



**50 Years of
AMNESTY INTERNATIONAL
- Reflections and Perspectives**



SIM Special 36

**Wilco de Jonge, Brianne McGonigle Leyh,
Anja Mihr, Lars van Troost (eds.)**

Utrecht, 2011



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This document is a joint publication of Amnesty International and SIM on the occasion of the symposium in celebration of the Dutch section of Amnesty International's 50th anniversary, 7 December 2011.



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THE IMPACT OF AMNESTY INTERNATIONAL'S POLICIES AND CAMPAIGNS DURING THE COLD WAR – THE CASE STUDY OF EAST GERMANY

ANJA MIHR

1. INTRODUCTION

A former political prisoner from East Germany reports that ‘it is hard for many Westerners today to regard laws that officially forbid works of fictions (or novels) as a violation of human rights. Yet, not so long ago many countries of the world banned novels were more than just high school proscriptions. Some citizens in communist nations paid for their passion to read with years of their lives’.¹³ Amnesty International (AI or Amnesty) was the first international human rights organisation to take up cases of Prisoners of Consciences (POCs) (in 1961) around the world, which included, among the countries in Eastern Europe, the German Democratic Republic (GDR). Most of the POCs that AI asked unconditional release for were intellectuals, so-called dissidents, and, as in the example noted above, high school students who had read George Orwell’s novels such as *1984* or *Animal Farm* (parodies on communist and totalitarian regimes of the 20th century) that were considered hostile to the state. Their imprisonment, unfair trials and often ill-treatment during interrogation and afterwards, violated international standards that the GDR had formally adhered to. Although politically independent, by adopting those POCs, AI made political statements

¹ RODDEN, J., *Dialectics, Dogmas and Dissent, Stories from East German Victims of Human Rights Abuse*, Pennsylvania State University Press, 2010, p. 33.

against oppressive regimes. Then and now, the organisation made clear that no ideology, religion or regime type justifies human rights abuse of any kind.

The work of AI during the Cold War from 1961 to 1990 was shaped largely by the policies of the two big hegemonic States in the East and the West, and by the international human rights norms that these States agreed upon, denied or vetoed. It was Western countries who, at that time, had the normative advantage in the international debate, mainly at UN level, in directing the discourse toward civil and political rights. Without the realisation of these rights, so the argument went, no human right to education or work could ever be claimed. In addition, the politics of the Cold War shaped the mandate of AI beyond the end of the Cold War. However, it was only turned into a vision and mission statement in 2001, which now embraces the full spectrum of human rights worldwide.

2. AI DURING THE COLD WAR – THE EXAMPLE OF EAST GERMANY

More than 20 years after the Berlin Wall fell and German reunification took place, the unjust political system of the former communist party in the GDR and its human rights policies are still being debated as part of a continuing discussion on transitional justice and reconciliation. The main issues focus on coping with an unjust German past, human rights abuses and the totalitarian dictatorship that lasted until 1989. Until then, human rights violations varied from property deprivation to restriction of free elections and expression. The democratic window dressing of the East-German leadership did not last long. In 1954, the first uprising took place in East Berlin, followed by violent suppression and repercussions against citizens. In 1961, the party leadership built the Berlin Wall. From that point onward a growing human rights movement, headed by human rights organizations, such as AI, had put pressure on the regime in East Berlin.

After the collapse of the Berlin Wall in 1989, and the German reunification the following year, the archives of 40 years of communist dictatorship revealed the truth and issues behind the false and self-imposed image of a peace and human rights-loving communist government. Human rights abuses were a daily practice from the moment the State was founded. AI had been one, if not the only, non-governmental organisations (NGOs), until 1989, that had shown the regime in East Germany to the world outside Germany. Human rights abuses were documented, campaigns took place and thousands of letters asking for better prison conditions, fair trials, and the release of over 2,000 POCs were sent to the authorities in East Berlin. To what extent these activities made an impact and led to changes in the GDR contributes to the debate over whether the GDR was a lawful State or not. It is hard to imagine that arbitrary arrests, and the fact that over 18 million citizens were in some way kept “hostage” behind the iron curtain till 1989, were signs of a free and peace-loving country.

3. COMMUNIST LEADERSHIP AND HUMAN RIGHTS ORGANISATIONS

Violations of human rights in the GDR covered a wide range of freedom, and cultural, civil and political rights. It included restrictions on freedom of expression, religion, opinion, press as well as forced adoptions, ill-treatment and torture in police-detention, State-spying on the private sphere, professional disqualification, the instruction to shoot and to kill at the German border, and the death penalty. East Germany was a totalitarian dictatorship with a ubiquitous secret service that controlled and manipulated the civil sphere of its citizens. The State's secret service, referred to as the Stasi but also dubbed “the shield and sword” of the Communist and Socialist Party (*Sozialistische Einheitspartei Deutschlands, SED*), exercised total control over the country and its citizens. Many millions of citizens felt intimidated and even imprisoned behind the

iron curtain. Whoever had the desire to free him or herself from this narrowness through non-conformist art or publications, criticism of the political system, or the desire to leave the GDR for the West, bore the risk of violating GDR law, which was arbitrarily applied and executed, depending on the whims of the party leadership. Criminal political processes, which were generally hidden from the public, usually ended with the accused being sentenced to several years of detention. It was called “jurisdiction behind locked doors” by AI, particularly in the eighties.¹⁴ An independent judiciary or court of appeal did not exist in the GDR.¹⁵

Human rights existed, if at all, only on paper; publication and official UN documents on ratified human rights treaties, such as the 1966 International Convention on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were kept away from citizens. The same was true for the Final Act and documents of the Conference on Security and Cooperation (CSCE) in 1975, in which human rights and the so-called humanitarian dimension – for example, visiting family members behind the iron curtain in the West – were guaranteed for all European States that participated in the conference. By contrast, in the GDR, disseminating the 1948 Universal Declaration on Human Rights or the 1966 International Conventions was prohibited, even though the GDR ratified these treaties, with reservations, in 1973. To duplicate and disseminate those documents could easily lead to prosecution and imprisonment, just as with many other documents, novels or newspapers that were considered “hostile to the state”.

Imprisonment was not the only severe human rights violation under communist dictatorship. The arbitrary arrests and denial of

¹⁴ AMNESTY INTERNATIONAL, German one Democratic Republic, Rechtssprechung hinter verschlossenen Türen [Justice behind closed doors], Bonn, 1989.

¹⁵ DROBING, U., (ed.), ‘Strafjustiz in der DDR’ [Criminal Justice in the GDR], Schriftenreihe der Gesellschaft für Deutschlandforschung, Vol. 64, Berlin, 1998.

fundamental medical supplies in detention were considered inhuman treatment. In addition, the so-called “buying out” scheme meant that over a thousand prisoners annually were sold for ransom and transferred to the Federal Republic of Germany. West Germany paid approximately 50.000 EUR per prisoner to be exiled into the West, calling it a humanitarian action to their brothers and sisters behind the iron curtain. For the GDR, it was a mere business, and in modern terms it would be labelled as human trafficking for ransom. Each year, up to 1.500 political prisoners found their way to the West. However, not all prisoners wanted to leave the GDR. A significant number of dissidents wanted to stay and introduce political and social reforms. Regardless of the numbers, the “buying out” of political prisoners from East Germany was a point of concern of the UN Human Rights Committee as well as other human right organisations in the West at that time. AI criticised these practices as human trafficking.

Economic and social human rights in respect to the ICESCR, which was emphasised by the Communist Party, were also largely violated. The choice of one’s profession and the ability to continue beyond higher education was regulated by State authorities. An early political selection of pupils and students who continued to higher education prevented many from choosing their work and studies freely. Ideas about free enterprise and property rights were redundant and obsolete under socialism and, consequently, totalitarianism. This was viewed, even then, as a serious violation of human rights. Until 1989, the West criticised above all, the restriction and violation of political and individual liberty rights in the GDR, and asked for their respect and implementation.

The communist leadership in East Berlin feared, rightfully, the dissemination of information and the claims of human rights violations. Thus, AI was one of the targets of the Stasi and the State Party. Amnesty’s human rights work slowly reached behind the iron curtain to East Germany, and then to Poland and the Soviet Union. Starting with the 1975 Helsinki Final Act, more and more people claimed human rights violations against the communist regimes. This

led to protests and resistance among the population, who would, consequently, question the inefficient and abusive political system that eventually led to the downfall of the regime. Near the fall of the GDR in 1989-1990, the government could not prevent people from protesting, and the party leadership could no longer resist the demands of thousands of demonstrators, and the civil rights movements during what were known as the “Monday demonstrations” in the streets of Leipzig and Berlin, in the summer and fall of 1989. People demanded for institutional reforms and human rights. The legitimacy deficit of the regime was most visible during this period. The absence of political participation and free elections led to the loss of credibility of the political elite.

In order to facilitate the suppression, the party leadership was urged to create lists of so-called enemies hostile to the State, such as NGO's, Western governments or simply all those individuals and organisations that opposed the regime. This list grew longer over the years, as these enemies were necessary for the maintenance of State power. They “kept the socialist revolution running” and manifested the power structure of the one-party system.¹⁶ From the government's perspective, these “enemies of the State” predominantly evolved from the chaos of the Western civilisation.¹⁷ In the end, this list indicted all organisations and mechanisms in the West that had criticised the GDR in any form. In addition, other human rights organisations and activists joined the criticism, such as that coming from AI. At the same time, the SED benefited from the “hostile picture” it drew of the West. Dictatorships need enemies in order to unify their citizens against a common evil adversary, and divert the attention away from their own crimes and human rights violations. In the case of the communist regimes, it was also meant to

¹⁶ DEUTSCHER BUNDESTAG [German Bundestag] (ed.), *Materialien der Enquete Kommission Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland*, Volume VII, 1, 1991, p. 238.

¹⁷ MEUSCHEL, S., *Authentizität der Parteiherrschaft in der DDR 1945-1989* [authentication and party rule in the GDR, for the paradox of stability and revolution in the GDR, 1945-198], Frankfurt A.M., 1992, p. 19.

hold ‘the communist revolution in momentum’ against capitalism.¹⁸ AI was seen by East Berlin authorities as chaotic and foreign dominated Western forces. The Stasi apparatus did not understand the motivation of AI’s volunteer members who wrote letters and petitions to ask for the release of people that they had never met before. Often Stasi officials wondered why the thousands of volunteers from Amnesty in any part of the world would write to authorities if they indeed had no political interests. This kind of civil society organisational structure did not correspond to the political understanding of the communist party whose “cause” was purely political and not humanitarian.

4. THE WORK OF AMNESTY INTERNATIONAL IN THE GDR

The work of AI in the GDR has always been overshadowed by the East-West conflict between the two superpowers in the East and in the West, from the founding of the organisation in 1961 to the end of the GDR in 1990. Amnesty researchers could rarely personally ever go behind the iron curtain. Together with other former communist countries, the GDR was seen as a closed society, with little exchange from both sides. Letters of appeal to East Berlin authorities were never answered. Many other NGOs, particularly West-German NGOs, thus, operated illegally and in the East German underground, always threatened by discovery, expulsion or imprisonment. According to its mandate, AI could not operate in this way. The organisation was caught in the verbal fights and Cold War rhetoric between Eastern and Western powers. In the East, AI was seen as a

¹⁸ KOWALCZUK, I.S., ‘Articulation forms and objectives of against-constant behavior within different ranges of the society’, in: DEUTSCHER BUNDESTAG (ed.), Materials of the Enquete Commission “processing of history and consequences of the SED dictatorship in Germany”, Band VII, 2, 1991, pp. 1207-1208.

purely Western and bourgeois organisation that only acted in the interest of West German or other Western governments.

The organisation's work on the GDR started shortly after May 1961, as a response to an article that appeared in the British newspaper *The Observer* about *The forgotten prisoners*, as was explained in the introduction to this book.¹⁹ At the beginning, the Stasi in East Berlin knew little about AI, partially because their secret service investigation unit did not include English-language sources in their assessment. They could not imagine that an AI volunteer in New Zealand would ask for release of a POC in the GDR. Hence, according to them, the main enemy was in West Germany, targeting the East, and, consequently, there was no need to expand investigation units beyond German-speaking sources. In the case of AI, the Stasi relied on sources from West Germany and, thus, strongly believed for a long period of time that AI was a West German organisation. Even secret services can err and, therefore, the Stasi continued to draw its "enemy picture" from what was their main combatant and political competitor: West Germany. This only changed in the 1970s with the Helsinki Final Act and its provisions for human rights and humanitarian actions.

Regardless of this, AI continued to ask for the release of political prisoners in all political blocks. In the times of the East-West conflict, that meant that the Amnesty activists asked for the release of political prisoners from everyone: communist, capitalistic, or developing country.²⁰ At the apex of the Cold War in the 1960s, however, AI was trapped between the ideologies asserted by US and the Soviet Union and, thus, between the West and the GDR. Although seen by most as merely a Western organisation, AI actually had to fight for its credibility on both sides. While it was impossible

¹⁹ BENENSON, P., 'The Forgotten Prisoners', *The Observer* (London), 28 May 1961, p. 20.

²⁰ BRONSON, M., *Organisations that help the world*, Amnesty International, Herst, 1992, S.37; POWER, J., *Amnesty International – The human rights story*, Oxford, 1981.

to be recognised by the communist powers, it was incredibly difficult to be seen as a neutral organisation by the West. AI was only appreciated by Western authorities to the extent that it provided evidence for violations of human rights in the Eastern Bloc. Through this mechanism, it served Western interests too. In the East, the political party leadership issued propaganda that AI only wanted to defame the GDR. Therefore, authorities refused AI entrance into the country for investigation of the alleged cases. Thousands of Amnesty letters and appeals from over 30 countries reached GDR prisons, ministries, and the communist leadership – the *Politbuero*. They were intercepted, registered, evaluated and later placed in prison and ministry archives for the period between 1961 and 1989. The Ministry of Internal Affairs and the Ministry for State Security, the Stasi, housed the main archives. None of these letters of appeal for release of better prison conditions was ever officially answered. That led to some frustration among those who wrote the letters, the thousands of volunteers and the membership of AI. Over the years, many volunteers wrote letters without knowing whether they would ever reach their recipient or whether they would have some impact.

Interestingly, Amnesty groups from West Germany did not participate in the letter writing campaigns because it was seen as a hopeless effort. The researchers in the International Secretariat (IS) of AI in London assumed that any letter from West German senders would only feed the communist propaganda image of East-German party doctrine and, therefore, have no effect whatsoever. Those letters would not have been seen as the voluntary work of people who cared about political imprisonment regardless of where in the world it occurred; rather it would have been seen as what the Stasi preferred to call: ‘Bonner activities to undermine the peaceful GDR’ – targeting Bonn, the former political capital of West Germany.²¹ After the end of the Cold War, and after going through thousands of files of the Stasi and the Ministry of Internal Affairs, the estimation

²¹ THOMAS, M., *Communing with the Enemy: Covert Operations, Christianity and Cold War Politics in Britain and the GDR*, Peter Lang, Bern, 2005.

of London researchers in the 1970s and 1980s was proven correct. The Stasi “celebrated” each West German letter asking for release of judicial reforms – by any organisation – that assumingly intervened in internal affairs as a proof of hostile activities of the West German government against the GDR. As a result, Amnesty then applied the so-called “work to one’s own country” rule, meaning that due to close historical or political ties to one’s own or former country, any efforts in that direction would be useless. Such rules still apply within Amnesty, for example, with volunteers in South Korea that even today do not write to North Korea under the name of the organisation.

The permanent international pressure of the organisation on the SED regime in East Berlin did have an effect over time. In the 28 years in which Amnesty was working on the GDR, the organisation noticed that the prison conditions improved for those prisoners that they had “adopted”, and that the majority of these political prisoners were released earlier or received a reduced sentence. Most of them were “bought out” by the West-German authorities as part of a specific West-East German deal established in the 1960s. This so-called *Freikauf*, or buying out scheme, of political prisoners was highly disputed among human rights organisations. Although Amnesty could never prove that because of its campaigns the human right situation in the GDR was improving, today, it is evident that those prisoners who were adopted by the organisation received better conditions in prisons or were in fact – due to their prominent status and international publicity – more likely to be found on the buy-out lists of the West-German authorities.²²

The IS of AI in London registered 2,107 cases of adoption by the end of the dictatorship. It must be noted, however, that in the first years of the organisation, statistics were kept irregularly. The actual

²² More data in: MIHR, A., *Amnesty International in der DDR 1961-1989, Menschenrechte im Visier der Stasi*, Chr. Links Verlag, Berlin 2002.

number may be somewhere around 3,000.²³ The total number of cases of political imprisonment, unjust or hidden trials and bad prison conditions may exceed 5,000. The number of the political prisoners in the GDR until its end is somewhere between 175.000 and 230.000.²⁴ Consequently, AI only could care for a fraction of these people and, thus, each case stood as an example for the many more unknown or less-investigated cases of individuals who suffered in GDR prisons.

At the beginning of the 1960s, AI had estimated the number of political prisoners at several thousand. In the *Amnesty* newsletter from February 1962, AI cites the figures of other organisations with 9,000 to 14,000 POCs. In later studies from 1966, the number rose to 6,000, and again, later, it ranges between 3,000 and 4,000 political imprisonments annually. In a country of around 18 million inhabitants, with at least 2,000 political prisoners added per year in the late 1980s, that makes six to seven people imprisoned each day.²⁵

Due to its limited resources and its total reliance on volunteers, Amnesty could only adopt a limited number of POCs in the GDR in its first years. In addition, it had to take into account that those volunteers from outside Germany had to have some knowledge of the German language to write letters to East-German authorities. Thus, most letters came from the Netherlands, Denmark or Sweden, where German was still widely spoken or known. It was incomparable with today's campaigns methods, in which everybody who has access to internet or mobile phones and uses the world's

²³ AMNESTY INTERNATIONAL, International Secretariat London, Summary of GDR of cases (conditions: 1.6. 1998).

²⁴ A complete list of figures and number can be found in: MIHR, *op.cit.*

²⁵ RASCHKA, J., 'Law politics in the SED State, adjustment of the criminal law during the term of office of Honecker', writings of the Hannah Arendt institute for Totalitarismusforschung, Bd.13, Cologne, 2000, pp. 324-325; and Amnesty News, February 1962 (AI Archive Sign. MRC-MSS 34/4/AMN.N).

lingua franca, English, can make instant appeals to any government in the world within seconds.

Thus, in the 1960s and in later years, only a couple hundred prisoners per year could be registered, investigated and/or appealed for. Prominent ones were the trade unionist Heinz Brandt, who was drugged and kidnapped from West Berlin to the East in 1961, or the philosopher Wolfgang Harich and the writer Erich Loest in the 1960s. They all had asked for more political reforms and freedom from the SED regime. Their stories were well known in the West and, consequently, also to AI through media coverage and the information received by their relatives and friends. The organisation adopted them as political prisoners.²⁶ Importantly, the cases of imprisonment were not limited to GDR citizens. West Germans or citizens from other countries were abducted and brought to secret trials in East Germany. For example, there is the case of Hussein Yasdi, an Iranian who in 1961, after the Berlin Wall had been built, helped GDR citizens escape to West Berlin. He was caught, and in 1962 he was condemned to lifelong detention in the GDR. His family lived in West Berlin. An Amnesty group in Sweden asked for his release.

Over the years, AI became capable of adopting more cases, partly due to the increase in volunteers and groups that could take up more cases in their work. On the other side, the number of cases increased due to law reforms. In 1968 and in 1979, the communist leadership changed the political penal code to allow even more politically motivated investigations by the Stasi. Consequently, it led to more prosecution and penalisation of political verdicts. Most of the articles in the penal code from 1968 stood in contradiction to international human rights standards and, later, to the international human rights treaties that the GDR had signed. These included civil and political rights but also the so-called Helsinki Accords agreed to by the Soviet Union, the US as well as other Western and Eastern European countries during the Conference on Security and

²⁶ AMNESTY INTERNATIONAL, *Annual Report 1985*, Frankfurt A.M, 1985, p. 355.

Cooperation (CSCE) in Helsinki in 1975. And the penal codes that tried to reverse the international agreements fell under even more scrutiny after the GDR became a member of the UN in 1973, and ratified the two main human rights covenants on social, economic and cultural rights, and on civil and political rights.

During this time, Amnesty had to adapt its campaign strategy to the changing policies and severe political persecution in the GDR. After short phases of “tolerance” and political freedoms, the party leadership always reacted with more severe repression, persecution and imprisonment. Thus, it reflected the typical cycles of suppression that followed after political reforms for a dictatorship that can be seen elsewhere in the world today. Over the years, AI could almost predict new waves of imprisonment in any dictatorial country in the world. Arrest waves of different intensity are common among these countries. One of the consequences for Amnesty was the increase of short-term political adoption cases, for example, after a wave of political repression and imprisonment that took place in 1984. Amnesty volunteers from Scandinavia (Denmark, Finland, Norway and Sweden) adopted altogether 30 “new” political prisoners in the GDR in a couple of months, in addition to another 46 with whom they were already working. That was an increase of nearly 70 percent, which was not easy to manage. But as the regime in East Berlin felt pressured, most of these short term political prisoners were released after a couple of months.²⁷

Many other POCs stayed less than three years in prison due to the reforms of the political penal code. More penal reforms in 1977 and 1979 increased the number of verdicts, but at the same time reduced the sentences in general. The aim of the SED-regime was to imprison more political opponents for shorter periods and, thus, to create an atmosphere of terror, fear and insecurity among those who called for reforms of the communist system. The idea was that prisoners should be threatened and intimidated and when released

²⁷ AMNESTY INTERNATIONAL, Section office Sweden, Stockholm: Coordination AI-Group reports 1984, approx. January 1985.

spread this message to other citizens. Total control and intimidation was meant to discipline those who questioned the regime.

But the legal reform did not achieve its deterrent effect because at the same time more and more people in East Germany claimed their freedom and other human rights and asked for political reforms. Most of these people, who felt they were being “kept hostage” behind the iron curtain or the Berlin Wall, wanted to leave the country and move to West Germany. This was one more reason for the SED leadership to penalise them. Therefore, the 1980s became an era of short but multiple imprisonments and persecution. AI estimated that an average of its adopted cases of about 1,300 political prisoners spent “only” half of their sentences in prison and were released before they completed their sentences. That meant that the NGOs had to react quicker and contact state authorities in East Germany the very moment they were aware of a prisoners name and location as some POCs were released by the time AI letters arrived in East-Berlin. It was a big change in the imprisonment policy compared to the 1960s, when political charges resulting in prison sentences of 15 years and more were common. This, of course, was good for the POCs and political activists and those who wanted to leave their country to go to the West, but at the same time made it difficult for the Amnesty letter-writing campaign, because by the time they started to send their requests and letters to the authorities in East Berlin, to ask for release of any particular person, that prisoner had already been freed or bought free by the West-German government. Consequently, many political prisoners were freed before actions and campaigns could start.²⁸

The communist practice of repetitive and short-term arrests had consequences not only for Amnesty, but also for the international community that tried to put pressure on the East-German authorities. Moreover, by this time, Amnesty was using experienced volunteers, modern communication technologies, such as the facsimile, and the support it had received through the media – in particular after

²⁸ AMNESTY INTERNATIONAL, *Annual Report 1985*, Frankfurt A.M. 1985, p. 355.

receiving the Nobel Peace Prize in 1977. Better media and communication technology was used to get better and quicker information about detention and developments behind the iron curtain. As a result, the organisation could react quicker and changed its tactical approach.²⁹ When, in January 1988, the mass arrest of approximately 160 people took place after they used a gathering that commemorated the former peace, human rights and a communist activist in the beginning of the twentieth century, Rosa Luxemburg, to protest for their claims and opposition to the current regime, AI was immediately informed through direct contacts in East Berlin. For the first time in its work in the GDR, AI could react within hours to ask for clarification about the political detentions of peaceful demonstrators.³⁰ That was a novelty in NGOs human rights work then. Today, however, NGOs react in far less time, but nevertheless have to double-check their sources and evidence for human rights abuses carefully. In 1988, the quick response by AI irritated the Stasi, and secret service officials kept asking how AI knew so rapidly and accurately about these imprisonments. At that time, Amnesty adopted 12 people within days and started an *urgent action* in the form of faxes or expressions from around the world asking for immediate release of these people. Today, any such campaign works via internet, E-mail or mobile phones. Faxes are rarely used anymore.

Freedom of religion was constantly at stake in the GDR, and Amnesty dealt with some of these cases. Most victims of religious persecution and imprisonment were the Jehovah's Witnesses. They refused to participate in the obligatory military service. The communist party leadership considered them "anarchist", and, as a

²⁹ POLE LACQUER, D., and RINK, D. (Eds.), *Zwischen Verweigerung und Opposition, politischer Protest in der DDR 1970-1989* [Between disobedience and opposition, political protest in the GDR 1970-1989], Frankfurt A.M., 1997, pp. 54-77.

³⁰ See NEUBERT, H., *Geschichte der Widerstandsbewegung in der DDR 1949-1989* [history of the opposition in the GDR 1949-1988], Bonn, 1997, pp. 696-699.

consequence, forbade any religious practice. Amnesty noted sadly that many Jehovah's Witness congregations had been almost continuously in prison since 1939, first under Nazi dictatorship and then under the communist regime after the country was divided in 1949. Religious practice was also curtailed for Evangelical and Catholic Christians. Release from compulsory military service in the GDR for religious reasons had been possible since the law reform in 1962, but only if these young men agreed to do construction work instead, and they became the so-called "construction-soldiers".³¹ Still, for hundreds of deeply religious men this was not an alternative, since they still had to engage with the military and thus ended up in prison for their beliefs. Systematic persecution of Christians or other religious minorities in the GDR was not known to Amnesty.³² In an Amnesty report about 'Intolerance and discrimination against believers' in 1984, the GDR was not mentioned as a country in which systematic religious persecutions took place.³³

With Mikhail Gorbachev, leader of the communist party in the Soviet Union until 1990, the Eastern Bloc became increasingly transparent. Human rights organisations also noticed this shift. But still, the Soviet Union as well as their communist satellite States remained dictatorships and, thus, the political rhetoric on the one side could equally lead to more imprisonment and demand for control over citizens on the other side. That was the case in the GDR. The last years of Eastern communist bloc countries were sensitive years. An increasing human and civil rights movement on both sides of the iron curtain threatened and weakened the communist regime, but it

³¹ AMNESTY INTERNATIONAL, *Political Prisoners in the GDR*, London/Cologne, 1967, p. 18.

³² FRICKE, K.W., *Opposition und Widerstand in der DDR, ein politischer Bericht* [opposition and resistance in the GDR, a political report], Cologne, 1984, p. 144.

³³ AMNESTY INTERNATIONAL, Index POLE 03/05/84: External, Intolerance and Discrimination on Ground Of Religious or amounted, November 1984.

also led to a net increase in short term imprisonment and insecurity in society.

5. GDR HUMAN RIGHT POLITICS AND REACTIONS TO AMNESTY INTERNATIONAL

Starting in the 1960s, the GDR government sought membership in the UN. However, because of the so-called “Hallstein-Doctrine”, and West Germany’s call to only join the United Nations as one united country, it took until 1973 to materialise – and only after West Germany stopped its restrictive policy and accepted East Germany as a separate country. The GDR also did everything possible to be acknowledged as an independent State by the United Nations. It not only recognised the 1948 Universal Declaration for Human Rights, but also the two main conventions over social and political human rights, as well as those to abolish racism (Convention on the Elimination of All Forms of Racial Discrimination, or CERD) and discrimination against women and children (Convention on the Elimination of all forms of Violence Against Women, or CEDAW) as well as others. The party leadership called for any necessary step to “permanently and continuously” ratify all United Nations conventions if necessary, with reservations and restrictions. Although those human rights conventions that were later ratified contradicted the understanding of the SED, the government officially recognised the international agreements. After doing so, the SED-regime followed its own interpretation and estimation of those human rights under the doctrine that they should by no means ‘interfere in inner state affairs’.³⁴ Their understanding of human rights was ‘socialistic’,

³⁴ Federal Archive Berlin, SAPMO: DY-30-J IV-1515: Minutes of the Politbüros: Conception for the perception of the membership of the GDR in the ECOSOC of 28.6.1974. For the position of the GDR at the UN and the confrontation with Western NGO see: SPRÖTE, W. and WÜNSCHE, H., *The UN and its special organisations*, Berlin, 1983; BRUNNER, G. and KLEIN, E., *Internationale Menschenrechtsverpflichtungen der DDR*, in: BRUNNER, G.

and was intended to be the ‘highest form of human rights’.³⁵ Socialistic, according to the constitution of the GDR, meant equality of all people under the dictatorship of the proletariat and SED party leadership. More concretely, by ‘socialistic rights’ the leadership meant, for example, the right to nutrition, to work and to peace, and those social rights were, therefore, carried out in the GDR to the fullest extent – even though people were not meant to choose their work freely. Whatever the Socialist party said, or interpreted as it wanted, became the practice of law and justice in the GDR.

The international human rights conventions and treaties that the GDR government had signed slowly changed the meaning of human rights in the GDR. The first step was to accept and adapt the term “human rights” generally into its political rhetoric. While in the 1950s the term “human rights” – as defined by in the Universal Declaration of Human Rights – was seen as referring to rights that served “the protection of the dominant class in the West”, in the 1970s, this changed into the attitude that human rights served the “overall development of the human personality in the society”. Of course, this overall development was meant only in the sense that human rights were seen as socialistic.³⁶ The official GDR reading of human rights conformed slightly to the international understanding of human rights. The ideologists and key international human rights law experts in the GDR did not always share the GDR view, but were, nevertheless, loyal to the State. Rather, they saw human rights as representing “objective conditions of the respective society”, but always in relation to the State and, thus, the official policy of the SED leadership. Individual and political human rights were

(Ed.), *Menschenrechte in der DDR* [Human rights in the GDR], Baden-Baden, 1989, p.18.

³⁵ MIHR, A., *op.cit.*

³⁶ Encyclopedia A-Z, Leipzig, 1962; Meyers Neue Enzyclopaedia, Vol. 9, Leipzig 1974.

recognised only insofar as they served the political interests of the Communist Party.

The official understanding of human rights was again drastically changed with the agreement of the CSCE Helsinki Final Act in August 1975. At that time, a human rights catalogue was agreed upon, which contained all substantial political human rights. It also reflected the conditions of the Cold War much more realistically than the other international human rights treaties. Security and confidence building were at the centre of the CSCE. Human rights were seen as serving the purpose of confidence building by, for example, allowing more communication and travel across the Iron Curtain. Multiple forms of cooperation and exchange of personal contacts were suddenly guaranteed as humanitarian and human rights 'relief agents' were permitted to cross the East and West borders. These humanitarian and human rights were manifested in the so-called Basket III of the Helsinki Accord. Although it was only an accord and not a treaty, it contained everything that many citizens and political activists had lobbied for in the GDR. It promised them more freedom to travel, family unification, and the right to access information across borders, which, at that time, meant more letter and phone exchanges. In the subsequent CSCE conferences leading up to the end of the 1980s, these human right principles were concretised. However, as mentioned earlier in this article, these international concessions were restricted by penal reforms in the 1980s, which led to more imprisonment. Parallel to the conferences, human rights organisations started constant lobbying campaigns by asking all governments members of the Helsinki Accord to respect, and if possible implement, the agreements on more freedom rights into the national legislation.

The one-State party leadership did not have the intention of respecting international human rights standards that challenged their absolute control. The communist system was based on such absolute control of power. Human rights and in particular freedom rights, eroded and threatened this absolute control and, consequently, their power. The GDR government intended to ratify international human

rights treaties because they sought more international recognition, without the expectation that their own citizens would actually claim these rights once the treaties were ratified. However, the government underestimated the effect that the formal act of ratification would have on the citizens' demands and claims.³⁷ The adherence to fundamental liberty rights in the GDR would have required concessions by the party leadership, which would have limited its power and would have even led to political power shifts. Political participation, free elections or allowing independent parties and groups of citizens to stand for elections would have meant the end of the SED – as it ultimately did in 1989-1990. Allowing free movement and travel would have meant the exodus of the East German population. Too many of its citizens were already discontent with the regime and wanted to leave for the West. Thus, more repression followed and this also affected the work of AI.

The term “political prisoner” was officially avoided in the GDR because, according to the communist doctrine, everybody was a free citizen freely adhering to the political dictatorship of the proletariat and the SED. But due to international pressure in 1977, the GDR submitted a request to the UN General Assembly to replace the term political prisoner with the term ‘fighters against colonialism and racism’.³⁸ It did not succeed, also because it became clear that together with other communist countries, the GDR followed the strategy that there are no political prisoners in socialist societies. According to the party leadership, the only political prisoners ever were communists who suffered in prison under Nazi- and fascist dictatorships. Furthermore, according to their view, socialist

³⁷ KLEIN, E., *Menschenrechte, Stille Revolution des Völkerrechts und Auswirkungen auf die innerstaatliche Rechtsanwendung*, [Human Rights, Silent Revolution of International Human Rights Law and the impact on domestic legislation], Baden-Baden, 1997, p.12.

³⁸ Federal German Archive Berlin, SAPMO DP-1-SE-1439: MdJ, department of on the right of and contracting: Argumentation for argument with the slandering campaign of imperialistic States because of alleged pursuit and arrest of persons in the GDR because of their political thinking, 13.7.1977.

countries do not imprison communists. Consequently, there could be no political prisoner left anymore.

From the viewpoint of AI, however, it did not matter whether the GDR spoke officially of political prisoners or omitted this language. What was more important was the fact that in the GDR people who expressed their discontent with the regime peacefully and without violence were imprisoned. The SED regime persecuted, threatened and spied upon hundreds of thousands of people because of their political opinions or attitudes during the 40 years of the GDR.³⁹

6. AMNESTY INTERNATIONAL'S EFFORTS AND IMPACT

In the first years of the activities which AI directed at the GDR, neither the State authorities nor the Stasi knew how to cope with the organisation. In this “closed dictatorship society” in the Eastern Bloc, it was unrealistic to expect any official reaction. In the beginning, Amnesty manoeuvred and experimented in the way it organised its letter-writing campaigns. Different forms of activities had to be adapted to the different political systems and countries in the world. As one of the first human rights organisations based on voluntarism and operating worldwide, AI could not rely on the experiences of other organisations while fighting for human rights. The impact of its activities and applied methods was neither calculable for AI nor for the communist leadership in the East. This only changed in the 1970s, after the organisation could rely on a fixed mandate and some concrete strategy plans had been set up.

³⁹ FRICKE, K.W., 'Weder Konzentrationslager noch politische Gefangene', in: *Deutschlandarchiv*, Jg. 20, number 2/1987; PRIBE, S., and DENIS, D., 'Health one and psychological damages of political pursuit in the view to rehabilitation and compensation', in: GERMAN BUNDESTAG (ed.), *Materials of the Enquete Commission "processing of history and consequences of the SED dictatorship in Germany"*, Bd. II, 1, p. 296.

The larger Amnesty actions, like worldwide publicity campaigns under the slogan “give prisoners a face and voice”, have been relatively successful since the end of the 1970s. Violations of human rights by the SED regime were denounced regularly and openly to the international public through the media and campaigns. Additionally, the organisation had grown by several thousands members. Appeals and inquiries reached the SED regime from over 30 countries. From Canada, the Faeroe Islands, Venezuela, and Sierra Leone to India, South Korea and Japan, letters, signature lists and other forms of appeals reached East Berlin.⁴⁰ In 1989, Amnesty counted thousands of volunteers in over 60 countries.⁴¹

Support came from international political leaders and celebrities. With this support Amnesty confronted the GDR governmental delegates whenever they travelled abroad to Western countries. As a result, the SED leadership had to consider more seriously questions asked about violations of human rights in the GDR, while at the same time asking for more international recognition and financial support for its eroding economy. Over the years, the SED made concessions, for example, in relation to what were called “the public enemies” – those who were viewed as hostile to the GDR. This was basically everybody who did not fully support the regime. Although the GDR criminal law was intensified in the 1970s, Amnesty observed some positive changes after the GDR became a member of the United Nations in 1973, and after it had joined the CSCE negotiations in 1975. Citizens who wanted to leave

⁴⁰ Amnesty letters from the following countries are provable with the public security and the Ministry of the inside archives: Australia, Belgium, Bermudas (Great Britain), Costa Rica, Denmark, Finland, France, Faeroe Islands (Denmark), Great Britain, Greece, Hong Kong (until 1997 Great Britain), India, Ireland, Iceland, Israel, Japan, Canada, Luxembourg, Mexico, New Zealand, the Netherlands, Norway, Austria, Papua New Guinea, Portugal, Sweden, Switzerland, Sierra Leone, Spain, South Korea, Uruguay, the United States, Venezuela.

⁴¹ AMNESTY INTERNATIONAL, *Annual Report 1989*, Frankfurt A.M., 1989, p. 594.

the GDR for family reasons or reunification were more easily allowed to leave the country than before. Exchange of any form (for example, information, visits and journalists) was easier, and Amnesty's researchers in London also benefited from this shift because they received more and faster information about human rights abuses, imprisonment and trials.

The organisation reminded the GDR of its obligations under the UN treaties or the Helsinki Accord. Amnesty was allowed to officially participate at international conferences in the GDR, such as the 1986 meeting of the World Federation of United Nations Associations (WFUNA) in East Berlin.⁴² Amnesty also established assorted contacts with civil rights activists and artists in the GDR. Additionally, they were allowed to submit shadow reports to UN treaty bodies, such as that on Civil and Political Human Rights and to the CSCE follow-up conferences, upon the request of treaty body members and Western delegates. Finally, after many years of official silence, the strict anti-Amnesty policy in East Germany changed. In the summer of 1989, shortly before the collapse of the SED regime and the Berlin Wall in November 1989, the Stasi agreed internally that Amnesty was not like other organisations "hostile to the GDR" and, thus, a meeting with the organisation might be considered.⁴³ The international pressure and Amnesty's constant campaigns at the UN and CSCE level led the regime to change its mind. However, the meeting never took place because of the events that occurred in November that same year.

The agreements on international human rights standards gave AI the possibility to confront the party apparatus in East Germany. Since 1964, Amnesty has had advisory and observer status at the United Nations. In March 1976, the ICCPR came into force and

⁴² AMNESTY INTERNATIONAL, Legal Office, International Secretariat: Internal PAPER: "Trip to Berlin and corrodng thanks RK WFUNA Europe regionally Conference in Berlin (GDR) 7-10.9.1986," unpublished minutes of 13.9.1986.

⁴³ MIHR, *op.cit.*

Amnesty immediately reacted by confronting the GDR when reporting to the UN Human Rights Committee, reminding it of its duties to implement and fulfil the treaty.⁴⁴ Until 1989, the GDR submitted dozens of reports and answers to different UN human rights bodies and general inquiries by the UN. By the end of the Cold War, the GDR was a contracting party of 24 multilateral contracts on human rights, most of them never known by or transmitted to their citizens.⁴⁵ Until 1989, the GDR submitted a total of four reports to the human rights committee: in November 1973, before the establishment of the Human Right Committee, in June 1977, November 1983 and November 1988.⁴⁶ Twice during this time, a GDR delegation of diplomats, lawyers and politicians was confronted with evidence about its human rights abuses directly from Amnesty reports, which they did not feel ready to answer. UN Human Rights Committee members used the AI reports and asked the GDR delegation for explanations on the allegations, which included questions by the Committee members regarding the situation of political prisoners, the number of dissidents in house arrest, such as the writer and professor Robert Havemann, freedom to travel and leave the country at any time, the death penalty, and forced political adoptions. In 1975, the UN Secretary-General sent a questionnaire on the death penalty to the government in East Berlin. While the preparations were going on in East Berlin for the first reporting in Geneva in 1977, Amnesty received the Nobel Peace Prize in October 1977 and started a GDR campaign. As part of the campaign, the organisation had already published on violations of human rights and sent the reports to official authorities in East Berlin as well as to so-called socialist mass organisations that were State-

⁴⁴ DDR Komitee für Menschenrechte [GDR Committee on Human Rights] (ed.) *Schriften und Informationen*, No. 2, Berlin, 1986, pp. 164-165.

⁴⁵ IPSEN, K., 'Die Selbstdarstellung der DDR vor internationalen Menschenrechtsorganisationen', in: GERMAN BUNDESTAG (ed.), *Materials of the Enquete commission "processing of history and consequences of the SED dictatorship in Germany"*, Band IV, 1991, p. 547ff.

⁴⁶ BRUNNER, *op.cit.*, pp. 15-48.

owned NGOs in the GDR. The Amnesty material was, thus, available before the UN Human Rights Committee meeting in Geneva. The GDR delegates to the UN Human Rights Committee underestimated the reputation Amnesty and its shadow reports had received in the West and amongst the Committee members.⁴⁷

Amnesty proceeded tactically and published a press release two weeks before the reporting in Geneva on the occasion of the ceremonies for the anniversary of the Universal Declaration of Human Rights in December 1977. Therein, the case of a political prisoner, the surgeon Werner Schällicke in the GDR, was presented. He was a former SED-member and an active human-rights activist who had to spend months in solitary confinement. Schällicke had been condemned in 1974 to six years detention because he had, among other things, addressed the UN Secretary-General in a letter urging him to remind the GDR that it should adhere to international human rights principles. At the time of the UN report, the prisoner was seriously ill. Protest letters reached East Germany from around the world, particularly from the US.

But the SED leadership did not want to give in easily to AI's appeals. It feared that these appeals would impair the upcoming reporting before the Committee. Due to the prominence of the case, the director of the prison in Brandenburg, East Germany released Schällicke from his workload and granted him special medical treatment. Moreover, the prisoner's solitary confinement was lifted during the Amnesty campaign. Through Amnesty's actions his case received international attention. Nevertheless, it took until November 1979 before the Stasi and the Ministry of Internal Affairs released him to West Germany under the buy-out scheme.

Schällicke's case and others were part of the dialogue and reporting at the United Nations. The GDR diplomats were further questioned by the UN Human Rights Committee members about the GDR's compliance with other basic civil and political rights found in the treaty. Issues were put forth concerning citizens who had

⁴⁷ AMNESTY INTERNATIONAL, Country Report GDR, London and Bonn, 1977.
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peacefully applied for the allowance to leave their country and settle elsewhere, those who had tried to escape to West Germany via the Iron Curtain or the Berlin Wall, the bad prison conditions in which overloaded cells and bad nutrition were daily practices, and the death penalty. The diplomats forwarded the UN Committee's comments to the authorities in East Berlin. High-ranking officials and ministries took notice, but still refused to respond with major reforms. Thus, within the files in East Berlin, this notice was later found: 'Opponent position of the UN was badly estimated; but our attempts to convince then have to continue'.⁴⁸ This note can only be understood if one understands the communist doctrine that essentially States that whoever is not with communist States is against them. Thus, if the UN Committee posed critical questions to GDR delegates, this was automatically seen as hostile actions against the State and interference in internal affairs. Therefore, the delegates had to be better prepared in the future to convince those Committee members that the GDR was a peace-loving and human rights-respecting State, even though the circumstances did not necessarily change within the country. Consequently, the UN Human Rights Committee's questions and recommendations were seen as what they were: mere recommendations and concerns without any further consequences if the Member State ignored them. But the SED's desire to reach out for more international acknowledgment was so strong that other State officials and diplomats were better prepared for the future whenever the issue of human rights was on the agenda.

For the second verbal reporting to the UN Human Rights Committee, the GDR delegates had done their homework, although again with some restrictions. One request of the UN Committee in 1978 was to make the ICCPR more accessible to the wider public. The East German authorities had done so, however, with major restrictions. The official GDR State committee for human rights had

⁴⁸ Federal German Archive Berlin, SAPMO, DP1-SE-1410: Here also statements are specified to individual problems from the convention over civilian and political rights.

published parts of the human rights conventions in a membership journal. Thus, the delegates thought that by making parts of the convention accessible to some selected citizenry of the country, they had fulfilled the request of the UN Committee. Substantial articles of the convention were neither translated from English into German nor were they published. In particular, the GDR government did not want to make public the rights to freedom of expression and freedom to travel. These were exactly the articles with which Amnesty had confronted the GDR in thousands of letters: freedom to leave one's own country, fair trials, freedom of expression, and opinion and freedom to assemble.⁴⁹ The publication of the incomplete Covenant was an embarrassing compromise in relation to what the Committee had once demanded.

While the oppressive regime continued in East Germany and the protest against the SED leadership increased in 1988 and 1989, Amnesty contacted the United Nations directly. In April and June 1989, the organisation submitted to the UN Human Rights Commission petitions concerning dramatically rising numbers of the short-time detentions after mass demonstrations, which continued in all major cities across the country. People went on the streets to protest electoral frauds in May 1989, and the demonstrations continued until the Berlin Wall came down in November. The UN Human Rights Commission registered the appeal under UN-index UN/188/89 and sent the Amnesty request to the GDR Foreign Ministry in East Berlin. The GDR State Council, its chairman Erich Honecker, as well as the Minister of Foreign Affairs and Ambassadors at the UN in New York, Geneva and London also received a copy from Amnesty. A few months earlier Amnesty had published a book on the GDR with the title "Justice Behind Closed Doors", criticising the secret and unfair political trials in the country. High-ranking officials and the Stasi knew well about these claims. The UN Secretary-General, Pérez de Cuéllar, acknowledged the

⁴⁹ GDR KOMITEE FÜR MENSCHENRECHTE (ed.), *Schriften und Informationen*, number 1, Berlin 1980, pp. 25-29.

claims and reports by Amnesty concerning the situation in the GDR and addressed the Head-of-State in East Berlin. In his address he asked for further information about detentions and secret trials.⁵⁰

Adequate answers were not given and time was running out: a few weeks later the GDR would no longer exist in its old form. The Heads-of-State and party had to resign after the Wall fell in November 1989, and new elections and a new government system would be put into place in the spring of 1990. In October 1990, East and West Germany were reunified. After the reunification, AI could, for the first time, officially file claims for information on what had happened to all its letters and reports. The findings were revealing. Thousands of letters were archived and the reports translated and collected by GDR Ministries or the Stasi. Many prisoners that Amnesty had adopted over the years received better attention during their imprisonment or were released earlier, in particular in the 1980s. Due to AI's pressure, secret trials were partly opened and, in general, the former SED regime had to justify itself to both the international community as well as to its own citizens. This was mainly due to international pressure by the UN, through the CSCE process and the combination of AI's letters, reports and lobbying, jointly with the work of the UN, CSCE and, in particular, the UN Human Rights Committee. But the reforms that the SED regime had wanted to introduce in 1989 came too late. People went to the streets, protested and claimed their human and citizen's rights and, thus, brought about the end of the GDR.

⁵⁰ BStU MfS IX-10007-Archive: In a letter of deputy Secretary-General Amnesty's, Larry Cox, at Erich Honecker and Javier Pérez de Cuéllar, Secretary-General of the UN, with hexagonal appendix of 23.6.1989. Therein it means among other things: 'The violations of human rights in the German Democratic Republic continue in the way, like them in the report of Amnesty International of 17 April 1989 were described'.

7. SOME CONCLUSIONS

The international attention and pressure of NGOs, such as Amnesty and the UN, shed light on human rights violations, in particular during the 1970s and the 1980s. But the organisation's objective to directly contact prisoners and to send trial observers partly failed due to the strict State security control. Amnesty's major impact and success was that prison conditions improved, that GDR officials had to justify themselves, and issues of human rights and reforms were discussed internally – after becoming aware of AI's concerns and appeals. The SED leadership knew that the international community was watching them and that Amnesty's information and claims were correct and not mere propaganda. The credibility of the organisation, in particular after it received the Nobel Peace Prize in 1977, had increased over time and was taken seriously behind the Iron Curtain. Nevertheless, Amnesty had not reached all its objectives. It was never permitted to AI representatives to talk to high-ranking officials in East Berlin and felt that law reforms did not manage to improve the law according international human rights standards.

Amnesty's work and efforts may also not be separated from the Perestroika and Glasnost movement of the leader of the Soviet Union, Mikhail Gorbachev, who, since 1985, had paved the way for reforms and even Germany's reunification during his communist leadership. His work also paved the way for concessions that the USSR and communist satellite States, such as the GDR, had to adhere to human rights in the following years. The GDR was forced to react because of the mass demonstrations, the claims for fair and free elections, and the massive departures of thousands towards the West. The old propaganda eroded and the system weakened. More information about human rights entered the GDR through media and telecommunication and people started to refer more often to human and citizen rights than in the years before. Claiming what the government had already signed and ratified seemed to be uncontroversial – however, the Stasi wanted to maintain the SED party leadership control over the country. Despite using more force

and arbitrary detentions, it failed in the end. At the same time, AI strategically lobbied international organisations, worked with the UN Human Rights Committee, and was present at the CSCE conferences. These actions established the credibility of AI and increased its impact on the regimes behind the Iron Curtain. International pressure, although condemned by the East, was, in the end, the most successful way to contribute to the regime change, protect people from severe human rights abuses, and lead to the relief of many prisoners.