

Activities for "political detainees"

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Darmstadt were also chosen from the State archives of Hesse. Finally, a list has been made of the names recorded in the archives of the emergency court under the Attorney General of Darmstadt. This will enable the ITS to inform applicants whether documents they seek are available in the National Archives at Darmstadt.

MAKING USE OF DOCUMENTS.—In 1978, the ITS sent 83,493 replies to requests received, including 43,035 certificates or reports of imprisonment, 9,745 certificates of forced labour during the war, 2,871 reports on periods spent in DP camps after the war and 430 reports on matters of historic interest.

Annual Assembly of the ICITS

The International Commission for the International Tracing Service—composed of representatives of the Governments of the Federal Republic of Germany, Belgium, the United States, France, Greece, Israel, Italy, Luxembourg, the Netherlands and the United Kingdom—held its annual Assembly in Bonn, on May 8, 1978.

On that occasion, the Director of the ITS, Mr. Philippe Züger commented on the various problems of the institution, particularly regarding the financing and restoring of the Archives. The draft budget for 1979 was handed over to the representative of the Government of the Federal Republic of Germany, on which it is incumbent to cover the cost of the activities of the ITS.

Honour extended to the ITS by the Government of the Federal Republic of Germany

At the end of 1978, the Government of the Federal Republic of Germany expressed its gratitude to the ITS at Arolsen and to the ICRC in Geneva. In the presence of Mr. Alexandre Hay, President of the ICRC, and other distinguished personalities, the Grand Cross of the Order of Merit was awarded to Mr. N. Burckhardt and Mr. A. de Cocatrix, former directors of the ITS, during a ceremony in Geneva.

ACTIVITIES FOR “POLITICAL DETAINEES”

Protection in situations not provided for in the Conventions

Until 1949 the law of Geneva only protected victims of wars between States. Now, article 3, common to the four Conventions of 1949, applies to non-international armed conflicts, and so does Protocol II of 1977, which does not, however, cover *situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts* (Protocol II, art. 1, para. 2).

What sort of “internal disturbances and tensions” justify the protection of the ICRC beyond the field of application of the Geneva Conventions and their Protocols?

The ICRC has attempted to define these. Both expressions were submitted to a group of experts in 1970. On the basis of their remarks the ICRC gave the following description of **internal disturbances** at the first Conference of government

experts (1971): *This involves situations in which there is no non-international armed conflict as such, but there exists a confrontation within the country, which is characterized by a certain seriousness or duration and which involves acts of violence. These latter can assume various forms, all the way from the spontaneous generation of acts of revolt to the struggle between more or less organized groups and the authorities in power. In these situations, which do not necessarily degenerate into open struggle, the authorities in power call upon extensive police forces, or even armed forces, to restore internal order. The high number of victims has made necessary the application of a minimum of humanitarian rules.* (Conference of Government Experts, documents submitted by the ICRC, vol. V, Protection of Victims of Non-International Armed Conflicts, page 79.)

Internal tensions mainly refer to:

- (a) *situations of serious tension (political, religious, racial, social, economic, etc.);*
- (b) *sequels of an armed conflict or internal disturbances.*

These situations present any one, if not all, of the following characteristics:

1. *mass arrests;*
2. *large number of “political” detainees;*
3. *probable ill-treatment or inhuman conditions of detention;*
4. *suspension of fundamental legal guarantees, either by the proclamation of a state of emergency or by a de facto situation;*
5. *alleged disappearances.*

In short, according to certain experts, *internal disturbances* are said to exist when, without any armed conflict, the State resorts to armed force to maintain order, and *internal tension* when, without any internal disturbance, force is used as a preventive measure to maintain law and order.

It is in situations such as these that the ICRC extends its protection beyond the field of application of the Conventions. It carries out this activity in pursuance of its universally recognized right of humanitarian initiative, several resolutions of International Conferences of the Red Cross and article 6, para. 5, of the Statutes of the International Red Cross, which state that the ICRC, as a *neutral institution whose humanitarian work is carried out particularly in time of war, civil war, or internal strife, endeavours at all times to ensure the protection of and assistance to military and civilian victims of such conflicts and of their direct results.*

Contrary to the “conventional” situations of international conflicts, the State to which the ICRC offers its services under such circumstances is not bound to accept them. Hence it is only to be obliging and as a mark of confidence that a government allows the ICRC to act in its country. There are times, however, when the government concerned invites the ICRC to undertake an action in its country.

Persons imprisoned during internal disturbances and tensions

A general characteristic of internal disturbances and tensions is the imprisonment of certain categories of people by the authorities. These people all have this in common: their acts, their words or their writings are considered, by the authorities, to be such an opposition to the existing political system that they

must be punished and deprived of their liberty. The legal or material nature of this penalty varies: its aim may be to punish, prevent, re-educate, or reintegrate; it could be the outcome of a judgement given under the normal laws in force or in pursuance of emergency legislation or jurisdiction; it could be the result of an administrative measure of a limited or unlimited duration.

Even though the ICRC does not express its opinion regarding the reasons of the persons' detention, it is nevertheless concerned with the *conditions* of their detention. Experience shows that even when the government of a country would like to see these prisoners humanely treated, day-to-day reality of prison life could and in many cases should be improved. These people, often considered as "enemies" by the authorities in direct contact with them, are not always able to make known their grievances to the national authorities who would be both willing and able to guarantee proper and humane treatment. So, not only during the period of interrogation but even after, when the only security factor in question was that of the place of detention, delegates of the ICRC have seen how the condition of these people was often quite unsatisfactory.

Procedure and essential features of visits

In order to improve conditions for these detainees, the ICRC visits them in the places of detention. This involves periodic and thorough visits by professional delegates of the ICRC, all Swiss, followed by discussions at all levels with the detaining authorities and concluded by confidential reports sent solely to the detaining authority. These reports, which give an objective and detailed description of the conditions of detention, and suggestions to improve these if need be, are not for publication. The ICRC only publishes the number and name of the places visited, the date of these visits, the number of people seen and the conditions under which these visits took place (particularly whether the delegates were able to meet the detainees in private or not. See next paragraph). The ICRC does not publicly comment on the material and psychological conditions prevailing or give its opinion—publicly or otherwise—regarding the reasons for detention. From case to case the ICRC provides material assistance to detainees if need be and if the authorities so desire. This assistance can be extended to the families of detainees in material difficulty.

In order to carry out their work of protection, the delegates of the ICRC insist on being allowed to see all those detained in connection with the disturbances or tension, to talk freely and in private with the detainees of their choice and to repeat the visit as needed.

In conclusion, it should be observed that in the present Report the expression "political detainees" is used for simplicity and does not imply recognition by the ICRC of the status attributed by the authorities to the prisoners visited.

Statistics of activities in 1978

In 1978, the delegates of the ICRC visited 313 places of detention in 14 countries, containing a total of more than 28,700 "political detainees" (see Table).

The programmes of material assistance undertaken for

detainees and their families amounted to 645,600 Swiss Francs (see Table on page 50).

Only the larger-scale activities carried out by the ICRC for "political detainees" in Chile, Argentina, Indonesia and Iran, have been treated here at length.

Chile

Closing the permanent delegation of the ICRC

Since January 1977 the ICRC delegation in Chile had been integrated with the regional delegation for the Southern Cone, which had its headquarters in Buenos Aires.

Owing to the developments of the situation in 1978—particularly the amnesty measures declared by the Chilean Government in April in favour of those imprisoned for offences endangering national security—the ICRC decided to close its permanent delegation at Santiago in October, when its last delegate in Chile was transferred to Argentina, the medical delegate and the Tracing Agency delegate having already left in April. Only a liaison office with a locally recruited secretary was kept up in Santiago. This did not mean that the ICRC had stopped all activity in Chile, but that it carried out periodic missions from Buenos Aires.

The ICRC communicated its decision to reorganize its staff strength in the Southern Cone to the Chilean Ministers of

ICRC VISITS TO PERSONS DETAINED FOR POLITICAL REASONS

Countries	Number of places of detention	Number of detainees ¹
Africa		
South Africa	9	483
Rhodesia/Zimbabwe	2	198
Zaire	12	a few hundred
Latin America		
Argentina	32	~ 4,000
Chile	70	200
Nicaragua	20	~ 680
Paraguay	10	50
Asia		
Afghanistan	1	90
Indonesia	96	~ 19,000
Philippines	29	1,475
Thailand	9	352
Europe		
Portugal	1	13
Middle East		
Iran ²	20	~ 2,100
Yemen Arab Republic	2	80
TOTAL 14 countries	313	more than 28,700

¹ Many of these figures have been rounded off or, for countries in which several series of visits were conducted, are approximate.

² These figures do not take into account the numerous interim visits carried out between the 3rd and 4th series of visits to this country (see page 46).

Foreign Affairs, of the Interior and of Justice during a mission of the delegate-general to Santiago at the end of September. The Chilean authorities accepted these proposals and assured the ICRC that they would give it every assistance to carry out its task.

Assistance and visits to places of detention

During the first nine months of 1978, the ICRC delegates continued to visit the places of detention regularly, to see the detainees and to check their number and the place where they were confined after the amnesty measures of April. The ICRC thus paid 105 visits to 70 prisons, twenty of which (where the majority of prisoners were detained) were visited several times. The delegates noted that out of some 200 detainees at the beginning of 1978, there remained about fifty at the end of the year.

During these visits, relief items amounting to 20,600 Swiss francs were distributed to the detainees.

The ICRC also continued its programme of assistance to the families of detainees and former detainees until the end of October, thanks mainly to the European Economic Community which provided food (see Table on page 49). Almost one thousand families, both in the provinces and in Santiago, benefited, receiving various basic foodstuffs each month. This assistance, which cost 962,100 Swiss francs in 1978, was dispensed through twenty distribution centres throughout the country and operated by local sections of the Chilean Red Cross and by Church organizations.

The ICRC also supplied various relief items (food, blankets, linen) valued at 366,100 francs to several charitable and religious institutions.

When it closed its permanent delegation in Chile (opened in September 1973) the ICRC had carried out 1,123 visits, seeing about 18,000 detainees in the course of five years. Material and medical assistance given to them during that period amounted to 1,700,000 Swiss francs, whereas the value of relief items to their families (a total of 3,000) was 4,400,000 francs.

Missing persons and the activities of the Central Tracing Agency

During his visit to Chile in December 1976, the President of the ICRC had handed the President of the Republic, General Augusto Pinochet, two lists of missing persons containing 900 names. By the end of 1977, the Chilean authorities had supplied the ICRC with information which helped solve 119 cases.

From February to April 1978, a specialist of the Central Tracing Agency (CTA) visited Chile in order to make a further analysis of the cases of missing persons—in an attempt to obtain maximum information in respect of cases where it was inadequate and to eliminate cases impossible to solve because information was lacking—and to bring up to date both the above mentioned lists.

As a result of this work, a new list of 620 names was submitted to the Chilean authorities in May, replacing the former lists.

The Minister of Foreign Affairs acknowledged receiving this list and repeated his Government's offer to collaborate with the ICRC to solve the remaining cases.

However, at the end of 1978, the Chilean authorities had not provided any information whatsoever towards the solution of these cases.

The Tracing Agency office within the delegation at Santiago continued recording information relating to detainees, transmitting family messages, issuing travel documents and dealing with special cases and enquiries from abroad, etc.

Argentina

From January to the end of April 1977, the ICRC carried out the first series of visits to places of detention in Argentina. These were suspended for several months and resumed in December (see Annual Report 1977, page 25).

Visits to places of detention

These visits continued right through 1978. The ICRC delegates went to 32 places of detention where there were about 4,000 detainees. After the release of detainees in the course of the year, the authorities stated that at the end of 1978 there were 2,500 held at the disposal of the National Executive.

Most places of detention were under the authority of the Federal and Provincial Penitentiary Service. Two—the military prison of Magdalena, province of Buenos Aires, and the military camp of La Rivera, province of Cordoba—came under the military authorities. A third came under the Federal Police in Buenos Aires.

Some of the places of detention were visited on two and even three occasions. This was the case for the seven places of detention where there were the greatest number of detainees, namely, the prison of Villa-Devoto in Buenos Aires, and those of La Plata, Sierra Chica, Rawson, Coronda, Resistencia and Cordoba.

In accordance with criteria which the ICRC considered essential for this type of activity and the conditions accepted by the Argentine authorities in 1977, the delegates were able to talk to all the detainees in private, compile lists of names, distribute various relief items and undertake a programme of material assistance to detainees' families.

These conditions also stipulated that the ICRC was free to meet all persons detained because of the situation prevailing in Argentina. This freedom was granted in most of the places visited by the delegates, who met all the detainees held at the disposal of the National Executive, the military authorities and the Federal Police and those imprisoned by the military tribunals. However, in two prisons, those of Rawson and Bahia-Blanca, they were unable to visit 17 detainees who had yet to appear before the military tribunal.

Besides the permanent contact established by the delegation in Buenos Aires with the authorities, all these visits were recorded by the ICRC and the reports were handed to the Argentine Government.

In April during a mission to Argentina, the delegate-general for Latin America discussed the activities of the ICRC with the Ministers of the Interior and of Foreign Affairs, and with the General Chief of Staff of the Army and the Commander of the 3rd Army Corps.

In November a memorandum was handed to the Minister of the Interior summing up the statements, observations and

suggestions of the delegates as a result of their visits. The Argentine authorities informed the ICRC that, taking into account these observations, steps had been taken to remedy shortcomings reported by the delegates.

At the suggestion of the ICRC, the Argentine authorities released several detainees for health reasons.

Material assistance

At the beginning of 1977 the ICRC started a programme of assistance for the most needy families of detainees.

This activity was stepped up in 1978, so that by the end of the year 900 families, compared with 200 at the beginning, were receiving the benefit. This consisted of a food parcel every month and, in certain cases, emergency medical aid also.

In some prisons the delegates gave detainees additional assistance amounting to 13,500 Swiss francs. Moreover, every month from October onwards the ICRC gave detainees in the larger prisons, who had no financial resources, small sums of money which they could spend in the prison canteens.

In 1978, the material assistance provided by the ICRC to detainees and their families amounted to 171,300 Swiss francs (including 5 tons of milk donated to the ICRC by the Swiss Confederation, see Table on page 49).

Missing persons and the activities of the Central Tracing Agency

The Agency office in the delegation in Buenos Aires continued recording the names of persons reported missing and handed these lists to the appropriate authorities. At the end of the year the ICRC had not received any news from the latter.

The activities of the Agency office mainly consisted in recording, on index-cards, all information pertaining to detainees visited, transferred and released. It also issued about 120 travel documents to refugees without identification papers, who were authorized to leave Argentina and go to another country.

Staff strength

In 1978, the delegation in Buenos Aires, which is also the headquarters of the ICRC regional delegation for the countries of the Southern Cone, comprised eight persons, namely, one person in charge, two delegates, two medical delegates, one Agency delegate, a person for administrative matters and a secretary. In addition, the ICRC recruited 13 persons locally.

Financing

In July, considering the extent of its activities of protection and assistance in Argentina, the ICRC made an appeal to the governments and National Societies of a score of countries for 2.4 million Swiss francs a year. By the end of 1978 the total amount of contributions received by the ICRC came to 1,081,705 Swiss francs (see Table VII on pages 78 and 79 for the list of donors).

Indonesia

Activities for "political detainees"

Following the agreements reached the preceding year with the Indonesian authorities (see Annual Report 1977, page 28)

the ICRC was able to carry out a vast programme of visits in 1978, covering all the "political detainees" under the category G30S/PKI, i.e. persons arrested as a result of the events of 30 September 1965.

These visits were carried out in three main stages. The first, from the end of January to the end of April, dealt with all the places of detention on the island of Java which held detainees belonging to the category visited by the ICRC. The second, from the end of May to the beginning of July, covered the islands of Sulawesi, Kalimantan (East) and again Java (second visit to a certain number of places). During the third stage, which lasted from the end of October to the end of December, the delegates visited the islands of Buru, Ambon, Kalimantan (South and West), Ceram, Java (second visit to certain places), Sumatra and Bali. In all, the ICRC visited 96 places of detention (14 of them twice) where there were about 19,000 detainees.

These visits were carried out in accordance with the essential conditions laid down by the ICRC, namely, the possibility of meeting the detainees in private and of returning to places already visited if so desired.

On the other hand the ICRC delegates were unable to visit a number of detainees who were still undergoing interrogation.

These visits were made by several teams of delegates—for instance, three separate teams were simultaneously visiting the island of Buru—each one comprising a visitor-delegate, a medical delegate and a Swiss interpreter employed by the ICRC. This enabled the ICRC to get a general idea of the actual detention conditions in Indonesia and to suggest improvements for all the "political detainees" visited in 1978. As always, each visit was concluded by a meeting with the authorities in charge of the places of detention, and reports were drawn up and sent to the Indonesian Government by the ICRC. Furthermore, the ICRC delegates held final interviews with the provincial military governor or his assistants to discuss the problems common to all the places of detention in the province concerned.

From the month of October material assistance was given by the ICRC delegates, who distributed a variety of relief items—mainly medicines and books—to many places of detention. This assistance was carried out with the consent of the authorities and with the help of the Indonesian Red Cross and amounted to 44,200 Swiss francs.

Towards the end of 1978 the delegates were also setting up a relief action for the detainees on the island of Buru.

Visit of the ICRC President

The ICRC President, Mr. Alexandre Hay, accompanied by the Director of the Operations Department, Mr. Jean-Pierre Hocké, visited Indonesia from 14 to 17 November. The purpose of this visit was threefold: to evaluate the visits made to "political detainees" in 1978 (a summary report on this subject was handed to the authorities); to propose a programme of action for 1979; and to get permission for the ICRC to visit East Timor, where it had not returned since December 1975, except for a very brief visit to Dili in June 1976.

The ICRC President discussed these different points with Mr. Suharto, President of the Republic, Mr. Malik, Vice-President, Admiral Soedomo, Commander in Chief of the

Kopkamtib (Internal Security), Mr. Panggabean, Minister Coordinator for External Affairs and Security, the Minister of Foreign Affairs a.i., and Professor Dr. Satrio, Chairman, and Mr. Suhendra Ijaz, Secretary General of the Indonesian Red Cross.

During these discussions the Indonesian authorities granted permission to the ICRC to continue visiting the G30S/PKI category detainees in 1979. They also agreed, in principle, to let the ICRC send a mission to East Timor, the practical details of which were to be decided later.

Iran

In 1977, for the first time, the ICRC was permitted access to "political detainees" in Iran. Consequently, two series of visits took place in accordance with the conditions laid down by the ICRC (see Annual Report 1977, page 30).

This action not only continued but was stepped up in 1978, while at the same time the situation in the country deteriorated, martial law having been declared on 8 September.

Mission of the ICRC President

The ICRC President, Mr. Alexandre Hay, accompanied by the Director of the Operations Department and the regional delegate, went to Teheran at the end of February 1978, where he was met by the highest dignitaries of the country. The aims of this mission were:

- To evaluate the situation after the second series of visits made by the ICRC in October 1977 and to submit a summary report of this to the Iranian authorities, with the main observations and recommendations of the ICRC. These recommendations dealt above all with the legal procedure applied to persons arrested for endangering State security, and were intended in particular to ensure that accused civilians had their case investigated by independent examining magistrates or were judged by civil courts with the possibility of freely choosing their lawyers.
- To seek permission to open an office in Teheran, since the ICRC hoped to maintain some continuity between each series of visits so as to facilitate its contact with the detainees, further its relationships with their families and thus solve certain individual problems.

Having received this permission, the ICRC opened an office in Teheran in April 1978, with two delegates: one in charge and one Tracing Agency delegate.

Further visits

A third series of visits made by several additional delegates, including two doctors, took place from the end of April to the end of June. The delegates visited twenty prisons in Teheran and in the provinces, where they saw a total of 2,041 political detainees.

Later, because of the unrest in the country, the ICRC repeatedly applied to the authorities to have access to all persons arrested in connection with the prevailing events, regardless of the kind of charges against them. These efforts were renewed when martial law was introduced. The ICRC

delegation in Iran thus made a third and fourth series of visits to places of detention and carried out about twenty interim visits to some 600 newly arrested persons.

The fourth series of visits started in November with the Comite, Evin and Ghasr prisons, all in Teheran. During these visits the delegates saw 455 detainees condemned by the military tribunals or newly arrested and awaiting trial. The visits were to be continued in the provinces at the beginning of 1979 as the ICRC delegates had been unable to go there in December because of transport difficulties and security reasons.

In addition to the three prisons mentioned above, the delegates asked to visit the military camps, particularly that of Baghashah in Teheran, where persons arrested under article 5 of the martial law were detained from a few hours to a few days before being released or transferred to official prisons. At the end of the year, the delegates had not been granted this permission.

A general report on all these visits, forming part of a complete series, was delivered to the Iranian authorities, in addition to the specific reports on each place of detention.

Release of detainees

In 1978 the Iranian authorities released many prisoners. The ICRC was notified of the release of more than 2,000 "political detainees".

Moreover, it recommended that all the cases of persons convicted for endangering State security and who had not benefited from the amnesty measures be re-examined so that they could be tried according to the fundamental principles of justice.

Tracing of missing persons and other activities of the Central Tracing Agency

In 1977 and 1978, lists of missing persons, comprising about 400 names, were handed to the Iranian authorities by the ICRC. By the end of 1978 oral replies concerning approximately 250 persons had been received.

Whenever necessary the delegates, particularly after the opening of the ICRC office in Teheran, served as a link between the detainees and their families. Interim visits enabled them to deal with a number of individual problems with the authorities, such as requests for transfer to a place of detention nearer the detainees' homes, requests to assist families, medical cases, etc.

Medical situation survey

Concerned with the condition of those wounded during the demonstrations, the ICRC delegates and medical delegate made an assessment of the medical situation at the end of 1978. For this they got in touch with medical circles and visited several hospitals in the capital.

At the time, the hospitals were able to cope with the situation and medical and blood supplies were adequate. The ICRC, therefore, did not have to intervene in this field. On the other hand, the delegates did approach the authorities to obtain assurances that the medical personnel could work without hindrance and that neither they nor the wounded would be harmed.