

CONCERNS IN EUROPE

January - June 1999

FOREWORD

This bulletin contains information about Amnesty International's main concerns in Europe between January and June 1999. Not every country in Europe is reported on: only those where there were significant developments in the period covered by the bulletin.

The five Central Asian republics of Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are included in the Europe Region because of their membership of the Commonwealth of Independent States (CIS) and the Organisation for Security and Co-operation in Europe (OSCE).

Reflecting the priority Amnesty International is giving to investigating and campaigning against human rights violations against women and children, the bulletin contains special sections on *Women in Europe* (p.76) and *Children in Europe* (p.79).

A number of individual country reports have been issued on the concerns featured in this bulletin. References to these are made under the relevant country entry. In addition, more detailed information about particular incidents or concerns may be found in Urgent Actions and News Service Items issued by Amnesty International.

This bulletin is published by Amnesty International every six months. References to previous bulletins in the text are:

AI Index: EUR 01/01/99	Concerns in Europe: July - December 1998
AI Index: EUR 01/02/98	Concerns in Europe: January - June 1998
AI Index: EUR 01/01/98	Concerns in Europe: July - December 1997
AI Index: EUR 01/06/97	Concerns in Europe: January - June 1997
AI Index: EUR 01/01/97	Concerns in Europe: July - December 1996
AI Index: EUR 01/02/96	Concerns in Europe: January - June 1996

ARMENIA

Prisoners of conscience (update to information in AI Index: EUR 01/01/99)

At the end of the period under review at least nine young men remained imprisoned because their conscience led them into conflict with the law that makes military service compulsory for young males, and offers them no civilian alternative. Jehovah's Witness Andranik Kosian was released early from his two-year term, but at least six other Jehovah's Witnesses were convicted between January and June for their conscientious refusal to serve in the army. They included Gagik Ohanian, who in January 1997 had sent a statement of his beliefs, including his willingness to perform a civilian alternative service, to the conscription unit in the Sovetashen district of the capital, Yerevan. He refused his call-up papers, and instead was forcibly conscripted into the army on 8 December 1998 by three men in civilian clothes who called at his home, reportedly without presenting any documents. Gagik Ohanian was sent to military unit No. 70179 in the Vajots region, where he was reportedly severely beaten when he refused to don a military uniform. It is also alleged that officials at the unit wanted to transfer him to the custody of the military police, but the latter refused after seeing signs of beating on his body. Gagik Ohanian was convicted of evading military service under Article 257a of the Armenian Criminal Code on 23 June, and sentenced to three years' imprisonment.

During the period under review various officials have mentioned moves towards drawing up plans for a civilian alternative service, but Amnesty International is not aware of any concrete proposals or timetabling in parliament. The organization continued to call on the authorities to release immediately and unconditionally anyone already imprisoned for their refusal on conscientious grounds to perform military service, and refrain from imprisoning anyone else as a conscientious objector; to introduce without delay legislative provisions to ensure that a civilian alternative of non-punitive length is available to all those whose religious, ethical, moral, humanitarian, philosophical, political or other conscientiously-held beliefs preclude them from performing military service; to establish independent and impartial decision-making procedures for applying a civilian alternative to military service; and to ensure, after the introduction of a civilian alternative service, that all relevant persons affected by military service, including those already serving in the army, have information available to them about the right to conscientious objection and how to apply for an alternative service.

Allegations of ill-treatment in detention (update to information in AI Index: EUR 01/01/99)

Meeting on 25 February with a group of mothers whose sons had died as a result of violence in the army, President Robert Kocharian strongly condemned brutal hazing in the armed forces and pledged greater efforts to combat such crimes. At the same meeting, the Military Procurator of Armenia gave an assurance that many closed cases would be subject to review, and that 80 officers had been prosecuted the previous year for illegal actions. The following month a presidential advisor reported that these prosecutions included 34 convictions for abuse of power and two for causing suicides. Many families have complained that army deaths attributed to suicide have in fact been as a result of injuries inflicted during hazing, and that army officials and others have colluded in covering up the real cause of death. One of the cases still unresolved during the period under review was that of conscript Artak Petrossian, who was drafted into the army on 13 June 1998 and sent to a military unit at Echmiadzin. He reportedly left the unit without permission on 23 July, and was subsequently detained and sent to a penal battalion at Zvartnots airport outside Yerevan on 12 August. On 17 August Artak Petrossian was found injured at the entrance to the airport: he was said to have been suffering from the effects of a beating, including a broken arm and a fractured skull. He was taken to

a hospital in Yerevan's Shengavit district, but died a week later. According to unofficial sources, Artak Petrossian's family had seen multiple cuts on his arms prior to his detention and some members of his penal battalion had alleged that Artak Petrossian had been taken to the local army command post two hours before he was found at the airport. It is further alleged that although Artak Petrossian was conscious when taken to hospital no officials interviewed him before his death, and that law enforcement officials did not actually interview medical staff until two months after Artak Petrossian died.

The death penalty (update to information in AI Index: EUR 01/01/99)

Addressing the UN Human Rights Committee in Geneva in October 1998, Armenia's representative stated that abolition of the death penalty would come into force as of 1 January 1999 when a new criminal code was adopted. However, at the end of the period under review the draft code, which received its first reading in April 1997, had still not received final parliamentary approval. In February, speaking to an Amnesty International delegate in Yerevan, the Interior Minister reported that at that time there were around 30 men on death row.

AUSTRIA

Alleged ill-treatment

In April Amnesty International wrote to the Austrian authorities expressing concern about allegations of ill-treatment by police officers of two detainees. In both of these cases, in addition to being physically ill-treated, the detainees were verbally abused with racist language. In November 1998 a black Austrian citizen, widely referred to in the Austrian media as Dr C, was allegedly ill-treated by two police officers. On the evening of 1 November 1998 Dr C and his family were stopped by a police patrol car. During this incident, witnesses claimed, the police officers pushed Dr C into a bush of thorns and beat him unconscious. While Dr C lay unconscious on the ground the police handcuffed him, but continued to beat him after he regained consciousness. Dr C's wife claims that during the assault one of the police officers shouted to his colleague, "Make him lame until he can no longer walk!" and "Work on his joints so he can no longer walk!" The police officers reportedly abused Dr C with racist language during the incident. As a result of the attack on his joints Dr C spent 11 days in hospital suffering from various injuries.

Through a combination of press reports and copies of statements made by five eyewitnesses Amnesty International learned of an assault by police officers of a French citizen of African origin, Mohammed Ali Visila. The incident occurred just before midnight on 3 March at the underground station of Schottenring in Vienna. According to the witness statements and the coverage of the incident in the Austrian press, Mohammed Ali Visila was pushed into the control room of the station and assaulted by two police officers. The witnesses claimed to have seen the two policemen punch, kick and beat the man with rubber truncheons while he lay on the floor of the control room. In addition he was sprayed with pepper but only after he had been forced to the ground and beaten. Eventually more policemen arrived and the injured man was carried away on a stretcher to the Lorenz Boehler hospital where he was treated for his injuries. Amnesty International found especially disturbing the use of racist language by the two policemen. Witnesses reported that the police officers verbally abused the victim as "you dirty negro son-of-a-bitch" and "negro son-of-a-bitch".

Mohammed Ali Visila was brought to trial in April charged with resisting arrest and physically injuring the police officers. Mohammed Ali Visila was sentenced to a nine-month prison sentence, of which eight months were suspended. During the trial Mohammed Ali Visila claimed he could not remember the details of the incident. It was reported that the judge asked him if he had hit the police officers with a wooden sign. He answered "Maybe, I don't know". When the judge asked him if the police officers beat him so he was in need of hospital treatment he answered "Maybe". Since his arrest on 3 March the detainee had already spent nearly one month in incarceration in Austria. Shortly after the trial he was allowed to return to Hannover in Germany where he lives and works.

Deaths in police custody

In February Amnesty International wrote to the Minister of the Interior about the death of a Senegalese national, Ahmed Fall, while in police custody. According to the post-mortem the cause of death was a blocked trachea, due to a packet of cocaine swallowed by Ahmed Fall when he was apprehended by the police on 19 January. However, other reports referred to witness testimony that Ahmed Fall had been beaten by a number of plainclothes police officers shortly before his death. Amnesty International asked the authorities whether an independent, impartial investigation had been initiated into the incident and whether any steps had been taken to interview the witness whose account had been reported in the press. In April the Ministry of the Interior informed Amnesty International that it had been unable to locate the person who had witnessed the alleged ill-treatment and reaffirmed the autopsy which indicated that Ahmed Fall had died after suffocating on a small plastic packet of drugs and that no evidence of violence was found. In April Amnesty International wrote to the Minister of the Interior requesting the results of an investigation he had ordered into the death of an 18-year-old Hungarian citizen, Janos Pongracz, in the custody of Austrian border guards at the border post of Berg. The death had been attributed to suicide, but there appeared to be questions which remained unanswered. On 29 September 1998 Janos Pongracz was arrested with his two companions, Roland Biro and Peter Kis, at the border post of Berg. While in detention Janos Pongracz is alleged to have hanged himself with a belt. According to reports, the man's belt and shoe laces were taken from him before he was placed in the cell. However, Janos Pongracz's mother states that her son never used a belt and at the time of his death was wearing buckled shoes. The parents of Janos Pongracz say that they were told by the local police commander in Berg, through an interpreter, that their son was not charged with any offence. The men with whom he was travelling were allowed to return to Hungary soon after the young man's death. The parents were not informed when the autopsy would be carried out, although they inquired several times and wished to have a representative present. At the end of June Amnesty International had not received a response to the letter.

In May Amnesty International expressed concern to the Austrian authorities about the death of a 25-year-old Nigerian citizen, Marcus Omofuma, during his deportation from Vienna, Austria, to Nigeria on 1 May. Marcus Omofuma allegedly suffocated on the aeroplane in the presence of three Austrian police officers. He is alleged to have resisted the attempt to deport him and as a result officers bound his arms and legs. On the aeroplane he was put in an empty row of seats. Marcus Omofuma continued his protest verbally. The captain of the aeroplane warned the accompanying police officers that unless the detainee was made to be quiet he would not take them to Sofia. In an attempt to quieten him one of the officers covered Marcus Omofuma's mouth with adhesive tape. Only towards the end of the two-and-a-half hour journey was Marcus Omofuma said to have calmed down. After the aeroplane had landed the officers untied him and removed the adhesive tape from his mouth. At this point they realised that Marcus Omofuma had lost consciousness. By the time a doctor arrived to treat him Marcus Omofuma was dead. Amnesty International expressed

concern that Marcus Omofuma may have died as a direct or indirect result of his treatment by the three police officers.

Police shootings

Through a combination of witness statements and press reports Amnesty International learned of the fatal shooting of Franz Wohlfahrt by a special detachment of police officers in the village of Wörterberg in the southern region of Burgenland on 1 June. Franz Wohlfahrt had reportedly lived in the village for many years and was forced to retire early as a result of his deteriorating mental health. His condition is said to have been widely known in the local community and during the time Franz Wohlfahrt had lived in Wörterberg he is not reported to have harmed anybody or have acted violently.

On 1 June Franz Wohlfahrt is reported to have experienced psychological difficulties and his guardian is reported to have called the gendarmerie. Upon seeing the gendarmes loading their guns Franz Wohlfahrt fled into his bedroom and armed himself with a pitchfork. The gendarmes then called for a special police attachment to deal with the situation. According to witness and press reports a special detachment of about 12 armed police officers broke down the front door of Franz Wohlfahrt's house. As they forced themselves into the house a number of gun shots were heard. During the forced entry Franz Wohlfahrt was shot in the hand and in the thigh. Amnesty International has been informed that more than just two shots were fired during the forced entry and a number of other bullet holes were visible inside the house after the incident. It is reported that Franz Wohlfahrt died on the way to hospital after losing a large amount of blood. Amnesty International is particularly concerned that excessive force may have been used against a man armed only with a pitchfork who had barricaded himself into his house and was not a threat to anybody in his immediate vicinity. The death of Franz Wohlfahrt is also a cause for great concern since apparently very little regard was given to the state of Franz Wohlfahrt's mental health by the police officers.

AZERBAIJAN

Political prisoners and possible prisoners of conscience (update to information in AI Index: EUR 01/01/99)

On 10 February President Heidar Aliyev recommended that a criminal case for slander against his predecessor, Abulfaz Elchibey, should be discontinued. Trial proceedings, which had begun at Baku City Court on 25 January, were halted the following day. Abulfaz Elchibey faced up to six years' imprisonment under Article 188-6 of the Criminal Code, which punishes insult or slander directed against the President of the Azerbaijani Republic (he had accused President Aliyev of involvement in the founding of the Kurdish Workers' Party (PKK) in Turkey during his time as a high ranking official in the former Soviet Union). Amnesty International had expressed concern at the use of this law, and urged that its application not be abused in order to stifle criticism of public officials; to intimidate those who voice legitimate concerns about the actions or practices of public officials; or to punish the legitimate exercise of the right to freedom of expression.

At the end of the period under review Amnesty International had not received a response from the Azerbaijani authorities about the case of possible prisoner of conscience Rasim Agayev, serving a four-year term for allegedly concealing a crime against the state. Rasim Agayev's supporters alleged that he had been arrested solely because of his political views and his former role as a press secretary for ex-President Ayaz

Mutalibov. Rasim Agayev's lawyers have also alleged numerous procedural irregularities in the case, including that he was denied access to a defence lawyer for three days after his detention, and that he confessed only after officials threatened to prosecute his daughter for possessing substances thought to be drugs allegedly found during a search of the Agayevs' apartment. It is alleged that immediately after he confessed, Rasim Agayev was told that the substances found in his daughter's coat were not narcotics. Rasim Agayev later retracted his confession. Amnesty International had urged a comprehensive review of his case.

Vahid Qurbanov, detained on 12 September last year and subsequently charged with resisting a police officer, was given a two-year suspended sentence at his trial in January. Amnesty International had expressed concern during his detention at allegations that he had been prosecuted for objecting verbally to police actions directed at preventing peaceful demonstrations, and that it was the police who assaulted him rather than vice versa.

Deaths in custody at Gobustan prison

Amnesty International sought further information on an investigation launched after 11 prisoners and two guards died during disorders at Gobustan prison, some 60 kilometres outside the capital city of Baku. According to official reports, the chain of events began with an escape attempt by two prisoners, former General Vahid Musayev and former Colonel Faiq Bakhshaliyev, who were serving lengthy terms after being convicted of attempted terrorist acts. The two men shared a cell, and around 11pm on 7 January they are said to have called for medical assistance. When a guard entered their cell he was knocked unconscious, and one of the prisoners, dressed in the guard's uniform, then disarmed two more guards at a checkpoint. Armed with these weapons the prisoners are said to have opened various cells and encouraged others to join them in an escape attempt.

The group of prisoners, said to number some 25 to 30 men at that point, attacked a control-observation post. An exchange of fire followed, alerting guards who were able to close the prison's entry and exit points. A stalemate then ensued, with the prisoners trapped in the prison but having reportedly taken hostage 28 guards along with their arms and ammunition. One guard is said to have died subsequently from injuries received in the attack, as did two prisoners.

Negotiations continued through the night, involving officials from the Procuracy and the Ministries of Justice and Interior, as well as close relatives of the prisoners. The prisoners refused to lay down their arms, and demanded transport and a safe passage out of the prison. According to some reports they also requested safe passage to the disputed Karabakh region. Six of the hostage guards wounded in the exchange of fire were released, although the prisoners are reported to have brought others to the roof of the building they controlled and threatened to shoot them if their demands were not met.

Eventually on 8 January the prisoners were provided with a minibus (or seized one, reports vary) in which they apparently planned to leave for the airport. However, in circumstances unclear publicly at the time, at around 12.30pm that day armed units from the Ministries of Justice and Internal Affairs opened fire on the bus. One report stated that the bus was leaving the prison premises when the firing occurred. According to the Interior Minister, nine prisoners on the bus are said to have died as a result, as did one of the guards they had taken with them as hostages, and over 20 people were said to have been wounded. The dead prisoners included Vahid Musayev and Faiq Bakhshaliyev.

Reports at the time, even from official sources, varied about certain aspects of events, including whether or not the prisoners were provided with a minibus by officials; what precipitated the firing as a result of which those on the bus were killed; which forces were involved in the operation and the location of the

bus at the time shooting broke out. Given these disputed circumstances Amnesty International regards it as especially important that the inquiry initiated be thorough and impartial, and includes among its aims a public clarification of the circumstances of the custodial deaths, in order to allay allegations by some unofficial sources that these deaths were extrajudicial killings. The organization would also welcome further clarification on whether the families of the deceased and their legal representatives have been informed of, and have access to, any hearing as well as to all information relevant to the investigation; if they have been entitled to present other evidence; and if they have been given the right to have a medical or other qualified representative present at the autopsy. Such provisions are laid down, for example, in the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Amnesty International would also welcome an assurance that the inquiry will include reference to what measures were taken to ensure that the use of force and firearms was commensurate with the threat posed, in accordance with international standards such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of the Force and Firearms by Law Enforcement Officials.

Alleged ill-treatment in detention (update to information in AI Index: EUR 01/02/98 and EUR 01/01/99)

In February the General Procuracy of Azerbaijan wrote to Amnesty International with detailed information on a number of allegations of ill-treatment in detention which the organization had raised with the authorities, together with material on some cases in which law enforcement officials had been convicted of offences such as physical assault and rape (in the latter case Adyl Ismaylov, then head of the investigation department of Baku City Police Administration, received a three-year sentence in May 1998 for raping the mother of a detainee in his office - the former policeman was released early during the period under review). In most of the cases raised by Amnesty International, however, criminal proceedings were either not instituted or later dropped, usually for lack of evidence. The case of Namik Aliyev is an example. A lawyer, he had alleged in March 1998 that he himself was assaulted by law enforcement officials, and then illegally detained, after complaining that his client had arrived for a second meeting that day with visible and fresh injuries sustained in custody. The procuracy reported that although a forensic medical examination had established the presence of light bodily injuries on Namik Aliyev, it had not been possible to establish that they had been caused on the day of the incident. Namik Aliyev's client later reportedly testified to the procuracy that he had not been beaten by police, but had instead received his injuries through his own carelessness, having hit the door of his cell. The case was closed three months later owing to the absence of a *corpus delicti*.

Torture and ill-treatment by law enforcement agents continued to be widely alleged, including at least one case in which a detainee was said to have died as a result. The man in question was Bahram Sadiqov, a displaced person originally from the Lachin region of Azerbaijan (currently occupied by ethnic Armenian forces, see below). Bahram Sadiqov, at the time living in Sumgait, was arrested there in January together with five others on suspicion of stealing sheep. He was taken to the Sumgait Police Administration, and died in custody in a temporary detention cell there a week later, on 17 January. Unofficial sources alleged that his death was as a result of a severe beating, and that the five others detained were also beaten. An investigation into Bahram Sadiqov's death has been initiated. The head of the Sumgait City Police is said to have told the TURAN news agency that the suspects had already confessed and so there was no need to pressurize them, a comment made presumably in the light of frequent allegations that law enforcement officials use duress in pre-trial detention to obtain testimony and confessions. A similar remark was reportedly made by an official commenting on allegations that former prime minister Suret Huseynov had been ill-treated in the custody of the Ministry of National Security on 10 and 11 January, saying that it was "not logical" that the defendant should be beaten just before the trial was set to end. Suret Huseynov had told his lawyer when they met on 13 January that he had been put in solitary confinement for three days for

reportedly insulting a prison official, and that he had been beaten before and during this time. The lawyer alleged that he could see bruises on his client's stomach and legs at their meeting. Amnesty International had previously raised allegations that Suret Huseynov had been ill-treated in 1997 following his forcible return from Russia to Azerbaijan in March that year. The authorities at that time told the organization that the injuries had been minor, and caused by attempts at suicide. The trial, at which at least one other defendant testified that he had been tortured in order to obtain testimony, ended on 15 February with Suret Huseynov sentenced to life imprisonment for treason, among other charges.

Concerns in the disputed Karabakh region

As a result of hostilities the Azerbaijani government is presently unable to exercise *de facto* control over the disputed Karabakh region, and adjacent territories current under Karabakhi control. Amnesty International addresses authorities in this region as those with such *de facto* control (and responsibility) over the area, and not as a recognition of their status *de jure*.

The death penalty

Karabakh retains the judicial death penalty, although this has been abolished by Azerbaijan. As far as Amnesty International is aware there have been no judicial executions in recent years in Karabakh, although courts have continued to pass death sentences. One of the most recent known was that handed down on Azerbaijani citizen Agil Ahmedov, who had been sentenced to death for subversive activities, but was later pardoned on health grounds and released in a prisoner exchange on 9 March.

Amnesty International has urged the Karabakhi authorities to commute all existing death sentences, as well as any that may be imposed before formal abolition of the death penalty; prepare public opinion for abolition of the death penalty; and prepare and enact legislation to remove the death penalty completely from the criminal code as a possible punishment.

Lack of a civilian alternative to compulsory military service

Amnesty International understands that at present military service is compulsory in Karabakh, with no civilian alternative for those who cannot perform military service because of religious, moral, ethical or other objections. Amnesty International has expressed its concern that young men with a conscientious objection to compulsory military service may face imprisonment for their beliefs in the absence of such a civilian alternative, in violation of international standards. The organization is urging the introduction of a fully civilian alternative service, of non-punitive length, and a fair procedure in law for applying it.

The situation with regard to religious believers

In the past Amnesty International has received several reports alleging harassment of some religious believers in Nagorno-Karabakh. In 1997, for example, the organization sought further information on the situation of a group of people belonging to the Jehovah's Witness religion. It had been reported that on 9 March that year officials from the Nagorno-Karabakh Security Service arrested five members of a Jehovah's Witness congregation, including three women. These were said to have been taken to an investigation prison in Stepanakert, and the two men to an isolator belonging to the security services. A number of searches were also said to have been carried out at the homes of group members and their relatives. One source alleged that

members of the Jehovah's Witness congregation were told by law enforcement officials to stop practising their faith or leave Karabakh. No response was received from the Karabakhi authorities.

In the light of these allegations Amnesty International sought further information on a report during the period under review that the Karabakh Security Services were considering submitting to parliament a bill punishing "persons guilty of organizing illegal religious groups and sects" with a 30-day administrative detention or fine. The organization sought details on the provisions of this draft bill, as well as any laws currently in force in Karabakh relating to religious groups, and specifically welcomed information on what measures exist to ensure that no one in Karabakh is subjected to imprisonment solely for exercising their internationally recognized right to freedom of conscience and religion.

BELARUS

Arbitrary arrests of peaceful demonstrators, ill-treatment of prisoners, prisoners of conscience

Throughout the first six months of 1999 Amnesty International repeatedly expressed concern about the treatment of members of the opposition in Belarus. In this period opposition groups have staged a number of peaceful protests against President Lukashenka questioning the legitimacy of his tenure in office. Opposition groups set up an electoral commission to organize unofficial presidential elections for 16 May. In both the run up to the election and during the election period itself Amnesty International repeatedly expressed concern about the treatment of members of both the electoral commission and would-be candidates in the election.

At the beginning of March the chairman of the unofficial electoral commission Viktor Gonchar was sentenced by a Minsk court to 10 days' imprisonment for organizing an unsanctioned meeting in a café with other members of the electoral commission. While in prison he reportedly suffered a heart attack. Amnesty International adopted him as a prisoner of conscience and expressed serious concern about his health and the failure of the prison authorities to provide him with appropriate medical care. In March he was officially charged under Article 190 of the Criminal Code of the Republic of Belarus, "*Wilful self-conferment of an official title or authority*", which carries a maximum penalty of two years' imprisonment or correctional labour. At a press conference of the electoral commission on 19 May Viktor Gonchar confirmed that the charges against him still stood.

At the end of March the former prime minister of Belarus, Mikhail Chigir, was imprisoned for his active role in Belarus' opposition and for his intention to stand as a presidential candidate in the unofficial presidential elections. Mikhail Chigir was arrested on 30 March and charged with financial impropriety relating to a position he held as head of a bank, "Belagroprombank". Mikhail Chigir, like Viktor Gonchar, appeared to have been targeted by the authorities solely because of his political beliefs and peaceful opposition activities. Amnesty International considers him a prisoner of conscience. On 2 June a Minsk court rejected Julia Chigir's appeal that her husband be released from jail during the investigation into the charges against him. In the past Amnesty International has expressed concern about the use of corruption charges by the authorities to silence members of the opposition. Andrey Klimov and Vladimir Koudinov, who were imprisoned on charges of bribery and other alleged irregularities in their businesses, were adopted by Amnesty International as prisoners of conscience in 1998 (*see Annual Report 1999*).

In the run-up to and during the unofficial elections Amnesty International learned of a number of cases where police officers detained members of the opposition simply for campaigning during this period of protest. On 10 May Amnesty International expressed serious concern for the safety of opposition activist Yury Zakharenko, who failed to return home on the first day of the campaigns. The organization feared that

he may have been held in incommunicado detention. Yury Zakharenko is a senior figure in the opposition movement and was believed to be a member of the unofficial electoral commission. His wife believes that he was arrested for his involvement in the unofficial presidential elections. A spokesperson for the Ministry of Internal Affairs is reported to have said that Yury Zakharenko was not being held in Minsk, and that his whereabouts were unknown. Amnesty International is unaware of an investigation being opened into his case by the authorities and has called on the Belarusian authorities to investigate the whereabouts of Yury Zakharenko.

During the unofficial presidential elections Amnesty International learned about the arrest of Yevgeny Murashko. Yevgeny Murashko is both the chairman of his local Belarusian Helsinki Committee and of the regional electoral commission. In February he reportedly arranged a meeting which Viktor Gonchar the chairman of the central electoral commission attended. On 9 May Yevgeny Murashko was arrested by police officers while returning to his home town of Kalinkovichya in the Gomel Region of Belarus and was sentenced to 10 days' administrative detention. In June he was charged under Article 196 of the Belarusian Criminal Code for the misappropriation of authority relating to his role in the unofficial elections. On 21 June he was given a one-year suspended prison sentence.

On 11 May one member of the unofficial electoral commission was reportedly given an administrative sentence of 10 days for violating a law about public meetings and demonstrations. Under the Criminal Procedural Code of Belarus a citizen suspected of a crime can be held for a maximum of 10 days without formal charge. Piatro Zosich had been talking to members of the Hlusk Region electoral commission when he was arrested by police officers, who then confiscated ballot papers in his possession. His companion, Valery Hniadzko, was reportedly fined one million Belarusian roubles. On 12 May the vice chairman of Mahileu Region electoral commission, Anatol Fiodaraw, was reportedly sentenced to three days' administrative arrest for failing to appear in court. He and a colleague were detained by police officers on 9 May in the town of Mahileu and told to appear in court on 12 May. The police officers confiscated materials relating to the election. Anatol Fiodaraw claims that illness prevented his appearance in court. Nevertheless, a court in Mahileu proceeded to sentence him.

On 16 May members of the electoral commission were taken into custody in Hrodna. Police officers detained Ales Barel and Kazimir Lotic at a voting station in the city. Two observers at the voting station, Valiantsin Luchko and Mikola Voran, were also detained and ballot boxes and ballot papers were confiscated by the police. Organizers of the unofficial presidential elections were also detained by police officers in a number of other Belarusian towns, including Slomin, Masty and Zelva, and voting materials were confiscated by the authorities. It was not known how long the police detained the individuals concerned or whether they were given administrative prison sentences. Amnesty International urged President Lukashenka to ensure that all people in Belarus are allowed to peacefully exercise their right to freedom of expression without the fear of being arrested or ill-treated by law enforcement agencies.

Persecution of human rights lawyers

The lawyer Vera Stremkovskaya, who has acted as a defence lawyer in a number of high-profile cases such as that of Vasiliy Starovoitov, came under increasing pressure in 1999 to cease her activities. In 1998 Amnesty International highlighted attempts by the authorities to disbar her from working as a lawyer. Amnesty International has learned that Vera Stremkovskaya is currently being charged under Article 128 (2) of the Belarusian Criminal Code for slandering a public official. The charges carry up to five years imprisonment. Amnesty International has previously called on the authorities to stop the apparent practice of censoring and silencing human rights lawyers in Belarus by taking away their licences (see AI Index: EUR 01/01/99). Amnesty International is calling on the authorities to reinstate all human rights lawyers, including

Nadezhda Dudareva and Gary Pogonyailo, who were disbarred solely because of their human rights activities (see AI Index: EUR 49/13/98), and refrain from intimidating lawyers such as Vera Stremkovskaya, who defend individuals opposed to the president.

BELGIUM

Alleged ill-treatment of detained asylum-seekers (update to information given in AI Index: EUR 01/01/99)

In February, pursuing an exchange of correspondence with the Belgian government initiated in September 1998, Amnesty International wrote to the Ministers of Interior and Justice seeking news of any developments in official investigations into the death of Semira Adamu in September 1998. Semira Adamu, a Nigerian national, died within hours of an attempt to deport her forcibly from Brussels-National Airport, during which escorting gendarmes used the so-called "cushion technique". This method of restraint, authorized by the Belgian authorities at the time of the incidents but since suspended, allowed gendarmes to press a cushion against the mouth, but not the nose, of a recalcitrant deportee, to prevent biting and shouting. A judicial investigation was immediately opened into the circumstances and cause of the death and an initial autopsy report indicated that she died as a result of asphyxia. A disciplinary investigation was also opened, but then suspended pending the outcome of the judicial one.

In its letter to the Minister of the Interior the organization drew attention to the opinions of the forensic pathologists it had consulted on the use of the "cushion technique" (see AI Index: EUR 01/01/99). It also recalled the concern about the 'technique' expressed by the UN Human Rights Committee in November 1998 and the concern about the gagging of people being forcibly deported which was expressed by the Council of Europe's Committee for the Prevention of Torture (CPT) in 1997. Amnesty International underlined its own opposition to the use of materials or methods which could block the airways of a deportee or any other detainee and stated that it shared, therefore, the great concern of the forensic pathologists over the use of the "cushion technique".

The letter commented on several recommendations contained in a report published in January by an independent commission presided over by moral philosopher Professor em. E Vermeersch. In October 1998 the government had announced that the Vermeersch Commission's task was to evaluate the instructions and techniques relating to forcible deportations.

One of the commission's recommendations was for certain restraint methods to be definitively banned during future forcible deportations, including "in particular, anything obstructing normal respiration (for example, adhesive tape, cushion on the mouth), and all forced administration of pharmacological products (except by doctors in urgent situations which would naturally mean the termination of the attempted deportation)." Amnesty International urged the government to adopt the recommendation in its entirety at the earliest opportunity.

Another recommendation argued that consideration should be given to the use of "a special plane", such as a business jet, rather than a regular public flight, to carry out deportations in instances where all other methods to induce recalcitrant deportees to leave the country without resistance have failed. Amnesty International considered that the recommendation required detailed examination and urged the government to carry out in-depth consultations with relevant non-governmental organizations and other experts in the field before taking any decision on implementation. It was concerned, therefore, by reports that deportations by private jet began in March without any such consultations apparently taking place.

Amnesty International fully endorsed the commission's recommendation that infringements of directives on the use of coercive measures should be dealt with speedily and appropriately sanctioned. However, it noted and shared the concerns expressed by the commission and also by the CPT, the Belgian Permanent Monitoring Committee of Police Services (Committee P) and the UN Human Rights Committee about a lack of transparency and vigour hitherto displayed in the investigation of and reaction to complaints of alleged ill-treatment by law enforcement officers, not only in the specific context of allegations arising out of forcible deportations, but also in the general context of their work. The organization sought clarification of the investigation process, referred to by the Minister of the Interior, which had been used to deal with certain complaints of unnecessary and excessive use of violence by law enforcement officers in the execution of deportations.

Amnesty International shared the Vermeersch Commission's view of the importance of addressing the question of excessive force and ill-treatment by law enforcement officers in its full context and not only in the context of forcible deportations. It expressed interest in receiving information on any initiatives already taken or envisaged by the government in order to address the concerns expressed by and the recommendations made to the Belgian government in this area by Committee P, the CPT and the UN Human Rights Committee.

In its February letter Amnesty International also summarized the reports which it had received concerning allegations of ill-treatment made by Fatimata Mohamed, a detained 18-year-old asylum-seeker from Sierra Leone. It sought the government's cooperation in providing information about the steps being taken to investigate fully and impartially the allegations which had been made publicly and via formal complaints lodged with the court. Fatimata Mohamed claimed that she was ill-treated by gendarmes on 30 November or 1 December 1998, while detained at the Sint-Andries Centre for Illegal Aliens in Bruges, and also during an unsuccessful attempt to deport her forcibly to Guinea on 25 January. The organization expressed concern that the deportation attempt took place apparently before any judicial investigation had been completed into a criminal complaint of ill-treatment which she had lodged in December 1998, relating to the Bruges incidents. It invited the Minister of Interior's comments on this and any other aspects of the allegations made by Fatimata Mohamed. Amnesty International also sought assurances from the government that Fatimata Mohamed would not be deported before judicial and administrative investigations into her allegations had been completed and the findings made public.

In addition Amnesty International drew attention to a criminal complaint of ill-treatment lodged in November 1998 by Blandine Kaniki, a 20-year-old asylum-seeker from the Democratic Republic of Congo. She made the complaint while detained in Steenokkerzeel Detention Centre 127-bis (near Brussels National Airport) with her five-year-old son Christian. She alleged that she and other detainees were subjected to a physical assault by gendarmes in the centre on 31 October 1998. She was three months pregnant at the time of the incidents and claimed that the treatment she received at the centre was the cause of a miscarriage on 24 November 1998. Amnesty International also indicated that it had received copies of statements made by other detainees in the centre who claimed to have been victims of or witnesses to ill-treatment by gendarmes on 31 October 1998. It expressed concern about reported irregularities in the conduct of an internal inquiry opened into the alleged incidents. The organization expressed particular concern at unconfirmed reports which it had received claiming that detainees who were victims or witnesses to the violent incidents of 31 October 1998 had been deported or ordered to leave the country, even though relevant internal and judicial investigations were still under way. Amnesty International sought assurances, therefore, that neither Blandine Kaniki and her son, nor any other alleged victims of or witnesses to the violent incidents of October 1998, would be deported or ordered to leave the country before the judicial investigation into Blandine Kaniki's criminal complaint had been completed.

Amnesty International sent a copy of its letter to the Minister of Justice, drawing attention to its requests relating to the alleged ill-treatment of Fatimata Mohamed and Blandine Kaniki as well as to the judicial investigation into the death of Semira Adamu.

In April the Ministry of Justice confirmed that the judicial investigation into the death of Semira Adamu was still under way and that Fatimata Mohamed had been released in March. The Ministry informed Amnesty International that two judicial dossiers had been opened concerning "her violent resistance" (*"sa rébellion"*) during several attempts to deport her but that the Brussels Public Prosecutor's office had closed the dossiers in April, deciding that no further action should be taken. Amnesty International understands that an order to leave the country which was issued to Fatimata Mohamed cannot be implemented while a suspension on deportations to Guinea of all citizens of Sierra Leone remains in force.

The Ministry also confirmed that a judicial investigation was still under way into the allegations of ill-treatment made by Blandine Kaniki but said that the relevant judicial authorities had stated that they could give no assurance that she, her son, or any other person involved in the affair would not receive an order to leave the country. Amnesty International was concerned to note that they also indicated that they were taking no steps to prevent this from happening. The organization understands that, although Blandine Kaniki was released from detention in March, she was issued with an order to leave the country. She did not comply and faces the possibility of deportation at any time.

No response had been received from the Ministry of the Interior by the end of June. The texts of the letters which Amnesty International addressed to the Minister of the Interior in September 1998 and February 1999 were reproduced in full in a document issued in June entitled *Belgium - Correspondence with the government concerning the alleged ill-treatment of detained asylum-seekers* (AI Index: EUR 14/01/99).

BOSNIA-HERZEGOVINA

On 1 January the Presidency of the Federation of Bosnia-Herzegovina (the Bosniac/Bosnian Croat entity) rotated, with Ivo Andrić-Luzanski becoming President of the Federation for the coming year, taking over from Ejup Ganić, who in turn became the new vice-President. In June Bosnian Croat Ante Jelavić took over chairmanship of the Bosnian state Presidency from the Bosnian Serb Presidency member Đivo Radišić, who had held it the previous eight months. At the end of June 1999, more than nine months after general elections in Republika Srpska, no new government had been formed in the Bosnian Serb entity, as no majority vote could be reached in the Bosnian Serb parliament on three different occasions when the appointment of a prime minister was designated. The international community's High Representative, Carlos Westendorp, had on numerous occasions put pressure on the Bosnian Serb authorities to resolve the political impasse causing this political crisis, which culminated in his decision to dismiss Nikola Poplašen from his function as entity President on 5 March (see also below).

The High Representative also issued similar decisions regarding a number of government officials in the Federation for obstructing implementation of the Dayton Peace Agreement. For example, in February he suspended the Bosniac mayor of Bugojno, Dževad Mlaco who had used his position to obstruct the return of local Bosnian Croats and who had refused to provide information on the fate and whereabouts of 21 Bosnian Croats who "disappeared" in the area during the war between Bosnian Government forces and the Croatian Defence Council (HVO) in 1993. Dževad Mlaco resigned from his post a few weeks later.

The continuing obstacles to return

Amnesty International remains concerned about violent, administrative and political obstacles preventing Bosnian refugees and internally displaced persons from exercising their right to return to their pre-war homes in safety and dignity. Following a large number of serious violent attacks on returning Bosniacs in the Stolac municipality in the Herzegovina-Neretva Canton (southern Bosnia) (see AI Index: EUR 01/01/99), the Commissioner of the International Police Task Force (IPTF) launched an investigation into the structure and performance of the Stolac police force. IPTF found that the Croat-dominated police force in the area had failed to carry out its duties to such a degree that it effectively prevented the investigation of incidents of violence during or following minority returns and could be considered complicit in these incidents. As a result, the IPTF Commissioner decided on 3 February to place each member of the Stolac police force on probation for a period of three months. A follow-up report on this subject, released by the United Nations Mission in Bosnia-Herzegovina (UNMIBH) in May stated that, although it noted some improvement, major problems remained in the functioning of the local police, especially with regards to preventive and detective policing in the context of returnee-related violence.

There were frequent other reports of incidents of violence against minority returnees, mostly damage and destruction of property, throughout the Federation. However, one positive development was the decision by the Herzegovina-Neretva Canton authorities on 20 April to order a renewed investigation into human rights violations that occurred on 10 February 1997 in Mostar. On that day a group of Bosniacs from East Mostar attempting to visit a graveyard in Bosnian-Croat dominated West Mostar on the occasion of Bajram (a Muslim religious holiday) were attacked and shot at by West Mostar (Bosnian Croat) police. Consequently, one elderly Bosniac man died and around 20 others received injuries as a result of police ill-treatment (see AI Index: EUR 01/06/97). So far nobody has been brought to account for these killings or the incidents of ill-treatment. The new investigation team, composed of four Bosnian Croat and four Bosniac police officers is tasked with carrying out a rigorous and impartial investigation, based on the 1997 IPTF report on the case, and to report and submit any new evidence to the Mostar Public Prosecutor.

Violent attacks against the lives and property of returning refugees and displaced persons, most of them Bosniacs, also occurred in several regions of the Republika Srpska. Some of these incidents took place in the context of extreme nationalist protests at the launch of North Atlantic Treaty Organization (NATO) air strikes against the Federal Republic of Yugoslavia at the end of March and the ensuing influx of tens of thousands of Serb refugees from Serbia proper and Montenegro into the RS. For example, in May, two serious return-related attacks were reported in the municipality of Novi Grad, one of the so-called cluster areas for inter-entity return of Bosniac displaced persons, now residing in Sanski Most (Federation), who, upon their return to Novi Grad would vacate housing spaces that originally belonged to Bosnian Serbs, who are now in turn displaced in Prijedor (RS). After a house belonging to a Bosniac returnee was blown up on 9 May in Gornji Agifi village, a rocket was fired a week later in the direction of Bosniac returnee houses in the village of Suha..a.

At the end of June at least five people were reportedly injured, two of them seriously, during an attack on a group of around 60 Bosniacs, who were visiting their pre-war village of Tarovići, in the RS municipality of Modri..a. Some Serbs now living in Modri..a (which houses a large internally displaced Bosnian Serb population) reportedly threw a hand grenade into the group after they had given the returnees an ultimatum of five minutes to leave the village. Minority returns to Modri..a in the second half of 1998 were equally frustrated by violent incidents aiming at intimidating returnees (see AI Index: EUR 01/01/99).

Another remaining obstacle to returns to the RS is the entity's amnesty law which currently does not include the offences of draft evasion, desertion or failure to respond to a call-up order during the armed conflict. This seriously hinders the return of thousands of male refugees who would theoretically face criminal charges for these offences. Although amendments to the existing amnesty law were passed by the

RS parliament in February, President Poplašen refused to sign the amended law on 4 March, thereby returning the amendments to parliament for re-adoption.

On 5 March 1999, the Arbitration Tribunal for Brčko issued its final decision on the Status of the municipality. The Commission turned the municipality into a special district which will function as a single multinational administrative unit under the exclusive sovereignty of Bosnia-Herzegovina. Thus, it does not come under the jurisdiction of either the Federation or the RS entity. The decision was taken mainly to enable the process of two-way returns, which would facilitate the return of pre-war Bosniac and Bosnian-Croat Brčko residents as well as the return of internally displaced Bosnian Serbs now living in the municipality to their original homes. The decision was met by public outrage in the RS. This was expressed by rioting in and around Brčko and the resignation of the acting Prime Minister, Milorad Dodik.

Further information on unfair trials of political prisoners in the RS

On 18 May the RS Supreme Court granted an appeal after a retrial in which three Bosniac men from Srebrenica were convicted for the second time in December 1998 of the murder of four Bosnian Serbs in May 1996. The Supreme Court decided to send the case once more to retrial, which meant that the defendants would have to stand trial for the third time on the same charges. International organizations, including Amnesty International, have severely criticized the investigation procedures, as well as the ensuing legal proceedings conducted by the RS police and judicial authorities for repeated and serious procedural violations of internationally guaranteed standards for fair trials as well as violations of the RS Criminal Code. Although the Supreme Court quashed the verdict of the retrial, arguing that its reasoning was contradictory and not supported by the factual situation as indicated by the available evidence, it did not drop the criminal charges against the defendants, but instead sent the case again for retrial to the first-instance court. The Supreme Court in addition reasoned that the evidence available to the court had not been used in accordance with RS criminal legislation and this situation should be rectified in the (second) retrial. No new evidence was apparently found to justify further criminal prosecution. The three defendants, who had been transferred to a prison in the Federation in an exchange on humanitarian grounds, were released on 10 June to stand renewed trial out of custody.

Update on arrests and prosecutions at the International Criminal Tribunal for former Yugoslavia (Tribunal)

Amnesty International continued its lobbying of states supplying troops to the multi-national Stabilization Forces (SFOR) deployed in Bosnia-Herzegovina. AI called for these states to seek out and arrest those indicted by the Tribunal. On 9 January, SFOR troops killed publicly indicted war crimes suspect Dragan Gagović in an attempt to arrest him near his home town of Foča in the eastern RS. According to a SFOR spokesperson, French SFOR soldiers opened fire on him in self-defence. Amnesty International has urged that, while the organization welcomes initiatives to apprehend suspects indicted by the Tribunal, these should be conducted according to internationally recognized guidelines regulating the use of force and firearms by law enforcement officials. In the interest of clarity and impartiality, the organization requested that the circumstances in which the shooting occurred be investigated promptly and impartially and that the results of the investigation be published. Amnesty International recommended that the same measures be taken by SFOR after the shooting of another indicted suspect, Simo Drljić in July 1997.

Two other suspects came into the Tribunal's custody after they had been detained by SFOR. On 7 June Dragan Kulundžija, a Bosnian Serb publicly indicted for war crimes committed in the Keraterm detention camp where he was a guard shift commander, was arrested in Prijedor. Another Bosnian Serb, Radoslav

Brdjanin, was arrested on 5 July. He had been the subject of a sealed indictment for crimes against humanity in the Sanski Most and Prijedor regions, in his capacity as the president of the Crisis Committee of the Autonomous Region of Krajina.

On 7 May the Tribunal found Zlatko Aleksovski, a Bosnian Croat, guilty of violations of the laws or customs of war, which he had committed while in command of the Kaonik detention camp in the Lašva valley in central Bosnia. Zlatko Aleksovski was acquitted of grave breaches of the 1949 Geneva Conventions. He was sentenced to two and a half years' imprisonment, but immediately released as he had already spent this period in custody. The Tribunal's Prosecutor has appealed against the decision.

Torture and ill-treatment in custody

A group of six Bosnian Serb men, who had been charged in December 1998 with the murder of the Pale deputy police chief Srdjan Knežević, went on trial before the District Court of "Srpsko Sarajevo" in March 1999. On 28 April 1999 they were acquitted as the judge ruled that there was no evidence that they had committed the murder and that some of the evidence presented in court had been obtained under duress in violation of national and international law. The men, who had been arrested immediately after the murder in early July 1998, and who had subsequently been held in arbitrary detention, along with another seven persons for two weeks, had been subjected to severe torture and ill-treatment during detention. IPTF, who had monitored the police investigation of the murder, recommended that the officers who allegedly ordered and participated in the torture and ill-treatment be investigated and criminally prosecuted. Although the investigating judge at the Sokolac Basic Court is reportedly conducting an investigation into the ill-treatment and other alleged police misconduct during the Knežević investigation, none of the suspected police officers has yet been brought to justice.

BULGARIA

The UN Committee against Torture meets to consider Bulgaria's second periodic report

At its meetings held in Geneva on 30 April and 3 and 5 May, the Committee against Torture considered Bulgaria's second periodic report submitted under Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In its conclusions, the Committee expressed concern on a number of points, including the following:

"10. The continued reporting from reliable non-governmental organizations on ill-treatment by public officials, particularly the police, especially against persons belonging to ethnic minorities, and;

11. The deficiencies relating to a prompt and impartial system of investigation of alleged cases of torture and the failure to bring those allegations before a judge or other appropriate judicial authority."

Furthermore, the Committee issued a number of recommendations to the Bulgarian authorities. Amnesty International has written to the Bulgarian authorities requesting information about any future steps and reforms envisaged by the Bulgarian government to implement these recommendations, in particular regarding the Committee's recommendation that Bulgaria should "take effective steps to put an end to practices of ill-treatment by the police which still occur". Amnesty International has proposed to the Bulgarian authorities that the following could significantly further the implementation of these recommendations:

- information about the Committee's conclusions and recommendations should be widely disseminated;
- the authorities should initiate a full parliamentary debate on the Committee's conclusions and recommendations, proposing a comprehensive program for the implementation of the Committee's recommendations;
- in drafting a program for the implementation of the Committee's recommendations, as well as in the course of its realization, the government should work closely with local non-governmental organizations which are concerned with the protection of human rights; the government should also consider extensive recommendations elaborated by Amnesty International in *Bulgaria: Shootings, deaths in custody, torture and ill-treatment* (AI Index: EUR 15/07/96), a report published in June 1996.

New cases of alleged torture and ill-treatment by police

On 5 April in Sofia, in a café in *Sv. Troitsa* neighbourhood, police officers arrested Stefan Kostadinov, who had earlier escaped from a psychiatric hospital where he had been held in detention pending the results of a criminal investigation. It is not known where he was subsequently taken by the police, but as a result of allegedly having been beaten Stefan Kostadinov suffered a fractured jaw. He was operated on and treated at the Ministry of Internal Affairs hospital. Reportedly, the investigators into the offence for which he had been held in detention recommended to the Sofia Prosecutor that the investigation should be suspended for lack of evidence.

Another incident concerns Kalin Kotov who was reportedly beaten by Captain M. in the Regional Police Department in Vratsa while being interrogated regarding the sale of a car on 16 April. Kalin Kotov came in the company of a lawyer and Pavlina Koteva, his mother, and his five-year-old son Iso. However, the lawyer was not allowed to be present during the questioning when Captain M. reportedly punched Kalin Kotov making him fall to the ground, kicked him and hit his head against the wall. The officer reportedly held Kalin Kotov by the neck to try to stop him crying out and shouting for help. After hearing the cries through an open window Pavlina Koteva asked the officer on duty to intervene but he reportedly told her that she should not interfere because she could be charged with hooliganism.

A complaint about the alleged ill-treatment of Kalin Kotov was filed with the Pleven Military Prosecutor and the Vratsa Regional Department for Internal Affairs. Captain M. had reportedly previously been investigated for ill-treatment of detainees and extortion but had only been subjected to light disciplinary sanctions or reprimands.

Prisoner of conscience released; conscientious objection to military service (update to information in AI Index: EUR 01/01/99)

Krassimir Nikolov Savov was granted a pardon by President Stoyanov and was released from Plovdiv prison in the spring, after serving half of a one-year sentence for failing to respond to call-up. As a Jehovah's Witness Krassimir Nikolov Savov's religious convictions forbid him to carry arms and perform military service.

Although the right to perform alternative service has been recognized for many years by the Bulgarian Constitution (Article 59, paragraph 2), a law which would enable conscientious objectors to duly address their request to perform alternative service to the competent authorities came into force only on 1 January 1999. It stipulates that alternative service will be double the duration of military national service, which is currently 12 months for conscripts with secondary education and nine months for university graduates.

Amnesty International has written to President Stoyanov to express concern that the length of alternative civilian service should not be such as to constitute a punishment for a person's conscientiously held conviction.

CROATIA

Update on government reactions to reports of human rights abuses committed after Operation Storm

Amnesty International remains seriously concerned about the lack of adequate investigations and prosecutions into hundreds of killings committed after the 1995 offensives by Croatian armed forces. In March the Chairman of the Committee for Legal Affairs of the Lower House of the Croatian Parliament replied to Amnesty International members who had been campaigning on this issue. The reply contained information regarding criminal investigations and legal proceedings or the absence thereof in 22 individual cases of killings mentioned by Amnesty International in its report, published in August 1998 (*Croatia : Impunity for killings after Storm*, AI Index: EUR 64/04/98) or in a list of incidents, reported by international monitors during and after the offensive, appended to the report and sent by Amnesty International to the Justice and Interior Ministries in September 1998 (see AI Index: EUR 01/01/99). However, the information given in the reply appears to be exclusively from county prosecutors' records from 1996 and 1997 and Amnesty International was already aware of it. Indeed some of this information had been published in the external report and the appendix. According to the reply, six men were convicted for murders committed in the aftermath of Operation Storm and sentenced to imprisonment terms ranging from six to eight years. However, it is not known whether these people are currently serving their sentences (Amnesty International had asked the Justice Minister for confirmation of this on several occasions). In one case in which the indicted suspect was acquitted of the murder charges, an appeal against the verdict has been pending before the Croatian Supreme Court for over two years. The reply to Amnesty International did not provide further information on scores of other incidents that were listed in the appendix. Most notably no information was given regarding investigations or criminal proceedings into the extremely well-documented killing of five, possibly six, elderly Croatian Serbs in the Grubori hamlet, in the Plavno valley, in former Sector South.

In May the Croatian Helsinki Committee published a lengthy report on human rights violations, listing over 400 killings which took place in the aftermath of Operation "Storm". Commenting to the local media on this report, newly-appointed Justice Minister Zvonimir Šeparović, stated that there had been individual criminal acts, but rejected the allegations by the Helsinki Committee that serious violations of international humanitarian law had been committed by Croatian forces. According to the Justice Minister, a large number of criminal proceedings (a total of over 5,000) were ongoing into criminal acts committed during and after the operation. However, when giving more specific numbers for ongoing and completed investigations, and ongoing and completed criminal proceedings, Amnesty International noted that he was referring to the same numbers that were presented to the organization in May 1998.

On the same subject, Interior Minister Ivan Penić told the press that his Ministry had already commented on the majority of cases documented by the Helsinki Committee, in his replies to Amnesty International and Helsinki Watch on earlier occasions. However, as Amnesty International has stated

repeatedly, the information provided in these replies fails to address the organization's specific questions and recommendations and underlines the organization's continuing concern of impunity for the human rights violations committed by Croatian security forces during and after Storm.

At the end of May the trial of six Croats who had been charged with committing criminal acts against Serb civilians in the Pakra.ka Poljana area in 1991 and 1992 came to a close. Following the confession of one of the defendants in a Croatian newspaper in September 1997 (see AI Index: EUR 01/01/98) in which he alleged to have killed large numbers of Serb civilians in the area as a member of a special unit in the Croatian security forces, an investigation was opened against him and five other former unit members. The Zagreb County Court decided to acquit four of the defendants and to sentence the remaining two to imprisonment sentences of up to 20 months for extortion, house-breaking and illegally detaining and assaulting a Serb villager. The court decided not to pursue the murder charges, as the judge ruled that there was insufficient evidence and that the witness testimonies were inconsistent.

Update on government cooperation with the International Criminal Tribunal for former Yugoslavia (Tribunal)

Amnesty International remains concerned about the lack of cooperation between the Croatian Government and the Tribunal's Prosecutor's Office. The Croatian President, Franjo Tudjman and various other high-ranking government officials issued statements to the effect that, should the Tribunal Prosecutor decide to indict Croatian military and political leaders for violations of international humanitarian law committed after operations "Flash" and "Storm", Croatia would end all formal cooperation with the Tribunal. Amnesty International has reminded the Croatian authorities that their legal obligation (as a UN member state bound by Security Council Resolution 827 of May 1993) to cooperate effectively with the Tribunal cannot be subject to any current or future conditions.

Amnesty International welcomes the report that the Zagreb County Court has decided that a publicly indicted war crimes suspect, Vinko Martinović, may be surrendered to the custody of the Tribunal. He was indicted by the Tribunal in December 1998 for crimes against humanity, grave breaches of the Geneva Conventions and violations of the laws or customs of war committed in the Mostar region in Bosnia-Herzegovina in 1993 and 1994. However, Amnesty International notes that the decision to surrender Vinko Martinović was made pursuant to extradition procedures before the Zagreb County Court (which is expected to rule at a later stage on the extradition of Mladen Naletilić, who was jointly indicted with Vinko Martinović). Such procedures are inconsistent with guidelines drawn up by the Registrar of the Tribunal in order to assist states in their duty to cooperate with the Tribunal. These guidelines stipulate that the transfer of an arrested suspect to the custody of the Tribunal should take place without resort to extradition proceedings.

Update on implementation of the program for return

According to Croatian Government sources, over 11,000 Croatian Serbs have returned to the country through the program for return, since the program was adopted in June 1998 until the end of May this year.

In June the Croatian Foreign Minister, Mate Granjić claimed that since 1996 around 60,000 Serbs had returned to the country. This figure was disputed by Croatian Serb representatives who said that only 35,000 had returned in this period, while UNHCR estimated this number to be around 37,000. A small number of Croatian Serbs who had fled to the Federal Republic of Yugoslavia (FRY) also returned to Croatia during the NATO air campaign against FRY from the end of March until 10 June, although it is unclear whether they actually stayed and resettled in their pre-war homes.

In addition, the Croatian Office for Displaced Persons and Refugees (ODPR) estimated that at the end of June a total of 19,250 internally displaced Croats had returned to eastern Slavonia.

However, serious problems persisted in the implementation of the program for return. Local political obstruction, in particular the lack of will to evict temporary occupants from accommodation belonging to returning Serbs, reportedly continued throughout the country. Incidents of this kind were most reported in the region of Western Slavonia and Knin where large numbers of Bosnian Croats settled in Croatian Serb accommodation during the war.

Violent incidents against remaining Serbs continued to be reported in the region of eastern Slavonia. On 16 May Teodor Bogdanovič, a Croatian Serb, was murdered in Marinci village near Vukovar by a Croat from Janjevo in Kosovo (FRY) who had settled in the region before the war. The suspected perpetrator was immediately arrested by local police. At the end of May the local Helsinki Committee organized a press conference during which it expressed serious concern about the security situation in the Vukovar area and said that it had received over 20 reports of violent incidents - most of them arson attacks and physical assaults - against the remaining Serb population. According to the Helsinki Committee all attacks had been reported to the local police who failed to take appropriate action.

Possible prisoners of conscience

At the beginning of June the Zagreb County Court's investigative judge opened an investigation against Ivo Pukanjič, editor-in-chief of the independent weekly *Nacional*, and Robert Bajruši, a journalist for *Nacional*, for revealing state secrets (Article 145 of the Croatian Criminal Code). On 2 June and after-wards, *Nacional* published several reports in which it alleged that the football match deciding on the Croatian league championship had been rigged to the advantage of the favourite club of President Tudjman. The weekly stated that the operation had involved large-scale participation of the secret police forces (*Služba za zaštitu ustavnog poretka* - SZUP) which had reportedly tapped the phone lines of a large number of leading football players and sport journalists and blackmailed or bribed key referees. The Croatian Interior Ministry has stated that it will file charges against the two *Nacional* journalists for revealing state secrets and that an internal investigation in the country's secret police was being conducted in order to find out who had passed the information on to them. On 9 June the former head of the central secret intelligence organization in Croatia (*Hrvatske izvještajne službe* - HIS), Miroslav Šeparovič was arrested and interrogated by police regarding allegations that he had given information about the activities of the secret police to the media.

Amnesty International believes that the criminal prosecution of Ivo Pukanjič and Robert Bajruši would amount to a violation of their right to freedom of expression. If they were to be convicted and imprisoned on the charges proposed, the organization would consider them to be prisoners of conscience and demand their immediate and unconditional release.

Unfair war crimes trials

On 27 May, a group of five Croatian Serbs from the eastern Slavonian village of Šodolovci were convicted of war crimes against the civilian population from July 1991 until May 1992. They were sentenced to imprisonment terms ranging from eight to 15 years. International monitors expressed serious concerns about the fairness of the judicial proceedings, and asserted that the court had produced insufficient evidence to convict the defendants.

Amnesty International has expressed similar concerns about the case of five Croatian Serb defendants from Štikovo near Knin who were found guilty of similar charges in first-instance proceedings

at the end of March last year (see AI Index: EUR 01/02/98). They were given lengthy imprisonment sentences. No appeal hearings in the case are reported to have started yet.

Similarly, in the case of Mirko Graorac, who had been sentenced to 20 years' imprisonment for war crimes by the Split County Court in 1996, and whose case had been sent back for retrial by the Supreme Court in February 1998, no renewed proceedings had been initiated by the end of June (see AI Index: EUR 99/01/01 and *Croatia: Mirko Graorac. Shortchanging justice - war crimes trials in former Yugoslavia*, AI Index: EUR 64/10/98).

CZECH REPUBLIC

Alleged ill-treatment by police officers

On 27 January at 0.40am 15 police officers wearing black uniforms and balaclavas entered *U Kavč* restaurant in Prague. Stanislav Penc, a member of the Czech Human Rights Committee and who was in the restaurant, queried the reasons why he was asked for his identity card. A plainclothes officer pointed at him and said: "Take that one". Two officers whose balaclavas were not fully drawn over their faces reportedly took Stanislav Penc by his hair and pulled him away from the table, beating him and dragging him outside. Taking him towards the nearby police station at Bartolomějská street, the officers reportedly held Stanislav Penc by his arms and hair while another officer repeatedly hit him in the ribs with his elbow.

Stanislav Penc was kept at the police station for an hour until an officer returned his personal effects to him by reportedly throwing them on the floor and rudely told him to get out of the police station. Stanislav Penc requested a written statement about his detention. The police officer reportedly refused and replied that they would not issue any statement and that he "might as well drop dead" (*at' si tedy v cele chcípne*). On 29 January Stanislav Penc filed with the Ministry of the Interior a criminal complaint about the alleged ill-treatment and arbitrary detention after obtaining a medical certificate detailing his injuries. The Czech authorities have responded to Amnesty International's representations on the case, with information that it is under investigation by the Prague Police Complaints and Inspection Department.

The Czech Ministry of Justice has replied to Amnesty International's appeal for prompt and impartial investigation of alleged police ill-treatment of demonstrators in Prague on 16 May 1998 at the "Global Street Party" (see AI Index: EUR 01/02/98) with information that no police officers have been indicted, although a final decision whether to indict has been deferred in the case of the officers alleged to have ill-treated detainees they took to the police hospital *Na Mláčách*. Amnesty International has 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 Interior Minister concluded in its 27 January 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 of the Interior Minister's investigation as unsatisfactory, and stated that he has made proposals to the Czech government for reform in his Report on the State of Human Rights in the Czech Republic, submitted on 31 March 1999, 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 Attorney's Office.

FRANCE

Judicial developments in several cases of ill-treatment and killings by law enforcement officers highlighted Amnesty International's concern that courts feel uneasy about convicting police officers for crimes of violence or excessive force to anything but nominal sentences and that while prosecutors are often too passive in applying the law, some appear to play an active part in perpetuating a situation of effective impunity where police officers are concerned.

Torture case before European Court of Human Rights

Following a decision by the European Commission on Human Rights that Ahmed Selmouni, a man of dual Dutch and Moroccan nationality now serving a prison sentence for drug dealing, had been tortured during a 72-hour period in police custody (see *France: Excessive force*, AI Index: EUR 21/05/98 and *Concerns in Europe*: AI Index: EUR 01/02/98), proceedings against France opened on 18 March before the European Court of Human Rights. The case is the subject of the first torture allegations against France to be taken up by the court. A verdict has not yet been delivered. The Commission had found that the injuries inflicted on Ahmed Selmouni at the police station of Bobigny (Seine-Saint-Denis), and which included severe beatings with a truncheon and baseball bat and kickings and beatings as well as alleged forced physical exercises, forced fellatio and rape, were in violation of Article 3 of the European Convention on Human Rights, which prohibits torture. It stated that the ill-treatment inflicted on the prisoner, who lost the sight of an eye, had been so serious and cruel that it could only be described as torture. The Commission also found France to be in violation of Article 6 of the Convention regarding fair trial within a reasonable time. The arrest of Ahmed Selmouni had taken place in November 1991 but the five officers of the *Service départemental de police judiciaire* (SDJP), in whose custody he had been held, were not examined by a judge until 1997 and appeared before the *tribunal correctionnel* of Versailles (Yvelines) in February - only about six weeks before the opening of the case in Strasbourg. The French government accepted that France had been in contravention of Article 6, but the last-minute opening of the trial in Versailles enabled the French authorities to argue that domestic remedies had not been exhausted and that delivery of a European Court judgment on torture would infringe the principle of presumption of innocence.

The five officers appeared before the Versailles court on charges of committing violence (*violences*) and of sexual assault (*agressions sexuelles*) against Ahmed Selmouni and another man, Abdemajid Madi. The defendants denied the charges, suggesting that the two men had injured themselves or had perhaps watched too many films. The prosecution requested that they be sentenced to between two and four years' imprisonment. In March, a few days after the opening of the case in Strasbourg, the court convicted all five officers. Concluding that they had committed acts of "organized and particularly severe violence" which "strike deeply at public order and contravene the most basic principles of the rule of law" and that they had "replied to the victims' declarations with nothing but silence and denials without giving the least explanation for their actions"¹, the court sentenced one officer to an "exemplary" four years' imprisonment, and he was taken at once from the court to the *maison d'arrêt* of Bois-d'Arcy (Yvelines). Three officers were sentenced to three years' imprisonment and the fifth officer to two years' imprisonment. All immediately appealed. The verdict, the basis for the convictions and the direct imprisonment of one of the officers met with a series of angry protests and demonstrations by members of all the police unions in France. An unusually swift appeal,

¹"Les policiers se sont livrés à des violences organisées et particulièrement graves... Ces faits... sont de ceux qui heurtent profondément l'ordre public et contreviennent aux principes constitutifs d'un Etat de droit. ... Face aux déclarations des victimes, les fonctionnaires de police n'ont opposé que silence et dénégations sans donner la moindre explication de leurs agissements".

which took place before the *Cour d'appel de Versailles (Yvelines)* in May and June, drastically cut the "exemplary" four-year prison term to one of 18 months, of which 15 were suspended, allowing for the immediate release of the officer. The convictions against the four other officers were cut to suspended prison sentences of 15, 12 and ten months' imprisonment. The prosecutor (*avocate générale*) attached to the appeal court had herself controversially requested that the officers be "returned their honour" and declared not guilty of the offence of sexual assault and that, if they were to remain convicted of violent acts, they should benefit from an amnesty.

The court upheld the convictions against the officers for violent acts but set aside the conviction for sexual assault. However, it recognized that the officers had committed "particularly degrading treatment" and that their conduct could in no circumstances be justified.

Updates on cases of police shootings

On 27 May the *Cour d'assises de Seine-Saint-Denis* acquitted a police officer who had been charged with inflicting violence, leading to the death of Etienne Leborgne, in 1996 (*Amnesty International Report 1997*).

A few days before his death Etienne Leborgne, a Paris taxi driver born in Guadeloupe, had tried to escape a time-clock check at Roissy airport, in the process injuring a police officer. Three days later a team of three plainclothes police blocked and immobilized his car at Saint-Ouen (Seine-Saint-Denis). Etienne Leborgne refused to leave the car. One officer shattered the driver's side window with his foot and held him in a "stranglehold". Another officer, after firing twice toward the ground, then deliberately shot the driver at close range (within ten centimetres) from the front of the taxi through the face. The officer claimed he had acted in legitimate defence because he saw the driver take something in his hand and feared it was a gun. It was, in fact, a CS gas canister.

The prosecutor requested that the case be closed on the grounds there was no case to answer (*non-lieu*). He had argued that even if the fatal shooting appeared with hindsight to be disproportionate to the "aggression" of the driver, the incident at Roissy also had to be taken into account and in the heat of the moment the officer could easily have assumed his life was at risk. However, the investigating judge was concerned about the extremely close quarters from which Etienne Leborgne had been shot, combined with eyewitness reports, including that of one of the other officers, that the "black object" (gas canister) in no way resembled a firearm. The case was transferred by the investigating judge to the *chambre d'accusation* of the *Cour d'appel de Paris* and the court decided in March 1998 that there was sufficient evidence to transmit the case to the assize court on a manslaughter charge. In its judgment the court stated that it was "incontestable" that the officer's action was disproportionate. Even taking into account the prosecutor's points, it could not reasonably be argued that his life had been endangered. Despite, however, the court's detailed explanation of its decision, the *avocat général* representing the prosecution at the assize court requested the acquittal of the officer, reportedly commenting that Etienne Leborgne had shown a "suicidal attitude" in refusing to obey police orders.

There is no appeal on fact from an assize court verdict in France.

In a separate case, a decision was taken in February by the *chambre d'accusation* of the *Cour d'appel de Versailles (Yvelines)* to quash a *non-lieu* decision taken almost eight years before by a judge investigating the fatal shooting by a police officer at Maintes-la-Jolie of Youssef Khaïf, a young man of Algerian origin. The shooting had taken place in June 1991, when police officers had formed a roadblock to stop a reported "rodeo" of stolen cars driven by several young people from the area of Val-Fourré. In an earlier incident a policewoman had been accidentally killed by a car whose driver had swerved to avoid the roadblock and smashed into a police car. About half an hour later, as Youssef Khaïf drove in the direction of the barrier, another officer shot at him three times and he was killed by a bullet in the nape of the neck.

The order not to proceed against the officer, who had been assigned administrative tasks after the death of Youssef Khaïf, was made in 1998 by the investigating judge of Versailles. An appeal was lodged by the prosecutor and the family of Youssef Khaïf. When quashing the *non-lieu* decision the Versailles appeal court ordered a further investigation into the case (*supplément d'information*).

Tension between young people and police officers in the area was already high following the death, a few days earlier, of Aïssa Ihich, an 18-year old high school student, and a chronic asthma sufferer, who had died in police custody (*garde à vue*) at Mantes-la-Jolie. Police had twice refused him access to his medication while in custody and the autopsy report related his death to his asthmatic condition. He had been arrested after disturbances in which a group of youths had attacked cars and thrown stones at police officers and was reportedly beaten with truncheons by law enforcement agents before being taken to the police station, where he was held for about 36 hours until his death (AI Index: EUR 01/02/91, EUR 01/03/92 and EUR 21/02/91 and *Amnesty International* 1992). On 23 June, eight years afterwards, the *chambre d'accusation* of the Versailles appeal court ordered the trial before a *tribunal correctionnel* of three police officers and a doctor who had been called to examine Aïssa Ihich. The doctor had been examined by a judge in 1992 in connection with a manslaughter charge (*homicide involontaire*) based on alleged medical neglect (he had not mentioned Aïssa Ihich's asthma in the medical certificate requested by the youth and gave no instruction to the police relating to the detainee's treatment or conditions of detention). However, the prosecutor had not requested the committal for trial of any police officer and a decision was taken not to proceed against five officers. In 1997, after a long procedural battle by the defence lawyers, this decision was annulled in the case of three of the officers by the *chambre d'accusation* of Versailles. The three face charges of voluntary assault with weapons ("*violences volontaires avec arme par personne dépositaire de l'autorité publique dans l'exercice de ses fonctions*"). The court was unable, however, to establish a direct link between the alleged assault on Aïssa Ihich and his death which, if found, would have warranted transmission of the case to the assize court.

The controversy surrounding the fact that Aïssa Ihich had been denied access to medication reportedly led, in 1993, to a reform of the conditions of *garde à vue*, which authorizes a visit from a doctor at the outset of police custody.

Paris prosecutor admits as "massacre" events of 17 October 1961

A legal suit for defamation brought by former Paris prefect Maurice Papon against the writer Jean-Luc Einaudi in connection with allegations the latter had made about the repression of a demonstration held by the Algerian *Front de Libération Nationale* in Paris on 17 October 1961, resulted in an official acknowledgment by a public prosecutor, in February, that the repression had indeed been a "massacre". It is reported to be the first time since 1961 that a French state representative has admitted that the events amounted to a massacre, involving undisciplined, uniformed police officers "blinded by hatred", against whom no action had ever been taken.²

Jean-Luc Einaudi who, in 1991, had published a book called *La Bataille de Paris* (The Battle of Paris) about the repression of the demonstration, also wrote an article in the French evening paper *Le Monde* in 1998, in which he stated that the demonstration was a "massacre" perpetrated by "the police forces operating under the orders of Maurice Papon" and put the number of deaths caused by the police at over 200.

²"Il y a eu un nombre important de morts. Des pauvres morts qui, pour certains d'entre eux, pèsent sur la conscience. C'était, pour la plupart, des gens simples et laborieux. Pour la plupart, ils resteront anonymes. Dans la rue et dans les centres d'identification certains des tueurs portaient des uniformes la hiérarchie intermédiaire [la police] qui était sur les lieux, n'a pas arrêté les tueurs et n'a pas dénoncé les faits". Quoted in *Le Monde*, 14-15 February 1999

In 1997 Interior Minister Jean-Pierre Chèvenement had referred in a report to the “very severe repression” of the demonstrators and stated that the number killed could have amounted to 32. In court in February public prosecutor Vincent Lesclous stated that the identity of the “very large number” of people who died would for the most part remain unknown. He stated that “some of the killers wore uniform” but that blame should also be laid at the door of police officers who were present at the scene but lodged no complaints and made no arrests.

The FLN demonstration was organized to protest about the imposition on Algerians of a curfew, preventing them from entering the centre of Paris during the evening. It took place before Algeria gained independence, at a time when there had been many attacks on police officers. At the time the deaths were blamed by the Paris prefect on rivalry between Algerian factions. The events surrounding the massacre, commemorated in Algeria as Immigration Day, have rarely been openly discussed in France.

GEORGIA

Allegations of ill-treatment in detention (update to information in AI Index: EUR 56/02/98 and EUR 01/01/99)

Issues of alleged ill-treatment remained topical during the period under review. In January the General Procurator’s Office is said to have reported that during the previous year 700 employees of the law enforcement agencies were disciplined for violations, and that 14 criminal cases had been initiated against police officers for beating detainees under investigation. Unofficial sources have continued to complain, however, that often the prosecution refuses to initiate proceedings, or if they do then such proceedings rarely result in the cases being brought to trial. Giorgi Shiukashvili, for example, alleges that following his arrest in January 1998 on suspicion of stealing wheels he was severely beaten over a period of 15 days in Gldani district police station, Tbilisi, until he signed a confession to that and several other crimes he did not commit. He was then transferred to an investigation prison and was reportedly virtually unable to move for the first two weeks, a condition observed by 18 other detainees in his cell. When his case came to trial in January this year Giorgi Shiukashvili was acquitted and released from custody in the courtroom, reportedly in part because of the allegations of torture. Although a criminal case was said to have been opened against two police officers for physically assaulting him, relatives allege that there have been no vigorous efforts to pursue the prosecution of the officers concerned. They further allege that Giorgi Shiukashvili was briefly detained on 25 May at Mtatsminda district police station, and that an officer there threatened to force him out of Tbilisi unless “he stopped fighting against the police”.

On 21 September 1998 three members of the Liberty Institute, a non-governmental organization involved in human rights monitoring, were reportedly beaten in Tbilisi by members of the Special Police Unit (SPU) of the Ministry of Internal Affairs. Two journalists named Gogi Kavtaradze and Kote Vardzelashvili, were said to have been physically assaulted, verbally abused and threatened with rape while being transported in an SPU van to Chugureti District Police Station. At the station Kote Vardzelashvili is said to have been assaulted again by the head of the SPU. A third colleague, Sandro Zhuruli, is said to have been beaten by SPU officers after he arrived at the police station seeking information on those detained. Members of the Liberty Institute complained to the prosecutor’s office, but no prosecutions were forthcoming as two police officers said to have been in the van denied the allegations. On 10 November 1998 the same SPU head was said to have involved in the beating of another journalist, Aleko Tskitishvili, in front of several bystanders after the reporter tried to enter the Supreme Court building where a major political trial was concluding. In February

it was reported that the Mtatsminda district procurator's office had concluded their investigation into the allegations in this case, and that no criminal charges would be brought against the SPU head owing to a lack of evidence.

Among the further allegations of ill-treatment received during the period under review was that six men detained in connection with a robbery near Kutaisi had been ill-treated in police custody in order to obtain confessions. "Political prisoners for Human Rights", a non-governmental (NGO) organization investigating the allegations, named five of the men as Temur Khaburzania, Ramaz Khantadze, Kvantaliani, Giorgadze, Lipartiani (first names of the last three are not known). According to the NGO, on the evening of 24 January 1999 a man was robbed near Kutaisi. He reported the incident to the regional police department of Kutaisi and shortly afterwards policemen from this department, along with colleagues from Tskhaltubo, detained two groups of three men and brought them to the Kutaisi regional police station. When the NGO, alerted by the lawyer of one of the men, arrived in Tskhaltubo on 28 January, two of the men, Ramaz Khantadze and Temur Khaburzania had been released by the court there. They had swellings around their eyes and blood on their clothes and appeared to have been beaten.

In an interview with a correspondent from the newspaper *Resonance*, Ramaz Khantadze reported that while in custody police officers slapped him in the face, causing his nose to bleed, and beat him in the ribs and shins. He claimed that the investigating officer dictated a confession to him. Temur Khaburzania reported that he had been beaten by police officers in order to force him to confess to the robbery. The NGO asked to see at least one of the other men still detained. Kvantaliani emerged, but was completely covered up, wearing a hat and scarf and long sleeves. He refused to stay to speak to the NGO representative or his lawyer, although in an earlier interview with his lawyer he had stated that he had been brutally beaten on the legs and feet by a named police officer and had displayed wounds on his legs consistent with this allegation. The police claimed that none of the detainees wished to speak to the NGO or their lawyers. The police deny that any ill-treatment took place, claiming that the men's injuries were caused in a fight among themselves which took place prior to the robbery.

Three men complained to Elene Tevdoradze, of the Parliamentary Commission on Human Rights, about alleged ill-treatment in March while held at investigation-isolation prison No. 5 in Tbilisi. On 11 May she met with one of them, Adin Musayev, while he was in the republican hospital. He alleged that over two nights around 20 to 24 March law enforcement officials beat him, placed a gas mask over his head and turned the air supply off, subjected him to electric shocks and finally threatened him with rape using a bottle and filmed him in this position.

Failure to implement law on civilian alternative to military service (update to information in AI Index: EUR 01/01/99)

Amnesty International again approached the Georgian authorities about their failure to implement the law on alternative service, which should have come into force from 1 January 1998. It is reported, for example, the Georgian authorities have yet to establish any decision-making procedures for applying the civilian alternative to compulsory military service. Amnesty International also expressed concern about other aspects of the law itself, which appear not to conform to recommendations by international bodies of which Georgia is a member. The organization understands, for example, that the new legislation does not make absolutely clear that any alternative service should be completely civilian in nature and separate from military structures. In Chapter 3, Article 18, for example, the law stipulates that "after demobilization from alternative non-military labour service citizens are enlisted in the reserve until 50 years of age", suggesting that they may be liable to subsequent mobilization within the military.

Amnesty International also understands that although the law provides for the possibility for those performing alternative service to transfer to military service, there is no corresponding provision for those performing military service to transfer to an alternative civilian one (for example should they develop a conscientious objection following conscription).

In addition the organization is concerned that the length of alternative labour service, at 36 months, is a year longer than the 24 months set for compulsory military service - the law already stipulates that "the nature of the alternative non-military labour service must conform with the difficulties of the general military service" (Chapter 1, Article 2). Amnesty International sought clarification on the reasons why alternative labour service is 12 months longer, including what measures were taken to ensure that this length is not punitive.

Fair trial concerns - Guram Absandze

Amnesty International approached the Georgian authorities about the case of Guram Absandze, a minister in the government of former President Zviad Gamsakhurdia, who was forcibly returned to Georgia from Russia on 19 March 1998 (the organization had opposed his return, see AI Index: EUR 01/02/98, Russia entry). The charges against him reportedly include embezzlement, relating to his previous term as a minister in the Gamsakhurdia government, as well as treason and banditry in connection with the attempted assassination of President Eduard Shevardnadze on 9 February 1998 and events in the west of Georgia in 1992 and 1993.

During the period under review the prosecution completed the case against Guram Absandze, and 12 co-defendants, and passed a reported 71 volumes of material on the case to the Supreme Court on 14 May 1999 for a trial date to be set. However, Guram Absandze's defence lawyer claimed that he and his client had time to review properly only 10 of those 71 volumes before the expiry of a time limit of 12 April. The lawyer, Malykhaz Dzhangirashvili, also alleged that his requests for an extension of the time limit were turned down three times, and that on 4 May he was excluded from taking a further part in the investigation by the official heading it.

Amnesty International sought further information on these allegations, and on what mechanisms for appeal may exist for the defendants if convicted given that the case was set to be heard by the Supreme Court of Georgia as court of first instance.

Concerns in the disputed region of Abkhazia

Detention of the crew of the Alioni

On 3 or 4 April the crew of a Georgian fishing boat named *Alioni*, from the port of Poti, were detained by Abkhazian border guards for allegedly "violating the sea border of Abkhazia", and taken to Sukhumi. The only female member, Nato Kvirkvelia, was released on or around 15 April, but the remaining nine crew members were still in detention at the end of the period under review. According to reports received by Amnesty International, the captain and the chief mechanic of the *Alioni* were to be charged with illegally entering Abkhazian waters, and the remaining crew with fishing illegally in a conservation area. It was unclear, however, when and what formal charges were laid, if any. Moreover, officials from the Abkhazian side were quoted as saying that the crew members could be released without any further legal proceedings, in exchange for four Abkhazian civilians said to have been captured in the Gali region by Georgian irregular armed forces.

In approaching the Abkhazians, Amnesty International sought further details on what provisions had been made to ensure that the men detained had been informed promptly and in a language which they

understood of the nature and cause of the charges against them, and whether they had been granted access to a defence lawyer of their own choice. The organization's main concern, however, was that if the nine crew members were indeed being held without formal charge, with their release conditional on an exchange for others, then in effect they were being held in the capacity of hostages. International standards prohibit the taking or holding of hostages in all circumstances.

Alleged ill-treatment

During the period under review Amnesty International also raised several cases in which it was alleged that Abkhazian forces had been involved in the ill-treatment, robbery or deaths of ethnic Georgians. The organization stressed it was aware that many reports on events from the Gali district, for example, could be extremely polarized, and welcomed any assessment or clarification of these events from the Abkhaz side including, if the reports were accurate, what steps were being taken to ensure comprehensive and impartial investigations, with the results made public and those responsible brought to justice.

Allegations received included the following. Two Georgian families, that of Revaz Djakhia in the village of Saberio and that of Djaniko Markhulia in Parto Nokhori, Gali district, were said to have been robbed and beaten on 7 January by Abkhazian gunmen. At around the same time the residents of Charcha village reported that they were threatened with deportation unless they provided regular food and a monthly payment to Abkhazian forces. On 6 May 1999 it was reported that Abkhaz forces had arrested brothers Mamuka and Manuchar Darsania, who had travelled from Zugdidi to the village of Mziuri in the Gali district, as well as two other men related to them who were named as Omar Gvaghvalia and Raul Badzaghua. The four men were said to have been taken to Sukhumi remand prison, where Mamuka Darsania was reportedly ill-treated during questioning about his alleged involvement with Georgian irregular armed forces.

Activities of Georgian irregular forces (update to information in AI Index: EUR 56/02/98)

During the period under review Amnesty International again approached the Georgian authorities about concerns relating to the activity of illegal Georgian armed formations in and around Abkhazia.

Such formations are said to have been responsible for the abduction of Abkhazian service personnel and civilians, and for holding them as hostages. For example it was reported that the bodies of three Abkhazian civilians named as Eduard, Shota and Arutan Gvaramia were said to have been found on 18 January this year. The three men, from the village of Bedia in Tqvarcheli district, were said to have been taken hostage in December 1998 in the village of Churburkhinji, Gali district. The Abkhazian authorities claimed Georgian illegal armed groups were responsible, and that at that time three Abkhazian servicemen from the Gali Commandant's Office were still being held as hostages by such groups. There were also reports of four Abkhazian civilians said to have been abducted by Georgian illegal armed groups in the Gali district and to be held by them as hostages in Georgian-controlled territory, whose release the Abkhazians were reportedly seeking in exchange for the crew of the fishing vessel *Alioni* (see above). The Abkhazian side further alleged that the details of these four men are known to the Georgian State Commission for Prisoner Exchanges, who had proposed their exchange for three ethnic Georgians sentenced to 13 years' imprisonment in Abkhazia.

Amnesty International is aware that the Georgian authorities have repeatedly denied any links with or support, financial or otherwise, to illegal armed groups. The organization is also aware of the difficulties

in identifying members of semi-clandestine, illegal armed formations, and many measures being taken may, for security reasons, remain secret. However, beyond a simple denial of any connections between the government and armed formations, Amnesty International has received no indication of substantive measures being taken to investigate the alleged complicity of some of those in authority in Georgia in the arming and operation of these groups, or of concrete steps being taken to apprehend known individuals who have claimed involvement. The organization has again urged that all appropriate steps be taken to ensure that anyone within Georgian jurisdiction responsible for human rights abuses in Abkhazia is apprehended and brought to justice.

The return of the civilian population (update to information in AI Index: EUR 56/02/98)

The security situation remained tense, in part as a result of the activities of irregular armed groups - including mine laying - and of general lawlessness. On 1 March the Abkhazian side unilaterally began implementation of a refugee return programme to the Gali district, but this was regarded with reservations by the international community and the Georgian side owing to the perceived lack of guarantees for the safety and security of the returnees. In a statement on 7 May, the United Nations Security Council demanded that both sides put a stop to the activities of armed groups and establish a climate of confidence allowing refugees and displaced persons to return. The Council reaffirmed the imprescriptible right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions.

Ratifications

On 22 March 1999 Georgia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolition of the death penalty

On 17 June Georgia signed Protocol Six of the European Convention on Human Rights, which outlaws the death penalty.

GERMANY

Death during deportation

Amnesty International learned of the death of a 30-year-old Sudanese national, Aamir Ageeb, during his forced deportation from Frankfurt airport to Khartoum via Cairo on 28 May. Amnesty International wrote to the German authorities expressing the concern that the actions of the officers of the federal border police (*Bundesgrenzschutz*) may have contributed to his death. It has been reported that before the departure Aamir Ageeb's arms and legs were bound by the federal border police when he resisted deportation and that a helmet was placed over his head. On the aeroplane the police officers are alleged to have forced the detainee's head between his knees and to have kept him in this position until after the aeroplane had taken off. After take-off Aamir Ageeb stopped struggling and was pushed upright by the police officers. When the helmet was removed from his head the police officers noticed that he had stopped breathing. Amnesty International expressed concern to the German authorities about the restraint techniques used by the federal border police and asked to be informed what guidelines existed relating to the use of various restraint techniques. It

welcomed the news that an investigation would be held into the circumstances surrounding the death and asked to be informed of the findings of the investigation.

Excessive force during forcible deportations and danger of refoulement

There were a number of allegations that some foreigners being forcibly deported were physically assaulted by police officers. In April Amnesty International wrote to the German authorities about two incidents of alleged ill-treatment by officers of the federal border police of a Sudanese national, Fathelrahman Abdallah, which reportedly took place at Frankfurt airport on 27 October 1998 and 12 November 1998. During these attempted deportations Fathelrahman Abdallah alleges he was physically assaulted by the police officers. On the second occasion a hood was placed over his head and the lack of oxygen caused him to panic and almost faint. One officer tried to force him into a seat and when he resisted the police officer punched him in the genitals. As a result of the blow Abdallah struggled so alarmingly for breath the police officers took him off the plane to the airport clinic. After being brought back to the detention centre in Nuremberg Fathelrahman Abdallah was in a state of severe shock. A medical report stated that Fathelrahman Abdallah's experience of attempted deportation at Frankfurt airport and his treatment by the police had caused severe re-traumatisation in the victim indicating that he had been previously tortured. Fathelrahman Abdallah had always claimed that he was a victim of electroshock torture in Sudan for being an active member of Sudan's opposition but this claim was initially rejected by the authorities.

It was with great concern that Amnesty International learned that Fathelrahman Abdallah was to be deported from Germany by the Bavarian authorities on 31 May. In the original letter Amnesty International urged the German government to allow Fathelrahman Abdallah to remain in the country so that a thorough and independent investigation into his claims of ill-treatment could take place. On 28 May Amnesty International wrote to the Minister of the Interior re-iterating its concerns and stressing that the medical evidence supporting Fathelrahman Abdallah's original claim that he was tortured in Sudan had apparently not been taken into consideration when assessing his case. The deportation of Fathelrahman Abdallah did not take place due to the death of Aamir Ageeb (see above) and the subsequent decision of the Ministry of the Interior that federal border police could temporarily not be used in deportations where resistance was anticipated.

During the temporary ban Amnesty International learned that authorities in Bavaria planned to deport Fathelrahman Abdallah using their own police. Although the threat was not eventually implemented Amnesty International was informed that Fathelrahman Abdallah would be deported on 19 June. On 15 and 16 June Amnesty International wrote to both the Minister of the Interior and the authorities in Bavaria citing new evidence that Fathelrahman Abdallah had been an active member of the Democratic Union Party of Sudan and there was a serious danger of *refoulement* if he were deported. The urgency of the case and the lack of response from the German authorities to any of Amnesty International's letters led the organization to initiate urgent membership action on Fathelrahman Abdallah's behalf. On 30 June 1999 Amnesty International was informed that the Constitutional Court (*Bundesverfassungsgericht*) in Karlsruhe had referred Fathelrahman Abdallah to another appeal at the administrative court (*Verwaltungsgericht*).

In April Amnesty International learned of another serious case of alleged ill-treatment by police officers during deportation. The Guinean national, Ibrahim Kourouma, alleges he was ill-treated by police officers at the Köpenick detention centre for asylum-seekers and by officers of the federal border police at Schönefeld airport in Berlin on 7 April. Ibrahim Kourouma alleges that when he refused to board the vehicle to the airport at Köpenick detention centre he was forced into it by six or seven police officers. During his forced removal he alleges he suffered blows to his head and body. One officer is said to have grabbed him by the neck and violently hit his head against the vehicle. At the airport Ibrahim Kourouma alleged worse treatment after he refused to board the aeroplane.

Among the ill-treatment he suffered Ibrahim Kourouma maintains that inside a police vehicle officers punched him in the face and body and kicked him while he was handcuffed. Inside an airport building he said he was grabbed by his shoulders and dragged at least 20 metres across the floor of the building, even though he stated he was both able and willing to walk. At this time his upper body was bare. He was then placed in a room furnished with a table approximately one metre wide and laid on his back across the table with his hands and feet fastened with handcuffs to the table. Ibrahim Kourouma's lower back rested on the edge of the table causing him pain. He alleges that he spent around three hours in this position with his back arched backwards. Furthermore, one officer placed a wet T-shirt over Ibrahim Kourouma's head causing him breathing difficulties. Only by continually moving his head was he able to remove the T-shirt from his face.

On 12 May Amnesty International wrote to the German authorities asking to be informed of any investigation into the incident and the steps the Berlin authorities are taking to prevent recurrences of such ill-treatment by officials. A doctor who treated him in Berlin on the 10 April stated that Ibrahim Kourouma had a number of injuries and the injuries sustained by Ibrahim Kourouma are explainable by the events he described at Schönefeld airport on 7 April. The organization urged that Ibrahim Kourouma be allowed to remain in the country while the case of alleged ill-treatment was being investigated. On 5 July Amnesty International received a reply from Senator of the Interior (*Senator für Inneres*) in Berlin stating that an investigation into the allegations had been initiated but had not been completed at the time of writing.

Alleged ill-treatment of prisoners

During the period under review Amnesty International learned of the alleged ill-treatment of an Austrian national by prison officers while in detention in Germany. The detainee also maintained that prison officers injected him with medication against his will. Gerhard Fidler was taken into custody on 10 November 1998 after allegedly giving a false witness statement at a district court hearing (*Amtsgericht*) in Traunstein, Bavaria. He spent three days in custody from 10 November to 13 November 1998 for his alleged perjury. During his detention he reportedly suffered two nervous attacks. The second reportedly occurred on 13 November 1998 at a detention centre in Traunstein (*Justizvollzugsanstalt Traunstein*). During the daily exercise period in the detention centre yard on the morning of 13 November he says he suffered a nervous attack and fell to the ground. Instead of providing him with medical assistance, Gerhard Fidler has stated that he was carried to a room by four or five prison officers where they allegedly hit him. He says the prison officers injected him with drugs against his will in his right arm and right thigh causing some injury in the process. He maintains he lost consciousness and woke up about two hours later tied to a bed in a medical room, still feeling heavily disorientated and dazed through the effects of the drugs. At about 2pm the same day he alleges he was released from the detention centre. Amnesty International urged the German authorities to investigate this incident of alleged ill-treatment of a detainee by prison officers and asked to be informed of the findings. The organization also requested to be informed of prison guidelines regulating the forcible use of medication and to what extent prison officers are trained to dispense such medication. It asked to be informed of the guidelines in place for the treatment of detainees suffering from mental health problems.

HUNGARY

New cases of alleged ill-treatment of Roma

There was a series of reported police ill-treatment incidents in Hajdúhadház (see AI Index: EUR 27/01/99). Most victims were Roma, and at least two minors were apparently not awarded the special protection due under Hungarian law. On 11 January, at around 8pm in Hajdúhadház, Attila Rezes, a 16-year-old Romani youth, and D.B., a 17 or 18-year-old Rom, were stopped by two police officers who reportedly kicked them and beat them with rubber truncheons. The youths were then interrogated in the Hajdúhadház police station about the breakage of a shop window. Officers reportedly struck Attila Rezes with their fists and with truncheons on his head, legs and shins. At around 12.30am Attila Rezes was released from the police station without being charged with any criminal offence.

On 13 January Attila Rezes lost consciousness and was hospitalised with an intra-cranial haematoma. He was immediately operated on and remained in hospital for 11 or 12 days. Responding to Amnesty International appeals in June, the Deputy Chief Procurator advised that after an investigation, on 28 May four police officers were charged with various degrees of assault on Attila Rezes and D.B. and one civilian was charged with perjury.

Another report of police ill-treatment in Hajdúhadház concerns three men and a boy who were interrogated four times between 6 and 10 March. Twenty-one-year-old K.M., his 19-year-old brother F.M., and G.D., their 15-year-old cousin, were detained on the morning of 6 March, following a police search of their homes. M.P., who is 19, voluntarily went to the police station shortly afterwards. During successive, individual interrogations lasting from about 15 minutes to half an hour, concerning a break-in the previous night, all four detainees, three of whom are Roma, were reportedly beaten and racially insulted by three police officers.

The detained youths were released without charge, and were questioned again on 8, 9 and 10 March. On 8 March, G.D.'s father came to the police station but was not allowed to be present during his interrogation. G.D. reportedly signed a statement he did not read. On 10 March, K.M., F.M., G.D. and M.P. were taken into the courtyard behind the police station to be photographed. Around 10 other detained Roma were also present there when a police officer reportedly led a dog among the detainees, encouraging it to snap at them, while another police officer mocked and threatened them.

On 12 March the television channel *RTL-Klub* featured allegations of police ill-treatment in Hajdúhadház, interviewing Attila Rezes and three other individuals whose identities were obscured, in its documentary program *Fókusz*. On 14 March, D.K., one of the interviewed men, was detained by the police, allegedly in connection with a theft on 5 March. D.K. was reportedly beaten by an officer who stated that "special" treatment was warranted by his appearance on "that television program". He was told to return on 16 March at 7am. A lawyer accompanying D.K. was not allowed to be present during the interrogation. Later D.K. was allowed to leave, but after his lawyer departed he was reportedly stopped near the police station and taken back into custody where he was threatened not to make any further statements about police ill-treatment. The two other men who appeared on the *Fókusz* program, both of whom are Roma, went into hiding because they feared similar police harassment.

On 17 March journalists from the *Fókusz* program returned to Hajdúhadház and accompanied D.K. and J.H., one of the Romani men who had gone into hiding, to a local bar known to be frequented by police officers. Filmed by a hidden television camera, a police officer twice struck D.K. on the face. At least two other officers who were present failed to protect D.K. The incident was broadcast by *RTL-Klub*. Amnesty International wrote to the Hungarian authorities about the Hajdúhadház cases on 11 May. Replying in June, the Deputy Prosecutor General advised that after an investigation the police officer who interrogated D.K. was charged with assault and abuse of office, the officer who struck D.K. in the bar was charged with bullying and assault and was dismissed, and the joint owners of the bar were charged with perjury for having claimed that nothing happened.

The Deputy Prosecutor General further advised that in the wake of the *RTL-Klub* broadcast, the head of Hajdú-Bihar county police has excluded Hajdúhadház police from taking part in further investigations and designated Debrecen city police as the new investigating authority. On 19 June the newspaper *Magyar Hírlap* reported on a press conference held on 18 June by the Ministry of the Interior's Department of Oversight, which reportedly stated that half of the officers of the Hajdúhadház police are now under investigation in relation to complaints received over the last three years, in particular concerning the use of force during interrogation, and that Hajdúhadház has the highest reported level of police coercion in Hungary. The Ministry reportedly concluded that in Hajdúhadház, citizens did not have adequate possibility to complain against the police.

IRELAND

Human Rights Commission proposals

In March Amnesty International wrote further to the Minister of Justice concerning the establishment of a Human Rights Commission in the Republic of Ireland (see AI Index: EUR 01/01/99). In the letter Amnesty International addressed some of the key proposals which had been outlined by the government. Amnesty International welcomed the proposals to provide the Commission with the powers to initiate inquiries, and to compel and obtain information and evidence. However, the organization also made comments on other aspects: the functions, the resources, the definition of human rights, and the composition of Commission members.

Amnesty International believes that one of the core functions of a Commission should be the right to review existing legislation, as well as all proposed legislation, to ensure that the provisions are consistent with international human rights standards and to be empowered to recommend legislative changes or amendments where necessary. The Commission should also monitor and report on compliance with human rights standards and international treaty bodies' recommendations. The organization urged the authorities to expand the definition of human rights to cover the full range of human rights enshrined in international standards, including but not limited to those regional and international treaties to which Ireland is a party. Concerning the composition, Amnesty International urged the authorities that the Commission include people who have human rights experience and who are fully representative of civil society. It encouraged the government to ensure that all the provisions for the future Human Rights Commission would be in conformity with the UN's Paris Principles on National Institutions for the Promotion and Protection of Human Rights.

In June representatives of Amnesty International met the Minister of Justice and Ministry officials, and put forward the organization's comments about the proposed Human Rights Commission. In addition, the representatives raised concerns about asylum legislation, emergency legislation, police complaints procedures and inquests. The Minister of Justice informed Amnesty International that the government was considering the incorporation, into domestic law, of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Amnesty International also urged the government to initiate an inquiry into the full circumstances of the 1974 Dublin and Monaghan bombings.

ITALY

(See also *Women in Europe*, page 76).

UN Committee against Torture examines Italy's record

In May the UN Committee against Torture examined Italy's third periodic report on its implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International took the opportunity to bring to the attention of the Committee and the Italian government some of its recent concerns relating to alleged torture and ill-treatment by law enforcement and prison officers in Italy and by members of the Italian armed forces in Somalia.

In its submission to the Committee, published in May under the title *Italy - A briefing for the UN Committee against Torture* (AI Index: EUR 30/02/99), Amnesty International expressed concern that, although Italy has adopted a number of administrative and legislative measures designed to combat use of torture and ill-treatment, in the organization's experience, these are not fully respected in practice. The briefing also summarized the main findings about the ill-treatment of detainees and prisoners which had been issued by various inter-governmental bodies since Italy's previous examination by the UN Committee against Torture in 1995, including the UN-based Human Rights Committee, the UN Committee on the Elimination of Racial Discrimination, the Council of Europe's Committee for the Prevention of Torture and its Commission against Racism and Intolerance.

Amnesty International pointed out that there are numerous allegations of law enforcement officers inflicting gratuitous and deliberate violence on individuals detained in connection with common criminal offences -- frequently drugs-related -- or in the course of identity checks. The allegations of ill-treatment relate to the moment of arrest and the first 24 hours in custody and concern both Italian nationals and foreigners, with an increasing number of women appearing as alleged victims. A high proportion of the allegations received by Amnesty International concern foreign nationals, many from Africa and a number of Roma.

The submission also noted that during 1997 and 1998 Amnesty International had received allegations of ill-treatment inflicted by prison guards from around 10 Italian prisons and pointed out that there is concern that in some prisons the overall conditions of detention may amount to inhuman and degrading treatment.

Amnesty International also expressed concern that the bringing of criminal counter-charges against a high proportion of those alleging ill-treatment by public officers might effectively dissuade genuine victims of ill-treatment from complaining. It also commented that, although judicial investigations are routinely opened when formal complaints are lodged, some appear to lack thoroughness and a number of criminal proceedings relating to such complaints have been subject to excessive delays.

The briefing included illustrative examples of cases of alleged ill-treatment by law enforcement and prison officers. It also drew attention to the allegations emerging from June 1997 onwards that members of the Italian armed forces ill-treated, tortured and unlawfully killed Somalis in 1993 and 1994, while participating in a UN-authorized multinational peace-keeping operation. It summarized the main findings and recommendations of the Government Commission of Inquiry into the conduct of the armed forces in Somalia. It also recalled that in June 1997 Amnesty International had urged the establishment of an effective complaints mechanism for Somalis alleging human rights violations by Italian soldiers and in July 1997 recommended that those carrying out official investigations into the allegations carry out on-site investigations and collect witness testimony in Somalia as soon as possible. Amnesty International remains concerned that no such steps were taken.

Amnesty International's submission also pointed out Italy's continuing failure to introduce a specific crime of torture, as defined in Article 1 of the Convention against Torture, into the Penal Code, as

recommended by the UN Committee against Torture during previous examinations of Italy. It drew attention to a draft law put forward in December 1998 by a group of senators proposing, among other things, the introduction of such a crime, based on Article 1 of the Convention, and the establishment of a fund for victims of torture, attached to the Prime Minister's office, in order to ensure compensation for acts of torture, in line with Article 14 of the Convention.

In May 1999 the UN Committee against Torture welcomed the introduction of the draft law in parliament and urged that "the legislative authorities ... proceed to incorporate into domestic law the crime of torture as defined in article 1 of the Convention and make provision for an appropriate system of compensation for torture victims." The Committee highlighted its concern that, despite efforts made by the authorities "the prison system remains overcrowded and lacking in facilities which makes the overall conditions of detention not conducive to the efforts of preventing inhuman or degrading treatment." It also recommended that all prisoners' correspondence addressed to "international bodies of intervention and settlement of disputes be excluded from 'censor checks' by prison personnel or other authorities."

At the same time the Committee expressed concern that reports of cases of ill-treatment of detainees continued and that "many of them involved foreigners."

With regard to events in Somalia - during the questioning of the Italian government's delegation the Committee member acting as the Rapporteur on Italy, noting the "meagre" information supplied on this subject in the Italian government's report, commented that the Committee considered the Government Commission of Inquiry's failure to carry out a single visit to Somalia to be a "major shortcoming" and considered Amnesty International's June 1997 proposal for the establishment of an effective complaints mechanism for Somalis to be "very useful" and meriting "serious consideration." In response the government delegation argued that conditions on the ground in the collapsed state of Somalia prevented any on-the-spot investigation and that this was the reason why the government did not take into consideration Amnesty International's recommendation which it recognized, however, as a good recommendation in principle.

The Committee subsequently expressed concern about "lack of training in the field of human rights", in particular lack of training regarding "the prohibition against torture" (contained in Article 10 of the Convention) given to the troops participating in the peace-keeping operations in Somalia and "the inadequate number of military police accompanying them." The Committee considered these factors "responsible in part for the incidents that occurred in Somalia." It urged that the government inform the Committee of the progress and result of the judicial proceedings resulting from the incidents in Somalia.

Members of the Argentine armed forces to be tried for the kidnapping and murder of Italian citizens

In May a Rome judge committed a former Argentine army general for trial on charges of ordering the murder in Argentina of six individuals of Italian or dual Italian-Argentine nationality and the kidnapping of the child of two of them. The child disappeared immediately after its birth in a secret detention centre. Six other military officers were committed for trial for the murder of two further Italian citizens. The trial is scheduled to open before Rome Court of Assizes in October 1999. In December 1998 the Italian government constituted itself a civil party to the criminal proceedings and requested compensation amounting to some six million US dollars. Under Italian law the accused, all of whom are currently outside Italian territory, may be tried *in absentia*.

The crimes occurred during the years of military rule in Argentina (1976-1983) when thousands of people, including dozens of Italian citizens, were abducted by the security forces and "disappeared". Among

the “disappeared” are some 200 children, including around 10 of Italian descent, born in clandestine detention centres and some of whom are believed to have been given to childless couples connected to the armed forces and police to raise as their own.

The forthcoming trial is the result of investigations opened by the Italian judiciary in 1983 following complaints by relatives of the Italian “disappeared”. Relatives have no avenue of legal redress in Argentina with regard to the “disappeared” since laws enacted in 1986 and 1987 closed all cases, with the sole exception of cases related to the abduction of children. The proceedings have suffered numerous delays and setbacks both in Argentina where, in 1994, the Federal Appeals Court upheld an injunction to stop Italian magistrates from interviewing witnesses in Argentina, and also in Italy where, in 1995, the proceedings were threatened with closure without any further action.

Amnesty International has worked on behalf of the “disappeared” of Argentina since the military coup of 1976, when the systematic illegal abductions began. In 1995, in the context of its campaigning to bring those responsible for such human rights violations to justice, Amnesty International joined the relatives of the “disappeared” and civil rights groups in Argentina and Italy in calling on the Italian authorities to keep the criminal proceedings into the “disappeared” open. It argued that to close the investigations would deny the families access to information about the fate of their relatives and the possibility of bringing those responsible for the human rights violations to justice. It also underlined that international standards have established universal jurisdiction for certain human rights crimes which may be tried in any country, not only in the country where they were perpetrated.

Fair trial concerns: the cases of Adriano Sofri, Ovidio Bompressi and Giorgio Pietrostefani (update to information given in AI Index: EUR 01/01/99)

There were further developments in the cases of Adriano Sofri, Giorgio Pietrostefani and Ovidio Bompressi, leading members of the former extra-parliamentary left-wing group *Lotta Continua* (Continuous Struggle) who began 22-year prison sentences in January 1997 for participation in the killing of Police Commissioner Luigi Calabresi in 1972. Ovidio Bompressi’s prison sentence was temporarily suspended on health grounds in April 1998. Amnesty International has repeatedly expressed concern about the excessive length and complexity of the judicial proceedings leading to the imprisonment of the three men and about several other aspects of the proceedings which raise serious doubts about their fairness.

In February Brescia Appeal Court pronounced on the prisoners’ application for a review of the sentence issued by Milan Appeal Court’s Third Section in 1995 which had resulted in their imprisonment after nine years of judicial proceedings and seven trials. The men argued that the application contained new witness, technical and ballistic evidence and that the proceedings qualified, therefore, for review. Milan Appeal Court’s Fifth Section had already ruled their application inadmissible in March 1998 but in October 1998 the First Section of the Supreme Court had annulled the decision and referred the application back to appeal court level for re-examination. When Brescia Appeal Court also ruled their application inadmissible the men lodged a further appeal with the Supreme Court. In May the Fifth Section of the Supreme Court annulled the Brescia Appeal Court ruling and referred the application to Venice Appeal Court for re-examination. The Court’s decision was still awaited at the time of writing.

KAZAKSTAN

Release of prisoner of conscience Madel Ismailov (update to AI Index: EUR 01/02/98)

Madel Ismailov was released from Petropavlovsk prison camp around 24 February on completion of his sentence. He had been sentenced to one year's imprisonment for slandering the President of Kazakhstan in February 1998. According to his public defender the manner of the release was rather unusual, in that usually released prisoners are just given a train ticket and sent on their way home. However, Madel Ismailov was taken home to Almaty under escort, spending a night en route in a prison cell in Kochketau. At a press conference shortly after his return to Almaty, Madel Ismailov reportedly expressed a complete lack of repentance, saying that he was prepared to repeat his criticism of the authorities and go to jail again, if necessary. He stated that the government claims that conditions in the country's prisons had improved since the adoption of a new criminal code were untrue. He said that he wanted to set up an organization in Kazakhstan to protect prisoners' rights and to write a book on prison conditions. In a newspaper interview in May he described the Petropavlovsk prison camp as one of the worst detention centres in the country. According to Madel Ismailov, conditions of detention were harsh with prisoners being deprived of even their most basic rights, such as the right to medical care, for example. Personal belongings and parcels from relatives were regularly confiscated by prison personnel. Arbitrary beatings with rubber truncheons were a common form of punishment. The camp reportedly only had four working showers for some 150 prisoners who were collectively given an hour a week to use them. According to Madel Ismailov the prisoners were too frightened to complain about conditions of detention and suicides or attempted suicides were common.

Forcible deportations (update to EUR 01/01/99)

In February Kazakhstan Television and other unofficial sources in Almaty reported the forcible return to China of three young Uighur men, Hemit Memet, Kasim Mahpir and Ilyas Zordun who were seeking asylum in Kazakhstan. They were returned to the Xinjiang Uighur Autonomous Region (XUAR). Kazakhstan Television reported on 11 February that Kazakhstan's Ministry of National Security had deported the three men. They had been arrested a few months earlier while trying to cross the border from China into Kazakhstan. The three had reportedly sought political asylum in Kazakhstan and subsequently had been kept in police custody. They fled China after "wanted" posters had been distributed by security organs in XUAR, their home province. The posters indicated that Hemit Memet was being sought by the Chinese authorities on suspicion of involvement in "separatist" political activities. The two other men were reportedly wanted for similar reasons. A warrant to arrest all three men was issued by the Ghulja Municipal Security Bureau during 1998. The return to China of these three Uighur men heightened Amnesty International's concern that the Kazakhstan authorities were complying with China's request to a number of Central Asian republics to help China fight what it terms "ethnic separatism" in XUAR. In June Amnesty International received information that Hemit Memet, Kasim Mahpir and Ilyas Zordun had reportedly been moved from a prison in Urumqi, the capital of XUAR in May to the Public security (police) detention centre in the city of Gulja (Yining) where they were detained incommunicado. There was concern that they were at serious risk of being tortured in detention and might face the death penalty.

KYRGYZSTAN

Deregistration of the Kyrgyz Committee for Human Rights (update to AI Index: EUR 01/01/99)

At the end of September 1998 the Ministry of Justice revoked the registration of the Kyrgyz Committee for Human Rights (KCHR) amid allegations that the timing of the deregistration was politically motivated. Since then the KCHR had tried to reregister and at the end of March submitted a final set of duly completed registration documents to the Ministry of Justice. In May the KCHR was informed that a public association of the same name but under a different chairman was registered by the Ministry of Justice in April. The deputy Minister of Justice reportedly told a television news program that a majority of KCHR members had decided to elect a new chairman and that the decision to reregister the KCHR under a different chairman was justified. This was contested by members of the original KCHR who alleged that the registration of a new organization under the same name was an attempt by the authorities to prevent a well-known human rights organization from legally carrying out their work. A conciliation commission set up by the Presidential administration failed to resolve the issues and in June the original KCHR was threatened with expropriation and confiscation of its office equipment.

LATVIA

Abolition of the death penalty

In April Amnesty International welcomed the decision of the Latvian parliament (*Saeima*) to ratify Protocol No.6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Protocol No. 6 provides for the abolition of the death penalty except in time of war or the imminent threat of war. The decision to ratify Protocol No.6 on 15 April signalled an important commitment to protect fundamental human rights in the country.

Latvia made the commitment to abolish the death penalty in February 1995 within three years of its accession to the Council of Europe. After joining the Council of Europe the Saeima debated the question of abolition of the death penalty on a number of occasions but without reaching a consensus on abolition in law. In May 1998 the Saeima rejected an initiative of the parliamentary legal committee to abolish the death penalty from the Latvian Criminal Code by 27 votes to 20 with 17 abstentions. However, President Ulmanis refused to promulgate the law adopting the new Criminal Code, and instead sent it back to the Saeima and the appropriate committees for consideration. Nevertheless, in June 1998 a small majority in the Latvian parliament voted for a new Criminal Code which retained the death penalty. Irrespective of the new Criminal Code the Latvian government signed Protocol No.6 on 26 June 1998 and the existing moratorium on executions stayed in place. President Ulmanis announced to the Parliamentary Assembly of the Council of Europe in September 1996 that he would grant all requests for clemency submitted to him pending a decision by parliament. Amnesty International believes that the last executions took place in Latvia in January 1996.

On 15 April a large majority of the members of the recently elected Saeima voted - 65 for, 15 against, five abstentions - for the ratification of Protocol No.6. On 7 May it was officially ratified. In April Amnesty International wrote to President Ulmanis welcoming these positive developments and urged the Latvian authorities to move to complete abolition by removing the remaining provisions relating to the death penalty from Latvia's Criminal Code. The organization learned that the Saeima introduced a new Criminal Code in April reportedly containing several clauses relating to the death penalty. Amnesty International asked for the reassurance that international treaty obligations, such as Protocol No.6, have priority over domestic provisions in Latvian law.

LITHUANIA

Abolition of the death penalty

Lithuania joined the increasing number of states to abolish the death penalty on 22 June when the Lithuanian parliament (*Seimas*) voted to ratify Protocol No.6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms with an overwhelming majority. Protocol No. 6 provides for the abolition of the death penalty except in time of war or the imminent threat of war. After the ruling of the Constitutional Court of Lithuania on 9 December 1998 that the death penalty was unconstitutional Lithuania made rapid progress to abolition during peace time. The Constitutional Court ruled that the death penalty violated the basic human rights to life and protection from cruelty which are enshrined in the country's constitution. On 21 December 1998 an overwhelming majority of 76 members of the Seimas voted for new legislation which replaced the death sentences with life imprisonment, with only three members against. As a result of this legislation Lithuania's handful of nine death sentence prisoners were given life sentences. On 18 January Lithuania's Permanent Representative to the Council of Europe, Aurimas Taurantas, signed Protocol No.6. During the vote in the Seimas on 22 June only two members of the Seimas voted against ratification (with two abstentions) and 73 members voted in favour of ratification and for the abolition of this form of cruel and inhumane punishment. On 8 July Lithuania officially ratified Protocol No.6.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Please see entry under Yugoslavia, *International response to refugee crisis* (page 67) for refugee concerns during the Kosovo crisis.

NORWAY

Alleged cruel and inhuman treatment of Iranian asylum-seekers by police officers

In February Amnesty International expressed concern to the Minister of Justice about the alleged cruel, inhuman or degrading treatment by police officers of Behzad Zamani, an Iranian asylum-seeker. In its letter Amnesty International urged the Norwegian authorities to ensure that all investigations into Behzad Zamani's case be promptly and impartially conducted and that those responsible be brought to justice.

According to reports received, on 12 November 1998 three police officers broke into Behzad Zamani's room at the asylum hostel at Melbu Centre to deport him subsequent to the rejection of his asylum application. Mr Behzad Zamani, reportedly out of fear and in a panic, jumped out of the window seriously injuring himself. Despite severe fractures to his arms, hands and feet, the police handcuffed him, dragged him to a waiting police car and forced him into a sitting position although he pleaded to be allowed to lie down. In medical reports, doctors criticize the fact that he had been handcuffed and not taken to the hospital on a stretcher, as his condition would have required. The Norwegian Ministry of Justice replied to Amnesty International in June apologizing for the way in which he had been treated, but denying that any indictable offence had taken place.

PORTUGAL

Prison protests continue

Amnesty International received reports not only about ill-treatment by prison officers but also about the inhuman and degrading prison conditions which often form the basis of ill-treatment cases (see also EUR 01/02/98, EUR 01/01/99 and *Amnesty International Report 1999*). The allegations related to severe overcrowding, poor standards of hygiene and sanitation without effective access to the benefits of the national health service (SNS) and corresponding prevalence of medical neglect; the continuing proliferation of cockroaches, fleas and rats, the spread and fear of contagious diseases such as tuberculosis, the escalation in the numbers of prisoners with HIV and AIDS and the widespread problem of drug addiction.

Portugal's prison population stands at about 14,500 with a reported ratio of one prisoner to 800 inhabitants. The high percentage of the prison population in preventive detention awaiting trial has now dropped slightly from about 34 per cent to 28 per cent. The average 60-70 percentage of drugs-dependent prisoners is reported to have risen to 70 or 80 per cent in Lisbon, Paços de Ferreira, Pinheiro da Cruz, Oporto, Caxias, Portimão, Sintra, Aveiro, Elvas and Evora and to as much as 90 per cent in Setúbal. According to data provided by the medical director of Linhó prison (Sintra) between 20-25 per cent of prisoners in Portugal commit acts of self-mutilation. A number of prisoners complained to Amnesty International in reports and letters that they had contracted diseases such as tuberculosis and hepatitis B in prison but had not received adequate or competent medical assistance. One prisoner reported that, unable to wait any longer to see a dentist, he had been forced to extract his own teeth. Some prisoners said they actively avoided necessary medical treatment for fear of contracting an illness in the waiting rooms of the prison hospitals where, in many cases, no efforts had been made to separate those with contagious diseases.

Allegations were also received from prisoners at Linhó (Sintra) that the prison governor and head of custodial staff seemed powerless to prevent beatings of inmates by guards "almost every day".

A highly critical report on the state of Portuguese prisons was published in 1996 by the Ombudsman for Justice, Menéres Pimentel, who recently carried out a new inspection. He recognized that the authorities had made an "appreciable" effort to improve living and hygiene conditions over the last two years but found that the overall situation was, if anything, "as or more black than in 1996", largely owing to the pressures caused by drug dependency and the rise in infectious diseases.

On 30 June the parliamentary health commission approved a draft law allowing prisoners easier access to the national health system.

Lisbon street festival ends with allegations of "police brutality"

The General Inspectorate of Internal Administration (IGAI) opened an inquiry into allegations of ill-treatment by officers of the Public Security Police (PSP) after two participants in a "reclaim the streets" festival in Lisbon on 23 January lodged judicial complaints. One of these, Pedro Sousa, an art restorer, alleged he had been assaulted by a PSP plainclothes officer at a police station after the festival. A number of other festival-goers were also reportedly beaten or pistol-whipped and lodged complaints.

Inspired by the "Reclaim the Streets" festivals held annually in various cities in the UK, the street event took place on and around the Avenida da Liberdade and was attended by about 100-150 young people, some of whom sang and danced, played drums and bugles and performed acrobatics or juggled on unicycles. As the festival moved into the Rossio area some were arrested by PSP officers who claimed the event was illegal. After scuffles with police, a young woman was taken to the Hospital de S. Francisco Xavier,

reportedly with a broken nose. She alleged she had been beaten around the head. About two hours later, and a short distance away, some participants were reportedly surrounded by about 40 police officers and two youths, a young woman and an older man were allegedly beaten with batons. Statements by a journalist from the weekly magazine *Expresso*, who witnessed the events, and from several other eye-witnesses, were consistent in their claims that the police had given no verbal warning to the festival participants to disperse before using force against them.

Pedro Sousa claimed he had been taken to the PSP station of rua Taipas, where he was held for several hours in handcuffs without being able to go to the toilet. Later an officer in plainclothes and without identification chained his feet and he was taken to a lower room in the station where he was punched, kicked, kneed and insulted. Pedro Sousa claimed that the same man assaulted him several times during a two-hour period, after which he was taken to the cells of the *Governo civil* and held there over the weekend before being released.

Police accused festival-goers of using "baseball bats" as weapons, although the latter maintained that the "bats" were in fact juggling clubs. Pedro Sousa was among those facing charges for assaulting an officer with a baseball bat.

Police ambush and kill alleged drug dealer

In January the public prosecutor opened an inquiry into claims that in December 1998 PSP officers had lured to an ambush an alleged drug dealer, Manuel Magalhães Silva, of Aião, Felgueiras, and fired on him with a sub-machine gun. He died later, after being transferred from the Hospital de Amarante to that of S. António in Oporto.

Amnesty International was concerned by a report about the circumstances of the shooting. This stated that a drug user who had been arrested by police hours before for possession of heroin was used as "bait" to arrest Manuel Magalhães Silva and was driven to a rendezvous with him at Serrinha, Amarante by three plainclothes PSP officers of the *Brigada Anticrime* (BAC) of Chaves. Apparently noticing the presence of police and realizing that a trap had been set, the alleged dealer started to pull away, and was then fired on from behind. A bullet reportedly entered his spinal column.

The public prosecutor opened an inquiry with the aim of clarifying a number of aspects relating to the police action. The officers were said to be operating outside their geographical area of competence and to have received no authority to carry out the operation. An investigation was also being carried out into the provenance of several tens of thousands of escudos being carried by the user as part of the "bait".

New regulations on police custody

Detailed Regulations on the Material Conditions of Detention in Police Establishments³ came into force in May. They affect both the PSP and the National Republican Guard (GNR). According to the Minister of Internal Administration, Jorge Paulo Sacadura Almeida Coelho, the conditions under which suspects had, in the past, been held in police stations had been "a frequent object of criticism by international human rights institutions and organizations", but in recent years the situation had improved and "it is now important to ensure that it does not deteriorate".

³*Regulamento das Condições Materiais de Detenção em Estabelecimentos Policiais* (Despacho no. 8684/99 [2ª Série] do Ministro da Administração Interna), published in *Diário da República* II Série, no.102, on 3 May 1999. This covers a period of detention or police custody up to 48 hours.

The regulations stipulate that “every person detained must be treated with humanity and with respect for the dignity of the human person, without discrimination of any kind, whether on grounds of nationality, social condition, political, religious or other conviction”.

ROMANIA

New report of police ill-treatment

Constantin Buzatu was reportedly assaulted by four men in Craiova at about 10.30pm on Friday 30 April. Three of these men were later identified as police officers. Constantin Buzatu was driving home when his car was blocked by two other cars, to his front and rear, outside the “Jiul” hotel. Allegedly two men emerged from each of the two cars, all in civilian dress, and the four of them beat Constantin Buzatu with their fists. Constantin Buzatu recognised one of them as Lieutenant B. of Craiova police, 4th precinct, and called out the officer’s name. At this, Lieutenant B. reportedly told his three companions to stop their attack and Constantin Buzatu escaped in his car.

Constantin Buzatu immediately tried to register a complaint at Craiova 4th precinct police station, but was refused. Lieutenant B. arrived at the police station shortly after Constantin Buzatu, and reportedly claimed that he had attempted to protect Constantin Buzatu from the other three men, whom he did not know. On leaving the police station Constantin Buzatu saw the three other assailants waiting in a parked car. He returned to the police station and asked the duty officer to assist him. This was refused, but Lieutenant B. agreed to accompany Constantin Buzatu, and they both walked towards the parked car. The three men emerged and again allegedly assaulted Constantin Buzatu with their fists, just four or five metres outside the police station, in the presence of Lieutenant B. Constantin Buzatu screamed and ran back into the police station, where he again asked for assistance and was refused. Constantin Buzatu twice returned to the police station later the same night with his family to attempt to register a complaint, but was again turned away.

From 1 to 3 May Constantin Buzatu obtained local newspaper and television coverage of his case, and a forensic medical certificate which noted lesions caused by violence, and bruising around his face. On 1 May Constantin Buzatu was reportedly approached by Lieutenant B., who introduced the three other alleged assailants as his police colleagues sergeant I.B. and sergeant M.F., and the third as the latter’s civilian brother M.F. They reportedly admitted the attack and asked forgiveness, claiming they had been drunk. On 3 May Constantin Buzatu made a complaint to the Craiova military prosecutor’s office. On 7 May this office issued a decision not to indict the police officers. Its letter Nr. 294/P/1999 stated that only the civilian M.F. had struck Constantin Buzatu, and that this should be pursued in a civilian court. M. F. was reportedly able to present a forensic medical certificate detailing injuries similar to those of Constantin Buzatu.

Amnesty International called upon the authorities to initiate a thorough and impartial investigation of the alleged police ill-treatment of Constantin Buzatu, and to fully implement the 1993 United Nations Human Rights Committee recommendations, which called for greater control over the police, intensive training and education programs aimed at law enforcement officials, and strengthened recourse procedures for victims of police abuse.

RUSSIAN FEDERATION

(See also *Women in Europe*, page 76).

Prisoners of conscience

The case of Aleksandr Nikitin (update to information given in *Amnesty International Report 1999*)

On 2 July the Federal Security Services (FSB) issued an indictment charging Aleksandr Nikitin for the eighth successive time with high treason and revealing state secrets. This time the federal law was also applied retroactively against Aleksandr Nikitin. The indictment contains references to the 1997 edition of the Law on State Secrets, although the case was launched in 1995.

The case was sent to the FSB for additional investigation in February 1999 by the ruling of the Supreme Court of the Russian Federation. The Supreme Court confirmed the earlier ruling of the St Petersburg City Court that the indictment was vague, the expert evaluation of the state secrets in the Bellona Report was inconsistent, while the assessment of the damage caused by the actions of Aleksandr Nikitin to the security of the Russian Federation was incomprehensible. In addition, both the Supreme Court and the Russian Office of the Procurator General instructed the FSB not to use secret and retroactive decrees and normative acts in the indictment. "The new indictment is a blue-print of the previous one," Aleksandr Nikitin was quoted as saying. "It is even worse since before they applied retroactive secret normative acts, now they use retroactive federal law in addition."

The FSB announced that the end of the additional investigation would be pronounced at the beginning of July. After that a two-month discovery phase would take place during which Aleksandr Nikitin and his defence will read through the case files. The case is expected to come up again in court in September or October this year.

The case of Grigory Pasko (update to information given in AI Index: EUR 01/01/99)

The closed military trial of prisoner of conscience Grigory Pasko, a Russian naval captain and journalist accused of high treason, continued in Vladivostok. In July the defence lawyers of Grigory Pasko concluded their defence with a denial of all charges. The trial, which began in January, was expected to finish with a verdict by the end of July. The prosecution has called for a 12-year prison term, the minimum sentence allowed in treason cases. The media continued to be barred from the courtroom by the military tribunal. Amnesty International called for the immediate and unconditional release of Grigory Pasko from detention and for all charges against him to be dropped.

Prison conditions: new amnesty law adopted

In June Amnesty International welcomed the adoption by the Russian State Duma of a new law designed to grant amnesty to around 100,000 detainees and prisoners in the Russian Federation as a positive step which, however, did not tackle the deficiencies of the criminal justice system. The organization expressed concern that the new amnesty law should not be regarded by the authorities as a quick-fix solution aimed at easing heavily overcrowded detention centres and colonies holding up to one million prisoners. Amnesty International called on the authorities to take steps to ensure that the whole justice system is reformed rather than simply adopting amnesty laws to release thousands of detainees, many of whom should not have been detained in the first place. It was reported that the amnesty applies to people convicted of non-violent crimes, war veterans, pregnant women and women with children, adolescents, elderly people and invalids. It was not clear how many people would actually be freed under the amnesty. Minister of Justice Pavel Krashennnikov was quoted as saying that among those released from prisons would be 3,500 veterans and

invalids, 2,000 adolescents, 11,000 women and 13,500 prisoners serving their first sentence. It was also reported that the law will apply only to up to 17-18,000 detainees in pre-trial detention, where the conditions are known to be the worst and hundreds of detainees are known to have died in recent years from lack of air, suicides and widespread tuberculosis. At the time of the adoption of the law, there was a total of about 350,000 detainees in pre-trial detention and temporary isolation detention centres in the Russian Federation.

Amnesty International called on the Russian government to implement the law in practice, which the organization believed was not done following the adoption of an earlier amnesty law, when only about 30,000 people were released. The government should also introduce, and the Duma adopt without delay, a whole package of new legislative acts and amendments of existing criminal legislation, aimed at reforming the entire system of criminal justice in the Russian Federation.

Not covered by the new amnesty law are people charged for "theft in a gang" (Article 158(2) of the Criminal Code). According to Russian human rights observers, in a number of colonies up to 60 per cent of the prisoners were convicted under this article. Amnesty International was concerned that most of the cases of charged or convicted adolescents appear related to petty theft in a gang, which automatically excludes a huge number of adolescent detainees and prisoners from the new amnesty. According to official statistics of 1999, there were more than 21,000 adolescents under 18 held in pre-trial detention centres and colonies in the Russian Federation. Independent sources estimated that under the new amnesty only up to 1,000 adolescents may be released from detention.

Amnesty International urged the government and the State Duma to review the imprisonment of detainees and prisoners under 18 who were held for minor, non-violent offences. This was especially in view of the forthcoming consideration of the Russian Federation's compliance with the provisions of the UN Convention on the Rights of the Child by the Committee on the Rights of the Child in September.

The death penalty: all death sentences commuted

On 3 June Amnesty International welcomed the decision of President Boris Yeltsin to grant clemency to all -- over 700 -- prisoners on death row in the Russian Federation and to commute their death sentences to prison terms. This groundbreaking decision followed a Russian Constitutional Court ruling in February banning judges from sentencing people to death until the jury trial system is introduced everywhere in the Russian Federation. Amnesty International believes that the Constitutional Court's ruling is unprecedented as it is *de facto* abolition of the death penalty until new laws and practices are introduced.

Despite the political will of the Russian Federation's government and the Presidential Administration to end the use of the death penalty, a lot of work remained to be done by the parliament. In April 1997 the Russian Federation signed Protocol No. 6 to the European Convention on Human Rights and Fundamental Freedoms, relating to the abolition of the death penalty, which now needs to be ratified by the parliament. The Russian Federation officially committed itself to suspending all executions, pending the full abolition of the death penalty within three years, when it acceded to the Council of Europe on 28 February 1996. Although the executions stopped in August 1996, the parliament still needs to fully abolish the death penalty in law. The parliament should move to enact the legislation, prepared by the Ministry of Justice, to remove the death penalty from the Russian penal code. The constitution also should be amended to exclude the death penalty. Any information concerning the execution of the death penalty, including the time and place where the execution was carried out and the place where the bodies were buried, remains a state secret. Amnesty International called on the authorities to lift the secrecy surrounding the death penalty in law and in practice and to ensure that appropriate officials publish full statistics on the application of the death penalty in the Russian Federation.

On 3 and 4 June, an Amnesty International delegation took part in a conference on the abolition of the death penalty, at the invitation of the Russian Presidential Administration. At this forum, Amnesty International called on the authorities in the Russian Federation to initiate a Federal Program for Public Education about the realities of the death penalty. This Federal Program could be introduced by a Presidential decree. The Federal Program for Public Education should be undertaken jointly by officials from the Presidential Administration and the different government ministries, as well as the institutes of the civil society, the non-governmental organizations, the media and the educational institutions.

Amnesty International believes that the adoption of the Federal Program on Human Rights in the Russian Federation should include also a Platform for Action to implement a public education campaign on the death penalty. The campaign to educate the public should demolish all arguments used to support the death penalty, such as that "executions deter crime"; or that "execution is a penalty which has the backing of the ordinary person - public opinion demands it"; or that "execution is a justifiable punishment for the guilty". This campaign should include drafting new curricula for schools and universities. The media should show the real face of the death penalty: who are the prisoners on death row, what was their life until the crime, what are the possibilities for their rehabilitation. The media should also publicize the numerous cases of judicial mistakes, when people confessed under torture in custody to a crime they had never committed and were sentenced to death. Deputies of the State Duma should also be invited to participate in the campaign.

The Council of Europe and the other European Union institutions should be encouraged to continue their technical and financial support for the initiatives included in this campaign. Full abolition of the death penalty could not be achieved without changes in the whole system of justice and execution of punishments in the country, namely, eradication of the practice of torture in police custody; improvement in the conditions of detention in pre-trial detention and prison colonies, by introducing alternatives to detention and amnesty for detainees charged with non-violent first-time offences. Serious scientific studies should be undertaken into the issue of the death penalty and its use in the Russian Federation. Amnesty International expressed its willingness to help these efforts by providing expertise and world-wide knowledge on the issue of the death penalty.

Allegations of torture and ill-treatment in custody

During the period under review, Amnesty International received a reply from the authorities regarding a case of concern to the organization. The Office of the Kirov Regional Office of the Procurator wrote in a letter to Amnesty International, dated 17 May, regarding the case of ill-treatment of the Estonian citizen, Tyeeta Vyakhesoo, who was allegedly ill-treated in custody in 1996: "...his [Tyeeta Vyakhesoo's] allegations of physical and psychological assault during the preliminary investigation have been reviewed by the Office of the Leninsky District Office of the Procurator in accordance with Article 109 of the Code on Criminal Procedure of the Russian Federation and grounds [for the allegations] were not found. The review on 31 July 1997 upheld the decision to refuse to open a criminal case. All materials have been studied by the Office of the Regional Procurator, and no grounds for annulling the decision are under consideration."

Tyeeta Vyakhesoo was arrested in the city of Kirov by the local police on 23 November 1996 during a crackdown against drugs in the town. He was found guilty under Article 228 (illegal preparation, acquisition, storing, transportation of narcotic substances) and Article 230 (tendency to use narcotic substances) of the Russian Criminal Code, and sentenced to five years' imprisonment by the Leninsky District Court in Kirov on 9 September 1997. The Kirov Regional Court turned down an appeal against the sentence on 9 December 1997. An appeal was submitted to the Supreme Court of the Russian Federation on 10 March 1998. The outcome of the appeal is not known to Amnesty International.

Despite the fact that Tyeeta Vyakhesoo does not know the Russian language fully, he was allegedly not given access to an interpreter, nor was he given access to a lawyer for the first 48 hours of his detention. His arrest was reportedly not communicated to the Estonian embassy, and his one close acquaintance in Kirov was allegedly pressured into signing a declaration that she would not communicate information about the investigation to anyone. His relatives and friends were allegedly not informed of his whereabouts after the arrest.

During the initial court hearing on 9 September 1997, Tyeeta Vyakhesoo stated that immediately after his arrest he gave a statement saying that he had no connection with drug dealing in Kirov but that the investigators did not believe him and forced him under ill-treatment and threats of physical reprisals to confess that he trafficked drugs. This is alleged to have taken place on the night of 23 November 1996, in the absence of an interpreter or a defence lawyer. Tyeeta Vyakhesoo reportedly signed a confession which he later withdrew in the presence of his lawyer. He maintains his innocence. The Leninsky District Office of the Procurator refused to open a criminal investigation into the allegations of ill-treatment of Tyeeta Vyakhesoo. Amnesty International continued to call for another review of the decision not to open a criminal investigation into the allegations of ill-treatment in custody, which should be carried out by the Office of the Procurator General of the Russian Federation, with the results made public.

Violations of human rights by the authorities in the Chechen Republic: executions continued

Despite the positive steps taken by the Russian Government towards abolition of the death penalty, it continued to be used in the Chechen Republic and executions continued to be carried out under the provisions of the Chechen Shari'a Criminal Code. On 30 June the Chechen President Aslan Maskhadov revealed that 11 people were executed during the first six months of 1999, seven of whom were citizens of Russia. Reportedly, the Chechen President's statement came as a reply to allegations by the Russian authorities that the Chechen leadership was unable to stop the drug trafficking and drug production in Chechnya. President Maskhadov was quoted as saying: "...Unlike the laws of Russia, the laws of Chechnya punish distributors of narcotics on the territory of Chechnya with a death sentence".

According to reports, two more people were executed in the Chechen capital Grozny on 11 March, after being sentenced to death by the Supreme Shari'a Court. Lema Bakayev and Grigory Kryuchkovskiy were executed by shooting, after they were found guilty of murdering two people. The execution was shown repeatedly on Grozny television, accompanied by the text of the verdict of the Supreme Shari'a Court. Amnesty International continued to call on the Chechen authorities to stop executions, to abolish the death penalty and to amend the Chechen Shari'a Criminal Code to exclude articles providing for the death penalty and corporal punishments.

SPAIN

Human rights and the Basque peace process

In April Amnesty International wrote to Interior Minister Jaime Mayor Oreya to reiterate its concerns about allegations of torture and ill-treatment of members or suspected members of the Basque armed group *Euskadi Ta Askatasuna* (ETA) during incommunicado detention. In its letter the organization included a number of specific and individual allegations, dating mainly from 1998, by suspects held incommunicado for between three and five days by the *Guardia Civil* or *Policía Nacional*. The allegations made persistent references to:

asphyxiation by the placing of plastic bags over the head and repeated kicks and blows of the hand to the head or testicles. In some cases allegations referred to sexual abuse and harassment. Among the cases referred to were those of Jordi Purdi Planell, Pedro Luis de Vega Martín, Mikel Azurmendi Peñagarikano, Maite Pedrosa Barrenetxea, José Ignacio Armendariz Izaguirre and Garikoitz Mendioroz Lizarraga. Most of the cases were, to some degree, substantiated by medical reports. Amnesty International asked the minister to confirm that judicial and administrative inquiries had opened into the above cases and to inform it of the outcome of the inquiries.

In June the director general of the cabinet of the interior minister replied that he had absolute confidence that each and every member of the security forces fulfilled their functions well and appropriately and that, as regards the treatment of any detainee in Spain, he had no doubt that the constitutional guarantees and rights of the detainee were incisively and scrupulously implemented.

In June Amnesty International published a paper entitled “*Spain: A briefing on human rights concerns in relation to the Basque peace process*” (AI Index: EUR 41/01/99). Launched in Vitoria (Álava) in the Basque Country, the document took as a starting point the belief that respect for human rights was vital to the future peace of Spain and the Basque Country. It highlighted the organization’s concerns about continued serious allegations of torture during incommunicado detention, the role of incommunicado detention in facilitating torture, the role of the judicial process in perpetuating impunity and the dispersal of prisoners far from their homes. The report also expressed serious concern about the human rights abuses committed over the years by ETA in particular and by the acts of violence which had persisted in the Basque Country and Navarre since the declaration by ETA in September 1998 of an “indefinite cessation of actions”.

The briefing paper included 11 recommendations, nine of which were addressed to the Spanish authorities. They included revocation of Articles 520 bis and 527 of the Code of Criminal Procedure which respectively extend the period of incommunicado detention to five days and allow detainees access only to officially-appointed lawyers, subject to special restrictions; the abandonment of the use of incommunicado detention, the abandonment of the practice of hooding and blindfolding and the introduction of video recording of interrogations as a means both of protecting detainees and law enforcement officers who could be falsely accused of acts of torture and ill-treatment. Amnesty International also stressed the need not only to ensure prompt and fair implementation of current compensation plans for victims of “terrorist acts” since 1968 (as set out in a draft law) but to review all cases since 1968 involving convictions of public officials for torture or serious injury and ill-treatment, to ensure that those victims too received fair compensation. In addition, it urged the Spanish authorities to ensure that no legal or other measures were taken with regard to the suspects of the *Grupos Antiterroristas de Liberación* (GAL) - most of whose trials are still pending - which would, in practice, mean that suspected perpetrators were not tried in accordance with international norms, and urged that everything possible be done to ensure that those who continued to elude justice, such as the torturers of a witness in one of the GAL proceedings, were brought to trial. The organization also urged ETA to put an immediate and definitive end to killings, kidnappings and hostage-takings and appealed to other groups such as *Jarra* to end the violent and intimidatory acts against political representatives, companies, newspapers, judicial figures, law enforcement officers and others that they had carried out since the cease-fire declaration by ETA.

The report was sent in advance to the Ministers of the Interior and of Justice. It was also presented to and discussed with the president of the Basque government, the *lehendakari* Juan José Ibarretxe and the president of the Basque parliament, former Basque interior minister Juan María Atutxa, after a press conference in Vitoria.

Allegations of use of excessive force in police shootings

Amnesty International was concerned by several reports of police shootings, which appeared to involve excessive use of force. In April Miriam Gómez Cuadrado, travelling as a passenger in a car driven by a friend, died after being shot by a *Guardia Civil* officer. She and her friend, Beltrán Sánchez Pérez, were returning home to Bellavista (Seville) from a discotheque. It was 5 am. Beltrán Sánchez did not have a driving licence or insurance and was trying to escape a Breathalyzer test. Two Civil Guards pursued the Renault-9 for four kilometres before one of them, a shooting instructor and head of the traffic division of Dos Hermanas, Seville, aimed his weapon at the car and fired a bullet which pierced the left rear door and struck the frame of the driver's seat before entering the passenger's left lung and heart and lodging in the pelvis. Death was almost instantaneous. The officer who fired the shot was suspended from his functions and remained in conditional liberty pending the result of the judicial inquiry. An internal Civil Guard inquiry was also opened. The officer reportedly maintained that he had fired at a back tyre to stop the car. He said he had acted in legitimate defence because the Renault was a danger to traffic. However, while agreeing that Beltrán Sánchez had made "risky manoeuvres" to escape the police vehicle, the internal inquiry reportedly referred to "well-founded doubts" that a weapon should have been used in such circumstances. According to Article 5.2 of the *Ley Orgánica 2/1986 de los Cuerpos y Fuerzas de Seguridad del Estado*, arms must only be used where there is a reasonably serious risk to the life or physical integrity of an officer or to that of third persons, and a circular of 13 May 1998 on the use of official cars, issued by the *Dirección General de la Guardia Civil*, states that officers should not give chase where danger could be caused to themselves or to others.

The fatal shooting of Miriam Gómez focused attention on a number of other recent incidents (as well as on a considerable number throughout the 1980s) in which people had been shot dead or injured in disputed circumstances. In January three officers of the *Guardia Civil* were dismissed from their posts after firing at, and injuring, José Antonio Cantos and Juan Antonio Márquez, who had just arrived in Córdoba and had stopped their car to ask for directions. According to reports, the officers, who had queried why the men wanted to go to the area of Las Margaritas and whether they were looking for "hashish, cocaine or heroine", then started to argue with the men. The officers did not report the shooting until 14 hours after the incident. They were found to have entered into a "pact of silence" about the incident because one of them had already been disciplined for firing two shots during a raid on a house occupied by undocumented Moroccan immigrants in December 1997. The injured men were helped by a passer-by to a Red Cross clinic, where they asked the police to be notified, and José Antonio Cantos, who had been shot in the left arm, was later transferred for treatment to the Reina Sofia hospital. A judicial inquiry is pending. In March an 18-year-old youth, Moisés Esperanza, died after being shot in the back by an officer of the *Policía Local* in Sabadell (Barcelona) at the end of a car chase. In April a Civil Guard was reported to have been arrested with his twin brother after killing a taxi driver in whose car they were travelling, allegedly in order to rob him. Also in April a police officer was sentenced to 10 years' imprisonment by a Madrid court for shooting dead, through the back, a young Portuguese sex worker with whom he had an altercation in October 1996. The court reportedly took into account as a mitigating factor the fact that the officer was drunk at the time. The judicial inquiry into the fatal shooting in Madrid in 1997 of 19-year-old Moroccan student Mourad El-Abidine by a reportedly drunken reserve Civil Guard is, according to AI's information, still under way (AI Index: EUR 01/01/98 and *Amnesty International Report 1998*).

Rape of women in police custody

Several cases of rape of women of foreign origin in police custody were reported. The Supreme Court severely criticized the fact that one such rape had gone unpunished because the officers could not be identified. (See also *Women in Europe*, page 76).

Court sentences for torture, ill-treatment and illegal detention

In February a Madrid court convicted seven police officers of the *Cuerpo Nacional de Policía* for the illegal detention and torture (*detención ilegal y torturas*) of six members of a Rom family in the police station of the Centro district on New Year's Eve of 1989. Two officers were sentenced under the former penal code to six months' detention (*arresto*) and a seven-year ban from employment and public office (*inhabilitación especial*). A third officer was sentenced to two months' detention and three others to a six-month suspension from work. The court found that the arrests of the Roma were totally unjustified and that while in custody they were subjected to "systematic aggression" and humiliation "with absolute disregard for their rights and beyond any sense of proportion". The father of the family had been beaten by two officers and a pistol was pointed at his head. When he collapsed from fear and defecated he was made to pick up the excrement with his hands. Subsequently, three of his children, between 11 and 15 years' old, were stripped naked and the eldest was repeatedly beaten. The injuries he received to his foot and ribs took 10 days to heal.

The trial took place of police officers who, in 1997, had illegally detained and beaten a man of Senegalese origin. At that time Amnesty International had urged the authorities to carry out a prompt and impartial investigation of the allegations (AI Index: EUR 01/01/98 and *Amnesty International Report 1998*). In April the four officers of the Municipal Police (*Policías Municipales*) of Vigo were convicted by the Provincial Court of Pontevedra for illegal detention and causing bodily harm (*lesiones*) to Mamadou Kane. One officer was sentenced to four years' imprisonment and was banned for 10 years from all public office (*inhabilitación absoluta*) for illegal detention and to detention (*arresto*) for four weekends for infliction of injury. The other three officers were sentenced to three years' imprisonment and eight years' *inhabilitación absoluta* with detention for four weekends. The court did not find sufficiently proved the allegation that Mamadou Kane had been racially abused. The officers immediately appealed to the Supreme Court and meanwhile remained at liberty, assigned to administrative tasks. The Vigo city authorities also expressed their displeasure at the sentence and announced an intention to appeal against the sentence.

In March the Provincial Court of Bilbao sentenced a lieutenant and a captain of the *Guardia Civil* to a non-custodial sentence (*prisión menor*) totalling 18 months and three days and to an employment ban for the same period for the torture in 1992 of three members of ETA's *Comando Vizcaya*, Juan Ramón Roja, Francisco Palacios and Xabier Arriaga. Six other officers were acquitted. The court considered proved the charge that the injuries to the three ETA members that were noted on their entry into prison were "the consequence of the ill-treatment that had been inflicted on them" while in the custody of the *Guardia Civil* in Madrid.

In May the chief prison officer of Can Brians prison was sentenced to a fine of 240,000 pesetas for beating an inmate in a "disproportionate and unnecessary manner" while attempting to move him to a punishment cell. Eight other officers were acquitted by the Provincial Court of Barcelona. The court found that the chief prison officer had struck the prisoner repeatedly and deliberately in the face and round the head, "knowing and wanting to inflict injury".

SWEDEN

Death in custody - Osmo Vallo (update to AI Index: EUR 01/02/98 and 01/01/99)

Amnesty International is concerned that the various inquiries into the circumstances of the death of Osmo Vallo in May 1995 have not resulted in clarifying the full circumstances, but appear to raise questions which need answers.

The findings of the third post-mortem examination by Prof. Jovan Rajs and Dr. Jan Lindberg -- which stated that the use of violence by the police contributed to Osmo Vallo's death -- were then sent to the Legal Council of the National Board of Health and Welfare for comment. On the basis of the Legal Council's assessment, Prosecutor Ingemar Erviken decided on 5 May to close the case. This decision was made despite the consistency between the conclusion of the third post-mortem examination and the eyewitness accounts.

In a letter to the Swedish authorities in June, Amnesty International welcomed Prosecutor-General Bergenstrand's review of the decision to discontinue the investigation into the death in police custody of Osmo Vallo. It also welcomed the Prosecutor-General's review of whether to bring additional charges against members of the police in relation to the events leading to Osmo Vallo's death. The organization remained concerned that the issue of responsibility for Osmo Vallo's death and many of the injuries he sustained has not been determined by a court of law.

Amnesty International is also concerned about the integrity of most of the investigations conducted to date into the death of Osmo Vallo. The organization has received reports that forensic evidence was not available to Professor Jovan Rajs and Dr Jan Lindberg during the course of the third post-mortem investigation. It has also been reported that when Professor Rajs requested access to the cervical vertebrae (neck bones) he was informed that they had been destroyed; subsequently journalists were informed that the bones in question were in fact at the Institute of Forensic Medicine in Lund. Amnesty International believes that the failure to provide access to Professor Rajs and Dr Lindberg of such crucial evidence for inspection, or the destruction of such evidence, should be the subject of a thorough and impartial investigation. The organization also sought clarification on whether the bones are still in existence.

Amnesty International called on the government to do all that is necessary to bring to light the circumstances in which Osmo Vallo sustained more than 39 injuries to his body and died in the course of being arrested by the police in May 1995. The organization also urged the government to review and report on all the shortcomings of the various investigations into the death of Osmo Vallo.

SWITZERLAND

Trial of Rwandese national accused of war crimes

In April, Fulgence Niyonteze, former *bourgmestre* (local government official) of Mushubati in Gitarama *préfecture* in Rwanda, was tried by a military court in Lausanne and found guilty of several charges, including murder, incitement to murder and war crimes, in the context of massacres committed during the genocide in Rwanda in 1994. He was sentenced to life imprisonment.

The trial represented a historic precedent in relation to the prosecution of crimes committed during the genocide in Rwanda, in which as many as one million people died between April and July 1994. Previously, trials of those accused of participating in the genocide had taken place either in the national courts in Rwanda, or at the International Criminal Tribunal for Rwanda (ICTR) set up by the UN in Arusha, Tanzania. No suspect has been tried in any other foreign country, despite the fact that several individuals believed to have played a leading role in the genocide are residing in various countries in Europe, North America and Africa.

Amnesty International welcomed the precedent set by Switzerland in this respect and encourages governments of other countries where individuals suspected of participation in the genocide are residing to investigate allegations against them and if sufficient evidence is found, to bring them to justice, in accordance with international standards for fair trial and without recourse to the death penalty.

Fulgence Niyonteze had been living in Switzerland since October 1994 and had sought asylum there. He was arrested in August 1996. He was tried by a military court because under Swiss law, military courts are responsible for trying those accused of war crimes and violations of the Geneva Conventions.

Thirty witnesses were heard during the trial; additional testimony was collected from other witnesses in Rwanda, during a visit there by court officials prior to the trial. Many witnesses requested to testify anonymously, for their own security; however, there were serious concerns that their anonymity was not adequately protected. For example, there were several breaches of confidentiality in which the identity of at least two witnesses was accidentally disclosed during the trial, and the identity of a third witness was announced in the press. Several defence witnesses declined to appear in court, for fear of their safety.

Fulgence Niyonteze, who pleaded not guilty, entered an appeal against the verdict which is expected to be considered later this year.

New law restricts access to full refugee determination procedures

Amnesty International opposes the return of any person to a country where they risk imprisonment as a prisoner of conscience, torture, execution or “disappearance”. It calls on governments to ensure that their asylum procedures meet minimum international standards of fairness, impartiality and thoroughness and that no asylum-seeker is forcibly repatriated without having had their asylum claim properly examined.

In a national referendum held in Switzerland on 13 June, there was a two thirds majority in favour of a new law on asylum. Its provisions had been approved by parliament in June 1998. The referendum was launched by domestic refugee and human rights organizations, including Amnesty International, which were concerned that the text approved by parliament introduced a number of serious restrictions on access to full refugee determination procedures and that some of its provisions were open to restrictive interpretation which might result in the *refoulement* (forcible repatriation) of people at risk of serious human rights violations.

The law allows the federal government to grant a collective “temporary protection” status to groups of people fleeing wars, civil conflicts and other situations of “generalized violence”. Any asylum claim made by a member of such a group is suspended unless the individual in question can provide on arrival clear proof of individual persecution, qualifying them for full and permanent refugee status. Otherwise, those given temporary protection have no right to have the merits of their individual case for full refugee status examined until at least five years have passed. The government may set a date ending a group’s temporary protection status when it considers that the situation in the country of origin has sufficiently improved to allow a safe return. Before taking this decision it is required to consult with Swiss cantonal authorities and support organizations and “if necessary” with the UN High Commissioner for Refugees, and other relevant inter-governmental and non-governmental organizations. Members of the group then have a limited right to ask for their individual asylum claim to be considered.

Other provisions of the law limiting access to full refugee determination procedures include the obligation for asylum-seekers to produce travel documents or other documents showing proof of identity within 48 hours of lodging their asylum application in order for it to qualify for examination. They are exempted from this obligation if they can provide a “credible” reason why they are unable to supply such documents or if there are signs of persecution which are deemed “not manifestly unfounded”. Among others automatically disqualified from examination of their asylum applications are individuals living in the country illegally who are deemed to have applied for asylum only in order to avoid imminent expulsion.

In cases where the authorities deem an application to be “manifestly unfounded” or in cases where the application is automatically disqualified from examination, the asylum-seeker has a 24-hour deadline to contest an expulsion order.

Particular concern has been voiced about the situation of asylum-seekers detained at Swiss airports. Under the law’s provisions a negative decision on their asylum applications may be communicated to them directly, without their legal representative being first informed. The decision may also be conveyed to them in a language they do not understand -- a short oral translation being considered sufficient -- and they may be given only 24 hours to consult a legal representative and challenge a decision to expel them.

Reported use of dangerous and degrading methods of restraint during deportations

In February a Lebanese man and his Swiss wife lodged an appeal with Zurich’s cantonal government concerning the man’s deportation to the Lebanon in January. It included a complaint about his physical treatment by cantonal police officers (Aliens Branch) during the deportation and requested the opening of disciplinary proceedings against relevant officers.

In his formal complaint and in clarifying statements to Amnesty International he has alleged that, while at a prison attached to Zurich-Kloten airport, a blindfold was put over his eyes, his mouth was covered with adhesive tape, he was bound hand and foot, a helmet similar to a motorbike helmet was put over his head, enclosing it, and adhesive tape was wound around the neck area and over the top of the helmet and under his chin. He said he could not see, could barely hear or move and experienced difficulty in breathing. He was then transported to the airport where he said he was placed in a wheelchair and left alone in a room for several hours until his flight to Beirut. He was put on the flight, still bound, gagged and helmeted, accompanied by three police officers. He claimed he remained in this condition until shortly before the plane reached Beirut, by which time he had spent some eight hours bound and gagged, without food or drink or access to a lavatory. When the bindings and helmet were removed he found that, although seated at the back of the plane, he was in full view of the other passengers, without any intervening concealing curtain. He was allowed to go to the lavatory just before landing. He said he was left with swollen bruises around his elbows, wrists, ankles and neck. He asserted that he had been cooperative during the deportation operation, making no attempt to physically resist or to escape.

By the end of June he and his wife had not received confirmation of the opening of any administrative investigation or disciplinary proceedings with regard to his treatment during deportation.

In March a judicial investigation was opened into the death of a Palestinian man at Zurich-Kloten airport during an attempt to deport him to Egypt earlier that month. He apparently collapsed in an airport lift, while being escorted to a waiting plane by three police officers. His death was followed by allegations that he had been bound hand and foot, gagged with adhesive tape placed across his mouth and attached to a wheelchair while waiting to board his flight. The investigation was still under way at the end of June.

In May an attempt was made to deport forcibly a man claiming to be Angolan but whom the Swiss authorities claim is from the Democratic Republic of the Congo. In public statements in June, the Zurich Cantonal Police confirmed that the man was bound hand and foot and had adhesive tape placed across his mouth during the deportation operation but said that the escorting police officers removed the tape once the plane was in the air. They indicated that a tube had been inserted through the tape and into the man’s mouth. The man claimed that he could breathe only with difficulty while the tape was over his mouth and that he remained taped for several hours after the plane was airborne. He said that a helmet was also put over his head and secured with tape during his transfer from the airport prison to the plane, that a wheelchair was used to transport him and that he was not allowed food, drink or to use a lavatory for some six hours.

According to public statements attributed to the Zurich Cantonal Police, in cases where physical resistance to deportation is anticipated, then adhesive tape may be put over the mouth of such deportees in order to stop shouting or biting and that a helmet may be put over the head in order to stop them causing injury to themselves in attempts to thereby prevent their deportation.

Amnesty International believes that any deportation should be carried out in accordance with international standards on the treatment of detainees, in a manner which respects the human rights and the inherent dignity of the individual. The organization opposes the use of any materials and methods of restraint which could block the airways of a deportee or any other detained person: it considers such practices highly dangerous -- they occasionally result in a fatality. The organization bases its position on the expert advice of internationally recognized forensic pathologists which it has consulted. It has also noted that the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in its 7th General Report, published in 1997, also emphasized its view that "to gag a person is a highly dangerous measure".

Amnesty International is seeking information and clarification, therefore, from the Zurich authorities regarding the methods of restraint sanctioned for use by Zurich cantonal police officers during deportation operations and the relevant guidelines and training given to officers involved in such operations. Similarly, the organization is seeking information and clarification about the conduct of the deportation operations in the individual cases described above.

TAJIKISTAN

The death penalty (update to AI Index: EUR 01/02/98 and EUR 01/01/99)

Executions

In the period under review Amnesty International learned of two executions. In April unofficial sources informed the organization that Abdulkhafiz Abdullayev, the younger brother of the former Prime Minister and leader of the Khujand-based opposition National Revival Bloc Abdumalik Abdullojonov, had been executed at the end of November 1998, despite earlier reports that his petition for clemency was rejected only at the end of December 1998. Although the authorities did not publicly acknowledge his execution, it was confirmed by diplomatic sources. There was concern that the family of Abdulkhafiz Abdullayev had not been officially notified of his death. They received a death certificate in June. It was not clear whether his five co-defendants, who had also been sentenced to death, were still alive on death row. Abdulkhafiz Abdullayev was sentenced to death in March 1998 after a reportedly unfair trial for his alleged involvement in an attempt to assassinate President Rakhmonov in April 1997. His sentence was seen by supporters of Abdumalik Abdullojonov as an attempt to intimidate the Khujand-based opposition. Abdulkhafiz Abdullayev was suffering from terminal cancer and there was widespread concern that he was denied adequate medical care in detention.

Unofficial sources also informed the organization that Bakhrom Sodirov, the brother of warlord Rezvon Sodirov, was executed at the end of January. Bakhrom Sodirov was sentenced to death in October 1998 for organizing the kidnapping of members of the UN Mission of Observers to Tajikistan (UNMOT) in December 1996 and in February 1997. Although the execution was not publicly confirmed by the Tajik authorities Amnesty International was informed that the prosecutor-general acknowledged in March that he had sent a written account of the execution to the President. The organization was concerned about the

apparent speed at which this execution was carried out; the whole appeals process appeared to have taken less than four months. The organization was trying to clarify whether Bakhrom Sodirov's co-defendant Kiroatsho Nosyrov had also been executed.

News of these executions seemed to confirm that a reported *de facto* moratorium on executions was no longer in place in Tajikistan.

New death sentences

At least six death sentences were passed in the period under review. On 26 March the Supreme Court sentenced three members of the United Tajik Opposition (UTO) to death for the murder of three members of UNMOT in July 1998. The UN Secretary General appealed for the death sentences to be commuted.

On 22 June the Supreme Court sentenced to death two former politicians accused of having participated in a coup attempt in August 1997 led by the former Popular Front commander and warlord Makhmud Khudoyberdiyev. It was feared that former parliamentary deputy Sherali Mirzoyev and former deputy governor of Khatlon province Kosym Babayev had been sentenced to death without right of appeal and that their only hope of avoiding execution was a petition for clemency lodged with the President.

TURKEY

New government

Following a vote of no-confidence for the government of Mesut Yılmaz from the Motherland Party (ANAP, centre-right), Bülent Ecevit, chairperson of the Democratic Left Party (DSP, centre-left), formed a minority government which was confirmed by the parliament on 17 January 1999. It only remained in office for some three months until early general elections on 18 April. As it was a short-term interim government, some important pending law reforms such as the draft bill for a new penal code in which the death penalty has been eliminated are still waiting to be discussed and passed. Bülent Ecevit's DSP emerged from the general elections held on 18 April as the winner and formed a three-party coalition government with the extreme right-wing Nationalist Action Party (MHP) and the centre-right Motherland Party (ANAP). The pro-Kurdish People's Democracy Party (HADEP) and the Islamist Virtue Party (FP) are threatened by a ban. Amnesty International received reports on harassment of candidates of the HADEP throughout the election campaign.

Death sentence after unfair trial against Abdullah Öcalan (see EUR 01/01/99, EUR 44/40/99)

Political analysts attribute the landslide shift to the right in Turkey's political landscape largely to a wave of nationalist feelings unleashed by the arrest of Abdullah Öcalan, leader of the armed opposition group Kurdistan Workers' Party (PKK). Abdullah Öcalan had been expelled in late 1998 from Syria where he had been living and leading the PKK for years. When he arrived in Italy on 12 November, he was detained for one month on the basis of an international arrest warrant issued by Germany. In January 1999, Abdullah Öcalan left Italy and was apprehended by Turkish security forces on 15 February 1999 in Kenya under circumstances that still need to be elucidated. He was brought to Turkey where he has been detained under special security measures on the island of Imraç.

Amnesty International is convinced that standards for fair trials enshrined in national and international law, namely the right to be promptly brought before a judge, the right to defend oneself in person or through

legal counsel and the right to a fair trial before an independent and impartial tribunal, have been violated throughout the pre-trial detention period and the trial. Abdullah Öcalan was being held in conditions that amount to prolonged solitary confinement and as such may constitute cruel, inhuman or degrading treatment. He was not brought before a judge until the seventh day after he was taken into custody. He was held in incommunicado detention until he had the first meeting with his lawyers 10 days after his arrest. Once he finally had access to legal counsel, Abdullah Öcalan was refused adequate time and facilities to communicate with them. He could meet his lawyers only twice a week for an hour each time. During the meetings with his lawyers in the first two months, guards were present and not only within sight, but also within hearing distance. His lawyers were not allowed to bring any written or printed material to the meetings with their client. They only received the written indictment two days after parts of it were read out at a press conference and the indictment distributed to the press. The lawyers' request to adjourn the trial to allow them more time to prepare the defence was rejected by the court when the trial started on 31 May. The fact that a military judge made rulings in the Öcalan trial until it was adjourned on 8 June for the preparation of the final defence undermines his right to a full trial before an independent and impartial tribunal. When the trial of Abdullah Öcalan continued on 23 June, the military judge had been replaced by a civilian judge who had not actively participated in the trial from the beginning. Amnesty International believes that it is a fundamental principle of fairness that if there is a change of judges, the trial should be repeated from the beginning. For these reasons, Amnesty International calls for a full retrial before an independent and impartial tribunal and under conditions which ensure the strictest compliance with fair trial standards enshrined in national and international law.

On 29 June Abdullah Öcalan was sentenced to death after being found guilty of separatism and treason under Article 125 of the Turkish Penal Code (TPC). In view of the current political atmosphere and balance of power in parliament, and as an effect of the deep wounds caused by the 15 years' armed conflict between Turkish security forces and the PKK, it is feared that Turkey may be set to take a step backwards and resume executions after a 15-year *de facto* moratorium. If Abdullah Öcalan's execution goes ahead and thus removes the psychological barrier created by 15 years of refraining from the implementation of death sentences, the door would be open for the execution of many others - in particular those already sentenced to death or standing trial in State Security Courts for politically motivated offences. European governments and intergovernmental organizations warned Turkey that a resumption of executions might isolate the country in Europe. There are also tentative signs that Turkish opinion leaders are trying to change the atmosphere in favour of a continued moratorium.

Pressure on human rights defenders continues (updates AI Index: EUR 01/01/99)

The risk of attacks against officials and members of Turkey's largest human rights organization, the Human Rights Association (HRA), increased when the Office of the Chief of the General Staff issued a press statement on 25 February, shortly after Abdullah Öcalan's detention, saying that *'The human rights organizations in Turkey are not impartial and objective. Some of these organizations work as the brains trust of the terrorist organization [the PKK], whereas some others are their sympathizers.'* On the same day, members of the HRA Istanbul and Ankara branches received death threats by telephone.

The work of human rights defenders was also undermined with the opening, on 6 October 1998, of a trial against 10 executives of the Diyarbakır branch of the HRA. The 10 human rights defenders were charged under the Anti-Terror Law with producing propaganda for the Kurdistan Workers' Party (PKK). There was no evidence of their involvement in illicit or inappropriate activities and Amnesty International believed they should not be standing trial. Amnesty International observed the sessions on 9 February and 6 April 1999. At the session on 11 May 1999, the trial ended with the acquittal of the human rights defenders.

However, the court decided not to rule on the HRA's demand to reopen the Diyarbakır branch. The HRA Diyarbakır branch has been closed since May 1997. It was an important source of information on human rights violations in the southeast of Turkey.

Prisoners of conscience (updates AI Indices: EUR 01/01/99, EUR 01/02/98 and EUR 44/05/99)

Akın Birdal, President of the HRA, was imprisoned on 3 June in spite of concerns about his state of health only a year after barely surviving an assassination attempt and in clear violation of his right to freedom of expression. Amnesty International adopted him as a prisoner of conscience. In October 1998, the Appeal Court had confirmed a sentence of one year's imprisonment for "inciting people to hatred and enmity on the basis of class, race or regional differences" under Article 312(2) of the Turkish Penal Code. Akın Birdal's offence had been to call for a peaceful approach to the issue of Turkey's Kurdish minority and to use the phrase "the Kurdish people" in a speech made at a public meeting in September 1996. In April 1999, another sentence of one year's imprisonment under Article 312 was confirmed for a speech he made on 6 September 1995 at a peace festival panel. Akın Birdal has a number of other prosecutions pending against him for his public statements and activities as HRA President; so many, in fact, that he himself has lost count. Amnesty International fears that Akın Birdal's imprisonment is part of the government's effort to discredit and hinder the work of human rights defenders and will lead to a major setback for human rights in Turkey. In April, Amnesty International's German Section awarded Akın Birdal a special human rights prize in recognition of his efforts as a human rights defender.

Legal remedies were also exhausted in the cases of the female human rights defenders Eren Keskin and Zeynep Baran and the Mayor of Istanbul elected in 1994, Recep Tayyip Erdoğan. They were sentenced to varying prison terms for the expression of their non-violent opinions. Recep Tayyip Erdoğan was imprisoned from 26 March to 25 July in order to serve a ten-months sentence for a speech he delivered in December 1997. He had opened his speech with a poem by Ziya Gökalp (1875-1924), a sociologist and poet often considered as the ideological "father of Turkish nationalism". The poem is to be found in a book recommended to teachers and students by the Ministry of Education. Both Akın Birdal and Recep Tayyip Erdoğan were banned for life from engaging in politics and holding a political office. Recep Tayyip Erdoğan was finally removed from his office as mayor in December 1998. He was also a leading figure of the Islamic oriented Virtue Party.

Torture and death in custody

Torture continues to be widespread in Turkey, whereas those responsible for human rights violations often enjoy impunity. (See AI Index: EUR 44/24/99) During the period under review, the trade unionist and journalist Süleyman Yeter died in custody probably as a result of torture. On 5 March at around 3pm, Süleyman Yeter, Bayram Namaz and three other people were taken from the offices of the newspaper *Dayanışma* and put in neighbouring cells at the Anti-Terror Branch of Istanbul Police Headquarters. When Süleyman Yeter was brought back from interrogation in the early hours of the following morning, he told Bayram Namaz that he had been stripped naked, severely beaten, sprayed with cold water and forced to lie on ice. He could not move his arms. On 7 March, the HRA and Süleyman Yeter's trade union *LİMTER 10* were told he had died in custody, and this was confirmed by Fatih State Prosecutor. On 8 March, his lawyers saw the body at the Forensic Institute morgue and saw marks on his body that they believed to be evidence of torture. Four months later, no investigation into the death of Süleyman Yeter has yet been opened by the prosecutor.

Süleyman Yeter and Bayram Namaz were among a group of 15 detainees who claimed they had been tortured between 21/22 February and 6 March 1997 at the Anti-Terror Branch of Istanbul Police Headquarter. The SSC Forensic Institute issued a report confirming they had been tortured during interrogation. Based on this report, eight policemen went on trial at Istanbul Criminal Court No. 7 under Article 243 of the Turkish Penal Code (torture in order to elicit a confession). On 2 March 1999 the Court scheduled a hearing for 29 April 1999 for Süleyman Yeter and the other complainants to identify the torturers. It is feared that Süleyman Yeter's final detention might have been intended to hamper the identification. The policemen in question are employed at the branch where Süleyman Yeter lost his life in custody. No progress has been made in the trial against the police officers. The defendant police officers did not attend the hearings on 29 April and 17 June. The request of the intervening lawyers to issue an arrest warrant *in absentia* against the police officers was rejected by the court. The victims of the torture case in 1997 and the relatives of Süleyman Yeter are still waiting for clarification and justice.(updates AI Index: EUR 44/28/99)

Ibrahim Alpdoğan, a Kurdish villager aged 63, was detained on 20 June one day after he had reported to the local branch of the HRA that co-villagers had been tortured and verbally abused at the Pazarcık Gendarmerie Command. Amnesty International received reports that, between 8 and 12 June, about 50 people from the villages of Tilkiler, Törolar, Çöçenler, Öallzuñ and Musolar in the Kahramanmaraş province were taken into detention at the Pazarcık Gendarmerie Command and reportedly severely beaten and tortured. This included being forced to eat human excrement, being suspended by their arms which were tied behind their backs, being truncheoned and being sprayed with pressurized water. One of the detainees disclosed to his lawyer that:

“They did not take us to toilets, so that we had to excrete where we were hung. We were covered with excrement as we could not clean ourselves while we were hung. Later, they put excrement on the truncheon, and inserted the truncheon into my mouth. They inserted the truncheon into my anus..... throughout the eight days they forced me to sit naked on the concrete floor, and without allowing to lay down”.

Amnesty International called upon the Turkish authorities to ensure comprehensive and impartial investigations into these and all other torture allegations, with the results made public and those responsible brought to justice.

TURKMENISTAN

Deportations of foreign journalists and human rights monitors

On 3 February Aleksandr Petrov, the deputy director of the Moscow Office of Human Rights Watch, was deported from Turkmenistan. Aleksandr Petrov was part of a Human Rights Watch delegation in Turkmenistan on a fact-finding mission at the invitation of the Turkmen government. He was detained in his hotel room in the evening of 2 February by officers of the Committee for National Security (KNC) and accused of possessing materials which allegedly threatened the security of Turkmenistan. According to Aleksandr Petrov these materials were reports on the human rights situation in Turkmenistan. He was held incommunicado and not allowed to inform his colleague, who was staying in the same hotel, that he was being forcibly deported.

On 7 March two Russian journalists and human rights monitors, Vitaly Ponomaryev and Nikolay Mitrokhin, were detained at the Turkmen border north of Turkmenbashi (formerly Krasnovodsk). After two hours they were told that they would only be allowed to move around Turkmenistan under armed military guard. However, they were forcibly deported the next morning after being held incommunicado for 10 hours. Their names were reportedly on a secret blacklist of 25 foreign journalists who had published articles critical of the Turkmen President.

Detention of Vyacheslav Mamedov

Vyacheslav Mamedov, a leading member of the Russian community in Turkmenistan was reportedly detained at his home in Turkmenbashi (formerly Krasnovodsk) by officers of the KNB on 21 January and taken to the KNB investigation-isolation prison in the city of Nebit-Dag. He was accused of having slandered Turkmenistan in an interview given to the Russian radio station Mayak on 18 December 1998. At the time Vyacheslav Mamedov was participating in the work of the Council of Compatriots at the Russian Duma. In a brief interview given to radio Mayak he reportedly described the work of the Russian community in Turkmenistan in the field of emigration. According to reports the following day President Niyazov publicly accused Vyacheslav Mamedov during a session of the Democratic Party of Turkmenistan of having slandered Turkmenistan and encouraged emigration among the Russian-speaking population. Upon his return from Russia on 21 December Vyacheslav Mamedov was detained by officers of the KNB and forced to give a written explanation of the interview. He was questioned again the next day in the city of Nebit-Dag. In January he travelled to Ashgabat to ask the embassies of Russia and the USA for help. On 19 January he was again questioned by the KNB and reportedly accused of having passed slanderous information to the US embassy. before being detained on 21 January. Vyacheslav Mamedov was released on 3 February after he signed a statement agreeing not to leave the country and to refrain from any political activity.

Possible prisoners of conscience

Release of the last of the "Ashgabat Eight" (update to AI Index: EUR 01/02/98)

According to unofficial reports Gulgeldi Annanyazov and Gurbanmurat Mammetnazarov were released in January to coincide with a fact-finding visit of Human Rights Watch. In April 1998 President Niyazov had announced the release of four of the "Ashgabat Eight". Two had been released earlier and one, Charymyrat Gurov, died in detention in January 1998. Gulgeldi Annanyazov had remained in detention because he was allegedly seen as being one of the organizers of the unprecedented July 1995 anti-government protest. Following his release on 3 February Turkmen television reportedly showed Gulgeldi Annanyazov repenting for his alleged crimes.

Detention of Shagildy Atakov

In March Shagildy Atakov, an ethnic Turkmen member of a Baptist congregation in Turkmenbashi (formerly Krasnovodsk) was sentenced to two years in a general regime labour camp by Kopetdag District Court in the capital Ashgabat after being found guilty of swindling under Article 228 of the Turkmen Criminal Code. The charge reportedly related to Shagildy Atakov's car business. Supporters of Shagildy Atakov, however, alleged that the real reason for his sentence was his religious affiliation. According to unofficial sources Shagildy Atakov was visited by officers of the KNB on 10 November 1998 who threatened to bring criminal

charges against him in relation to an old case if he did not cease participation in the Baptist church. Shagildy Atakov continued to attend his church and after a further warning was arrested on 18 December 1998.

In April Shagildy Atakov's brother Chariyar was stopped at a police checkpoint on the Ashgabat-Dashkhovuz highway. He and his companion were questioned about their religious affiliation after Turkmen bibles were discovered in their car. The men were reportedly told that the Baptist faith was forbidden in Turkmenistan. According to reports Chariyar Atakov was severely beaten at the KNB offices in Dashkhovuz when he refused to give information about the Baptist church.

Only the Russian Orthodox Church and the officially-sanctioned Suni Muslims have been able to gain re-registration for their congregations since re-registration of religious organizations was made compulsory in early 1997. Other religious communities which were officially registered before 1997 have to date failed in their attempts to gain re-registration.

Prisoners of conscience

Imprisonment of conscientious objector Kurban Zakirov

Kurban Zakirov, born in 1980, is a Jehovah's Witness from the city of Chardzhev near the Uzbek border. On 23 April he was sentenced to two years' imprisonment for "evading regular call-up to active military service" under Article 219 of the Turkmen Criminal Code. Kurban Zakirov became a Jehovah's Witness in June 1997. In January he visited friends in their home in Chardzhev where they discussed the bible. He was detained by police and held for 30 days on charges of participating in an illegal religious meeting. Following his release he was called to the Military Commissariat where he stated his conscientious objection to compulsory military service. He was immediately charged under Article 219 of the Turkmen Criminal Code and placed in pre-trial detention.

UKRAINE

The death penalty

During the first six months of 1999 Ukraine failed to fulfil its commitment to abolish the death penalty. Ukraine made the commitment to abolish the death penalty in November 1995 upon entry to the Council of Europe. The government of Ukraine also committed itself to sign and ratify Protocol No.6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention) relating to the abolition of the death penalty, within three years of its accession to the Council of Europe. Neither of these commitments was fulfilled by the Council of Europe's deadline of November 1998 (AI Index: EUR 01/01/99).

Rapporteurs of the Committee on the Honouring of Obligations by Member States of the Council of Europe visited the Ukraine from 9 to 12 May on a fact-finding mission to assess the progress Ukraine had made in meeting its commitments. The Committee stated in their report "Honouring of obligations and commitments by Ukraine" (Parliamentary Assembly document 8424, 1 June 1999) that by 20 May the Ukrainian authorities had made no substantial progress in ratifying Protocol No. 6 or in certain other areas on which Ukraine had made commitments. In view of the lack of progress made by Ukraine to fulfil its commitments the Parliamentary Assembly of the Council of Europe warned Ukraine that it would commence the procedure for the annulment of the credentials of the Ukrainian delegation at the Council of Europe if

substantial progress was not made by 21 June 1999. This decision would deprive the Ukrainian delegation of the right to table official documents to the Assembly, assume duties and vote in the Assembly and its related bodies. The annulment would remain in force until the commitments are fully complied with.

However, during its plenary session the Parliamentary Assembly decided on 24 June to extend this deadline until its next session in January 2000. By this date Ukraine should have made substantial progress towards reforms aimed at the protection of human rights. During the debate in the Parliamentary Assembly the upcoming presidential elections on 31 October 1999, the need to support democratic forces in the country and to engage in constructive rather than punitive criticism were cited by members of the Parliamentary Assembly as reasons to extend the deadline to January 2000. In the light of these developments on 24 June Amnesty International urged the Ukrainian parliament to move swiftly to ratify Protocol No.6, to abolish the death penalty at the very latest by the next session of the Parliamentary Assembly in January 2000 and to enact legislation to remove the death penalty from the Ukrainian penal code. Amnesty International also called on the Ukrainian authorities to commute all existing death sentences and to discontinue further sentencing. Although Ukraine introduced a *de facto* moratorium on executions in March 1997 the country has not yet removed the death penalty from its statute books and no official moratorium has been secured in law.

After joining the Council of Europe the Ukrainian parliament debated the question of abolition of the death penalty on a number of occasions but without reaching a consensus on abolition in law (AI Index: EUR 01/01/99). During a meeting with Norwegian legal experts at the end of May 1999 President Kuchma is said to have expressed doubts that the Ukrainian parliament would vote to abolish the death penalty. In November 1998 President Kuchma reportedly said in a media interview, while commenting on the trial of the serial killer Anatoly Onuprienko: "As a human being I cannot see any punishment for him other than death" (AI Index: EUR 01/01/99). The head of the Ukrainian parliament's (*Verkhovna Rada*) Committee for Human Rights, Ethnic Minorities and Inter-ethnic Relations, Hennadily Udoenko, was also reported as saying in December 1998 that it was not the right time to abolish the death penalty while the court proceedings against Anatoly Onuprienko were under way.

During the period under review Anatoly Onuprienko was sentenced to death. The trial of Anatoly Onuprienko and his co-defendant, Sergey Rogozin, began in November 1998, more than two years after Anatoly Onuprienko's arrest in April 1996 (see AI Index: EUR 01/01/99). On 1 April 1999 a court in the town of Zhytomyr in Western Ukraine sentenced the 39-year-old to death by a bullet through the back of the head for carrying out 52 murders. Sergey Rogozin was sentenced to 13 years imprisonment for allegedly helping Anatoly Onuprienko in five of the killings. Amnesty International appealed for commutation of the death sentence, reaffirming its position against the death penalty in all cases and circumstances, regardless of the crimes for which it has been applied.

Fear of refoulement

In March Amnesty International learned about the arrests and impending forced deportation of four members of the Uzbek opposition from Ukraine to Uzbekistan. If returned to Uzbekistan Amnesty International believed that the four men would be at risk of imprisonment, torture or ill-treatment simply for the non-violent expression of their political beliefs. The arrests were believed to be part of a joint operation between Uzbek and Ukrainian law enforcement agencies against the perceived opponents of the President of Uzbekistan. Two of the four men, Muhammad Bekzhon and Yusif Ruzimuradov, were prominent members of the banned opposition party *Erk* and both men had lived in Kiev since 1994 after they fled from Uzbekistan to escape arrest during an official clampdown on *Erk*. The third detainee, Kobil Diyarov, is a former member of the banned opposition movement *Birlik* ("Unity") which was set up in 1991 after Uzbekistan's independence in 1991. Kobil Diyarov reportedly lost his job as a teacher in Samarkand and worked as a trader with his

nephew, Negmat Sharipov, who was also detained by the Ukrainian police. Amnesty International believed that the deportation of the four men would be contrary to Ukraine's obligations under international law, including Article 3 of the Convention against Torture and of the European Convention for the Protection of Human Rights and Fundamental Freedoms. On 25 March Amnesty International received official confirmation that the four men had been deported from Ukraine on 18 March. The organization expressed concern for their safety, fearing they were being held incommunicado in an undisclosed location after their return to Uzbekistan (*see entry for Uzbekistan*).

Possible prisoners of conscience

During the period under review Amnesty International expressed concern to the Ukrainian authorities about a decision by the Ministry of Justice not to recognize and register the *Nash Mir* (Our World) Gay and Lesbian Centre, a non-governmental Ukrainian organization, as an official public organization. The organization applied for official recognition as a public organization in January and submitted all the relevant documents required for legalization to the Regional Department of Justice in the Lugansk Region of Ukraine. This decision renders illegal any further activities by the organization, under the provisions of Ukrainian Law and members of *Nash Mir* can be sentenced up to five years imprisonment under Article 187 (8) of the Criminal Code of Ukraine if they continue with their activities. Amnesty International informed the Ukrainian authorities that it will consider as a prisoner of conscience any member of *Nash Mir* who is detained and charged under Article 187 (8) for peacefully exercising their right to freedom of association. Amnesty International also urged the Ukrainian authorities to ensure that nobody in Ukraine is subjected to persecution based on their sexual orientation.

UNITED KINGDOM

The case of General Pinochet (update to information given in AI Index: EUR 01/01/99)

At the second House of Lords ruling in March on former Chilean General Augusto Pinochet's claim of immunity in relation to the Spanish request for extradition on charges of crimes against humanity, torture and hostage taking, the appointed Law Lords refused to grant General Pinochet total immunity from prosecution. They ruled that he could face charges only on crimes committed after 1988 when the UK signed the International Convention Against Torture. Amnesty International, which made representations at the hearing, welcomed the ruling but regretted that the Law Lords had found procedural obstacles to bringing General Pinochet to justice for crimes committed prior to 1988 and urged the UK Government to reform any provision in UK legislation which could be interpreted as a bar to the obligation under international law to try any person suspected of crimes against humanity, acts of torture etc. In April, Jack Straw, the home secretary, announced that extradition proceedings against General Augusto Pinochet would go ahead. In May, General Pinochet's lawyers challenged Jack Straw's ruling, seeking leave for a judicial review of the decision to allow extradition proceedings to continue. This challenge was overruled by the High Court, a ruling welcomed by Amnesty International. Meanwhile, General Pinochet remains under armed police guard while waiting for extradition proceedings to begin in September 1999.

Northern Ireland

Human Rights Aspects of the Multi-Party Agreement (Update to AI Index: EUR 01/01/99)

In March, the new Human Rights Commission was formed, consisting of 10 people. The Chief Commissioner is Brice Dickson, a Professor of Law who also has years of human rights experience. Amnesty International representatives met with the new Commission in May. Amnesty International sent a 30-page written submission to the Northern Ireland Criminal Justice Review group (AI Index: EUR 45/99/23) in May, which was followed up by an oral representation to members of the Criminal Justice Review Group in June.

Killing of human rights defender Rosemary Nelson

Rosemary Nelson was killed by a car bomb on 15 March planted by an armed Protestant Loyalist group. In recent years she had been the subject of a campaign of intimidation, harassment and threats by members of the police (the Royal Ulster Constabulary, RUC) and the army (the Royal Irish Regiment) and had also received anonymous death threats. Amnesty International believes this was as a result of her work as a lawyer and human rights defender.

Amnesty International is concerned that the police team appointed to investigate the killing of Rosemary Nelson is not sufficiently independent in view of the circumstances of this case. Although the investigation into her death is being supervised by an English Deputy Chief Constable, Colin Port, the investigation has been carried out predominantly by RUC officers (see *Northern Ireland: The Killing of Human Rights Defender Rosemary Nelson*, AI Index EUR 45/22/99). Amnesty International representatives met Colin Port in early May and discussed the organization's concerns about the investigation. Amnesty International and other NGOs called for an independent and impartial investigation in a series of meetings with the Secretary of State for Northern Ireland.

A report by the Independent Commission on Police Complaints (ICPC) was disclosed on 24 March. This report detailed the progress made in the investigation of complaints made by Rosemary Nelson against the RUC for harassment, intimidation and death threats. It described the ICPC's serious concerns about the RUC's initial investigation into the complaints. These concerns included "general hostility, evasiveness and disinterest on the part of the police officers involved in this investigation" as well as the way investigating officers viewed and treated Rosemary Nelson. The investigation into Rosemary Nelson's complaints was taken over by a senior officer from the London Metropolitan Police in July 1998 and completed in March 1999. However, at no stage was there an investigation into the RUC's initial investigation of her complaints.

A memorial for Rosemary Nelson was held in Geneva, Switzerland, during the 55th session of the UN Commission on Human Rights. Mary Robinson, the UN High Commissioner for Human Rights, addressed the memorial and spoke about Rosemary Nelson as a "courageous lawyer" and human rights defender who continued her work despite threats on her life. Param Cumaraswamy, the UN Special Rapporteur on the independence of judges and lawyers, raised concerns about the involvement of the Royal Ulster Constabulary (RUC) in the investigation of Rosemary Nelson's murder. The memorial event was followed by a briefing sponsored by a coalition of human rights organizations, which was addressed by Geraldine Finucane, the wife of Patrick Finucane. Speakers pointed to the alarming similarity between the dynamics that led to the killing of Rosemary Nelson and that of Belfast solicitor Patrick Finucane in 1989.

Amnesty International has also repeatedly called on the government to initiate an independent judicial inquiry into allegations that defence lawyers are systematically harassed and intimidated by members of the

security forces in Northern Ireland. In a report published in April 1998, the United Nations Special Rapporteur on the independence of judges and lawyers had concluded that "the RUC has engaged in activities which constitute intimidation, hindrance, harassment or improper interference" with lawyers.

Official collusion in the killing of Patrick Finucane

12 February marked the tenth anniversary of the murder of Patrick Finucane. On that date representatives of the Finucane family handed over to the UK and Irish governments copies of a confidential report into the killing compiled by the London-based human rights group British Irish Rights Watch. The report, based on highly sensitive government documents, indicated close and active collusion by members of the Royal Ulster Constabulary (RUC) and the Force Research Unit (FRU), a branch of military intelligence, in Patrick Finucane's death.

The RUC Chief Constable referred the report to a senior English police officer, John Stevens, Deputy Commissioner of the London Metropolitan Police Service for investigation. John Stevens had been involved in two previous investigations into collusion, the results of which were never published (see *Political Killings in Northern Ireland*, AI Index: EUR 45/01/94). In April John Stevens began a criminal investigation, using a team of non-RUC officers.

Amnesty International was concerned that this internal police investigation may have been seen as a substitute for an independent judicial inquiry into Patrick Finucane's killing and raised this issue with the Secretary of State very strongly, in particular during a meeting in May.

On 24 June a former RUC informer, who was an agent for Special Branch (ie. intelligence), appeared at Belfast magistrates' court charged with the murder of Patrick Finucane. Amnesty International's representative was in court to observe the proceedings. The informer, Alfred Stobie, was a former soldier and an active member of the Ulster Defence Association (UDA), who informed Special Branch of planned activities of the UDA. In his statement read to the court Alfred Stobie totally denied the charge of murder. He said that as a police informer he informed Special Branch on the night of the death of Patrick Finucane on two occasions by telephone that "...a person was to be shot". However, he did not know the person targeted. Alfred Stobie's solicitor told the court "He was a paid Crown agent acting on behalf of the police from around 1987 to 1990. On at least two occasions he gave police information before this murder that clearly was not acted upon. He also gave police information after the murder about the murder weapon." The Committee on the Administration of Justice (CAJ) stated that "if the allegations in *The Sunday Tribune* are true, then the attempts to cover up the state's role in the Finucane murder have corrupted the very core of the criminal justice system".

Robert Hamill

Of the six people charged in connection with the death of Robert Hamill, Marc Hobson was the only person to be brought to trial (see AI Index: EUR 45/23/98). The trial ended in March with his acquittal for murder; he was sentenced to four years' imprisonment for affray. The file of the investigation into the conduct of the four police officers at the scene has been sent to the Director of Public Prosecutions.

Amnesty International delegates visit Northern Ireland

An Amnesty International delegation visited Northern Ireland in early May to examine the human rights situation. In a series of meetings with political leaders, police representatives and government officials the organization's representatives urged that human rights protection become a universal rather than a sectarian

issue. The delegation also said it had been shocked and moved by evidence that an enormous number of past and present abuses remained unresolved and were not being adequately addressed.

The four Amnesty International delegates, who visited Northern Ireland from 7 to 14 May, spent three to four days in Portadown, because it is a microcosm of all the main conflicts within that society. Delegates heard testimony from people from different parts of the community which described unlawful arrests, alleged unprovoked beatings, sectarian and racist abuse by police officers and serious injuries caused by plastic bullets. Delegates also met with the families of Rosemary Nelson and Robert Hamill.

In Belfast and London/Derry, delegates heard further testimony from many people about past or present violations of human rights; as well as testimony from the families of people who had been victims of punishment beatings and shootings by paramilitary groups. The delegation also talked to a number of community restorative justice programmes which are attempting to implement a non-violent community way of dealing with criminal activity.

At the end of May, Amnesty International representatives met Dr Mo Mowlam, Secretary of State for Northern Ireland, and discussed the full range of concerns which had arisen during the visit to Northern Ireland. In particular, the organization stressed the need to implement in full the human rights aspect of the Multi-Party Agreement.

Killings by soldiers in Northern Ireland (Updates on AI Index: EUR 01/01/93, 01/01/94 and 01/01/95)

Two soldiers who were convicted of the murder in 1992 of Peter McBride were granted early release, under the terms of the Multi-Party Agreement, after serving six years of their life sentence. Upon release, the Army Board decided in November 1998 that the two could remain in the British Army. The Army Board included Doug Henderson MP, the Minister within the Ministry of Defence for the armed forces. The decision was made on exceptional grounds. Under army regulations, a soldier who receives a custodial sentence must be dismissed from the armed forces unless there are exceptional reasons justifying retention. The family of Peter McBride legally challenged (through judicial review) this decision in the High Court in June.

In March a retrial resulted in the clearing of Private Lee Clegg for the murder of Karen Reilly in 1990; however, he was found guilty of attempting to wound Martin Peake. The judge stated that although Lee Clegg's evidence was a "farrago of untruth", the judge could not be certain that he had fired the particular shot which killed Karen Reilly. He had been convicted of the murder in 1993 and released two years later; at the time he was reinstated in the British army and even promoted.

England

Deaths in custody (new cases and updates on previous cases)

Prompted by the deaths in custody of Nathan Delahunty and Roger Sylvester, London Metropolitan Police announced plans in January to bring in rapid response medical units. An inquest in January decided that the death of Nathan Delahunty in July 1998 had been caused partly as a result of being restrained by police and carried to a van with his hands cuffed behind his back while under the influence of cocaine. Similarly, Roger Sylvester died eight days after being restrained outside his Tottenham home on 11 January. The eight police officers who restrained Roger Sylvester have been moved to non-operational duties while an inquiry is being conducted by Essex police under the supervision of the Police Complaints Authority. Meanwhile, the Metropolitan police has apologized for issuing a false statement about Roger Sylvester, claiming that he was behaving in an 'aggressive and vociferous' manner at the time of the restraint although there was no evidence to support this. Also, five police officers have been suspended as part of an investigation into the death of

Christopher Alder, who died in April 1998 after being restrained face down with his arms handcuffed behind his back on the floor of Hull police station (see AI Index: EUR 01/02/98).

The Prison Service was criticised in a report published in March by the Parliamentary Ombudsman, Michael Buckley, for its conduct in the case of Kenneth Severin, who died in November 1995 after being restrained face-down on the floor by prison officers (see AI Index: EUR 01/06/97). Among the shortcomings highlighted were the Prison Service's failure to train its staff adequately in the dangers of using traditional restraint techniques and its failure to disclose details of its internal inquiry into Kenneth Severin's death to his family. Following the report, the Prison Service has agreed to release information relating to the death of Kenneth Severin.

In April firearms officer PC Chris Sherwood was charged with murder and manslaughter after shooting dead James Ashley during a raid in January 1998. James Ashley was naked, unarmed and in bed with his girlfriend when thirty officers raided his flat in Hastings in connection with cocaine trafficking and attempted murder, although it subsequently emerged that police was acting on inaccurate intelligence reports and that the attempted murder had been prevented rather than perpetrated by Ashley. Four other officers have been charged with misfeasance (i.e. neglect of duty or abuse of power) in a public office. Two senior officers have both received disciplinary notices, and Deputy Chief Constable Mark Jordan remains suspended while awaiting a disciplinary tribunal.

Alleged torture and ill-treatment - Wormwood Scrubs

The criminal investigation into alleged torture and ill-treatment of prisoners at Wormwood Scrubs Prison has resulted in criminal charges being brought against at least 22 prison officers by the end of June. The police investigation is continuing. (See AI Index: EUR 01/02/98) A report on the prison by the Chief Inspector of Prisons, published in June, was severely critical of the prison, including the attitudes of prison officers and widespread practices of racism and bullying.

Inquiries into police handling of racist killings (updates to AI Index: EUR 01/02/98 and 01/01/99).

The judicial inquiry into the police investigation of the circumstances surrounding the racist killing of Stephen Lawrence issued its report in February. Sir William MacPherson of Cluny, a retired judge who led the inquiry, found that the investigation had been fundamentally flawed and "marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers". The report made 70 recommendations, many of which have been accepted by the government.

Following a police re-investigation, three men were charged in March with the murder of Michael Menson.

Scotland and Wales

On 6 May elections took place to new devolved institutions in Scotland and Wales. A Scottish Parliament was elected with 129 members in the new parliament. The First Minister is Donald Dewar, MP. This parliament will have legislative control over all major social and economic areas, including local government, education, criminal justice and civil law. Amnesty International is urging the parliament to set up an independent Human Rights Commission.

Sixty members were elected to the new Welsh National Assembly, the First Secretary of which is Alun Michael, MP.

UZBEKISTAN

Human rights defenders

Ill-treatment in custody

Mikhail Ardzinov, the chairman of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU) was seriously injured during a search of his apartment by officers from the Tashkent City Department of Internal Affairs (GUV D) on 25 June. His injuries, which were detailed in a medical certificate issued by the medical officer of the United States Embassy in Tashkent, included two broken ribs, concussion and contused kidneys, as well as cuts and bruises. According to unofficial reports, Mikhail Ardzinov sustained these injuries after plainclothes police officers from the GUV D detained him in the street on 25 June at 9.30am, reportedly beating him as they forced him into a car and took him to his apartment. There a uniformed investigator was waiting with a search warrant relating to a criminal case against Mikhail Ardzinov for "hooliganism". This was apparently the first he had heard of the case. Officers searched his apartment, confiscating computer and other equipment, and both personal and other documents, including the archives of NOPCHU. After the search Mikhail Ardzinov was taken by car to the GUV D. On arrival he was beaten again, in the lift and corridors. He was questioned until 11pm, when he was driven back to his apartment. Throughout his detention and interrogation he was denied access to a lawyer, medical assistance and telephone contact. Amnesty International was concerned that Mikhail Ardzinov's detention and subsequent ill-treatment were related to his outspoken and public criticism of the measures taken by the authorities in reaction to a series of bomb attacks in Tashkent on 16 February, in particular, the sweeping arrests of individuals and groups perceived as a threat to the stability and authority of the government and the conduct of several high-profile trials of members of unregistered Islamic organizations and suspects in the February bombings. Mikhail Ardzinov had been detained twice before and taken for questioning to the GUV D, on 18 May and 9 June. On both occasions he reported having been threatened with further repercussions if he did not stop his human rights monitoring activities. On 10 June he was assaulted in the street near his home by two men he believed to be officers of the Ministry of Internal Affairs. He sustained light injuries to his right hand and forehead.

Other members of NOPCHU, in particular Marbuba Kasimova, as well as human rights defenders such as social and political activist Muhtabar Akhmedova, were also detained and questioned. Please see the section on Women for further information.

Death in custody

Akhmadkhon Turakhanov, a member of NOPCHU and chairman of the Namangan city branch of the democratic opposition movement *Birlik*, died in the medical wing of Tashkent prison on 19 (or possibly 16) June, and was buried on 20 June in his home town of Namangan. He had been in detention since 29 December 1998 and was sentenced on 4 March to six years' imprisonment for hooliganism and attempting to overthrow the state. There was concern that the trial proceedings may have been unfair and motivated by his critical attitude towards the local and central authorities and his membership in opposition and independent human rights organizations. The cause of death was given by various unofficial sources as tuberculosis (TB), diabetes or heart failure. He had suffered from diabetes for many years but was believed to have contracted TB while in prison. According to unofficial sources Akhmadkhon Turakhanov was transferred on or around 9 May from a prison in Namangan to one near Tashkent, and from there to the

medical wing of Tashkent prison, where he died. Although Amnesty International believed that Akhamadkhon Turakhanov's family was able to get insulin to him in prison on several occasions, the organization was concerned that he may not have received the consistent treatment he required.

Possible prisoners of conscience

Arrests of Christians and other believers

On 9 June a court in Nukus, the capital of the Karakalpakstan autonomous republic, sentenced three members of the city's Full Gospel Church to long terms of imprisonment on drug-related charges. Twenty-two-year-old Pastor Rashid Turibayev received a 15-year sentence while church members Parhad Yangibayev and Issed Tanishiyev received 10-year sentences. Rashid Turibayev was also charged with participation in illegal religious activity. Pastor Turibayev who had been trying since 1995 to register the Full Gospel Church with the authorities in Nukus was accused of holding illegal religious meetings, and of converting Muslims. During a search of the homes of the three men police allegedly discovered small quantities of drugs, as well as hundreds of items of Christian literature, video and audio tapes. All three defendants denied possession of narcotics. Supporters claimed that the drugs had been planted in order to fabricate a criminal case against the men. Rashid Turibayev had previously been forcibly detained in a psychiatric hospital in December 1996 after being charged with holding illegal religious meetings. In October 1997 he was sentenced to two years of forced labour, but was conditionally released from detention.

Mass arrests following 16 February bomb explosions in Tashkent

Following six bomb explosions in Tashkent on 16 February, in which at least 13 people died and more than a hundred were injured, hundreds of supposed conspirators, including members of independent Islamic congregations, members and supporters of the banned political opposition parties and movements and their families were arbitrarily detained. The Uzbek authorities described the bombings as an assassination attempt on President Karimov and blamed them on violent foreign-trained Islamic groups, intent on establishing an Islamist State in Uzbekistan, operating in concert with Muhammad Salih, exiled leader of the banned democratic opposition party *Erk*. At a news conference in March President Karimov was reported to have described Muhammad Salih as "a collaborator in this terror act and sabotage" who should "come and admit his crimes". Amnesty International was concerned that the Uzbek authorities were using the investigation into the Tashkent bombings as a pretext to further clamp down on perceived sources of opposition to President Karimov and to intensify the recent campaign against the perceived spread of "Wahhabism" in Uzbekistan. Scores of men were sentenced during 1998 to long terms of imprisonment on charges including terrorism, attempting to overthrow the constitutional order and seeking to establish an Islamist state. Their trials were marked by allegations that defendants were beaten and otherwise ill-treated in detention to force them to confess (see AI Indices: EUR 01/01/98, 01/02/98 and 01/01/99 for more information).

Detention of relatives of independent leader Islamic leader Obidkhon Nazarov (see AI Index: EUR 01/01/98, 01/02/98 and 01/01/99)

Obidkhon Nazarov's younger brother, Umarkhon, was arrested on 17 March while visiting his uncle Akhmadali Salomov in Namangan. Both men were detained on charges of attempting to overthrow the constitutional order of Uzbekistan. Two weeks earlier, on 28 February, Abdurashid Nasriddinov, the brother of Obidkhon Nazarov's wife, had also been arrested in Namangan on the same charges. The men were

initially held separately but were later transferred to the same prison in Namangan. Their criminal cases were linked and they were charged additionally with being members of an armed criminal gang. On 4 May their case was transferred to Namangan Regional Court for trial and on 20 May Umarkhon Nazarov and Abdurashid Nasriddinov were sentenced to 11 years in prison. Akhmadali Salomov received a four-year sentence. Their appeal against their sentences was due to be heard by the Supreme Court on 13 July. Amnesty International expressed grave concern at allegations that they were arrested and sentenced solely because of their relationship to imam Obidkhon Nazarov.

There was concern for the safety of Obidkhon Nazarov's youngest brother, Abdumalik, serving nine years in prison on allegedly fabricated charges of possession of narcotics. In June prison authorities at the Tavaksay prison camp told relatives that Abdumalik had been transferred to Zangiotinsk prison camp. However, prison authorities at the latter reportedly stated that he had been transferred to a third camp, but that they had not been given details of which one. By the end of June Abdumalik's family had not been able to establish his whereabouts.

Munira Nasriddinova, the wife of Obidkhon Nazarov, was held in administrative detention for 10 days between 21 February and 3 March. Shazoda Ergasheva, the wife of imam Tulkin Ergashev whom the authorities have accused of being an associate of Obidkhon Nazarov, suffered severe medical problems after also being detained on 21 February (Please see the section *Women in Europe*, page 76 for further details).

Detention of relatives and associates of the exiled leader of the banned opposition Erk party, Muhammad Salih

On 18 March Muhammad Bekzhon, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov were forcibly deported from Ukraine. They were reportedly detained in the Ukrainian capital, Kiev, on 15 March during a joint Uzbek/Ukrainian police raid on their apartments at the request of the Uzbek authorities. Yusif Ruzimuradov is a prominent member of *Erk*. Muhammad Bekzhon was one of the editors of the party's newspaper, also called *Erk*, and is the brother of Muhammad Salih. On 15 March President Karimov publicly named Muhammad Salih as one of the organizers of the February bomb explosions and called for his arrest and extradition to Uzbekistan. Both Muhammad Bekzhon and Yusif Ruzimuradov had lived in Kiev since 1994, when they fled Uzbekistan to escape arrest during an official clampdown on *Erk*. They had been actively involved in the production abroad of the *Erk* newspaper and its clandestine distribution in Uzbekistan. During the raid on 15 March police reportedly confiscated copies of the *Erk* newspaper, computers and audio tapes. Kobil Diyarov is a former member of the banned opposition movement *Birlik*. He was believed to have been in Kiev on business with his nephew Negmat Sharipov when they were detained. They were kept in incommunicado detention in Uzbekistan and there was grave concern for their safety.

In the night of 26 April Rustam Mamatkulov and Zeyniddin Askarov, said to be supporters of *Erk*, were forcibly returned to Uzbekistan from Turkey. They had reportedly been detained in Turkey since the beginning of March at the request of the Uzbek authorities, who claimed they were involved in the February bombings. The deportation was reportedly sanctioned by the Turkish Council of Ministers on 22 April, and went ahead despite a formal request from the European Court of Human Rights not to deport them, as it was feared they would face grave violations of their human rights in Uzbekistan. Turkish officials later claimed that the deportation only went ahead after they had received guarantees from the Uzbek authorities that the two men would not be charged with any criminal offence carrying a potential death sentence. However, during the trial of the first 22 defendants in criminal case 8363 in relation to the February bombings, the prosecution asked for the death penalty for Rustam Mamatkulov. On 28 June the Supreme Court sentenced him to 20 years' imprisonment.

On 1 June Kushkupirsky District Court of Khorezm Region sentenced Muhammad Salih's brother, Komil Bekzhon, to 10 years' imprisonment for illegal possession of narcotics. Komil Bekzhon, who had been

detained from 19 to 22 February in Khorezm Region after police first searched his house and later, at the police station, his car, was reportedly rearrested at his home on 31 March, by the head of the Yangiarskiy district police station and the director of the local collective farm. According to unofficial sources Komil Bekzhon was questioned during the trial about the whereabouts of his brothers Muhammad Salih and Maksud Bekzhon. There were credible allegations that the charge against Komil Bekzhon was fabricated in order to punish him for his relationship to Muhammad Salih.

In April Amnesty International learned that Rashid Bekzhon, another brother of Muhammad Salih, who had been detained incommunicado since 23 February, faced charges of terrorism. His name appeared on a list being circulated by the Uzbek authorities of more than 100 people imprisoned in connection with the February explosions. There were fears that Rashid Bekzhon might face the death penalty on what supporters claimed were fabricated charges. In May the department of investigation at the Ministry of Internal Affairs (MVD) confirmed that Rashid Bekzhon had been detained on 23 February and noted that the arresting officers of the MVD had found on his person literature which they alleged slandered President Karimov. During a search of the apartment where he was staying officers allegedly also discovered explosives. The MVD denied that Rashid Bekzhon had been ill-treated and stated that his family had been officially informed of his arrest on 2 March. According to the MVD no complaints were received from Rashid Bekzhon or from his lawyer.

Political Prisoners

On 14 May Tashkent City Court sentenced 12 men to six- to 19-year prison terms for attempting to overthrow the constitutional order of Uzbekistan under Article 159 of the Uzbek Criminal Code. The men were also charged with illegal possession of narcotics and weapons, as well as participation in an illegal religious organization. The men were accused of being members of the illegal Islamic organization *Hizb-ut-Tahrir* whose goal was reported to be to establish an Islamist state in Uzbekistan. They all reportedly admitted to being members of *Hizb-ut-Tahrir*, but denied other charges. There were serious concerns that the defendants had been beaten or otherwise ill-treated in detention and had allegedly been forced under duress to confess to the charges. There was also concern that these men were punished for their religious affiliation rather than any concrete criminal actions.

At least three more separate trials of alleged members of *Hizb-ut-Tahrir* took place in May and June in Namangan and Fergana.

On 12 May Namangan City Court sentenced three men to 13- to 16 years in prison for their alleged participation in the February bombings. Amnesty International was gravely concerned that the outcomes of all these trials might have been influenced by public statements against Islamic and opposition activists by the authorities. Both the Interior Minister and General Prosecutor stated on national television in April that, in accordance with an order from the President, those involved in extremist religious groups whose names appear on lists of suspects must turn themselves in and 'admit their guilt'. Any who fail to do so will be held accountable and punished, as will their fathers who could not restrain them.

The death penalty

On 28 June the Supreme Court sentenced six men to death for their part in the February bombings in the first of a series of trials related to criminal case 6383. Sixteen co-defendants received prison sentences ranging from ten to 20 years. All 22 defendants also had their property confiscated. The defendants were accused of being members of extremist religious organizations who advocated a jihad (holy war) to overthrow the constitutional order in Uzbekistan and the assassination of President Karimov, charges to which most of the defendants reportedly pleaded guilty. There were reports that the defendants had been beaten or otherwise

ill-treated in pre-trial detention and forced under duress to give false evidence. Human rights monitors expressed concern that fair trial standards, although promised by the authorities, had not been respected. Six of the defendants were already in detention at the time of the bombings, some serving long prison sentences for their alleged participation in the 1997 Namangan murders which sparked the wave of arrests of alleged "Wahhabis" in December 1997. The defendants were reportedly denied the right to a lawyer of their own choice and there were allegations that the defence lawyers did not represent the defendants' interests. According to a trial observer from Human Rights Watch there was no presumption of innocence and the prosecution failed to present any solid evidence to prove the defendants guilty.

YUGOSLAVIA, FEDERAL REPUBLIC (FRY)

Concerns in Kosovo

Main developments

The final two months of 1998 were comparatively peaceful in Kosovo following a partial withdrawal of Serbian and Yugoslav forces from the province and the introduction of the Kosovo Verification Mission (KVM) of the Organisation for Security and Co-operation in Europe (OSCE). However, clashes between Serbian police and the Yugoslav Army on one side and armed ethnic Albanians of the Kosovo Liberation Army (KLA, or in Albanian *Ushtria Çlirimtare e Kosovës* - UÇK) on the other continued to occur and indeed intensified during the last days of 1998 and January 1999. Frequent ambushes of Serbian police by the KLA were reported and the Serbian authorities claimed their actions were taken in response to such attacks. On 15 January the Yugoslav forces launched an operation against Raak village near Štimlje, claiming that they were taking action against terrorists who had killed police officers in the area in the preceding days. However, the police killed 45 ethnic Albanians, all of whom appeared to be civilians and unconnected with the attacks.

Widespread outrage at these killings brought about a strong political reaction which prompted renewed international efforts to find a peaceful settlement to the Kosovo conflict. A series of negotiations was convened in France in February, but they foundered on the FRY's refusal to accept North Atlantic Treaty Organization (NATO) peace-keepers in Kosovo. Negotiations were suspended on 19 March and on 24 March NATO launched air strikes against the FRY. In turn the Yugoslav authorities decreed a "state of war", imposing a range of restrictions on civil rights which effectively stifled dissenting voices throughout the FRY.

Immediately following the launch of NATO air operations, Serbian police, paramilitaries and FRY army units began to expel ethnic Albanian populations systematically from towns and villages throughout Kosovo. By 8 June the number of ethnic Albanians who had been forced to Albania, the Former Yugoslav Republic of Macedonia, Bosnia-Herzegovina and the FRY republic of Montenegro had reached 782,300, with many tens of thousands more estimated to be displaced within Kosovo itself. This forced mass displacement was accompanied by extensive and gross violations of human rights -- including large-scale killings and summary executions of ethnic Albanians, "disappearances", torture and ill-treatment. Many of these acts were clearly of a concerted and organized character. On 27 May the International Criminal Tribunal for the former Yugoslavia (ICTY) indicted FRY President Slobodan Milošević and four other government officials with crimes against humanity. NATO air raids and ground attacks on FRY forces by the KLA continued through April, May and early June. NATO raids resulted in loss of civilian life and on occasion may have breached international humanitarian law.

On 3 June a European Union-Russian peace proposal was accepted by the Serbian parliament. This was followed on 10 June by UN Security Council Resolution 1244 which, *inter alia*, called for the

withdrawal of FRY military, police and paramilitary forces from Kosovo; the deployment under UN auspices of international civil and security presences, with substantial NATO participation in the security presence; the establishment of an interim administration; the “safe and free return” of all refugees; a political process providing for substantial self-government, as well as the demilitarization of the KLA; and a comprehensive approach to the economic development of the crisis region. As FRY and Serbian forces withdrew from the province, NATO halted its air campaign on 10 June and international peace-keeping forces, led by NATO, began to deploy in Kosovo on 12 June. Ethnic Albanian refugees began to re-enter Kosovo in large numbers shortly afterwards. On 24 June the FRY government formally lifted the “state of war”, but many restrictions on civil rights remained in place.

At the end of June the UN Secretary-General appointed Bernard Kouchner as his Special Representative to head the UN Interim Administration Mission in Kosovo (UNMIK), which is charged with responsibility for the interim civilian administration, humanitarian affairs, institution building and reconstruction in the province.

Amnesty International's response to the crisis

From April to June Amnesty International maintained teams of researchers in Kukës, Albania, and Skopje, Macedonia, who interviewed refugees from Kosovo to gather information about human rights violations in the province and the treatment of refugees in Albania and Macedonia. In Albania Amnesty International worked in cooperation with the Albanian Human Rights Group. Supplementary research was also conducted by Amnesty International sections in other countries hosting Kosovar refugees. In late June, following the peace agreement, Amnesty International researchers visited Kosovo to begin on-site investigations into reported abuses. Amnesty International has produced a range of materials in response to the crisis, including several press releases and the public documents: *Kosovo - a decade of unheeded warnings* (two volumes) (AI Index: EUR 70/39/99 and 70/40/99); *Killings in the Izbica Area* (AI Index: EUR 70/79/99); *AI Memorandum to UN Security Council* (AI Index: EUR 70/49/99); *Open Letter to Members of the Security Council* (AI Index: EUR 70/70/99); *AI's recommendations for the protection of human rights in post-conflict peace building and reconstruction in Kosovo* (AI Index: EUR 70/91/99). Documents relating to Amnesty International concerns on refugee issues arising from the crisis were: *The protection of Kosovo Albanian refugees* (AI Index: EUR 65/03/99) and *Humanitarian evacuation and the international response to refugees from Kosovo* (AI Index: EUR 65/05/99).

Human rights violations between 1 January and the NATO intervention

Ethnic Albanians continued to report daily instances of ill-treatment by police in the course of arrests or questioning in police stations. There were regular reports of the discovery of bodies of ethnic Albanians who had been killed in unknown circumstances; in many cases it was alleged that they had been unlawfully killed by police or unidentified persons connected with the authorities. Smaller numbers of Serbs and of ethnic Albanians regarded as “loyal” to the Serbian authorities were also allegedly killed, abducted or ill-treated by armed ethnic Albanians.

On 8 January the KLA stated that eight Yugoslav soldiers whom it had captured were hostages who would be released in exchange for a group of KLA members detained by the authorities. Although international humanitarian law permits the taking of prisoners, it forbids the taking of hostages. Amnesty International was concerned because of the “hostage” conditions imposed by the KLA, and also about the conditions of detention of a female minor who was one of the group of KLA detainees. Both groups were eventually released.

The Ra..ak killings - a familiar pattern of police reprisals against civilians

On 15 January Yugoslav forces, including members of police special forces units backed up by the Yugoslav Army, launched an operation against Ra..ak village, less than 30 kilometres south of Priština, in which 45 ethnic Albanians were killed. In justification for their action they cited reports of attacks on police units in the local area by the KLA in which several police were killed. The victims appeared to be mainly local villagers unconnected with the fighting and included three women, a 12-year-old child and several elderly men. Many of the victims had reportedly been shot through the head at close range and some showed signs of mutilation. The events at Ra..ak conformed to a pattern of large-scale killings by Serbian forces in the course of security sweeps in 1998 during which civilians were deliberately targeted in villages close to the location of attacks on the police. Such killings had the appearance of a form of reprisal for such attacks.

March - June 1999: Mass violations of human rightsUnlawful killings, "disappearances" and mass graves

Following the onset of NATO bombing widespread human rights abuses were committed by Serbian and FRY forces against the ethnic Albanian population of Kosovo. Hundreds of thousands of civilians were forcibly displaced from their homes. Ethnic Albanian men and teenage boys were the principal targets for abuses such as extrajudicial executions, torture and ill-treatment, but all sections of the ethnic Albanian population suffered to some degree, particularly from abuses such as indiscriminate Serbian shell or gun fire. The elderly -- infirm or unable to flee quickly -- proved particularly vulnerable: many elderly people were reported to have burned to death when their homes were set alight by Serbian forces. In addition to their testimony regarding gross violations of fundamental human rights, most witnesses interviewed by Amnesty International told of being methodically robbed -- often repeatedly -- of valuables and identity documents by FRY and Serbian forces during the process of expulsion or while they were in flight.

Priština

In the provincial capital, Priština, police and paramilitary units called at houses and apartments, ordering people to leave. These orders were generally accompanied by threats and often by violence. Although some made their own way to the border in private vehicles or on foot, others were ordered onto buses and trains, which then took people towards the border. In many cases houses were looted and set on fire, in other cases refugees reported that members of the police or army moved into the vacant buildings.

Although the expulsion of the ethnic Albanian population of the city may have been accompanied by relatively fewer gross human rights violations than in other towns and in the countryside, one of the most disturbing events at the outset was the killing by police of the ethnic Albanian lawyer and human rights activist, Bajram Kelmendi and two of his sons, one of whom was aged only 16 years. The two men and the boy were taken away from their home by uniformed police in the early hours of 25 March and were found dead the following day. Reports of the killings of five other ethnic Albanian intellectuals in Priština which appeared on 29 March proved not to be true, but one of the men said to have been killed then, Fehmi Agani, political advisor to the Kosovo Albanian leader, Ibrahim Rugova, was later killed on 6 May as he tried to flee Kosovo. Prominent members of the community such as lawyers, journalists and medical workers appear to have been singled out for abuses, and many of them spent the period in hiding, daring neither to appear openly on the streets or to attempt to flee Kosovo.

The program of mass expulsions gathered pace after the Kelmendi killings occurred. In ethnic Albanian majority areas of the city practically entire streets were emptied as police went from house to house checking the identities of the occupants and ordering them out. Many ethnic Albanians abandoned their houses before the police arrived and came out into the streets to be herded to the train station and deported to Macedonia.

Outside Priština the same pattern of violent expulsion was repeated, often with greater intensity. In many cases the entire population of a village was forcibly expelled, accompanied by extrajudicial executions, unlawful and arbitrary killings. Some of those expelled from their homes reported suffering or witnessing further violations of human rights as members of convoys of displaced people fleeing the Kosovo. The following incidents were compiled from testimony given by refugees to Amnesty International's researchers working in the region. They are not a complete record of human rights abuses committed in Kosovo after 24 March, but are indicative of their range and severity.

Srbica (Skënderaj) area

Refugees from Izbica (Albanian Izbicë) and Kladernica (Kllodernicë) and other villages in the Drenica region of Kosovo testified that scores of unarmed ethnic Albanian men and teenage boys were summarily executed by Serbian forces between 25 and 28 March 1999, and again following a renewed Serbian offensive on 12 April. Several witnesses survived execution themselves or saw others killed. One witness from Izbica gave a detailed account of how a number of men and boys were forced to line up with their hands clasped behind their heads before being shot dead in front of their families, including children. Many others saw evidence of executions when they helped to collect, identify and bury the bodies of victims. According to their accounts, victims were buried at a large site in Izbica and in smaller sites in numerous villages in the area. Amnesty International believes that many of these bodies are of civilians who were executed by Serbian security forces or killed by indiscriminate shelling. See *Killings in the Izbica Area* (AI Index: EUR 70/79/99).

Obilif area

Refugees who had been forcibly expelled from the village of Ade (Hade), west of Priština, reported to Amnesty International delegates in Macedonia and Albania the killings of four men by Serbian police on 18 April. The victims included a village schoolteacher who was shot by police and three other men whose severely burned bodies were found in a destroyed barn. The cause of their deaths is not known but witnesses reported that the three had been detained by police two days previously, and Amnesty International believes that the men were unlawfully killed. A fifth man, detained by police on the same occasion, is missing.

Prizren area

(see also entry under *Children in Europe*, below).

During March and April 1999 the village of Koriša (Korishë), north east of Prizren, suffered a series of punitive raids by Serbian security forces in which at least 11 ethnic Albanian civilians were reportedly victims of extrajudicial executions. The victims included two elderly brothers, Vesel Ahmetaj, aged 70, and Musli Ahmetaj, aged 68, who were shot dead by Serbian police in their home. The hands of three other victims had reportedly been bound with iron wire, and the bodies bore several knife wounds and signs of mutilation, according to villagers who retrieved the bodies. Up to four elderly men and women reportedly burned to death in their homes after these were set on fire by Serbian forces. Many villagers also gave consistent

accounts of having witnessed grave sites being dug by Serb forces at a location near Koriša. The full extent of these reported burials and the identities of those buried is not yet known. On 13 May NATO aircraft bombed a presumed military position near the village, which resulted in a civilian death toll, put by Yugoslav news reports at 87. See below for Amnesty International's concerns on NATO actions.

Witnesses from Ljubinda, in the Has region northwest of Prizren, reported the extrajudicial executions of 14 men by Serbian police and paramilitaries. The villagers were hiding in the forest after having been expelled from their homes on 31 March. On 12 April the villagers were surrounded by Serbian police and 14 ethnic Albanian men were allegedly summarily executed. Witnesses reported hearing gunfire and later seeing bodies lying in a stream. Others found hiding were forced to return to their villages by the Serbian forces, who beat and insulted them. Some of the men from this group were taken to a house where they were detained for three days before being loaded onto buses along with the women and children and taken to the border with Albania. The whereabouts of the other men is unknown.

Djakovica (Gjakovë) area

Members of the Zeka family told Amnesty International of the death of Myhedin Zeka, a 52-year-old teacher, who was forced by armed Serbian police into an upstairs room of his house in Djakovica late one night in April. The other members of his family were told to get out. They spent the night in the family car, returning the next morning to find Myhedin lying in a cupboard, dead. The family were too terrified to stop and bury his blood-stained body. Other refugees from Djakovica also told of grave violations of human rights. One woman described the killing of an unarmed man early on 25 March. Six Serbian men armed with knives and automatic weapons, whom she believed to be police, entered the cellar where she was hiding with a group of men, women and children. One of the Serbs then summarily executed Xhevdet Rakoqi. The rest of those sheltering were forced out of the town.

Another witness from Djakovica described how on 2 April Serbian forces wearing black masks and armed with automatic weapons killed five of his relations in the yard of their house after demanding money. Others report having seen bodies lying singly or in groups in the streets or in fields along the road leading to the town. Zylfia Arifi, a woman who was in a column of refugees passing through Djakovica, reported that when they arrived at the town four men, including her brother-in-law, were pulled out of the column. She saw the men being brutally beaten before she and the other refugees were ordered to move on. Then she heard a burst of gunfire behind her, but did not dare look back.

Vu...itrn (Vushtrri) area

On 2 May large numbers of ethnic Albanian civilians fleeing from their homes in the area towards the town of Vu...itrn were herded by Serbian forces towards the twin villages of Donja Studimlja (Studimë e Ulët - Lower Studime) and Gornja Studimlja (Studimë e Epërme - Upper Studime). The inhabitants of these two villages were also forced to leave their homes and join the others in a convoy. According to eyewitnesses later interviewed by Amnesty International, as the convoy began to move off that evening, Serbian forces killed scores of men, working their way down the line of tractors. One man described the death of his son and two cousins, who were shot after being forced from their vehicles and being ordered to hand over money. Another described being ordered to get off his tractor and hand over money, after which he was shot and left for dead. Villagers who had hidden in the surrounding hills or returned shortly afterwards described collecting and burying the bodies of those killed a few days later. Amnesty International delegates were able to visit the area, and observed two mass graves, holding a total of 95 bodies.

Many of the survivors were escorted to a factory complex in Vučitrn where, the following morning, men were separated from women and children. According to refugee testimony, some of the men were taken to a prison at Smrekovnica where further grave human rights abuses were reportedly committed (see below).

Ill-treatment and torture, including rape

Smrekovnica

Ethnic Albanian civilian men released from prison in Smrekovnica (Smrekonicë), near Vučitrn, described to Amnesty International researchers a regime of torture and ill-treatment at the prison. According to these witnesses, up to 4,500 ethnic Albanian men may have been held in the prison at one stage. The witnesses described how they had been beaten during interrogation, forced to sign “confessions” and then accommodated in overcrowded and insanitary rooms where men would regularly be beaten, often into unconsciousness. According to one prisoner, “they made prisoners sing Serb folksongs. They forced brothers to fight brothers for their amusement and made fathers beat their sons.” Other prisoners described groups of men being taken away from the prison in covered trucks, to an unknown destination.

Alleged multiple rape

Amnesty International received testimony regarding the alleged multiple rape of several women detained by Serb forces in a village in the municipality of Suva Reka, following a Serb attack on the village on 21 April. The younger men of the village fled, but an estimated 300 women and children and 11 elderly men remained behind. These men were separated from the other villagers and their fate is unknown. The women and children were confined to three houses. According to witnesses, several younger women were taken out repeatedly by their captors over a period of three days. Three of the women testified that they had been raped. Other testimony strongly suggests that several other women were also raped. Amnesty International has not named the women or village involved in order to protect their identities.

ICTY indictment of President Milošević

Amnesty International welcomed the ICTY’s indictment, on 27 May, of FRY President Slobodan Milošević, FRY Deputy Prime Minister Nikola Šainović, Serbian President Milan Milutinović, Serbian Minister of Internal Affairs Vlastimir Đokić, and Chief of Staff of the Yugoslav Army (VJ) Dragoljub Ojdanić. The indictment charges the men with “violations of the laws or customs of war” and “crimes against humanity”. The indictment alleges that between 1 January 1999 and late May 1999, military forces and some police units of FRY, the police force of Serbia and associated paramilitary units jointly engaged in the expulsion of hundreds of thousands of ethnic Albanian civilians from their homes, many of whom were killed, abused and had their possessions and identification papers stolen. Specific massacres in villages such as Račak, Bela Crkva, Velika Kruša, Mala Kruša, Djakovica, Crkolez, and Izbica are covered by the indictment, which Amnesty International described as “a welcome reaffirmation of the rule of international law that no one, whether a head of state or private soldier, is immune from criminal responsibility for crimes against humanity and war crimes”.

NATO bombings

Amnesty International expressed concern that certain NATO attacks may have breached international humanitarian law. These incidents include the 12 April bombing of a rail bridge which struck a passenger train and killed at least 10 civilians; air attacks on refugee convoys near Djakovica on 14 April which killed as many as 72 civilians; the 23 April attack on Serbian state television headquarters in Belgrade in which 15 civilians were killed; the bombing on 1 May of a bridge near Lučane which struck a passenger bus and killed 23 people; the 7 May bombing of a civilian market and hospital in Niš in which 15 civilians were killed; the bombing on 8 May of the Chinese embassy which killed three civilians; and the night-time bombing on 13 May of a supposed military target in the village of Koriša referred to above. The organization wrote on several occasions to NATO Secretary General Javier Solana questioning the adherence of NATO forces to fundamental rules of humanitarian law, in particular to the prohibition of direct attacks on civilians and of attacks on military targets expected to cause disproportionate incidental loss of civilian life, and expressing concern that these incidents indicated that not all possible precautions had been taken to protect civilians. In response to Amnesty International, NATO gave general assurances that every effort was being made to avoid civilian casualties but did not provide substantive answers to questions on the specific incidents. Nor did NATO release, as requested, details of the pilots' rules of engagement which would have allowed Amnesty International to assess whether these rules complied with international humanitarian law.

International response to refugee crisis

Throughout the crisis Amnesty International was concerned that refugees fleeing Kosovo should be provided with durable protection by the international community. Many countries accepting Kosovar refugees provided only temporary protection status and Amnesty International urged all states to grant refugees full rights under the 1951 Refugee Convention.

Of particular concern was the decision of the Macedonian authorities to temporarily close its border with Kosovo on several occasions, forcing refugees back into the province – an act which undoubtedly put the lives of many refugees at risk. The Macedonian government had stated from the outset of the crisis that the refugee influx threatened to destabilize the country. Amnesty International accepted that no country should bear a disproportionate share of the responsibility to host refugees merely because of its geographical location and urged the international community to give immediate priority to sharing the responsibility more fairly. However, the organization reminded the Macedonian government that the closure of borders to refugees was a violation of international law which could not be justified under any circumstances.

Amnesty International made a series of recommendations regarding the UN High Commissioner for Refugees "Humanitarian Evacuation Programme" (HEP) and "Humanitarian Transfer Programme" (HTP) - programmes which aimed at the rapid movement of large portions of the refugee population hosted by Macedonia to other states. While Amnesty International accepted that a large-scale evacuation programme may have been an appropriate response to the situation, the organization stated that such programmes should be conducted in a manner which respects the rights of refugees and provides refugees with full protection according to international human rights standards. Amnesty International was concerned that some aspects of the HEP and HTP failed to meet these criteria.

Amid the rapid return of many thousands of refugees to Kosovo in June, Amnesty International recommended that Kosovar refugees should be provided full information to allow them to make informed decisions about whether it was fully safe to return. The organization pointed out that not all refugees were willing or able to return immediately to Kosovo and urged that these refugees should continue to receive the full protection of the international community. For full details of Amnesty International's refugee concerns, please see *The protection of Kosovo Albanian refugees* (AI Index: EUR 65/03/99) and *Humanitarian evacuation and the international response to refugees from Kosovo* (AI Index: EUR 65/05/99).

Continuing / post-conflict concerns

Abuses by the KLA or other armed ethnic Albanians

In the wake of the withdrawal of Serbian police and Yugoslav Army forces from Kosovo province which commenced on the 10 June, there were hundreds of allegations of deliberate and arbitrary killings, unlawful detention, torture and ill-treatment, rape and house destruction perpetrated either by KLA members or armed ethnic Albanians many of whom claimed KLA affiliations. The victims included Serbs, Roma and ethnic Albanians who were suspected of being "collaborators" with the Serbian authorities or otherwise "disloyal" to the KLA cause.

More than 70,000 Serbian civilians or members of the Roma or other minorities fled Kosovo during or immediately after the Yugoslav forces' withdrawal out of fear for their security. Many had been subject to direct attacks or threats or were otherwise fearful because of attacks on other members of their communities. Among the political killings which caused the greatest shock was the killing on 24 June of three Serbian members of the Priština University staff, Milenko Leković, Miodrag Mladenović and Jovica Stamenković. Although the perpetrators were not identified the killings appeared to have a clear political motive and following this most of the remaining Serbian university staff fled to Serbia.

Although the KLA condemned and claimed that it had no connection with these incidents, there were frequent reports of abductions and detention in which victims who were released stated that uniformed KLA members had abducted them, detained them for periods of days to weeks and tortured or ill-treated them. The victims were often questioned about their activities during the time of the NATO bombing campaign. Some of the detention centres run by the KLA were discovered by KFOR forces and the detainees were released although the KLA attempted to hide many of the locations. In one case on 18 June KFOR soldiers in Prizren found 15 people detained in a Serbian police station which the KLA had taken over. The detainees included ethnic Albanians, Roma and a Serb. Some had been detained by the KLA in Albania and brought to Kosovo later while others had been detained in Kosovo. The detainees interviewed by Amnesty International described severe beatings and one displayed knife wounds which he claimed to have sustained during his detention.

Houses of Serbs and Roma were systematically burned by ethnic Albanians in many towns and villages throughout Kosovo and many Serbs and Roma were physically evicted or threatened so as to give their homes over to ethnic Albanian displaced persons. Serbs and Roma also complained that they were sometimes turned back by Serbian police when they tried to enter Serbia proper and many found themselves contained in ghettos in several towns.

Roma suffered particularly as they were collectively accused by many ethnic Albanians of having collaborated with the Serbian authorities, even though the actions they had performed reportedly included digging graves which many had to do as municipal workers. Roma were among the victims of abductions. According to the European Roma Rights Center, on 21 June five Romani men were reportedly abducted by uniformed KLA soldiers from their homes on Orahovac and have not been seen since. The KLA has denied knowledge of their whereabouts.

Amnesty International reminded the international security force, KFOR, that it should meet its responsibility to ensure public safety and order and make every effort to protect Serb, Montenegrin and Roma communities from revenge attacks. Amnesty International also called upon KLA leaders to speedily fulfil their undertakings to demilitarize and disarm their followers and to use their influence to deter Kosovo Albanians from seeking retribution for the gross human rights violations many have suffered at the hands of Yugoslav and Serb forces.

Amnesty International called for the protection and promotion of human rights to be given a central place in the structure being designed for UNMIK and for the international security forces themselves to adhere to the highest human rights standards. The organization urged all states contributing to the Interim Civil Administration in Kosovo to respond speedily to the UN's request that they supply civil police for deployment in Kosovo, and to ensure that these police have adequate human rights training or experience.

Concerns in other parts of FRY

Killing of newspaper editor Slavko , uruvija

Slavko , uruvija, editor of newspapers critical of the FRY government, was murdered on 11 April outside his home in Belgrade. It was alleged that his murder was instigated by the authorities. Serbian state television and the pro-government press had accused him of welcoming NATO air strikes, which friends say he opposed. Amnesty International called for a prompt, thorough and independent investigation into his killing.

Prisoners of conscience, unfair trials, political detainees

Amnesty International called on the FRY authorities to release all prisoners of conscience, including ethnic Albanians, Serbs and members of other ethnic communities and to review all cases of people detained on political charges with a view to their possible release. The organization also called on the FRY authorities to make public the whereabouts of all political prisoners, including those transferred to prisons outside Kosovo as the Yugoslav Army withdrew from the province (for the case of one of these detainees, Dr Flora Brovina, see *Women in Europe*, below). Although the Ministry of Justice has released a list of around 2,000 names of those transferred from jails in Kosovo to Serbia proper, this list is not believed to be complete. Amnesty International is also concerned about the fate of nine ethnic Albanians, students in Belgrade, who were reportedly arrested in the first half of May.

Prisoners of conscience in Serbia include Nebojša Ristić, editor-in-chief of an independent television station. On 13 April he was sentenced to one year's imprisonment for having displayed a poster protesting against repression of the media in Serbia. Other prisoners of conscience include men who avoided the military draft or deserted on grounds of conscience. Among them are two Nazarenes and seven Jehovah's Witnesses said to be detained in Novi Sad after having been sentenced to up to five years' imprisonment for refusing to bear arms. Many Yugoslav citizens have left the country in order to avoid call-up. They risk long prison sentences on their return.

Amnesty International is also concerned about the imprisonment of two Australians and a Yugoslav working for the humanitarian aid organization, CARE Australia. On 29 May they were convicted by a military court on charges of passing on military secrets and were sentenced to prison terms of between four and 12 years. The organization believes they were denied a fair trial.

Amnesty International also called for an end to restrictions on the rights to freedom of assembly and expression, the rights to liberty and security of person, and a fair and prompt trial.

WOMEN IN EUROPE

A selection of Amnesty International's concerns

Human rights violations against women occur regularly in Europe but are only infrequently given the attention they deserve. The following are a selection of the cases and incidents investigated by Amnesty International. They are not intended to be an exhaustive summary of the organization's concerns, but are a reflection of the range of violations suffered by women in Europe.

In addition to the cases below, please see the country entries, above, on Belgium, Bulgaria, United Kingdom, Uzbekistan and Yugoslavia (Kosovo).

FRY (Kosovo)

"Disappearance" and medical concern

Dr Flora Brovina, a 48-year-old ethnic Albanian paediatrician from Kosovo "disappeared" on the afternoon of 22 April when she was reportedly abducted from her home by a group of about eight men. At the time of her abduction Dr Brovina was working in a rehabilitation centre for displaced women and children in Priština.

In early June, Amnesty International received reports that Dr Brovina was detained in Lipljan prison in Kosovo and had been briefly hospitalized in Priština following her arrest. Dr Brovina was subsequently moved to Poñaravac prison in eastern Serbia. Amnesty International is concerned that she might be ill. The organization called on the FRY authorities to provide information on the reasons for Dr Brovina's detention, and on the charges brought against her, and to ensure that she was given access to adequate medical care.

ITALY

Alleged ill-treatment - case update

In March 1999 a hearing took place in the joint trial of two police officers charged with causing Grace Patrick Akpan, an Italian citizen of Nigerian origin, serious injuries, insulting her, threatening her and abusing their powers on 20 February 1996 and of Grace P Akpan on charges of refusing to identify herself to them, and of insulting, resisting and injuring a police officer on the same date (see AI Index: EUR 01/02/96).

The officers and Grace P Akpan were committed for trial in December 1996 but the proceedings have progressed extremely slowly. The court hearing was first scheduled to open in Catanzaro in February 1997 but was immediately postponed to October 1998, whereupon it was adjourned until December 1998. However, after one day the hearing was postponed until March 1999, apparently to allow the court to question further witnesses. After a one-day hearing in March, the proceedings were adjourned to October 1999.

Grace P Akpan, a medical student at the time of the alleged incidents and now a practising hospital doctor, claimed that two police officers who stopped her for an identity check in Catanzaro in February 1996 subjected her

to verbal and physical ill-treatment on the street, in their car and in the police station and that there was a "xenophobic" aspect to their behaviour. She claimed that when she informed them that she was an Italian citizen, married to a *carabiniere* officer, they told her, using the derogatory term "*negra*", that "a black woman cannot be an Italian citizen". She said that one of the officers announced over the police radio that they were bringing in "a coloured prostitute" and on arrival at the police station, the duty inspector asked the arresting officers if she had been caught "going with men". In her complaint Grace P Akpan said that this confirmed the impression that she had already formed that, for the police, "a young coloured woman, and moreover a Nigerian, could not by definition be anything except a prostitute".

She also claimed that requests she made while at the police station - to be taken to casualty when she was feeling ill and to be given water - were both denied her until her identity had been checked. Within hours of her release she was admitted to hospital where she remained for two weeks receiving treatment for her injuries.

RUSSIAN FEDERATION: Republic of Kalmykia

The alleged politically-motivated murder of Larisa Yudina

(update to information in AI Index: EUR 01/02/98)

According to reports, the trial of three people charged with the murder of an opposition journalist, Larisa Yudina, in the Republic of Kalmykia opened on 1 July and was adjourned quickly because the defence accused the prosecutor of legal impropriety. Larisa Yudina, editor of the *Sovetskaya Kalmykia Segodnya* newspaper, was found dead on 8 June 1998 in the capital, Elista, with multiple knife wounds and a fractured skull. Members of the liberal Yabloko party, to which Larisa Yudina belonged, and other opposition members and human rights advocates continue to maintain that the killing was politically motivated. Larisa Yudina had often criticized Kalmyk President Kirsan Ilyumzhinov, alleging in her articles his involvement in corruption.

The case was forwarded to the Supreme Court of the Republic of Kalmykia in June. The three men on trial were Sergey Vaskin, a former aide of President Ilyumzhinov, Vladimir Shanukov and Sergey Lipin. The first two were charged under Article 105(2) of the Russian Criminal Code with premeditated murder. The third suspect, Sergey Lipin, was already serving a separate prison term for murder, but, at the time of Larisa Yudina's murder, he was allegedly in Elista on a brief holiday granted to him for exemplary conduct. He was charged with helping to cover up the murder. A fourth suspect, the former representative of Kalmykia in the Volgograd Region, Tyurbya Bashomodzhiev, was relieved of criminal responsibility, allegedly for his confession and assistance to the investigation.

It was reported that shortly after the trial began, the defence called for the prosecutor to be replaced since he had taken part in the murder investigation, including interrogations and was likely to be biased. The judges accepted the motion, and announced a week-long recess.

It was reported that on 6 July the North Caucasus Directorate of the Office of the Procurator General of the Russian Federation sent to the Supreme Court of the Republic of Kalmykia a protest against the decision to dismiss Ruslan Salamov as state prosecutor in the hearing of the criminal case into Larisa Yudina's murder. The Office of the Procurator General reportedly referred to the fact that having the post of senior prosecutor for the investigation of grievous crimes, he was not an investigator, was not in a group of investigators, and performed regular duties of a prosecutor, which did not contradict norms determining participation in trials.

Amnesty International continued to call on the Russian authorities to take urgent measures to stop the persecution of journalists and government opponents in the Republic of Kalmykia and to bring to justice those responsible for the murder of Larisa Yudina. The organization also called on the federal authorities to undertake urgent investigation into all allegations of violations of human rights.

SPAIN

Rapes and sexual assault in police custody

Several cases of rape in police custody, often of women of foreign origin, were reported or tried in the courts (see also AI Index: EUR 01/01/98). The women were mainly from South America or North Africa.

In March two officers of the *Guardia Civil* were arrested and imprisoned pending trial for alleged sexual assault on two Moroccan women in the Spanish enclave of Melilla in North Africa. The two women lodged judicial complaints at the police station of the *Cuerpo Nacional de Policía* (CNP). They alleged they had been assaulted by the officers at 2am on a Saturday morning in the area of Los Pinares de Rostrogordo, close to the Moroccan frontier. The officers were detained on the orders of the investigating judge.

In May the committal for trial of a national police officer (CNP) on a charge of sexual assault was made by an investigating judge in Madrid. The officer, who was in provisional liberty, was accused of assaulting an undocumented Peruvian immigrant, M.R., while she was being held at the *Registro Central de Detenidos de Madrid* at Moratalaz in June 1998. She had been arrested at the underground station of Callao in Gran Vía (Madrid) when, during a routine patrol, police officers reportedly discovered that she did not possess any papers and was prohibited from entering Spain until September 1999. According to reports, she was first taken to the police station of Centro and later to the *Brigada Provincial de Extranjería y Documentación*, where her fingerprints were taken. She was then removed to the *Registro Central* where an officer searched her and took her to a cell. The officer was reported to have returned to the cell at about 2am and to have attempted to kiss her. In order to escape M.R. asked to be taken to the toilet, where the officer approached her from behind, seized her belt and began to fondle her while dragging her to a nearby room with a bed and mattresses. He reportedly told her not to worry because he had had a vasectomy. He took down his trousers, pressed her against a wall and proceeded to sexually assault her. M.R. reportedly continued to struggle and managed to run back to her cell. The following morning she lodged a complaint with another policeman, who immediately informed his superior officer.

The accused officer denied the charge to the judge, reportedly referring to the woman as a liar and “gipsy”. During an earlier confrontation between M.R. and the officer, the latter was reportedly reprimanded by both prosecutor and investigating judge for his “superior air” and lack of respect towards the woman. He reportedly admitted he had once been accused by a “Spanish gipsy” of a similar offence.

In May the Supreme Court sentenced to nine years’ imprisonment a national police officer who had raped a detainee in a police station cell in Nou Barris, Barcelona several years before. The judgment confirmed the sentence passed by a Barcelona court in June 1998. The court did not accept the police officer’s argument that there had been no intimidation by him during the incident, stating that it was sufficient that a passive subject was in a situation of inferiority for intimidation to occur. Maria del Pilar G.F. had reportedly been arrested on a drugs-related charge, which did not come to trial. The officer approached her in a toilet and later, after she had been transferred to an isolation cell, offered her an alcoholic drink and tried to force her to commit fellatio. The woman refused and was then raped.

In May it was reported that the Supreme Court had severely criticized the fact that the beating and rape of a Brazilian woman in custody at a CNP station in Bilbao in August 1995 had gone unpunished because the police officers involved had not been identified. Rita Margarete R., a travel agent, was arrested at a taxi rank at about the same time as several alleged sex workers were being arrested at two night clubs in the Barakaldo area. She claimed she was beaten with an object she did not recognize while other officers held her arms. After reportedly losing consciousness she was taken to the Hospital de Basurto, to which she returned a day after her release and where a traumatologist reportedly discovered multiple haematoma on her arms, legs and back compatible with blows delivered by a hand, belt or leather strap, and scratch marks on the groin compatible with an attempt to force her legs apart. After her first visit to the hospital, where she was not able to be examined by a doctor without the presence of the police officers, she was returned to the police station, where she was raped.

In 1998 the Provincial Court of Vizcaya accepted that Rita Margarete R. had been beaten and raped by officers of the CNP’s *Brigada de Extranjería*. However, the court acquitted all three officers against whom charges had been brought because no officer was willing to provide evidence either that one of the officers was the rapist or that the other two, on duty in the police cells on the night of the rape, had known what was happening.

The Supreme Court stated that “it must have been as clear as daylight” to the two officers that the third officer who entered the police cells where Rita Margarete R. was held was the same person who had committed the rape. It was incompatible with the democratic rule of law that an “extremely serious and proven crime of rape” remained

unpunished because of “archaic corporatist ideas or false camaraderie”⁴ The court was obliged to confirm the acquittal of the officers but reproached the witnesses in the case for lying complicity and concealing the truth and asked the Vizcaya court to request that a high-level CNP investigation decide what disciplinary measures could be taken against the officers concerned, who had continued in their posts.

The Ombudsman (*Defensor del Pueblo*) also requested that disciplinary proceedings be brought against the acquitted officers and at the end of May the *Dirección General de la Policía* provisionally suspended the two officers who had guarded the cells for failing to assist the courts. After their suspension one of the police unions, the *Sindicato Unificado de Policía* (SUP), queried whether the rape had actually taken place and declared that it was studying the possibility of asking the prosecutor attached to the Supreme Court to open an extraordinary review of the case. One of the suspended officers reportedly claimed that Rita Margarete R.s testimony had been contradictory and she had invented the rape to avoid being expelled from Spain.

The superintendent of the CNP of Jerez de la Frontera (Cádiz) confirmed at the beginning of July that, following a complaint from the SUP, an internal inquiry had opened into an alleged case of sexual abuse by a police officer which had occurred three months before. According to the police union, an officer had received sexual favours such as fellatio from a young drug user detained in the police station cells in exchange for tobacco and a smoke in the patio. The SUP stated that complaints of sexual harassment had been made against the same officer by a cleaning woman at the police station and by another woman who worked nearby. According to the SUP the detainee had also offered sexual favours to another officer, in the course of which she told him about the previous incident, and this had been the basis for the action by the union. It was not clear, however, whether the woman had lodged a formal complaint.

⁴“El Supremo dice que ha de evitarse que ‘en un Estado democrático de Derecho unos funcionarios policiales, que por mor de trasnochadas ideas corporativas o falso compañerismo, encubran un gravísimo delito de violación acreditado y constatado, permanezcan en tal cometido y funciones que exigen la protección de todas las personas, extranjeros inclusivos’”. Quoted in *El País*, 24 May 1999

CHILDREN IN EUROPE

A selection of Amnesty International's concerns

It is a sad fact that in Europe, as in all parts of the world, being a child is not of itself protection against gross violations of human rights. Children in Europe regularly face violations including torture and ill-treatment, unlawful detention, and arbitrary killing. Often children and juveniles are especially vulnerable to human rights violations, and at the same time they are heavily dependent on adults to protect them and to enable them to find redress for human rights violations.

The following are a selection of the cases and incidents investigated by Amnesty International. They are not intended to be an exhaustive summary of Amnesty International's concerns, but are a reflection of the range of violations suffered by children and juveniles in Europe.

FRY (Kosovo)

One child unlawfully killed, another gravely wounded

A 15-year-old girl was reportedly killed and a nine-year-old boy seriously wounded when a group of masked Serbian paramilitaries opened fire at close range on a refugee column making its way to Albania. According to Azime Ninaj, the boy's mother, Serbian forces surrounded the village of Maljaj (Albanian Malaj) which lies west of Prizren very close to the Albanian border, on the afternoon of 28 March. They ordered the inhabitants to leave within one hour. A column left on foot, heading eastwards on the road leading to the village of Planeja, about five kilometres distant.

Members of the Serbian forces were allegedly posted at intervals on both sides of this road. At a location between the two villages a group of about 10 men, masked but in uniform, opened fire on the refugees with automatic weapons. These men were in two unmarked white cars by the side of the road. A 15-year-old girl, Nura Ninaj, was reportedly killed in the shooting. Azime Ninaj described seeing her fall, but was unable to see how or where she was hit. Azime's nine-year-old son Burim suffered a bullet wound to his neck.

Azime Ninaj, her husband and nephew were able to reach a nearby village where Burim received basic medical attention. The family remained there for four days, hiding in the hills surrounding the village before they continued their journey. On the way Azime Ninaj was reportedly forced to pay the sum of 500 deutschmarks as a "ransom" to a group of Serbs who detained her husband and nephew, threatening to kill them.

The Amnesty International delegates were told by a doctor treating Burim Ninaj in hospital that the nature and size of the bullet wound (which had pierced his throat and fractured his jawbone on exit) appeared consistent with a shot from an automatic weapon.