

The INDIAN government recently released 2 detainees who had been held without trial in Kashmir as advocates of increased autonomy for the state; one had been adopted and the other had been featured in the monthly Postcard Campaign. Six Pakistani citizens, arrested by the Indian government in the period after March 1971, have been taken up as investigation cases.

In March 1971, a State of Emergency was imposed in the Republic of SRI LANKA (Ceylon) in response to a violent revolt organised by the Janatha Vimukthi Peramuna, a radical Marxist youth movement. There was considerable loss of life and 14,000 people were subsequently detained under Emergency Regulations, which remain in force. Amnesty recognised that the Government had faced a grave emergency and decided to take no action for a period of 6 months. In its statements, the Government freely admitted that although some detainees had been perpetrators, or at least advocates, of violence, many of those in detention were not implicated in the rising. An Investigation Unit was set up and by July 7,000 cases had been processed, of whom 2,500 had been recommended for release. Amnesty's interest in this situation was threefold: that all detainees suspected of criminal offences should be tried by normal legal procedures; that all other detainees should be released; in the meantime, that there should be adequate conditions in prisons and detention camps. Particular concern was felt at the fact that detainees were being denied customary rights of legal access.

In September, Lord Avebury, a British parliamentarian, was sent to Colombo as a delegate; he was asked to report on the position and legal rights of those in detention. Although initial plans for this mission had been made with the knowledge and agreement of the government, no official meetings or facilities were arranged; at the end of his visit, only a few hours before leaving, Lord Avebury's visa was formally withdrawn. On his return to London he prepared a detailed report which was sent to the Prime Minister accompanied by specific recommendations relating to legal rights, prison conditions, information to families about arrest and detentions, and the employment of released prisoners. It was noted that the number of detainees had risen to 16,000. There was no response from the government and in March the report was published.

In March, new legislation was tabled; the Criminal Justice Commissions establishes special tribunals to hear the cases of 3,000 detainees due to be charged; in the interests of expedience, some important legal safeguards have been dispensed with, to the serious concern of Ceylonese lawyers. Releases are gradually taking place, but by the end of May about 10,000 remained in detention.

SOUTH EAST ASIA

In the middle of 1971, shortly after the July election, the INDONESIAN Government again announced its intention of reducing to 23,000 the number of political prisoners held without trial since 1965/6. At the same time the Foreign Minister announced that restrictions would gradually be relaxed for the 10,000 prisoners held in penal settlements on Buru Island. One of

the Research Department's main tasks has therefore been to establish how far this impressive release programme has been implemented, and to decide whether or not it signified a fundamental change in official policies.

There seems no doubt that some thousands of prisoners have been freed in the last nine months, but it is impossible to believe that the total numbers remaining in detention are not far in excess of 23,000. Two factors hamper any precise assessment: the indistinct line between detained prisoners and men who, though technically free, remain *de facto* prisoners as members of compulsory labour forces; the Government's own statistical uncertainties, which were summed up by the Attorney General late in 1971 when he told journalists that the exact number of prisoners was not officially known as it was "a floating rate, like the yen *vis-à-vis* the dollar; every day it changes". In January, the *Asian* newspaper assessed the total at 71,905; this may well be a realistic figure.

During the year more arrests have been reported, while attempts to purge the armed forces and government service of suspected communists continue. A few trials took place, and death sentences were reported. Amnesty's hope that detention procedures would be brought closer to a judicial framework once elections were over has therefore been disappointed; policy on detention continues to be dominated by military and security considerations, and prisoners remain without legal protection.

In December, journalists visited Buru Island; their reports make it clear that no real change of policy is contemplated, and that prisoners will remain restricted on the island for the foreseeable future. In May 1971, a new detention camp for several hundred women prisoners was opened at Plantungan, in Central Java. Early in 1972, Bukit Duri prison in Djakarta was closed, and many prisoners moved to Plantungan; as most are from the Djakarta area, the move will make it difficult for families to go on subsidising official rations.

On 12 August, 1971, a fortnight before the release programme was announced, Amnesty published the Memorandum written by Seán MacBride after his mission to Djakarta in 1970, and sent to President Suharto in February 1971. In a press statement, Amnesty asked the newly elected Indonesian government to review existing policy for all those detained in the period since 1965, and to release those not due for trial; the total number was estimated at between 70,000 and 90,000.

As an immediate step, the Memorandum asked that full lists of all prisoners should be published so that families might know that a relative was alive, though detained. The Government was also urged to implement those United Nations Standard Minimum Rules—hitherto in complete abeyance—which concern provision of adequate food and medical treatment, contact with families both generally, and specifically in the event of serious illness or death, the prohibition of 'cruel and degrading treatment' and the right to reading matter and to legal access.

Discussing the 'A' group of detainees due to be tried, the Memorandum suggests that those charged with less serious crimes should be released on the grounds that they had purged their offence by more than 5 (now 7) years' imprisonment. For group 'B' (10,000 to 15,000) scheduled for indefinite detention, the Memorandum proposed 'a complete reevaluation of policy', commenting that the 'resettlement' of 10,000 on Buru Island was 'completely contrary to the norms of the rule of law' in that it meant detaining indefinitely without trial or charge, persons suspected of being communists; this would lead to the creation of 'vast penal settlements' and was thus no way to eradicate past bitterness.

During the year, the Research Department has laid more stress on adoption and, for the first time, there was some official response. In April, 2 groups received letters from the Commandant of Buru, the first time this had happened. At the same time, the Indonesian Ambassador in Canberra met Australian members at his request. In May, a New Zealand group obtained permission to send letters and parcels to their adopted prisoner on Buru, a precedent we hope will prove effective and be extended. Fifty-five prisoners are now adopted, and we plan to increase their number in the coming months.

During the year, comparatively little work has been done on MALAYSIA. Some new adoptions were made in Sabah, East Malaysia, and early in 1972 all Sabah detainees except two were freed; efforts are being made to establish identity of both. A few releases were also reported in West Malaysia, but no official figures have been published. Unfortunately, there has been no change in the position of about 20 people deprived of their nationality for political reasons, who are held under the Banishment Ordinance awaiting the chance, often remote, that asylum will be found for them elsewhere. Early this year a report appeared in the *Asiam* newspaper that visits by Amnesty to detention camps would be officially allowed, but this has not been confirmed.

Four long-term detainees were released in SINGAPORE; at least one had been in custody since 1963, and another was from the group of *Nanyang Siang Pau* newspapermen arrested in 1971. But this handful of releases does not appear to signify a change in policy, even though no new detentions under the Internal Security Act have been reported. We have reports of increased pressure on detainees to obtain their release by making public "confessions" of past political connections. One adopted prisoner, Lim Hock Siew, when told that a public statement was a condition of release, refused on the grounds that this was "a form of public repentance", and that his opposition to the Malaysian Federation remained as strong as it had been when he was arrested in 1963. It seems possible that refusal to confess publicly is a major reason for the continuing detention of many long-term Singapore detainees. Their total is probably just under 100; Amnesty groups are working on 26 of these cases.

EAST ASIA

In August, talks began in Panmunjom between the two Red Cross Societies of KOREA. This was the first direct contact between North and South since 1953 and raised hopes that it might be the start of a wider relaxation in tension.

But, although the talks have continued, the situation in SOUTH KOREA has not improved as far as political imprisonment is concerned. "Threats from the north" and the insecurity engendered by China's entry to the UN were given in December as reasons for imposing a State of Emergency: it was followed by a number of arrests.

During the year, Amnesty's action has focused on trials of students and others charged with 'espionage' and having contacts in North Korea. As in other divided countries, the term espionage has a wide interpretation under South Korean law. Where details of the prosecution case are known, it is often possible for Amnesty to adopt these prisoners, despite the formal charges against them.

In July, a mass resignation of judges took place; they complained that the Government was trying to influence court decisions, especially in cases involving the anti-communist and national security laws. They later resumed their duties.

A few weeks later a case opened against seventeen students charged with espionage and with leading protests against the re-election in April of President Park to a third term of office; this had been made possible only by a special amendment to the Constitution, the legality of which was widely questioned. At the first trial the two main defendants, Soh Sung and Chong Shik-II, received death sentences; in court Soh had been unable to speak in his own defence as a result of severe burns to his body, head and mouth caused, according to prosecution explanations, by a suicide attempt during police questioning. Confessions made during interrogation formed the main prosecution evidence against the defendants.

In view of the espionage aspect, these cases were allocated for investigation rather than full adoption. The South Korean Red Cross Society was asked to ensure that Soh Sung received adequate medical attention.

An Amnesty observer attended the Appeal Court. Acting on a brief from the International Secretariat, he spoke with the judge and asked for commutation of the death sentences. The Court later commuted the death sentence on Chong Shik-II, postponed its decision on Soh Sung until he was well enough to appear in court, and cut by half several other sentences.

Despite continued attempts to clarify the position of 11 South Koreans who were in an aeroplane hi-jacked to NORTH KOREA in December 1969, we still have no definite information as to whether they are restricted—as the Seoul government claims—or living freely as maintained by Pyongyang. Most groups have given their cases back to the International Secretariat. For practical reasons little new research has been possible, and there is now only one adopted case, that of a Frenchman. This creates an unsatisfactory