



The Round Table: The Commonwealth Journal of International Affairs

Publication details, including instructions for authors and
subscription information:

<http://www.tandfonline.com/loi/ctr20>

Human rights and the colonies: deceit, deception and discovery

Kirsten Sellars

Published online: 24 Jan 2007.

To cite this article: Kirsten Sellars (2004) Human rights and the colonies: deceit, deception and discovery, The Round Table: The Commonwealth Journal of International Affairs, 93:377, 709-724, DOI: [10.1080/0035853042000300197](https://doi.org/10.1080/0035853042000300197)

To link to this article: <http://dx.doi.org/10.1080/0035853042000300197>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Human Rights and the Colonies: Deceit, Deception and Discovery

KIRSTEN SELLARS

ABSTRACT *When anti-colonialism was at its peak in the 1950s and 1960s, many colonial powers stonewalled, but Britain accommodated. It extended the European Convention on Human Rights to most of its colonies, and helped to nurture the fledgling British human rights movement. Its motive was self-interest: by being seen to invoke human rights, it hoped to neutralize attacks on its colonial practices emanating from the United Nations, and to curry favour with critics at home. This seemed to be a low-risk strategy, yet it was to prove otherwise. In the 1950s the European Commission for Human Rights investigated a complaint that Britain was breaching the European Convention in Cyprus. And in the 1960s Whitehall was forced to review its relationship with human rights NGOs after headline-making revelations about its covert support for Amnesty International. As it learnt to its cost, human rights advocacy could be a double-edged sword.*

KEY WORDS: human rights, Cyprus, Aden, Europe, Amnesty

Strasbourg 'Folly'

When Whitehall announced in 1953 that it was going to extend the European Convention to its colonies, the right-wing *Daily Express* dutifully sank to the occasion. Under the sub-headings 'Good for hot-heads' and 'Bad for Britain', it lambasted the Council of Europe as "a farcical institution, run by a lot of cranks". And although colonial inhabitants were denied the right of petition, it thundered: "Any malcontent or trouble-maker from the Colonies can now go trotting off to air his grievances at Strasbourg."

Meanwhile, the left-wing *Daily Worker* argued that it was pure hypocrisy to extend the convention to colonies where emergency laws denied human rights. At the press conference held to announce the extension, its correspondent demanded to know "Whether under the article about the right to trial, all persons arrested without charge or trial in Malaya, Kenya and British Guiana would now be either promptly released or brought to trial?" It also asked "Whether the article guaranteeing freedom of association...meant that the bans on the Pan-Malayan Federation of Labour, the Malayan Communist Party and the Kenya African Union would be lifted?"¹

Correspondence Address: 53 Normanby Road, London NW10 1BU, UK. Email: ksellers@dircon.co.uk

These domestic criticisms were unwelcome, but the risks of extending the Convention seemed, from the government's point of view, to be minimal. It had earlier negotiated opt-out terms which meant that its subjects in Britain and the colonies would have neither the right to petition the European Commission (which administered the convention), nor the right to bring complaints before the proposed European Court. Further, the convention contained two important loopholes: Article 15 allowed derogation from the convention "in time of war or other public emergency threatening the life of the nation", and Article 63(3) allowed nations to act "with due regard...to local requirements" in the colonial territories.² Although Whitehall realized it would have to modify some repressive colonial laws, it was fairly confident that it would be able to smooth out these rough edges to the satisfaction of Strasbourg.

Yet events in one of Britain's most important colonies soon proved this confidence to be misplaced. Cyprus was the strategic key to Britain's Middle East policy, and it served as both a Mediterranean intelligence listening-post and a military staging area for the defence of the oil route through the Suez Canal. For these reasons Whitehall ruled out independence. British intransigence on this issue fuelled Greek Cypriot intransigence and, by the mid-1950s, the rightwing Greek officer George Grivas had formed EOKA (National Organisation of Cypriot Combatants) to fight for *enosis* (unity) with Greece. While Britain was gearing up for the intervention in the Middle East that culminated in the Suez invasion, Grivas mounted a hit-and-run campaign against its forces on the island.

The colonial authorities took a hard line: if EOKA could not be turned it had to be broken. In 1955 Whitehall installed Sir John Harding as the new governor of Cyprus and declared a state of emergency. Harding awarded himself sweeping new powers to bring the *enosis* movement to heel, including the death penalty for use of weapons, large-scale internment, media censorship, exile of political leaders and curfews.

Greece advanced the global campaign for *enosis* by focusing on human rights abuses. In 1956 Athens complained to Strasbourg that the British colonial administration on Cyprus was breaking the European Convention by imposing collective punishments, whipping adolescents and deporting and imprisoning people illegally. It also argued that the "threat to the life of the nation"—which permitted derogation from the Convention under Article 15—did not exist.

The European Commission on Human Rights agreed to investigate and the Foreign Office was jolted into action. The Greek charges were serious. How were the colonial authorities to justify, say, the whipping of adolescents on Cyprus?³ If they were to shrug off the Greek criticisms of corporal punishment, they had to prove that it was neither uncommon nor especially savage. Sir John Harding cabled the Colonial Office with Regulation 75(2) of the Cyprus emergency powers, which dealt with the whipping of males under the age of 18 for crimes such as unlawful assembly and disorderly conduct. The rule stated that the punishment, not to exceed 12 strokes, was to be administered with a "light rod, cane or birch".

This punishment was exceeding unpopular in Cyprus, not just because of its brutality. Harding explained that in an English public school, beating is accepted

as a “normal form of punishment” but on Cyprus, it was “almost universally regarded by the boys and their parents as a most undignified and degrading form of punishment”. Nevertheless, the authorities continued to dole it out with 101 cases in the year to July 1956. By contrast, corporal punishment was used sparingly against adult males on the island, and only for serious offences such as sex crimes and revolts against the prison authorities.

The Foreign Office defence strategy was partly to prove that corporal punishment was widespread around the world. It sent a circular to overseas missions asking: “What kind of instrument is used?” and “Is the culprit clad or partially clad?” The results offered little comfort. Most nations regarded the practice as barbaric, and it was banned in most West European countries (including Franco’s Spain), most of Latin America and in all states of the USA except Delaware and Virginia. The few nations to commonly use corporal punishment were mostly Britain’s white former colonies, such as South Africa, Australia and Canada.

Unwelcome Probe

In August 1956 the Athens government attacked on a new front. Its UN representative, Christian Palamas, presented UN Secretary-General Dag Hammarskjöld with a sheaf of testimonies alleging British torture and mistreatment of Greek Cypriots. The British protested that the case against them was fabricated. The Greek government and EOKA counter-claimed that British brutality was endemic and sanctioned from the top.

In July 1957 Greece complained to the European Commission again—this time directly accusing Britain of torture. This allegation was particularly explosive as it coincided with the high-point of the controversy over French torture in Algeria. Athens submitted 49 examples of maltreatment, and a sub-commission appointed by the European Commission ruled that 29 cases merited further investigation. In response Whitehall sent Hilary Gosling, a former Crown prosecuting counsel in Cyprus, to the colony in January 1958 to construct a defence. At the same time it set out to expose the Greek charges as a political ploy designed to strengthen the case for *enosis*. A Foreign Office letter to the British Embassy in Athens outlined a strategy “to discredit the Greek case by showing that these allegations are all part of a cynical and highly organised ‘smear’ campaign directed against the Security Forces in Cyprus”. It asked the embassy to dig up Greek press reports showing “reckless and irresponsible charges...The more extravagant they are the better.”

A fortnight after his arrival in Cyprus, Gosling reported to the Colonial Office that, although there were, he estimated, two cases in which “the complainant has been roughly treated”, most cases were either fabricated by people fearful of retaliation because they had given information to the security forces, or were based on trivial incidents that had been magnified into acts of deliberate brutality. This information provided the basis for Whitehall’s defence strategy: if they could cut down the number of cases from 29 to just two, and persuade the sub-commission that Britain was being smeared, then they could point to “the absurdity of the whole Application” from Greece.⁴

The European Commission’s sub-commission declared in 1957 that it intended to travel to Cyprus to assess whether there was sufficient unrest “threatening the life of the nation”—and thus permitting derogation from the

Convention under Article 15. Whitehall did not relish this probe, but with the Greek complaint pending it did not want to give the impression of having something to hide. It drew comfort from that fact that the mission had carefully restricted itself to assessing the general situation rather than delving into individual complaints.

In January 1958 the sub-commission delegation, led by Max Sørensen of Denmark and accompanied by representatives from the UK, Greece, Ireland, Italy and the Federal Republic of Germany, set sail for Cyprus.⁵ The investigation began with a low farce, rich in symbolism, involving the Italian representative, Francesco Dominedo (previously derided by the British as “rather ridiculous”) and Gordon Williams, the British governor’s representative in Limassol.

On 13 January Dominedo’s boat docked in Limassol’s outer harbour after being delayed by heavy seas. Williams travelled by launch out to the *SS Messapia* to greet Dominedo and convey him back to dry land. But when he boarded the ship, the Italian was not there to accept his greetings. Dominedo was still lunching with the captain and declined to make an appearance before he had finished his meal. Williams kicked his heels for half an hour until the unapologetic Dominedo finally appeared, announcing that he had been unable to come earlier because he had been engaged in ‘operation luncheon’.

Williams did not record what happened between him and Dominedo on the trip back to the shore, although he noted that the Italian’s behaviour was obviously “intended to show to everyone that he was master of the party”. Williams disapprovingly reported that Dominedo made a great effort to “ingratiate himself” with customs officers and workers, and noted that “by this morning most people in Limassol will know that the Governor’s representative was purposely insulted by a member of the Sub-Commission”. He concluded: “I regret to have to tell you that I fear Mr Dominedo’s behaviour was premeditated...he set out to show that he was a member of an international organisation which was above Great Britain.”

Worse followed. In the course of a whistle-stop tour of hearings and visits around the island, the sub-commission delegation inspected Pyla detention camp. During this visit their British minder, K. J. Neale, got wind of the fact that delegates had quizzed the camp commandant about the mistreatment of prisoners. Neale saw this line of enquiry as a breach of the committee’s mandate and halted the hearing. He confronted Sørensen and demanded to know whether it had solicited information about brutality from other witnesses as well. Sørensen was “obviously greatly discomfited” (the governor general reported back to London) and admitted that it had received such evidence.

London braced itself for another blow from Strasbourg, but it never came. The controversy blew over when Greece dropped complaints against the UK as part of the 1959 Zurich settlement on Cyprus. The sub-commission’s report was not released to the public, and Britain was spared further embarrassment.

The Cyprus investigation nonetheless compelled officials to consider the wisdom of extending the European Convention to its colonies. Should they be withdrawn from its protection? The debate began in the Foreign Office in 1957 and continued in the Colonial Office.⁶ Many high officials considered themselves to be enlightened advocates of colonial development, and displayed a keen awareness of the anomaly of bestowing a human rights convention on colonies governed, by definition, by inequality and lack of freedom.

The Birth of Amnesty

In 1959 the French government seized a book called *La Gangrène*, published by Les Editions de Minuit, which reproduced the statements of Algerian detainees who had been tortured by the French internal security forces at the Direction de la Surveillance du Territoire headquarters in Paris. A few months later the London publisher John Calder published an English-language version—*Gangrene*—which also included accounts of torture and murder in the strife-torn British colony of Kenya. Barrister Peter Benenson, president of Justice, the British lawyers' human rights organization, contributed an eloquent foreword, in which he compared British-run Kenya to French-run Algeria.⁷

A year later, when Benenson read that two students had been gaoled in Portugal for the 'crime' of toasting freedom, he was moved to action. Instead of simply expressing his disgust over repression, as he and others had done in Cyprus, Algeria and Kenya, he began to campaign for the release of political prisoners. With the help of influential friends—barrister Louis Blom-Cooper, advocate Sean MacBride, Quaker Eric Baker and national newspaper editor David Astor—he launched the campaign for 'Amnesty' for political prisoners in Astor's *Observer* on 28 May 1961. Henceforth Amnesty would "work impartially for the release of those imprisoned for their opinions" and seek for them a fair and public trial.

In the *Observer* the new campaign proclaimed that it would operate under guiding principles that reflected the pacifist leanings of the founder members. It would petition on behalf of 'prisoners of conscience'—those gaoled for peaceful resistance rather than violent opposition—using the simple, moral power of letter-writing to secure their release. And it would rise above the Cold War's political fray by being avowedly impartial and non-ideological, taking on cases equally from the East, the West and the Third World. As Benenson pointed out, political allegiance was anathema to it because "campaigns in favour of freedom brought by one country, or party, against another often achieve nothing but an intensification of persecution".⁸

That was the public face of Amnesty. However, the official documents tell a different story. They show that Amnesty's leadership, unbeknown to its members, was at times strongly partisan, backing actions and accepting support from one nation in particular—Britain.

The story of Amnesty's undeclared collaboration with Whitehall begins a year after its birth, when Foreign Office Parliamentary Under-Secretary Peter Thomas invited an Amnesty delegation to meet him to discuss the European Convention. This encounter was something of a coup for the fledgling organization, and it urged Macmillan's government to allow people to petition the European Commission and take cases to the European Court. Amnesty's position was predictable, but the distinctly pro-British and anti-communist cast of its arguments, given its publicly impartial stance, was striking. As one delegate, Colonel Gerald Draper, stated, "Our record was so good in relation both to the preservation of freedom in our own country and to granting freedom to dependent territories that we deserved a better reputation."⁹ Thomas's interest must have been piqued—these people were clearly patriotic and, in some cases, rather conservative. Amnesty was talking his language.

Over the next year or so Foreign Office officials kept a careful eye on the organization and were pleasantly surprised by what they saw—a group of

respectable people who upheld human rights while actively resisting radical influences. (Amnesty's 1964–65 report noted with satisfaction that those "who thought that they were joining a mass demonstration in favour of freedom in its widest anarchical sense" or saw it as "a weapon to be added to the armoury of their own political cause" had dropped out.¹⁰) In other words, Amnesty International, as it was by then known, was the perfect humanitarian riposte to the more radical demands of Third World nationalists, Stalinist fellow travellers and New Left intellectuals. Here was an organisation that Whitehall could do business with.

Covert Collaboration

In 1963 the Foreign Office gave the campaign its formal blessing as a body that "provided humanitarians with an organisation free from Communist exploitation". It despatched a circular to its overseas missions explaining that Amnesty International was to be regarded as a body deserving "discreet support". 'Discreet' was the operative word, because public endorsement would seriously undermine its credibility. The circular also emphasized that the organization should remain "independent" in the sense that the British government would in no way be responsible for its activities, "some of which might from time to time embarrass us".¹¹ This new arrangement was an important milestone in the relationship between a Western state and the youthful human rights movement.

Meanwhile, Amnesty's 1963–64 annual report detailed the comings and goings of a small and rather homespun operation. That year, with an income of just £4000, it had dispatched "several" parcels of clothes to Spain, and sent £90 a month to prisoners' families in South Africa. It had raised some money by selling postcards and pens, but warned members that there was "no guarantee of our solvency next year". In 1963 it celebrated Human Rights Day at St Bride's Church in Fleet Street, where Jacqueline du Pré played a cello piece, and Cy Grant and the Reverend Père Duval sang and played their guitars. The report also noted that Benenson had travelled to South Africa and that MacBride, head of Amnesty's International Secretariat, had travelled to Spain. That year MacBride was also appointed secretary general of another human rights body, the International Commission of Jurists, which led to closer cooperation between the two movements.¹² This link would later prove to be significant.

Official documents show that during this period Benenson began to cooperate more closely with the Foreign Office and the Colonial Office. Britain was in the process of withdrawing from its colonies, and advice from someone sensitive to the human rights issues was welcomed. He was granted regular audiences with senior ministers, and previously closed doors opened to his organization.

Benenson thrived on his privileged status and was full of useful pointers. In 1963, for example, he wrote to Lord Lansdowne, the Colonial Office Minister, about an Amnesty proposal to install a 'refugee counsellor' in the southern African British protectorate of Bechuanaland, to deal with refugees fleeing across the border from South Africa. Although Dr Verwoerd's regime was notoriously savage, Benenson was at great pains to emphasize that this project was not intended to provide shelter to active opponents of apartheid. "I would like to reiterate our view that these [neighbouring British] territories should not be used for offensive political action by the opponents of the South African Government", he wrote. "Indeed, it is a matter of importance that Communist influence

should not be allowed to spread in this part of Africa, and in the present delicate situation, Amnesty International would wish to support HMG in any such policy.”¹³ Lansdowne, one of the last Conservative ministers to preside over Britain’s shrinking empire, would doubtless have been gratified to hear this.

Amnesty backed up its words with deeds. The Colonial Office was at that time under heavy fire at home for its hounding of two self-proclaimed communists, Jack and Rita Hodgson, who had sought shelter in Bechuanaland after escaping house arrest in South Africa. When they arrived in the territory, the Hodgsons refused to obey the British administration’s blanket ban on all political and trade union activity and tried to foment a strike at Bechuanaland’s sole ‘industrial’ site, the abattoir. In response, the authorities quarantined them in the Kalahari Desert and then deported them to Britain.

Before the Hodgsons’ expulsion from Bechuanaland, a delegation made up of representatives from the three major British political parties, as well as Amnesty, the Anti-Apartheid Movement and the African National Congress, appealed to the Colonial Office to effect some kind of compromise. After all, its treatment of the Hodgsons was embarrassingly reminiscent of that meted out to them in South Africa. But, behind the scenes, Benenson was more in sympathy with the Bechuanaland authorities than with the Hodgsons. “I have made further enquiries on this case, and would say privately that I am quite satisfied that it was in the best interests of the population of the Protectorate that they should be asked to leave”, he wrote to Lord Lansdowne. Further, Amnesty had communicated its “present views” to the International Commission of Jurists, and, as a result, the latter had “agreed to withdraw [the case] from any further publications to the UN”.¹⁴ By this means the Hodgsons’ plight was effectively struck off the human rights agenda.

Advocates Abroad

While Benenson was busy cultivating senior Whitehall officials (and they him), Amnesty was tying itself in knots over Nelson Mandela. The organization had taken up his case before, but when he was gaoled in 1964, this time for sabotage, many members felt that Mandela should be dropped as a ‘prisoner of conscience’ because he had used violence. At the same time they felt uneasy about forsaking him during his life sentence on Robben Island. An assembly was convened at Canterbury. The leadership argued that “Amnesty International would be applying a double standard if it insisted that the police and prison authorities abstain from any act of violence or brutality yet maintained that those on the other side should be allowed to commit such acts and yet be unpunished.”¹⁵ Delegates voted overwhelmingly against giving the ‘prisoner of conscience’ tag to anyone involved in violence, and Mandela was duly abandoned.

In 1963 Benenson wrote a report (entitled *Now in the Future is it Peace or War?*) about the plight of refugees fleeing from South Africa to the British territories. Amnesty’s vaunted reputation for factual accuracy got off to a slightly shaky start—as the High Commissioner pointed out, Benenson had wrongly stated that Basutoland was a protectorate when it was in fact a colony. Aside from such errors, however, Whitehall was pleased with Benenson’s largely positive conclusions about colonial policy. (He also sent a secret annex assessing the scope of South African cross-border incursions and the strength of

the opposition to the regime to party leaders Alec Douglas Home, Harold Wilson and Jo Grimmond and, for reasons unexplained, to Christopher Barclay, the head of the Information Research Department, the Foreign Office's cold war propaganda warfare section.¹⁶⁾

If Benenson's report on South African refugees was well received in government circles, another, by Amnesty representative Lieutenant-Commander Michael Cunningham, was not. He reported that refugees generally got a hostile reception from the white population in the British territories of Bechuanaland, Basutoland and Swaziland, and that a new refugee transit centre at Francistown had been dynamited. This was impossible to deny and the colonial authorities reacted defensively. The Bechuanaland police commissioner heatedly repudiated charges that his force was prejudiced against refugees. The Francistown district commissioner meanwhile attacked Cunningham. He "tries to impress everyone with his importance", he reported but "information supplied by him is usually inaccurate...and he is generally a nuisance".

Decades later it is hard to gauge the effectiveness of these human rights advocates. They were doubtless brave and subjected to unfair criticism by colonial officials. But one suspects that many were also innocents abroad, attempting to patrol treacherous terrain armed with nothing but a wallet full of cash, a cultivated English accent and a sense of moral outrage. Some were gulled. In January 1964, for example, Amnesty (which had a policy of assisting 'genuine' refugees rather than anti-apartheid activists engaged in armed struggle) unknowingly evacuated a plane full of Pan African Congress members from South Africa on a flight paid for by the aid charity War On Want. A report circulated by the Colonial Office dryly noted that the group was in fact "going north for sabotage training".

The same year a senior British official vented his frustration over the well intentioned but chaotic efforts of the non-governmental organisations on his patch:

Is it not about time the refugee organisations put their own house in order?...Could they not come together and produce a single integrated executive...staffed by people who are both dedicated *and* efficient? The perpetual bickering about who represents whom, and the rivalries and documents such as [Amnesty's] do nothing towards helping the unfortunate refugees, and in the collective mind of this country create a misguided but very human feeling that it could stand the refugees if it weren't for the Cunninghams.¹⁷

The Question of Ras Morbut

In 1966 Swedish Amnesty sent Dr Selahuddin Rastgeldi to investigate allegations of British torture in the latter's Southern Arabian colony of Aden, where the conflict between the British authorities and the Adeni nationalist movement was balanced on a knife-edge. A state of emergency had been declared and the British-run Ras Morbut interrogation centre had acquired a fearsome reputation for mistreating suspects. Rastgeldi's investigation was likely to embarrass Harold Wilson's Labour government, but it also placed enormous pressure on Amnesty's London leadership, which wobbled under the strain of its divided loyalties. Should it defend Britain or Rastgeldi? In the event, it tried to do both.

The authorities gave Rastgeldi a very cool reception when he arrived in Aden on 28 July. His meeting with the High Commissioner, Sir Richard Turnbull, was tense. He recounted that:

Upon mentioning the words "political detainees" the High Commissioner answered "There are no political detainees in Aden." I produced a list of 164 prisoners with the dates of their arrests which I had been supplied with in Cairo and asked the High Commissioner if all these prisoners, without exception, were terrorists. Then came the next remarkable answer: "How can we know? We cannot produce any evidence against these people as no one is willing to witness against them."¹⁸

Turnbull flatly denied Rastgeldi's request to visit prisoners, so he spent the remainder of his trip collecting the testimonies of those who had been incarcerated at Ras Morbut interrogation centre.

Turnbull was acutely aware that his was an embattled regime dealing with a hostile population. "While our movements and intentions were being conveyed to the opposition by a thousand willing tongues", he wrote to London, "no news was being brought to us". As a result the British had been forced to fall back on a single source of information: that extracted by interrogation. Did the British use torture in the process? The official files have been pruned of sensitive information, but they nevertheless provide interesting glimpses of life behind the massive, sound-proofed walls of Ras Morbut. Suspects were routinely stripped naked and hooded—a procedure Turnbull conceded "may in popular imagination be regarded as maltreatment".¹⁹

Furthermore, scores of prisoners protested that they had been beaten up during their detention. Even if one accepts the authorities' claim that they were all lying for partisan ends, it is nevertheless clear that the Ras Morbut interrogation centre, and the Al Mansoura prison to which they were usually transferred, were dangerous places to be. In a period of just six months, from August 1966 to February 1967, prison officials investigated complaints from 51 prisoners or former prisoners.²⁰

As a sop to Amnesty and parliamentary critics Foreign Secretary George Brown sent the barrister and Liberal MP, Roderick Bowen, to investigate procedures for dealing with reports of torture at Al Mansoura—but not specific allegations. Bowen stuck scrupulously to this evasive brief and produced a report that exonerated everyone bar a few officials accused of sins of omission, and "three men" (unnamed) who had worked as interrogators at Ras Morbut. He did, however, quote a damaging memo from the health services director to the Deputy High Commissioner in Aden. It said that:

The injuries sustained by detainees brought from the Interrogation Centre indicates that their interrogation was assisted by physical violence...I should be grateful if the allegations of physical violence which were substantiated by bruises and torn eardrums, etc., could be investigated.²¹

Bowen's report triggered two more investigations, which respectively examined the sins of omission and the "three men". In the latter inquiry the military investigated the military and whitewashed a whitewash by concluding that there was insufficient evidence to bring anybody to court for their actions.

While these inquiries were creaking into action in late 1966 the chairman of Amnesty's Swedish section, Hans Goran Franck, put a threatening shot across Whitehall's bows when he wrote to Prime Minister Harold Wilson outlining the results of Rastgeldi's investigation. "Dr Rastgeldi has gathered reliable information on the practice of torture in the British interrogation centres in Aden", Franck stated. The letter enclosed testimonies from people who said that they had been tortured in Ras Morbut.

The government's response to the allegations was swift and emphatic. George Brown wrote to the Prime Minister: "Mr Franck is known to have fellow-travelling tendencies...His letter is couched in very slanted, not to say, offensive, terms."²² Amnesty released the Franck letter on 20 October but Rastgeldi's report took longer to see the light of day. Although he had made his trip to Aden in July 1966, his report was not issued until December. According to co-founder Eric Baker, Benenson and Amnesty general secretary Robert Swann met George Brown on 29 September and indicated that they would hold up publication if the Foreign Office "made concessions about procedure which would ensure that no such incidents could recur". In another version, Benenson claimed that Swann suppressed the report. However, a memo by Lord Chancellor Gerald Gardiner to Harold Wilson in November suggests that both claims were wide of the mark. According to Gardiner, if anyone was responsible for holding up the report, it was Benenson himself. He wrote: "Although very much pressed by their Swedish branch, Amnesty held the Swedish complaint as long as they could simply because Benenson did not want to do anything to hurt a Labour government".²³

When Rastgeldi's report finally appeared, citing the same examples of brutality as the earlier Franck letter, an outcry against Amnesty ensued. George Brown publicly denounced its "wild allegations" during a Commons speech. Meanwhile, the Wilson government summoned journalists to 'non-attributable' briefings. They were informed that Rastgeldi was not impartial on Middle Eastern issues because he was of Kurdish extraction, and that he was in the pocket of Egyptian President Gamal Nasser because he had stopped over in Cairo on his way to Aden. Amnesty protested that Rastgeldi had only visited Cairo to collect contacts and communicate Amnesty's abhorrence of violence to the distinctly non-pacifist Adeni exile community.²⁴

Letters from 'Harry'

The final detonation in the Amnesty saga came in spring 1967, and involved the International Commission of Jurists (ICJ). This elite organization was founded in 1952 to promote human rights by legal means. It soon began to sprout national sections abroad, including the British section—Justice—founded by Benenson and chaired by Hartley Shawcross. In the 1960s Amnesty's Sean MacBride also assumed the role of ICJ secretary-general. The cross-fertilization between the ICJ and Benenson's human rights organizations rebounded on everyone in March, when it was revealed that the former was founded and covertly funded by the CIA through a US affiliate, the American Fund for Free Jurists Inc. (later the American Council for the International Commission of Jurists).²⁵ MacBride denied that he had any knowledge of the original source of this money.

Within days a similar funding scandal broke over Amnesty's head. A 20-year-old student who had worked for the organization as a volunteer contacted the press with evidence suggesting that Amnesty was being covertly funded by the British government. She was Polly Toynbee, now the *Guardian* columnist and author. In 1966 Toynbee travelled to Nigeria and Rhodesia with the organization.²⁶ On the Nigeria leg of the trip she had acted as secretary to the Amnesty representative, Sir Learie Constantine, who was petitioning for the release of political leaders. The party also included the aforementioned Michael Cunningham (who, Toynbee observed, always seemed to have "an enormous amount of cash on him".) But if she had envisaged a vigorous campaign for the release of prisoners in Nigeria she was disappointed:

We stayed at the Federal Palace Hotel, outside Lagos...We sat around doing nothing but drinking, eating enormous meals and entertaining the Press. It was like a businessman's expense-account outing. We must have spent an enormous amount, but we never achieved anything. We never saw anyone important. We just got vague assurances that the prisoners were all right.

Toynbee then travelled on to Rhodesia, where Ian Smith's white government had some months earlier declared its unilateral independence from Britain and had then proceeded to persecute black political leaders. Amnesty's operation there seems to have been as unfocused and as well funded as it had been in Nigeria. During the six weeks she spent in Salisbury, Toynbee and other volunteers sent money to detainees' families and tried to arrange legal aid for prisoners. Again, money was no object ("I could go to the bank and pull out £200 at a time...there was no one to check up"). Rumours circulated about the source of all this cash, and when Benenson arrived on a flying visit, Toynbee tackled him about it. "At first he told me not to ask such questions," she said. "But then he admitted that the money was coming from the [British] Government, and he told me it had been very hard to get." When she asked about strings attached, he assured her that the question was irrelevant because he would in any case "act according to what the Government wanted him to do".

Toynbee and other volunteers were expelled from Rhodesia in March 1966 and when she left she carried with her a bundle of Amnesty correspondence which, she said, she had found abandoned in a safe. It contained letters written early that year from Benenson's address to Amnesty's general secretary Robert Swann and others working in Rhodesia. These appeared to indicate that Amnesty had asked someone in Harold Wilson's government ('Harry') for money; that Amnesty had provided a budget assessing amounts needed "based on [detainees'] actual family need"; and that 'Harry' had paid up in late January 1966.

Under Pressure

When excerpts from the letters were published in the press in March 1967, Amnesty flatly denied knowledge of the payments. Benenson told a different story, claiming that the government *had* provided secret funds, but that they were a direct gift to prisoners and their families in Rhodesia rather than a donation to Amnesty. Yet a private letter from Benenson to Gerald Gardiner, written two months before the Toynbee revelations, reveals another scenario:

that the government had asked a third party—Charles Forte, the owner of the catering and hotel chain—to donate £10 000 to the work. “I had been led to believe that these moneys were paid by Mr Charles Forte”, Benenson wrote, adding that in return, “it was not altogether unlikely that the name of such a well-known caterer would appear on a future honours list”. (Interestingly, Charles Forte’s autobiography records that in 1970 he received a letter “out of the blue” from Harold Wilson’s office offering him a knighthood for “the financial help I had given to various charitable and cultural enterprises”. He did not mention Amnesty or Rhodesia in this context.²⁷)

Whatever the truth of the matter, Benenson got cold feet about the money provided for the Rhodesia operation and wanted to return it. He wrote to Gardiner that, “rather than jeopardise the political reputation of those members of the Government involved in these secret payments, I had decided to sell sufficient of my own securities to repay the secret donor, Mr Charles Forte”. It is not clear why he suddenly became so anxious to repay this very large sum. Perhaps he had an inkling that the government’s involvement in the Rhodesia project was about to be exposed to the detriment of it and himself—as indeed happened shortly after. His explanation at the time was that the “object of this not inconsiderable donation was to clear the record so that it could be said that the money sent for succour to HM loyal subjects in Rhodesia came from a...private person with a known interest in the cause, who did not object (as Mr Forte did) to the fact of his donations becoming public”.

Benenson was equally keen to rid himself of Foreign Office funds provided for the other human rights organizations he was involved with. These were the ICJ off-shoot, Justice, and the Human Rights Advisory Service, which he had set up in January 1966, and which was also active in Rhodesia. He wrote:

There are also in being two sums of money advanced to me in 1965 by the Foreign Office—£3000 for any purpose I selected within the ambit of the Human Rights Advisory Service and £2000 for any purpose within the ambit of Justice. Both these sums were banked by me and have not been spent. In my view, under present circumstances it would be better if the money went back whence it came as soon as practicable.

The letter states that “members of the Government” were “involved in these secret payments” to “HM loyal subjects in Rhodesia”, probably using funds provided by a third party, possibly by Charles Forte. It also says that the Foreign Office had given funds to Justice and the Human Rights Advisory Service. (Amnesty is not mentioned in connection with the money.) Benenson may have feared a scandal over his organizations’ covert relations with the Wilson government. He also expressed his disappointment at Labour’s handling of issues close to his heart: “It may be asked why I ever accepted these payments if I now wish to return them. The answer is that at the advent of the Labour Administration I believed on the evidence of my friends’ record and their public declarations that they would set an example to the world in the matter of human rights...Alas, such an example has been set, but it is not a good example.”²⁸

At the height of the ‘Harry letters’ controversy, Amnesty official Stephanie Grant approached the Foreign and Commonwealth Office (as recently renamed) for a strange favour. She asked if she could use the diplomatic bag to send an urgent letter to Amnesty’s representative in Salisbury, G. C. ‘Jack’ Grant, explaining to him the scandal that threatened to destroy the organization. As she

indicated in this correspondence, Benenson had travelled to Aden in November 1966 during the Rastgeldi affair and had returned to Britain a changed man.

Peter Benenson has been levelling accusations...which can only have the result of discrediting the organisation which he has founded and to which he dedicated himself. All this began soon after he came back from Aden, and it seems likely that the nervous shock which he felt at the brutality shown by some elements of the British army there had some unbalancing effect on his judgement. He came back to England in November, resigned from the Presidency of Amnesty on the grounds that its offices were bugged and its mail opened, and publicly announced that he could no longer live in a country where such things were tolerated—or even engineered—by the Government. We have no proof either way whether these particular charges of bugging were founded, though during our criticism of the Government over Aden I personally feel it was very possible. But the way in which he made them—with maximum publicity—did then suggest that he was under very great nervous strain and needed a long period of rest.

As a consequence of Benenson's actions, she wrote, the Amnesty executive had disassociated itself from him. "You will imagine how difficult and unpleasant this has been", she wrote.²⁹

Had Benenson suffered a nervous breakdown after Aden, as Grant seems to suggest? This would certainly explain the paranoid tone of his correspondence with officials at the time. At the very least one must surmise that he experienced a moment of truth on his trip to the Middle East, where he could have realized that the British authorities were indeed torturing political prisoners. Before dismissing his judgement as skewed, though, we should also consider his impassioned but apposite comments about the government's handling of Aden, written in the letter to Gardiner after his return:

During many years spent in the personal investigation of repression...I never came upon an uglier picture than that which met my eyes in Aden on 12 November 1966, over two years after the Labour government came to office. It is no exaggeration to say that I was physically sick[ened] not only by the deliberate cruelty and affronts to the human dignity of the Arab population...

He continued:

Parliament has now been told direct and deliberate untruths three times running in answer to questions about the publication of the reports of the International Committee of the Red Cross relating to Aden. Furthermore, very recently, the Foreign Secretary was used to misinform Parliament by describing Dr S. Rastgeldi's report as "wild allegations"...

And further:

Having been to Aden and carried out my own investigations, I think that there is to say the least a strong possibility that some if not all the rather horrifying allegations are correct...

Meanwhile:

Those Arabs who have suffered—some of whom have lost the balance of their mind—should be compensated. It is only when this has been done, and when some steps have been taken to withdraw the allegations made against Dr Rastgeldi...that the situation will begin to be restored.³⁰

Lessons of the Affair

In March 1967, after Toynbee's revelations, Amnesty delegations from Europe and the USA gathered for a conference in Elsinore, Denmark. Under the gloomy ramparts of Kronborg Castle, chairman Sean MacBride issued a vituperative written attack against the movement's founder, pointedly referring to Benenson's "ill-health" and "unilateral initiatives". Benenson did not attend but submitted a resolution demanding MacBride's resignation on the grounds that the CIA had funded the American Council for the International Commission of Jurists. Foreign delegates, especially from the wealthy (and, it should be added, government-subsidised) Swedish branch,³¹ were far from impressed by this face-off between the two human rights heavyweights. After the conference, Benenson faded from the scene to take up farming in Buckinghamshire. The organization's leadership passed to a caretaker, Eric Baker.

The honeymoon between Amnesty and the British government was over. Amnesty vowed that in future, it "must not only be independent and impartial but must not be put into a position where anything else could even be alleged". And in May 1967 the Foreign Office sent its missions a circular reversing its 1963 instructions about the organization and cautioning that, "For the time being our attitude to Amnesty International must be one of reserve." Official support for the body was suspended, and "reference to Amnesty International in the Appendix...(which lists organisations that deserve discreet official support), should be deleted".³²

But this was not the end of the relationship. Martin Ennals took over the leadership of Amnesty in 1968. He had been a leading light in the National Council for Civil Liberties, and was seen as being more of a radical than Benenson. As a new broom he was expected to restore the organization's credibility and reputation for impartiality. But there was a rapid mending of fences with the Foreign Office under his stewardship. And, once again, money was an issue.

One might imagine that, after the previous controversy, Amnesty had learned its lesson about the perils of soliciting funds from government. This was not the case. In December 1968 Ennals met Minister George Thomson at the FCO to discuss the plight of political prisoners in Rhodesia. He was anxious to reassure Thomson that his organization still backed official policy there, and told him that "Amnesty would be more than willing to take...advice or respond to requests for help." The official minutes then record that he broached another matter:

Mr Ennals then raised the question of HMG making a financial contribution towards the work which Amnesty and one or two other organisations were doing in Rhodesia to help the families of those in restriction and detention. He understood that in the past the British government had given help in this way through informal channels, but

unfortunately this assistance has ended when Amnesty's connection with HMG had been made public as a result of internal dissensions [sic] in the organisation. Mr Ennals said that in his opinion, the affair had been very badly handled at the time by Mr Benenson. He personally did not either then or now feel that help of this kind in any way infringed Amnesty's independence.³³

This minute not only arouses further suspicion that Amnesty had received money from the government 'through informal channels' for its work in Rhodesia. It also shows that Ennals was insensitive to the issues that such transactions raised. Once again, an Amnesty leader was requesting money for the support of detainees' families in Rhodesia, the very thing that had caused such a furore after Toynbee's publication of the 'Harry' letters. Unlike many of the organization's members, Ennals clung to the belief that government assistance did not compromise the independence of an avowedly non-partisan organization. Not only that but, just like his predecessor, Ennals declared his unqualified support for official British policies—this time in Rhodesia—to the extent that he was prepared to take advice from the FCO and respond favourably to its requests for help.

In the event officials turned Ennals down, saying that money was tight.³⁴ There were various reasons for this relating to the circumstances of prisoners in Rhodesia and the claims of other charities. Perhaps the FCO also calculated that, at that time, a financially independent—yet sympathetic and loyal—Amnesty was more useful to a government than an Amnesty tainted by 'discreet support'. Money or no money, the organization would continue to play a useful role, operating as eyes and ears abroad, and as a sounding board at home.

Under Ennals' stewardship, Amnesty grew into one of largest and most influential human rights groups in the world. When it was awarded the Nobel Peace Prize in 1977, *The Guardian* reported that Ennals was so concerned to preserve its reputation for incorruptibility, that:

To avoid the embarrassment of accepting funds from governments or major corporations, Martin Ennals's...rule is that he holds up each pound note to the light.³⁵

Notes

A longer version of this piece first appeared in K. Sellars, *The Rise and Rise of Human Rights*, Stroud: Sutton, 2002, pp. 86–113.

1. 'Strasbourg folly', *The Daily Express*, 27 October 1953; and '—And for hypocrisy beat this', *The Daily Worker*, 27 October 1953.
2. The exceptions to this were the four Articles which were mandatory in all circumstances: Articles 2 (the death penalty), 3 (torture, inhuman or degrading treatment or punishment), 4(1) (slavery or servitude) and 7 (retroactive criminal liability and punishment).
3. For the discussion on corporal punishment, see National Archive, Kew: FO 371/123915, FO 371/123922, FO 371/123922. All documents cited are from the National Archive unless stated otherwise.
4. FO 371/136395; FO 371/136400.
5. For accounts of the trip, see FO 371/136395.
6. CO 936/531.

7. J. Power, *Amnesty International: The Human Rights Story*, Oxford: Pergamon, 1981, p. 20
8. 'The forgotten prisoners', *The Observer*, 28 May 1961.
9. FO 371/167032.
10. International Secretariat Report, June 1964–May 1965, p. 3.
11. LCO 2/8097. This information appears in a 1967 Foreign Office circular that recaps the 1963 decision to provide Amnesty with 'discreet support'.
12. International Secretariat Report, June 1964–May 1965, p. 12; Amnesty International Annual Report, June 1963–May 1964, pp. 4, 5, 3, 11.
13. CO 1048/570.
14. *Ibid.*
15. Power, *Amnesty International*, p. 14.
16. CO 1048/570.
17. For comments on Cunningham, see *ibid.*
18. DEFE 24/252.
19. *Ibid.*
20. For a fuller account of these complaints, see DEFE 24/252 or K. Sellars, *The Rise and Rise of Human Rights*, Stroud: Sutton, 2002, pp. 104–105.
21. 'Aden: Rastgeldi report vindicated', *Amnesty International Bulletin*, 18, February 1967.
22. See PREM 13/1294 for Adeni testimonies and Brown's response.
23. Amnesty International circular, 'Aden', October 1966; Power, *Amnesty International*, pp. 15–16; and PREM 13/1294.
24. *Hansard*, Commons, Vol. 738, 19 December 1966, Col. 1007; Peter Benenson, 'Report on Aden 1963–1966', 11 November 1966, p. 11; and Amnesty International, 'Aden'.
25. H. B. Tolley Jr, *The International Commission of Jurists: Global Advocates for Human Rights*, Philadelphia, PA: University of Pennsylvania Press, 1994, pp. 30–31, 34–35.
26. Toynbee's account of her trip and the text of the 'Harry' letters appeared in 'Strange secrets of the Amnesty row', *The Sunday Telegraph*, 5 March 1967; 'Student in "Amnesty" cash rumpus sticks to her guns', *The Daily Express*, 6 March 1967; and 'Secret state aid to Amnesty', *The Sunday Times*, 5 March 1967. Correspondence between the Treasury and the Commonwealth Office indicates that Amnesty did indeed remit considerable sums of sterling to Rhodesia—some £22 700 between June 1966 and January 1968—to relieve hardship among detainees and their dependants. FCO 36/100.
27. Power, *Amnesty International*, p. 130; LCO 2/8097; C. Forte, *Forte: The Autobiography of Charles Forte*, London: Sidgwick & Jackson, 1986, p. 130.
28. LCO 2/8097.
29. FCO 36/100.
30. LCO 2/8097.
31. FO 371/185900. In 1966 the British Embassy at Stockholm reminded the Foreign Office that "the Swedish government were contributing to various organisations including Amnesty International".
32. Peter Burns, 'Elsinor: mandate for change', *Air* (Amnesty International Review), 19, May 1967; and LCO 2/8097.
33. FCO 36/436.
34. *Ibid.*
35. E. Larsen, *A Flame in Barbed Wire: The Story of Amnesty International*, London: Frederick Muller, 1978, p. 126.