

The prisoners of conscience known to Amnesty International were conscientious objectors to military service. The reform of the laws on conscientious objectors continued with proposals for a new law to replace the existing Marcora Law on conscientious objection (see *Amnesty International Report 1982*). The draft bill presented by the Minister of Defence, Lelio Lagorio, recognized that the existing law had "disadvantages and defects making a revision of it indispensable". It was awaiting examination before the Defence Commission of the Senate. On 24 December Amnesty International wrote to the Minister welcoming the new draft bill and in particular the proposal to reduce the length of alternative service from 20 to 16 months. However, the organization was concerned that the bill appeared to make no provision for recognizing political grounds for conscientious objection and no allowance for volunteers for military service who subsequently changed their views and became conscientious objectors. It also appeared that the responsible authorities were not obliged to explain their reasons for rejecting a request for alternative civilian service.

Sporadic allegations of torture and cruel, inhuman or degrading treatment had been received and investigated by Amnesty International in previous years. However, 1982 saw a sharp increase in the number of allegations, in particular with relation to arrests made at the time of the kidnapping of the NATO Chief of Staff, Brigadier-General James Lee Dozier, and after his release on 28 January 1982. Amnesty International received information on approximately 30 cases, some of which were supported by medical reports.

On 16 March Amnesty International wrote to the Minister of the Interior, Virginio Rognoni, to express its concern at the number and scope of recent allegations. It requested the Minister to review the police procedures followed in cases in which allegations of ill-treatment had been made publicly. Some of these allegations were already being investigated following earlier formal complaints. However, new allegations continued to be made. Amnesty International in its letter referred specifically to the testimony of Anna Rita Marino who was arrested in Rome on 2 March. She stated that after her arrest she was stripped naked, slapped in the face and beaten on her head, stomach and legs. Her nipples were twisted with an unidentified instrument. A medical examination on 11 March in the women's section of Rebibbia prison referred to skin contusions and bruises on her right and left breasts and thighs. The allegations of ill-treatment made in court in Verona on 8 March by Cesare di Lenardo were also mentioned. Di Lenardo alleged that not only he, but also his co-defendants, had been ill-treated. The investigating judge issued arrest warrants in June against five police officers after a four-month investigation. The

Minister of the Interior publicly criticized this as giving "rise to much perplexity and bitterness". The police officers were finally released and reintegrated into their forces after transfer. However the Deputy Prosecutor of Padua subsequently recommended that they should be tried.



Poland

Amnesty International's major concern was the internment and imprisonment of many thousands of prisoners of conscience which followed the imposition of martial law on 13 December 1981. Their numbers were difficult to estimate and fluctuated over the year. On 9 December official sources stated that in the past year 10,131 people had spent time in internment and 3,616 people had been arrested on political charges. Figures cited by unofficial sources were almost always much higher. In addition, several thousand people were reported to have been administratively sentenced to up to three months' imprisonment or fines for activities such as taking part in protest demonstrations. Amnesty International considered all internees to be prisoners of conscience: it urged their release and the revocation of the measure of internment under which people were held without charge or trial. Amnesty International welcomed the end of internment with the suspension of martial law on 30 December 1982, but remained concerned about the large and increasing number of prisoners of conscience arrested, charged or sentenced for the non-violent exercise of their human rights. Official sources said that at the end of the year about 1,500 people were serving prison sentences or detained awaiting trial for political offences. Unofficial sources estimated that between 2,000 and 2,500 people were imprisoned during the year for political offences and an unknown number were awaiting trial. Information from official and unofficial sources indicated that the majority were prisoners of conscience. Amnesty International worked for the release of some 300 about whom it had obtained details. It called for the release of all others imprisoned for the non-violent exercise of their rights.

Amnesty International was concerned also that most people convicted of political offences were tried under summary proceedings which limited legal safeguards for the accused and excluded the right of appeal. There were a number of complaints that internees and

prisoners had been intimidated or physically ill-treated. Conditions of imprisonment and internment were often described as poor. During the year 12 death sentences were passed and Amnesty International learned of two executions for murder.

Following the imposition of martial law many basic human rights were restricted. On 29 January the Polish Government, invoking public emergency, informed the Secretary General of the United Nations of its derogation from articles of the International Covenant on Civil and Political Rights concerning the right to liberty and security of person, to freedom of movement, to judicial appeal, to freedom of expression, assembly and association.

Internment, introduced with martial law, was most widely applied during the first month, when some 6,800 people were officially acknowledged to have been interned. Although some internees were released in December 1981 and there were releases throughout 1982, new internments continued to take place as late as November. According to official statements, internees were not suspected or accused of any crime, they were interned because their past conduct gave rise to "justified suspicion that if they remained at liberty they would not observe legal order or would engage in activities endangering the interests of the security or defence of the State". Internment was enforced by the militia with no court supervision. There was no fixed term for internment, which could, and in some cases did, last for the duration of martial law. Those interned included most members of the National Commission of the independent trade union Solidarity, Solidarity advisers, regional officials, members and supporters, members of independent farmers' and students' unions, members of civil and human rights groups and other people officially regarded as opponents of the government. Lech Walesa, Solidarity's leader, was placed under house arrest.

Internees were held in "isolation centres" in prisons, reformatories and in worker and army holiday accommodation. With the exception of women detainees and well-known intellectuals held in holiday centres, most internees experienced conditions described as cold, unhygienic and overcrowded. Internees frequently reported that they were interrogated by the state security police and pressed to collaborate with police, to emigrate or to sign a statement that they would not engage in anti-state activity, as a condition for release. A number of internees complained that they had been denied medical treatment or that this had been delayed. There were also allegations that internees had been beaten by guards; such incidents, for instance, were reported to have taken place on 13 February at Wierzychowo Pomorskie, on 25 March at Ilawa and on 14 August at Kwidzyn. In the last case six internees were said to have been badly injured and hospitalized.

Priests and delegates from the International Committee of the Red Cross were allowed to visit internees throughout the year.

The majority of people imprisoned for political offences during 1982 had expressed opposition to martial law by strikes, demonstrations, leaflets or clandestine trade union activity. Most were convicted of "martial law offences", that is, of violating Articles 46-48 of the Martial Law Decree of 12 December 1981. This penalized participating in a suspended trade union or association, organizing strikes or protest actions and printing or disseminating "false information liable to arouse public anxiety or riots". Most such cases reported to Amnesty International were tried by special summary proceedings introduced under martial law. In these proceedings pre-trial detention was compulsory and most detainees did not have access to a lawyer during investigation; various procedural time limits were reduced and heavier penalties imposed: a minimum of three years' imprisonment and loss of civil rights for up to 10 years. The accused had no right of appeal. In some cases, however, sentences were increased after an "extraordinary appeal" by the Procurator General. Certain martial law offences were tried by military courts, involving further restrictions, for example on public access to the court and on the accused's choice of lawyer. The majority of sentences imposed under summary proceedings for martial law offences in cases known to Amnesty International were of three to four years' imprisonment. Some lower sentences were imposed under normal proceedings, and there were also acquittals.

Amnesty International was also concerned about allegations that political prisoners had been severely beaten by prison guards. Prisoners in Gdansk prison, including some 15 prisoners of conscience, were reported to have been attacked and beaten by guards on 23 July after rumours had circulated within the prison that inmates were about to start a hunger-strike. Some 20 younger prisoners were forced to take a very hot shower and beaten again. Police dogs were alleged to have been set on certain prisoners.

During 1982 the number of people convicted of political offences grew rapidly. By 21 January more than 150 Solidarity activists had been imprisoned and by late March over 500. Among the first prisoners of conscience adopted by Amnesty International was Jerzy Kaniewski, a worker who was tried by a court in Warsaw in January, together with three others, on charges of having organized a protest strike at Ursus tractor factory on 14 December 1981. He was sentenced to three and a half years' imprisonment; two co-defendants each received three-year prison sentences. At the trial defence counsel argued that the strike had been spontaneous and stressed that the decree banning strikes had not been officially published until 18 December and could not be applied retroactively. Another prisoner of

conscience adopted by Amnesty International was Ewa Kubasiewicz, aged 43, a library curator at a naval college, and a Solidarity official. She and eight others were tried by a naval court in Gdynia in February. They were accused of leading a strike at the college on 14 and 15 December and of distributing a protest leaflet. She was sentenced to 10 years' imprisonment, the severest penalty for a martial law offence reported to Amnesty International during 1982. Her co-defendants, who included her son, received prison sentences of between three and nine years.

Following demonstrations in May and June more people were interned and arrested. During July, however, Solidarity's clandestine leadership called a halt to demonstrations and on 21 July, Poland's national day, General Wojciech Jaruzelski announced the release of all but 637 internees. On 26 July Amnesty International wrote a letter to General Jaruzelski welcoming these releases but stating that further steps were urgently needed to protect human rights. Amnesty International said that internationally recognized standards could be achieved only by the release of the remaining internees and by an amnesty for all those imprisoned for non-violent political activities. At that time different sources indicated that between 1,500 and 2,000 people had been sentenced by courts for martial law offences.

There were repeated demonstrations against martial law during August. The most widespread – affecting some 66 towns throughout the country – occurred on 31 August, the anniversary of the Gdansk agreement of 1980 between striking shipyard workers and the government. Five people were reported to have been killed in clashes between demonstrators and the police. Over 5,000 people were officially reported to have been arrested. Many were fined; others were interned or imprisoned. The following day the authorities announced that there was evidence that the demonstrations had been organized by members of the *Komitet Obrony Robotników* (KOR), the Committee for the Defence of Workers, an unofficial human and civil rights group founded in 1976. Several leading KOR members became advisers to Solidarity; in September 1981 it was voluntarily disbanded. On 3 September 1982 KOR members Jacek Kuron, Adam Michnik, Henryk Wujec and Jan Litynski, who had been interned for nine months, were placed under arrest on charges of "making preparations for the violent overthrow of the Polish socio-political system" under Articles 123 and 128(1) of the criminal code. Proceedings *in absentia* were started against two other KOR members – Jan Jozef Lipski and Mirosław Chojecki – who were abroad. In mid-September Jan Jozef Lipski, who had been receiving treatment for a serious heart condition, returned to Poland and was arrested. Amnesty International urged that these men be granted full

legal safeguards, including access to defence counsel and a fair and open trial. It also informed the authorities of its intention to send two observers to the trial.

On 8 October a military court convicted four members of the *Konfederacja Polski Niepodległej*, the Confederation for an Independent Poland, an unofficial political group. They had been on trial since June 1981 (see *Amnesty International Report 1982*). They were found guilty of having founded an illegal organization aimed at the violent overthrow of Poland's socio-political system. Leszek Moczulski, the leader, was sentenced to seven years' imprisonment; two others received five-year sentences and the fourth a suspended prison sentence. To Amnesty International's knowledge they had not advocated violence and they were adopted as prisoners of conscience.

On 8 October Solidarity, until then suspended, was formally banned. A new law passed by the *Sejm* (parliament) dissolved all existing trade unions and laid down regulations for forming new trade unions. Workers at the Lenin Shipyard in Gdansk, the birthplace of Solidarity, went on protest strike on 11 October and street demonstrations took place. The next day the shipyards were militarized and workers obliged to return to work, but demonstrations broke out in Wrocław, Poznań and in Kraków where a young worker, Bogdan Włosik, was shot dead by riot police. This was the 17th officially acknowledged death in clashes between demonstrators and police since the imposition of martial law. There were further arrests and internments following demonstrations on 10 November, the second anniversary of the official registration of Solidarity.

Two days later Lech Wałęsa was released. On 23 December all remaining internees were freed except seven leading Solidarity officials: Andrzej Gwiżdża, Marian Jurczyk, Jan Rulewski, Seweryn Jaworski, Karol Modzelewski, Grzegorz Palka and Andrzej Rozplochowski. They were charged with seeking the violent overthrow of the Polish socio-political system, but Amnesty International knew of no evidence that they had used or advocated violence. Arrests and trials continued through November and December.

On 30 December martial law was suspended and new legislation came into force. This eased several martial law restrictions and ended internment. However, it ensured that certain major martial law restrictions continued. For example, the criminal code was amended to make it an offence punishable by up to five years' imprisonment to produce, possess or distribute "anti-state publications". Although the martial law ban on public gatherings was lifted, a penalty of up to three years' imprisonment was introduced for actions "intended to incite public unrest". Political offences were no longer to be tried by summary proceedings but military courts retained jurisdiction over

crimes "against the fundamental political interests of the State". However, an accelerated procedure was introduced for the State Council to review applications for clemency by people convicted of martial law offences. Some 700 people were officially stated to be eligible to apply for clemency.

In November the Ministry of Justice stated that the severity of penalties for serious crimes such as murder had been increased during martial law. During 1982 nine death sentences were passed for murder; in addition, three Polish diplomatic officials who defected were sentenced to death *in absentia* on charges of treason. On 27 September the Polish press reported that Jan Sojda and Jozef Adas, sentenced to death in 1979 for murder, had been executed.



Portugal

Amnesty International was concerned about the length of legal proceedings against alleged members of the *Partido Revolucionario do Proletariado* (PRP), Proletarian Revolutionary Party, some of whom had been in prison since June 1978. They were arrested in connection with

bank robberies and bomb explosions allegedly carried out by PRP members.

In July 1982 the Constitutional Commission upheld the decision of the Supreme Court to annul the original convictions (see *Amnesty International Report 1982*). The principal accused Isabel do Carmo and Carlos Antunes, who were never accused of being directly implicated in the robberies and explosions, and Fernanda Fraguas were released into provisional liberty. The position with respect to a retrial was not known. Eleven alleged members of the PRP had announced their intention to appeal for a presidential amnesty.



Romania

Amnesty International was concerned about the imprisonment of prisoners of conscience, many of them would be emigrants or religious dissenters. Amnesty International was also concerned about lack of fair trial procedures for people charged with political offences. It received a number

of allegations of ill-treatment of people arrested for political reasons and prison conditions were reported to be poor. It also received reports of two people forcibly confined in psychiatric hospitals for the non-violent exercise of basic human rights. During the year Amnesty International worked for the release of 50 prisoners of conscience, but it believed that the total number of prisoners of conscience was much larger.

In August, 11 religious dissenters who had been adopted by Amnesty International as prisoners of conscience were released. There were further releases of prisoners of conscience following the announcement on 29 December of a presidential decree. This decree pardoned and released people sentenced to up to five years' imprisonment or corrective labour. In addition, sentences of between five and eight years' imprisonment or corrective labour were reduced by one sixth. The decree excluded recidivists and people convicted of violent crimes, bribery, corruption and escaping from prison. Amnesty International later learned of, and welcomed, the release under this decree of the majority of adopted prisoners of conscience held in late 1982.

As in past years, many people experienced official harassment and were sometimes imprisoned as a result of having applied to emigrate. Would-be emigrants continued to be liable to summary trial, without legal defence, on charges of "parasitical" or "anarchic" conduct under decree 153/1970. This provides for up to six months' imprisonment or "corrective labour without deprivation of liberty". Under the latter penalty the convicted person is assigned to a particular place of work, may not leave the area without the permission of the local militia and receives greatly reduced wages. Prisoners convicted under this decree included Paul and Polina Dragu, from Tirgu Jiu. They were sentenced to six and four months' imprisonment respectively in January after they and their four daughters went on hunger-strike in protest against official harassment and refusal to allow them to emigrate.