

# EUROPEAN PARLIAMENT

POLITICAL AFFAIRS COMMITTEE

Subcommittee on Human Rights

Draft report

on

human rights in the world  
for the year 1984/1985 and Community policy on human rights

Rapporteur: Mrs Ien van den HEUVEL

PART B EXPLANATORY STATEMENT

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30 January 1985

PE 94.657/B/rev.



EXPLANATORY STATEMENTINTRODUCTION

The main aim of this explanatory memorandum is to seek to provide what might be termed 'an activity report', focussing in particular on Parliament's work and how it can contribute towards developing a Community human rights policy. This represents, therefore, a somewhat different approach to those adopted in the two previous annual reports - by Mr ISRAEL (which sought to review the human rights situation in the world as a whole) and by Lord BETHELL (which focussed in particular on the development of Community human rights policy).

Your rapporteur had hoped originally also to provide a detailed account of the situation in those countries of the world where there is evidence of gross violations of human rights, and which have been the subject of particular concern to the subcommittee. In view of certain time constraints, however, and in view of continuing difficulties in obtaining adequate research back-up, it was judged that this would not be feasible on this occasion. Your rapporteur, therefore, has limited herself to providing (in Annex I) a full list of the documentation and sources to which she referred in singling out the instances of human rights violations cited in the original draft of the accompanying motion for a resolution.

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PARLIAMENT'S ROLE IN THE SPHERE OF HUMAN RIGHTS

The European Parliament, as the world's only international directly elected Parliament, can be seen as unique among the wide variety of organisations concerning themselves with human rights - most of which can be categorised as either inter-governmental (IGOs) or non-governmental (NGOs).

Parliament's status as an international body gives it the opportunity to enter into dialogue on human rights matters at a high level with representatives of third countries, without the limitations imposed on an inter-governmental body. Its range of contacts, at various levels, is considerable: in addition to its links with other international organisations, the Community has diplomatic relations with more than 100 countries.

The legitimacy of using these links for human rights objectives derives from Parliament's function in representing the concerns of its electors, as well as the concerns of non-governmental human rights organisations. Indeed, many of its members were elected on platforms making specific reference to Parliament's role in the promotion and protection of human rights in the world.

It should also be noted that, with regard to the human rights situation in third countries, Parliament is able to act independently of the Council or Commission, and that, as an international Parliament, it has a greater capacity to be effective in this field than a national Parliament. Thus, the Parliament has a very distinct role in this sector: it is worth recalling that the original draft of the GENSCHER-COLOMBO Act designated Parliament as the Community body most fitted to deal with human rights matters - though this reference was deleted from the revised text adopted as the 'Solemn Declaration' of Stuttgart. It is certainly the case that many third countries seem to perceive the Parliament as the body which speaks for the Community on human rights.

Your rapporteur believes it is true to say that Parliament's perception of its vocation as a forum for raising human rights issues was very much enhanced by the large number of representations made to the first directly-elected Parliament by NGOs, Community citizens, and indeed by citizens in many other parts of the world. Also, of course, Parliament's first direct elections, in 1979, came at the end of a decade of intense growth of non-governmental activity in the field of human rights, along with much greater perception by citizens at large that human rights were a matter of legitimate international concern.

Nevertheless, your rapporteur feels, that there remained quite considerable doubts among many MEPs as to the extent to which the European Parliament should become involved with human rights matters in third countries. In many cases these doubts derive not from indifference, but from a recognition that while it is easy to talk about human rights, it is much more difficult to be effective in this sphere. Your rapporteur is aware that some of these doubts persist among a number of MEPs - not least, because it is felt that the Parliament does not have the capacity or expertise adequately to process all the information that is brought to its attention. Also, of course, it is felt by some that too forthright a stance on human rights issues can be detrimental to Community relations with third countries.

Your rapporteur believes, however, that, whatever the merits of these arguments, the European Parliament, by virtue of its activity in the human rights sphere, ipso facto, has proclaimed itself to have a vocation in this area. The table shown in Annex 4 gives some indication of the extent to which human rights matters have figured in Parliament's work and concerns, and the extent to which there was a steady growth in this activity during Parliament's first electoral term. On a number of occasions it could be said that 'Question Time' to the President-in-Office of European Political Cooperation was dominated by human rights matters.

## WORKING GROUP AND SUBCOMMITTEE

At an institutional level, Parliament's response to this growing interest in human rights work, was the creation, in October 1980, of a Working Group on Human Rights, under the auspices of its Political Affairs Committee<sup>1</sup>. Letters, appeals and representations by outside bodies were referred to the Working Group, as well as the large number of motions for resolutions tabled by MEPs themselves.

The Working Group also sought to take a number of initiatives and to give direction to Parliament's human rights work. At the request of the Working Group and the Political Affairs Committee a large number of discreet representations were made to third countries by the President of Parliament, either by letter or in direct contacts. In addition, certain of Parliament's delegations agreed to raise human rights issues and cases that were of concern to the Working Group, with representatives of third countries.

Two public hearings were held - in April 1983 on various forms of human rights violations, and in April 1984 on human rights violations in Turkey. In 1983 the Bureau of the Working Group travelled to Madrid to represent the concerns of Parliament with regard to human rights at the CSCE follow-up conference; and in February 1984 two members of its Bureau visited Pakistan, principally to report on the situation of the Afghan refugees, but also raising certain human rights matters. Also, of course, a number of meetings were organised with representatives of outside bodies or individuals concerned with human rights violations.

However, despite its efforts to bring some coordination, and direction, to Parliament's human rights work, it soon became apparent to the members of the Working Group that it was not capable of dealing adequately with all the matters referred to it. It even proved extremely difficult for the Working Group to keep abreast of all the human rights initiatives being taken within Parliament itself (by its President, by its delegations, by group or inter-group delegations, by its Petitions Committee, or by members acting in an individual capacity).

This problem persists, though the Parliament has taken certain limited steps to establish a more adequate infrastructure in its Directorate General for Research and Documentation to collate information and to monitor Parliament's own human rights activities, in addition to providing research papers.

<sup>1</sup>The Working Group's remit was to consider human rights violations outside the European Community, with responsibility for human rights within the Community falling to the Legal Affairs Committee

Following the 1984 European Parliament elections, the Working Group was upgraded to the status of a Subcommittee of the Political Affairs Committee. Among its first decisions was that the practice of drawing up an annual report on human rights should be maintained - hence the present document. For the reasons outlined above, however (notably the limited infrastructure to service this sector) it still has not been possible to make this document as comprehensive as the subcommittee would have wished, i.e. a thorough-going compilation of all the Community's human rights activities in the course of the year, as well as setting out in detail those developments in the human rights field that were of particular interest and concern during 1984 to the Working Group and to the subcommittee.

The subcommittee also agreed that, although Parliament could be said to be the Community institution which had taken the lead in human rights matters, much remained to be done to make its own work more effective. The rapporteur hopes, the subcommittee will draw up in the near future a comprehensive analysis of Parliament's human rights activities, and the way in which they should be developed.

#### INSTITUTIONAL AND ORGANISATIONAL OBJECTIVES WITHIN PARLIAMENT

Without wishing to prejudge the conclusions that the subcommittee may reach, your rapporteur feels obliged to put forward, at this stage, some of her own views as to certain objectives which must be realised within the institution, if Parliament is to live up to its vocation in the sphere of human rights:

##### 1. Coherent and coordinated action on human rights

Your rapporteur believes that the Political Affairs Committee and its subcommittee should be in a position to coordinate and guide the European Parliament in human rights matters. It has become apparent to many members of the Political Affairs Committee that an ever growing number of resolutions are being adopted in plenary, under urgent procedure (Rule 48), on matters already being dealt with in the subcommittee. It is the view of a number of members of the subcommittee that urgent resolutions on human rights could be passed in a more selective way, and that on some occasions a particular human rights case would have been more effectively dealt with by different means. It is also felt that, all too frequently, decisions as to which human rights motions should be taken under Rule 48, are made purely on the basis of criteria of 'political balance'. It is your rapporteur's hope that, while respecting the sovereignty of plenary, some means can be found whereby the Political Affairs Committee and its subcommittee can guide plenary

on the selection of 'urgent' human rights cases for debate. At the time of drafting, a new procedure had been initiated, on an experimental basis, by President PFLIMLIN, to enable the Bureau of the Subcommittee to provide advice to the Political Group Chairmen on 'urgent' human rights resolutions.

2. Establishment of a system to deal with urgent cases

It is your rapporteur's view that Parliament's procedures to intervene in human rights cases where rapid action is essential are inadequate at present. Clearly, because of Parliament's nature as a political institution, it can only take action when there is the necessary political consensus. However, your rapporteur hopes that the subcommittee will be able to submit proposals in order to streamline the procedures which are currently applied.

3. Establishment of a research unit

This would greatly facilitate the abovementioned objectives, and, as noted earlier, some steps in this direction already have been taken. Any such unit should have a modern classification and retrieval system, with access to specialised data-bases, and should:

- (a) be able to provide a rapid information service on human rights issues and cases at all times, possibly working in conjunction with HURIDOCs, as called for in Parliament's earlier annual reports
- (b) record and collate all information about Parliament's various human rights activities, and about human rights actions and initiatives taken by other Community institutions
- (c) undertake more detailed longer term research projects.

The services of this unit should not just be at the disposal of the subcommittee. It should also be available to all MEPs and, in particular, to other bodies within Parliament working on human rights i.e. the ACP/EEC Working Party, delegations, Petitions Committee, etc.

4. Preparation of a comprehensive annual report on human rights

As indicated earlier, your rapporteur believes that this is a valuable practice which should be maintained. In her view, the report should:

- (a) set out what the Parliament and the Community have achieved in the sphere of human rights in a given year, listing all actions and initiatives taken (except in those instances where it is felt that material should be kept confidential)
- (b) review progress made towards the evolution of a Community human rights policy
- (c) state Parliament's principal concerns in the sphere of human rights in the context of a general review of the human rights situation worldwide.

It may be recalled that originally it was the intention of the Working Group and the Political Affairs Committee that the Ten, in the framework of European Political Cooperation, should draw up an annual report on human rights for submission to Parliament, along the lines of the annual report submitted to the U.S. Congress by the State Department. They declined to do so, and Parliament undertook to draw up its own report. Nevertheless, it clearly would be of great value if EPC and the Commission would be prepared to contribute to this report by providing material to which Parliament does not at present have access. Your rapporteur wishes to underline, however, that any such contribution obviously would be a complement to and not a substitute for the annual report of Parliament, which would have the political responsibility of evaluating any material submitted.

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(Preparation of this report, at the direction of a rapporteur or a team of co-rapporteurs, would be one of the principal functions of the research unit, which would be required to keep abreast of human rights developments throughout the year in question).

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#### 5. Establishment of a system of systematic follow-up

Again, the human rights unit would be central to this task, ensuring that all of Parliament's actions and initiatives in the sphere of human rights are regularly followed up, in the way judged best by the subcommittee, making use of the full variety of means at Parliament's disposal.

(Thus, for instance, even an individual MEP making a visit to a third country - even in a personal capacity - would be made aware of any demarche already made to the authorities of that country about a human rights case).

#### 6. Making full use of Parliament's delegations

Your rapporteur believes that every effort should be made to ensure that human rights matters are raised in a systematic and regular way, making use of the whole range of Parliament's delegations (full interparliamentary delegations, inter-group delegations, group delegations, fact-finding teams).

At the time of drafting, discussion, on this matter had been initiated between the Interparliamentary Delegation Chairmen and the Bureau of the Human Rights Subcommittee.

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Your rapporteur appreciates that there is a considerable divergence of view among delegation chairmen, a number of whom feel it is not appropriate to raise human rights matters as a formal part of proceedings at delegation meetings.

In that event, your rapporteur believes that it should be feasible for one or more members of a delegation (preferably members of the Political Committee or Human Rights Subcommittee) to be mandated to raise certain human rights

cases with an appropriate minister in the country concerned. This activity, of course, could be seen as taking place outside the formal framework of the delegation visit.

This sort of practice has been adopted on a number of occasions in the past, though human rights matters also have been raised, from time to time, as a formal part of delegation proceedings. It should be emphasised, however, that whatever procedure is adopted, this activity should be regular and systematic.

The effectiveness of any such procedure naturally will depend, to a large extent, on careful preparation of dossiers by the research unit, which should single out those cases where it is believed that the country in question might be susceptible to Community pressure.

Your rapporteur believes that where Parliament has taken a public stand on a human rights matter by passing a resolution, this always should be brought formally to the attention of the country in question, in any direct contacts with representatives of that country.

#### 7. Fact-finding missions

Your rapporteur believes that small fact-finding missions to third countries where human rights are violated can be of great value. Clearly, any such delegations only could be sent if the country in question agreed in advance to respect certain conditions (i.e. with regard to freedom of movement and permitting the fact-finding team to make contacts). Experience has shown, however, that even countries which practise gross violations of human rights have been prepared to accept fact-finding visits from international bodies on mutually agreed terms.

It might be envisaged, for example, that such a delegation could visit a third country specifically in order to be present, as observers representing the European Parliament, at a 'political' trial. Or, permission might be requested to visit a prominent political prisoner. Certainly, the symbolic effect of a visit by a European Parliament delegation to, for instance, Nelson Mandela, or ~~Andrei Gorbachev~~ (as called for in Parliament's resolution of 27 July 1984)<sup>1</sup> would be considerable. The visit by the Human Rights Subcommittee's first vice-chairman, Lord BETHELL, to Nelson MANDELA, in Pollsmoor Prison in January 1985 might be cited in this connection.

#### 8. Public hearings

As stated earlier, the Political Affairs Committee has held two public hearings on human rights. Both were judged successful - the first, in particular, attracting considerable media coverage. Your rapporteur believes,

in the light of this experience, that public hearings, with a specific focus, can be extremely valuable (perhaps more so than a resolution of Parliament) in drawing attention to a human rights issue and bringing pressure to bear on the government of a third country. The Political Affairs Committee already has decided to hold a public hearing on human rights violations in Iran during the second half of 1985.

#### 9. Closer monitoring of EPC

Your rapporteur believes it essential that Parliament be better informed about the activities of the Ten in human rights, and also, indeed, about the positions taken by individual Community countries in their bilateral relations with third countries. It is to be hoped that, as called for in the accompanying motion for a resolution, the Ten will be more forthcoming with information to Parliament in the future.

In this connection, your rapporteur believes that a delegation from the subcommittee should travel to Ottawa in May 1985 for the CSCE 'expert level' meeting on human rights and to the 'expert level' meeting in Berne in mid 1986 on human contacts. Parliament's presence at the latter meeting would seem to be particularly important because of the large number of family reunification cases constantly being brought to its attention. (As mentioned earlier, the Bureau of the Working Group travelled to Madrid in March 1983 to represent the concerns of Parliament with respect to the implementation of the human rights provisions of the Helsinki Final Act).

#### CONSENSUS ON HUMAN RIGHTS ISSUES

In conjunction with the above suggestions, much will depend on painstaking preparation and detailed research. Anyone familiar with the work of major human rights NGOs, like Amnesty International, will be aware that human rights work is labour-intensive, requiring constant cross-checking and verification.

Your rapporteur certainly does not propose that the Parliament should, or even could, undertake - without a vast expansion of its resources - the sort of monitoring activity already performed by numerous other bodies. Nevertheless, Parliament does receive a certain amount of original information from its own sources, which does require to be properly checked and processed. Reliance on secondary sources of information also depends on proper processing of this information, and it is important that such sources should be as diversified as possible.

By comparison with human rights NGOs, the European Parliament, in its turn, is far better equipped than most other bodies - both inter-governmental and non-governmental - to be an actor in the field of human rights, provided it has the necessary research back-up. It is your rapporteur's view that, in the past, certain initiatives have proved to be counter-productive because of inadequate preparation.

Your rapporteur also recognises that, as a political body, Parliament's work only can be really effective if it acts in the sphere of human rights in a united and coherent way. Obviously, there is often a considerable divergence of views across the spectrum of Parliament's political groups. Yet your rapporteur believes that - despite differences of emphasis between right and left - Parliament can find broad agreement on most issues in the sphere of human rights. It is noteworthy that the first annual report (for 1982/3) was adopted by 185 votes to 10 with 9 abstentions and the second annual report (for 1983/4) by 119 votes to 2 with 6 abstentions.

It is also noteworthy that, for the first time, in April 1984, Parliament's Political Affairs Committee was able to hold a public hearing on violations of human rights in a specific third country, with the agreement and participation of members of all of its political groups.

Your rapporteur also notes that the Working Group on Human Rights - and, so far, the Subcommittee - has managed to achieve a high level of consensus on most issues.

#### RESULTS ACHIEVED

In making the case for Parliament's human rights work, and the amount of energy devoted to this activity, your rapporteur is frequently reminded of the need to be able to point to results achieved. For many, a moral justification is not enough. Your rapporteur is aware that a number of claims have been made by fellow MEPs that, as a result of Parliament's pressure, the plight of a particular individual or a minority group has been alleviated.

Your rapporteur believes, however, that it is difficult, and even unwise, to make such claims. Although there have been cases where it can be argued that Parliament's efforts resulted in success in a human rights case, it is almost never possible to argue this with any certainty. Usually, Parliament's

voice is one among many campaigning on behalf of a particular prisoner or group - and success is the result of the combined efforts of a variety of different bodies and concerned individuals, seeking to bring pressure to bear in different ways and at different levels. At a more general level, your rapporteur must admit that it is equally difficult to argue that, with all the efforts that have been made in the human rights sphere in recent decades, that the world is a less cruel place now than it was ten years ago. For your rapporteur, however, the moral justification for continuing this work remains.

Certainly, statements have been made by victims of human rights violations that Parliament's work has been effective in their particular case, and this, clearly, has been the cause of some satisfaction. But, it must be admitted the number of such instances is very small in proportion to the total number of cases and issues which Parliament has taken up. Very much more frequently Parliament learns that its efforts have been in vain. One such case that might be cited is that of Jermak Lukianoff - a Belgian national of Soviet origin - arrested in 1968 during a visit to the Soviet Union, detained largely in psychiatric hospitals for fifteen years, and in 1983 condemned to death for 'defection to the enemy' during World War II. Despite intense efforts by various bodies of Parliament, its President, individual MEPs, other Community institutions and interventions by Community Ministers at the highest levels, Mr Lukianoff was executed in May 1984.<sup>1</sup>

With such examples occurring all too frequently, this also may lead certain members, once again, to question the value of Parliament's human rights activity - particularly with regard to intervention in individual cases. It should be noted here that - more so than other international institutions - the European Parliament has become engaged in what might be termed 'case work'. Your rapporteur believes that Parliament's approach to this kind of work, and certain questions of principle involved, should be examined further by the subcommittee, possibly in conjunction with the Inter-Parliamentary Union, which appears to have been singularly successful in this field.

In this report, your rapporteur deliberately has not referred to representations made on behalf of particular individuals or about specific cases - largely because this might render less effective any future approaches to the country in question. It should not be forgotten that the 'power to embarrass' can often be more effective when used as a threat than when actually exercised.

The example of Jermak Lukianoff was given, however, because the Soviet Union, in Parliament's experience, has shown itself to be among those countries least

susceptible to political pressure. Other countries, including certain countries in Eastern Europe, have proved more responsive. It is certainly clear from the letters and communications to Parliament from countries refuting charges of human rights abuses that governments are more sensitive to criticism than might be supposed. Once again, however, it is extremely difficult to quantify the extent to which this sort of sensitivity has a positive effect on the case or issue raised. In this connection, your rapporteur would cite the example of Iran, whose responses to Parliament and other Community institutions could be said to indicate that its government is impervious to outside pressure. Yet, to take the specific example of the Baha'i minority in Iran, it is noteworthy that leading human rights NGOs and experts, as well as Baha'i representatives, have stated that they believe that, without the intense international pressure that has been applied, the persecution of the Baha'i minority would have been much worse.

#### COMMUNITY POLICY

The example of Iran, however, does point up the extent to which Community pressure can be most effective where what might be termed 'leverage' can be applied. Thus, it might be supposed, that the close ties between the previous regime in Iran and certain Western countries offered the prospect that any pressure exercised would be that much more effective. There is no question about the wide range of human rights abuses practiced or connived at by the Government of the Shah, but it was certainly well known that the Shah was intensely sensitive to Western criticisms, particularly public criticism.

Thus your rapporteur would argue that, in order to enhance its effectiveness, the Community should seek to influence in particular those countries with which it has close ties - by an association agreement, or a trade and aid relationship. Your rapporteur believes that the action taken with regard to Spain during the Franco dictatorship was an important moral sanction, and that its current 'freezing' of the association agreement with Turkey is equally so.

This brings your rapporteur to what is the main thrust of the accompanying resolution - as indeed was the case in the two previous annual reports - that the clear definition of a Community policy in these matters is indispensable.

Your rapporteur does not propose to restate here the proposals which were made in Mr ISRAEL's report for 1982 and which were

explored rather more fully in Lord BETHELL's report for 1983 since these are views with which she largely concurs.

Most of the main points made in this year's resolution were made in the two previous resolutions - with, so far, very little response from Commission or Council, or indeed indication of willingness by either institution to enter into any sort of dialogue with Parliament.

Your rapporteur, however, would wish to mention one particular matter - the question of the modalities for linking trade, aid and cooperation agreements, particularly preferential agreements, to minimal observance of human rights conditions. Your rapporteur, while recognising the legal complexities of this area and the Community's need to be seen to respect its international obligations ('pacta sunt servanda') believes that this whole field requires careful reexamination. Apart from the legal and political complexities, there are also important human considerations: sanctions can injure those individuals in whose name they are applied. It could be argued that this was the case with the suspension, for example, of Community food aid to Vietnam in 1979 because of human rights violations by that country and its military interference in neighbouring countries.

Your rapporteur believes, nevertheless, that the policy applied with regard to the Amin regime in Uganda on the basis of Council's decision of 21.6.77 was correct and that the similar measures taken against Equatorial Guinea and the Central African Republic were equally justified. Your rapporteur hopes, therefore, that the Commission and the Council will be able to come forward with their views on how this policy could be further developed.

Your rapporteur is aware of the widely held view that an 'ad hoc' policy is, at present, the only realistic one, and that a clear statement of policy would not make the Community more effective. Your rapporteur does not share this view. She believes that the agreement to include a public commitment to human rights and human dignity in the Lome III Convention during 1984 was extremely significant, set an important precedent, and that such a commitment could now be included in other preferential agreements.

Your rapporteur believes that the reluctance to travel too far down the road towards a formal policy on human rights is to be found principally among governments, civil servants and diplomats. She believes, therefore, that it is very much up to Parliament to press for progress in this area, and recalls that in the United States it was largely Congressional pressure which led to the introduction of legislation providing for the termination of economic assistance to governments which systematically engaged in gross abuses of internationally recognised human rights.

#### IMPORTANCE OF PUBLICITY

By way of conclusion, your rapporteur would state that, by and large, policy and action on human rights should be public. This is not to denigrate human rights work performed by 'discreet' means, where success often depends on not embarrassing a third country. And certainly tribute should be paid here to the personal efforts of the European Parliament's Presidents in its first electoral term in making confidential demarches. However, one must not lose sight of the fact that success in isolated cases, depending often on the 'goodwill' engendered by close diplomatic relationships, can deflect attention from, or camouflage, a widespread pattern of human rights violations.

Where violations are judged to be gross and systematic, your rapporteur believes that the Community and its Parliament have a duty to confront the offending government publicly, and should seek to interfere and bring pressure to bear as a matter of policy, putting human rights considerations before trade, strategic or any other considerations.

Finally, therefore, your rapporteur wishes to restate her view that a coherent and comprehensive statement of Community policy, as called for in the 1982 annual report and the 1983 annual report, and also in the attached motion for a resolution must be forthcoming. So far, the Commission and Council, despite their statements of good intentions, and their own actions on human rights, clearly have not been willing to engage in any form of dialogue with the Parliament on this matter. If this situation continues, it calls into question their commitment to, and the credibility of, many of the founding tenets of the European Community.



# EUROPEAN PARLIAMENT

POLITICAL AFFAIRS COMMITTEE

Subcommittee on Human Rights

## NOTICE TO MEMBERS

Members will find attached a background note drawn up by Lord BETHELL concerning his recent visit to Mr Nelson MANDELA in Pollsmoor Prison near Cape Town.

DIRECTORATE GENERAL FOR COMMITTEES  
AND INTERPARLIAMENTARY DELEGATIONS

Annexes

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7 February 1985

PE 95.804



EUROPEAN PARLIAMENT POLITICAL AFFAIRS COMMITTEE

SUB-COMMITTEE ON HUMAN RIGHTS

VISIT TO MR MANDELA IN POLLSMOOR PRISON, CAPE TOWN, ON JANUARY 21ST 1985

In October 1984 I wrote on my own responsibility to Dr Denis Worrall, South African ambassador in London, about the case of Nelson Mandela, the well known black nationalist leader who has been in prison in South Africa ever since his arrest in August 1962. I reminded the ambassador that the European Parliament had several times considered Mr Mandela's predicament and passed resolutions asking for his release.

I told the ambassador that I would like his government's permission to visit Mr Mandela in his place of detention in order to ascertain the conditions under which he is kept. In the same letter I urged the South African government to release Mr Mandela on humanitarian grounds.

I also discussed the idea with Mrs Helen Suzman, who has been for 32 years an opposition member of the South African parliament and a campaigner for black people's rights.

In mid-December 1984 I was given to understand informally that my request to be allowed to visit Mr Mandela would probably be granted. Confirmation of the visit came early in the New Year. I then made arrangements to fly to Cape Town on January 19th.

I was told that I would be allowed to meet Mr Mandela for about two hours, that the conversation would be supervised by a prison officer but unhindered in its content. I asked for permission to tape record the conversation and to be provided with a recent photograph of Mr Mandela. These requests were eventually declined, but I was allowed to make notes.

I made it clear throughout these discussions that, although I was vice-chairman of the EP human rights sub-committee, I was not acting on their behalf in this matter. I would however be reporting to the sub-committee on my return. (I should add that in late 1982 I made a similar request to the Soviet ambassador in London to be allowed to visit Mr Anatoly Sharansky in Cristopol prison. Unfortunately, the Soviet ambassador did not even reply to my letter.)

After a brief meeting with Minister of Justice H J Coetsee, I spent the morning of January 21st visiting Victor Versteer prison, one hour from Cape Town, a prison farm reserved for coloured (mixed race) convicted men. The prison governor and other officers spent about one and half hours showing me their facilities for training men in carpentry, metal work, upholstery, cooking, horticulture and other skills.

I was then driven to Pollsmoor and given lunch by the Commissioner of Prisons Lieutenant-General W Willemse. I was then taken to the maximum security block and the meeting with Mr Mandela took place in a ground floor office. A full description of the meeting and of what Mr Mandela said is contained in the

attached article which I wrote the day after I returned to Europe on January 23rd. A large part of the article appeared in the London newspaper Mail On Sunday on January 27th and it was summarised in other newspapers.

I should emphasise that during my talks with South African representatives, both in London and in Cape Town, I never underemphasised my total opposition to the apartheid system. Nor did I conceal my view that it is a terrible thing for the South African government to keep Mr Mandela in prison after nearly 23 years. I made my view clear during my two meetings with Mr Coetsee and my meeting with Mr Louis Le Grange, Minister of Law and Order. I begged them both to advise the South African President Mr P W Botha to release Mr Mandela unconditionally.

Why the authorities gave me permission to visit Mr Mandela when they have refused so many other parliamentarians, including Senator Edward Kennedy, is something which I cannot fully explain. As indicated in the article from The Times of January 30th, there has been press speculation about this. Clearly they had an interest in having it confirmed, as I did, that Mr Mandela's conditions of imprisonment are not brutal, that they are by and large comparable with West European conditions.

I was nevertheless glad to have the chance to make public Mr Mandela's political views, to explain the views of South African ministers about the case and to draw attention to the appalling fact of Mr Mandela's continued detention after nearly 23 years.

I hope that the European Parliament and our 10 Member States will continue to press with the utmost vigour for Mr Mandela's unconditional release.

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27TH JANUARY 1985

I waited for Nelson Mandela in the Governor's office in the maximum security block of Cape Town's Pollsmoor Prison. Senior officers in yellow khaki uniforms with gold stars on their epaulettes, some with peaked caps pulled over their eyes like Guards sergeant majors, scurried in and out talking excitedly in Afrikaans. At last three men entered the room and one came towards me. 'How do you do' he said. I greeted him in return. 'You must be related to Winston Churchill,' he went on, hinting presumably at my need to lose a few pounds in weight. 'Anyway, I'm very pleased and honoured to receive you.'

He was anxious to put me at my ease and he invited me to sit down at the desk where I was ready to make my notes. It was a second or two before I realised that this was the man I had come to see.

A 6ft-tall lean figure with silvering hair, an impeccable olive-green shirt and well-creased navy blue trousers, he could almost have seemed like another general in the South African prison service. Indeed his manner was the most self-assured of them all and he stood out as obviously the senior man in the room. He was, however, black. And he was a prisoner, perhaps the most famous in the world, the man they write songs about in Europe and name streets after in London, the leader of the African National Congress, a body dedicated to the destruction of the Apartheid system, if necessary by force.

He is the black man's folk hero, his fame made all the greater by the fact that he has been out of sight behind prison bars for nearly 22 years. All this time no one from the outside world has been able to see him or talk to him. Newspapers have speculated about the harshness of his prison regime, about his political views and his chances of release. Last week's meeting gave me the chance to set the record straight for the first time on all these points.

Nelson Mandela says, "In my first ten years on Robben Island conditions were really very bad. We were physically assaulted. We were subjected to psychological persecution. We had to work every day in the lime quarry from 7 am to 4 pm with a one hour break, wearing shorts and sandals, with no socks or underwear and just a calico jacket. It was hard, boring, unproductive work and on rainy days in the winter it was very cold.

'The guards pushed us all the time to work harder, from dawn to sunset, and we could get solitary confinement if they thought we were slacking. The diet was maize porridge for breakfast with half a teaspoon of sugar, boiled grain for lunch with puzamadla, a drink made out of maize that is, to put it mildly, an acquired taste, and porridge with vegetables in the evening. There was a lot of tension between guards and prisoners.'

Helen Suzman, who has campaigned for the black man's rights throughout 32 years in the South African parliament, remembers with horror her visits to Robben Island in the 1960s. 'Guards with alsatian dogs on leads and sometimes with swastikas tattooed on their wrists, would drive the men to work. I remember one prisoner complaining to me that he had been assaulted. I was noting down the details when the guard in question came running up saying "Ah, it was really nothing, Mrs Suzman, it was only a kick up the arse!'"

Then around 1974 there were dramatic improvements especially in the treatment of 'security prisoners', as those convicted of threatening South Africa's

system are known. This is confirmed by Helen Suzman; by the Red Cross in Geneva, who today describe Mandela's treatment as 'broadly satisfactory' and by Mandela himself.

He says, "Things can now only be made significantly better by dismantling the whole South African system. For instance, it would be good if some of the country's senior prison officers were black as well as white. But how can this happen under apartheid?"

I am in good health. It is not true that I have cancer. It is not true that I had a toe amputated. I get up at 3.30 every morning, do two hours physical exercise, work up a good sweat. Then I read and study during the day. I get the South African newspapers as well as the Guardian weekly and Time magazine. We have a radio in the cell, VHF only unfortunately, so that we can only get South African stations, not the BBC. I cultivate my garden. We grow vegetables in pots - tomatoes, broccoli, beans, cucumber and strawberries."

He gestured expansively to his right: "The major here has been tremendously helpful. He is really an excellent gardener." The major in question, Fritz van Sittert, who guards Mandela and his five cell mates and was detailed to supervise our meeting, did not react or even utter a word throughout the entire two hours. We spent the time just the three of us in the functional office with its G-Plan furniture, dominated by a large glass-topped desk and overlooked by a picture of State President P W Botha wearing a silver order and an orange sash. The major was there not to censor the conversation, which was unhindered, but to make sure that no document or other object passed between us.

For instance, I was asked to obtain Mandela's signature on a paper authorising his name to go forward in the election of the rectorship of Edinburgh University. He was not allowed to sign the paper, but he agreed verbally to be a candidate: "I am very flattered. I am a politician and of course I like to win elections, but in this case it is such a kind gesture that I really don't mind if I win or lose."

Mandela had kind words too for Pollsmoor's Governor, Brigadier F.C. Munro. 'The Brigadier does his best to solve our little problems. But, poor man, he has very little authority. Everything concerning the six of us he has to refer to Pretoria. For instance, a year ago my sister died and I wrote to my brother-in-law about her funeral. They blocked the letter. Why? I suppose because he is a policeman in Transkei and they don't want me to make contact with him. His name is Russell Piliso. They also blocked my letter to Bishop Tutu congratulating him on winning the Nobel Prize. A few days ago a friend of mine here received a letter completely cut to ribbons. It's not the poor Brigadier, it's the politicians. Still, conditions here are quite reasonable, better than on the Island. The food is good and there are no problems with the staff, racial or otherwise.'

It was in order that I could confirm this that South African Minister H J Coetsee authorised my visit, making it clear that I would not be allowed to bring press or television with me as Senator Edward Kennedy had wished. Mr Coetsee wanted the point to be made that Mandela was in good health and being well treated. And I can confirm that, generally speaking, that is the case. Even so, it was an unusual concession to a foreign parliamentarian.

Pollsmoor consists of a dozen long buildings built in the 1970s, each one a separ

unit. It looks from the outside like a huge gloomy campus of a comprehensive school or red brick university. 'This is the white women's section. This is the coloured men's section,' explained Deputy Commissioner of Security, Major General 'Bertie' Venter as we drove past the main barrier along roads lined with grass and flower beds, towards the Governor's dining room. Over lunch - steak and chips cooked and served by convicted men - Commissioner of Prisons, Lieutenant General 'Willie' Willemse presented his case that South African conditions are up to North American or West European standards. Each man, black or white, receives a minimum 10,571 kilojoule-per-day diet. Prisoners have decent clothes, family visits, recreation, and the possibility of parole. 'If only people abroad knew the facts' he said, 'we in South Africa would not be so harshly judged.'

Mandela's quarrel with South Africa is, though, not one of prison conditions. He says, 'Things get exaggerated because of lack of communication. A little time ago I was wearing size 8 shoes. Once they gave me size 9 it was okay, but they bothered me for a bit and I mentioned it to my wife. She was upset and there was a fuss in the press. They even mentioned it in the song "Free Nelson Mandela". I was sorry for all the trouble caused. If I'd had a phone I'd have called her up and said, "Don't worry, my dear, it's all right", only I didn't have a phone and that's the sort of thing that happens.'

'I wish that the senior men who make the real decisions would come and see us. Louis Le Grange, when he was Minister of Justice, and Commissioner Steyn, used to come at least every year. Now the Minister and Commissioner don't come. It is worrying, because when the top men stay away it sometimes means a move towards a tougher policy. And if they came, we could discuss our little problems and I am sure we could convince them.'

"My other complaints are about cell conditions. There is a damp patch on the wall. There must have been a fault in the way it was built. And it is wrong for the six of us to be segregated from all the other prisoners. We would like more companions. But I have not asked for more to be brought here as I am not sure that the other political prisoners on Robben Island - there are 230 of them - would like the regime here."

"I would like greater privacy too for my studies. In fact, our basic demand which we made in 1969 is for political status, for instance the right to keep a diary and to be visited by the family. I mean the African family, not just wives, brothers and children, which is the family in the European sense."

The problem is, therefore, not one of brutal prison conditions. It is that Mandela and his friends are in prison at all. Mandela, Sisulu and Kathrada\* have spent 18 years on Robben Island and three in Pollsmoor all for no worse a crime than conniving at the destruction of property. It is a punishment that far exceeds the offence, even if one ignores the argument that they had every right to use force against apartheid, deprived as they were of the right to vote, to stand for election or to reside where they wish in their own country. They are in prison now, it is clear, not as an act of justice or punishment, but because it does not politically suit the South African state to release them.

The problem is that Mandela still supports the armed struggle. This is why some human rights bodies for instance, Amnesty International, will not campaign for his release. Also his case does not appeal to the Parole Board, since he

\* Nelson Mandela shares his cell with Walter Sisulu, Ahmed Kathrada, Raymond Mhlaba, Andrew Mlangeni, all of whom are serving life imprisonment, and with Patrick Maqubela, who is serving 20 years.

shows no repentance for his past actions - rather the contrary - he makes no secret of his wish to return to the fray. This provides the authorities with the ideal pretext for not putting his name forward to State President Botha for clemency.

He says, 'The armed struggle was forced on us by the government. And if they want us now to give it up, the ball is in their court. They must legalise us, treat us like a political party and negotiate with us. Until they do, we will have to live with the armed struggle. It is useless simply to carry on talking. The government has tightened the screws too far.'

'Of course, if there were to be talks along these lines, we in the ANC would declare a truce. This is what SWAPO did in Namibia. But meanwhile we are forced to continue, though within certain limits. We go for hard targets only, military installations and the symbols of apartheid. Civilians must not be touched. This is why I deeply regret what happened in Pretoria on May 23rd 1983.'

'A bomb went off and more than a dozen civilians were killed. Something must have gone wrong with the timing. It was a tragic accident. On the other hand the incident that took place in Vryheid (Natal) a few weeks ago when a South African lieutenant was killed, was quite justified. Some ANC members were in a house and the security forces came looking for them. We have reason to believe that their policy now is to shoot to kill rather than try to arrest our men. So they opened fire in self defence and the lieutenant was killed, as were several of our soldiers.'

'We aim for buildings and property. So it may be that someone gets killed in a fight, in the heat of battle, but we do not believe in assassinations. I would not want our men to assassinate, for instance, the Major here. I would only justify this in the case of an informer who was a danger to our lives. And all this can end as soon as talks begin. It would be humiliating though for us simply to lay down our arms.'

It is this 'humiliating' condition that the South African government requires and which blocks any progress towards a political settlement and Mandela's release. Louis Le Grange, now Minister of Law and Order, says: 'We are not so weak as to agree to talks with the ANC at the moment. But if they will forego the armed struggle and enter the political arena we will talk to them. As for Mandela, if you ask me whether I should recommend his release so that he can carry on where he left off, I say no. I can't give such advice unless he gives some assistance through his own attitude. Things are at a sensitive stage in South Africa. We have changed our constitution and are contemplating further changes. So we must have proper law and order. As things are Mandela's release would invite a lot of problems and trouble.'

Justice Minister Coetsee also, while agreeing that 'objectively speaking it would be better if Mandela were not in prison', made it clear that reasons of state for the moment prevent his release.

The authorities may have tried to find a way out of this impasse. Mandela has been told by his wife Winnie that his nephew, Chief Kaiser Matanzima, would give him sanctuary in the semi autonomous Transkei, if he gave up political activity. 'I completely rejected the idea,' he says. 'I have served 22 years in prison for fighting against the policy of Bantustans. There is no way that I could then go and live in a Bantustan. I would also reject an offer to go abroad. My place is in South Africa and my home is in Johannesburg. If I was released, I would

never obey any restriction. If they confined me, for instance to the Cape area, I would break the order and walk to my home in Soweto to be with my wife and daughter. I would only leave my home if the ANC leadership ordered me to do so.'

Meanwhile, he wants to see the ANC develop as a widely based national movement: 'Personally, I am a Socialist and I believe in a classless society. But I see no reason to belong to any political party at the moment. Businessmen and farmers, white or black, can also join our movement to fight against racial discrimination. It would be a blunder to narrow it.'

'I appreciate the Soviet Union only because it was the one country that long ago condemned racialism and supported liberation movements. It does not mean that I approve of their internal policy. I was grateful, too, by the way, to Emperor Haile Selassie of Ethiopia who received me in 1962. He was a feudal ruler, but he supported our movement and I was grateful to him. Britain, too, has helped us, under Mrs Thatcher as well as under Socialist governments, by condemning apartheid on principle. We may have different views about the methods that should be used, but the most important thing is to condemn apartheid outright. And this, as I understand it, is what your Prime Minister does.'

Our talks drew to a close and Brigadier Munro invited me to visit Mandela's cell in the isolated wing of the long, low building. And so we walked in slow procession up flights of stairs and round corners with Mandela leading the way as if showing me round his home. He did not open doors for me. This was done by sergeants with heavy keys after much saluting and clanking. Always, though, Mandela was the one who showed the way, inviting me to go first through every door and plying me with questions on Britain and the world, anxious, apparently, to supplement the information he gets from the radio and press he has in his cell.

Did I think that the Gorbachev visit would relax East-West tension? What were my hopes for the Shultz-Gromyko talks? Would the Liberals at last make a breakthrough in British politics? What was Mrs Thatcher's secret of success? Who was now leader of the Labour Party?

And so we reached the 'Mandela enclosure' on the third floor, a large room with six beds, plenty of books and adequate facilities for washing and toilet. The cell door is open almost all day. They have access to a long L-shaped yard surrounded by high white walls. As well as the vegetable pots there is a ping-pong table and even a small-scale tennis court, apparently unused.

Mandela proudly showed me his vegetables, like a landowner showing me his farm. As for the yard, he wished only that it was less monotonously black, white and grey. As a countryman, he longed for green. And he understood, he said, what Oscar Wilde meant by 'the little tent of blue that prisoners call the sky.'

He showed me the damp patch on the cell wall, introduced me to his five cell mates, who apologised for being informally dressed. He explained who I was and briefly what we had been discussing. In spite of the Brigadier's mild protests, he then showed me the letter that had been so badly savaged by the censor. And he joked as we prepared to leave, 'Aren't there any other complaints? Doesn't anyone want to go home?'

And so we walked the last few yards towards the end of the enclosure and I prepared to say goodbye to this remarkable man whom I have begged the South African Government to release, on humanitarian grounds if for no other reason. A sergeant

opened the grey, heavy steel door. Mandela said: 'Well, Lord Bethell, this is my frontier and this is where I must leave you.' We shook hands and I told him what I would be writing. I walked through all the other steel doors, down the stone staircases, out through the front door into the fine Cape summer feeling poorer for being so suddenly deprived of this man's exhilarating company.

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The Times 29th January '85

## Pretoria offers talks to ANC leaders if it abandons violence

From Michael Hornsby, Cape Town

The South African Government would be prepared to talk to the African National Congress (ANC), the banned black nationalist organization, if it abandoned violence, a spokesman for the Office of the President said in Cape Town yesterday.

"The position of the President (Mr P. W. Botha) is quite clear. If the ANC stops their campaign of violence, we will sit down and talk to them. If they do not stop their violence we will not talk to them", Mr Jack Viviers, the presidential press liaison officer, told *The Times*.

The statement was made in response to a request for reaction to remarks made by the ANC leader, Mr Nelson Mandela, in an interview with the Conservative peer, Lord Bethell, in Pollsmoor Prison near Cape Town, where he is serving the 21st year of a life sentence.

Lord Bethell's account of the meeting appeared in last weekend's *Mail on Sunday* newspaper in London, and quoted Mr Mandela as saying that the ANC "would declare a truce" if the Government "legalize us, treat us like a political party, and negotiate with us".

Until the Government did this, however, "we will have to live with the armed struggle", Mr Mandela told Lord Bethell, adding that it was up to Pretoria to make the first move because

"the armed struggle was forced on us by the Government".

Mr Mandela was evidently referring to the fact that ANC did not resort to sabotage and guerrilla war until late in 1961, more than a year after it and other black organizations had been banned by the Government.

Mr Viviers said Mr Botha would not comment on the details of Mr Mandela's remarks. If talks were to be opened, the president would require "not just a statement of intent, but hard and fast evidence over a considerable period of time that violence had in fact been abandoned.

"You have to realize that we are dealing with an organization that is supported and financed by the Soviet Union, and we would have to be very sure that the ANC was not just engaged in another ploy to gain recognition", he said.

Lord Bethell's meeting with Mr Mandela has aroused great interest in South Africa, though none of his remarks could be quoted in the South African press under the local censorship laws.

No one can remember when a foreign politician was last allowed to meet Mr Mandela, still less to discuss politics with him.

Only a fortnight earlier, Senator Edward Kennedy had been refused permission to see the ANC.

There is speculation that the Government wanted to sound out Mr Mandela's views without talking to him directly, and when Lord Bethell applied for an interview some months ago it decided that his Conservative credentials and specialist interest in human rights made him a suitable intermediary.

One of the most interesting statements made by Mr Mandela is his unequivocal expression of regret for the car bombing in Pretoria on May 23, 1983, which killed nearly 20 people and injured more than 200 others, and his insistence that the ANC's intended targets remained buildings and property.

"Something must have gone wrong with the timing. It was a tragic accident", he is quoted as saying by Lord Bethell.

Mr Oliver Tambo, acting president of the ANC in exile, who once ran a Johannesburg legal practice with Mr Mandela, has never disowned the Pretoria bombing in such explicit terms.

The Bethell interview comes after several months of speculation that Pretoria may be preparing the ground for talks with the ANC. At the end of last year *Bechtel*, an Afrikaans newspaper which supports the government, sent a senior reporter to Lusaka, Zambia, to interview Mr Tambo and other ANC figures. It recommended as a result that dialogue should be opened with the ANC.

The Mail on Sunday 27th January 1985

## Man of violence who must be allowed freedom

**THE MAIL** on Sunday is proud to publish today the words of Mr Nelson Mandela, the undisputed leader of the black population of South Africa and a man who has for the past 21 years been incarcerated in South African prisons.

The South African government freely admits to us that he is not being locked up for any crime he may have committed in the past, but because of what he may do if he were to be released by them now.

The position of this newspaper is clear. Along with Amnesty International we cannot give our whole-hearted support to any man who favours violence to further his political cause.

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And Nelson Mandela in his interview today finally ends all speculation as to what his position on this is.

He does still believe that violence is justified and that it is only through violence that the vile policy of Apartheid can be overthrown.

A great violence is, however, being done to this man by keeping him in prison for so long when he has committed no crime possible to justify this.

A great violence is being done to his people when they are denied their undoubted political rights.

It is true, again as we reveal, that his prison conditions are now well up to the highest of international standards, but of course Nelson Mandela should not be in prison at all. To keep a man in preventive detention for all those years is a horrible evil.

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Mr Pieter Botha, President of South Africa, asked this week for a new dialogue between the black community of South Africa and the government. He also announced that the government would establish a forum for negotiations with the blacks.

The world will treat these words with scepticism but perhaps we would be prepared to trust the government more if Nelson Mandela were invited to take his place at the head of his people at that forum. With him there, there would be slight chance of success — slight but real nevertheless.

With him still locked up in prison, and there apparently for ever more, this forum will be seen for what it is — a cynical exercise in public relations by South Africa.

This newspaper unhesitatingly joins all those, throughout the world, of whatever political persuasion, who cry the slogan — Release Mandela Now.