of Arab Jurists, Baghdad
Christian Action for the Abolition of Torture, Paris
Commission of the Churches on International Affairs
(World Council of Churches), Geneva
International Association of Penal Law, Siracusa
International Federation of Human Rights, Paris
International Federation of Women in Legal Careers, Paris
International Institute of Humanitarian Law, San Remo
International League for Human Rights, New York
Marangopoulos Foundation for Human Rights, Athens
Pax Christi International, Antwerp
Pax Romana, Geneva
Quakers United Nations Office, New York, and
Quaker Peace and Service, London
Union of Arab Lawyers

4.6.3. In addition to these and other organisations, a number of prominent individuals have expressed support for the proposal contained in the Draft Optional Protocol. Among them are:

Cardinal Paulo E. Arns, Archbishop of Sao Paulo, Brazil
Mr Pierre Blanchard, Director General of the International Labour Office
Mr Rafael Caldera, former President of the Republic of Venezuela,
President of the Council of the Inter-Parliamentary Union, Geneva
Mr Hans Haug, President of the Swiss Red Cross
Professor Jeanne Hersch, of Geneva, former Member of the Executive
Council of UNESCO
Mr Werner Kaegi, Professor of Constitutional Law, Zürich

Mr Felix Marti Ambel, President of Pax Romana, Madrid
Mr Kéba M'Baye, President, Supreme Court of Senegal; former President
of U.N. Commission on Human Rights
Mr Pierre Mendès France, former Prime Minister of France
Mr Philip Potter, Secretary-General of the World Council of Churches
Mr Joaquim Ruiz-Gimenez, Director of Department of Philosophy and Law,
Madrid
Mr Marc Schreiber, former Director, U.N. Division on Human Rights (+)
Mr Willy Spuehler, former President of Switzerland
Mr Denis Szabo, President, International Society of Criminology
Mr F.T. Wahlen, former President of Swiss Confederation

4.7. Conferences and Seminars on Torture

4.7.1. The Secretary-General was invited to speak at the inaugural ceremony on 5 April 1979 of the Foundation for Human Rights in Athens. Following the opening, a seminar was held on 5 and 6 April at the University of Political Sciences on the Draft International Convention against Torture. Dr. Hans Danelius, Deputy Under-Secretary and Legal Adviser at the Swedish Ministry of Foreign Affairs, expounded the Swedish Draft Convention, and the Secretary-General presented a paper on the ICJ Draft Optional Protocol. Both were considered and discussed by the seminar, and at the conclusion a resolution was adopted unanimously recommending the Greek Government to support both the Draft Convention and the Draft Optional Protocol.

4.7.2. The Secretary-General attended an international symposium organised by the Swiss section of Amnesty International on the medical and legal aspects of torture. The symposium took place on 9 June 1979 at the Cantonal Hospital in Geneva. The Secretary-General of the ICJ opened the discussion on the legal aspects and outlined the ICJ Draft Optional Protocol to the Torture Convention.

4.7.3. The Secretary-General also presented the proposal to a meeting of the International Academy of Legal Medicine and Social Medicine in Lyon on 30 August 1979.

4.7.4. Ms Marion Raoul (France), a legal assistant at the Secretariat of the ICJ, presented the proposal to a Round Table on Current Problems of International Humanitarian Law organised at San Remo, Italy, by the Inter-

national Institute of Humanitarian Law on 9 September 1979. At the conclusion of the meeting the Council of the Institute adopted a resolution recommending support for the proposal.

4.7.5. At a meeting of the NGOs in consultative status with the Council of Europe, held in Strasbourg on 31 January 1980, the Executive Secretary of the ICJ explained the draft Optional Protocol to other NGOs and asked them to urge their governments to take a positive attitude towards it.

4.7.6. At a human rights conference for Catholic organisations, organised by Pax Romana in Geneva from 19-21 March 1980, Mr Jean-Jacques Gautier of the Swiss Committee against Torture gave an address about the Optional Protocol.

4.7.7. At a meeting in March 1980, the Ministers of Justice and Police of all the Swiss cantons, after careful consideration of a report prepared by one of them, recommended to the Federal Minister of Justice and Police that the Swiss government should adopt the Draft Optional Protocol.

4.7.8. From 10-13 September 1980, the International Institute of Humanitarian Law in San Remo organised on the occasion of its tenth anniversary a congress entitled 'International Solidarity and Humanitarian Action'. The Secretary-General of the ICJ made a written intervention on the item International Solidarity and the Protection of Detainees in which he drew attention to the Draft Optional Protocol. Mr François de Vargas attended on behalf of the Swiss Committee against Torture and made an oral intervention supporting the Protocol.

4.7.9. A "Declaration on Torture" was adopted on 10 December 1980 at an oecumenical service in Westminster Abbey in London. It urges the Christian community to campaign for the abolition of torture and "urges Her Majesty's Government and the Irish Government and the member states of the United Nations to conclude and ratify the Convention against Torture and the Optional Protocol associated with it".

5. THE RIGHTS OF MENTAL PATIENTS

5.1. At the end of May 1980, a Committee of Experts was convened by the International Institute of Higher Studies in Criminal Sciences to meet at

its premises in Siracusa, Sicily, in order to consider a Draft Body of Principles for the Protection of Persons Suffering from Mental Disorder. The Draft had been prepared by the staff of the ICJ in consultation with a large number of experts. The Secretary-General and a legal officer of the ICJ, Ms Irene Khan, were appointed Chairman and Secretary respectively of the Committee. During the discussion in Siracusa the Draft was substantially amended.

5.2. The document as approved by the Committee of Experts does not cover all aspects of the protection of persons suffering from mental disorder, but deals in particular with the following issues: the importance of providing better and more accessible forms of care and treatment within the community so that hospitalisation is used only when it is absolutely necessary in the patient's own interests and not as a means of solving social problems arising from the patient's illness; general principles on the rights of patients, elaborating the basic premise that patients suffering from mental disorder have the same fundamental rights as their fellow citizens including the right to enjoy a life as normal as possible; grounds on which persons suffering from mental disorder may be admitted to hospital, procedures for admission and for independent and periodic review of cases; principles governing the care and treatment of patients in hospital; the need for providing an independent person (called a "patient's representative" in the Draft Body of Principles) who can closely follow the case of a patient and represent his interests.

5.3. The Draft Body of Principles was submitted to the U.N. Sub-Commission for the Prevention of Discrimination and the Protection of Minorities in August 1980 in the name of the International Association of Democratic Lawyers and the International Commission of Jurists (U.N. Document No. E/CN.4/Sub.2/NGO/81 of 13 August 1980). The Executive Secretary of the ICJ was requested by the Sub-Commission to introduce the document. During the debate it was pointed out that the Draft Body of Principles reflected considerable expertise of judicial, legal, psychiatric and social professionals in various parts of the world, and that it could be regarded as an excellent starting point for the Sub-Commission's own work in this field.

5.4. The Sub-Commission adopted, by acclamation, a resolution entrusting to Mrs Erica-Irene Daes (Greece) the task of studying available documents and the replies of governments and specialised agencies to a questionnaire to be

sent by the Secretary-General, with a view to elaborating and submitting to the Sub-Commission at its thirty-fourth session: a) guidelines related to procedures for determining whether adequate grounds exist for detaining persons on the grounds of mental ill-health, and b) principles for the protection, in general, of persons suffering from mental disorder. The Sub-Commission also decided to establish at its thirty-fourth session a sessional working group to consider the Draft Body of Guidelines and Principles prepared by the Rapporteur, with a view to adopting it at its thirty-fourth session.

5.5. In November 1980 the International Institute of Higher Studies in Criminal Sciences, Siracusa, convened another, and differently constituted, committee of experts to review the Draft Body of Principles in the light of comments made upon it at the Sub-Commission and by organisations and individuals, including the World Health Organisation and the World Psychiatric Association. The Secretary-General and Ms Khan again acted as Chairman and Secretary respectively. An alternative text was prepared, entitled 'Draft Guidelines for the Protection of Persons Suffering from Mental Disorder'. This document will be submitted to the U.N. Sub-Commission for its meeting in August 1981.

5.6. On 5 December 1980, the Council of World Organisations Interested in the Handicapped, with the support of the U.N. Advisory Committee for the International Year of Disabled Persons (1981), called a meeting in Geneva to discuss coordination of NGO activities during the Year. Ms Chooi Fong, an ICJ legal assistant, informed the meeting of the ICJ's activities in connection with the draft body of principles and draft guidelines for the protection of persons suffering from mental disorder.

6. STATES OF EMERGENCY STUDY

6.1. In 1979 the ICJ began work on a study on two closely related subjects:

- (1) States of Emergency (including states of siege, states of exception, states of internal war, martial law etc.), with particular reference to
 - the doctrine of states of emergency and its consequences;

- the criteria by which states justify declarations of states of emergency;
- the measures taken under such declarations to restrict or suspend constitutional and other protection of human rights;
- the practical consequences of states of emergency; and

(2) Administrative Detention, i.e. detention without trial, usually for prolonged periods, by order of the Executive.

6.2. The Purpose and Nature of the Study

6.2.1. Some 30 states are at present governed under one form or another of states of emergency. Many of these have used states of emergency in recent years to give a show of legality to the removal of virtually all restrictions and limitations imposed upon the governmental system, including the suspension or withdrawal of rights that have been declared non-derogable in international instruments, among them even the right to life itself. Instead of being a temporary measure, states of emergency become the norm with the indefinite suspension of fundamental human rights. In effect, arbitrary government by the executive has been created by the use of states of emergency.

6.2.2. In such circumstances, the potential for abuse is enormous. Among the most common abuses is the widespread use of administrative detention, under which persons are detained for political reasons for prolonged periods without being charged with or tried for any offence, and frequently subjected to torture and other illtreatment, especially when under interrogation by security authorities. Nearly all the most serious violations of human rights in modern times have taken place under states of emergency of one kind or another.

6.2.3. It is thought that the best means of seeking to restrain these abuses is first to awaken international opinion to their existence, and then to persuade international organisations concerned with human rights to adopt international standards containing safeguards against their abuse and to bring pressure on the governments concerned to act in accordance with those standards.

6.2.4. Accordingly, the first task of the study will be to collect reliable

factual information about the use and abuse of states of emergency and systems of administrative detention. Secondly, the study will seek to formulate desirable international standards defining the very limited circumstances in which states of emergency can properly be declared, the safeguards to which they should be made subject, and the legal protections which should be available for the basic non-derogable rights.

6.2.5. Both the information obtained and the proposals formulated will be published and widely circulated to lawyers and lawyers' organisations throughout the world, as well as to U.N. and other inter-governmental human rights bodies.

6.3. Outline of the Study

6.3.1. As remarkable little research has been done into the operation of states of emergency, two questionnaires were prepared by the ICJ and distributed on a world-wide basis in english, french and spanish to governments, non-governmental organisations and individual experts.

6.3.2. On the basis of the replies to these questionnaires and other available information it was decided to concentrate the project particularly upon about 15 countries. These have been selected so as to give a balanced geographical distribution and representative examples of different kinds of states of emergency during the last 20 years.

6.3.3. It was decided to seek the assistance of outside experts to prepare papers of about 20-25 pages to serve as the basis for many of these country studies. Others are being prepared by members of the ICJ staff.

6.3.4. It is hoped to present a preliminary report of this study to the meeting of the U.N. Sub-Commission in 1981, which will be relevant to the Sub-Commission's study on the implications for human rights of recent developments in the application of states of siege or emergency (Resolution 10 (XXX)). The Rapporteur is Madame Nicole Questiaux of France. The ICJ has cooperated with Mme Questiaux and the U.N. Division of Human Rights by supplying information and making suggestions as to the scope of the Study.

7. HUMAN RIGHTS AND FOREIGN POLICY

7.1. Between 1977 and 1980 the connection between human rights and foreign policy, in a bilateral or multilateral context, became increasingly a subject of discussion among human rights organisations, diplomats and development specialists. In several ways the ICJ and its national sections have taken part in this debate.

7.2. On 23 May 1977, the Secretary-General of the ICJ gave a lecture in Amsterdam to the Netherlands Institute of International Affairs on 'The Explosion in Human Rights', being an examination of President Carter's policy. A translation of his address was published in the Netherlands in 'Internationale Spectator', November 1977.

7.3. In ICJ Review No. 18 of June 1977 an article was published by Mr J. Pronk, then Minister of Development Cooperation of the Netherlands, on 'Human Rights and Development Aid'.

7.4. On 24-25 June 1977, the Secretary-General of the ICJ attended a symposium at Oxford on human rights and foreign policy, organised by the Under-Secretary of State for Foreign Affairs, Mr Evan Luard.

7.5. On 1-2 December 1978, the Secretary-General of the ICJ attended a seminar held in the Houses of Parliament, Westminster, on 'The Role of Human Rights in U.S. and U.K. Foreign Policy' organised by the American Association for the ICJ, 'Justice', the British Section of the ICJ, and the U.K. Parliamentary Human Rights Group. The meeting was attended by ministers, senior officials, parliamentarians and other human rights experts from the U.S. and U.K. The contributions and discussions were exceptionally informative and valuable.

7.6. A report of the seminar was published in 1979 by the American Association for the ICJ.

7.7. The Secretary-General of the ICJ attended a meeting at the Aspen Institute in Berlin from 29-30 March 1979 on Human Rights and Foreign Policy.

7.8. The Executive Secretary of the ICJ attended on 8 September 1979 the General Assembly of the Netherlands national section of the ICJ. The two principal subjects of discussion were 'Human Rights and Foreign Policy' and

'Human Rights and Local Authorities'.

7.9. On the occasion of the publication of a White Paper on Foreign Policy and Human Rights by the Dutch government, the Dutch Association for a New International Order organised a one-day discussion on 18 May 1979, in Amsterdam on Human Rights and Foreign Policy. Mr Theo van Boven, Director of the U.N. Division on Human Rights in Geneva and Mr Hans Thoolen, Executive Secretary of the ICJ were the two invited speakers. Mr Thoolen gave a description of how human rights play a role in the foreign policy of some other countries and briefly commented upon the final conclusions of the White Paper.

7.10. The Executive Secretary of the ICJ attended a colloquium organised jointly by the American and German Sections of the ICJ on 16-17 January 1980, and held in the Foreign Office in Bonn. The meeting was attended by parliamentarians, senior officials and human rights experts from the U.S. and the Federal Republic of Germany, including Congressman Bonker, Chairman of the House Sub-Committee on International Organisations and Movements, and Mr W.J. Butler, Chairman of the ICJ Executive Committee.

7.11. The Executive Secretary of the ICJ also attended the subsequent colloquium organised by the American Association for the ICJ and the Nederlands Juristen Comité voor de Mensenrechten, the Netherlands section of the ICJ, on 18-19 January 1980, held in the Peace Palace in The Hague. The meeting was attended by the same U.S. delegation as in Bonn. The Netherlands participants included many senior civil servants and representatives of the major NGOs in the field of human rights.

7.12. Reports on both these seminars, containing the introductory papers and a summary of the discussions, are to be published by the concerned national sections.

8. HUMAN RIGHTS DOCUMENTATION (HURIDOCs)

8.1. Informal consultations among human rights organisations demonstrated clearly the need for improved communications between interested organisations, both governmental and non-governmental.

8.2. An international Working Group was established early in 1979 at a two day seminar in Chaumontel, France. The Executive Secretary of the ICJ, Mr Hans Thoolen, is a member of this Working Group. He has attended most of the meetings of this Group and the connected conferences in London, New York, Oslo, Geneva, Paris (in conjunction with UNESCO), Antwerp, again in London and Geneva, and in Strasbourg (called by the Council of Europe).

8.3. The Working Group has formulated its objectives in a background paper and a widely distributed one-page leaflet, which are available upon request from the secretariat of the Group in english, french or spanish, at HURIDOCs, P.O. Box 206, London, WC2E 7JR, England.

8.4. Several research projects have been undertaken on:

- the quantity, quality and accessibility of existing collections of human rights material in different regions;
- the formulation of an internationally agreed thesaurus of human rights terms;
- the coordination of the publication of human rights syllabuses, manuals, resource guides and directories.

8.5. A large european regional meeting in Strasbourg, held on 2 February 1981, under the auspices of the Council of Europe, endorsed these objectives. Similar regional meetings are planned for 1981 in Washington, the Caribbean and the Middle East.

9. PROTECTION AGAINST TORTURE AND OTHER ILL-TREATMENT

Among other activities directed towards the prevention of torture and other ill-treatment of detained persons were the following:

9.1. On 5-6 May 1977 the Secretary-General attended a symposium on torture held at the Institut Henri-Dunant in Geneva.

9.2. On 3-5 October 1977 the Secretary-General attended a Seminar in Strasbourg on Torture and Human Rights sponsored by the Council of Europe and organised by Amnesty International. He was appointed Chairman of Commission I, concerned with action at the national level.

9.3. On 10-14 October 1977 Mr Hans Thoolen attended the European Regional Preparatory Meeting for the 6th U.N. Congress on the Prevention of Crime and the Treatment of Offenders in Bonn. He successfully proposed that the report should include a recommendation that the issue of torture should be considered under the item of "Crimes of Abuse of Power".

9.4. On 9 November 1977 Dr. Alejandro Artucio attended in Madrid as an Observer a meeting of a newly-created Committee for Prison Reform held at the premises of the Association for Human Rights. Dr. Artucio spoke about the Draft Body of Principles for the Protection of Persons in All Forms of Detention or Imprisonment which is being prepared by the U.N. Sub-Commission. On the same visit he took part in a television discussion on capital punishment.

9.5. On 16-18 December 1977 the Secretary-General presided over a meeting of a Committee of Experts convened by the International Association of Penal Law in Siracusa, Sicily, to draft an International Convention for the Prevention and Suppression of Torture. The text which resulted was submitted to the U.N. Commission on Human Rights, which had been requested by the General Assembly to draft an International Convention on Torture.

9.6. On 29-31 March 1978 Mr Thoolen attended the Vienna Preparatory Colloquium for the XII International Congress of Penal Law. An ICJ paper concerning the use and abuse of preventive detention, and verification by international authorities of the protection of human rights in criminal proceedings was distributed.

9.7. On 28 April 1978 the ICJ acted as convenor of an Informal Liaison Group on Torture. This Group, comprised of representatives of Amnesty International, the International Committee of the Red Cross, the ICJ and the World Council of Churches, meets periodically to review the progress of international efforts to combat torture and to discuss future activities.

9.8. From 22-24 May 1978 the Secretary-General attended a meeting of a drafting committee of the International Association of Penal Law in Siracusa, Sicily. The Committee examined a draft International Criminal Code in preparation by that organisation.

9.9. The Secretary-General and Mr Thoolen addressed a conference of experts convened at the Hochschule in St. Gallen from 29 June to 1 July 1978. The

conference considered various drafts for the proposed U.N. Convention on Torture. The Secretary-General's speech on the Draft Optional Protocol was favourably received.

9.10. Members of the staff of the ICJ attended the annual Round Table meetings of the International Institute of Humanitarian Law in San Remo, Italy, in 1977, 1978 and 1979.

9.11. Ms Marion Raoul, an ICJ legal assistant, was appointed Rapporteur for the session in 1979 on the Draft Convention Against Torture. The Council of the Institute adopted a resolution to be submitted to the U.N. stressing the importance of declaring torture a crime under international law and the necessity of setting up a system of inspections in all places of detention.

9.12. The ICJ published in its Newsletter No. 4 (1980) the final text of the 'Body of Principles for the Procedures for the Re-Unification of Families', adopted by the Council of the San Remo Institute on 27 January 1980.

9.13. In 1980 the Secretary-General sent a written intervention to the San Remo Institute on the item 'International Solidarity and the Protection of Detainees'.

9.14. On 13 August 1979 the Secretary-General gave an Advisory Opinion to the International Council of Scientific Unions. The Council has a procedure for assisting scientists whose scientific freedom is restricted. This assistance is not available in respect of scientists who have been "convicted for serious crimes". The question arose whether conviction of scientists for "anti-state activities", such as supporting a committee for human rights in their country, or being a member of the Communist Party, should be considered as being "convictions for serious crimes". The Secretary-General advised that, in the context of the Statement of Aims and Policies of the ICSU, the Committee concerned should not regard convictions for such offences as serious crimes in cases where the conviction (1) is unjust or arbitrary due to the denial of a fair trial with proper defence rights, or (2) is not one which indicates any unsuitability to continue as a serious active scientist, or (3) is in respect of an act or activity which would not be regarded as criminal in other states, or (4) is in respect of an act or activity which was in the proper exercise of a right proclaimed in the International Covenant on Civil and Political Rights and was committed in a

Member State of that Covenant, or (5) is in respect of an act or activity which was in the proper exercise of a right proclaimed in the Universal Declaration of Human Rights.

10. INTERNATIONAL MEDICAL COMMISSION

10.1. On 16 and 17 September 1980, 20 individuals from the medical professions and human rights organisations met in the Henri-Dunant Institute in Geneva to discuss the initiation of a new international human rights organisation under the title International Medical Commission, for health and human rights. The Secretary-General and the Executive Secretary attended the meeting.

10.2. The participants agreed to set up a committee to prepare for the inaugural conference of an International Medical Commission for health and human rights. The International Medical Commission is to be structured along the lines of the International Commission of Jurists and be broadly representative of all geographical regions, political ideologies, professional experience and ethnic origins. Commission members will be chosen as individuals for their outstanding personal qualities and achievements in the field of health and human rights.

10.3. The chairman of the preparatory committee is Dr. Arnt Meyer-Lie of Romstadsvägen 14, S-65342 Karlstad (Sweden). Mr Hans Thoolen, the Executive Secretary of the ICJ, is a member of the committee. The committee is based in Geneva. The functions of the preparatory committee are to prepare the initial documentation, to organise the inaugural conference and to raise funds.

Part II

STUDIES, MISSIONS AND OTHER ACTIVITIES CONCERNING CURRENT HUMAN RIGHTS SITUATIONS

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11. SPECIAL REPORTS

11.1. Uganda

11.1.1. As reported in detail in the report on ICJ activities, 1971-1976, the ICJ started in 1971 to submit reports to the U.N. Commission on Human Rights on violations of human rights in Uganda.

11.1.2. Uganda and Human Rights, a 170-page report containing the five communications submitted to the U.N. between 1974 and 1976 was published on 18 May 1977.

11.1.3. This report received world-wide publicity. Its impact was particularly marked in the United Kingdom, appearing as it did shortly before the meeting of the Prime Ministers of the Commonwealth in London. Copies were sent to all the Prime Ministers, and it is understood that the report played a significant part in persuading them to pass the resolution condemning violations of human rights in Uganda.

11.1.4. At its 34th session in 1978 the Commission on Human Rights finally decided to take action concerning Uganda under its confidential procedure. A special representative was appointed to investigate the situation in Uganda. He made an inconclusive visit to Kampala.

11.1.5. In 1979 the regime of Idi Amin was overthrown by Tanzanian troops and the Ugandan people. President Godfrey Binaisa, in addressing the U.N. General Assembly, thanked the ICJ and other international non-governmental organisations for their activities on behalf of the Ugandan people, and contrasted it with the inaction of the United Nations.

11.2. Philippines

11.2.1. In September 1972 President Marcos proclaimed martial law in the Philippines. In 1975 Mr William J. Butler, a New York attorney, undertook a mission to the Philippines. In the same year Mr G.E. Bisson, Chairman of the New Zealand section of the ICJ, also went to the Philippines. A third mission was undertaken in February 1977 by Mr Butler and Professor John Humphrey, a Commission Member of the ICJ and former Director of the U.N. Human Rights Division. An 80-page report resulting from these three missions was published under the title The Decline of Democracy in the Philippines on 3 August 1977.

11.2.2. Among the conclusions reached were that

- the declaration of martial law in September 1972 was a proper exercise of the presidential power in the circumstances existing at the time;
- there was no convincing evidence that the continuation of martial law, with the almost total suspension of civil and political liberties, was still justified 4 1/2 years after its introduction;
- the authors were forced to the conclusion that martial law was being continued in order to perpetuate the personal power of the President and his collaborators and to increase the power of the armed forces;
- the referenda approving the continuation of martial law, and the constitutional changes giving President Marcos power to suspend the legislature and rule indefinitely by decree, could not, in the circumstances in which they were held, be regarded as true expressions of the will of the people;
- among the basic rights denied to the Philippines people were the right freely to elect their government, freedom of speech and of the press, the effective right to habeas corpus and the right to strike; freedom of movement had been severely limited and hundreds of detainees had been held without trial for up to 5 years although there was no legislation authorising detention without trial;
- the independence of the judiciary had been severely undermined;
- although the government had taken some steps to prevent torture and its incidence had been reduced compared with the first two years of martial law, serious cases were still occurring due to inadequate control over

the methods used by certain interrogators, particularly in the "safe-houses" in Manila.

11.2.3. The report received widespread publicity and provoked a reply from the Philippine government.

11.2.4. In November 1977 Mr George Davis, a United States attorney, went as an ICJ observer to Manila to attend the hearing before the Supreme Court of Senator Aquino's appeal against his death sentence imposed by a military tribunal.

11.2.5. On 17 January 1981 President Marcos eventually decided to lift martial law, but after introducing a new constitution which left him with many of the powers he had previously enjoyed under martial law.

11.3. Iran

11.3.1. In 1976 the ICJ published an 80-page study on "Human Rights and the Legal System in Iran" containing a report on human rights in Iran by William J. Butler, Chairman of the Executive Committee of the ICJ, and another on the legal system by Professor Georges Levasseur of the University of Paris 11. The study received widespread publicity.

11.3.2. In an attempt to mollify international opinion the Shah of Iran invited the International Committee of the Red Cross, Amnesty International and the International Commission of Jurists to discuss with him human rights in Iran. In May 1977 and 1978 Mr Butler had meetings with the Shah in which, on the basis of memoranda prepared by the ICJ Secretariat, he recommended amendments to the military justice system and the penal code. These discussions were followed up by more detailed memoranda.

11.3.3. On 26 October 1977 Mr William J. Butler testified on the developments in Iran before the Sub-Committee on International Organisations of the U.S. House of Representatives.

11.3.4. Contact was established with the newly formed Association of Iranian Jurists, which appealed to the ICJ on 27 December 1978 to carry out an investigation into alleged atrocities by the military authorities in Iran. On receiving the cable eight days later, the ICJ issued a press

release describing the appeal and explaining that it was not practicable in the circumstances prevailing to comply with the request.

11.3.5. On 26 February 1979, after the overthrow of the Shah, the ICJ issued a press release in which it published its message to the then Prime Minister, Mr Bazargan, welcoming the dissolution of the Savak and the release of political prisoners, and urging that the principles of the Rule of Law be restored in dealing with offenders of the previous regime. On 12 March, however, as a result of the information received, the ICJ issued a further press release severely criticising the procedure before the newly created Islamic Tribunals and the conditions of detention. On 10 April 1979 the ICJ expressed again its concern in a further press release about the summary trials and executions which continued in spite of international protests.

11.3.6. On 14 August 1979, another press release was issued expressing concern about the new Iranian press code, which led to a correspondence with the Ministry of National Guidance.

11.3.7. In August 1979 the ICJ appealed to Prime Minister Bazargan and the Minister of Foreign Affairs to withdraw the criminal proceedings brought against Mr Matine-Daftary, a prominent Iranian lawyer and leading member of the Association of Iranian Jurists. The CIJL Bulletin No. 4 (October 1979) published a detailed account of the events concerning Mr Matine-Daftary, and the CIJL sent a circular letter to lawyers' organisations around the world inviting them to intervene on his behalf.

11.3.8. On 21 November 1979 the ICJ issued a press release condemning the taking of hostages in the U.S. mission in Iran as "the clearest possible violation of the principles of international law" and called for their release. When in February 1980 the Secretary-General of the United Nations formed a fact-finding mission to Iran "to hear Iran's grievances and to allow for an early solution of the crisis between Iran and the United States", the Secretary-General of the ICJ and Mr Butler, the Chairman of the ICJ Executive Committee, each appeared before this group in Geneva to give information. They urged the group to insist upon the liberation of the hostages before publishing their findings on the situation of human rights under the Shah. The ICJ Secretariat provided the group, at their request, with extensive documentation concerning the human rights situation in Iran under the previous regime and since the Shah's overthrow.

11.3.9. Members of the staff gave several interviews and background information to journalists concerning the case of the U.S. hostages before the International Court of Justice in The Hague.

11.3.10. In ICJ Review No. 24 of June 1980 the ICJ published a summary of the new Islamic Constitution of Iran and commented on some aspects, including the question of the religious minorities such as the Ba'hai, on whose behalf the ICJ had intervened already in June 1979. In ICJ Review No. 25 (December 1980) an article was published on the Rules of Procedures before Islamic Revolutionary Tribunals, which had been approved by the Council of the Revolution in June 1979. Although some important safeguards had been included, the article pointed out that there were still certain omissions which constituted violations of Iran's obligations under the International Covenant on Civil and Political Rights.

11.4. El Salvador

11.4.1. In September 1978 the ICJ published in english and spanish a report by Mr Donald T. Fox, a Board Member of the American Association for the ICJ, upon his observer mission to El Salvador in July 1978 to study the application of the November 1977 "Law of Defence and Guarantee of Public Order". His main recommendation was that the Law should be repealed, and this was done a few months later.

11.4.2. CIJL Bulletin No. 3 (February 1979) summarised his findings concerning the threatened independence of the judiciary in El Salvador.

11.4.3. Articles in ICJ Review Nos. 20 (June 1978) and 23 (December 1979) and the submission of information to the U.N. and other international organisations were part of the ICJ's attempts to focus international attention on the situation in this country. In 1981 the U.N. Commission on Human Rights decided to nominate a special rapporteur to study the situation in El Salvador.

11.5. Guatemala

11.5.1. In June 1979 Mr Donald Fox undertook a mission to Guatemala. On 13 September the ICJ published his report in english and spanish.

11.5.2. The main body of the report, dealing with the situation in Guatemala, gave a detailed account of the prevailing violence by right and left wing forces, with newspaper reports of at least 1,300 political assassinations between July 1978 and June 1979 and numerous cases of torture and 'disappearances' which appeared to be politically motivated. By far the greater part of these were the result of the repression by military and clandestine para-military forces acting in the "narrowly-perceived economic interests" of the dominant propertied groups. Many victims of the repression had fled or been forced into exile.

11.5.3. After recognising Guatemala's potential for achieving a truly democratic and just society, Mr Fox commented that, while there was no evidence that revolution would be imported into Guatemala from the neighbouring countries of El Salvador and Nicaragua, "there is substantial evidence that a pre-revolutionary situation may be developing", derived in part "from a growing perception that power has led to corruption in the government, venality in the armed forces, and overreaching greed on the part of the dominant economic class".

11.5.4. The publication was widely reported in the international press.

11.6. Equatorial Guinea

11.6.1. In ICJ Review Nos 13 (December 1974) and 21 (December 1978), the appalling human rights situation in this small spanish-speaking West African country was described.

11.6.2. This situation had been referred to the U.N. Commission on Human Rights under its confidential procedure in a detailed communication prepared with assistance from the ICJ. In the absence of any acceptable replies from the government concerned, the Commission on Human Rights took the unprecedented step in 1979 of declaring that the situation would be dealt with under its public procedures. A special rapporteur was appointed, but before he made his visit to the country, the dictator Macias was overthrown.

11.6.3. He was put on trial for offences he had committed under the dictatorship ranging from genocide, treason and murder to massive corruption. His trial before a special tribunal took place in September 1979. The ICJ was invited by the new government to send an observer. An aeroplane

was hired to fly out at short notice Dr. Alejandro Artucio, legal officer of the ICJ. His report was published in english and spanish on 3 December 1979. Macias and six of his accomplices were sentenced to death and executed within hours of the decision.

11.6.4. Among other conclusions, Dr. Artucio noted that while the trial "could not be said to comply with internationally established norms, it was as fair and equitable a trial as could be expected in the exceptional circumstances in which it took place". The report adds that the very convening of a trial open to the scrutiny of international opinion, as well as the fact that a dictator was brought to trial for his responsibilities during 11 years of systematic violations of human rights, should be commended.

11.6.5. The report contains a brief description of the country's history, the political repression under Macias and the disastrous effects of his regime on the economic and social conditions of the country. In examining the legal aspects of the trial, the report makes a number of criticisms, such as errors in the legal designation of certain crimes - genocide and treason were cases in point - , the fact that only a few of those responsible were tried, the absence of any opportunity to appeal against the sentence or to petition for clemency, and the very constitution of the Military Tribunal. On the other hand, the defendants were given ample opportunity to answer the charges and the defence lawyers were not restricted in any way.

11.6.6. In the view of the observer most of the charges were fully proved, and "the defendants would have been convicted in any country of the world and under any legal system".

11.7. The Occupied West Bank of the Jordan

11.7.1. In ICJ Review No. 19 of December 1977 a commentary was published examining and rejecting the Israeli legal arguments in support of the policy of settlements in the occupied territories.

11.7.2. In December 1979 and again in July 1980, Professor A.R. Werner, a former professor of international law at the University of Geneva, went to Jerusalem to attend hearings relating to the deportation of Palestinian leaders.

11.7.3. On 19-23 January 1980 the Secretary-General of the ICJ visited Jerusalem, and the occupied territories on the West Bank and in the Gaza strip. He met members of the ICJ affiliated organisation in the occupied territories, Law in the Service of Man, as well as a number of other Palestinian lawyers, mayors, judges and other personalities. He was received by the Israeli Prime Minister, Mr Begin, and met the Minister of Justice, the Attorney-General, the Secretary-General of the Foreign Ministry and members of the Supreme Court. He gave an address on human rights to a meeting in Jerusalem organised jointly by the Israeli section of the ICJ and the Israeli Association for Human Rights. The meeting was presided over by Judge Haim Cohn, Justice of the Supreme Court and a Commission Member of the ICJ.

11.7.4. In November 1979 and November 1980 the Secretary-General of the ICJ was invited to speak at the U.N. in Geneva at a meeting on the occasion of the International Day of Solidarity with the Palestinian People.

11.7.5. On 2 October 1980, The West Bank and the Rule of Law, a study by members of 'Law in the Service of Man' was published jointly by the ICJ and LSM. It is the first survey and analysis to have been made of the changes in the law and legal system introduced by Israeli military orders during the 13-year occupation. It is a task which could be undertaken only by West Bank lawyers as the military orders are not available to the general public and are not to be found in libraries.

11.7.6. As an occupying power, the Israeli military authorities are entitled under international law to make only such changes in the law and administration as are necessary for the security of their forces. The authors of this study argue that the military government has extended its legislation and administration far beyond that of an occupying power, concerned only with the security of its forces, and has exercised powers akin to those of a sovereign government, thus ensuring for the state of Israel many of the benefits of an annexation of the territory. In spite of some progressive reforms, including abolition of the death penalty, the effect, and by inference the purpose, of much of this legislation is to subordinate the economy of the West Bank to the interests of the state of Israel, rather than to promote the interests of the population or the security of Israeli forces.

11.7.7. The publication received publicity in Israel and many parts of the world. It was distributed to the U.N. General Assembly by the Special Committee on the Occupied Territories together with its report. It is understood that an Israeli reply is in preparation.

11.8. Nicaragua

11.8.1. During the period of the Somoza regime, the ICJ followed closely the violations of human rights occurring in Nicaragua. It was, however, handicapped by the fact that permission could not be obtained to send a mission to the country to study the situation on the spot. A request made in January 1977 to President Somoza remained unanswered.

11.8.2. On 16 July 1979, on the eve of the final collapse of the Somoza regime, the ICJ issued a press release appealing to all governments, especially those of Latin America, to do all they could to ensure a peaceful transfer of power in Nicaragua, respecting all the rights guaranteed under international law. Attention was drawn in particular to the resolution of the Organisation of American States of 23 June 1979, calling for the respect of human rights of all Nicaraguans without exception, to Article 4 of the U.N. Covenant on Civil and Political Rights, which states that even in time of public emergency the right to life may not be derogated from, and to common Article 3 of the Geneva Conventions of 1949, which outlaws summary trials and executions in situations of internal armed conflict. The ICJ also appealed to both parties in the conflict to give the International Committee of the Red Cross all adequate facilities to bring assistance to the categories protected by Article 3 of the Geneva Conventions: the wounded, the captured combattants and all civilians.

11.8.3. At the beginning of 1980 the ICJ approached the Junta of the National Reconstruction Government to see if it could send a mission to the country with the dual purpose of studying the human rights violations under the former regime and the present situation. The Minister of the Exterior replied with a warm invitation and accordingly a mission visited the country from 9-23 April 1980. It was led by Professor Heleno Claudio Fragoso, a Commission Member of the ICJ, assisted by Dr. Alejandro Artucio of the ICJ Secretariat.

11.8.4. The mission was given every facility to meet with those they wished

to see and to travel to any part of the country. They were provided with copies of relevant legislation and had access to relevant government documents, including the files of cases against members of the former regime. Their report was published in english and spanish on 5 September 1980 under the title Human Rights in Nicaragua, Yesterday and Today.

11.8.5. In its conclusions and recommendations, the mission commented favourably on many of the positive developments in the field of human rights, but urged the government to engage in renewed efforts to resolve the problem of the detained "somocistas". To assist it in this task the mission submitted to the government a special report on this subject.

11.8.6. The mission also recommended the early release of those against whom there was no evidence and the conditional or unconditional release of those who had only a secondary or minor involvement in the crimes of the previous regime. It urged the government to integrate as soon as possible the Special Tribunals into the ordinary judicial system.

11.8.7. Subsequent events have shown that the government has given effect to a number of the recommendations made by the mission. It has released approximately 2,000 of the "somocista" prisoners and has taken a decision to abolish the Special Tribunals. On the other hand, cases have occurred of harassment of those critical of the government's performance.

11.8.8. In March 1981 the Chairman of the ICJ Executive Committee undertook an urgent mission to Managua to attend the trial of Esteban Gonzales, Coordinator of the Permanent Commission of Human Rights of Nicaragua, an organisation which had courageously attacked human rights violations under the Somoza regime. He had recently criticised the new government's human rights record during a visit to Europe. After the trial began, the charges against Mr Gonzales were withdrawn and he was released with the active assistance of Mr Butler (see ICJ Newsletter No. 8).

11.9. Southern Cone of South America

11.9.1. Many of the activities of the ICJ in relation to the southern cone of Latin America (i.e. Argentina, Bolivia, Chile, Paraguay and Uruguay) have been described in other sections or appendices of this report.

Chile

11.9.2. Much of the activities in relation to Chile have been directed to supplying information to the special rapporteur of the U.N. Commission on Human Rights (see Appendix A).

11.9.3. On 24-27 November 1978 the Secretary-General took part in an International Symposium on Human Rights organised by the Catholic Church in Santiago, Chile. The opening and closing ceremonies were held in the Cathedral. The meetings were presided over by Cardinal Henrique Raoul Silva. Some 2,000 persons attended meetings of the symposium, which were widely reported in the press and on the radio. The Secretary-General read a paper on "Human Rights, the Legal System and Rights of the Defence".

11.9.4. While in Chile the Secretary-General met, at their invitation, the "Committee of 24", composed of leading members of all the former political parties in Chile, whose purpose is to prepare a new draft Constitution as an alternative to the draft Constitution prepared by a Commission appointed by President Pinochet. The members of the Committee reported that they had already, after only three months work, reached unanimous agreement on the basic principles of such a Constitution. They considered this a development of great political importance, as it was the first time since the military coup of 1973 that such an agreement had been reached, and it implied that an effective answer could soon be given to the Pinochet propaganda that the only alternative to his regime was chaos since the opposition were hopelessly divided.

11.9.5. In 1980 the ICJ supplied information on Chile to a group in the Federal Republic of Germany which was being sued by the Chilean government for libel in connection with their publication of a booklet on a secret detention camp called Colonia Dignidad, the existence of which was denied by the Chilean government.

11.9.6. In ICJ Review No. 25 (December 1980) the new constitution was analysed critically after a referendum to approve it had been denounced in an ICJ press release on 10 September 1980.

Argentina

11.9.7. Activities in relation to Argentina have been directed in

particular to the problems of disappeared persons (see Appendix A, item 4) and the harassment of judges and lawyers (see Section 3).

11.9.8. On two occasions in May 1979 and January 1981 the ICJ co-sponsored conferences in Paris on human rights violations in Argentina, and prepared documents and speeches for these meetings.

Uruguay

11.9.9. Uruguay, with its exceptionally high number of political prisoners in relation to its population, has been the subject of numerous interventions on behalf of individuals. Articles on Uruguay have been published in the ICJ Review and the CIJL Bulletin. The Chairman of the Executive Committee, Mr William J. Butler, undertook a mission to Uruguay in 1978, in the name of the New York City Bar Association, in connection with the arrest of four lawyers who defended in political cases. Just before his arrival in Uruguay all four lawyers were released. Mr Butler submitted a memorandum to the Junta on human rights in Uruguay which was published in full in the Uruguayan press.

11.9.10. On 15-16 December 1978 the Executive Secretary of the ICJ and Dr. A. Artucio attended a Colloquium in Paris, held in the Chamber of the Senate, on "The State of Exception in Uruguay". Their contributions were published in the widely distributed report of this Colloquium.

Bolivia

11.9.11. The military coups in Bolivia, which thwarted the democratic process on two occasions in 1979 and 1980, led the ICJ to send urgent cables to the Inter-American Commission on Human Rights urging action. Information about these coups and their effects was submitted to the U.N. Division of Human Rights and an article on the second coup was published in ICJ Review No. 25 (December 1980).

Paraguay

11.9.12. An article on the human rights situation in Paraguay, published in ICJ Review No. 22 (June 1979), was reproduced in full in the newspaper "El Pueblo" in Asuncion, with editorial comments.

11.9.13. Two interventions were made in 1979 to the Paraguayan authorities by the CIJL concerning the arrest of two lawyers.

11.9.14. An article on the illegal collaboration between the security authorities in South America, focussing on the detention for four years in Paraguay without charges of an Argentinian lawyer (Santucho) was published in ICJ Review No. 24 (June 1980).

11.9.15. Information on forced labour of indigenous people in Paraguay was communicated by the ICJ to the ILO in May 1980.

11.9.16. Information concerning the human rights situation in Paraguay was communicated by the ICJ to the U.N. Commission on Human Rights in 1980 for its examination of this situation under its confidential procedure.

11.9.17. Reports were published in the CIJL Bulletin Nos 4 (October 1979) and 5 (April 1980) concerning the Santucho case, and in No. 7 (April 1981) on the situation of the Judiciary in Paraguay.

11.10. South Korea

11.10.1. The ICJ followed closely the developments in the Republic of South Korea since 1972 when President Park introduced the Yushin Constitution and proceeded to issue emergency decrees which stifled any form of opposition (see ICJ Review No. 13, December 1974). An article in ICJ Review No. 20 (June 1978) described the continuing repression.

11.10.2. After receiving many allegations about the harassment of defence lawyers, the Centre for the Independence of Judges and Lawyers sent a mission in May 1979 consisting of Mr Adrian DeWind, a former President of the Bar of the City of New York, and Mr John Woodhouse, the Secretary of the CIJL. Their 68- page report was published at the end of the year and received wide publicity (see Part I, section 3).

11.10.3. In August and September 1979, Mr Hin-Lee Wong, a lawyer from Hong Kong, attended as an ICJ observer the Christian Academy trial. In August 1980, Mr Bert Lockwood from the U.S.A. was refused a visa to attend the trial of Kim Dae Jung. On 17 September the ICJ issued a press release deploring this wholly unfair political trial and urged the new President to commute the death sentence.

11.11. Southern Africa

11.11.1. The ICJ has continued its activities with respect to Southern Africa. Most of these activities have taken place in the framework of the United Nations and other international organisations, and are therefore listed in Appendices A, B and C to this report.

11.11.2. In Review No. 18 (June 1977) the increase in repression after the Soweto uprising was described and commented upon, and further repressive legislation of the white minority regime in Rhodesia (Zimbabwe) was analysed. In the same Review a case in Namibia was reported in which the death sentences of two Africans for the murder of the Ovambo Chief Minister were set aside on appeal because of infiltration by the South African intelligence service (BOSS) in the defence law firm. The proposals of the Turnhalle Constitutional Conference were analysed and found unacceptable.

11.11.3. In Review No. 19 (December 1977) three inter-related Bills, intended to increase the South African government's control over almost every social, welfare, charitable or religious activity were commented upon. The banning of the main black organisations, the Christian Institute and the arrest of members of the Soweto Committee of Ten were also criticised, following a press release calling attention to them.

11.11.4. In July 1978 a brief report on the detention of children in South Africa was published in Geneva with a supplement in August 1978. The report received widespread attention and members of the staff gave numerous radio interviews about it. The report was reprinted in full by the UN Centre Against Apartheid in their series 'Notes and Documents'.

11.11.5. In Review No. 20 (June 1978) the trial of the Pretoria 12, the inquest into the death of Steve Biko and the Criminal Procedure Act No. 51 of 1977 were commented upon.

11.11.6. In June 1979 a second edition was published by Search Press London of "The Trial of Beyers Naudé". This account, prepared by the ICJ, of the trial of the former Director of the Christian Institute of South Africa, who is now a banned person, gives a remarkable insight both into the working of the South African legal system and into the spiritual development of a great Christian leader.

11.11.7. In a letter of 13 April 1979 twelve U.S. senators, including Senator Edward Kennedy, asked the ICJ and three other non-governmental organisations for their comments on the Rhodesian Interim Constitution and elections. The memorandum prepared in reply by the ICJ secretariat was published in ICJ Review No. 22 of June 1979. When the Lancaster House talks in December 1979 reached agreement, the ICJ issued a press release warmly welcoming the conclusions of the conference.

11.11.8. On seven occasions the ICJ was represented by an observer at trials in Southern Africa. The reports of some of them were published as Appendices in the ICJ Newsletter.

11.11.9. The Centre for the Independence of Judges and Lawyers undertook action in several cases relating to South Africa where there were threats to the independence of lawyers in South Africa and Namibia, and reported fully on these cases in the CIJL Bulletin.

11.12. Syria

11.12.1. The Syrian Arab Republic has been under a state of emergency for over twenty years but in recent years internal tensions have led to an increase in the internal repression, and persistent allegations of serious violations of human rights have come to the knowledge of the ICJ.

11.12.2. When the Damascus and Syrian Bar Associations took a stand early in 1980 against the prolonged emergency, arbitrary arrests and torture and ill-treatment of prisoners, the associations were dissolved. The ICJ issued a press release describing the events. In June 1980 the ICJ Review (No. 24) carried an article on human rights violations in Syria.

11.12.3. During the debates in the UN Sub-Commission in August 1980, the ICJ intervened on the subject of states of emergency mentioning Syria as an example of abuse of emergency powers.

11.12.4. The Centre for the Independence of Judges and Lawyers published several notes on the detention without trial of Syrian lawyers and in 1980 in a circular letter asked all lawyers' organisations to protest against the dissolution of the Bar and the treatment of lawyers.

12. PUBLICATIONS

12.1. The ICJ Review has been published in english twice yearly in June and December. Spanish editions were published in 1977-1979 in double numbers, and as from 1980 twice yearly.

12.2. The ICJ Newsletter which, as from April 1979, replaced the former quarterly reports of the Secretary-General to the Executive Committee, has been published four times a year in english.

12.3. 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 and the Bulletins will be found in Appendix E.

12.4. Special Studies

12.4.1. The following special studies have been published by the ICJ in the period under consideration in the languages indicated (English, French or Spanish):

- The Decline of Democracy in the Philippines, 1977, 105 pp. (E)
- Uganda and Human Rights, 1977, 181 pp. (E)
- Detention of Children in South Africa, 1978, 8 pp. (E)
- Report of Mission to El Salvador, 1978, 14 pp. (E-F-S)
- Human Rights in Guatemala, 1979, 58 pp. (E-S)
- Persecution of Defence Lawyers in South Korea, 1979, 65 pp. (E)
- The Trial of Macias in Equatorial Guinea, 1979, 90 pp. (E-S)
- How to Make the Convention against Torture Effective, 1980, 60 pp. (E-F-S) (First edition in 1979)
- Human Rights in Nicaragua: Yesterday and Today, 1980, 85 pp. (E-S)
- The West Bank and the Rule of Law, 1980, 128 pp. (E)
(french and arabic editions in preparation)

12.4.2. The Trial of Beyers Naudé, a publication of 1975, was reprinted in 1979 by Search Press, London.

12.5. Reports of ICJ Conferences and Seminars

The following reports were published:

- Human Rights in a One-Party State (1976 Dar-es-Salaam seminar), 1978, 130 pp. (E)
- Human Rights and Development (1977 Barbados seminar), Cedar Press, Barbados, 1978, 208 pp. (E)
- Le Développement et les Droits de l'Homme (1978 Dakar seminar), Revue Sénégalaise de Droit, Dakar, 1979, 255 pp. (F)
- Derechos Humanos en las Zonas Rurales (1979 Bogota seminar), Ediciones Internacionales, Bogota, 1980, 316 pp. (S)

12.6. Lists of Publications with order forms were printed in 1980 and 1981. These are available free of charge from the ICJ Secretariat.

12.7. Many lectures and addresses by the Secretary-General and other members of the staff have been published. A detailed list will be found in Appendix F.

13. OBSERVER MISSIONS TO TRIALS

Between 1977 and 1980 the ICJ sent observers to trials on 29 occasions. Particulars of these missions will be found in Appendix G.

14. PRESS RELEASES AND RADIO, TV AND PRESS INTERVIEWS

14.1. In the period under review the ICJ issued approximately 80 press releases, many of which received widespread publicity throughout the world.

14.2. Over 100 radio, television and press interviews were given by members of the staff, in english, french, spanish or german.

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

15. INTERVENTIONS

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

15.2. In the period under review, interventions were made in nearly 130 cases in all parts of the world. The quarterly Newsletters contain a brief description of most of these.

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ACTIVITIES IN THE UNITED NATIONS

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1. APARTHEID AND THE U.N. DECADE TO COMBAT RACISM AND
RACIAL DISCRIMINATION

Between 1977 and 1980 the ICJ has continued to submit to the United Nations annual reports on its activities in the framework of the Decade to Combat Racism and Racial Discrimination.

In addition to publishing articles in its periodicals, issuing press releases, publishing a special report on the detention of Children in South Africa in 1978 and sending observers to important trials in Southern Africa, the ICJ undertook the following activities :

1978

- On 21 March 1978 Mr Thoolen represented the ICJ at a ceremony marking the International Anti-Apartheid Year at the Palais des Nations in Geneva.

- World Conference on Racism

The World Conference on Racism, held under the auspices of the United Nations Secretariat was convened in Geneva between 14 - 25 August 1978. Members of the ICJ staff attended the Conference. The Secretary-General made a statement in the plenary session on 23 August in which he called for the creation of positive programmes to help eradicate the effects of past discriminatory policies. Dr. Alejandro Artucio made an oral intervention on indigenous populations in the Americas. A statement of principles on minority rights and a report prepared by the ICJ on Children in Detention in South Africa were circulated to delegates as official documents of the Conference.

1979

- International Day for the Elimination of Racial Discrimination

On 21 March 1979, the International Day for the Elimination of Racial Discrimination, members of the staff attended a ceremony organised at the Palais des Nations in Geneva to mark the launching of an international

mobilisation of governments and peoples against Apartheid. The Secretary-General was asked to speak as Chairman of the Geneva NGO Special Committee on Human Rights. After making it clear that he was speaking in his personal capacity, he discussed the action which should be taken in view of the deteriorating situation in South Africa. Members of the staff also attended this meeting in 1980.

- In a letter of 13 April 1979, twelve U.S. Senators, including Senator Edward Kennedy, asked the ICJ and three other non-governmental organisations for their comments on the Rhodesian Interim Constitution and elections. The memorandum prepared in reply by the ICJ Secretariat was published in ICJ Review No. 22 (June 1979).

- Paris Seminar on Children under Apartheid

Ms Marion Raoul, ICJ Legal Officer, attended an international seminar on children under Apartheid which was held from 18 - 20 June 1979 at UNESCO in Paris. This seminar was organised by the Special Committee against Apartheid, in cooperation with the NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonisation.

The agenda included the following items: effect of Apartheid on children with regard to education, health, child labour, separation of families and bantustans, repression and other aspects of racial discrimination; resistance by children against Apartheid; children as refugees from Apartheid; proposals for international action.

As NGOs were invited to submit papers, the ICJ submitted a paper related to the repression against children in South Africa.

- U.N. Seminar on Recourse Procedures Available to Victims of Racial Discrimination

The Executive Secretary and Mr Chris de Cooker, a Board Member of the Netherlands National Section of the ICJ, attended the U.N. Seminar on "Recourse procedures available to victims of racial discrimination and activities to be undertaken at the regional level", held from 9 - 20 July 1979 in Geneva. A brief report was published in ICJ Newsletter No. 2.

- U.N. Round Table on Racial Discrimination

Members of the staff attended the round table on the teaching of problems of racial discrimination, organised by the U.N. Division of Human Rights and held on 5 - 9 November 1979 in Geneva. The conclusions and recommendations were published in ICJ Newsletter No. 3.

1980

- The Secretary-General attended the official celebration of the International Day for the Elimination of Racial Discrimination, held on 21 March 1980 in Geneva.

- U.N. Special Committee against Apartheid

Mr Millard Arnold, the Director of the Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law in Washington, represented the ICJ at hearings held by the Special Committee against Apartheid in New York on 26 March 1980, and gave testimony on general developments in South Africa. A summary of his statement was published in ICJ Newsletter No. 4.

- U.N. Trust Fund for South Africa

In response to a request by the U.N. General Assembly, the ICJ published an appeal for contributions to the U.N. Trust Fund for South Africa in ICJ Newsletter No. 4.

- International Seminar on Women and Apartheid

Mr Lauri Lehtimaja, a Board Member of the ICJ Finnish National Section, attended this Seminar in Helsinki on 19 - 21 May on behalf of the ICJ. It was organised by the NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonisation, in cooperation with the U.N. Special Committee against Apartheid, the Secretariat of the World Conference of the U.N. Decade for Women and UNESCO. A summary of the conclusions was published in ICJ Newsletter No. 5.

In his address to the Seminar, Mr Lehtimaja stressed the incompatibility of Apartheid with the Rule of Law as defined by the ICJ, and reviewed recent ICJ action against Apartheid.

- NGO Conference for Sanctions against South Africa

Ms Irene Khan, Legal Officer at the ICJ, attended the International NGO Action Conference for Sanctions against South Africa, held in Geneva from 30 June - 3 July 1980. The Conference was chaired by Mr Sean MacBride (former Secretary-General of the ICJ) and attended by representatives of national and international NGOs, U.N. bodies and agencies, the OAU, the Non-Aligned Movement, African liberation movements, parliamentarians and governments.

1977-1980

- Ad Hoc Working Group on Southern Africa

On several occasions members of the staff testified before or submitted documentation to the Ad Hoc Working Group on Southern Africa.

2. RIGHTS OF DETAINEES : DRAFT BODY OF PRINCIPLES

1977

The Secretary-General was convenor and rapporteur of an NGO Working Group on Detainees' Rights which had been constituted by the Geneva Special NGO Committee on Human Rights. Based on an ICJ draft, the Working Group drew up a Draft Body of Principles for the Protection of Persons in all Forms of Detention or Imprisonment. The Working Group met with Ambassador Nettel of Austria on 11 March 1977. Ambassador Nettel had been appointed rapporteur of the U.N. Sub-Commission on Human Rights to prepare a Draft Body of Principles for consideration by the Sub-Commission at its next meeting. The NGO Working Group's draft was discussed in detail with Ambassador Nettel during the three hour meeting.

An NGO memorandum with a Draft Body of Principles for the Protection of Persons in any Form of Detention or Imprisonment signed by the ICJ and 18 other NGOs, was submitted on 20 May 1977 for consideration by the Sub-Commission at its meeting in August.

In the Sub-Commission, on 23 August 1977, the Secretary-General made an oral intervention in the debate on the Draft Body of Principles on the Human Rights of Persons in all Forms of Detention or Imprisonment. He commented on the Draft presented to the Sub-Commission by the Rapporteur, Ambassador Nettel, and suggested certain additions and amendments. The Sub-Commission decided to establish a Working Group to revise the Draft.

1978

In 1978 the Secretary-General and the Executive Secretary took an active part in the discussions on the Draft Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, both in the Working Group and subsequently in the Sub-Commission. Subject to some minor amendments the Draft was approved by consensus.

On 13 March 1970 a document entitled "The Use of Chemical Weapons in Prisons in the United States" was submitted by the ICJ to the Division of Human Rights in connection with the Division's study of "the question of the human rights of persons subjected to any form of detention or imprisonment".

1979

A 30-page memorandum relating to violations of "the human rights of all persons subjected to any form of detention or imprisonment", which had been submitted by the ICJ to the U.N. Division on Human Rights in March 1979 (see ICJ Newsletter No. 1, p. 7), was distributed to individual members of the Sub-Commission. Large parts of this memorandum were embodied in a paper prepared by the U.N. Secretariat called "Synopsis of material received from non-governmental organisations in consultative status with ECOSOC" (Doc. E/CN.4/Sub.2/431), but in accordance with U.N. practice, the names of the countries where the specified violations occurred were omitted.

A regional symposium on The Role of the Police in the Protection of Human Rights was held at The Hague, Netherlands, from 14 - 25 April 1980. It was organised by the U.N. Programme of Advisory Services and the government of the Netherlands. There were experts from 20 East and West

European countries. Mr Egbert Myer from the Netherlands attended on behalf of the ICJ. The Conclusions and Recommendations of the Symposium were published in ICJ Newsletter No. 5.

3. TORTURE

In addition to its promotion of the Draft Optional Protocol to the Torture Convention, the ICJ continued to take an active part in activities within the framework of the United Nations concerning the prevention of torture.

1978

On 10 February 1978 the Secretary-General made a statement in support of the proposal to declare torture an international crime to the Commission's Working Group on the Draft International Convention on Torture.

1979

The open-ended working group on torture, which met on several occasions in the week prior to and during the Commission on Human Rights, was attended by the Secretary-General and Ms Marion Raoul. The Secretary-General took an active part in the discussions on the Swedish Draft Convention, and submitted a number of amendments which were accepted.

1980

The Working Group on the Draft Convention against torture met for one week prior to and during the session of the Commission on Human Rights. The Secretary-General took an active part in the debates in which a further 10 articles were considered. An addition to Article 16, proposed jointly by Amnesty International and the ICJ, was agreed. This provides that the non-penal provisions of the Convention will apply to other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.

1981

The Working Group on the Draft Convention continued its work prior to and during the 1981 session. The Secretary-General again participated in its work.

6th U.N. Congress on Crime Prevention and Treatment of Offenders

At the 6th U.N. Congress on the Prevention of Crime and Treatment of Offenders held in Caracas, Venezuela, from 25 August - 5 September 1980, the ICJ was represented by a delegation comprising the Secretary-General, Mr Jean-Jacques Gautier of Switzerland and Mr Alberto Donadio, Executive Secretary of the Andean Commission of Jurists.

The main objective of the delegation was to promote a resolution on the prevention of torture. To this end an NGO meeting was organised by the ICJ on the third day of the conference on this subject, co-sponsored by Amnesty International, the International Association of Penal Law, the Union of Arab Jurists and the World Council of Churches (Commission of the Churches on International Affairs). The meeting, which was chaired by Professor Heleno Claudio Fragoso of Brazil, was well attended by representatives of governmental as well as non-governmental delegates. The Secretary-General of the ICJ in addressing the meeting on the Draft Optional Protocol to the Draft Convention against Torture, answered some of the questions which had been raised. The text of his address was published in ICJ Newsletter No. 6.

The ICJ, together with the delegates of the Association of African Lawyers (Maître Seck) and the Union of Arab Lawyers (Maître Youssoufi) promoted a resolution requesting the U.N. General Assembly to take action in relation to a number of documents relating to the prevention of torture, including a recommendation to the Commission on Human Rights to examine the Draft Optional Protocol after it has transmitted to ECOSOC its Draft Convention against Torture. The government of Costa Rica, which has formally submitted the Draft Optional Protocol to the Commission on Human Rights, agreed to sponsor the draft resolution. Eleven other countries agreed to co-sponsor, namely Barbados, Ecuador, Gabon, Ghana, Malta, the Netherlands, Norway, Panama, Spain, Sri Lanka and Venezuela.

Questions were raised by a number of Eastern European and other delegations with reference to the Draft Optional Protocol, on the ground that they had not yet had an opportunity to examine it in detail. On the initiative of the United Kingdom delegation a compromise formula was agreed which requests the Commission on Human Rights to "examine all the proposals that would ensure the effective application of the convention against torture".

4. DISAPPEARED PERSONS

1979

On 9 February 1979 the ICJ submitted a written statement on disappeared persons in Mexico, which gives a total of 367 cases, several of which were kidnappings in daylight by unidentified private groups.

In the debate on disappeared persons in the Commission on Human Rights Dr. Alejandro Artucio made an oral intervention in Spanish on 9 March, describing this practice in its different forms in several parts of the world.

Disappeared persons was the subject of a separate item on the agenda of the Sub-Commission at the request of ECOSOC. Among the documents before the Sub-Commission on this subject was a memorandum prepared by the ICJ. The first part, which contains a general description and analysis of the phenomenon of disappearances was distributed by the Secretariat as a public document. A copy of it is to be found at Appendix B of ICJ Newsletter No. 3. The second part, which gave detailed information of 55 cases of disappearances in Argentina, based on information in the possession of the ICJ, was dealt with under the confidential ECOSOC Resolution 1503 procedure.

During the Sub-Commission's debates on this issue, Dr. Alejandro Artucio, ICJ Legal Officer for Latin America, made an oral intervention immediately after that of the Argentine Ambassador. A U.N. press release HR/787 summarised his intervention as follows:

"Alejandro Artucio (International Commission of Jurists) said that the problem of 'disappearance' as a method of political repression accompanied by flagrant violations of other human rights was of great concern to his organisation. Disappearance might take various forms, and in Latin America there existed a collaboration between security forces of several countries which were involved in this problem of disappearance.

A group of jurists recently had compiled a list of some 8,000 disappeared persons in a Latin American country, whose representative just addressed the Sub-Commission. The list was accompanied by various details relating to the disappearance of those 8,000 persons, of which that representative had not spoken a single word. Instead, he had referred to the improvement of the situation. But it was difficult to speak about any improvement of the situation since even the names of persons who had 're-appeared' had not been given officially. For this reason, his organisation urged the Sub-Commission to appoint a special rapporteur to conduct a thorough study of the problem of disappeared persons."

1980

At the initiative of the ICJ an informal consultation on disappearances was organised between NGOs and delegates to the Commission on Human Rights. The meeting took place on 11 February 1980 in the Palais des Nations in Geneva, sponsored by the Special Committee of NGOs on Human Rights and jointly chaired by Ambassador Beaulne of Canada and Mr Niall MacDermot, as Chairman of the Special Committee. Eighteen countries sent representatives and qualified representatives of NGOs took the floor to give a survey of the phenomenon, supported by first-hand testimonies by experts who had made missions to some of the countries involved.

Documents were provided by Amnesty International and the ICJ. The ICJ contributed information concerning disappearances in Argentina, El Salvador, the Philippines and Uruguay.

During the debate in the Commission, Dr. Alejandro Artucio, Legal Officer of the ICJ, made a statement in spanish recalling the main

features of the phenomenon and stressing the need for strong and urgent measures to put an end to these practices. He pointed out that some of the thousands of disappeared persons were still alive and could be saved. Those responsible for these vicious acts should be brought to justice.

The ICJ joined with Amnesty International and the International League for Human Rights in a written statement on disappeared persons, which was circulated in document No. E/CN.4/NGO 283.

The Working Group on Enforced or Involuntary Disappearances, established by the U.N. Commission on Human Rights held its first meeting in Geneva from 9 - 13 June 1980. The press release of the United Nations was reprinted in full in ICJ Newsletter No. 5.

The press release issued after the second meeting of this Working Group, 15 - 19 September 1980, was summarised in Newsletter No. 6.

5. SITUATIONS

A. Chile

1977

In the debate on Chile in the Commission on Human Rights, the Secretary-General made an oral intervention commenting on Decree No. 1684 of 31 January 1977, providing that the 'remedy of protection' would not apply in emergency situations, and on the closing down at the end of January of the Christian Democratic Party's Balmaceda radio station in such a way that it was impossible to raise the illegality of the closure before the courts.

The documentation on Chile before the Commission on Human Rights included a report on the activities of the ICJ concerning the situation of human rights in Chile (E/CN.4/1232 of 20 January 1977, Annex 2). This concluded: "The ICJ has collaborated constantly with the Ad Hoc Working Group since the latter's establishment, providing experts in the Division

with documents and information received directly from Chile, after checking the veracity of the information and the reliability of the sources. The ICJ has also transmitted analyses, evidence, accusations, legal texts, cuttings from the Chilean press, etc."

During July and August documentation was submitted to the U.N. Secretariat for the Working Group on Chile of the U.N. Commission on Human Rights. This included recent regulations and information on recent disappearances.

On several occasions during December, Dr. Artucio provided information on the human rights situation in Chile to the Division of Human Rights concerning 'the consequences for human rights of the various forms of economic aid and assistance extended to the Chilean authorities'. This report was requested for the purpose of assisting the Rapporteur of the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities who is studying this topic.

1978

On 9 January 1980 Dr. Artucio made a presentation to the Working Group on Chile concerning the 4 January 'popular referendum', and the general human rights situation in Chile.

On 24 February Dr. Artucio presented a statement to the Commission on Human Rights concerning human rights in Chile. The statement reviewed several recent changes in Chilean law, but concluded that they did not amount to a substantial amelioration of the human rights situation. It also commented on the Chilean government's 'popular referendum' of 4 January, suggesting that in the circumstances in which it was held it could not be taken to be a reliable expression of the will of the people.

On 5 April, at the request of the Division of Human Rights, the ICJ supplied a summary of steps it has taken aimed at fostering the restoration of human rights in Chile.

On 30 November recent information on human rights violations in Chile was submitted to the U.N. Secretariat for consideration by the Ad Hoc Working Group on Chile.

Commission on Human Rights

In the debate on Chile, the Secretary-General made an oral intervention on 27 February in which he described the International Symposium organised by the Catholic Church in Santiago in November 1978, the formation of the Chilean Commission on Human Rights, the constitutional proposals of the Ortuza Commission and the work of the Committee of 24 on the principles of an alternative constitution.

On 2 March the ICJ submitted for circulation the 'Charter of Santiago de Chile', prepared and adopted by the participants at the International Symposium on Human Rights which took place in Santiago, Chile, from 22 - 25 November 1978, organised by the Catholic Church of Santiago. The ICJ also submitted the Constituent Act of the Chilean Commission on Human Rights of November 1978, signed by 10 leading personalities (issued as U.N. Document E/CN.4/NGO/254).

A document prepared by the ICJ containing a report on inroads made by the Chilean military government on the independence of the judiciary was circulated as an official document (E/CN.4/NGO 269). The report was based on information provided by the Centre for the Independence of Judges and Lawyers formed by the ICJ.

On 26 February, Dr. Alejandro Artucio made an oral intervention which was summarised as follows by the U.N. press service (HR/861, p. 5):

"Alejandro Artucio (International Commission of Jurists) confirmed the conclusions of the Special Rapporteur on the new denials of human rights. The courts were paralysed and even refused to punish those who were responsible for torture and illegal detention. In spite of President Pinochet's assurances that the debate on the draft Constitution should be open, the Group of Twenty-Four working on a constitutional study had been subjected to intimidation and severe obstacles in the exercise of its functions. The Chairman of the Group of Twenty-Four, Manuel Sanhueza, had been dismissed from his position after more than 20 years as Dean of the Faculty of Law at Concepcion. The

representative of the International Commission of Jurists appealed to the Chilean authorities to allow Mrs Laura Allende Gossens, sister of former President Allende, to return to her country. She had been arrested in 1974, detained for five months, and expelled from Chile for an indefinite period."

On 9 August the ICJ submitted to the Division on Human Rights recent information concerning four persons who figured on the U.N. list of disappeared persons in Chile.

B. Israeli Occupied Territories

1979

On the second International Day of Solidarity with the Palestinian People, held on 29 November 1979 at the Palais des Nations in Geneva, the Secretary-General, Mr Niall MacDermot, was invited to speak. His address was published in ICJ Newsletter No. 3.

1980

In an oral intervention made in the Commission on Human Rights, the Secretary-General of the ICJ gave an account of his recent visit to the occupied territories of Jerusalem, the West Bank and the Gaza strip, commenting on the present situation and the problems relating to the treatment of Palestinian suspects. The text of his intervention was published in ICJ Newsletter No. 4.

The third International Day of Solidarity with the Palestinian People was observed at a public meeting held in Geneva on Friday, 28 November. The Secretary-General of the ICJ, who had been invited to address the meeting, referred to the recent ICJ publication 'The West Bank and the Rule of Law', which was distributed at the meeting. The text of his speech was published in ICJ Newsletter No. 7.

The ICJ publication 'The West Bank and the Rule of Law' was distributed at the General Assembly of the United Nations together with the

report of the Special Committee.

C. Other Parts of the World

1977

A further communication on Violations of Human Rights in Uganda was submitted by the ICJ in June for consideration by the Working Group of the Sub-Commission in August. This included statements by the former Minister of Health, Henry Kyemba, by President Amin's former doctor, Professor Kibukamusoke, by the former Minister of Foreign Affairs, Mr. Wanume Kibedi, a statement on military and police brutality, a statement on repression of trade unionists, and a statement by a former Uganda air force officer.

A statement on forced labour in Uganda under the Community Farm Settlement Act was submitted in June 1977 for consideration by the Sub-Commission's working group on slavery and slavery-like practices.

On 11 August 1977 the Secretary-General gave evidence before the Working Group on Slavery of the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities. His evidence dealt with forced labour in Uganda under the Community Farm Settlement Act, and forced adoption of children of dissidents in the German Democratic Republic. The ICJ submission on forced labour in Uganda was reported to the Sub-Commission by the Working Group on Slavery in 1978.

1978

In the Sub-Commission on 18 August, Dr. Alejandro Artucio made an oral intervention on the situation of human rights under the military regimes in Latin America.

A memorandum by the ICJ with numerous statements on violations of human rights in Democratic Kampuchea was circulated to the Sub-Commission as an official document.

On 6 December recent information concerning political refugees

detained in Argentina was submitted to the U.N. Secretariat for consideration by the Commission on Human Rights.

On 28 December, recent information relating to violations of human rights in Uruguay was submitted to the U.N. Secretariat for consideration by the Commission on Human Rights.

On 20 December information concerning human rights violations in Democratic Kampuchea was sent to the U.N. Secretariat for consideration by the Commission on Human Rights.

1979

At its meeting at the beginning of 1979 the U.N. Commission on Human Rights had decided to undertake a public study on the situation in Equatorial Guinea. Following the coup of August 1979 in which President Macias was overthrown by his nephew, a former member of his government, the Sub-Commission had to consider whether it should proceed with this study. Dr. Alejandro Artucio, in an oral intervention on behalf of the ICJ, pointed out that there was insufficient information available about the new situation to justify abandoning the study. In any event, it would be of value for future work of the U.N. to continue the study and to make an analysis of the situation which had led to such appalling violations as had occurred in this country.

The ICJ submitted a paper to the U.N. on the human rights situation in Nicaragua, containing background information on historical developments and economic issues before the overthrow of the Somoza regime. This was done in response to the requests in Resolution 14 (XXXV) of the U.N. Commission on Human Rights.

1980

In the public debate on the item 'Human Rights Violations in Any Part of the World' the Secretary-General of the ICJ made an intervention urging that the Commission on Human Rights should keep under review situations such as those in Equatorial Guinea, Nicaragua, Democratic Kampuchea, Uganda and the Central African Republic, where changes of government had

occurred replacing regimes responsible for grave and massive violations of human rights. The text of this intervention was published in ICJ Newsletter No. 4.

Pursuant to Resolution 32 (XXXVI) of the Commission on Human Rights, the ICJ submitted information concerning the human rights situation in Guatemala to the Division on Human Rights. This information is summarised in Section VIII of ICJ Newsletter No. 5.

Under the item of gross human rights violations, Dr. Alejandro Artucio intervened during the debates of the Sub-Commission. He stated that in Latin America there had been some positive developments such as the return to civilian rule in Peru and Ecuador, the Nicaraguan revolution and considerable progress in Brazil. There had, however, been serious deterioration of the human rights situation in other countries such as Guatemala, El Salvador and Bolivia. He gave specific information about the repression and number of victims, and urged the Sub-Commission to take action in these cases.

Under the agenda item 'Further Promotion and Alternative Approaches', the Union of Arab Lawyers submitted to the Sub-Commission a written statement (E/CN.4/NGO/282). Containing as it does an impressive and important declaration on the situation of human rights and fundamental freedoms in the Arab countries, it was reproduced in ICJ Newsletter No. 4.

6. ECONOMIC, SOCIAL AND CULTURAL RIGHTS - THE RIGHT TO DEVELOPMENT

1977

In the debate in the Commission on Human Rights on economic, social and cultural rights, the Secretary-General made an oral intervention upon the relations between these rights and civil and political rights, and referred to the ICJ Seminar in Dar-es-Salaam on human rights in a one-party state.

The Secretary-General chaired a Working Group of non-governmental organisations in Geneva on Development and Human Rights. The Working Group prepared a memorandum containing proposals for the study on the international aspects of the right to development which the Division of Human Rights has been requested to undertake by the U.N. Commission on Human Rights. The memorandum was submitted to the Director of the Human Rights Division on 12 December 1977.

1979

In the debate on the 'right to development' on 21 February the Secretary-General made an oral intervention in french, in which he drew the attention of the delegates to the outcome of the ICJ Seminar in Dakar, 1978, on human rights and development (see ICJ Review No. 21, p. 63).

On 14 December the Executive Secretary participated in an informal discussion on the regional and national aspects of the right to development, called by the Director of the Division of Human Rights.

1980

During the Commission on Human Rights, the Secretary-General of the ICJ made an oral intervention referring to the Bogotá Seminar organised by the ICJ in September 1979 on 'Human Rights in the Rural Areas of the Andes Region'. He pointed out that the conclusions and recommendations of the Seminar indicated that the failure to achieve progress in economic, social and cultural rights was due mainly to the repression of civil and political rights. The text of this intervention was published in ICJ Newsletter No. 4.

On 28 May the Executive Secretary attended a round table sponsored by UNITAR on problems and prospects of international cooperation in the 1980s. The meeting was organised by UNITAR in the Palais des Nations in Geneva to celebrate its 15th anniversary.

On 3 July 1980 the Executive Secretary introduced a discussion on the Brandt Commission Report and Human Rights, organised by the International Forum on Human Rights in Geneva. He gave a short summary of the report and its recommendations and discussed the human rights aspects of it.

U.N. Seminar on the Inter-Relationship between Human Rights and a NIEO

An international Seminar on the Effects of the Existing Unjust International Economic Order on the Economies of the Developing Countries was held at the Palais des Nations, Geneva, from 30 June - 11 July 1980. It was organised under the United Nations Programme of Advisory Services in the field of human rights.

The ICJ was represented by Professor P.J. de Waart, professor of international law at the Free University of Amsterdam in the Netherlands, who submitted several written observations to the Seminar. He was assisted by Mr Chris de Cooker, law lecturer at Leyden University, and the Executive Secretary of the ICJ.

The Seminar adopted 16 conclusions and recommendations by consensus, of which a summary was published in ICJ Newsletter No. 6. A report by Professor de Waart was published in Appendix E of ICJ Newsletter No. 6.

7. IMPORTANCE OF REGIONAL, NATIONAL AND LOCAL INSTITUTIONS
IN THE FIELD OF HUMAN RIGHTS

A. Regional Institutions

U.N. Seminar on the Establishment of Regional Commissions on Human Rights
with Special Reference to Africa

The ICJ Secretary-General attended this Seminar, held in Monrovia on 10 - 20 September 1979, and submitted a working paper reviewing previous efforts and recommendations for the establishment of a Commission on Human Rights for Africa, and suggesting a possible model for an African Commission on Human Rights under the auspices of the OAU. The ICJ was also represented by Mr Ibrahim Fall, Dean of the Faculty of Law of the University of Dakar, and Mr Amos Wako (Kenya), Secretary-General of the African Bar Association. The text of the ICJ Secretary-General's working

paper, a summary of the conclusions and the Monrovia Proposal for an African Commission on Human Rights were published in ICJ Newsletter No. 2.

B. National and Local Institutions

U.N. Seminar on National and Local Institutions, 18 - 29 September 1978

The United Nations Seminar on National and Local Institutions for the Protection and Promotion of Human Rights, held to mark the 30th anniversary of the Proclamation of the Universal Declaration of Human Rights, was attended by members of the staff of the ICJ.

Oral interventions were made by the Secretary-General during the debates on the Ombudsman institution and on the relationship between national and international organisations. The Executive Secretary of the ICJ made oral interventions during the debates on the independence of the judiciary, legal aid and the role of lawyers in the protection and promotion of human rights.

The ICJ submitted a detailed memorandum in english and french summarising the conclusions of ICJ conferences and seminars on most of the topics discussed, and another on the Ombudsman institution, both of which were circulated as official working papers.

8. CONVENTION ON DISCRIMINATION AGAINST WOMEN

On 18 December 1979, the U.N. General Assembly adopted by its Resolution 34/180 the Convention on the Elimination of all Forms of Discrimination against Women. The text of the Convention was published in full in ICJ Newsletter No. 5.

The World Conference of the United Nations Decade for Women (1976-1985) took place in Copenhagen from 14 - 30 July 1980. The ICJ was

represented by an observer from the Netherlands, Ms J. Soetenhorst de Savornin Lohman, from 16-25 July.

An account of the main results of the Conference was published in ICJ Newsletter No. 6.

9. RIGHTS OF MENTAL PATIENTS

1980

Under General Assembly Resolution 33/53 of 14 December 1978, the Sub-Commission had been requested to undertake, 'as a matter of priority', the study of the question of the protection of those detained on the grounds of mental ill-health. At its previous session the Sub-Commission had requested the Secretary-General to prepare a report with a view to the formulation of guidelines regarding (a) the medical measures that may properly be employed in the treatment of persons detained on the ground of mental ill-health, and (b) procedures for determining whether adequate grounds exist for detaining such persons and applying such medical measures.

In addition to the report prepared by the U.N. Secretariat, the Sub-Commission had before it a Draft Body of Principles for the Protection of Persons Suffering from Mental Disorder, submitted by the International Association of Penal Law and the International Commission of Jurists. The Executive Secretary of the ICJ was requested by the Chairman to introduce the document. This document was favourably commented upon by several members of the Sub-Commission during the discussion, which led to the appointment of Mrs Erica Daes as Special Rapporteur on this subject.

10. STATES OF EMERGENCY

1978

On 10 March 1978, an 11-page memorandum regarding states of siege or emergency was submitted to the Division of Human Rights, and a copy was sent to Madame N. Questiaux of France, the Rapporteur of the Sub-Commission on this topic.

1980

Under the item 'States of Emergency' in the Sub-Commission, Mr Daniel O'Donnell made an intervention on behalf of the ICJ in which he referred to the prolonged duration of states of emergency, with grave effects on the enjoyment of human rights, as in the Syrian Arab Republic, South Korea and Argentina.

11. INDEPENDENCE OF JUDGES AND LAWYERS

1979

A preliminary study by the U.N. Secretariat for the Sub-Commission "with regard to such measures as have hitherto been taken and the conditions regarded as essential to ensure the independence and impartiality of the Judiciary, Jurors and Assessors and the independence of lawyers" (Doc.E/CN.4/Sub.2/428) referred on several occasions to ICJ material, and to the Centre for the Independence of Judges and Lawyers.

1980

Mr Singhvi, the Special Rapporteur of the Sub-Commission, submitted his preliminary report on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers. The Secretary of the CIJL, Mr Daniel O'Donnell, intervened on behalf of the ICJ.

12. RATIFICATION OF HUMAN RIGHTS INSTRUMENTS

1979

The ICJ, Amnesty International and the Minority Rights Group submitted a joint written statement to the Sub-Commission proposing an improved method for encouraging ratification of the principal human rights instruments. This statement was circulated as an official document (E/CN.4/Sub.2/NGO 180) and was later supported by five further NGOs.

The Sub-Commission adopted by consensus a resolution (E/CN.4/Sub.2/L 716) deciding to establish each year a sessional working group of five members to consider ways and means of encouraging governments to ratify or accede to international human rights instruments.

1980

Members of the staff attended the meeting of the sessional working group of the Sub-Commission on encouraging governments to ratify human rights instruments.

13. MISCELLANEOUS

1977

In anticipation of a debate on the suggestion contained in the Sub-Commission's Resolution I (XXIX) to the effect that the Resolution 1503 procedure required reconsideration in view of the new communications procedure under the Optional Protocol to the International Covenant on Civil and Political Rights, a written memorandum by the ICJ was submitted and circulated to the members of the Commission on Human Rights (E/CN.4/NGO 195 of 9 February 1977). This pointed out that the two procedures were complimentary and involved no duplication of jurisdiction.

1978

The ICJ submitted a statement on Scientific Freedom, Scientific and Technological Developments and Human Rights which was circulated as an official document.

1979

NGO Conference

On 16-18 October the Secretary-General and the Executive Secretary attended meetings of the European Regional Conference of Non-Governmental Organisations convened by the U.N. Office of Public Information. Also attending were representatives of the Dutch and French sections of the ICJ.

1980

Human Rights Duties

Mrs Erica Daes introduced her report on the individual's duties to the community and the limitations on human rights and freedoms under Article 29 of the Universal Declaration on Human Rights. The Executive Secretary, Mr Hans Thoolen, made an intervention which was summarised as follows in U.N. Press Release HR/953 :

"Hans Thoolen (International Commission of Jurists, a non-governmental organisation) said that earlier there had been some concern among observers that the focus on limitations and obligations would possibly detract from all too common violations of human rights by governments. However, it now appeared that this concern had been misplaced and the Rapporteur deserved all possible credit for her admirably complete and balanced study.

He agreed wholeheartedly with the Special Rapporteur's recommendation that the status of the individual in contemporary international law should become the subject of further study.

Mr Thoolen, when referring to the parts of Mrs Daes' study relating to torture, advocated that torture should be recognised as an international crime. The International Law Commission had already included in its draft articles on state responsibility as international crimes: genocide, slavery and Apartheid."

U.N.: Public Information in the Field of Human Rights

On 2 October 1980, the Human Rights Division and the U.N. Information Service organised an informal meeting of Non-Governmental Organisations to discuss how the U.N. could publicise its human rights activities. The ICJ Executive Secretary attended the meeting and spoke briefly about the need for more specific goals and plans, and a concrete agenda which would permit a real exchange of views between the inter-governmental bodies and the non-governmental organisations. He drew attention to the existence of an informal international working group on the establishment of a Human Rights International Documentation System (HURIDOCs).

On 3 December, the ICJ submitted written comments to the Division on Human Rights on the ways to implement ECOSOC Resolution 1980/30 which deals with "the development of public information activities in the field of human rights".

Law of the Sea

The ICJ was represented at the 9th session beginning in April 1980 of the Third U.N. Conference on the Law of the Sea by Mr William Jones of the United States.

1978

Conference on the Prohibition and Restriction of the Use of Certain Conventional Weapons (28 August - 15 September 1978)

A preparatory conference on the prohibition and restriction of the use of certain conventional weapons was held in Geneva from 28 August to 15 September. Mr S. Suckow attended as an Observer for the ICJ.

ACTIVITIES IN OTHER INTER-GOVERNMENTAL ORGANISATIONS

(the Human Rights Committee, specialised agencies
and regional organisations)

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1. HUMAN RIGHTS COMMITTEE, established under the International Covenant on Civil and Political Rights

In February 1977, the ICJ circulated to members of the Committee a memorandum containing suggestions for the procedure of the Committee in considering periodic reports of governments and communications by victims of violations.

The Committee met in the period 1977 - 1980 eleven times, and members of the staff of the ICJ in Geneva or of the AAICJ in New York attended nearly all the sessions. Reports on these sessions have been published in ICJ Review Nos 19, 20, 21, 23 and 25.

The ICJ staff prepared in many cases briefing memoranda on the reports of states parties, which were circulated privately to members of the Committee. Many of the questions put to the states parties' representatives appeared to be based upon this material. On several occasions, experts expressed appreciation for this information and requested the ICJ to continue the practice.

On 7 December 1978, a meeting of a working group of the Geneva NGO Special Committee on Human Rights was held at the headquarters of the ICJ to discuss the role of NGOs with respect to the Human Rights Committee.

2. U N E S C O

1978

On 6 September 1978, a report was submitted to UNESCO on action taken by the ICJ relating to the International Anti-Apartheid Year.

The ICJ was represented at the UNESCO Conference on Education and Human Rights in Vienna, in September 1978, by its Austrian Member, Dr. R. Machacek. The Netherlands Section of the ICJ was represented by Mr C. Flinterman and Mr M. Biesheuvel who presented a paper on the teaching of human rights in the Netherlands.

- UNESCO Procedure for Human Rights Complaints

The ICJ submitted two communications to the UNESCO Special Committee on Human Rights which was established under Executive Decision 3.3.104. A Commentary describing the new procedure was published in ICJ Review No. 20 of June 1978, p. 36.

1979

- UNESCO: Protection of Journalists

The International Commission for the study of communication problems, chaired by a former Secretary-General of the ICJ, Mr Sean MacBride, was established by UNESCO in 1977. At an international seminar, convened by the Commission in Stockholm from 24 - 27 April 1977, it was decided to invite UNESCO to request the International Association of Democratic Lawyers and the International Commission of Jurists to examine the problems of the protection of journalists in consultation with the recognised organisations of journalists, press institutes and appropriate trade unions. On UNESCO's invitation the Secretary-General or Executive Secretary of the ICJ attended several informal meetings in 1978 where work on a draft convention for the protection of journalists proceeded, under the proviso that any proposals resulting from the discussions were not, and would not be presented as being proposals of the ICJ or supported by the ICJ.

After a first introduction of the proposed draft to a small group of representatives of journalist organisations, it was decided to call a larger meeting of representatives of the press in Paris on 17 - 19 May 1979. The Executive Secretary attended the first day of this seminar. He brought to the attention of the meeting a letter from the Secretary-General of the ICJ to the President of the UNESCO Study Commission, Mr Sean MacBride, which in part reads as follows¹

"I would like to place on record my firm view that the question of the duties of journalists should find no place in this document, which is concerned with the protection of journalists. Its effect would be to weaken the document seriously by affording governments a pretext for restricting rather than protecting journalists."

The seventeenth Conference of International NGOs in consultative status with UNESCO took place at UNESCO House from 18 - 21 June 1979. Ms Marion Raoul attended on behalf of the ICJ.

1980

The Executive Secretary attended a consultation organised by UNESCO on human rights documentation and information on 17 - 18 March in Paris.

- United Kingdom UNESCO Seminar on the MacBride Report

The United Kingdom National Commission for UNESCO organised a seminar on 15 July 1980 in London to discuss the issues arising from the report submitted to UNESCO by the International Commission for the Study of Communication Problems, the so-called MacBride Report. The Secretary-General was invited to speak on the question of the Protection of Journalists. The text of his address was published in ICJ Newsletter No. 6.

3. U.N. HIGH COMMISSIONER FOR REFUGEES

- Conference of Plenipotentiaries on Territorial Asylum

The Secretary-General, Dr. Alejandro Artucio and Mr Gary Rose attended on behalf of the ICJ meetings in Geneva, 10 January - 4 February 1977, of a Conference of Plenipotentiaries to consider a Draft Convention on Territorial Asylum. A memorandum prepared by a number of non-governmental organisations including the ICJ was distributed to all participants.

The Conference failed to complete its examination of the draft text. The Committee of the Whole adopted a number of articles provisionally. The main article, intended to strengthen the principle of non-refoulement contained some advances in this respect, but also disturbing exceptions. A number of subsidiary proposals put forward in the NGO memorandum were adopted. These included a new article on family reunification and a provision that asylum should not be refused solely on the ground that it could be sought from another state, though an asylum seeker could be asked to request asylum first from a state with which he has already established a connection or has close links.

On several occasions information was submitted concerning the human rights situation in particular countries, especially in Latin America.

The Secretary-General, the Executive Secretary and Dr. Alejandro Artucio attended as observers meetings of the Executive Committee of the UNHCR which are held annually in October.

4. INTERNATIONAL LABOUR ORGANISATION

1979

Dr. Alejandro Artucio submitted to the Application of Standards Branch of the ILO copies of the Security Law in El Salvador, the report of the ICJ Mission by Donald Fox, the article on El Salvador in ICJ Review No. 20 and information about hard labour in Uruguay.

In ICJ Review No. 22 of June 1979 a commentary was published describing the implementation of ILO conventions and the Czechoslovak case under Convention No. 111 on Discrimination (Employment and Occupation) of 1958.

5. ORGANISATION OF AFRICAN UNITY

Professor C.M. Eya Nchama attended on behalf of the ICJ the Pan-African Conference on Refugees in Arusha, Tanzania, from 7 - 17 May 1979. The conference was organised by the OAU, the UNHCR, the U.N. Economic Commission for Africa and the African Council of Churches. The purpose of the meeting was to review the present refugee situation in Africa and the legal, social and economic aspects of the problems faced by the refugees, and to study and appraise national legislation in order to propose improvements in adhesion to and implementation of regional and international conventions.

The meeting divided into two committees, one on the legal aspects and the other on social and economic aspects. A move by some of the governments to have some non-governmental organisations such as Amnesty International and the ICJ ousted was rejected by a large majority of the participating states.

Professor Nchama made a speech outlining the preoccupation of the ICJ with the problem of refugees and the right of asylum. He insisted on the importance of the non-refoulement principle and stressed that it should be applied in practice. Only the termination of causes such as colonialism, apartheid, fascism and serious violations of human rights would lead to a lasting solution, i.e. the return of the refugees to their homes.

He expressed the ICJ's support for suggestions proposing a human rights division within the OAU secretariat and a human rights publicity campaign for African public opinion.

6. INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

1977

On 4 April 1977, a letter was sent to the Executive Secretary of the Inter-American Commission on Human Rights commenting in detail upon the reply of the Argentine Government to the report by Professor Heleno Claudio Fragoso of Brazil on the persecution of lawyers in Argentina, which was submitted to the Inter-American Commission by the ICJ (case No. 1980).

On 19 October a further communication was submitted to the Inter-American Commission on Human Rights regarding the situation of lawyers who defend political prisoners in Argentina. This information was made an appendix to case No. 1980.

Other communications were submitted to the Inter-American Commission as follows :

On 24 October, concerning the human rights situation in Nicaragua, based on information contained in an article which appeared in ICJ Review No. 18.

On 8 November, concerning the situation in Uruguay of lawyers who defend political prisoners. The communication contained a summary of the relevant Uruguayan laws as well as the names of specific lawyers subjected to persecution.

1978

On 20 September, a report on El Salvador prepared by a New York lawyer, Mr Donald T. Fox.

On 22 September, two communications on the situation of lawyers and judges in Argentina and Uruguay.

In October, information concerning human rights violations in El Salvador.

1979

On 16 February, on the situation of human rights in Argentina. This contained documentation on nine new cases of persecuted lawyers and judges in Argentina, updating previous submissions in the same field.

On 10 August, in response to a request from the Inter-American Commission on Human Rights, the ICJ submitted detailed information on the situation of lawyers in Argentina and, in particular, on writs of habeas corpus which had been presented by relatives of disappeared lawyers.

On 26 September, a report on Human Rights in Guatemala by Mr Donald T. Fox, a New York lawyer.

On 2 November, by cable, asking the IACHR to examine urgently the situation of human rights in Bolivia following the coup d'état of 1 November.

1980

On 23 March, on the killing of lawyers and judges in Guatemala.

In June about the arrest of the Bolivian lawyer Arribal Aguilar Penarrieta.

In July, by cable, urging the IACHR to take action to protect human rights in Bolivia following the July 1980 military coup.

- Inter-American Court of Human Rights

On 31 September, the Inter-American Court of Human Rights was officially inaugurated in Costa Rica. The ICJ was represented at this ceremony

by its Costa Rican Commission Member, Dr. Fernando Fournier. The Secretary-General of the ICJ had written to the President of the Court, sending the congratulations of the ICJ and offering its assistance in promoting further ratifications of the Convention and declarations recognising as binding the jurisdiction of the Court.

- Inter-American Institute of Human Rights

Dr. Fernando Fournier, a Member of the ICJ, attended on 9 - 12 January a seminar in Costa Rica sponsored by the Inter-American Court of Human Rights on the formation of an Inter-American Institute of Human Rights. The meeting brought together many distinguished jurists from the Americas and Europe. The decision was taken to found such an Institute, with its seat in San José.

7. COUNCIL OF EUROPE

As part of its promotion of the Draft Optional Protocol to the Torture Convention, the ICJ has maintained regular contact with the Parliamentary Assembly and the staff of the Council of Europe, resulting in a Recommendation of the Parliamentary Assembly concerning the Draft Optional Protocol (cf. Part I, Section 4 of this report).

On 31 January and 1 February 1980, the Executive Secretary attended a meeting in Strasbourg of NGOs having consultative status with the Council of Europe, and the discussion in the Parliamentary Assembly on the human rights situation in Latin America.

At the Fifth International Colloquium on the European Convention on Human Rights, held in Frankfurt on 9 - 12 April 1980, the ICJ was represented by one of its Commission Members, Dr. Rudolf Machacek of Austria.

In October 1980, the ICJ was awarded the first European Human Rights Prize by the Committee of Ministers of the 21-nation Council of Europe on the recommendation of the Parliamentary Assembly. The ICJ issued a press release expressing its gratitude for the award, and in January 1981 the Secretary-General attended a ceremony in Strasbourg where he was presented with the parchment scroll and gold medal of the award.

8. EUROPEAN PARLIAMENT

On 25 May 1978, Dr. Artucio testified on human rights violations in Argentina at hearings organised in Brussels by the Socialist Group of the European Parliament.

ACTIVITIES WITH OTHER NON-GOVERNMENTAL ORGANISATIONS

1. CONFERENCE OF NON-GOVERNMENTAL ORGANISATIONS (CONGO)

The ICJ is a member of the Board of the Conference of Non-Governmental Organisations in Consultative Status with the United Nations (CONGO). The ICJ Secretary-General is Chairman of its Special Committee on Human Rights in Geneva. Members of the staff regularly attended meetings of the different Committees, Sub-Committees and Working Groups. The ICJ contributed to many of the conferences, seminars and meetings organised by those organs, including:

- NGO Conference on Indigenous Peoples in the Americas

This Conference took place in the Palais des Nations, Geneva, on 20 - 23 September 1977. It was organised within the framework of the U.N. Decade against Racism and Racial Discrimination by the Sub-Committee on Racism and Racial Discrimination of the Special NGO Committee on Human Rights. The Conference had three Commissions: social and cultural, economic and legal. The ICJ acted as convenor for the Legal Commission, devoting considerable efforts before the Conference to editing, translating and reproducing working papers supplied by indigenous organisations. The Secretary-General chaired the Legal Commission, and six other members of the staff and interns also attended the Conference.

- NGO Conference for Action against Apartheid, which was held from 28 - 31 August 1978, in Geneva.

- NGO Seminar on Children under Apartheid in June 1979 in Paris (see Appendix A, section 1).

- NGO Consultation on Disappeared Persons on 11 February 1980 in Geneva (see Appendix A, section 4).

- NGO Seminar on Women and Apartheid, 19 - 21 May 1980, in Helsinki (see Appendix A, section 1).

- NGO Conference on Sanctions against South Africa, from 30 June - 6 July 1980, in Geneva (see Appendix A, section 1).

2. INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)

The Secretary-General addressed a meeting of the Assembly of the ICRC on the work of the ICJ on 11 January 1977. During the ensuing discussion proposals were put forward for closer cooperation. It is believed that this is the first occasion upon which a non-Swiss national, unconnected with the Red Cross Movement, has addressed this Assembly.

On 28 June 1979, the Executive Secretary participated in a meeting on the dissemination of international humanitarian law organised by the ICRC. Following the meeting, the ICRC decided to launch an appeal urging ratification of the 1977 Protocols to the Geneva Conventions. A summary of this appeal was published in ICJ Newsletter No. 2.

3. DIPLOMATIC CONFERENCE ON HUMANITARIAN LAW

Mr Samuel Suckow and Mrs Jenneke Entzinger attended as Observers the Diplomatic Conference on Humanitarian Law which resumed in Geneva on 16 March 1977. An article by Mr Suckow on this concluding session of the Conference was published in ICJ Review No. 19 (December 1977).

4. INTER-PARLIAMENTARY UNION (IPU)

The ICJ submitted, either alone or jointly with other NGOs, numerous cases of detained or harassed parliamentarians to the IPU Special Committee on violations of the rights of parliamentarians. They concerned parliamentarians in Argentina, Bahrein, Bolivia, Brazil, Chile, Ghana, Indonesia, Kenya, Singapore, South Korea and Uruguay.

On many occasions, the ICJ submitted information of a general or specific legal nature to the IPU in written or oral presentations, in particular on Brazil, Chile, Namibia and Uruguay.

5. INTERNATIONAL YEAR OF THE CHILD (IYC)

On 13 December 1977 and 4 April 1978, the Executive Secretary attended preparatory meetings in Geneva for the International Year of the Child.

The Executive Secretary and a legal assistant, Ms Marion Raoul, attended the second NGO/IYC Plenary Session on 5 and 6 April 1979 in Geneva.

The Executive Secretary made a statement in which he reported upon the Warsaw Seminar on the Rights of the Child organised by the ICJ, the IADL and the Association of Polish Jurists in January 1979. The final conclusions of this Seminar were published in ICJ Review No. 22 (June 1979). He also spoke on the subject of disappeared and detained children and urged the adoption of a Declaration on this subject in the following words :

"The International Commission of Jurists has for years been concerned about these abhorrent practices and during this year special attention has been given to the numerous children who are the victims of such violations. In July and August 1978, the ICJ issued a short report on the detention of children in South Africa. Unfortunately, this is not the only country in the world where this occurs. In other parts of the world children have been used as hostages, tortured to obtain information from them or their parents, separated from their parents, sold for financial reasons or ... have simply disappeared, leaving their parents and relatives in anxious uncertainty about their fate, until security forces tell them that they are detained or until their bodies are found ... Let me express my organisation's fullest support for the Declaration before us and ask this meeting not only to adopt it by consensus but to act upon it in any way that the individual organisations think fit."

6. OTHER CONFERENCES AND MEETINGS AT WHICH THE ICJ WAS REPRESENTED

1977

From 18 - 20 May 1977, the Secretary-General attended a seminar on human rights in Siracusa, Italy, organised by the International Association of Penal Law.

On 14 September, the Executive Secretary represented the Secretary-General at an informal seminar convened in London by the U.K. Foreign Secretary to discuss implementation of the Helsinki Accord.

On 26 - 30 September, the Executive Secretary attended the 28th Assembly of the World Federation of United Nations Associations in Geneva.

1978

On 22 - 24 September, the Executive Secretary attended the 11th International Council Meeting of Amnesty International in Cambridge, England.

On 23 October, the Secretary-General addressed a public meeting organised by the Swiss Section of Amnesty International in Geneva on Political Prisoners in Indonesia. About 450 persons attended. The meeting was also addressed by Mr Sean MacBride, the former Secretary-General of the ICJ.

On 13 - 14 October, the Executive Secretary attended a conference in Berlin on the Rights of the Defence and the question of the "Berufsverbote", organised by the German Section of the ICJ.

On 1 - 2 November, the Secretary-General attended a seminar at Princeton University organised by the Ford Foundation on "The Law, the Media and Human Rights".

On 24 - 27 November, the Secretary-General took part in and addressed an International Symposium on Human Rights in Santiago de Chile (see Part I, section 11.9.).

On 6 - 8 December, the Executive Secretary attended a "Consultation on Women and Human Rights", organised by the World Council of Churches. He addressed the meeting on the work of the International Commission of Jurists.

On 15 - 16 December, the Executive Secretary and Dr. Alejandro Artucio attended a Colloquium in Paris, co-sponsored by the ICJ, on "The State of Exception in Uruguay".

On 20 - 22 December, the Secretary-General attended a Conference in Oslo on "Human Rights and Peace" organised by the International Institute of Human Rights, Strasbourg, and the International Peace Research Institute, Oslo, at which he presented a paper entitled "Violations of Human Rights as Threats to Peace".

1979

On 25 - 30 March, the Secretary-General attended a Conference in Berlin on Human Rights, co-sponsored by the U.N. Association of the U.S.A. and the Aspen Institute.

On 28 - 30 March, Dr. Alejandro Artucio attended a Round Table in Rotterdam, Netherlands, on "Democratic Restoration in Argentina, Uruguay and Chile" organised by the Institute for the New Chile. He gave a comparative analysis of the human rights situation in the three countries.

- Cyprus Conference on International Law

In June 1978, the Secretary-General attended a preparatory meeting to plan a conference on international law relating to the Cyprus problem, to be organised by the Cyprus Bar Council.

The Executive Secretary represented the ICJ at the Conference which was held in Nicosia from 30 April - 3 May 1979. Several Members of the ICJ, including the Chairman of the Executive Committee, Mr W.J. Butler, also attended. There were 46 participants from 22 countries in addition to over 25 lawyers from Cyprus.

- Baghdad Symposium on Human Rights in the Arab World

The Secretary-General attended a Symposium on "Human Rights and Fundamental Freedoms in the Arab World" held in Baghdad from 18 - 20 May 1979, and organised by the Union of Arab Jurists. Over 60 participants attended representing national unions of jurists and individual lawyers from 16 Arab countries, trade unionists, women, students and teachers; the United Nations, UNESCO, the Arab League and several international non-governmental organisations.

The themes for discussion included human rights and their practice in Arab countries, with particular reference to (a) emergency legislation and special courts, (b) political detainees and prisoners, torture and inhuman practices, (c) freedom of opinion and the press, (d) women's rights, (e) freedom of movement and residence in the 'Arab homeland'; the right to self-determination for the Palestinian people; promoting and teaching of human rights and humanitarian law; means of providing and protecting human rights. A summary of the conclusions and recommendations was published in ICJ Newsletter No. 1.

- Paris Colloquium on Argentine Lawyers

On 19 and 20 May 1979, a colloquium was organised in the French Senate (Paris) on the subject "National Security doctrine and the rights of the Defence: the Argentinian Case". The colloquium was sponsored by the ICJ, the Centre for the Independence of Judges and Lawyers (CIJL), the Mouvement International des Juristes Catholiques, the International Association of Democratic Lawyers and the Fédération Internationale des Droits de l'Homme.

The Executive Secretary and Dr. Alejandro Artucio, on behalf of the ICJ, and Ms Marion Raoul, on behalf of the CIJL, took part. Marion Raoul addressed the meeting on the persecution of lawyers in Argentina and the action taken by the CIJL. Dr. Alejandro Artucio, legal officer for Latin America, addressed the meeting on "The responsibility of the state in the protection of life and liberty".

- Bellagio Seminar on NGO Cooperation for Human Rights

The Executive Secretary attended a meeting organised by the International League for Human Rights with the cooperation of the Fédération

Internationale des Droits de l'Homme at Bellagio, Italy, on 21 - 25 May 1979. Some 25 representatives of NGOs in the field of human rights attended from Belgium, France, Federal Republic of Germany, Italy, Ireland, Netherlands, Norway, Portugal, Sweden, United Kingdom and the U.S.A.

On 26 - 30 June, the Secretary-General attended and addressed an international seminar on the inter-relationship of human rights organised by the Humanities Division of the Rockefeller Foundation in Bellagio, Italy.

- 6th Lawasia Conference

The Executive Secretary attended a Conference held on 27 - 30 August in Colombo, Sri Lanka, organised by Lawasia, a regional non-governmental organisation of lawyers which includes some 18 national bar associations among its members.

This Conference was of particular interest in that for the first time the programme included a human rights topic, namely "International Institutions for the Protection of Human Rights". Other topics were intellectual property, defence procedures and legal education. Over 400 delegates and observers attended the Conference, many from Sri Lanka and approximately half from other countries of Asia. Senator José Diokno of the Philippines delivered a keynote address urging action by Lawasia in the field of human rights. Extracts from his address were reprinted in ICJ Newsletter No. 2.

Many papers were submitted on the topic of human rights, including one by the Executive Secretary describing the work of the ICJ since 1959 in promoting regional cooperation and protection in the field of human rights. The paper further discusses recent developments within the U.N. in building regional machinery for the promotion and protection of human rights, describes briefly the working of the Interamerican system and suggests some possible institutions in the Lawasia region. The text of this paper was published in ICJ Newsletter No. 2.

At the end of the Conference a "Colombo Resolution" was unanimously adopted which was reprinted in the ICJ Newsletter No. 2.

The Executive Secretary represented the ICJ at an international seminar on "The U.N. System in a Changing World" organised by the International

Youth and Student Movement for the United Nations on 23 - 28 September 1979 in Geneva.

Mr Franco Ligi, Vice-President of the "Associazione Italiana Giuristi", the Italian Section of the ICJ, attended as an observer an international meeting of war veterans, in Rome, from 18 - 20 October. The meeting was organised by the International Federation of War Resisters, the World Veterans Federation and the International Confederation of Prisoners of War.

- Strasbourg Colloquium on Parliaments and Human Rights

The Secretary-General attended a Colloquium on "Parliaments and Human Rights" at the Council of Europe in Strasbourg on 15 - 16 December, organised by the International Institute of Human Rights (of which he is a Council Member).

The three themes of the Colloquium were :

- the role of national parliaments concerning certain specific problems,
- human rights and development aid, and
- the role of the European parliamentary assemblies.

Under the first theme the Secretary-General read a paper on Control of the Acts of the Executive : the Parliamentary Commissioner in the United Kingdom. The paper was published in ICJ Newsletter No. 3.

1980

- Mechanisms for the Protection of Human Rights

Mr El Hadj Guisse of Senegal represented the ICJ as an observer at a colloquium on the mechanisms for the protection of human rights organised by the C.R.I.D.H.A.C. (Centre de Recherche Interdisciplinaire pour la Promotion et la Protection des Droits de l'Homme en Afrique Centrale) in Kinshasa, Zaïre, from 28 January - 1 February 1980. Mr Guisse made an intervention in which he traced the legislative history of the International Covenants and the Optional Protocol.

At the Conference of Presidents of the European Bar Associations held in Vienna in February 1980, the ICJ was represented by its Austrian

Commission Member, Dr. Rudolf Machacek.

The Executive Secretary attended a meeting of 25 NGOs sponsored by the Commission of the Churches on International Affairs to discuss the current situation in the world in the context of the sharp deterioration of international relations, especially between the U.S.A. and the U.S.S.R., and the consequent threats to world peace. The meeting was held in Geneva on 8 - 9 March 1980.

- International Meeting on Human Rights

The Mouvement International des Intellectuels Catholiques (International Catholic Movement for Intellectual and Cultural Affairs) under the aegis of Pax Romana, organised an international meeting on human rights from 19 - 21 March in Geneva. Over 70 participants from more than 15 countries heard introductions by representatives of inter-governmental and non-governmental organisations. Among the many speakers were Mr Theo van Boven, the Director of the U.N. Division of Human Rights, Mr Louis Pettiti, President of the International Movement of Catholic Jurists and Mr Jean-Jacques Gautier, who outlined the proposed Optional Protocol to the draft Convention against Torture. The Executive Secretary, Mr Hans Thoolen, addressed the meeting on the work of non-governmental organisations in the field of human rights. He suggested that the different church groups establish a world wide clearing-house for cases of church leaders and activists who are harassed or persecuted for their professional activities. Copies of a speech by the Secretary-General of the ICJ, given to the Catholic Institute for International Relations in London in June 1976, were distributed as a conference document.

At an international conference on "The Olympic Games and Human Rights", held in The Hague on 10 - 11 April 1980, the ICJ was represented by an observer, Mr Kees-Justus Vogel, Executive Secretary of the Nederlands Juristen Comité voor de Mensenrechten, the Netherlands Section of the ICJ.

- Human Rights and African Political Systems

From 12 - 15 May 1980 the Secretary of the Centre for the Independence of Judges and Lawyers attended on behalf of the ICJ a colloquium on Human

Rights and African Political Systems. He addressed the opening session and participated in discussions on international mechanisms for the protection of human rights. The colloquium took place in Dakar, and was sponsored by the Friedrich-Naumann Foundation and the Senegalese Democratic Party. Human rights experts from 10 African states and several international organisations participated.

- Emergency Conference on Anatoly Shcharansky

At a meeting organised by the Foundation "Friends of Anatoly Shcharansky" from 12 - 13 May in Amsterdam, the ICJ was represented by an observer from the Netherlands Section of the ICJ. The participants heard details of the trial and conviction of Anatoly Shcharansky from a number of experts with knowledge of the case. They decided to establish a follow-up committee which would, inter alia, pursue the case at the next Helsinki review conference in Madrid in November 1980. The Conference unanimously adopted a statement of which the main part was published in ICJ Newsletter No. 5.

- Inter-African Union of Lawyers

On 21 - 25 May, the Secretary of the Centre for the Independence of Judges and Lawyers, Mr Daniel O'Donnell, attended the Constituent Congress of the Inter-African Union of Lawyers in Dakar, Senegal.

- European Lawyers' Conference in Lübeck (FRG)

To celebrate its 25th anniversary, the German Section of the ICJ organised a conference in Lübeck from 20 - 22 June on the Protection of Human Rights in the Framework of the European Community and the European Convention on Human Rights. Approximately 55 participants attended the Conference including observers from six other European sections of the ICJ. The secretariat in Geneva was represented by the Executive Secretary.

- Union of Arab Lawyers

From 25 - 30 June the Secretary of the CIJL attended the 14th Congress of the Union of Arab Lawyers which was held in Rabat, Morocco. A report on the Congress was published in ICJ Newsletter No. 5.

- International Human Rights Teaching Session, Columbia University

The Centre for the Study of Human Rights of Columbia University, New York, organised a human rights teaching session from 28 July - 1 August. Many topics, ranging from torture and disappearances, to migration and race and sex discrimination were considered from different angles by a large number of experts. Ms Irene Khan, legal assistant at the ICJ secretariat, introduced the topic of Third World perspectives on Human Rights. Mr Hans Thoolen, Executive Secretary of the ICJ, made a short intervention on the role of international non-governmental organisations in the protection and promotion of human rights.

On 20 October, the Executive Secretary attended the ceremony for the 100th anniversary of the Free University in Amsterdam. On this occasion Mr Yap Thiam-Hien, the ICJ Member from Indonesia, was made a doctor honoris causa.

On 25 October, the Quaker U.N. Office in Geneva organised a seminar on the work of the Human Rights Committee. Present were members of the Human Rights Committee, an official from the Division of Human Rights, representatives of permanent missions to the U.N. and of non-governmental organisations. The ICJ was represented by Ms Chooi Fong.

On 11 November, Mr Daniel O'Donnell attended the inaugural meeting of the newly founded GIPRI: Geneva International Peace Research Institute.

- Helsinki Symposium on the Independence of Judges and Lawyers

The Finnish Section of the ICJ, with the support of the Finnish Bar Association, organised a symposium in Helsinki on 28 November 1980 to mark the reorganisation and re-establishment of the section. The subject of discussion was the Independence of Judges and Lawyers. Among the speakers were Mr Gustaf Petrén, ICJ Commission Member from Sweden and the Executive Secretary. The latter's address was reproduced in ICJ Newsletter No. 7.

The Executive Secretary represented the ICJ at the inaugural meeting of the European Human Rights Foundation in Brussels on 19 December 1980.

INTERVENTIONS AND CIRCULAR LETTERS
OF THE CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS

In 1978 the Centre issued three circular letters and made three private interventions with governments. The circular letters concerned Mr. Abraham Hockman, a prominent Argentine defence lawyer who disappeared and later (1979) was determined to be in military custody; Dr. Zdeněk Damec, a Czechoslovak lawyer whose licence to practice was suspended for political reasons; and Messrs Biros, Soggot, Nicholson and Ayob, four prominent South African defence lawyers barred from visiting imprisoned clients. The private communications were to the Federal Republic of Germany regarding Ms. Charlotte Niess who apparently was barred from a judicial post by reason of membership in the International Association of Democratic Lawyers; to Indonesia regarding Mr. Gumulyo, a 70 year old lawyer detained without charges since 1968, and to the Amin government in Uganda regarding the assassination of the chairman of the industrial court. The Centre also issued in 1978 a press statement deploring the decision of the South African government to terminate a judicial commission enquiring into exchange control violations in which governmental officials were implicated.

In 1979 the Centre issued three circular letters and made nine private interventions. The circular letters concerned Dr. Joseph Danisz a Czechoslovak lawyer who suffered disbarment and criminal sanctions as a result of his defence of political dissidents; Mr. Musa Shongwe, a Swazi defence attorney detained without charge, and Mr. Matine-Daftary, a prominent lawyer and human rights advocate threatened with summary prosecution in Iran.

Two private interventions were made to the government of Argentina. One concerned Drs. Hockman, Seman, Falcone and Catala, four lawyers reported to be in military custody but whose detention the authorities refused to acknowledge. The second concerned two "disappeared" lawyers, Drs. Intelisano and Perpignan and the confirmation of the death of a third disappeared lawyer, Dr. Diaz-Lestrem. The other private interventions included one to the Bar Association of Guatemala regarding the assassination and intimidation of lawyers in that country; to Haiti regarding Mr. Joseph Maxi,

attorney and co-founder of the Haitian League for Human Rights, arrested without stated charges; to the Somoza government in Nicaragua concerning Dr. Nunez de Escorcia, detained without charge; to the Bar Association of Poland concerning the alleged harassment of Mr. Lis-Olszweski, a defender of political dissidents; to Sierra Leone regarding section 115(1)(c) of the Constitution of 1978, which undermines the security of tenure of judges; to South Africa regarding Mr. Arthur Pickering, a lawyer detained without charges in Namibia.

Eight circular letters were issued in 1980: one in January concerning three lawyers then detained without charge in Taiwan, one concerning the trial of Pakistan defence attorney Mr. Yahya Bakhtiar under retrospective legal provisions and apparently for discriminatory motives, one concerning further developments in the case of Czechoslovak lawyer Dr. Joseph Danisz, one concerning the death in custody of a lawyer in Libya and the detention without charge of three others, one concerning the detention without charge of five South African lawyers, and one concerning the assassination of eight lawyers in Guatemala in the first six months of 1980. Two circular letters were issued concerning the dissolution of the Bar Council of Syria and the imprisonment without charge of twenty of its members. A private intervention was made to the government of South Africa regarding the detention without charge of attorney Rachaad Khan.

In March 1981, two circular letters were issued. The first concerned the closure of the courts of Malta for a period of weeks as well as a Bill expanding the executive's control over the administration of the courts and the discipline of lawyers. The other concerned the assassination or kidnapping of fifteen more lawyers, judges and members of the law faculty in Guatemala.

Forty-six bar associations or other lawyers' organisations have responded affirmatively to CIJL circular letters. A complete list is on page 10 of this report. In several cases interventions have been followed by improvements in the conditions complained of. For example, lawyers Gumulyo, Pickering, Santucho, Shongwe and the South African lawyers detained in 1980 were all released from detention, and Czechoslovak lawyer Joseph Danisz was released from prison by a presidential amnesty.

CONTENTS OF ICJ REVIEWS AND CIJL BULLETINS

1. ICJ REVIEWS

Nos. 18 - 25, published in english and spanish:

1.1. Section Human Rights in the World contained short articles on the following countries :

Argentina	Nicaragua (2)
Bangladesh	Nigeria
Bolivia	Pakistan
Brazil (2)	Paraguay
Colombia	Palestine
Chile (2)	Singapore
El Salvador (2)	South Africa (4)
Equatorial Guinea	South Korea
Ghana (2)	Sri Lanka
Guyana	Syria
Haïti (2)	Tanzania
India (2)	Thailand
Indonesia	Turkey
Iran (2)	United States
Japan	Uruguay
Kampuchea	Zaire
Malaysia	Zimbabwe (South Rhodesia) (3)

1.2. Commentaries were published on the following subjects :

Helsinki Accords
USSR Constitution
Israeli Settlements
UNESCO Complaint Procedure
Inter-American Convention
ILO Conventions and Czechoslovakia
Women's Conference Copenhagen
Diplomatic Conference Territorial Asylum
Commission on Human Rights (4)
Sub-Commission on Prevention of Discrimination and Protection of Minorities (4)
Human Rights Committee (5)

1.3. Signed Articles were published on:

Nuclear power and human rights
Human rights and development aid
International factfinding
Asylum and terrorism
Freedom of movement in the GDR
New Protocols to the Geneva Conventions
India's ex-untouchables
The Bake case in the USA
Nuclear proliferation and safeguards
Ombudsmen and human rights commissions
Ombudsmen and mediateur
Concept of rights of children
States of exception
Optional Protocol to torture convention
Aboriginal rights
Political discrimination in Soviet labour law
Pre-trial detention in Western Europe
Afghanistan and the Rule of Law
Turkish Workers' Party trial
International Code of Marketing for Breastfeeding
Administrative law under civil and common law systems

1.4. The section ICJ News contained reports on the 1977 ICJ Conference and Meeting of the Commission Members in Vienna, the Barbados seminar 1977, the establishment of the Centre for the Independence of Judges and Lawyers, the 1978 Dakar seminar, the 1979 Warsaw conference on Rights of the Child, and the 1979 Bogotà seminar.

1.5. The text of the U.N. Code of Conduct for Law Enforcement Officials and of the 1980 Riobamba Charter of Conduct were printed in full.

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

- Failure of due process distinguished from simple judicial error; Privy Council appeal from Trinidad
- Prisoners awaiting trial in India
- Sunday Times case, European Court of Human Rights
- U.S. decision in *Filartiga vs Pena*, torture in international law

2. CIJL BULLETINS

Nos. 1 - 6, published in english, french and spanish, carried articles and notes on the following subjects :

Military justice in Iran and the 1977 penal reforms
Independence of judges in Sri Lanka
Persecution of lawyers in South Korea
The prosecution in French criminal procedure
Report on the independence of judges and lawyers
Human rights resolutions of lawyers' organisations
Legal education in the field of human rights
U.N. seminar on role of national institutions for human rights
Nigerian electoral laws
State immunity from judicial acts
Paris colloquium on Argentinian lawyers

2.2. Cases of persecuted or harassed lawyers and judges were described in the following countries :

Argentina	Paraguay
Bolivia	Poland
Brazil	Sierra Leone
Chile	South Africa
Czechoslovakia	Swaziland
El Salvador	Syria
Guatemala	Tunisia
Indonesia	Uganda
Iran	Uruguay
Namibia	Yemen PDR
Pakistan	Yugoslavia

2.3. The Bulletin also reported regularly on activities of national and international lawyers' associations relating to the independence of judges and lawyers.

PUBLISHED LECTURES AND SPEECHES BY ICJ STAFF MEMBERS

1. In addition to speeches and interventions at conferences and meetings mentioned above, members of the ICJ staff have frequently addressed gatherings of lawyers, students, politicians and others about the work of the ICJ. Articles in the Review have often been reprinted in other journals.

2. Among the articles, lectures and speeches which have been published by other organisations or journals are the following :

- The Secretary-General's speech to the Canadian Human Rights Foundation on "The Credibility Gap in Human Rights" was published in portuguese in the Brazilian Bar Association Journal in 1975 and in Canada in "The Month" in 1977.
- The Secretary-General's address to the Netherlands' Society for International Affairs on "The Human Rights Explosion" was published in Dutch in the "Internationale Spectator" of November 1977 under the title "President Carter en de Mensenrechten".
- The Executive Secretary's paper on "The Need for an International Convention against Torture" was published by the World Council of Churches as Background Information Paper No. 1978-4.
- The Secretary-General's speech on "Human Rights, the Legal System and Rights of the Defence" to the International Symposium in Santiago, Chile, in November 1978 was published in spanish by the Vicaria de Solidaridad in Chile.
- Speeches by the Secretary-General and the Executive Secretary on the Torture Convention were published in Alois Riklin (ed.), Internationale Konventionen gegen die Folter, Schriftenreihe der Schweizerischen Gesellschaft für Aussenpolitik No. 6, Bern 1979.

- The Executive Secretary's speech on the Rights of the Defence, and Dr. Alejandro Artucio's speech on "Economic, Social and Cultural Rights" to the Symposium on human rights in Uruguay in Paris in December 1978, were published in french, english and spanish, in "Amnesty - Symposium posium on the State of Emergency and Human Rights in Uruguay", SIJAU, Paris 1979.
- An address by the Executive Secretary about the ICJ was published in french in the Bulletin of the Swiss Amnesty International Section in September 1979.
- The Executive Secretary's lecture on "Berufsverbote" at a colloquium organised by the German Section of the ICJ in Berlin in October 1978, was published in "Der Freiheitliche Rechtsstaat und seine Gegner - Mittel und Grenzen der Abwehr", Rechtsstaat in der Bewährung, Band 7, Müller, Heidelberg/Karlsruhe 1979.
- An article by the Secretary-General and Mr J.J. Gautier of the Swiss Committee against Torture was published, in english and french, in the Inter-Parliamentary Bulletin 1980 No. 3, under the title "The Draft Optional Protocol to the Torture Committee.
- "Human Rights", Vol. 9, No. 2 (1980), the journal of the Individual Rights Section of the American Bar Association, published an article by the Secretary of the CIJL under the title "The Massacre of the Legal Profession".
- Quest '80, a U.S. monthly, of December 1980, published a cover story on the ICJ under the title "Freedom's Law Firm".

OBSERVER MISSIONS TO TRIALS

DATE	PLACE	TRIAL	OBSERVER
<u>1977</u>			
June	Pretoria, S.A.	Breytenbach II	Mr L. Velleman Netherl. Advocate
June	Bangkok, Thail.	Trials arising out of Oct.6, 1976 disturb.	Dr. Manfred Kopp Rechtsanwalt, FRG
September	Prague, Czechosl.	Subversion charges against 2 Charter 77 members (not admitted to court room)	Dr. Harald Schwarz Rechtsanwalt, Austria
November	Jakarta, Indon.	Trial of Sawito Karto- wibowo for incitement to treason	Prof. Fedfry Ordenez Philippines
November	Manila, Philipp.	Supreme Court hearing on Aquino's appeal against his death sen- tence by mil.tribunal	Mr George T. Davis, U.S. Attorney
<u>1978</u>			
February - March	Pretoria, S.A.	Pretoria-12 trial, charges under Terror- ism Act	Mr J. Lovatt-Dolan Senior Counsel, Irish Bar
February	Bangkok, Thail.	"Thammasat 18" Students trial	Mr D.J.S. Hallmark Solicitor of the Supreme Court, U.K.
May	Karachi, Pakist.	Appellate trial of Mr Ali Bhutto	Mr John Melville Williams, Q.C., U.K.
May	Windhoek, S.A.	Trial of Victor Nkandi charged with murder in connection with Chief Elias' assassination	Mr Martin Kennedy Senior Counsel, Irish Bar
May	Jakarta, Indon.	Trial of Sawito Karto- wibowo - final phase	Mr Rodney Lewis, Attorney, Australia
October	Bethal, S.A.	18 defendants belonging to PAC, charged with terrorist activities	Mr Philip Otton, Q.C., U.K. (report in ICJ NL 1)
October	Kempton Park, South Africa	11 Soweto students charged with sedition	Mr Philip Otton, Q.C., U.K. (report in ICJ NL 1)

DATE	PLACE	TRIAL	OBSERVER
<u>1979</u>			
January	Papeete, Tahiti	Trial of Charlie Ching and others	Mr Lionel Chévrier, Q.C. Canada
May	Kempton Park, South Africa	11 Soweto students charged with sedition	Mr Millard Arnold Director, Lawyers' Committee for Civil Rights Washington, D.C.
July	Johannesburg, South Africa	State v. Zenith printers (Beyers Naudé) & Union of Black Journalists for publication of "undesirable publ."	Mr F.B. Keulen Vice-Chairman of Netherlands Bar
August and September	Seoul South Korea	Trial of 7 staff members of the Christian Academy	Mr Hin-Lee Wong Lawyer, Hong Kong
September	Malabo, Equat. Guinea	Trial of the former President Macias	Dr. Alejandro Artucio Legal Officer ICJ (report published as special publication "The Trial of Macias")
November	Pretoria, S.A.	Appeal hearing of Mpho Makae and Jacob Tlelima before Supreme Court	Mr J. Melville-Williams Q.C., U.K. (report in ICJ NL 4)
November	Vienna, Austria	Appeal hearing in disciplinary case against a Salzburg lawyer	Dr. Drindl Professor at Max Planck Institute, Freiburg, FRG
December	Jerusalem Israel	Expulsion of Mayor of Nablus, Mr Shaka	Prof. R.R. Werner former professor int'l law, Geneva
<u>1980</u>			
February	Ankara, Turkey	Proceedings before Supreme Court against Turkish Workers' Party	Mr Manfred Simon Hon. President Court of Appeal, Paris (report in Review 24)
March	Warsaw, Poland	Trial of Alicia Wesołowska charged with espionage (refused permission to enter country)	Dr. Carl F. Hadding former Pres. Court of Appeal, Sweden (report in ICJ NL 4)
May	Colombia, Sri Lanka	Nadeson Q.C. hearing before Supreme Court	Lord Hooson, Q.C., U.K. (report in ICJ NL 5)
May	Dublin, Ireland	Appeal hearing Osgur Breatnach & Brian McNally	Mr Sean MacBride and Mrs Muireann O'Brian, member, Irish Bar

DATE	PLACE	TRIAL	OBSERVER
<u>1980</u> (cont'd)			
June	El Salvador	Trial of former Minister of Foreign Aff., Samayoa (no permission obtained)	Dr. Roberto Alvarez Lawyer, Dominican Republic
July	Israel	Supreme Court hearing in case of deportation of two Mayors and an Islamic judge	Prof. R.R. Werner former professor int'l law, Geneva (report in ICJ NL 6)
July	Quetto, Pakistan	Trial of former Attorney General Bakhtiar	Mr Daniel O'Donnell Secretary CIJL, Geneva (report in CIJL Bulletin No. 6)
August	Seoul South Korea	Trial of Kim Dae Jung (Observer refused visa)	Prof. Bert B. Lockwood U.S.A.

* * *

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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 60 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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