

Amnesty International both because of the length of preventive detention and because of the legal procedures adopted during the investigation and hearing (see *Amnesty International Reports 1980 to 1984*). Fifty five defendants were sentenced to a total of nearly 500 years' imprisonment. Most were convicted of participation in an armed band and subversive association. The Motivation for Judgment and Sentence had not been published by the end of 1984, nor had any date been set for appeal hearings. After conflicting rulings by the courts, all those "7 April" defendants whose cases had been taken up for investigation by Amnesty International were released from prison under the new law on preventive detention, including Professor Luciano Ferrari-Bravo and Emilio Vesce (see *Amnesty International Report 1984*). They were released on 12 September and, although first ordered to a designated place of residence, were allowed to return home on 2 November.

On 8 June Amnesty International wrote to the Minister of Justice about Giovanni Mulinaris who was on hunger-strike in protest at being held in preventive detention for over two years awaiting trial, and at the apparent failure of the investigating magistrate to allow him to question people who had made allegations against him. He had been arrested on 2 February 1982 and the charges against him included belonging to an armed band. On 6 April 1984 he was charged in addition with "armed insurrection against the powers of the state" and provoking "civil war", for which life imprisonment is mandatory. On 6 June he was transferred to hospital on the recommendation of a prison doctor who feared he would suffer brain damage if his hunger-strike continued. Amnesty International asked the Minister to take every possible step to prevent a further deterioration in the prisoner's health. It drew attention to its concern that excessive periods of preventive detention could be extended still further by filing fresh charges. No reply was received. Giovanni Mulinaris ended his hunger-strike on 22 June in anticipation of being placed under house arrest, but this was not granted until 12 November and he spent the intervening time in hospital.

On 18 May Amnesty International wrote to the President of the Second Court of Assizes in Rome, the supervisory judicial authority, about the health of Giuliano Naria in Rebibbia prison, Rome. Specialist medical evidence indicated that he might suffer irreparable damage to his health if he were not given specialist treatment, as provided for by the UN Standard Minimum Rules for the Treatment of Prisoners. No reply was received. Giuliano Naria was first arrested in July 1976 on suspicion of kidnapping a Genoese industrialist. After investigation the case was dropped. Since then he has remained in prison, for part of the time in preventive detention in connection with a series of fresh charges, and, for part of the time simultaneously serving a sentence for

participation in an armed band. At the end of 1984 he was awaiting trial on a charge of armed insurrection against the state and charges in connection with a prison riot in December 1980. In October he was too weak to stand trial on these last charges. On 1 August 1984, following the news that Giuliano Naria had been transferred to the prison wing of the Molinette hospital, Turin, where his condition was reportedly "extremely grave", Amnesty International again wrote to the Minister of Justice, reiterating its concerns. Again, no reply was received. On 20 October Trani tribunal rejected his request for house arrest but allowed him to go to Parma hospital as a prisoner under permanent police guard.

Amnesty International worked on the cases of eight imprisoned conscientious objectors to military service, all of whom had applied for conscientious objector status and were willing to perform alternative civilian service eight months longer than military service. They were refused on the grounds that their ethical, philosophical or religious objections to military service had not been sufficiently proved.



Poland

Amnesty International was concerned about the arrest and detention of hundreds of prisoners of conscience, allegations of ill-treatment and torture of political prisoners, unexplained deaths of political activists and the use of the death penalty.

According to official sources, on 10 January 1984 there were 215 political prisoners; by 14 July this had risen to 660. Amnesty International believed that most of them were prisoners of conscience. At the end of 1984, following an amnesty on 21 July, there remained at least 45 political prisoners, most of whom Amnesty International considered to be prisoners of conscience. Most of the people arrested and detained in early 1984 on political grounds were charged with disseminating and printing illegal publications, participating in the underground Radio Solidarity, engaging in banned trade union activities, or membership of an illegal organization. Provisions decreed on 6 January by the Minister of the Interior enabled the detention of any person whose behaviour justified the suspicion of an intended offence threatening public order or security. The police were also given new powers to search people and their luggage.

Police operations were stepped up in March, with houses and

factories raided and searched, and large numbers of people who had been active in the trade union Solidarity when it was legal detained in at least 15 major towns. There were also large-scale arrests of people accused of carrying out "destabilizing activities" on certain anniversaries. On 1 May, 686 people were detained during unofficial demonstrations all over Poland, most of whom received fines or short-term prison sentences.

In June Amnesty International appealed to the authorities to release all prisoners of conscience, including 268 named prisoners.

Amnesty International received reports that defence lawyers in political trials had been intimidated, interrogated and arrested, and that police had raided their apartments and seized confidential files. Lawyers often had difficulty in gaining access to their clients in prison; letters from prisoners were often censored or held back.

Numerous allegations of physical and mental ill-treatment of detainees by police during interrogation reached the organization. For example, Marek Wieczorek, a worker from Wrocław, who was detained by the police on 14 March, was reportedly badly beaten. He was subsequently taken to hospital with a fractured skull.

Amnesty International was also concerned about allegations of prisoners of conscience being ill-treated, and of harsh conditions and inadequate medical treatment resulting in deterioration of prisoners' health.

A series of hunger-strikes by political prisoners, including prisoners of conscience, took place in 1984. One, in Strzelin prison, started at the end of 1983 in protest, among other things, at the food-poisoning of several prisoners, harsh prison conditions and lack of medical attention. Amnesty International issued an urgent appeal on behalf of one hunger-striker, Janusz Palubicki, a former Solidarity leader in Poznań. On 24 January 1984 he was transferred to a prison hospital because of heart trouble and repeated loss of consciousness and had a heart operation in March. Hunger-strikes also took place in Braniewo, Barczewo and Leczyca prisons in protest at a deterioration in prison conditions and harassment of prisoners. It was reported that protesters at Barczewo were beaten by the militia (for example, prisoner of conscience Edmund Baluka is said to have suffered broken ribs and kidney damage) and that several were placed in solitary confinement and deprived of warm clothing. It was further alleged that some political prisoners had been confined in straitjackets, handcuffed at night and had their mouths sealed with plaster to prevent them from shouting protests. Romuald Szeremetiew, a former leader of the Confederation for an Independent Poland, who had a heart condition, was reportedly placed in a "tiger-cage" cell (an open, single cell with bars for walls and ceiling) as punishment at Barczewo on 10 April. He collapsed and on return to his cell he

was allegedly put in a straitjacket. Two days later he is said to have been again taken to the cage where he had a heart attack.

Amnesty International issued an urgent appeal on behalf of Andrzej Slowik, a Solidarity leader from Łódź, who had been imprisoned since 13 December 1981 and who was reportedly ill-treated on 11, 12 and 13 April 1984 while being forcibly fed in Barczewo.

On 21 July 1984 the *Sejm* (parliament) passed an amnesty law in commemoration of the 40th anniversary of the Polish People's Republic. This law, as applied to political prisoners, provided for the conditional remission of all prison sentences and the conditional discontinuation of proceedings in all cases except those of high treason, violence against party or state officials, sabotage, espionage and defection by diplomats. Official sources stated that by 31 December the amnesty had benefited 1,212 political offenders: 632 prisoners (both convicted and under arrest) had been released and charges against others dropped. The amnesty also provided for the conditional pardon of active Solidarity supporters, underground political activists and Polish activists abroad, provided they reported to the Polish authorities by 31 December, giving a detailed account of their activities. The authorities stated that by 31 December, 398 people had taken advantage of these amnesty provisions. Amnesty International wrote to the government in August welcoming the amnesty but expressing concern that it was conditional until 31 December 1986: anyone who committed a similar offence before that date could be rearrested and the previous charges or sentence added to the new penalties.

Amnesty International was concerned about six people from Huta Katowice not released under the amnesty: Michał Luty, Jerzy Milano-wicz, Leszek Lorek, Andrzej Kisieliński, Andrzej Niewiara and Andrzej Stolarczyk. They were arrested in December 1983 and early January 1984 and accused of having distributed illegal leaflets (an offence covered by the amnesty law of July 1984) and of having stolen state printing machines (not covered by the amnesty). The latter charge related to equipment from Solidarity's local office which was apparently hidden by the accused when martial law was introduced. Under the Trade Union Law of 8 October 1982 all property belonging to Solidarity became the property of the new, official trade unions. The accused faced sentences of five to 25 years' imprisonment. Their trial was still in progress at the end of 1984.

Among the prisoners released under the amnesty were four members of the former *Komitet Obrony Robotników* (KOR), the Workers' Defence Committee: Jacek Kuron, Adam Michnik, Henryk Wujec and Zbigniew Romaszewski (see *Amnesty International Report 1984*), whose trial opened on 13 July. Amnesty International's request to send observers to the trial was denied. Also released were the seven

Solidarity leaders who had been imprisoned since the imposition of martial law - Jan Rulewski, Seweryn Jaworski, Karol Modzelewski, Grzegorz Palka, Andrzej Rozplochowski, Andrzej Gwiazda and Marian Jurczyk - as well as underground Solidarity leaders who had been arrested for their union activity - Wladyslaw Frasnyniuk, Andrzej Slowik, Piotr Bednarz, Jozef Pinior and Bogdan Lis.

The amnesty law of July did not put an end to people being arrested for the non-violent exercise of fundamental human rights and Amnesty International urged the authorities to release them. A number of people received two or three-month prison sentences for participating in demonstrations or laying wreaths in various commemorations. They included former Solidarity leaders Wladyslaw Frasnyniuk, Jozef Pinior and Andrzej Gwiazda. People were also arrested for producing and distributing independent literature or taking part in Radio Solidarity. For example, Stanislaw Kotowski, Tadeusz Wypych, Krzysztof Gos, Zdzislaw and Jacek Krol and Teresa Piechocka were still in investigative detention at the end of 1984.

Following the murder on 19 October of Father Jerzy Popieluszko, an outspoken and active supporter of Solidarity, six public human rights groups were formed by former Solidarity and KOR activists, as well as intellectuals, students and workers in Wroclaw, Krakow, Warsaw, Walbrzych, Szczecin and Torun. These committees were immediately denounced by Jerzy Urban, the government spokesperson, as illegal, and warnings were issued that members would be open to prosecution under Article 278 of the penal code (participation in or leading illegal organizations), which carries a maximum sentence of five years' imprisonment. Amnesty International received reports that in Szczecin, Edmund Baluka and Jan Kostecki, both former prisoners of conscience, were informed on 7 December that the authorities had opened investigations on them for their activities in such a committee.

The trial of four security police officers for the kidnap and murder of Father Popieluszko began in a civil court in Torun on 27 December but had not been completed by the end of the year. Security police captain Grzegorz Piotrowski and lieutenants Leszek Pekala and Waldemar Chmielewski were charged with the kidnap and murder; their superior, Colonel Adam Pietruszka, was accused of aiding and abetting them. All four faced possible death sentences.

Father Popieluszko's murder drew attention to repeated allegations that other kidnappings, beatings and deaths of Solidarity activists since martial law was imposed had not been fully investigated. One widely discussed case was the death of 19-year-old Warsaw student, Grzegorz Przemek, son of Barbara Sadowska, a prominent Solidarity activist (see *Amnesty International Report 1984*). Two police officers, two ambulancemen and two doctors went on trial on 31 May 1984 charged

with involvement in his death. After a six-week trial, the police officers were acquitted, the doctors were released under the terms of an amnesty of July 1983, and the ambulancemen received prison sentences of two and one and a half years for endangering Grzegorz Przemek's life by mistreating him. They were subsequently released under the July 1984 amnesty. The chief prosecution witness, Cezary Filozof, a friend of the deceased, was reportedly badly beaten by unknown assailants on 10 February, as a result of which he suffered a spinal injury. Maciej Bednarkiewicz, the lawyer engaged by Grzegorz Przemek's mother, was unable to carry out his duties because he was arrested in January.

Amnesty International received reports of several other unexplained deaths of political activists in 1984, including those of Piotr Bartoszcze, a member of Rural Solidarity in Inowroclaw, found dead at the bottom of a drainage pit near his home on 9 February; Boleslaw Walczak, aged 57, a worker, found dead eight days after reportedly having been detained by a militia patrol in Wroclaw on 8 March; and Andrzej Gebosz, a lecturer, who died on 26 October, the day after he had reportedly been brutally beaten during interrogation at a police station.

Amnesty International wrote several times to Henryk Jablonski, Chairman of the State Council, urging the government to abolish the death penalty and to carry out no further executions. No reply was received. Amnesty International also appealed for clemency for two prisoners. During 1984 it learned of 13 death sentences and four executions, all for murder.

Poland gave notice of withdrawal from the International Labour Organisation (ILO) in a letter on 15 November 1984 because the agency had formally noted a report confirming violations of trade union rights by the authorities after martial law was imposed and Solidarity banned in December 1981.



Romania

Amnesty International was concerned about the imprisonment of prisoners of conscience and about reports which indicated that defendants in political cases did not receive fair trials. The organization also received allegations that political prisoners had been ill-treated. Amnesty International learned of the imposition of two death sentences during 1984.

Amnesty International continued to receive reports of people