

TABLE OF CONTENTS

| | |
|--|----|
| Introduction | 1 |
| Amnesty International's concerns | 2 |
| Arbitrary detention | 3 |
| Police ill-treatment and excessive use of force | 6 |
| The rights of people in custody to information, legal counsel, access to the outside world and adequate medical treatment | 9 |
| The right to humane conditions of detention | 12 |
| Investigations into police complaints | 13 |
| Amnesty International's recommendations | 16 |

THE CZECH REPUBLIC

Arbitrary detention and police ill-treatment following September 2000 protests

Introduction

Between 26 and 28 September 2000, in Prague, over 850 people were detained following street protests which were organized to coincide with the annual meeting of the World Bank (WB) and the International Monetary Fund (IMF). The protests, which had attracted between 10,000 and 12,000 people from around the world, as well as Czech activists, were mired with violence on 26 September after a group of around 400 protesters attempted to break through a police cordon guarding the conference centre where the WB/IMF meeting was being held. They threw paving stones and Molotov cocktails at the police, who responded with tear gas grenades, firecrackers and water cannon. According to a Czech News Agency report at least 54 policemen and over 60 other people were injured in the clashes. Sporadic acts of violence continued into the evening as small groups of protesters smashed shop windows in Wenceslas Square, causing damage to the premises of a McDonald's and a Kentucky Fried Chicken restaurant, the C&A department store and a branch of the IPB Bank. Representatives of *Občanské právní hlídky* (OPH, Civic Legal Observers), a local non-governmental organization monitoring the protests, claimed to have documents concerning the conduct of police provocateurs in the confrontations with protesters. It was also reported that most of those who perpetrated violent offences left Prague the same evening. Following the outbreak of violence and throughout the following day, 27 September 2000, it was reported that the police patrols detained not only those whom they suspected of violent offences, but also many people engaged in peaceful protests. The police also randomly stopped in the streets and took into custody people, who because of their age and appearance, might have looked like people who may have been involved in the protests, or who simply happened to be at the scene of a police action.

At least 500 foreign nationals were believed to have been arrested and detained for up to 80 hours in the period between 26 and 29 September 2000. The vast majority were initially detained in a police station closest to the place where they had been arrested. Many detainees were subsequently transferred to a second police station. The foreign nationals were then taken to Olšanská Street police station responsible for visa and foreigners' residency matters, where the majority received orders by the Ministry of the Interior to leave the country. Some were released on the evening of 27 September or the following morning. Others were taken on 28 September to Balkova detention camp near Plzen from where they were released the following day.

In the past five months Amnesty International has investigated reports of arbitrary detention, police ill-treatment of detainees and violation of detainees' rights. These have included violation of their right to access to a legal counsel of their choice; to inform relatives or a third party of their whereabouts; to be informed about their rights and charges in a language that they can understand; to adequate medical treatment and to conditions of detention which respected the inherent dignity of the human person. Amnesty International has received detailed complaints from over 60 people who had been detained in Prague, most of them foreign

nationals. Its representatives interviewed many of the complainants and collected medical documentation and corroborating statements from people who were not involved in any protest activity. The organization has also received information concerning some of the investigations conducted by the Czech authorities into complaints submitted by the victims of the reported human rights violations.

The findings of Amnesty International's investigations are illustrative of a pattern of police abuses reported in previous years by the organization as well as various other sources, including the Czech Government's Commissioner for Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This underlines the urgency of measures which the Czech authorities should implement in order to ensure that law enforcement officials respect the rights of people deprived of their liberty and to put in place a system for prompt and impartial investigations into all complaints of torture and ill-treatment.

Finally, because of the political nature of the September 2000 protests, it is important to note that Amnesty International is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

Amnesty International's concerns:

Amnesty International is concerned about a number of human rights violations which apparently affected hundreds of people who had been detained following WB/IMF protests in Prague on 26 and 27 September 2000. According to numerous reports examined by Amnesty International, it appears that the vast majority of those detained had not engaged in any violent activity. Although some of the protests might not have been authorized, the conduct of many of those who were subsequently detained appears not to have warranted arrest and detention in custody. The decision to detain them seems to have been arbitrarily motivated by the authorities' desire to demonstrate their effectiveness in dealing with violent protesters, rather than to enforce the law by depriving of their liberty those reasonably suspected of having committed a crime. A number of those detained were not involved in any unauthorized protest activity at the time of their arrest nor apparently had they been identified as taking part in any violent activity previously. It appears that many were simply detained because they were present at the scene of the police action, which was reportedly organized to apprehend violent protesters. Therefore, the detention of the vast majority of those who were held in custody appears to have been arbitrary and in violation of international human rights standards.

Furthermore, Amnesty International is concerned that in the majority of cases it examined those detained were subjected to ill-treatment by police officers following their arrest. This involved beatings and degrading or humiliating treatment. In certain police stations, upon

the detainees' arrival or while being transferred to another detention facility, the detainees had to pass through a corridor formed by two lines of police officers who deliberately ill-treated many of them. It is alleged that many of the police officers did not wear their numbered badges in a way that would make them readily identifiable. There are also indications that ill-treatment of some of the detainees was motivated by their ethnic or racial origin. It also appears that, in some instances, police conduct during body searches or supervision of detainees' access to toilets were deliberately aimed at humiliating and degrading the detainees. In a few reported cases, in view of the severity of the force used by the police officers involved, and the pain and injuries which had been suffered by the victims, Amnesty International considers that the ill-treatment inflicted by police officers may amount to torture.

Amnesty International is also concerned that in violation of their internationally protected rights the overwhelming majority of those detained were not allowed to inform a member of the family or third person of their whereabouts, were denied access to a lawyer and that foreign nationals were denied their right to contact consular officials. This appears to have been a deliberate policy of the police officers involved. At the outset of their detention the detainees were not medically examined. Reports indicate that a number of detainees, some of whom had suffered serious injuries, were not promptly provided with adequate medical care. In addition, at the outset of their detention the detainees were not duly informed of their rights in a language that they could understand. Their rights were further undermined by the apparent lack of adequate interpretation during police interrogations. Many complained that they were made to sign documents written only in the Czech language which they did not understand, or to pay a fine without being given an explanation for its imposition and being deliberately misled into believing that they would subsequently be released from custody.

The vast majority of people whose complaints were examined by the organization also appear to have been detained during the first 24 to 48 hours in severely overcrowded conditions without receiving adequate quantities of water or food. The reported size of some cells in which five or six people were held overnight was hardly adequate for the detention of a single person for more than a few hours. Some people had been held overnight in the open air without being given adequate clothing or cover. Others reported that they were not given blankets in their cells or allowed to close the windows.

Finally, Amnesty International is concerned that the initial investigations into the complaints of arbitrary arrests and detention and police ill-treatment conducted by the Police Inspectorate could not be considered prompt and impartial as required by international human rights standards.

Arbitrary detention:

"No one shall be subjected to arbitrary arrest or detention" - Article 9 of the International Covenant on Civil and Political Rights.

The Czech Republic has ratified two important international human rights instruments which safeguard the right to personal liberty and prescribe circumstances under which governments may deprive people of their liberty. These are the International Covenant on Civil and Political Rights (ICCPR) which, in its Article 9(1), states that "no one shall be subjected to arbitrary arrest or detention" and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which in Article 5(1) sets out the only permissible circumstances in which people may be deprived of their liberty. The Human Rights Committee has explained that the term "arbitrary" in ICCPR Article 9(1) is not only to be equated with detention which is "against the law", but is to be interpreted more broadly to include elements of inappropriateness, injustice and lack of predictability¹. The European Court has ruled that "reasonable suspicion" justifying an arrest exists when there are "facts or information which would satisfy an objective observer that the person concerned may have committed the offence"².

According to the reports received by Amnesty International, only 19 people who were detained following the protests have subsequently been charged with a criminal offence. No criminal proceedings were initiated against hundreds of others who had been detained at the time. Their detention appears to be based on administrative decisions taken by the police and, in many instances examined by Amnesty International, appear to amount to an abuse of power. A number of those who had been interviewed by Amnesty International were released without being given any document to certify that they had been held in custody, and without being given any verbal explanation about the grounds for their detention. Some of them subsequently received a police statement that misdemeanour proceedings had been initiated against them for "disobeying the orders of public authority", for which they could be fined by up to 1000 Czech Crowns (approximately US\$ 27). This was the case with a Czech national interviewed by an Amnesty International representative in Prague in November 2000. He stated: "I was returning home from work when the police arrested me on Vinohradská Street, handcuffed me and pushed me onto a bus. I thought they would check my identity and shortly afterwards release me". At the police station he was reportedly severely beaten and witnessed the ill-treatment of many other detainees. He was later questioned, but the police officer refused to tell him the reasons for his detention and released him the next morning.

The vast majority of those detained had apparently not engaged in any violent activity. Although some of the protest actions might not have been authorized, the conduct of many who had been detained appears not to have warranted arrest and detention in custody as the most severe measures to deal with breaches of public order. Most foreign nationals who were

¹*Albert Womah Mukong v. Cameroon* (458/1991), 21 July 1994 UN Doc CCPR/C/51/D/458/1991, page 12.

²*Fox, Campbell and Hartley* (18/1989/178/234-236), 30 August 1990, paragraph 32.

detained were at one point taken to Olšanska Street police station where they received orders to leave the country. This administrative decision stated that the detainee had "allegedly taken part in protest actions in Prague districts... directed in particular against the IMF meeting, and is alleged by his/her actions to have caused a serious disruption of public order". The expulsion decision appears to have been based on the police authorities' concern that "the activities of opponents of the IMF are expected to go on with the aim of systematically disrupting public order".

Police decisions, which were not subject to a judicial review, appear to have been the sole grounds for detaining hundreds of people, some of whom were held in custody for over three days. Judging by the information examined by Amnesty International, the police interpretation of conduct that constituted "a serious disruption of public order" appears to have been arbitrary, and therefore an abuse of power. Dr Matthew Price, a U.S. national, and Dr Jane Dennett-Thorpe, a British national, were arrested on 26 September at around 9pm in front of the Renaissance Hotel. While standing close to police officers guarding the hotel they called out to the people on a bus whom they presumed to be delegates to the IMF meeting: "Shame on you, shame on all of you!". Dr Matthew Price was reportedly seized by four officers who took him by the limbs and threw him onto the ground. After his hands were bound behind his back with a plastic strip he was kicked in the face, resulting in fracture of his nose and bleeding. He was then ordered to stand facing a wall for about an hour, and when his head was hit against the wall he suffered lacerations and contusions on the forehead and temple. He was released at around 8am on 28 September with an order to leave the Czech Republic within 24 hours.

On 26 September at around 11.45pm a group of 13 British nationals left a pub in the old city centre and proceeded to walk to the bus which was to take them back to Nottingham, in the United Kingdom. When they observed a police officer beating a man who was lying on the ground, and another officer beating a woman who was leaning against a parked vehicle, the group stopped. One of the group, Deirdre Melia, asked the women if she was all right. Suddenly, the group was reportedly assaulted by six police officers. "I was grabbed by the throat, by a policeman in riot gear, and pinned against a wall, held there and repeatedly called a 'bitch'," stated Deirdre Melia. The police then examined their passports and arrested seven of them, who were then held in custody for 32 hours.

The same evening, Byeongju Jeong, a South Korean national who is working in Prague as an Assistant Professor at Charles University, was on his way home from work when he stopped at Štěpánská Street to look at the police who were dispersing groups of protesters at Wenceslas Square. When the police blocked the street from both ends they arrested all of approximately 50 people who were there at the time. Byeongju was taken to Hološovice police station at about 11pm, and three hours later was questioned by two police officers about his identity and place of work. He asked them when he would be released but received no answer. He was later beaten by police officers while boarding a bus to be transferred to Olšanska Street

police station, from where he was released after being held in custody for 24 hours. His detailed statement also described the beating and humiliating treatment of many other detainees.

Police ill-treatment and excessive use of force:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" - Article 7 of the ICCPR

The prohibition of torture and ill-treatment is absolute and no circumstances may be used to justify torture. In addition to ICCPR and ECHR the Czech Republic has ratified, and is therefore committed to implement, the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). This states in Article 2(2) that: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture". All law enforcement officials are prohibited from inflicting, instigating or tolerating torture or other cruel, inhuman or degrading treatment or punishment of any person. This prohibition includes acts which cause mental as well as physical suffering to the victim. The international standards also restrict the use of force on detainees by law enforcement officials. Law enforcement officials may use force only when strictly necessary and to the minimum extent required in the circumstances. In all cases they must act with restraint, and in accordance with the seriousness of the situation and the legitimate objectives to be achieved³. Force may only be used on people in custody when it is strictly necessary for the maintenance of security and order within the institution; in cases of attempted escape; when there is resistance to a lawful order; or when personal safety is threatened. In any event, force may be used only if non-violent means have proved ineffective⁴.

Amnesty International is concerned that the majority of the people whose complaints were received by the organization, were subjected to ill-treatment by police officers. It appears that the police randomly and deliberately resorted to the use of force such as beating or prodding with a truncheon, kicking, slapping, pushing and twisting of fingers. Such actions were reported while people were handcuffed and during actions to apprehend suspected protesters, as well as later, in places of detention. There were also complaints that some detainees were subjected to police ill-treatment which appears to have been carried out in an organized manner. In certain police stations, upon the arrival of detainees or while they were being transferred to another facility, the people who were held in custody were reportedly forced to pass through a corridor formed by two lines of police officers who deliberately ill-treated them. There were also

³Article 3 of the Code of Conduct for Law Enforcement Officials.

⁴Rule 54 of the Standard Minimum Rules for the Treatment of Prisoners and Principle 15 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

allegations that ill-treatment of some of the detainees was motivated by their ethnic or racial origin.

Some of those who complained to Amnesty International also reported that they were subjected to cruel, inhuman or degrading treatment or punishment. For instance, a number of detainees were reportedly made to stand overnight, handcuffed to an iron railing in the police station. During this time they were not allowed to go to the toilet nor were they given food or water. It also appears that in some instances police conduct during body searches of women or supervision of detainees' access to toilets were deliberately aimed at humiliating the detainees.

In a few reported cases Amnesty International considers that the degree of force exerted by the police officers, apparently intentionally inflicted as punishment and intimidation of the detained person, as well as the severity of pain and suffering inflicted, may have amounted to torture. Joshua Tzarfaty, a national of both Israel and France and a second-year medical student, was a member of the first-aid service organized by the protesters. He wore a vest with a clearly marked red cross at the time of his arrest on 26 September, when he was thrown to the ground and his hands were bound together with a leather strap. In the police van he was held face down on the floor and beaten with truncheons all over his body. At the Lupá..ová Street police station he was taken into a room where he was beaten on his head, chest and back. The following day he was taken to the Olšanska Street police station where an officer who saw him limping reportedly hit him with a truncheon on his side which he had been protecting with his hands because it was painful as a result of an earlier beating. The officer then apologised for 'the mistake' which reportedly made other police officers laugh. Joshua Tzarfaty was then taken to be strip searched in an office and, while he stood naked, the door was left wide open exposing him to the view of anyone who was in the corridor.

Tadzio Mueller, a German national, was also detained in Lupá..ová Street police station. He reported that when Joshua Tzarfaty was taken into a separate room he heard him scream, the officers yell and what sounded like blows or kicking. Tadzio Mueller reported: "Everyone of us was taken into that room...before they beat me they made me sit on a bench in a small ante-room, to wait for my turn. They pushed my head down until it was between my legs and then a cop stuck his boot in my face...they shoved me to the ground, kicked me, walking over me...Four or five officers dragged me up from the floor, pushed me into the room where the arrest cells were and proceeded to beat me for a couple of minutes". As a result of blows on his left ear Tadzio Mueller suffered a ruptured eardrum.

It is alleged that many of the police officers did not wear their numbered badges in a way that would make them readily identifiable. This conduct could be interpreted as a tacit acknowledgment that their actions might be at variance with the rules and regulations in force,

and that they took steps to lessen the chances of being identified in the event of a complaint.

Simon Bressendorff, a Danish national, was arrested on 26 September at about 4.45pm under a small bridge close to the conference centre, while he was walking with two other people. He reported that: "Four or five officers in riot gear came running at us screaming. They threw us to the ground and repeatedly hit and kicked us. One of them was screaming "document"... while the other officer kept hitting me with his nightstick". He was initially detained at the HrÁského Street police station with 13 other people, including a 15-year-old boy, who was released after three hours, in a cell which he estimates measured two by three metres. One by one they were taken for questioning. The first person to return from questioning explained that the officers wanted him to write his name and date of birth while kneeling. When his turn came Simon Bressendorff reported: "It was made clear that I had to make my way back into the cell crawling on all fours. Having observed what had happened to the others I crawled very fast and avoided being kicked in the buttocks". Others who were detained in this station at the time also complained of having been subjected to similar degrading treatment. At around 2am he was transferred to another cell that was even smaller, and where he was detained for about five hours with 23 other people who "had to stand on the benches and the table to fit everyone in there".

Ivica Erdelja, a Croatian national, arrested at around 10pm on Št•pÁnská Street on 26 September, was taken with eight other men to the BohušovickÁ Street police station. "We had to take off our jackets, shirts and boots. Afterwards we were taken into a room with a cell [one corner section of the room was warded off with iron bars]. Five persons, all Czechs, were handcuffed to iron bars inside of the cell, while a German schoolboy, one Czech and I were handcuffed to bars outside of the cell. The window was open and it was very cold. Being in T-shirts and wet socks made our teeth chatter...Also, we were not allowed to sit or sleep. We had to stand handcuffed to the bars for more than 12 hours".

Eva-Maria Mausberg, a German national, was arrested on 27 September at around 4pm. While entering the police station she looked up at the police officer to see if she should climb up the staircase. She stated: "He hit me on the left side of the face. Three police officers were looking on. For a moment I couldn't see or think". She complained that she could not hear properly for three days afterwards. She was later strip-searched by two police women, who ordered her to do four squats while she was naked, even though she had explained to them that she was menstruating. Sonia Hale, a British national, was among several women who complained that when they were escorted to the toilet by a male police officer they were not allowed to close the door to the cubicle. Some toilets to which female detainees had been taken reportedly did not have any doors.

On 27 September at around 7pm Professor Giancarlo Spadanuda and his 16-year-old son Alberto were walking on LublaÁskÁ Street when they saw three men in plain cloths

approaching them. "Before I knew what had happened my son had disappeared out of my sight and then I realized that he was lying on the ground about three metres away from me. He later told me that one of the men picked him up, holding him by the hair, and threw him onto the ground. I asked the man whom I saw next to him, in Italian, being in a state of shock: 'Why did you do this?' and offered him my wallet and camera. Before I even finished saying this I found myself on the ground... It was all so fast I did not realize what they had done. While on the ground this man, or perhaps he had been joined by others, kicked me on the left side of the head three or four times. Then they left ... Some 50 metres away there was a pub on the left hand side of the street. I thought we should get some ice there when we saw the three men who had attacked us speaking to three or four uniformed police officers pointing at us. They were all laughing". The next day they returned to Italy and on 29 September Giancarlo Spadanuda was examined in a Milan hospital which issued a certificate describing contusions on his head which he suffered as a result of the ill-treatment.

The rights of people in custody to information, legal counsel, access to the outside world and adequate medical treatment:

"Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him" - Article 9(2) of the ICCPR.

"All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings".

"Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential" - Principles 1 and 22 of the Basic Principles on the Role of Lawyers.

"Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody".

"If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization" - Principles 16(1) and 16(2) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

"Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required" - Article 6 of the Code of Conduct for Law Enforcement Officials.

Amnesty International is concerned that in contravention of international standards the overwhelming majority of those detained whose complaints Amnesty International investigated were not allowed to inform a member of the family or third person of their whereabouts and were denied access to a lawyer. One complainant described how a fellow detainee in Soukalova Street police station persuaded an officer to let him use the telephone. "He was taken out of the cell and over to the phone when a higher ranking officer noticed this. There was a brief argument between the officers and Donald was sent back to the cell". However, there were a few exceptions. Almut Jürries, who was held in the same station, insisted for over 45 minutes during questioning that she should be allowed to make a phone call to OPH, a human rights program of a local non-governmental organization providing legal assistance during the protests. Eventually she was permitted to make the call.

Kamil Dominik Olejnik, an 18-year-old Polish national, who was arrested on 26 September and charged with assaulting a police officer, did not meet with the lawyer, who was reportedly officially appointed to represent him on 27 September, until 5 October. This meeting lasted for only 20 minutes and took place in the presence of an investigating official. Kamil Olejnik's father was not allowed to visit him until 13 October, after the injuries on his face and head, suffered as a result of the reported ill-treatment, had healed.

At the outset of their detention the detainees were not medically examined. Reports indicate that a number of detainees, some of whom had suffered serious injuries, were not promptly provided with adequate medical care. One complainant described the condition of other detainees when he was initially held in a crowded cell in a police station in the fourth district of Prague: "The Polish [man] had a quarter-inch open wound on the back of his head that was still slowly bleeding at 11pm and looked like it needed stitches... Robert, the other American, had a large bandage on his head... [the lesion] still open and bleeding when we re-fit his bandage in the middle of the night. He was arrested while the street medics were bandaging him up. Andrei, the Slovenian... did not get anything for his bleeding finger for many hours and even then it was just some medical tape. It was not until Thursday, over 48 hours after he was arrested, that he was taken to the hospital where he got real bandages and was x-rayed".

A German national, who was arrested close to Wenceslas Square on 26 September, stated to Amnesty International: "As I tried to protect my head, a police officer beating me with a truncheon broke my right forearm...When I was brought to the police van I was searched again and handcuffed. I told the officer that my arm was broken but he only grinned at me and tightened the handcuffs..." Several hours later he was taken to a hospital where a doctor reportedly x-rayed his elbow although the fracture of the forearm was evidently obvious. After the doctor concluded that he had no serious injuries, the detainee was returned to the police station where he immobilised the arm himself using a plastic bottle and some tape. "I could not sleep because of the pain and we had no water". The following day he began to cough blood and, after repeated requests, was taken in the evening to the hospital where his arm was re-

examined and put in a plaster cast. Although the doctor reportedly recommended hospitalization to establish whether there were internal injuries, he was taken by the police to the Olšanska Street police station and subsequently to Balkova detention camp. There he was examined by a doctor who reportedly said that "an ill or injured person could not demonstrate". The following morning he asked again to see a doctor and "the assistant of the doctor told me that I had tuberculosis and subsequently I was placed in solitary confinement". In the afternoon the man was released and, after returning home, admitted into a hospital in Dresden where it was established that he had also suffered a broken rib, which caused the internal bleeding.

Sylvia Yolanda Mach, an Austrian and U.S. national, suffered serious injuries following an attempt to escape from a first floor office where she was being questioned. In an interview with an Amnesty International representative she said: "Everyone from inside the station came running out, they were freaked out, but they didn't touch me, they just laughed and appeared to be entertained. The ambulance arrived almost within seconds... the people in the ambulance were very nice. But the moment they left me in the hospital with the staff and the police they all became very aggressive. The nurse jiggled my leg while the police officers, they must have come in two cars, were just being horrible to me. The hospital staff shouted at me for destroying Prague, for being stupid to jump out of the police building. They appeared not to care if I died of shock or not... they didn't give me any anaesthetic, any pain-killers. I said please, I screamed, they were not nice... I begged for a telephone and the police said they did not want my friends in the hospital. I was made to promise that I would not call my friends but they still did not allow me to phone my parents until 20 hours later... All this time I was held in a sort of a storage room. It was only later when the judge, a woman, came to question me, with a typist and a third person, a lawyer who had been engaged on my behalf, that I was moved into an ordinary hospital room.... Both the staff and police mood changed the moment that they organized the press conference, without my permission, when they all became very nice and smiled at me. I later heard the doctor say that they did not operate on my leg because they were waiting for me to be moved to the police hospital. Because they did not operate immediately or at least in the first 12 hours, the leg became very swollen and for two to three weeks in the Vienna hospital [where she was later transferred] the doctors were struggling to save it from amputation".

Amnesty International is also concerned that at the commencement of their detention the detainees were not duly informed of their rights in a language that they could understand. Their rights were further undermined by the apparent lack of adequate interpretation during police interrogations. Many complained that they were made to sign documents written only in Czech language which they could not understand, or to pay a fine without being given an explanation for its imposition and being deliberately misled to believe that they would subsequently be released from custody.

Such treatment of detainees indicates to the apparent failure of the Czech authorities to effectively implement the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made following its visit to the Czech Republic from 16 to 26 February 1997⁵. In its report the CPT stressed that it attaches particular importance to three rights of persons deprived of their liberty by the police: the right of those concerned to inform a close relative or another third party of their choice of their situation; the right of access to a lawyer; and the right of access to a doctor. The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, and which should apply from the very outset of custody (that is, from the moment when those concerned are obliged to remain with the police). Furthermore, in the view of the CPT, persons taken into police custody should be expressly informed, without delay and in a language they understand, of all their rights, including those referred to above. In the course of its visit the CPT found that access to a lawyer was rarely granted to persons before they were formally charged with an offence or "to persons at other stages of police custody (e.g. whilst obliged to remain with the police under Section 12 or 13 of the Police Act⁶". The CPT stressed that: "[I]n its experience, it is during the period immediately following deprivation of liberty that the risk of intimidation and ill-treatment is greatest. Consequently, the possibility for persons taken into police custody to have access to a lawyer during that period is a fundamental safeguard against ill-treatment. The existence of that possibility will have a dissuasive effect on those minded to ill treat detained persons; moreover, a lawyer is well placed to take appropriate action if ill-treatment actually occurs".

The right to humane conditions of detention:

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" - Article 10 (1) of the ICCPR.

The vast majority of detainees also appear to have been detained in the first 24 to 48 hours in overcrowded conditions without receiving adequate quantities of water or food. The reported size of some cells in which five or six people were held overnight was hardly adequate for the detention of a single person for more than a few hours. Some people had been held overnight in the open air without being given adequate clothing or cover. Others reported that they were not given blankets in their cells or allowed to close the windows.

Katharina Kunkel and Beke Moritz, both German Nationals, were arrested on 26 September and taken to Svatoslavova Street police station where along with many others they spent the night in the courtyard guarded by officers who refused to provide them with blankets.

⁵CPT/Inf (99) 7, published on 15 April 1999

⁶Under these provisions the police can deprive a person of their liberty for up to 24 hours in order to obtain information relevant to a criminal investigation or to establish his/her identity.

At the Lupá..ová police station the detainees were held overnight for 12 hours in bar-fronted cells measuring one metre by one and a half metres, furnished only with a bench. One detainee would sit on the bench while the other would sit on the floor. The window, which is out of reach of those detained in the cells, was kept open. Georgina Marfelt, a German national, was held together with four other women in a cell measuring about 90 by 120 centimetres for around 10 hours.

Tim Edwards, a British national, arrested on the evening of 26 September, stated that he was initially held with three other men, "one of whom was bleeding profusely from his nose. The cell was soon filled up with roughly 15 people. A cell at the end of the block contained 18 at one point. We were not given food or water that night...My cell was given one blanket". Robert Steen, a German national, arrested late on the same evening was taken to a police station in Prague 9 where he was held with 34 other men in a cell measuring roughly 10 square metres.

The CPT in its report on the 1997 visit established that some police stations in Prague provided poor conditions of detention which "render them unsuitable for use as overnight accommodation for detained persons". The Czech authorities have clearly failed fully to implement the recommendation made by the CPT that "all police cells should be clean, be of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping period excluded) and ventilation...Further, cells should be equipped with a means of rest (e.g. a chair or bench) and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets".

Investigations into police complaints:

“Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction” - Article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On 4 January 2001 „TK, the Czech News Agency, reported that the Minister of the Interior Stanislav Gross addressed the Senate Committee for Foreign Affairs, Defence and Security about investigations into complaints against police conduct during the WB/IMF meeting in Prague in September 2000. The ministry and the police authorities reportedly received 373 complaints concerning "60 cases out of which 40 have been investigated"⁷. The minister reportedly stated that "it was proved that one crime was committed but the perpetrator had not been found". Members of the committee reportedly concluded that the police operations during the WB/IMF meeting were "adequate and that the police officers did not seriously breach the

⁷ „TK report in English *Minister: Two thirds of complaints against police during IMF meeting cleared*, datelined Prague, 4 January 2001.

law". They reportedly also agreed that "during the investigation of possible transgressions and during an event of this extent it is possible that some minor breaches of the law had been committed". The committee's chairperson Michal Zantovsky reportedly stated: "It is important for the trustworthiness of the police to uncover and punish cases when police officers breach the law".

Further reports of police investigations were published at the beginning of February 2001. Jiří Zabrodsky, Deputy Director of the Ministry of the Interior's Inspectorate, reportedly stated that certain unlawful conduct of police officers in Lupáňová Street police station had taken place and that the authorities expected to interview a Polish national whose tooth had been knocked out as a result of ill-treatment⁸. Another report claimed that the Ministry of the Interior's inspectors have established that "a police officer broke the nose of a protesting activist in Štěpánska Street. "However, the inspectors will probably not manage to identify the offender and the case will have to be shelved. 'We have a video at our disposal, but this is unlikely to be enough for the officer in question to be identified', the source told *Pravo* [a daily newspaper]"⁹. On 5 February Mikulaš Tomin of the Ministry of the Interior's Inspection told journalists that the police acted illegally when they ill-treated several people while intervening against the WB/IMF protesters. "[H]is office was however, unable to identify any of the violators. He said police severely beat up an 'innocent Czech' and injured him after mistaking him for a protester...up to four officers participated in the attack, but 'no one knows their names and no one has admitted guilt'"¹⁰.

The Občanské právní hlídky (OPH), Civic Legal Observers, is a human rights program of the Environmental Law Service (EPS), a non-governmental organization based in Brno. OPH has filed 26 criminal complaints against unidentified police officers from eight Prague police stations, an action against the Immigration Police for illegally terminating the residence of a foreign national, and four constitutional complaints in which they objected to the conduct of law enforcement officials which violated the basic rights of those who had been apprehended¹¹. OPH expressed reservations that the investigations against police officers conducted by the

⁸ „TK report in English *Some Czech police officer acted unlawfully against anti-IMF protesters*, datelined Prague, 1 February 2001.

⁹ „TK report in English *Ministry proves Czech police committed crimes during IMF summit - daily*, datelined Prague, 3 February 2001.

¹⁰Radio Free Europe/Radio Liberty *Czech Official Acknowledges Police Brutality During IMF Meeting*, datelined Prague, 6 February 2001.

¹¹*Civil Legal Observers (OPH): A brief report on the abuse of human rights and the Czech legal code at police station and the current state of investigation*, published in Brno on 15 December 2000.

Inspectorate of the Ministry of the Interior would be conducted promptly and impartially. "According to the signals we have received from the police - the Department of Inspection and Complaints of the Police Presidium and the Inspectorate of the Ministry of the Interior - we can assume that...as in the past years when similar brutal interventions of the police were concerned, nothing will be successfully investigated and all of the complaints will be labelled as inventions, untruthful, etc.". Although the Inspectorate of the Minister of the Interior is responsible for conducting investigations against officers suspected of a criminal offence, more than 20 criminal complaints filed by OPH were instead passed on to the Department of Inspection and Complaints of the Police Presidium, which is competent to investigate only those officers who are suspected of misdemeanours and are subject to disciplinary measures. It appears that in the course of the investigations the vast majority of foreign nationals, who were complainants or witnesses, were not questioned even though the Czech authorities could request that judicial authorities in the respective country of the person's residence take testimonies or collect other evidence. It also appeared unlikely that the questioning of the suspected officers was anything more than a formality or that the Inspectorate investigators cross-examined the suspects or examined their statements for inconsistencies and contradictions.

Amnesty International is concerned that the system under which law enforcement officials are investigated for criminal offences by colleagues who are subordinated to the same state authority, i.e. the Ministry of the Interior, could not be perceived as independent and impartial. Amnesty International is also concerned about the apparent failure of the Czech authorities in the past to promptly and impartially investigate allegations of torture and ill-treatment and other violations of rights of detainees. This failure to bring to justice those responsible for human rights violations promotes the atmosphere in which police officers feel they can act with impunity.

Since 1996, the organization has appealed to the Czech authorities on three separate occasions to investigate reported incidents of serious violations of human rights. In June 1996 Amnesty International expressed concern about police ill-treatment during the raid on the "Propast" rock club in Prague on 4 May 1996 when some 60 police officers wearing balaclavas and armed with guns and truncheons indiscriminately beat dozens of young people who were attending a rock concert. The police forced many of the people outside, where the beating continued¹². A year later the organization expressed its concern that the investigating authorities were unable to identify the officers responsible for ill-treatment, and asked to receive additional information on the methods and findings of this investigation. Amnesty International did not receive this information even after it repeated its request in 1998.

In June 1997 Amnesty International wrote to the Minister of Justice expressing concern about reports that police officers violently dispersed a group of around 200 demonstrators who

¹²See *Concerns in Europe: January - June 1996*, AI Index: EUR 01/02/96.

assembled on 3 May 1997 in front of the Ministry of the Interior building in Prague to mark the anniversary of the police raid on “*Propast*” club¹³. The organization has never received information about an investigation into the excessive use of force by police officers which resulted in serious injuries suffered by a number of people who were exercising their rights to freedom of expression and peaceful assembly.

In July 1998 Amnesty International expressed concern about the reported police ill-treatment of tens of detainees in Bartolomějska Street police station and the police hospital *Na Miřankách*, following the “Global Street Party” demonstration which took place on 16 May 1998 in Prague. JUDr. Otokar Motejl, then Minister of Justice, replied in November 1998 that no police officers had been indicted, although a final decision whether to indict had been deferred in the case of the officers alleged to have ill-treated detainees they took to the police hospital *Na Miřankách*. Amnesty International received a contrasting reply from Peter Uhl, the Government Commissioner for Human Rights, who acknowledged that police used arbitrary force and made arbitrary arrests in the aftermath of the “Global Street Party”. He noted that the Inspection of the Ministry of the Interior concluded in its 27 January 1999 decision that several of the detainees were indeed brutally beaten by the police, but that it was impossible to identify, and subsequently prosecute, the individual culpable police officers. Commissioner Uhl characterised the results of the Inspection’s investigation as unsatisfactory, and stated that in his Report on the State of Human Rights in the Czech Republic, submitted on 31 March 1999, he had made proposals to the Czech government for a reform to improve the investigation of alleged police abuses. His recommendation was that such cases be investigated by a force independent of the Interior Ministry, such as the State Prosecutor’s Office. However, no such reform has taken place.

Amnesty International’s recommendations

Amnesty International urges the Czech Government to ensure the fulfilment of its obligations under international human rights treaties and to impartially and thoroughly investigate all allegations of violations of human rights of people detained in Prague in connection with protests against the WB/IMF meeting in September 2000. The scope, methods and findings of these investigations should be made public as soon as the reports are completed. These reports should thoroughly describe all the collected evidence and its assessment by the investigating authorities. Anyone reasonably suspected of human rights violations should be brought to justice, and the victims of human rights violations should be compensated.

Amnesty also urges the Czech Government to reform the mechanism of investigations for offences committed by law enforcement officials, and entrust the proceedings in such matters to judicial bodies which can safeguard thoroughness and independence of investigations

¹³ See *Concerns in Europe: July - December 1997*, AI Index: EUR 01/01/98

and accountability and transparency of decision-making (i.e. whether to prosecute the suspected law enforcement officials).

Amnesty International urges the Czech Government to ensure that the recommendations made by the CPT, aimed at protecting people deprived of their liberty from torture and ill-treatment, are fully implemented. These recommendations include ensuring that law enforcement officials respect the rights of people deprived of their liberty, rights which serve among other things as safeguards against ill-treatment, and that authorities improve the conditions of detention in police establishments.

The Czech Government should also ensure the full implementation of the recommendations made by the UN Committee for the Elimination of Racial Discrimination¹⁴ which in August 2000 reiterated, *inter alia*, its concern about the degrading police treatment of members of minority groups. In this respect the committee recommended the continuation and strengthening of training programmes for police and all officials in charge of implementing the law on issues related to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

¹⁴Concluding observations of the CERD: Czech Republic, CERD/C/57/CRP.3/Add.5, 14/08/00.