

AMNESTY INTERNATIONAL CONCERNS IN EUROPE

July - December 1995

INTRODUCTION

This bulletin contains information about Amnesty International's main concerns in Europe between July and December 1995. 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).

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 01/02/95

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AI Index: EUR 01/01/93

Concerns in Europe: January - June 1995

Concerns in Europe: May - December 1994

Concerns in Europe: November 1993 - April 1994

Concerns in Europe: May - October 1993

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ALBANIA

New legislation

On 29 June Albania acceded to the Council of Europe and undertook to introduce immediately a moratorium on executions and to abolish the death penalty in time of peace within three years of accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms. At least one death sentence was imposed: in October a man was sentenced to death for murder, but no executions were reported. In September Parliament adopted a law calling for the investigation of crimes against humanity committed under communist rule from 1945 to 1991. In November and December criminal investigations were started against many former high officials and eight were arrested pending investigation in connection with the mass internment of political opponents in that period. In July former President Ramiz Alia was released, but in November it was reported that at least three separate investigations had been started against him, against former prime minister and Socialist Party leader Fatos Nano and others in connection with the shooting of demonstrators and people attempting to flee the country in 1991.

Prisoners of conscience and alleged official harassment of journalists

In September Parliament dismissed the President of the Court of Cassation which was due to review the case of Fatos Nano, who was convicted in 1994 on charges of "misappropriation of state property" and "falsification of documents" (see *Amnesty International Report 1995*). Judge Brozi had expressed the view that Fatos Nano had been wrongly convicted. In December Fatos Nano's prison sentence was reduced by eight months by presidential pardon, leaving him three years still to serve. In July Amnesty International wrote to President Berisha urging the release of Fatos Nano and Ilir Hoxha (see AI Index: EUR 01/02/95). In August the Minister of Justice replied denying that they had been imprisoned for their political views.

Independent journalists complained of official intimidation and several, among them Gjergj Zefi, an editor and leading member of an opposition party, were prosecuted for "slandering" police officers of the State Security service. Other journalists reported that they had been detained and questioned by police in connection with articles they had written. In September Vladimir Qirjaqi and three others were briefly detained on charges of "anti-constitutional activity": they had published a tourist guide of Gjirokastër town which included a photograph of Enver Hoxha, the former communist ruler of Albania, a native of the town. Three men from Saranda were arrested in September on charges of distributing "anti-constitutional" materials (anti-American leaflets). Between September and December at least 10 men were detained for up to 48 hours on suspicion that they had "slandered" President Berisha by shouting or writing anti-government slogans.

Allegations of ill-treatment in custody

There were many reports of ill-treatment in police custody. In July a protest by villagers at Bovilla about land issues led to clashes with police, resulting in injuries on both sides. Protesters who were arrested alleged that they were beaten at police stations. On a number of occasions police also arrested and beat members of opposition parties. In July prisoners in Korça prison who protested about poor conditions were reportedly severely beaten. In November five police officers were found guilty of "abuse of authority" in connection with the death of a prisoner in Vlora police station in 1994. They were sentenced to a year's imprisonment each, but were immediately released after their sentences, which they had partly served in house arrest, were suspended.

ARMENIA

Allegations of ill-treatment in detention

During the period under review Amnesty International issued two documents on allegations of ill-treatment. The first, in October, examined the issue in the light of legislative measures in Armenia at that time, some of which appeared to create conditions for possible ill-treatment, and put forward Amnesty International's recommendations (see AI Index: EUR 54/04/95). The second, issued the following month, outlined several specific allegations of ill-treatment and beatings that had been made to the organization in 1995, especially in the light of further details obtained by the organization's delegates during a visit to Armenia in October (see AI Index: EUR 54/05/95). Amnesty International expressed its concern not only about reports of ill-treatment and beatings in custody, but also about allegations that several opposition journalists, lawyers and members of religious minorities had been physically assaulted by persons they believed had links with official structures, and in incidents they felt were not sufficiently rigorously investigated by the police. In November the United Nations Committee against Torture in Geneva was due to examine the Initial Report of the Republic of Armenia under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The hearing was postponed, however, as the Armenian delegates were unable to attend.

Following on from Amnesty International's earlier concern about a wave of attacks on minority religious denominations (see AI Index: EUR 01/02/95), the organization wrote to the authorities about comments attributed to the Minister of Defence, Vazgen Sarkissian, in reports of the II congress of the Union of the Country's Voluntary Defenders (Yerkrapah). At the congress, which took place in early December, the minister is alleged to have said that saving Armenia from "the plague of religious sects" was among the best actions ever carried out by Yerkrapah.

Some of those involved in the attacks were said to have been wearing military dress. Amnesty International expressed concern that, if correctly reported, the minister's remarks could be construed as indicating a possible link between Yerkrapah members and those who carried out the attack, and also a degree of official complicity in these actions.

In one such incident which occurred in April 1995, for example, men wearing military dress were among a group of 20 to 25 people who assaulted 19 devotees of the Hare Krishna movement in their temple in a private house in Yerevan, the capital. All 11 male devotees were said to have been beaten with iron bars, and needed hospital treatment. It is claimed that the attackers said openly that they were acting on orders from the Ministry of Defence, and that they believed (mistakenly, according to devotees) that the Hare Krishna religion obliged devotees to refuse compulsory military service. One devotee who reported the attack to the local police claims that the case was passed between various police departments without result, and that he was told later by an investigator that it was common knowledge that the Ministry of Defence was involved and so the perpetrators of the attack would not be brought to justice.

Amnesty International urged the authorities to conduct a comprehensive and impartial investigation into reported links between the Ministry of Defence, or the Yerkrapah organization, and those responsible for a number of attacks on minority religious groups. The organization also sought clarification from the Minister of Defence about the remarks attributed to him at the II congress of Yerkrapah, and an assurance that neither he nor his ministry in any way condoned such attacks on the basic rights of religious minorities.

Fair trial concerns

Seventeen men, arrested in connection with their alleged membership of a secret terrorist group named "Dro" within the opposition Armenian Revolutionary Federation (ARF), faced criminal proceedings that appeared to fall short of international standards (see AI Index: EUR 01/02/95). They had been charged with various criminal offences from withholding information to premeditated murder (the latter carrying a possible death sentence).

The trial of 11 of them began in July in Yerevan, and was continuing at the end of the year. Several of the men reported great difficulties in meeting freely and promptly with a defence lawyer of their own choice, and several of their lawyers reported problems in gaining full access to relevant case materials during the investigation. Similar problems were reported in the case of senior ARF member Vahan Ovanessian, arrested on 29 July for allegedly planning an assassination campaign, although a new Constitution passed earlier in that month guaranteed prompt access to a defence lawyer. No confessions by the 11 men on trial were ruled inadmissible during the period under review, in spite of defendants' allegations that they were obtained under duress. Arsen Artsruni, for example, alleged that he was beaten on three occasions to force a confession.

Amnesty International urged the authorities to ensure that the defendants received a fair trial in line with international standards, and that all detainees were able to meet promptly and regularly with defence lawyers of their own choice.

The death penalty

A new Constitution approved in July, by referendum, retained the death penalty as "an exceptional measure of punishment" for "the most heinous crimes".

One of those sentenced to death during the period under review was Sogoman Kocharian, who was convicted by the Armenian Supreme Court on 1 December of robbing and murdering an Iranian citizen. At least 13 men were believed to be under sentence of death at the end of the year. There were no executions, owing to President Ter-Petrosyan's personal opposition to the death penalty, but no death sentences were commuted.

Deaths of Azerbaijani prisoners

Further information emerged on the criminal case instituted following the deaths of eight Azerbaijani prisoners in January 1994 (see AI Index: EUR 01/02/94) while held by the Ministry of Defence in Yerevan. Seven of the men died of gunshot wounds, and one of incised wounds to the throat. The Armenian authorities had alleged the men committed suicide after a failed escape bid, in which an Armenian guard was killed. An independent forensic expert, however, reported that in the case of six of the men who sustained gunshot wounds to the head, the pattern of their injuries suggested "execution-style killings".

An investigation by the military prosecutor's office focused on the death of the guard and, after it was determined that the Azerbaijani prisoners were responsible for his murder, the case was suspended in May 1994. There appeared to have been no comprehensive investigation into the circumstances of the deaths of the Azerbaijanis.

AUSTRIA

Allegations of police ill-treatment

The case of Emad Faltas

In September Amnesty International expressed concern to the Austrian Ministry of Foreign Affairs regarding the alleged ill-treatment of Emad Faltas.

On 21 June 1995 Emad Faltas was asked by a woman near a Vienna train station whether he minded sharing his umbrella with her. Once inside the station, Emad Faltas, an Egyptian national, parted company with the woman. Minutes later he was attacked by four men, who punched and kicked him in the ribs. It turned out later that the men were all officers of the Vienna Drugs Squad who had been tipped off that the woman, a suspected drugs dealer, would be meeting a contact near the station. Emad Faltas thought he was the victim of a racist attack and asked a newspaper vendor near the exit of the station for help. He was then put into a car and driven to a police station where he complained about his treatment. The officers allegedly responded to his complaint by making him kneel down, with his hands handcuffed, and kicking him. Eventually Emad Faltas was asked to show his identification papers, whereupon the officers apparently realized their mistake. He was kept in detention, however, and reportedly refused permission to telephone his wife. The detainee was later seen by a doctor and taken to hospital where x-rays revealed three broken ribs. It was also established that he had suffered cuts and bruises on his arms, stomach and face. He was released from police custody and was kept in hospital for seven days, during which time he received an apology from senior police officials. A disciplinary investigation was opened into the ill-treatment of Emad Faltas. A complaint was also brought by the police against Emad Faltas for "resisting state authority".

In its letters to the authorities in September Amnesty International urged that the allegations of ill-treatment of Emad Faltas be the subject of a thorough, speedy and impartial judicial investigation; that any police officers found to have ill-treated him be punished; and that the victim be compensated for his injuries. No substantive reply was received to Amnesty International's letters by the end of the year.

The cases of Amor Jelliti and Salim Y. (see AI Index 01/01/95 and *Austria: The alleged ill-treatment of foreigners - a summary of concerns*, AI Index: EUR 13/02/94, June 1994).

In August Amnesty International expressed concern to the Austrian authorities about the investigations carried out into the alleged ill-treatment of Amor Jelliti and Salim Y.

Amnesty International first wrote to the Austrian authorities about the case of Amor Jelliti in July 1993. Amor Jelliti had alleged that although he had notified the authorities of Wels prison (*Polizeiliches Gefangenenhaus Wels*) of serious health problems, including a heart complaint, officers dragged him along the ground by his belt on 4 October 1992. They then placed him in a corridor of the prison where, he alleged, officers periodically came to kick him. In the early hours of the morning of the 5 October 1992 Amor Jelliti was transferred to a cell, without a blanket or water. Amor Jelliti described his ill-treatment in a letter to the Ministry of the Interior on 11 March 1993.

Having received no reply to its letter of July 1993, Amnesty International again wrote to the Austrian authorities in January 1994. A month later the organization was informed that Amor Jelliti had: "Tried to hurt himself by pushing his head against a radiator in order to inhibit his deportation...None of the police officers behaved incorrectly or even unlawfully". Believing that the authorities' reply still left open a number of important questions, Amnesty International wrote to them again in March 1994 seeking further details about the nature of the investigation which had been conducted into his allegations of police ill-treatment. No reply was received to this letter or to another letter on the same subject which the organization wrote in December 1994.

In its first letter to the authorities in July 1993, Amnesty International also raised the case of Salim Y. Salim Y. was reportedly ill-treated by Austrian police officers at Vienna Schwechat airport during attempts to deport him at about midday on 17 June 1993. His ill-treatment was witnessed by Jennifer Green, a representative of the New York-based Center for Constitutional Rights, and Rhonda Copelon, a law professor at the City University of New York, on their arrival in Vienna to attend the World Conference on Human Rights. In a letter sent to the Minister for Internal Affairs on 21 June 1993, Jennifer Green alleged that she and her colleague had witnessed a handcuffed man with a bandage around his head being kicked and hit by two plainclothes men who were reported to be police officers. When the delegates protested to airport officials, they were told that the man in question was a "criminal", an "Algerian" and a "prisoner". After asking to file a formal complaint about the ill-treatment of this man, the two witnesses were requested to hand over their passports. These were returned shortly afterwards.

In February 1994 Amnesty International was informed by the Austrian authorities that the detainee in question - Salim Y. - had "tried to inhibit his expulsion by pushing his head against a radiator and thus hurting himself" and that he later "jumped up from his chair and rushed backwards into a safety glass door.... During the whole procedure [he] was neither kicked nor beaten". In March 1994 Amnesty International asked the authorities whether the allegations of police ill-treatment made by Salim Y. had been investigated by a judge, whether the detainee had been questioned personally by the investigating judge about his alleged ill-treatment, and whether the witnesses who saw him being ill-treated had been asked to provide further information about the incident. No reply was received to this letter.

In its letter to the authorities in August 1995, Amnesty International stated that it had still received no information from the authorities to indicate that "prompt and impartial" investigations had been carried out into the alleged ill-treatment of Amor Jelliti and Salim Y., as required by Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Austria is a State Party.

In September Amnesty International was informed by the Federal Ministry for Foreign Affairs that it could "only communicate to [the organization] information as received from the competent authorities".

The case of Ronald Ribitsch (see AI Index: EUR 01/01/95)

In December the European Court of Human Rights held that Ronald Ribitsch's rights under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms had been violated. The Court ruled that Ronald Ribitsch was subjected to ill-treatment amounting to inhuman and degrading treatment when he was held in police custody in 1988. The Court awarded Ronald Ribitsch 300,000 Austrian schillings (approximately £19,000) in damages, costs and expenses.

Conscientious objection to military service (see AI Index: 01/02/95)

In November the Austrian Parliament extended the current legislative provisions on alternative military service by 12 months. An amendment to the Law on Alternative Military Service (*Zivildienstgesetz*), passed in February 1994, had been due to expire at the end of 1995. Amnesty International has criticized as too restrictive the time limits within which, according to the law, conscientious objectors to military service have to submit an application for alternative civilian service.

AZERBAIJAN

Prisoners of conscience released

Five prisoners of conscience imprisoned since March were pardoned by President Heydar Aliyev on 11 November, and released. Four journalists with links to opposition political parties - Ayaz Ahmedov, Asgar Ahmed, Yadigar Mammedli and Malik Bayramov - together with Mirzagusseyn Zeynalov, a press distributor, had been arrested in connection with the publication of articles and caricatures about President Aliyev in a satirical newspaper named *Cheshme* (see AI Index EUR 01/02/95). They were charged with "insulting the honour and dignity of the President" (Article 188-6 of the Criminal Code), and convicted by Baku City Court on 19 October. Ayaz Ahmedov was sentenced to five years' imprisonment, Yadigar Mammedli to three years' imprisonment, and the others to two years' imprisonment each. A print worker named Yamen Abbasov, who had not been detained prior to the trial, was given a two-year suspended sentence.

Possible prisoner of conscience Tofiq Masim oglu Qasimov

Tofiq Qasimov, a parliamentarian and prominent political figure in Azerbaijan, was arrested on 19 September at his home in the capital, Baku (see AI Index: EUR 55/09/95). He has been accused of calling for the violent overthrow of the government, and of complicity in a failed coup attempt. Although Amnesty International would not normally take up the case of someone accused of such crimes, the organization is concerned about allegations that the charges are false, and have been fabricated in order to punish Tofiq Qasimov for his non-violent political activity in opposition to the Azerbaijani government. Amnesty International is currently seeking further information about the charges against Tofiq Qasimov and the circumstances of his arrest.

Tofiq Qasimov is a theoretical physicist by profession and has been active in politics since at least 1988, when he became a member of the board of the opposition Popular Front of Azerbaijan (PFA). A parliamentarian since 1990, he was appointed Foreign Minister in 1992 but resigned almost a year later after then President Abulfaz Elchibey fled Baku in the face of an armed revolt which brought current President Aliyev to power. In August this year he joined the opposition Musavat (Equality) party, and was among their leading candidates for the November parliamentary elections.

Tofiq Qasimov is accused of playing a leading role in a plot to overthrow President Aliyev in March, using a study group as cover. Supporters say the study group functioned openly, with all proceedings recorded on audio cassettes, and that the alleged call for the overthrow of the government is based on comments taken out of context. Tofiq Qasimov is currently held in a remand cell of the Ministry of National Security in Baku.

Allegations of ill-treatment in detention

During the period under review Amnesty International continued to receive allegations of ill-treatment of detainees, and detailed these in a report on the issue (see AI Index: EUR 55/01/96). In some cases it has been alleged that prisoners have been beaten in pre-trial detention in order to obtain confessions (and that at least one man recently died as a result, see below), and that family members of suspects in hiding have been beaten in an attempt to obtain information on their relatives' whereabouts. In other cases it has been alleged that prisoners in ill-health have not received adequate medical treatment, and that at least two people have died as a result of this over the last year. General conditions for many in pre-trial detention are also reported to be harsh, with overcrowding so severe in some prisons that inmates are forced to take it in turns to sleep while others in the cell stand.

Death in custody of Rafiq Shaban oglu Ismayilov

In a report that came to light after the document mentioned above was written, it is claimed that on 8 December police beat a suspect named Rafiq Ismayilov so severely that he died from his injuries.

Rafiq Ismayilov, a barber from the village of Digah, had been detained that day by police officers from Masalli district on suspicion of theft, and taken to the Regional Police Department where he later died. Reports on the cause of death differ. According to the Interior Ministry, Rafiq Ismayilov suffered from heart disease and died from heart failure. Unofficial sources, however, allege that Rafiq Ismayilov was severely beaten by some three police officers while in custody in order to force a confession, and that he died from resulting injuries. These are said to have included fractures to his neck, arm and ribs, and damage to his kidneys. Rafiq Ismayilov is said to have identified his assailants before he died to a doctor who had been called to the police station.

It is further alleged that Rafiq Ismayilov's relatives were not informed of his death at the time, and even that police officers took a bribe from them the following day to provide food for the detainee (it has been claimed by other sources that the food provided in pre-trial detention is often insufficient, and needs to be supplemented by provisions from relatives). Around 400 fellow villagers are said to have gathered in the district centre of Masalli on 9 December in protest at reports of Rafiq Ismayilov's death, but dispersed when assured by the local executive head that those responsible would be punished. Villagers who believed no progress had been made since that assurance held a second protest meeting in Masalli on 14 December.

Amnesty International urged the authorities to conduct a prompt, comprehensive and impartial investigation into the circumstances surrounding the death of Rafiq Ismayilov, with the results made public. If any claims of ill-treatment are substantiated by the investigation, those responsible should be brought to justice.

The death penalty

At the time of writing no official statistics were believed to have been made public on the application of the death penalty in 1995, although at least 15 death sentences came to light during the year from other sources. Most were for premeditated murder, although two were connected with military events. Rahim Qaziyev, a former Minister of Defence, was sentenced to death *in absentia* in May 1995 after being convicted of, among other charges, large-scale theft and the military crime of neglect of duty in a combat situation (Article 255 of the Criminal Code). The latter charge related to the fall in May 1992 of the towns of Shusha and Lachin to ethnic Armenian forces. Eldar Aliyev, the commander of an army unit, was sentenced to death by a military tribunal on 12 December. He had been charged in connection with the fall of the town of Agdam to ethnic Armenian forces in 1993, and with participating in failed coup attempt in October 1994.

No judicial executions were reported during the period under review, and none are believed to have been carried out since 1990, leading to a rising population on death row which was estimated at around 100 in December 1995. According to one lawyer, prisoners on death row are held five or six to a cell designed for one, and are never taken out of their cell for exercise.

In accordance with a decree on pardons by President Aliyev on 27 December, seven death sentences were commuted to a period of 20 years' imprisonment.

BELARUS

Detention of trade union leaders

On 21 August four trade union leaders were detained by police during a peaceful strike on the Minsk metropolitan railway and were held for several days while their whereabouts were unknown to their families. The detentions followed President Alyaksandr Lukashenka's comment the day before that the strike was a "planned political act" against his government.

On the morning of 21 August the Chairman of the Free Trade Union of Belarus (FTB), Genadz Bykov, said that two union leaders named Mikalay Kanakh and Uladzimir Makarchuk had been detained at around 8.30 am on the street in Minsk, the capital, by persons wearing black masks. They appeared in court briefly the following day and were then returned to the premises of the Interior Ministry. Genadz Bykov himself was detained by police later that day in the offices of the FTB. His wife sought information on his whereabouts from the city and republican prosecutor's offices and at the Ministries of Interior and Security, but all denied holding Genadz Bykov. However, he did appear briefly the following day when he opened a safe for police searching the headquarters of the FTB, before being returned to custody. The fourth person detained was Sergey Antonchuk, an FTB activist and member of parliament. The Minsk city prosecutor's office claimed he had been released after an interview with the prosecutor, but his family were unable to locate him and his actual release from custody was said to have been two days later. It was also reported that Genadz Bykov and Mikalay Kanakh were sentenced to 10 days' administrative arrest, and Uladzimir Makarchuk to 15 days' administrative arrest, for "organizing an unsanctioned meeting". Following the strike, President Lukashenka issued a decree which banned the activities of the independent FTB and stripped elected officials of their immunity from prosecution.

Amnesty International was concerned about allegations that the detentions were politically motivated, and that the four men may have been detained for seeking to organize a strike in a lawful and peaceful manner. The organization sought further information from the authorities, but received no response.

Allegations of ill-treatment in detention

Amnesty International continued to urge the authorities to conduct thorough and impartial investigations, with the results made public, into allegations of ill-treatment by law enforcement officials. One incident raised with the authorities during the period under review concerned allegations that police beat a member of parliament detained during a demonstration in July in Minsk.

Special Police units were reported to have used truncheons in an effort to disperse demonstrators holding a peaceful unsanctioned Independence Day procession on 27 July, after an earlier refusal by the authorities to grant permission to stage a demonstration on the grounds that it was "politically inexpedient". According to press reports the demonstration was initially peaceful, but turned rowdy when the police tried to clear pavements and confiscate flags held by the demonstrators. Between five and 10 people were detained and at least one of them, member of parliament Vladimir Nester, claimed that he had been beaten by police while in custody. All those detained were subsequently released.

In addition to the allegations of ill-treatment, Amnesty International also raised its concern about reports that some of those detained were held by police because of their alleged role in organizing the event, and not because of any involvement in the clashes.

No response had been received by the end of the year, either to these allegations or to earlier reports of ill-treatment during 1995 (see AI Index: EUR 01/02/95).

The death penalty

At least one person was sentenced to death during the period under review, and one death sentence was repealed by the Supreme Court. No official statistics on the death penalty were available for 1995, however, and the true figures of its application were believed to be much higher.

The death sentence which came to light was that passed on Igor Mirenkov by Svetlogorsk Regional Court on 9 August. He was convicted of the premeditated, aggravated murder of six young boys, under Article 100 of the Criminal Code. An appeal against his sentence is believed to have been lodged with the Supreme Court.

On 21 December the Supreme Court repealed the death sentence passed on Igor Yurevich Kopytin, and substituted it for 15 years' imprisonment. Igor Kopytin had been sentenced to death by Vitebsk Regional Court on 30 January after being convicted of murdering a woman during the course of a robbery. The Supreme Court had initially turned down his appeal against the sentence on 1 September, but reviewed the case again after it was returned (possibly by way of a judicial review).

Amnesty International continued to urge the authorities to commute all pending death sentences and to make public full statistics on the use of the death penalty, in line with international recommendations.

BELGIUM

Progress towards total abolition of the death penalty

On 10 November the Council of Ministers approved the text of a draft bill to abolish the death penalty for all offences. The bill will be considered by parliament during 1996. No execution has been carried out since 1950.

Under the Penal Code of 1867 the death penalty is provided for serious crimes against the person, and specified crimes against state security. In addition, mandatory death sentences were introduced in June 1975 for kidnapping and in June 1976 for hijacking an aircraft, in both cases when aggravating circumstances can be proved. The death penalty is also provided for certain crimes in the Military Penal Code for members of the armed forces. Execution for crimes under the Penal Code of 1867 is by public beheading by guillotine, but by firing-squad for crimes against state security and crimes under the Military Penal Code.

Although the courts regularly pronounce death sentences for common criminal offences and continued to do so in 1995, since 1863 death sentences for such offences have, with one exception, always been commuted. In March 1918 a frontline military officer was executed after being convicted of the murder of a pregnant civilian. Some 15 people were, however, executed in the course of World War I for crimes against external state security, and about 242 people were executed by firing-squad between November 1944 and August 1950 after being convicted of war-related crimes against the external security of the state. In 1983 Belgium signed Protocol No 6 of the European Convention for the Protection of Human Rights and Fundamental Freedom, concerning the abolition of the death penalty and in 1990 signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Neither protocol has been ratified.

BOSNIA-HERZEGOVINA

Thousands missing following capture of Srebrenica “safe-haven” by Bosnian Serb forces

Grave abuses of human rights were perpetrated by Bosnian Serb forces in July when they overran the Srebrenica enclave in eastern Bosnia which contained some 38,000 Muslims, many of them displaced persons from the surrounding area. As thousands of Muslims fled into territory controlled by the mainly Muslim Bosnian Government an Amnesty International delegation visited Tuzla where they interviewed witnesses to the abuses. Amnesty International's findings were presented in a report, *The missing of Srebrenica* (AI Index EUR 63/22/95). Some 3,000 men were reported to have been sighted as they were detained by Serbian forces. Another 5,000 are also unaccounted for. Almost all these people remained missing in early 1996 and only a small number have been found to be in detention and released. There was evidence that many of those who had been detained had been killed by Serbian forces and buried in several suspected sites of mass graves in the area.

Mass forcible expulsions of Muslims and Croats from northwest Bosnia

Military defeats for Serbian forces in Croatia and western Bosnia resulted in mass movements of Serbian refugees and displaced persons. Up to 200,000 Croatian Serbs fled into the Banja Luka area; some moved on to Serbia or eastern Bosnia, but many remained. The newly arriving Serbs, among whom there were many mobilized men with their arms, further increased the pressure on the remaining Muslims and Croats in northwest Bosnia to leave. Between August and September some 22,000 people fled into Croatia. Many of these reported incidents of violence against them by uniformed men aimed at evicting them from the accommodation and causing them to seek to leave.

From mid-September more than 7,500 people, most of them Muslims, fled or were expelled from northwest Bosnia into the government-controlled area in central Bosnia. Displaced persons interviewed by Amnesty International in Zenica and Tuzla confirmed many disturbing reports of abuses which had been perpetrated in the area by paramilitaries from Serbia and Bosnian Serb civilian and military police. Some of the most serious allegations came from the town of Bosanska Dubica. For example, one 43-year-old Muslim woman was woken on the night of 10 October by an armed and uniformed man who burst into her bedroom shouting and struck her in the stomach with his gun. She was shown her name on a list of people which the men said were to be executed. The woman was bundled into a vehicle with others, leaving her family behind, and held overnight in an industrial building. She alleged that three men were beaten to death that night and two or three young women were taken away reporting that they had been raped when they returned.

Those expelled were taken in buses to crossings into Government-controlled territory, many reported being threatened and robbed of their money and valuables during the trip. One woman from Prijedor alleged that a soldier came on her bus and cut open her blouse with a knife, cutting her breasts, after she claimed that she had nothing to hand over.

Men were also beaten or otherwise ill-treated during such expulsions and in many cases men of military age were separated from the women, children and other men and taken away.

Many refugees reported being exposed to particular risks while being made to cross the confrontation lines. One told how they were made to walk for more than 300 metres along a river in water up to one metre deep because of minefields on either side of the river. In one case witnesses reported how one Bosnian Serb soldier pushed a disabled woman was pushed down the river bank into the water and forbid people to assist and

elderly woman who had fell over in the water and was unable to get up. Witnesses interviewed at difference locations confirmed that she drowned as a result.

Most of the men who were are believed to be have been taken to perform compulsory labour obligations and/or possible use in prisoner exchanges. Many men were already absent from their homes performing work obligations when their families were expelled causing much uncertainty about their whereabouts for their relatives. The situation was particularly serious in the Sanski Most area which came under attack from Army of Bosnia and Herzegovina (ABH - *Armija Bosne i Hercegovine*) and fell in early October. There were reports of men being rounded up by Serbian paramilitaries and Bosnian Serb forces as ABH forces closed in on the town.

The detainees were detained in several locations around the town where many were tortured or killed. One man interviewed by Amnesty International in Bosnia-Herzegovina claimed that he had witnessed the summary execution by Serbian paramilitaries on 20 September of four other members of the work brigade he had been put into, along with seven Muslim men abducted that night from their homes in Sanski Most. According to his testimony, the men were assembled in the "Sanos hotel" in Sanski Most, where he alleges that he saw paramilitaries of the *Srpska Dobrovolja..ka Garda* (SDG), Serbian Volunteer Guard, a paramilitary group organized from the Republic of Serbia and Serbian-controlled Croatia. The men were handcuffed in pairs, taken to a village a few kilometres from Sanski Most towards Prijedor, and then taken one pair at a time into the ruins of a house where they were shot by men whom he identified by their uniforms as SDG troops. The last pair were forced to kneel and their throats were slit. The witness escaped fatal wounds from the gunshots and after the soldiers had left was able to make his way to the outskirts of Sanski Most. There he received assistance in escaping from regular Bosnian Serb soldiers from the unit with whom he had performed his forced labour obligations.

There were also reports of killings in the Sanakeram factory in the town. At least 11 detainees were allegedly killed by Serbian paramilitaries. One man was killed by shots fired into the room on 10 October and then the men were taken out individually and beaten with wooden and metal poles. Up to 30 were not brought back and are missing. Ten others were taken out early on 11 October and shot. Eleven bodies were reportedly found at the location by foreign observers and Bosnian Government officials after the town fell. The authorities claimed that many more men are missing and that 110 other bodies were found in the area although the cause of their death is less clear.

SDG soldiers and those responsible for them openly admitted beating Bosnian Serb soldiers accused of deserting the lines in the area.

Although many abuses were associated with attempts to forcibly expel non-Serbs from the area, there were also some cases where the perpetrators had other motives. For example, Nura Berbić and Hasnija Demirović, a Muslim woman and her mother from Banja Luka, were taken away on 14 August by two armed men, one of whom wore a military uniform. Despite appeals to the authorities from their relatives, who believe that the abduction may be associated with attempts to confiscate the family business, no information has been released about their whereabouts. A Croatian Roman Catholic priest, Father Tomislav Matanović, was taken by police in Prijedor on 24 August to a police station and then returned home where he was confined to his house, together with his parents on 18 September. On that date they were taken from their home to an unknown location. One unconfirmed report indicates that a local Bosnian Serb Army commander is responsible for their detention.

Abuses against Serbs by Bosnian Croat and Croatian Army forces

During their offensives against Bosnian Serb-controlled areas between July and October, Bosnian Croat (HVO), Croatian Army (HV) forces fighting with them and, to a lesser extent, the Bosnian Army, placed severe restrictions on the movements of staff of international organizations and of foreign journalists in the areas which they took control of. The few observers were able to gain access to these areas reported that there was clear evidence that human rights abuses had occurred. For example, in September the bodies of two women were seen near the village of Vrto..e. Both appeared to have been shot in the head. The clothing of one of the women had been cut open leaving her lying with her breasts, legs and genitals exposed.

Following the initialling of the General Framework Agreement on Peace in Bosnia-Herzegovina in November, HVO forces carried out systematic burning of houses in the area of Mrkonjić-Grad. The area was due to be handed over to the control of the Serbian entity within Bosnia-Herzegovina which was to be created under the peace agreement. The destruction of the houses was clearly aimed at discouraging the return of displaced Serbs to the area.

Muslims in the Velika Kladuša area formerly under the control of Fikret Abdif

More than 20,000 Muslims fled from the Velika Kladuša area into neighbouring areas of Croatia in August as the Bosnian Army took control of the territory which had formerly been controlled by the rebel Muslim leader, Fikret Abdif. Many men were forcibly returned to Bosnia-Herzegovina (see entry on Croatia). There were reports that many of those returned, both voluntarily and forcibly, were detained or beaten by Bosnian soldiers or police.

BULGARIA

Alleged ill-treatment and shootings by police officers

Amnesty International received further reports of ill-treatment by police officers. In one such incident, on 15 August at around 4 pm, two border police officers at Sofia airport did not allow Rahmat Rezazadeh Malek, an Iranian national who had been granted political asylum in Germany, to enter the country. After Rahmat Rezazadeh Malek explained that his travel document had been issued in accordance with the United Nations Convention relating to the Status of Refugees, one officer reportedly replied: "We are the law here", and opened his gun holster. Rahmat Rezazadeh Malek then complained to a senior officer who reportedly pushed him, twisted his arm behind his back and led him into an office. The same officer then punched him in the face, making him fall, and kicked him all over his body. Rahmat Rezazadeh Malek was then taken to the airport transit lounge to wait for a return flight to Germany the next day and was refused medical treatment for injuries he had suffered as a result of the beating. At Frankfurt am Main international airport he was treated by a doctor who described in a certificate multiple bruises and cuts on his hand, chest, face, right thigh and stomach. In November Amnesty International urged the Bulgarian authorities to fully and impartially investigate the alleged ill-treatment of Rahmat Rezazadeh Malek, to make public the findings and to bring to justice anyone found responsible for human rights violations.

Several reports concerned incidents in which police officers apparently used fire-arms at variance with internationally recognized principles which call for the application, as far as possible, of non-violent means before resorting to the use of force and firearms. In all of the incidents the victims were not suspected of particularly serious crimes, were unarmed and did not endanger the lives of the police officers involved or anyone else. On 1 September at around 12.40 pm, in the *Sitnyakovo* quarter of Sofia, two police officers apprehended 23-year-old Iliyan Ezekiev on suspicion of stealing a television set. After Iliyan Ezekiev started to run through a block of apartments he was pursued by one officer who fired three warning shots in the air. The suspect fled into a playground where some children were present. The police officer then shot at Iliyan Ezekiev, injuring him in the ankle.

In another incident on the night between 4 and 5 November in Kuklen, in the Plovdiv region, 21-year-old Ferhat Alimolla was involved in a fight in a village bar. He attempted to run away after several police officers arrived to intervene and was shot in the hand, as a result of which his thumb was "blown off".

In November Amnesty International expressed its concern about these incidents to the Bulgarian authorities and urged them to fully and impartially investigate them.

CROATIA

Human rights abuses by Croatian forces in the Krajina

On 4 August the Croatian Army launched a large offensive against the Krajina, the largest area of the country then under the control of rebel Serb forces. The offensive resulted in a massive outflow of up to 200,000 Croatian Serb refugees and soldiers into neighbouring Serb-controlled areas of Bosnia-Herzegovina or into Serbia itself. Only some 7,000 Serbs remained in the area, most of them elderly people. There were reports of widespread human rights abuses by soldiers in the course of the action and in the weeks and months following it.

Many of the actions of the Croatian forces appeared to be aimed at causing the population to flee or to discourage return. For example, during the first two days of the offensive Croatian artillery deliberately targeted civilians in residential areas of the town of Knin. Artillery shells killed at least 20 people, possibly many more, including women and children.

On 9 August Croatian civilians in Sisak attacked a large group of Croatian Serb civilians who were leaving for Serbia with a Croatian police escort. Croatian civilian and military police who were present during the attacks reportedly stood by and only intervened when prompted to do so by international observers. Scores of people received cuts and bruises when they were beaten during attacks on their vehicles. One woman reportedly died as a result of her injuries.

Croatian forces moved through the rural areas, allegedly looking for Croatian Serb soldiers or weapons. However, it was clear that in many areas there was very little or no resistance and uniformed men were engaged in looting, systematic destruction of houses and terrorizing the predominantly elderly population which remained. There were numerous reported incidents of uniformed men beating or kicking people, holding knives to their throats, shooting guns or throwing grenades in such a manner as to injure or terrorize them.

As part of this pattern of abuses, scores of Croatian Serbs were extrajudicially executed by Croatian soldiers; most were apparently civilians and many were elderly people. Many were killed in ones and twos, although there were also a number of incidents in which larger groups were killed. These abuses occurred both at the start of the military operation and in the weeks and months following. By November United Nations (UN) personnel had recorded a total of 182 deaths in the former UN Protected Area, Sector South, alone. Very few of the dead wore military uniforms and the majority of those whose age was known were aged 60 or more years. Bodies found by international observers frequently displayed evidence of having been unlawfully killed, such as bullet wounds to the head or back.

The killings occurred in a variety of circumstances. For example, on 9 August a man who had clearly been disarmed was seen being questioned by Croatian police officers near Benkovac. Around 90 minutes later the body of the same man, displaying a bullet wound to the head and multiple bullet wounds to the body, was seen by the same observers.

On 25 August paramilitary Croatian special police were present in the village of Grubori in the Plavno valley. UN personnel and foreign journalists visited the village and found the body of an 80-year-old man lying next to his bed in a pool of blood with clear indications that he had been shot in the head at close range. A 65-year-old man was found dead in a field with his throat cut and the bodies of two younger men who had reportedly been shot in the head were found elsewhere. The remains of a 90-year-old woman were also found in the ruins

of her partially burnt out house. The Croatian authorities claimed that the one of the dead had carried a weapon and that armed resistance had been offered in the village.

In another mass killing, nine men and women, aged between 60 and 85 years were killed in the village of Varivode on 29 September, during a reported attack by three or four men wearing military uniforms.

Large numbers of people were missing following the exodus of Croatian Serb refugees, although it was impossible to establish the number accurately. In some cases, there was witness testimony confirming that they had been detained by Croatian forces and were victims of deliberate "disappearances". For example, Nenad Dujković and Dragan Mirković, who were both of military age, but had not been mobilized into the Croatian Serb forces, were taken from the apartment in which they were hiding in Knin on 5 August. They have not been seen since. The Croatian authorities have offered no information about their whereabouts.

More than 900 men, mostly of military age, and a small number of women were detained by Croatian forces. Although some were released, either without charges or following an amnesty, several hundred were kept in custody on charges including war crimes or "espionage". Some were reportedly beaten or otherwise ill-treated in detention. There were concerns that some would not receive fair trials as in some cases lawyers were not immediately appointed to represent them or the defending lawyers were denied proper access to their clients.

Amnesty International appealed to the Croatian authorities in connection with its concerns and pressure from international and local agencies led to action by the authorities to investigate some of the reported incidents and arrest some individuals suspected of perpetrating them. There were many fewer new incidents of harassment or more serious abuses by the end of the year, but serious concerns remained as many incidents appeared not to have been fully investigated by the authorities.

Forcible return of refugees; ill-treatment of refugees

The Croatian authorities forcibly returned refugees from Bosnia-Herzegovina and sometimes other countries on numerous occasions, in violation of Croatia's commitments under the 1951 Convention Relating to the Status of Refugees to which it is a party. They also placed restrictions on the entry of Muslims from Bosnian Serb-controlled areas of Bosnia-Herzegovina who sought protection in Croatia.

More than 20,000 Muslims from the area of Velika Kladuša in northwest Bosnia fled into Croatia in August. Their area had been controlled by Fikret Abdif, a Muslim political leader who had declared independence from the Bosnian Government and whose own forces had cooperated with the Bosnian Serb and Croatian Serb armed forces. The civilians and soldiers from Velika Kladuša fled into the area around Kuplensko, near Vojnić. They were immediately under pressure to return from the Croatian authorities who refused to recognize them as refugees. There were reports that Bosnian Army soldiers were able to enter their makeshift camp and forcibly return some men of military age. The Croatian authorities placed bureaucratic restrictions on the provision of humanitarian assistance for refugees in the camp, apparently to encourage refugees to return because of the poor conditions in the camp in the worsening winter weather.

There were some documented cases of forcible returns from Kuplensko effected by Croatian paramilitary special police. For example, on 6 November, 32 men were taken from the camp by special police and beaten before being forcibly expelled to Bosnia-Herzegovina where some were immediately mobilized or detained. Amnesty International appealed to the authorities on numerous occasions to prevent or end the forcible return of refugees to Bosnia-Herzegovina and to remove restrictions on the entry of refugees fleeing abuses in Bosnia-Herzegovina. (See entry on Bosnia-Herzegovina)

Refugees were also forcibly returned from other areas of Croatia. For example, from September newly arriving refugees from Bosnian Serb controlled areas of Bosnia-Herzegovina were immediately returned to Bosnia.

Use of force or threats in the course of evictions from military flats by soldiers

Throughout the period from July to December there were reports of the use of force by soldiers in the course of evictions from apartments in Zagreb and Split which were formerly the property of the Yugoslav National Army. Amnesty International raised its concerns about reports of ill-treatment of individuals or threats against them by soldiers and the inaction of civilian and military police in response to the incidents. For example, on 21 July a group of around six Croatian Army soldiers broke into an apartment in Zagreb, where they ill-treated and attempted to rape one woman and allegedly raped another. In another case in Split on 25 August an ethnic Serb couple were evicted by soldiers. On 25 October the father of one of the couple was grabbed by the face and kicked by one of the perpetrators.

CYPRUS

Allegations of ill-treatment

Amnesty International continued to receive allegations of ill-treatment of detainees by police. On 25 August two police officers from the Limassol Branch of the Security Police and one police officer from the Department of Minor Offences, without an arrest warrant or court order, burst into the house of the parents-in-law of former prisoner of conscience Salih Askero•ul (see *Amnesty International Report 1995*) in Limassol, where he and his wife, Yiota Nikolaou, were staying. The police officers informed Salih Askero•ul he was arrested for illegally taking a photograph of a coffee-shop belonging to a Greek Cypriot woman. Upon the refusal of the police officers to show any arrest warrant, Salih Askero•ul refused to go with them to the station before speaking to his lawyer. The police officers reportedly forcibly handcuffed him, threw him against furniture, kicked him in various parts of his body and beat him on the head with their revolvers. One of the police officers allegedly insulted Yiota Nikolaou and grabbed the telephone from her hands as she was trying to call a lawyer. Salih Askero•ul claims that on the way to the police station one of the police officers threatened to kill him. He was released from detention after 24 hours. He received medical treatment, including stitches for injuries he suffered as a result of ill-treatment. The Attorney General ordered an administrative inquiry to establish the exact circumstances which led to the alleged ill-treatment but the result was not known by the end of the year.

In October Erkan Egmez, a Turkish Cypriot, was allegedly abducted by Cypriot police officers near the village of Akincilar (Louroutzina) in the United Nations (UN) buffer zone. He was held in incommunicado detention for a week during which he was allegedly tortured. He was transferred to hospital where he was examined by a UN doctor who reportedly observed injuries consistent with torture. Two and a half weeks after his arrest Erkan Egmez was seen by his own doctor who reported that "a number of healed wounds could be observed on various parts of his body made by sharp instruments and heavy beating". On 20 October Erkan Egmez was taken to court and charged with 11 offences, including assaulting police officers. Subsequently, all the charges were dropped and he was released on 1 December.

Prisoner of conscience

In November Giorgos Karotsakis, a Greek Cypriot soldier, was detained by the Turkish Cypriot authorities in Northern Cyprus. The exact circumstances of his detention were not known, but it appeared that his detention was probably related to that of Erkan Egmez and that he was a prisoner of conscience held solely because of his ethnic origin. He was released on 4 December.

CZECH REPUBLIC

The case of Martin „erveÁák

In August Amnesty International received copies of the Plzeň Regional Prosecutor's report of the investigation into the death in custody of Martin „erveÁák (see AI Index: EUR 01/01/95 and EUR 01/02/95).

According to this report Martin „erveÁák, a 20-year-old-Rom, had been arrested on 8 June 1994, at around 11.15am, in Jeníkovice. He was then taken to the police station in Horšovský Týn where he spent some time in a waiting room before he was interrogated at around 1.30pm by three police officers about alleged thefts from cars. The investigation concluded that Martin „erveÁák had not been subjected to "any means of force or other pressure". The circumstances of Martin „erveÁák's death were described by the prosecutor's report in the following way:

"At a certain moment when Sergeant Alexandr Horák was standing sideways to the detainee, Martin „erveÁák left the chair where he had been seated and from a semi-crouching position tried with both hands to grab Sergeant Horák's gun. The officer reacted by pulling the gun out of the holster, while being held by Martin „erveÁák who was attempting to get a hold of the gun, raising his hand out of „erveÁák's reach and managing to release the magazine with all the bullets. However, one bullet remained in the bullet chamber. The trigger after being cocked was released to the front position which was in accordance with the Ministry of Interior Order number 16/1992 as well as in accordance with instructions regarding the searches of Roma dwellings, which were observed by Sergeant Horák at the time of „erveÁák's arrest. In the course of this pulling to and fro, which according to those present took only a few seconds, a shot suddenly occurred hitting Martin „erveÁák in the head."

The autopsy report concluded that brain haemorrhage was the cause of death. However, the report also established the following injuries on the body of Martin „erveÁák: several surface scratches above both sternomastoid muscles on the neck and a haematoma on the right-hand side of the neck, two scratches on the palm of the left wrist and on the left forearm and three small grazes on the top of the left elbow. The autopsy report concluded that the small grazes and haematoma on the neck displayed signs of convulsion preceding death but that it was not possible to give an unambiguous opinion on the origin of these injuries.

The ballistic report established that the triggering mechanism of Sergeant X's gun had been faulty and that a sudden shock could have provoked firing if the safety catch had not been in the secure position, as was the case.

In November Amnesty International expressed its concern to Czech authorities that the investigation into the death of Martin „erveÁák only verified the version of events presented by the three police officers present during the interrogation and their superior officer who was called to the site after the incident. No other witnesses were mentioned in the prosecutor's report. There was no record that the investigation established the identity of or questioned other people, including detainees who were in the waiting room together with Martin „erveÁák prior to his interrogation, as well as in the corridor and adjoining rooms at the time of the shooting. Similarly, apparently no one present at the time of Martin „erveÁák's arrest in Jeníkovice had been questioned about the circumstances of his arrest. There was also no record that prior to his interrogation Martin „erveÁák had been informed of his rights in detention, including the right to a legal counsel.

Furthermore, the investigation centred solely on the events immediately preceding the shooting of Martin „erveÁák, although allegations had been made that he had been ill-treated during interrogation.

The investigation also failed to clarify why a gun with a faulty firing mechanism had apparently been in routine use. The order of the Ministry of the Interior cited in the prosecutor's report allows the officer the discretion to leave a bullet in the chamber. However, the investigation did not establish at what time and for what

reason the bullet was placed in the firing position, as well as the circumstances during the interrogation in the police station which required that this measure be maintained.

Amnesty International is also concerned that the Ministry of the Interior has issued instructions regarding the searches of Roma dwellings. The very existence of separate rules for the conduct of law enforcement officers towards an ethnic minority would be a violation of international human rights treaties ratified by the Czech Republic. Law enforcement officers should protect the rights and freedoms of all people without discrimination. As a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) the Czech Republic is bound to ensure that all the rights guaranteed by those treaties are enjoyed by everyone in the country without discrimination on a number of grounds, including race, colour, language, national or social origin, property, birth, or association with a national minority (ICCPR Article 2, ECHR Article 14).

Amnesty International urged the Minister of Justice to initiate a new investigation into the death of Martin „erveÁák which would be thorough and impartial, and to make public its results. The organization urged the Czech authorities to initiate a governmental review of the instructions of the Ministry of Interior regarding the searches of Roma dwellings.

DENMARK

Developments on Amnesty International's concerns

There were further significant developments on the issues and cases raised in Amnesty International's June 1994 report *Denmark: Police Ill-Treatment* (AI Index: EUR 18/01/94).

In June parliament passed a bill creating a new system for the handling of complaints about police misconduct. The bill, effective from 1 January 1996, makes regional state prosecutors responsible for handling complaints against the police; these prosecutors can call on the national police to assist in investigations. Regional Police Complaints Boards, each consisting of an attorney and two lay-people, will be informed of complaints and will receive investigation material and findings; they can make recommendations as to how a complaint should be decided and can appeal against the prosecutors' decisions to the Director of Public Prosecutions (DPP).

In November the UN Committee against Torture examined Denmark's second periodic report on measures taken by the government to give effect to their obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee against Torture recommended that Denmark: give high priority to considering incorporation of this convention into domestic law; take strong measures to bring an end to ill-treatment; ensure that allegations of ill-treatment are speedily and properly investigated and prosecute alleged perpetrators of ill-treatment.

There was continuing controversy surrounding the proceedings and investigations relating to the violent demonstration in Nørrebro on 18-19 May 1993, during which police officers were injured and at least 11 people - most of whom were reportedly bystanders - were wounded by shots fired in disputed circumstances by plainclothes and riot-gear police (see AI Index: EUR 01/02/94 and EUR 01/02/95). In November the Parliamentary Ombudsman published three critical reports about his investigations into issues relating to the aftermath of the demonstration. In the first report he concluded that the Minister of Justice should have handled the complaints about the investigations and reports of the investigations of the demonstration. The second of these reports contained the Ombudsman's preliminary findings about the investigations led by the former DPP, Asbjørn Jensen, and the reports of these investigations; it included criticisms that the investigations were not independent or exhaustive and that the criteria for some of the judgments made by Asbjørn Jensen in his two reports were not clear or consistent. In response, the Minister of Justice announced his intention to initiate a further investigation into the events of 18-19 May, most likely to be conducted by three independent legal experts. The Ombudsman's final report on these issues, which will take into account the Ministry of Justice's and Asbjørn Jensen's comments on the Ombudsman's preliminary findings, is expected to be published in January 1996. The Ombudsman's third report related to a complaint by the Danish Police Union (*Dansk Politiforbund*) concerning criminal charges brought against three members of the Copenhagen police whose bullets (fired during the demonstration) wounded six people. In this report the Ombudsman criticized the multiple roles played by the office of the DPP and the fact that the investigations had focussed on the conduct of only some, but not all relevant police, including the police leadership. The Minister of Justice thereafter ordered the charges against these three police officers to be dropped.

Also published in November was the report of the findings of the Regional State Prosecutor for Copenhagen, Frederiksberg and Tårnby of the in-court investigations into allegations of ill-treatment of 11 people arrested during the 15-month police operation in Christiania (see AI Index: EUR 01/01/94). Eight of these cases had been cited by Amnesty International as illustrative examples of reports of police ill-treatment during this intensive police operation. The Prosecutor found grounds to criticize police conduct in seven of the 11 cases investigated. The report stated that in all 11 cases the detainees had been handcuffed and most had complained that the handcuffs were too tight. Seven of the detainees had been restrained by police in some form of leg-lock;

he found that six had been restrained in the "fixed leg-lock" which had been characterized as cruel, inhuman and degrading treatment in Amnesty International's June 1994 report. The Prosecutor found that at the time of the occurrence of the incidents investigated, there were no regulations about the use of the fixed leg-lock and the officers who used the fixed leg-lock were not aware of the medical risks associated with its use; confining his judgments to whether the use of the fixed leg-lock in each case conformed to the legal requirement that arrests be conducted in as gentle a manner as the circumstances allow, he found grounds to criticize the use of the fixed leg-lock in three cases. In addition, in one case he criticized both the use of the manual leg-lock and handcuffs and in three other cases he found that very tight handcuffs were not loosened. However, the Prosecutor did not conclude that the alleged police ill-treatment formed a pattern. He stated that the reaction of the police must be taken in the light of the fact that in some of the cases investigated there was a very heated and sometimes bad atmosphere against the police and that, particularly because in many instances the police involved were young, they could not be expected to react with the same cool-headedness and overview as in normal police business. In response, to the Prosecutor's report, the Director of Copenhagen Police stated that she would: apologize to the seven people whose treatment had been criticized by the Prosecutor; clarify the regulations on the use of handcuffs; explore the availability of handcuffs which would cause less discomfort to detainees and remind the Copenhagen Police that their encounters with the public should be conducted in as "cool-headed and gentle" a manner as possible.

Finally, in November, the High Court considered the civil case brought on behalf of Benjamin Schou, who lies in a vegetative state, having sustained severe brain damage after suffering a heart attack while in police custody on 1 January 1992. The court did not find grounds to criticize the use of force by police or the manner in which police carried or dragged Benjamin Schou from the place of arrest and restrained him on the ground behind a police bus. Finding, however, that Benjamin Schou's injuries could have been avoided or limited if the arresting officers had paid attention to his condition and had called an ambulance, the court ordered the Copenhagen Police to pay substantial compensation.

FRANCE

Police officers investigated for illegal detention, premeditated assault and theft

On 11 August Sid Ahmed Amiri, of dual French and Algerian nationality, was detained after an identity check by three officers of a transport police unit (USTC) and driven to an isolated quarry north of Marseilles. He alleged that en route to the quarry he was hit with a truncheon and that on arrival he was forced to lie face downwards and then kicked and beaten with truncheons. When an officer allegedly pointed his revolver at him he tried to seize it to stop it being fired. He tried to run away but was caught and he claimed they forced him into an empty metal container. He then heard three gunshots fired.

The police apparently then left after taking his wallet and 2,000 francs. Approximately one hour later he was picked up by officers of an urban police patrol who took him to hospital where he remained for several days receiving treatment for an open fracture to the nose and injuries to the legs and shoulders. An internal administrative inquiry was opened and the officers were suspended and provisionally detained. On 13 August the investigating judge placed them under judicial examination on charges of illegal detention, premeditated assault and theft. They were released on bail. Amnesty International sought information about the conduct and progress of the inquiries. [For further details see *France: The alleged ill-treatment of Sid Ahmed Amiri by transport police in Marseilles* (AI Index: EUR 21/05/95).]

Eight-year-old child shot and killed by border police

On 20 August eight-year-old Todor Bogdanovif was travelling in a convoy of four cars and two trailers containing 43 Roma, who claimed who claimed to be refugees from Serbia. As they approached a roadblock on a remote mountain road leading to Sospel, near the Franco-Italian border, two border police officers (DICCILEC) - formerly known as PAF - attempted to stop the convoy. When the first two cars failed to stop, an officer fired three shots, one at the first car with a rubber bullet and two at the second car with metal bullets, fired at very close range through the rear window, killing the sleeping child.

Judicial and administrative inquiries were opened. However, before the inquiries ended contradictory statements were made by senior politicians broadly supporting the police action and by the Union of Magistrates deploring public comment while a judicial inquiry was pending. The Nice Deputy Public Prosecutor cast doubt on the legitimacy of the policeman's claim that he had acted in self defence. Amnesty International sought information about the conduct and progress of the inquiries. [For further details see *France: Fatal shooting by police near Sospel (Alpes Maritimes) of child refugee, Todor Bogdanovif* (AI Index: EUR 21/04/95).]

Alleged ill-treatment of Tahitian trade unionists following nuclear test

On 9 September 16 trade unionists were detained by members of the *gendarmerie nationale*. Officers in combat dress burst into the *A Tia I Mua* union headquarters shortly before a press conference. The authorities claimed that the arrests were in connection with the civil disturbances of 6 September at Faaa'a airport. These followed mass protests and violence in Tahiti as a result of the nuclear testing at Mururoa.

The union's Secretary General, Hiro Tefaarere, claimed he was kicked and punched by the officers. Henri Temaititahio of the *Office des Postes et Telecommunications* was reportedly knocked unconscious with a truncheon. After his release later that day he collapsed and was hospitalized, suffering from a progressive paralysis of the left side of his body. All the detainees were handcuffed behind their backs and stacked face downwards in a military lorry which took them to the *gendarmerie* barracks. The detainees were then

reportedly forced to kneel in the parking area of the barracks, still handcuffed behind their backs and their faces to the ground for approximately 45 minutes.

On 20 September Amnesty International wrote to the French Minister of Defence and the Attorney General in French Polynesia, urging an immediate inquiry into these reports of cruel, inhuman or degrading treatment. In November the Ministry of Defence replied with confirmation that an administrative inquiry had been opened and the Attorney General replied with details of the judicial investigation.

Police officers convicted of assault, sexual assault and involuntary homicide

Three cases cited in Amnesty International's October 1994 report, *France: Shootings, killings and alleged ill-treatment by law enforcement officers* (AI Index: EUR 21/02/94), came to trial.

In June Pierre Kongo, a gynaecologist from the Central African Republic, won damages in the Court of Appeal against an officer of the railway police. In February 1994 he had complained that, after an identity check, he had been pushed downstairs in the Gare du Nord railway station in Paris, handcuffed, knocked to the ground and punched in the face while lying on the ground. A charge of premeditated assault and wounding was dismissed by the court in November 1994. However, the Court of Appeal reversed the judgment, emphasizing the vague explanations given by police witnesses for his injuries which were incompatible with the medical evidence and stating that the cause of the injuries was not in doubt.

In September a DICCILEC officer was sentenced in Nice to 24 months' imprisonment, with 16 months suspended, and fined. Moufida Ksouri, a French citizen of Tunisian origin, had been sexually assaulted in 1993 by the officer in a French border post at the Menton-Ventimiglia crossing. She had earlier been raped by two Italian police officers, who were both sentenced to five years and eight months' imprisonment in 1994, on the other side of the frontier.

In October a police officer was sentenced to 24 months' imprisonment with 16 months suspended, fined and banned from carrying a firearm for five years. He had been charged with involuntary homicide after shooting and fatally wounding Rachid Ardjouni, a 17-year-old of Algerian origin, in Wattrelos in 1993. The officer shot him in the back of the head when he was reportedly face downwards on the ground. The court ruled that the officer should not have taken his weapon out; should not have pursued the deceased with a weapon in his hand; was personally not in danger; and was also drunk at the time. An appeal against the sentence was lodged by the defence. An Amnesty International delegate attended the trial.

Campaign of violence leading to special anti-terrorist measures

In July Abdelbaki Sahroui, an imam belonging to the Algerian party, FIS, was shot dead in a Paris mosque. A series of bombing attacks in Paris and Lyons, directed at civilian targets, followed, killing eight people and injuring some 170 people. The Algerian Armed Islamic Group (GIA) claimed responsibility for some of the attacks which they said were designed to stop French support for the Algerian Government. A draft bill expanding anti-terrorist legislation was still under discussion at the end of the year. It aimed to broaden the definition of crimes that could be considered as "terrorist", to increase police powers, and to impose heavier sentences for attacks on the police and related offences. A major security operation, code-named *Vigipirate*, was launched in September to combat attacks by armed groups. By the end of the year over a million random identity checks had been made and thousands of extra police and military personnel had been deployed on street patrol. Over 150 individuals suspected of criminal acts connected with armed groups, which call themselves Islamic, were currently awaiting trial in French prisons in connection with the attacks.

GEORGIA

New post of Public Defender

A new Constitution, adopted by parliament in August, included basic rights and freedoms and introduced the new post of Public Defender (in Article 43) to monitor the defence of individual rights and freedoms. Amnesty International wrote to the Georgian authorities asking what steps had already been taken, or were envisaged, with regard to developing the necessary enabling legislation to define this new office. The organization also expressed the hope that such legislation would provide the post with sufficient guarantees of independence, impartiality and authority to enable it to play a constructive role in the safeguarding of human rights.

The death penalty

The death penalty was retained under the new Constitution as an "exceptional measure of punishment" for "especially serious crimes against life". According to unofficial sources at least 18 people were sentenced to death between January and October, mostly for premeditated murder and activity in a criminal gang, and at least eight people were executed. At least one death sentence was commuted. As of November, 28 people were said to be awaiting execution.

Amnesty International urged the authorities to commute all pending death sentences, and also asked for detailed information on the application of the death penalty during the year.

Allegations of ill-treatment in detention

Allegations of ill-treatment in detention continued to emerge during the period under review. Zaza Tsiklauri, for example, who had been tortured in pre-trial detention in 1992 (see AI Index: EUR 56/04/95) alleged that he was beaten and threatened, including with rape, on his arrival at a corrective labour colony in Rustavi. He had been sentenced to five years' imprisonment in March.

Death sentence in Abkhazia

In December it was reported that a Georgian citizen named Ruzgen Gogokhiya had been sentenced to death in the disputed region of Abkhazia.

According to press reports Lt.-Col. Ruzgen Gogokhiya (born in 1953 and from the Salindzhitsky district of Georgia) had been detained in Abkhazia in May 1994, in connection with alleged acts of terrorism and sabotage committed in the Gali district. He was charged with "violating national and racial equality" (Article 75 of the Criminal Code of the Republic of Abkhazia) and "violence against the civilian population in a region of military operations" (Article 285), and sentenced to death by a military tribunal.

Amnesty International urged the *de facto* Abkhazian authorities to commute the death sentence passed on Ruzgen Gogokhiya, and on any person awaiting execution. The organization also sought assurances that all those sentenced to death are afforded the right to appeal to a court of higher jurisdiction, and the right to seek pardon or commutation of the sentence, in accordance with internationally agreed human rights standards. Amnesty International asked in addition for details on the number of offences currently carrying a possible death

sentence in Abkhazia, and for statistical information on the application of the death penalty in Abkhazia in recent years.

GERMANY

Alleged ill-treatment of detainees

In February 1996 Amnesty International published a report *The alleged ill-treatment of foreigners - An update to the May 1995 report* (AI Index: EUR 23/02/96). In it the organization documented fresh allegations it had received that German police officers, and in one case German prison officials, had used excessive or unwarranted force in arresting or restraining people, or had deliberately subjected detainees in their custody to cruel, inhuman or degrading treatment or punishment. In the overwhelming majority of cases brought to the organization's attention, the victims were foreign nationals, including asylum-seekers or refugees, and members of ethnic minorities. In some cases the alleged ill-treatment appeared to have been racially motivated.

Decisions were reached by prosecuting and judicial authorities on a number of cases of alleged ill-treatment, including that of German journalist Oliver Neß. (Most of these cases were described in detail by Amnesty International in its report *Federal Republic of Germany: Failed by the system - police ill-treatment of foreigners*, published in May 1995, AI Index: EUR 23/06/95. The case of Oliver Neß was documented in *Federal Republic of Germany: A summary of concerns in the period May - October 1994*, published in November 1994, AI Index: EUR 23/08/94.) In its February paper Amnesty International described these developments and also reported on the correspondence which it had entered into with the German authorities about the organization's concerns.

GREECE

Freedom of expression trials

On 14 September in Thessaloniki the trial of Archimandrite Nicodimos Tsarknias was postponed until January 1996. He was indicted for wearing the cassock of a priest despite being excommunicated by the Holy Synod of the Greek Orthodox Church. Archimandrite Tsarknias was expelled from the Greek Orthodox Church in April 1992 and defrocked in February 1993 for claiming to belong to the Macedonian minority in Greece. However, he has since joined the Monastery of "St George the Great Martyr" in the village of Ku..kovo, Former Yugoslav Republic of Macedonia, and as such wears the cassock of his order. On 22 November he was scheduled to be tried in Thessaloniki on two further charges of impersonating a priest. His trial was postponed until May 1996. His previous sentences for the same offence ranged from three to five months' imprisonment, four of which he "bought off", by paying a sum of money, and eight of which he has appealed against. He claims this harassment to be the result of his peaceful support for the recognition of the Macedonian minority in Greece.

On 27 September the charges against Christos Sideropoulos for a speech he made at a meeting of the Conference on Security and Co-operation in Europe in Copenhagen in 1990 were dropped at his appeal hearing in Florina, on the grounds that they had expired.

Conscientious objection

There was still no provision for an alternative civilian service to compulsory military service and in December about 350 conscientious objectors to military service, all of them Jehovah's Witnesses, were serving sentences of up to four years and eight months' imprisonment for their refusal to perform military service on religious grounds.

Nikos Karanikas, a conscientious objector on political and philosophical grounds, was released after his appeal hearing in Thessaloniki Military Court on 19 December. He had been imprisoned since 25 August 1995 for refusing to perform compulsory military service and had been sentenced to four years' imprisonment on 5 October. His sentence was reduced on appeal to one year's imprisonment, suspended for three years. An Amnesty International delegate observed the hearing.

Further allegations of ill-treatment

In September Amnesty International was informed by the Greek authorities that an inquiry had been ordered into Nikos Gogos' allegations of ill-treatment at Nafplio military camp but as of December the result was not known (see AI Index: EUR 01/02/95). Athanasios Zayiakis alleges he was beaten by police officers of the Anti-Drug Squad in Thessaloniki on 21 October after he was detained for possession of a small amount of heroin. Photographs subsequently published in the newspaper *Eleftherotypia* showed severe bruising on his face, back and legs. Lawyers were reported as saying that ill-treatment of drug users was common, but that few complaints were made because police threatened detainees with further charges if they spoke out about their treatment. An inquiry was ordered into the ill-treatment of Athanasios Zayiakis, but the result was not known by the end of the year.

In November Amnesty International wrote to the Greek authorities expressing its concern about a number of cases of alleged ill-treatment of Greek citizens and foreigners during the first 10 months of 1995. No

response had been received by the end of the year. In the meantime, the organization continued to receive further allegations of ill-treatment of detainees by police.

On 14 November a group of people who had organized a peaceful march in protest at the imprisonment of an anarchist in Thessaloniki was surrounded by MAT (anti-riot) officers who dispersed them by beating them with truncheons. Four demonstrators, Paris Sophos, Ilias Hatziliadis, Giannis Anagnostou, and a 17-year-old schoolgirl, Sophia Kyritsi, were subsequently arrested. At their trial, which ended at 3am on Sunday 19 November, they claimed they were ill-treated during their arrest and transfer to the buildings of the Security Police in Thessaloniki. Paris Sophos sustained a light head wound which required stitches and multiple bruises which, according to the medical report, were caused by *ablunt object designed to smash*. Similar wounds were reported to Ilias Hatziliadis' head. According to neurologists who examined Sophia Kyritsi, she displayed symptoms of internal head injuries including, nausea, dizziness, headaches, traumatic amnesia with intermittent periods of amnesia, diplopia and loss of muscle strength in the upper extremities.

On 17 November demonstrators and police officers from the MAT units clashed in front of the Polytechnic University in Athens. Video footage of part of the events clearly showed a youth being caught by a group of police officers who started beating him with truncheons and kicking him before they moved out of sight of the video camera. Later shots showed him being led away by a police officer with his arm around the boy's neck. The police officer holding him was seen to hit him at least seven times on the head with a gas mask. One officer pulled his hair and then punched him on the head several times; another grabbed him from behind as if reaching the boy's genitals. A police officer in civilian clothes punched him in the back and then kicked him at least twice. Other officers were also seen to punch him, kick him, hit him with truncheons or pull his hair. The boy was offering no resistance and the officers were present in large numbers. A report of the same incident in *Ta Nea* on 18 November adds that the victim was left lying bleeding on the pavement when another police officer approached him and beat him on the head with his truncheon. On 21 November *Ta Nea* reported that an inquiry had been initiated into this incident and that one police officer of the MAT had been suspended in connection with it. By the end of the year it was not known if an inquiry had been ordered into the involvement of at least eight other officers seen on video beating the youth.

HUNGARY

Alleged ill-treatment by police officers

Amnesty International received several reports of ill-treatment by police officers. In one such incident on 6 July in Budapest, at Moszkva Tér, Tiberiu Martocean, a Romanian citizen, was taken by three police officers into a room in the underground station where he was beaten all over his body for 10 minutes. After he was released he reported the incident to the Second District Police Station and then went to hospital where he was treated for concussion, a broken rib and contusions on his right leg.

On 15 July in Marcali, three police officers allegedly beat 18-year-old Fehér Gábor following a traffic accident involving one of their colleagues who was off duty. After his release from the police station Fehér Gábor received hospital treatment for concussion and bruises on his hands, feet and chest, which he suffered as a result of the beating. Fehér Gábor later filed a complaint with the local prosecutor but was also under investigation for assaulting the police officers who claimed that his injuries were caused by an accidental fall following their attempt to restrain him.

On 11 September at around 1am in Budapest, on Dózsa György ut., two police officers stopped the car of Marius Carniciu, a Romanian citizen, and Gianfranco Polidori, an Italian citizen. After Marius Carniciu refused to pay a fine for not using his safety belt and took back his passport the officers allegedly started to punch and kick him. One officer then handcuffed Marius Carniciu's hands behind his back, and continued to beat him reportedly shouting: "Dirty Romanian, your mother is a whore. Romanians are primitive." The other police officer allegedly slapped Gianfranco Polidori on the face and punched him in the chest. Marius Carniciu was slapped and kicked again at the police station after he was obliged to take two breath tests both of which were negative. Both men were released the next day without being charged. Marius Carniciu was then examined by a forensic medical specialist who later refused to give him a copy of the medical certificate. Two days later, Marius Carniciu was examined in the Forensic Medical Institute in Bucharest where he received a certificate describing multiple lesions and bruises on his body.

In October and November Amnesty International expressed concern about these incidents to the Hungarian authorities, urging them to investigate the incidents thoroughly and impartially, to make public the findings and to bring to justice anyone found responsible for human rights violations.

ITALY

Alleged ill-treatment by law enforcement and prison officers

Amnesty International continued to receive a number of reports of ill-treatment by law enforcement officers, some of them concerning immigrants from outside Europe. There were also claims that investigations into complaints of ill-treatment were often very slow.

On 6 June 1995 Salvatore Rossello went in person to the Public Prosecutor's office in Barcellona Pozzo di Gotto (Sicily) to lodge a formal written complaint alleging ill-treatment by *carabinieri* officers. He received no indication that a judicial investigation had been opened into his complaint until he visited the Public Prosecutor's office again on 13 October, accompanied by his lawyer, and was given oral confirmation that an investigation had been opened.

In his complaint Salvatore Rossello, a student nurse, stated that while driving home from Cutroni Zodda hospital on 25 May 1995 his car was overtaken at speed, forcing him to break abruptly to avoid an accident. He said that he showed his anger by gesticulating with his hands and then continued his journey. Approximately half a kilometre further down the road another car, sounding a siren and carrying three people dressed in plain clothes, blocked his passage. He claimed he was immediately subjected to verbal insults during which it became clear to him that the men in the car were *carabinieri* officers acting as the bodyguards of a local judge and that it was the judge's car which had earlier overtaken him. When the officers ordered him to report immediately to the local *carabinieri* barracks he explained that he did not know where they were located but that he would be willing to follow their car there. He stated that he was, however, again insulted and warned that, if he tried to escape, they would shoot him.

On arrival at the barracks he was immediately asked to hand over his identity papers and claimed that, while these were being checked, one of the officers continued to insult him and suddenly hit him with such force around his left ear that he lost his balance and fell across a nearby armchair. He said that, fearing further violence, he remained in a crouching position, with his arms covering his face, while being subjected to constant verbal abuse and provocation by the officers. He said he made no response until the officers threatened to make him lose his job, ordering him to admit he was a drug-dealer with a previous criminal record. He alleged that when he retorted that, as a Catholic, there were certain things he did not do, the officer who had hit him around the ear struck him repeatedly on his back and continued to insult him.

According to his complaint, the officer eventually ordered him to get up and leave, threatening him with further violence if he did not comply. He said that his documents were returned to him and he was released without charge. Experiencing some difficulty in staying upright, he then drove to the Casualty Department of Cutroni Zodda Hospital where he was admitted for emergency treatment. A medical certificate, issued on his discharge nine days later on 2 June and attached to his formal complaint, recorded a perforated left ear-drum and bruising to his left jaw and shoulder.

In a complaint lodged with the Public Prosecutor's office in Voghera (Northern Italy) Ben Moghrem Abdelwahab, a Tunisian in possession of a valid residence permit, stated that on 22 September he was stopped by two uniformed *carabinieri* officers, while on his way to work in an engineering workshop. One of the officers asked to see his identity card and residence permit, after first asking him to open his mouth, apparently suspecting him of trying to conceal drugs there. Ben Moghrem stated that he offered no physical resistance but that his document wallet was snatched away and he was forcibly placed in the officers' car while being repeatedly slapped and subjected to insults concerning his race and family both during his transfer to the *carabinieri* barracks and after arrival.

He claimed that he was handcuffed behind his back throughout his detention and that several individuals, including other uniformed *carabinieri*, witnessed his ill-treatment and that at least one of them participated in it. He said that at one point he was pushed so violently that he fell to the ground where he was kicked in the head, back and on his left side. He was eventually helped to his feet by a *carabiniere* who, while gripping him tightly around the throat, shouted at him to do as he was told. Ben Moghrem stated that when he refused to sign a statement because he was unaware of its contents an officer threatened to destroy his residence permit and a gun was pointed at his head. He then signed but when he added the words "with reservation" he was again insulted and struck by a metal stapler thrown by one of the officers. He claimed that an officer began slapping him with such force that he broke his own wristwatch, but then ordered Ben Moghrem to report back to the barracks with 100,000 lire to cover the cost of its repair. Ben Moghrem's documents were returned and he was allowed to leave the barracks after approximately an hour's detention. He telephoned a friend who drove him to Voghera Hospital where he was admitted to the trauma unit for eight days, receiving treatment for his injuries. The *carabinieri* reportedly admitted striking Ben Moghrem but stated that they had acted in self defence.

In November the Public Prosecutor's office attached to Naples District *Pretura* (a court responsible for the investigation and prosecution of offences carrying penalties of up to four years' imprisonment and a number of other specified offences) informed Amnesty International that, as a result of a judicial investigation opened in early 1993 into the alleged ill-treatment of some 300 inmates of Secondigliano Prison (Naples), 65 prison officers had been committed for trial on charges of beating and injuring prisoners, with the first court hearing opening on 21 February 1996. The Public Prosecutor attached to Naples Tribunal explained that, due to the tribunal's enormous backlog of cases, no date had yet been fixed for the court hearing of six officers (including the chief inspector of the Secondigliano prison officers, a chief superintendent, three superintendents and one assistant) who, in February 1994, had been committed for trial on offences carrying heavier penalties, including falsification of prison records and instigation of prison officers to commit offences.

In November the Council of Europe's Committee for the Prevention of Torture (ECPT), established under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to examine the treatment of people deprived of their liberty, announced that it had carried out its second periodic visit to Italy in October. The ECPT followed up the criticisms and recommendations made after its first visit to Italy in 1992 (see AI Index: EUR 01/02/95) and visited several places of detention not included in its first visit.

KAZAKSTAN

Imprisonment of Cossack leader Nikolai Gunkin

In November Amnesty International expressed concern about allegations that had been made in connection with the case of Nikolai Gunkin, a leader of a Cossack organization in southeast Kazakstan.

According to information received by Amnesty International, Nikolai Gunkin had been arrested in Almaty, the Kazakstani capital, at the end of October, as he presented himself to register as a candidate in forthcoming parliamentary elections. He was charged with "organizing an unsanctioned meeting", reportedly in connection with what supporters of Nikolai Gunkin described as a religious procession which had taken place in January. Three weeks after his arrest Nikolai Gunkin was sentenced to three months' imprisonment by a court in Almaty.

Amnesty International was concerned about allegations that the arrest and prosecution of Nikolai Gunkin were politically motivated. Supporters of Nikolai Gunkin claimed that his arrest had been timed to prevent him becoming a candidate in the forthcoming elections, and that police had passed up previous opportunities to arrest him. Nikolai Gunkin reportedly admitted participating in the January religious procession, but rejected the criminal charge against him.

Amnesty International was also concerned about allegations that Nikolai Gunkin had suffered ill-treatment during his arrest and while he was in pre-trial detention. Specifically, it was alleged that Nikolai Gunkin had been beaten by police officers during his arrest, that later that day three men, one in police uniform, had attempted to hang him in his cell at a police station, and that some days later at a remand prison officials had thrown cold water over him to try to force him to end a hunger strike.

Furthermore, allegations relating to Nikolai Gunkin's lawyer raised doubts about the fairness of Nikolai Gunkin's trial, as well as raising fears for the safety of the lawyer and his family. Supporters of Nikolai Gunkin reported that he was not allowed to meet his lawyer, Ivan Kravtsov, until two days after his arrest, in violation of the Code of Criminal Procedure. Later, unidentified people broke into the home of Ivan Kravtsov and physically assaulted his wife, Iraida Kravtsova, who consequently required hospital treatment. Ivan Kravtsov also reportedly received threatening telephone calls, and was allegedly threatened by the city procurator of Almaty with the withdrawal of his licence to practise as a lawyer. The day after the attack on his wife Ivan Kravtsov withdrew from the case.

Amnesty International sought further information about the basis for the charge against Nikolai Gunkin, and asked to be informed as to whether investigations were taking place into the alleged attacks on Nikolai Gunkin and Iraida Kravtsova.

The death penalty

Amnesty International learned of 17 more death sentences, most of them passed in the first half of the year, and of two executions. The true figures were probably higher. Statistics for the first 10 months of the year provided by a local human rights organization showed that out of 40 clemency petitions submitted to the President, clemency was granted in only one case.

In July Amnesty International wrote to officials in Kazakstan protesting against the recent showing of film of an execution on state television. The same film was screened again in September.

KYRGYZSTAN

The death penalty (update to information given in AI Index: EUR 01/02/95)

In August Amnesty International received official notification from the office of the President of Kyrgyzstan that Vasily Skvortsov had been executed in June. A further 29 prisoners who had had petitions for clemency turned down by the President in May at the same time as Vasily Skvortsov were believed also to have been executed.

LUXEMBOURG

Prolonged isolation of prisoners

In September Amnesty International asked the Luxembourg authorities what measures the prison authorities had taken to alleviate the physical and psychological effects of prolonged isolation on prisoners who had been placed in solitary confinement during the year. According to information given by the Ministry of Justice to parliament in July, 22 prisoners were placed in solitary confinement in the period 1 January - 15 July, some for a period of weeks, others for periods of several months. Three prisoners, including Carlo Fett who had escaped from Schrassig prison in May and had seriously injured a police officer during an attempt to recapture him, were placed in isolation for a period of six months.

Amnesty International is concerned that prolonged isolation may have serious effects on the physical and mental health of prisoners and may constitute cruel, inhuman or degrading treatment or punishment. The use of prolonged solitary confinement for disciplinary purposes was criticized as "unacceptable" by the European Committee for the Prevention of Torture (ECPT) in the report which it drew up following its visit to Luxembourg in January 1993.

In its letter to the Luxembourg authorities, Amnesty International noted that in December 1994 the Ministry of Justice had informed the organization that: "The government has committed itself to recruit in 1995 and 1996 instructors...with a view to facilitating the organization of stimulating activities for prisoners held in solitary confinement". Amnesty International asked the authorities how many such instructors had been recruited in 1995, what sort of activities they had organized, and how regularly prisoners had been able to benefit from these. In its letter Amnesty International also rejected criticism about its work made by the Ministry of Justice. In July the Minister had informed parliament that: "Amnesty International's methods are rather peculiar. As soon as a complaint has been submitted to the organization by a detainee or an association which assists detainees, Amnesty International presents this complaint as justified without checking with the competent authority whether this is the case". Amnesty International said that where the organization had been concerned about the conditions in which individual prisoners are being held, it had sought information and clarification from the Ministry of Justice. However, in the most recent case it had raised (that of Satko Adrovic - see AI Index: EUR 01/02/94), the Ministry had failed to respond to its letters. Indeed, the Ministry had both acknowledged and sought to justify this lack of cooperation by stating (in its parliamentary reply) that: "Because [Amnesty International's] interventions have multiplied, it has been decided not to make any response unless it is judged opportune or indispensable to do so".

In November the Minister of Justice informed Amnesty International that one prisoner who had been placed in solitary confinement for six months had had the length of his punishment reduced. Also, the authorities said, the location and the form of the daily exercise period of prisoners in solitary confinement had been changed. (According to Amnesty International's information, prisoners no longer have to exercise in a "cage", but are allowed into the prison courtyard for one hour a day.) Furthermore, in October a competitive examination had been held to recruit instructors to work with prisoners in solitary confinement. However, the Minister said, "no candidates entered for the exam". Finally, with regard to Amnesty International's criticism that the Luxembourg authorities had failed to respond to its inquiries, the Minister of Justice stated that: "It is not materially possible for the authorities, particularly of a small country, to give detailed replies to each demand for justification emanating from a non-governmental organization".

MOLDOVA

The death penalty

Moldova joined the Council of Europe on 13 July and committed itself to abolishing the death penalty and to introducing a moratorium on all executions. Also in July Moldova signed the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In December the Moldovan Parliament voted to abolish the death penalty in the country's Penal Code.

New statistics were released to the Council of Europe on the application of the death penalty from 1992 to 1994: six death sentences had been handed down, but no executions were carried out, reportedly because of the lack of necessary facilities. At least 21 people were on death row at the end of the year, but the last death sentence was carried out in Moldova in 1990 (see AI Index: EUR 01/02/95).

Alleged torture and ill-treatment in detention in the self-proclaimed Dnestr Moldavian Republic

Amnesty International approached the authorities in the self-proclaimed Dnestr Moldavian Republic (DMR) regarding the case of Georgy Anatolyevich Isayev, who was reportedly tortured and ill-treated while in custody by law enforcement officials in Rybnitsa.

On 4 January 1995 Georgy Anatolyevich Isayev was allegedly beaten by officials of the Special Purpose subsection of the DMR Ministry of Internal Affairs while held at the Rybnitsa District Department of Internal Affairs, and at another location to which he was taken while blindfold. He was detained under Presidential decree No. 222 of 30 September 1994 relating to the activities of organized criminal groups. It reportedly makes no mention of access to a defence lawyer during the time a suspect is detained, which is in violation of Article 14 of the International Covenant on Civil and Political Rights. Georgy Isayev was reportedly unconscious and in intensive care the following day, suffering from severe injuries, including seven fractured ribs. A police guard was at his bedside, and his wife was not allowed to see him. Georgy Isayev spent seven days in intensive care and was released from the hospital after three months, at the end of March 1995. A gold chain with a cross and a watch were said to have been stolen from him while he was in custody. A criminal case was initiated in connection with the alleged beatings in June.

Amnesty International urged the authorities to ensure that a thorough and impartial investigation into the ill-treatment of Georgy Isayev was initiated, the results made public and those responsible brought to justice.

In November the organization received a reply from the Procurator of the DMR stating: "In the morning of 4 January 1995, Georgy Isayev was brought from his home to the Rybnitsa District Department of Internal Affairs, where officers of the Special Purpose subsection of the DMR Ministry of Internal Affairs tried to extract information from him under duress and by using physical violence. After that he was detained for 30 days under Presidential decree No. 222 of 30 September 1994. Georgy Isayev suffered from severe life-threatening injuries, including four fractured ribs, as a result of the illegal actions of the police officers. The same day he was placed in a hospital and was guarded there by police officers. A criminal case was initiated by the Procurator's Office of the republic; the responsible for the events have not yet been found."

Death in custody in the self-proclaimed Dnestr Moldavian Republic(update to information given in AI Index: EUR 01/02/95)

Charges, including premeditated murder, were brought against two officials from the Rybnitsa City Department of Internal Affairs in connection with the death in custody in March 1995 of Aleksandr Kalashnikov.

In November Amnesty International was informed by the Procurator of the DMR that the investigation of the criminal case was still continuing and that the results would be made public at a later date.

According to Aleksandr Kalashnikov's family, the criminal case had already been transferred to the Supreme Court of DMR.

POLAND

Alleged ill-treatment by police officers

Amnesty International received several reports of ill-treatment by police officers. In one such incident on 7 July in Szczecin Gregor Glowacki was beaten by four police officers in a police station. A medical certificate stated he had multiple bruising on his left wrist, both arms, right foot and left knee. The Polish Interior Ministry informed Amnesty International in November that the investigation into the case had been closed after it was established that the police officers involved acted legally and that the use of force was required to restrain Gregor Glowacki. However, Amnesty International remains concerned that the use of force in this case was excessive and has urged the authorities to reconsider their decision.

On the evening of 30 September Maciej Czarnocki was walking along a street in the centre of Warsaw when a police officer, calling from a parked police car, ordered him to come over. As this request was made in a very rude way, Maciej Czarnocki ignored it and walked on. Two police officers then jumped out of the car, threw him to the ground and kicked him several times. As a result he sustained bruising to the thorax and ribs and intermuscular bruising to the thigh.

On 25 November, Olaf Nehring, a German citizen, was reportedly severely ill-treated by police officers who had stopped him close to the Polish-German border. He was pulled out of his car, beaten and kicked by four police officers, who took him to a police station in Łódź. There he was again kicked and otherwise ill-treated by other police officers who reportedly threw him down a flight of stairs and then dragged him up the stairs while holding him by the handcuffs. He was detained in the station for two days, during which he was reportedly not given any food or drink. He learned in custody that he was charged with assaulting the police officers who had stopped his car. In the afternoon of the second day he was released from custody after depositing bail of DM 3,000. A subsequent medical examination the same day established that he had suffered multiple bruising of the thorax, the left upper arm and wrist, abrasions to the left wrist and right index finger and both knees and a blunt abdominal trauma.

Amnesty International urged the Polish authorities to thoroughly and impartially investigate the alleged ill-treatment of Olaf Nehring and Maciej Czarnocki, to make public the findings and to bring to justice those found responsible for human rights violations.

The death penalty

In July the government approved a draft law abolishing the death penalty and introducing life imprisonment. A five-year moratorium on executions had been adopted by the Polish Parliament (*Sejm*) in June. According to Amnesty International's information, three people were sentenced to death in 1995.

PORTUGAL

New judicial complaints of ill-treatment by law enforcement officers

Complaints were received of physical and verbal abuse by law enforcement officers. The ill-treatment most commonly alleged consisted of kicks, punches and blows with truncheons. These were often accompanied by complaints of verbal abuse. Most of the incidents occurred because of violent, arbitrary and undisciplined behaviour by officers when faced with petty incidents and minor misunderstandings with members of the public.

Joaquim Teixeira alleged that he had been ill-treated and verbally insulted by two officers of the Public Security Police (PSP). In the early hours of the morning of 19 June 1995 Joaquim Teixeira was playing a harmonica with a friend outside a club in Vila Real when the officers ordered him to stop playing and to produce identification. He claimed that the officers then insulted him and an argument ensued. One of the officers hit him with a truncheon in the stomach and the face. He was arrested, handcuffed and taken with his friend to the local police station where he claimed he was again beaten with a truncheon, kicked and punched by a group of officers before being taken to hospital. His friend was reportedly punched in the face. The medical certificate noted that he had been assaulted, that he had been vomiting and that he required stitches to three head wounds. It recorded injuries to his back, chest, sides and face. After treatment Joaquim Teixeira was brought before a judge who charged him with assaulting the officers and resisting arrest.

Duarte Teives, a prominent Lisbon lawyer, complained to the Prosecutor General that three PSP officers assaulted him on 21 July. He was obliged to spend 24 hours in hospital recovering from his injuries.

On 21 July he drove his wife to work at Lisbon City Council in the *Praça do Município* where she had an authorized parking place. He was parking the car when three PSP officers told him that there were special traffic restrictions in force. He explained that he had a pass and his wife went to fetch it from her office. When she had gone the officers ordered him to move the car. Duarte Teives refused and pointed out that their order was unlawful.

According to his statement he was seized and pushed to the ground and then thrown violently into the back of the PSP vehicle. He hit the car door on the opposite side with such force that it opened. One officer then kicked him on the left leg, fracturing a bone, and in the testicles. He was also verbally abused. This assault was witnessed by a number of bystanders, including city officials, who were waiting for an official visit by the Brazilian President.

En route to the police station he was repeatedly slapped. He was held in the police cells overnight and then transferred to the Civil Government building before being taken to hospital. The transfer to the Civil Government building took place with an escort of senior officials to guarantee his safety. Before his release he was charged with refusing to obey police orders, failing to identify himself, causing damage to an official vehicle and insulting authority. After his release from hospital he accused the police of behaving illegally and attempting to conceal their conduct by concocting charges against him.

Guilty verdicts on five GNR officers upheld on appeal

On 20 December the Supreme Military Tribunal in Lisbon upheld the convictions of five officers of the paramilitary National Republican Guard (GNR) to prison sentences for using unnecessary violence. The appeal was heard *in camera*.

Francisco Carretas and Arnaldo Brandão had been detained by two GNR officers in Charneca da Caparica in February 1993. In a written complaint to the court Francisco Carretas alleged that they had been kicked, punched and hit with truncheons. They were stripped naked and Francisco Carretas was threatened with sexual assault. He suffered multiple injuries to his neck, head, back and buttocks, including a fractured coccyx.

After persistent delays the Military Tribunal found five officers guilty in May 1995 (see AI Index: EUR 01/02/95). The senior officer, a corporal, was sentenced to 14 months' imprisonment and the four others to one year's imprisonment. Two soldiers were acquitted for lack of evidence. One of the soldiers found guilty had a suspended prison sentence for a previous conviction of assault.

Unconfirmed reports of the sentence passed by the Supreme Military Tribunal which heard the appeal stated that the prison sentences were reduced by one month.

ROMANIA

Continuing reports of human rights violations

Following the publication of *Romania: Broken commitments to human rights* (see AI Index: EUR 39/01/95) in May 1995 Amnesty International received information on further cases of imprisonment of homosexuals who were considered prisoners of conscience, ill-treatment and death in suspicious circumstances. These cases, as well as outstanding concerns in cases from the earlier paper, were presented in *Romania: Update to May 1995 report* (see AI Index: EUR 39/19/95) published in September and *Romania: Romanian authorities respond to Amnesty International's May 1995 report* (see AI Index: EUR 39/22/95) published in October.

In July Amnesty International received information from the Ministry of Justice that on 12 June, among people detained in Romanian penitentiaries, two men had been imprisoned under the provisions of Article 200, paragraph 1, which penalizes homosexual relations between consenting adults by one to five years' imprisonment. Adrian Dabija, a 33-year-old prisoner in Poarta Albă penitentiary, was sentenced in 1994 by the Constanța court to two years' imprisonment. Ludovic Miklos, a 35-year-old prisoner in Aiud penitentiary was sentenced in 1993 by the court in Alba Iulia to one year and six months' imprisonment. Amnesty International considered Adrian Dabija and Ludovic Miklos to be prisoners of conscience and urged the Romanian authorities to release them immediately.

In September Amnesty International wrote to the General Prosecutor of Romania about the detention of 18-year-old Cătălin Bucur and 23-year-old Stefan Ciocârlan who were arrested in Focsani on the evening of 4 July and held in preventive detention until October 1995, pending an investigation under Article 200, paragraph 1, of the Penal Code. No replies to this letter or to the appeal urging the release of Adrian Dabija and Ludovic Miklos have been received.

One case of ill-treatment by police officers reported to Amnesty International may have resulted in death. On 3 July in the village of Gura Vii a police officer arrested 16-year-old Gabriel Mitu on suspicion of theft. Alfred Pană, the boy's stepfather who inquired about the reasons for his arrest, was also taken to the local police station. Gabriel Mitu was reportedly slapped, punched in the face and beaten on the hands with a rubber truncheon. Before they were taken into separate rooms he saw the police chief and his assistant beat his stepfather, hitting his head against the wall. When they were released the following day Alfred Pană's head was bruised all over and his face was smeared with blood. He complained to his neighbours that he felt ill and was suffering from headaches and abdominal pains. Two days later Alfred Pană was found dead. Police officers who were involved in the ill-treatment of Alfred Pană and Gabriel Mitu, brought a nurse from a local surgery to establish the cause of death. They then told Alfred Pană's sister to sign a statement renouncing the family's right to demand an autopsy because it would cost them 200,000 lei (around \$100), a sum that they could not afford. Amnesty International urged the Romanian authorities to fully and impartially investigate the alleged ill-treatment of Gabriel Mitu and Alfred Pană, concerned that Alfred Pană's death may have resulted from such treatment. In December the Romanian authorities replied that the Bucharest Military Prosecutor had ordered Alfred Pană's remains to be exhumed and an autopsy to take place. An autopsy report of 30 August, established that "the death of Alfred Pană had been non-violent, resulting from cardio-respiratory failure, confirming that there is no link between the death of Alfred Pană and the investigating actions of the two police officers". Amnesty International asked for a copy of the autopsy report and full details of the investigation.

There were also reports of shootings by police officers that were at variance with international standards which call for the application, as far as possible, of non-violent means before resorting to the use of force and firearms. In one such incident in Arad on 25 August, at around 4am, police officers reportedly observed 26-year-old Marian Constantin Visan holding a car wheel. After he was ordered to give himself up, Marian Constantin Visan dropped the wheel and started to run. A police officer then reportedly fired his gun twice in the air, subsequently shooting at Marian Constantin Visan, who as a result was wounded and taken to Arad County Hospital. In another incident in September, police officers in Bucharest shot at Mihai Ciobanu, who was reportedly caught in the act of attempting to steal from a car. Three bullets hit Mihai Ciobanu in the left thigh and foot. According to a newspaper report, following medical treatment the suspect was not charged with any criminal offence. Amnesty International urged the Romanian authorities to fully and impartially investigate these incidents.

Criminal law reform on the wrong track scrapped

For more than two years the Romanian Parliament considered amendments to the Penal Code. In December 1994, having voted on all the individual amendments the Chamber of Deputies rejected the draft law as a whole and returned it to the Senate for a second debate. In the course of 1995 both chambers once again adopted revisions to Article 168 - dissemination of false news, Article 236 - offences against insignia, Article 236¹ - defamation of the state or nation, Article 238 - offences against the authorities and Article 239 - "outrage", which imposed even greater restrictions on the right to freedom of expression than those already in force. In October Amnesty International urged the Romanian parliamentarians to reject such a revision of the Penal Code and to ensure that all adopted laws conform to Romania's commitments under international human rights treaties. On 21 November the Chamber of Deputies rejected the draft law as a whole for the second time.

Amnesty International continues to call for the revision of Articles 238 and 239 which violate the right to freedom of expression recognized in Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The organization also continues to express its concern with Article 200, paragraph 1. Following a ruling of the Constitutional Court, this law penalizes homosexual acts which are considered to have "been committed in public or caused public scandal". Because the ruling failed to define these terms Amnesty International is concerned that the enforcement of this law can still lead to imprisonment of those who engage in consensual homosexual acts between adults in private.

RUSSIAN FEDERATION

Human rights violations in the context of the conflict in the Chechen Republic

During the second half of 1995 reports continued about human rights violations against the civilian population in the context of the conflict in the Chechen Republic, despite the peace agreement between the Russian Government and the Chechen side of 30 July. They included: possible indiscriminate killings of civilians; widening the scope of the death penalty by amending the Criminal Code; allegations of widespread beating and torture in detention, particularly in the "filtration camps"; deliberate and arbitrary killings of civilians (see *Armed conflict in the Chechen Republic: an update* AI Index: EUR 46/11/96)

Allegations of ill-treatment and torture by law enforcement officials: The case of ethnic Armenians Artem Arutyunyan and Karen Karapetyan

Amnesty International has received numerous reports of ill-treatment in police custody in the Russian Federation in the second half of 1995, often of ethnic minorities from the Caucasus. The report of the Presidential Human Rights Commission for 1994-1995 noted that in 1994 more than 20,000 Interior Ministry employees were disciplined for breaking the law when conducting investigations and interrogations.

According to reports, Artem Arutyunyan and Karen Karapetyan, both of Armenian ethnic origin, were arrested on the evening of 18 November in Moscow by officers from the District Department for Combatting Organized Crime (RUOP), at an office on Trifonovskaya street. Artem Arutyunyan and Karen Karapetyan claimed that they were in the office to collect a debt from a business partner, Natalya Zolotaya. On arrival at the office they said they were arrested and beaten by officers from the RUOP. They were then taken to a police station on Shablovskaya Street, where they claimed they were beaten for about two hours and told to confess to having kidnapped Natalya Zolotaya, and to intending to blackmail.

During the time at the police station, Artem Arutyunyan was reportedly hung from the ceiling by handcuffs and beaten on the chest in an effort to force him to sign a confession of guilt. Karen Karapetyan was also beaten when he asked for a translator and a lawyer. Allegedly, the deputy Procurator of Ostankinsky District in Moscow, Yury Meshcheryakov, did not allow Artem Arutyunyan's lawyer to see him until 22 November, nor did he allow him access to the details of the case. The justification given for this was apparently that Artem Arutyunyan had signed a declaration refusing the help of a lawyer.

Reportedly, Artem Arutyunyan was transferred to prison hospital No. 20 on 21 November, where he spent three days. He was sent from there to detention centre No. 157, and then to another detention centre. On 27 November he was readmitted to hospital. Karen Karapetyan was said to have been in detention centre No 141 for the duration of his detention. His lawyer was allowed to see him on 26 November, and reported that he had been badly beaten around the head. When both men were released from detention, believed to be on 29 November, Artem Arutyunyan was reportedly suffering from a ruptured kidney and three broken ribs.

Natalya Zolotaya reportedly withdrew her statement that she had been kidnapped, and was in hiding. However, as far as Amnesty International is aware, the criminal charges against Artem Arutyunyan have not been dropped, although apparently no witnesses were being questioned.

Amnesty International was informed that criminal investigations had been initiated against the officers from the RUOP into the ill-treatment of Artem Arutyunyan in police custody. Karen Karapetyan decided not to press charges. It was greatly concerned at reports that the investigator in this case told Artem Arutyunyan on 26 December that his personal safety could not be guaranteed while investigations were under way. Artem Arutyunyan feared further persecution.

Amnesty International urged the authorities to ensure that the investigations into these allegations would be thorough and impartial, the findings would be made public, and those responsible would be brought to justice. The organization also urged the authorities to ensure that Artem Arutyunyan and Karen Karapetyan were protected for the duration of the investigation and any further prosecutions.

Alleged police raids of the offices and ill-treatment of members of the Christian Democratic Union of Russia (HDS)

Amnesty International urged the Russian authorities to investigate reports which indicated that a group of law enforcement officials exceeded their authority and violated the law by attempting to extract confessions under duress from members of the Christian-Democratic Union of Russia (HDS) working at the Christian Girls Shelter, during illegal searches and interrogations in Moscow Police Station No. 24. The organization was concerned about allegations that the searches and subsequent detention of three HDS members were politically motivated, to target a political candidate in the parliamentary elections, and not based on genuine criminal proceedings.

It was reported that on the night of 31 October, around 11pm, four people in civilian clothing entered the Christian Girls Shelter, "An Island of Hope", and began searching the building. They reportedly claimed to be officials from the police Criminal Investigation Unit, but did not show any identification documents. They reportedly requested and confiscated the identification documents of three representatives of HDS: Sergey Viktorovich Artyomov, Vladimir Ilich Kozharenyok, and Nikolay Vladimirovich Karakozov; the three were detained and taken to Moscow Police Station No. 24. On the way there and during the interrogations at the station, the unidentified people accused Alexander Ogorodnikov, chairman of HDS and program director of the Christian Girls' Shelter, "of involvement in criminal activities" and of turning the shelter into "a den of criminals". According to the three detainees, they were questioned, and during this procedure threats were used in order to attempt to extract false statements compromising Alexander Ogorodnikov. The men in civilian clothing reportedly asked the three detainees to confirm that the leader of HDS had beaten people, that he was in possession of weapons and narcotics, and that HDS was involved in trading girls for prostitution abroad. The detainees refused to confirm these accusations. Later they were reportedly forced to pay a fine of 10,000 rubles each without receiving any receipt and around 2am they were released.

According to reports, about 1am the same night, another four men in civilian clothes rushed into the offices of the HDS and without showing a procurator's order or any other relevant document, searched the building. They tried to enter the computer system at the office and to search the data base. They also reportedly confiscated several leaflets containing a biography of Alexander Ogorodnikov, and they threatened representatives of HDS during the search.

At about 9am on 1 November, a third group of five men in civilian clothes searched the offices of HDS, without identifying themselves and without an order from the procurator. They asked for documentation on the computers, the ownership documents for the building and the founding documents of the organization. They detained the same three members of HDS and took them again to Moscow Police Station No. 24. During the interrogation by the police (one of the policemen had introduced himself as Levin) they were asked to give false statements compromising Alexander Ogorodnikov and were threatened, if they refused, with imprisonment, beatings with electrical clubs, or being sent to fight in Chechnya. They were asked, reportedly, by the police

officers to admit that Alexander Ogorodnikov was in possession of illegal arms, and to give information on what kind of people visited the office of HDS. The policemen reportedly asked the detained men to confess to murders of girls at the Girls Shelter and disappearances of children. According to Alexander Ogorodnikov, the threats against his co-workers resulted in one of them leaving the organization voluntarily on 1 November. Alexander Ogorodnikov claimed that these incidents were connected with the attempts of his organization to run in the 17 December elections for the State Duma.

In a letter to Amnesty International of 14 February 1996, Yu. M. Andreechev, a deputy procurator for Moscow region, stated that the allegations of ill-treatment by law-enforcement officials toward members of HDS had been investigated. "In relation to the particular citizens [members of HDS] no investigative procedures have been undertaken, and no threats and accusations concerning Ogorodnikov have been expressed by law enforcement officials. The investigation of this case has been stopped due to lack of evidence about any violations by the law enforcement officers," the letter concluded.

The death penalty

At least 28 people were reported to have been judicially executed and a further 34 faced imminent execution in November, after their petitions for clemency were reportedly turned down by President Boris Yeltsin. According to the Ministry of Internal Affairs of the Russian Federation, in 1995 16 executions were carried out. However, according to unofficial sources in the Presidential Clemency Commission, the number of executions in 1995 was 90. Amnesty International learned that since March 1992, when the Clemency Commission was first established, 338 petitions for clemency had been upheld. However, in 1995 there was a decline in the number of successful petitions for clemency. President Yeltsin reportedly granted clemency to five prisoners only during 1995. It was reported that every year the Russian courts pass more than 200 death sentences. Amnesty International estimated that between 500 and 600 prisoners were held on death row at the end of the year.

SLOVAK REPUBLIC

Alleged ill-treatment by police officers

According to a report received by Amnesty International, on 6 September at around 7pm on Palisády Street in Bratislava, Ľubomír Pollák was photographing a non-violent student demonstration. Several police officers approached him and threw a coat over his head, twisted his hands behind his back and handcuffed him. One officer reportedly kicked Ľubomír Pollák in the groin and the resulting pain made him urinate in his trousers. He was then taken to the police station in Gunduli..eva Street. After waiting for an hour he asked an officer the reason for his detention. The officer allegedly gave him a karate chop on the neck. Another officer approached him from behind, took him by the ears, pulled him into another room and then kicked him in the groin. The officer then ordered him to blow into a breathalyser. Ľubomír Pollák refused, stating that a blood test would be more effective. He was kicked several times and the breathalyser was forced into his mouth. Later Ľubomír Pollák was released without being charged with any criminal offence. As a result of his ill-treatment Ľubomír Pollák suffered acute stress and required therapy.

In December Amnesty International urged Jozef Liš..ák, the Minister of Justice, to initiate a thorough and impartial inquiry into the alleged ill-treatment of Ľubomír Pollák, to make public the findings and to bring to justice anyone found responsible for human rights violations.

Conscientious objection to military service

In December Amnesty International expressed its concern to President Michal Kova..., that certain provisions of the Law on Civilian Service adopted by the Slovak National Council in September, are at variance with internationally recognized principles concerning conscientious objection to military service. Amnesty International urged the President to initiate in the Constitutional Court a judicial review of the provision which regulates the length of civilian service as well as the provision which restricts the time within which conscientious objectors can submit declarations refusing military service.

The new law extends the duration of civilian service from one and a half times to twice the length of military service (Article 1, paragraph 8). Amnesty International believes that the length of alternative civilian service should not be such as to constitute a punishment for a person's conscientiously held conviction. The organization considers the extended length of civilian service to be punitive.

Furthermore, by requiring that declarations be submitted within 30 days of the coming into force of a conscription board decision (Article 2, paragraph 2), the law effectively disqualifies from civilian service all those people who develop a conscientious objection to military service between conscription and call-up - a time which could be of several months' or even years' duration - or after call-up.

In its letter to the President Amnesty International stated that conscientious objectors to military service are exercising their right to freedom of conscience, a fundamental human right which international standards provide may never be derogated from, even in time of war or public emergency. They should therefore have the right to claim conscientious objector status *at any time*. The organization stated that it would regard conscientious objectors who are denied the right to do so, and who are imprisoned as a consequence, as prisoners of conscience.

SPAIN

Conscientious objection to military service

Manuel Blázquez Solís and José Antonio Escalada, conscientious objectors to military service from the Barcelona area, were arrested on 4 and 27 December respectively, by order of a military tribunal which in June 1994 had sentenced them to 17 months' imprisonment for desertion from the armed forces. They had been charged with desertion after leaving the navy, in which they were serving as conscripts, at the outbreak of the Gulf conflict in January 1991. They were based in the port of Cartagena and left their posts after learning that their ships had been ordered to relieve the Spanish vessels already in the Gulf zone. They stated that participation in the Gulf conflict was incompatible with their conscientiously-held beliefs and applied for conscientious objector status on moral and philosophical grounds. However, the law allows the right of conscientious objection to be exercised only "until the moment of incorporation into the armed forces". At the time of their arrest in December both Manuel Blázquez and José Antonio Escalada were still awaiting the outcome of appeals against their sentences lodged with the Constitutional Court.

Amnesty International first adopted Manuel Blázquez and José Antonio Escalada as prisoners of conscience during a period of three months' pre-trial detention in 1991 (see *Amnesty International Report 1992*). In December the organization renewed its appeals for their release, emphasizing that individuals should be able to seek conscientious objector status at any time, and called for the introduction of legislation making provision for conscientious objection developed after joining the armed forces.

Allegations of torture and ill-treatment

On 7 August a magazine-seller, recognized as totally disabled, complained to the police in Vitoria that he had been held at knife point and robbed of his wallet, documents and wristwatch by a gang of youths. Guillermo Guzmán Noval had suffered two heart attacks and five years previously had lost a third of his kidneys. After the robbery he called the police and went to the police station to make a formal complaint. As he was leaving, he saw two uniformed officers get out of a police car. He stated that he went over to them to remonstrate about the lack of police presence on the streets, but that they subjected him to verbal abuse and one of the officers grabbed him by the neck and threw him to the ground, beating his head which began to bleed. He was then beaten with a truncheon, hit in the kidneys and repeatedly knocked to the ground. He claimed that this assault took place in front of the police station and that nobody assisted him. Finally, some boys helped him to get to hospital. A medical report issued by the hospital later that day noted multiple injuries to his head and body and blood in his urine. He was discharged but was later treated for injuries to his neck. Amnesty International sought information from the authorities as to the action they had taken regarding his complaint.

In December the National Court (*Audiencia Nacional*) in Madrid sentenced 11 defendants accused of membership of, or collaboration with, the ETA *Comando Bizkaia* to 135 years' imprisonment. Juan Ramón Rojo and Kepa Urrea were each given terms of 29 years and six months' in prison. They were among some 50 people arrested between January and mid-May 1992. Thirty-two of them were held incommunicado for up to five days. Nearly all these detainees made detailed allegations of torture and ill-treatment, including hoodings, beatings, asphyxiation and sexual humiliation (See *Spain - Torture and Ill-treatment: Summary of Amnesty International's Concerns*, AI Index: EUR 41/01/93). A judicial inquiry was opened.

In June 1992 Amnesty International wrote to the Attorney General regarding the conduct of the inquiry. The court recognized in its sentence that the defendants could have been tortured and noted the substantial and

detailed evidence for such a claim. The statements made by the defendants in the police station were, therefore, disregarded.

Abolition of the death penalty for all offences

On 28 November Spain became totally abolitionist when a bill signed by the King, removing the death penalty from the Military Penal Code, was published in the official gazette (*Boletín Oficial del Estado*).

The death penalty was used up until 1932 when it was abolished for common criminal offences during the reform of the Penal Code under the Second Republic. The government led by General Franco in 1938 reintroduced it for murder and certain other common crimes. The last executions took place in September 1975 when five men convicted of murdering law enforcement officers were shot by firing squad. The new Constitution of 1978 abolished the death penalty for peacetime offences but retained it in the Military Penal Code in Time of War.

For many years Amnesty International, and in particular its Spanish Section, lobbied the parliaments of the 10 autonomous communities to send petitions for abolition to the central parliament (*Cortes*) composed of the Congress of Deputies and the Senate. In November 1994 the Senate unanimously passed a bill asking the government to abolish the death penalty. Congress passed three bills for abolition in April 1995 which it merged into a proposal of law on 18 September. This was approved by the Senate and signed by the King.

An extraordinary degree of political consensus for abolition was achieved in that no votes opposing abolition were cast in the final vote either in the Congress or in the Senate.

SWITZERLAND

Conscientious objection to military service

In October parliament gave its final approval to a draft law introducing, for the first time, a civilian alternative to compulsory military service. Under its provisions conscripts demonstrating their inability to reconcile military service with their conscience would qualify for the right to perform a civilian service, in the public interest, one and a half times the length of ordinary military service. The law, which also makes provision for conscripts developing conscientious objection after joining the armed forces, is expected to come into force in October 1996.

Alleged ill-treatment by law enforcement officers

Further allegations of ill-treatment were received, often concerning foreign nationals. In December Amnesty International wrote to the Ticino cantonal authorities concerning allegations of ill-treatment made by Ali Doymaz and Abuzer Tastan, Turkish Kurds with official refugee status in Switzerland, against officers attached to the Chiasso police.

In June cousins Ali Doymaz and Abuzer Tastan lodged a formal written complaint with the Public Prosecutor's office in Bellinzona alleging ill-treatment by Chiasso police officers. They stated that at approximately 7.30am on 6 April 1995, as they were driving away from Chiasso on the Swiss-Italian border, three police cars carrying around five Swiss police officers intercepted their car. Hasan Doymaz, the brother of Ali Doymaz, was also in the car, having entered it at Chiasso and, although he had no papers giving him legal right of entry into Switzerland, he had apparently crossed the border in order to claim political asylum there.

Ali Doymaz and Abuzer Tastan claimed that, after taking away the car keys and their driving licences, three of the officers dragged them out of the car and hit and kicked them repeatedly. They said that after their transfer to the police station they were subjected to further ill-treatment, insults, including racist insults, and handcuffed to a hot-water radiator for between half an hour and an hour. Both men were accused of helping an illegal immigrant to enter the country and released later that day, after paying bail (*cauzione*) of 400 Swiss francs each.

Their complaint, dated 21 June, was accompanied by medical reports, issued by independent doctors who examined Ali Doymaz and Abuzer Tastan four and five days, respectively, after the alleged incidents. These recorded swellings to the left side of Ali Doymaz's head and face, a red weal to his left collar bone and painful movement in his left shoulder. Abuzer Tastan had bruising to his left and right forearms and it was noted that he was suffering severe stomach pains although he had been cured of a duodenal ulcer a month previously.

In its letters to the authorities Amnesty International sought comments on the allegations and cooperation in informing the organization whether judicial and/or administrative investigations had been opened into them. Amnesty International also sought information as to the progress of any such investigations, in particular whether Ali Doymaz and Abuzer Tastan had been interviewed by the judicial authorities concerning their allegations, in view of reports suggesting that no such interviews had taken place by November, some seven months after their detention.

TAJIKISTAN

Arrest of suspect in 1993 "disappearance" of the Shoyev brothers (update to information given in AI Index: EUR 01/01/94)

In November Amnesty International welcomed steps being taken by the Government of Tajikistan to solve the 1993 "disappearance" of brothers Saidsho and Siyarsho Shoyev. At the beginning of the month police in Dushanbe, the Tajik capital, arrested member of parliament Khoja Karimov for the Shoyevs' murder. Khoja Karimov was a former field commander with the People's Front, a paramilitary group which had helped install the present government in power and which was believed to be responsible for scores of political murders and "disappearances" during and after Tajikistan's civil war. Saidsho Shoyev was a former member of parliament who "disappeared" after being abducted in Dushanbe with his brother in July 1993.

There was new evidence that remnants of the People's Front were still active and outside effective government control: in June and September the southern town of Kurgan-Tyube was wracked by serious armed clashes between two rival army units comprising former People's Front fighters, following the murder of the commander of one of the units. In September an Austrian member of the United Nations observer mission to Tajikistan was killed, reportedly in crossfire while investigating the armed clashes in Kurgan-Tyube.

The death penalty

Amnesty International learned of three more death sentences, all passed for premeditated, aggravated murder. By the end of the year there was no information as to whether any of these sentences had been carried out. One of the death sentences, passed on Yermakhmad Potchokulov, was for the murder of a group of villagers who were accused of having sheltered People's Front fighters during the civil war. However, it was unclear whether he would benefit from the moratorium announced by the government in June on carrying out death sentences passed on opposition supporters for civil war-related crimes (see AI Index: EUR 01/02/95), since reports of Yermakhmad Potchokulov's trial in the Supreme Court stated that he had joined an illegal anti-government armed formation not because of any political convictions, but solely to rob and plunder.

Hostage-taking by opposition forces

In November Amnesty International called for the immediate release of government troops who were being held hostage by opposition insurgents to force the government back into peace negotiations, which at that time were stalled after four rounds.

The 37 captives were from a group of 54 government troops seized by a rebel unit led by field commander Mirzo Jagi in combat operations in mid-October in the Tavildara district, close to the Afghanistan border. Seventeen were released at the end of October. A source close to Mirzo Jagi told the *Reuters* news agency that "capturing the soldiers allows us to put pressure on the authorities to speed up negotiations", while a spokesman for the opposition leadership based in Afghanistan declared that the fate of the remaining captives "will be decided at the next round of peace talks".

In a statement addressed to the opposition leadership, Amnesty International stressed that hostage-taking was a violation of the Geneva Conventions. It called for the immediate release of the captured government soldiers, on the grounds that they are being held not as prisoners of war, but as hostages to compel the Government of Tajikistan to negotiate.

The peace talks resumed at the beginning of December. At the end of the year the fate of the captured government soldiers was unknown to Amnesty International.

TURKEY

In a general election in December the Islamist Welfare Party won the highest proportion of votes with 21.3%, bringing to an end the coalition between the centre right True Path Party (DYP) and the centre left Republican People's Party (CHP) which scored 19.2% and 10.7% respectively. The Motherland Party (ANAP), which ruled Turkey from 1983 until 1991 scored 19.6% while the Democratic Left Party achieved 14.6%. Among the parties failing to pass the 10% barrier and therefore denied parliamentary seats were the extreme right-wing Nationalist Action Party (MHP) and the mainly Kurdish People's Democracy Party (HADEP).

None of the parties had succeeded in forming a government by the end of the year, and Tansu Çiller continued to act as Prime Minister in a caretaker administration.

In October the Turkish parliament approved a reform of Article 8 of the Anti-Terror Law, under which most prisoners of conscience were held. The changes resulted in the welcome release of more than 100 people, many of them prisoners of conscience, but were very much less comprehensive than Amnesty International had hoped. Under the reworded Article 8, "separatist propaganda" remains an imprisonable offence, even when the defendant has in no way advocated violence, but maximum sentences were reduced from five years to three years, and in dealing with first offences, courts were given discretion to fine or give suspended sentences.

Most of the prisoners already serving sentences were released pending retrial under the new form of the law. Some of these retrials have already taken place and in several cases prison sentences, although shorter, were again imposed. Mehdi Zana, former mayor of Diyarbakir, imprisoned for testifying to the European Parliament on human rights in southeast Turkey, was released in December but faces possible imprisonment for other speeches and writings. Eren Keskin, lawyer and human rights activist, was released in November for later retrial.

A small number of prisoners of conscience remain in prison for offences under Article 8 in spite of the changes. The former parliamentary deputy and President of the Party for Democracy and Renewal and Democracy, Ibrahim Aksoy, for example, was imprisoned in October under Article 8 for his writings and speeches. It is expected that he will serve six months' imprisonment.

Prosecution and imprisonment continue under other articles of the Turkish Penal Code. On 23 October Fevzi Gerçek, president of a health workers' union, began a two-year sentence under Article 312 for an article in a minor political journal.

Torture and death in custody

Amnesty International continues to receive many credible allegations of torture from male and female detainees interrogated in connection with ordinary criminal offences as well as offences under the Anti-Terror Law¹. A report prepared by members of the Istanbul Bar Association in October on the basis of their experience as duty lawyers stated that those detained for ordinary criminal offences were held long beyond the maximum periods

¹According to amendments to the Criminal Procedure Code made in 1992, common criminals are supposed to have access to legal counsel and be brought before a judge after 24 hours in police custody (in exceptional cases, involving more than one defendant and with the permission of the prosecutor, this may be extended to eight days). Those detained for offences under the very broadly drawn Anti-Terror Law, which includes non-violent offences under Article 8, are not permitted access to lawyers and may be held for up to 30 days. Both the UN Committee against Torture and the European Committee for the Prevention of Torture recommended that *all* detainees should be given access to legal counsel and that the maximum detention period should be shortened to meet international standards.

laid down in the Criminal Procedure Code; detainees were not informed of their rights and the police routinely failed to notify prosecutors or detainees' families. Such practices create the circumstances which permit "disappearances" as well as torture and death in custody.

In August Ali Haydar Efe, died in suspicious circumstances after being detained at Ankara Police Headquarters and interrogated in connection with a theft. Since he was not being interrogated under the Anti-Terror Law, he should have been brought before a judge after 24 hours, but after four days' incommunicado detention he was taken to Ankara's Numune Hospital where he died of "respiratory and circulatory failure", apparently as the result of a fall from a window. His brother, Müslüm Efe, who was also taken into custody, claimed that they were both tortured. He reported that: "We were subjected to every kind of torture including hanging by the arms, electric shocks, beatings and sexual assault with a truncheon. On 11 August [the day Haydar Efe died] they took my brother for interrogation again. I listened to his screams for a long time. They were giving electric shocks. Later, my brother's voice ceased."

Abdulmenaf Zengin, was detained on 17 December and interrogated by Mersin police. He died on 21 December, but his death was apparently concealed until 24 December. The official account is that he died by jumping from a precipice while leading police to a cache of arms. A man detained on suspicion of supporting the Kurdish Workers' Party (PKK) and interrogated at Mersin Police Headquarters during December claims that he shared a cell with Abdulmenaf Zengin and has made a statement that he saw him being very violently kicked, and that Abdulmenaf Zengin's inert body was carried out of the cell.

In addition to reports of torture and ill-treatment in police custody, there are frequent reports of ill-treatment - in particular severe beating - when police and gendarmes enter prisons during hunger-strikes and other protests by political prisoners, and of beatings of prisoners travelling to or from court hearings. On 21 September three political prisoners, Yusuf Ba•, U•ur Sariaslan and Turan Kili•, were beaten to death by gendarmes and Special Team members who forced entry into a barricaded ward at Buca prison near Izmir in western Turkey, notorious for its harsh regime.

Abuses by armed opposition groups

The PKK has continued killing prisoners and civilians. In spite of widespread condemnation of its policy of killing teachers, in October two more teachers, Ökkes Kaya and Gürkan Ariturk, were captured and killed by the PKK near Darge•it, Mardin province.

The armed Islamic organization IBDA-C (Islamic Raiders of the Big East - Front) reportedly claimed responsibility for a number of attacks in which civilians were killed and wounded, including a bomb attack in September on the owner of a number of brothels in Istanbul, in which the owner's driver, Necati Ak•a, and guard, Mehmet Urhan, were killed.

DHKP-C (Revolutionary Communist Party- Front) shot dead Tuncer Ba•datlio•lu for allegedly betraying the organization. Tuncer Ba•datlio•lu had been tried by the Istanbul Martial Law Court for membership of Devrimci Sol (Revolutionary Left, former name of DHKP-C) and had spent 10 years in prison.

Further information on some of these cases and other concerns is contained in *Turkey - Unfulfilled promise of reform* (AI Index: EUR 44/87/95), September 1995.

TURKMENISTAN

Possible prisoners of conscience

The Garayev-Aymuradov case (update to information given in AI Index: EUR 01/02/95)

Amnesty International learned that there had been two other defendants at the June 1995 trial of possible prisoners of conscience Khoshali Garayev and Mukhametkuli Aymuradov. Bayram Bellenov and Yevgeny Starikov were former colleagues of Mukhametkuli Aymuradov, and were charged with “concealing a crime” for having failed to turn him in to the authorities when he sought help from them while he was on the run after escaping from pre-trial detention. They were found guilty and each sentenced to two years’ imprisonment.

Amnesty International was concerned that Bayram Bellenov and Yevgeny Starikov might also be prisoners of conscience, as they appeared to have been imprisoned for conscientiously harbouring a possible prisoner of conscience following an escape attempt which sources had alleged was an entrapment orchestrated by the authorities to provide further grounds to prosecute Mukhametkuli Aymuradov. There is no indication that violence was used during this so-called escape.

Amnesty International called for a judicial review of the case against Bayram Bellenov and Yevgeny Starikov, and continued to call for a judicial review of the case against Khoshali Garayev and Mukhametkuli Aymuradov.

Arrests following anti-government demonstration

Scores of people were reportedly detained in July after a peaceful anti-government demonstration in the capital, Ashgabat. Most were released shortly afterwards, but 27 were held in custody and went on trial at the end of December. There was no official statement about the trial, but according to unofficial sources 20 of the defendants, including brothers Azhdar and Alamurad Amanmuradov, identified as organizers of the demonstration, and journalists Mukhamed Muradly and Yovshan Annakurban, who were accused of having instigated it, were convicted of offences such as hooliganism, and the remaining seven of drug-related crimes. All received prison sentences.

Amnesty International called for clarification of the charges against all those arrested in connection with the July demonstration in Ashgabat.

Torture and ill-treatment

One of those detained briefly after the July demonstration, 20-year-old Sukhanberdy Ishonov, hanged himself after being released. While being prepared for burial his body was found to bear the marks of a severe beating to which he had allegedly been subjected to force him to betray the organizers of the demonstration.

In August Khudayberdi Khalli, a known government opponent and former prisoner of conscience, was beaten unconscious and dumped outside Ashgabat by suspected government agents who had earlier abducted him by car from a city street.

Amnesty International called for investigations into the alleged torture of Sukhanberdy Ishonov and the assault on Khudayberdi Khalli.

The death penalty

Amnesty International learned of two more death sentences passed in Turkmenistan, both for drug trafficking. Amnesty International called for commutation of these death sentences, and continued to call for the complete abolition of the death penalty.

UKRAINE

The death penalty

On 9 November Ukraine officially joined the Council of Europe and committed itself to an immediate moratorium on all executions and to total abolition of the death penalty.

Previously Ukraine had an execution rate that was among the highest in the world. Official statistics for 1994 issued by the Ministry of Justice in May 1995 show that during the previous year 143 people were sentenced to death and 60 people were executed, while only two people had their death sentences commuted (see AI Index: EUR 01/02/95). To Amnesty International's knowledge the only information publicly available for 1995 is that provided by the Ukrainian authorities to the Parliamentary Assembly of the Council of Europe. According to this 74 death sentences had been passed in the first six months of the year, but no figure was given for executions. In a September report *Ukraine - The death penalty: an update* (AI Index: EUR 50/15/95) Amnesty International examined the current state of legislation and practice concerning the death penalty, and the recommendations of the United Nations Human Rights Committee given during the review of Ukraine's fourth periodic report on implementation of the International Covenant on Civil and Political Rights.

Amnesty International called on the authorities to take the opportunity of the current discussion of a new criminal code to abolish the death penalty for all offences, in line with the recommendations of the Human Rights Committee and the United Nations General Assembly; to impose a moratorium on executions; to ensure that the relatives of those sentenced to death are fully and promptly informed at each stage of the prisoner's case; and to publish comprehensive statistics on the use of the death penalty.

Tensions between the Minister of Justice and the Procurator General over the issue of the death penalty continued even after Ukraine's accession to the Council of Europe and the public commitment of Ukraine to abolition and a moratorium on executions. The Minister of Justice, Sergiy Holovaty, said in an official statement on 17 October that no executions had been carried out in Ukraine since September 1995. However, press reports quoted a statement by the Procurator General of Ukraine, Grigory Vorsinov, claiming that executions were continuing in two regions of the country. Reportedly, Grigory Vorsinov said on 18 October that he personally filed a report on an execution carried out recently in the Dnepropetrovsk Region. Amnesty International was concerned by this ambiguity in official statements regarding a moratorium on executions. On 23 October, in a telephone conversation with a representative of Amnesty International, the Procurator General stated that no official government decree or written statement concerning this matter has been issued, and no instructions issued to local authorities.

Amnesty International was concerned about reports that executions were continuing and that death sentences were still being imposed at the end of the year.

Vitaly Gumenyuk was sentenced to death by the regional court of Zhitomir on 25 October and was awaiting the outcome of his appeal against the sentence to the Supreme Court of Ukraine toward the end of the year.

On 14 September Zaur Zilfugarov's mother received information from the President's office that her son's petition for clemency had been refused.

Anatoly Nikolaevich Skiby may also be facing imminent execution. His appeal against his death sentence is believed to have been turned down by the Supreme Court of Ukraine, as he told his parents on 4 January 1996 that he had one and a half months left to wait for clemency from the president, otherwise "that's it", implying that he has been told the date of his execution. Anatoly Skiby was sentenced to death for premeditated murder (Article 93 of the Ukrainian Criminal Code) by the Simferopol Supreme Court on 17 April 1995. The Director

of the prison in Crimea where Anatoly Skiby is being held reportedly told Skiby's parents that he knew nothing about a moratorium, and that he has his own instructions to follow.

Amnesty International fears that these and other prisoners may face execution. The organization believes that despite official commitments to the Council of Europe to impose a moratorium on executions from the day of Ukraine's accession to the Council on 9 November, the authorities have not informed local officials and bodies that a moratorium is in force. Amnesty International continues to urge the authorities to ensure that they fully respect all commitments undertaken to impose an immediate moratorium on executions, and to abolish the death penalty within three years. The organization urged the Ukrainian Government to ensure that all planned executions are halted, and that local officials on all levels are informed that a moratorium is in place.

Imprisonment of conscientious objectors

Amnesty International approached the authorities about the cases of two young men imprisoned at the end of 1994 for refusing to perform both compulsory military service and its civilian alternative on grounds of their religious beliefs.

Robert Golovnyov and Georgy Semyonov, both aged 21, are Jehovah's Witnesses and were sentenced by the Radyansky district court in Kiev under Article 72 of the Criminal Code. Robert Golovnyov was tried on 27 September 1994 and received one year's imprisonment. Georgy Semyonov stood trial on 4 October that year and was sentenced to two years' imprisonment. Their appeals were turned down by Kiev City Court and the Ukrainian Supreme Court. Robert Golovnyov was released from prison on 18 September 1995 and it was reported that he had already received a new draft order for the army. According to his mother, Robert Golovnyov will continue to refuse serving in the army due to his beliefs. Georgy Semyonov was granted an early release by the administration of the region from an ordinary-regime corrective labour colony near Poltava at the end of October. He was reported to be very ill upon his release from prison.

Amnesty International takes no position on conscription as such, and does not oppose the right of a state to conscript citizens for compulsory military service or to require citizens to undertake an alternative civilian service. It would not normally take up the case of someone who refused to perform both compulsory military service and its civilian alternative. However, Amnesty International believes that such an alternative service should be of non-punitive length and of a purely civilian nature, in line with international human rights standards. Its concern in this case was that reportedly the two young men felt unable to perform an alternative service that they believed might involve them in work connected with supplying materials to military units.

Amnesty International therefore wrote to the authorities to seek further information on the nature of the alternative service offered to these two young men, and any others in a similar situation. The organization urged the authorities to initiate a review of this and any similar cases without delay to ensure that no one was imprisoned for the legitimate exercise of their right to freedom of conscience, if it emerged that the work had a connection with the military, and thus could not be considered completely civilian.

The current law on alternative service in Ukraine extends only to those who object to military service on religious grounds. This provision in the law appears to be in a contradiction with the international standards. Conscientious objection to military service is recognized by the United Nations Commission on Human Rights (Resolution 1989/59, and reaffirmed in Resolution 1993/84 of 10 March 1993) as a legitimate exercise of the right to freedom of thought, conscience and religion, a right guaranteed under Article 18 of the ICCPR (ratified by Ukraine in 1973). Amnesty International urged the Ukrainian authorities to ensure that the right to conscientious objection should be granted to all those who, for reasons of conscience or profound conviction, are unable to perform military service. This includes persons whose convictions are not only based on religious motives, but

also on ethical, moral, humanitarian, political or similar grounds. The organization continued to urge the relevant authorities to bring legislation on alternative service in line with international standards to which Ukraine is bound.

UNITED KINGDOM

In *United Kingdom: Summary of Human Rights Concerns* (AI Index: EUR 45/06/95), issued in August, Amnesty International identified laws, procedures and practices of law enforcement which the organization believes do not conform with international standards and have led to human rights violations. The organization expressed concern about the government's failure to investigate independently and fully serious allegations of human rights violations; to make public the results of internal investigations; and to bring perpetrators of human rights violations to justice.

Deaths in custody

At least four people died in police custody or prison in circumstances where some violence was used; three of them were black. Gary Allsopp, aged 37, died in July in Cardiff, after being allegedly hit on the head with a baton by police. He collapsed 20 minutes after his arrest and died shortly afterwards. The police post-mortem stated that he died of a heart attack. Wayne Douglas, aged 26, died within an hour after his arrest in December; London police officers stated that "they had to protect themselves with long batons to disarm him [of a knife]". The police post-mortem stated that he died from heart disease.

Dennis Stevens was found dead in October in a segregation cell in Dartmoor prison after being kept in a restraining body-belt for many hours. No official reason for the death was given. Alton Manning died in December after a struggle with officers in the privatized Blakenhurst prison. The initial post-mortem was inconclusive. In November an inquest found that Richard O'Brien, an Irish man, had been unlawfully killed in 1994. He died of "postural asphyxia" after London police officers handcuffed him, knelt on his back and dragged him into a van, where he was left lying face down. The coroner was critical of police training on methods of restraint.

No prosecutions were brought against the officers involved in the death of Shiji Lapite, of Nigerian origin, who died within about 20 minutes after arrest, allegedly from asphyxia (see AI Index: EUR 01/02/95).

Amnesty International urged the authorities to carry out independent investigations into the full circumstances of the deaths in custody and to review the various methods of restraint being used. In August Amnesty International published *United Kingdom: Death in Police Custody of Joy Gardner* (AI Index: EUR 01/02/95).

Political Killings in Northern Ireland

Inquests held in Northern Ireland failed to examine the full circumstances of a number of disputed killings which had taken place in previous years. None of the security force members involved in the killings gave oral evidence. The government issued Public Interest Immunity certificates to prevent the disclosure of evidence.

The inquest held in 1994 into the killings in 1990 of John McNeill, Edward Hale and Peter Thompson (see AI Index: EUR 01/01/95) was legally challenged in April. A High Court judge quashed its findings and ordered another inquest. The second inquest, begun in September, was postponed after the families' lawyer challenged the procedures.

The inquest into the killing of Pearse Jordan in 1992 (see AI Index: 01/01/93) began in January but was postponed twice because new evidence was brought to light and because of legal challenges to four of the coroner's decisions. Pearse Jordan, an unarmed IRA member, was shot in the back by police officers as he ran away after the stolen car he was driving was rammed by two unmarked police cars. Eye-witnesses claimed that no warning was given before shots were fired.

An inquest into the killing of eight IRA men and one civilian in 1987 by members of the Special Air Service (SAS) regiment of the British Army ended in June. They were ambushed during an attack on a police station in Loughgall. The families of the IRA men instructed their lawyer to withdraw from the hearing on the second day, and to challenge procedures whereby the families' lawyer did not have the same access to evidence as other lawyers acting for the police and the soldiers. The judicial review took place in September.

In September the European Court of Human Rights found that the government had violated the fundamental right to life of three unarmed IRA members shot dead by undercover SAS soldiers in Gibraltar in 1988 (see AI Index: EUR 01/01/95).

Members of Republican and Loyalist armed groups reportedly killed six men in Northern Ireland, as "punishment". The number of "punishment" beatings increased. During the year a group of families campaigned for the IRA to reveal the location of about 10 bodies of people allegedly killed by the IRA in the 1970s.

"National security" deportations

Two men were still held without charge, pending deportation for "national security" reasons to India. If deported, Raghbir Singh and Karamjit Singh Chahal face possible torture or extrajudicial execution as a result of campaigning for a separate Sikh state in Punjab. The European Commission of Human Rights ruled in June that the UK had violated the European Convention on Human Rights by attempting to deport Karamjit Singh Chahal to India. His case will be considered by the European Court of Human Rights.

Cruel, inhuman or degrading treatment

The conditions of detention of Samar Alami, a Palestinian charged in connection with a bombing attack (see AI Index: EUR 01/02/95), as a Category A prisoner in Holloway Prison, led to a marked deterioration of physical and mental health. She was kept in virtual isolation, denied regular access to exercise facilities, to free association with other prisoners, and to adequate medical attention. Samar Alami was moved to Durham prison in November where conditions for Category A prisoners are better. However, this move greatly impeded her legal visits.

Emergency legislation in Northern Ireland

In June the government stated that it would establish an "authoritative and independent review" of all emergency legislation. However, this review had not been established by December, and all emergency legislation measures existing when the ceasefires were declared in Northern Ireland remained in force. A review of the police complaints procedure was announced in October.

UN bodies criticized UK's human rights record

The UN Human Rights Committee's examination of the UK's Fourth Periodic Report in July and the UN Committee against Torture's examination of the UK's Second Periodic Report in November both resulted in

statements of concern about emergency provisions in Northern Ireland, methods adopted in forcible deportations, the *refoulement* of asylum-seekers and police investigations of incidents involving security force personnel.

UZBEKISTAN

Possible prisoner of conscience Rashid Bekzhanov

Rashid Bekzhanov, the brother of Muhammad Salih, the exiled leader of the outlawed opposition political party *Erk* (Freedom), was sentenced in July by Khorezm Regional Court to five years' imprisonment, apparently on a charge connected with illegal business activity. He had been arrested in December 1994 on a charge of distributing anti-government leaflets, but that charge had been dropped. Amnesty International was concerned about allegations that the charge against Rashid Bekzhanov was false, and that a criminal case against him had been fabricated because of his family relationship with Muhammad Salih. Amnesty International sought further information about the basis for the criminal prosecution of Rashid Bekzhanov.

"Disappearances"

Abduvali Mirzoyev, an Islamic prayer leader from the city of Andizhan, "disappeared" at the end of August along with his assistant, Ramazan Matkarimov, after they were reportedly detained by people who were believed to have been officers of the National Security Service (SNB) as they were waiting at the airport in Tashkent, the capital, to board a flight to Moscow. Their whereabouts remained unknown at the end of the year. Amnesty International called for clarification of the whereabouts of Abduvali Mirzoyev and Ramazan Matkarimov and for them to be released if they were not to be charged with a recognizably criminal offence. In response, the authorities denied any involvement in the "disappearance" of the two men.

Amnesty International received allegations about the possible "disappearance" of Valizhon Akhmedzhanov, who had been on death row in Tashkent since February 1994. In November Valizhon Akhmedzhanov's family received official notification of his death, although no date or cause were given. At around the same time they received from unofficial sources reports that he was not dead, but had been transferred to an unknown place of detention in or around the city of Bukhara, and was being used for forced labour. Amnesty International called on the authorities to clarify Valizhon Akhmedzhanov's fate, and, if he was alive, to disclose his current whereabouts.

Torture and ill-treatment

Amnesty International received allegations of torture of three young men while in the custody of police in Tashkent. Dmitry Fattakhov, Aleksey Smirnov and Oleg Gusev were arrested in April on suspicion of murder, and confessed to the crime allegedly after they were severely beaten during interrogation. As a consequence of his treatment in detention Dmitry Fattakhov became mentally ill, and in December the prosecutor announced a suspension of the case against him until such time as Dmitry Fattakhov's condition improved enough for him to stand trial. Thereupon a district court judge ordered Dmitry Fattakhov to be committed to a psychiatric hospital, against the wishes of his family.

The criminal charge against Iosif Koinov, who had similarly alleged torture following his arrest for murder in October 1994 (see AI Index: EUR 01/02/95), was dropped in June.

Nadira Khidoyatova and Asiya Turiniyazova were arrested in July by officers of the SNB on charges of illegally exporting animal skins. At the time Nadira Khidoyatova was around three months pregnant and Asiya Turiniyazova was five or six months pregnant. They alleged that while in investigative detention SNB officials compelled them to give their consent to abortions which were carried out, despite the absence of medical need. The women were released from custody in October pending trial, and the SNB official in charge of the case was dismissed from his post.

The death penalty

Amnesty International received details of a new Criminal Code which entered into force in April. The new Criminal Code retained the death penalty as a possible punishment for 13 offences. It abolished the death penalty for women. Amnesty International was unable to obtain clarification from the authorities as to whether the abolition of the death penalty for women meant that Barno Akhmedova, sentenced to death in January and believed still to be alive in April (see AI Index: EUR 01/02/95), had had her sentence commuted automatically to a term of imprisonment.

Amnesty International learned of six more death sentences, and at least one execution, that of Rinat Nazipov (see AI Index: EUR 01/02/95). The true figures were probably much higher.

YUGOSLAVIA, FEDERAL REPUBLIC OF

Fair trials concerns, prisoners of conscience, releases

The trials continued of ethnic Albanian former police employees accused of preparing to set up a clandestine police force with the aim of jeopardizing Yugoslavia's territorial integrity by force of arms. By the end of September 139 defendants, including possible prisoners of conscience, had been convicted on these charges. They included 69 men who were convicted by a Priština court in July, and 38 convicted in Prizren in September. They received sentences of up to eight years' imprisonment. Most were released pending appeal, but 22 remained in detention. At the trial the defendants denied the charges against them and argued that their activities had consisted of trade union work. Almost all alleged that they had been forced by torture to make false "confessions". Lawyers complained that their access to the defendants and to court files had been restricted or delayed. Amnesty International is concerned that these and other allegations of torture were not investigated, and about breaches of procedure which denied defendants a fair trial.

At least 15 ethnic Albanians were sentenced to up to 60 days' imprisonment for holding "illegal meetings". Most of them were teachers who had held classes for ethnic Albanian students who reject the curricula and education in the Serbian language required by official state schools. An unknown number of ethnic Albanians were imprisoned for draft evasion or desertion. They included Sabit Veliqi who in October began to serve a four-month prison sentence imposed in March.

In December the President of Montenegro pardoned and released 50 political prisoners, including 21 Muslims convicted in December 1994 in Bijelo Polje (see AI Index: EUR 01/01/95).

Torture and ill-treatment - ethnic Albanians and others

There continued to be widespread reports that police had tortured and ill-treated ethnic Albanians in custody or during house searches for arms. Many victims were political activists or teachers and some sustained serious injuries. They included Rifat Morina, who complained that between February and June 1995 he had been summoned to Prizren police station some 15 times to be questioned about weapons he did not possess and had been beaten on almost every occasion. On 18 September Husno Bihorac, a Muslim from the Sandžak region of Serbia was beaten by police at three police stations after they failed to find weapons at his home. Amnesty International called on the authorities to institute prompt, thorough and impartial investigations into all allegations of torture or ill-treatment and to bring those responsible for torture or ill-treatment to justice.

Death penalty, deaths following ill-treatment in custody or shootings by security forces

Two men were sentenced to death in separate trials for multiple murder; no executions were reported. Ill-treatment in police custody reportedly caused, or contributed to, the death of two ethnic Albanians. At the end of the year a police officer was sentenced to five years' imprisonment for the murder of Abedin Ahmeti who died following ill-treatment in Kosovska Mitrovica police station in April. Three ethnic Albanians died after being shot by security forces in disputed circumstances.

Refoulement of refugees and forcible mobilization of refugees and others into Bosnian Serb armed forces

In August thousands of Serbian male refugees of military age from Croatia and Bosnia-Herzegovina were arrested by Serbian police, often directly from refugee centres, and sent to Serbian-held areas of Croatia and Bosnia-Herzegovina for mobilization into Serbian armed forces there. Amnesty International again called on the authorities to end these expulsions which violated national and international law and to ensure the return of those expelled at the earliest opportunity. In July an estimated 50 to 60 Bosnian Muslim refugees from Đepa who tried to flee to Serbia were reportedly arrested by the Yugoslav army at the border and forcibly returned to the *de facto* Serbian authorities in Bosnia-Herzegovina.

RATIFICATIONS

ALBANIA

In July Albania signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Second, Third, Fifth and Eleventh Protocols.

ANDORRA

In October Andorra signed the Convention on the Rights of the Child.

AUSTRIA

In August Austria ratified the Eleventh Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

AZERBAIJAN

In July Azerbaijan acceded to the Convention on the Elimination of all forms of Discrimination against Women.

BELGIUM

In August Belgium ratified the Ninth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

CROATIA

In October Croatia acceded to the Second Optional Protocol and made a declaration under Article 41 of the International Covenant on Civil and Political Rights.

CZECH REPUBLIC

In September the Czech Republic ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its First and Second Protocols.

LIECHTENSTEIN

In November Liechtenstein ratified the First, Ninth, Tenth, and Eleventh Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

LITHUANIA

In September Lithuania signed the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its First and Second Protocols.

LUXEMBOURG

In July Luxembourg ratified the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF (FYROM)

In November the Former Yugoslav Republic of Macedonia signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Second, Third, Fifth and Eleventh Protocols.

MOLDOVA

In July Moldova signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Second, Third, Fifth and Eleventh Protocols.

In November Moldova acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

PORTUGAL

In October Portugal ratified the Ninth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

UKRAINE

In November Ukraine signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Second, Fifth and Eleventh Protocols.

UZBEKISTAN

In September Uzbekistan acceded to the International Covenant on Civil and Political Rights, its first Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of all forms of Discrimination against Women.