

CONCERNS IN EUROPE

July - December 1996

INTRODUCTION

This bulletin contains information about Amnesty International's main concerns in Europe between July and December 1996. 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 01/02/96

AI Index: EUR 01/01/96

AI Index: EUR 01/02/95

Concerns in Europe: January - June 1996

Concerns in Europe: July - December 1995

Concerns in Europe: January - June 1995

ALBANIA

Prisoners of conscience

In September four men were convicted by Tirana district court of seeking to recreate the banned Communist Party; they received sentences of between one and two years' imprisonment. No evidence was produced in court to support the prosecution's claim that they had advocated the use of violence to achieve power. They had all been released by the end of the year, two of them by presidential pardon (in December). On the same occasion the prison sentence imposed on **Fatos Nano**, leader of the Socialist Party, the main opposition party, was reduced by six months, reportedly leaving him 18 months still to serve.

Idajet Beqiri, leader of the the Party of National Unity (see *Amnesty International Report 1994*) was sentenced to 15 years' imprisonment in September on charges of "crimes against humanity". He was accused of having in 1985, at a time when he was president of a district court, signed a proposal for the internment (internal exile) of four members of a family. The charges against him, which he denied, appeared to be politically motivated, and there were serious violations of procedure which undermined his right to a fair trial. The original proposal, a key piece of evidence, was not produced in court, and the authenticity of the photocopy which served as evidence was questionable. Other evidence showed that the four had not been interned in 1985 but in 1986, at a time when Idajet Beqiri was in prison for an unrelated offence. Eight co-defendants - who unlike Idajet Beqiri had been senior communist officials - received prison sentences of between 15 and 20 years.

Other convicted prisoners of conscience included four Jehovah's Witnesses from Berat who were imprisoned for between four and six months under Article 16 of the Military Criminal Code for refusing on religious grounds to do military service. Military service is obligatory; there are no

provisions allowing conscientious objectors to do civilian service. Exemption is granted only to those who pay the equivalent of US\$4,000, a sum beyond the means of most young men.

Fair trial concerns

In October some 20 men were arrested on suspicion of involvement in political killings, bombings and bank robberies. They included **Klement Kolaneci**, the son-in-law of Albania's former communist ruler, Enver Hoxha. On at least two occasions, in October and November, his lawyers complained that in violation of national law their access to him had been severely restricted. There were unconfirmed reports that his co-defendants had similarly been denied free access to their lawyers.

Allegations of torture and ill-treatment

There continued to be reports of the torture and ill-treatment of detainees in police custody. One such report concerned **Ismail Hoxha**, a miner from Krasta. In September he was allegedly beaten so severely by police, after an argument in a village bar, that two days later he was taken to hospital in a coma. He remained in a coma for a further four days. He was found to have a fractured skull, and subsequently underwent surgery in Tirana.

The death penalty

In July the Appeal Court commuted death sentences imposed in May on three former communist officials for "crimes against humanity" for their part in the internment of political dissidents and their families during communist rule. According to press reports in November, eight death sentences were imposed by district courts in 1996. There were no executions.

Amnesty International published two reports: *Albania: detention and ill-treatment of*

government opponents - the elections of May 1996 (AI Index: EUR 11/17/96) published in September and *Albania - A call for the release of prisoners of conscience* (AI Index: EUR 11/27/96), published in November 1996. In these reports and other appeals the organization called on the authorities to release prisoners of conscience, expressed concern at the failure of the government to bring to justice police officers responsible for ill-treating or torturing detainees, and called for political prisoners to be granted a fair trial.

ARMENIA

Allegations of ill-treatment in detention

During the period under review Amnesty International continued to receive allegations of ill-treatment in detention, particularly after events at the end of September when opposition protests over disputed presidential elections turned violent and a number of people were detained (see *Armenia: Further allegations of ill-treatment in detention*, AI Index: EUR 54/03/96, October 1996). Unofficial sources listed over 100 people briefly detained, in many cases, it was claimed, because of their known or perceived political views rather than any direct connection to the violent events which had involved sections of a crowd of opposition supporters breaking into parliament and beating the speaker and his deputy.

Tens of people were said to have been beaten or otherwise ill-treated while being apprehended, or while in the custody of law enforcement officials. They included **Aramazd Zakanian**, a member of parliament, who described how a group of armed men punched him and beat him with batons after he entered the premises of the opposition National Self-Determination Union on 26 November. He was detained and alleges that he was again beaten while in police custody. Aramazd Zakanian was held for two days before being transferred to hospital with injuries said to include a fractured skull, a broken rib and facial

lacerations. **Gagik Mkrtchyan**, a journalist and leading member of the suspended Armenian Revolutionary Federation (see AI Index: EUR 01/01/96), was said to have been severely beaten by officials from the Interior Ministry during the first part of his 10-day detention. After his release he said: "About the severity of my beating I will say only the following. When I was subsequently taken to the prison cell in the Ministry of National Security, for the first five days there I could neither lie nor move nor even sit properly. I just sat in a semirecumbent position leaning against the table." Amnesty International urged prompt, impartial and comprehensive investigations of all allegations of ill-treatment by law enforcement officials, with the results made public and anyone identified as responsible brought to justice.

Amnesty International also sought further information on over 10 of those detained who remained imprisoned at the end of the period under review, charged among other things with instigating mass disorders (Article 74 of the Criminal Code). While not disputing the right of law enforcement officials to take all legitimate measures to bring to justice those suspected of committing a recognizably criminal offence, Amnesty International was concerned both about allegations that some had been beaten in detention, and also about reports that some had been denied prompt access to a defence lawyer of their own choice. The organization urged that those detained be granted such access, and that any person brought to trial receive a fair trial in line with international standards. No responses had been received by the end of the period under review.

See also Women in Europe, page 62

The case of Amayak Oganesyán (see AI Index: EUR 01/02/96)

Amayak Oganesyán, a conscript in the army, was allegedly beaten severely and on several occasions

by, or with the knowledge of, superior officers after he was called up in May 1995.

He was discharged from the army after being diagnosed as suffering from lymphosarcoma, and subsequently died. Amnesty International urged a swift, thorough and impartial investigation into the allegations of ill-treatment, with the results made public and anyone identified as responsible brought to justice. In November the Deputy Minister of Defence responded that the military police of Zangezour garrison had conducted an investigation into the case but that no criminal case had subsequently been opened for lack of a *corpus delicti*.

The death penalty and fair trial concerns

On 10 December three defendants were sentenced to death in a major political trial, known as the "Dro" case (see AI Index: EUR 54/05/95 and EUR 01/01/96). **Arsen Artsruni, Armen Grigorian and Armenak Mjnoyan** received the death penalty, and eight others received terms of imprisonment, amid continuing allegations that their year-long trial was unfair.

President Levon Ter-Petrossian has stated that he is personally opposed to the death penalty, and his office has assured Amnesty International that no executions have taken place, or will take place, during his term of office (he was re-elected for a period of five years in September 1996). It appears, however, that the President has not correspondingly used his constitutional authority to commute existing death sentences. This means that some of those on death row, believed to number in total some 17 men at the end of the period under review, may have been waiting years without knowing when they may expect their clemency appeals to be heard.

Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it is a violation of the right to life, and has urged the relevant Armenian authorities to commute all existing death sentences; to prepare and enact legislation to remove the death penalty as

a possible punishment from the Armenian Criminal Code and Constitution; and to publish comprehensive statistics for the application of the death penalty.

AUSTRIA

The alleged ill-treatment of detainees

The report of the Committee for the Prevention of Torture

In October the Austrian Government published the report of the Committee for the Prevention of Torture (CPT) on its visit to Austria in September and October 1994. The report by the CPT - a body of experts set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment - had been presented to the Austrian Government in May 1995. The Committee reported receiving during its visit "a considerable number of allegations of ill-treatment of persons by the police" ("*un nombre considérable d'allégations de mauvais traitements de personnes par la police*") and repeated the main conclusions of its previous report, published in 1991, that persons detained by the police are "at serious risk of being ill-treated" ("*il existe un risque sérieux, pour les personnes détenues par la police, d'être maltraitées*"). The majority of allegations concerned the Bureau of Security (*Sicherheitsbüro*) in Vienna where detainees alleged that in February and/or March 1994 they had been subjected to electric shocks from batons equipped to administer electric discharges. The CPT stated that although it had not met any detainees who had alleged that they had been personally subjected to such ill-treatment, "several detainees met separately by different members of the delegation alleged that they had been threatened with electric shocks during their interrogation at the *Sicherheitsbüro*" ("*plusieurs détenus rencontrés séparément par différents*

membres de la délégation ont allégué avoir été menacé de chocs électriques pendant leurs interrogatoires au Bureau de la Sécurité à Vienne").

The CPT made extensive recommendations to the Austrian Government to prevent such violations from occurring in the future. Among these was the setting up of an independent body to conduct a thorough examination of interrogation methods employed by officers of the *Sicherheitsbüro*. In its response to the CPT's report published at the same time the Austrian Government commented that work "was still continuing on this recommendation" and that "it is intended not to limit that body's power to the Security Bureau but to include the whole national territory".

Fresh allegations received by Amnesty International

In July Ugandan citizen **Fred Machulu Onduri** alleged that he was ill-treated and racially abused by police officers in Vienna.

In a complaint to the Vienna Independent Administrative Tribunal in August, Fred Machulu Onduri stated that on the morning of 13 July 1996, shortly after 10am, he was drinking a fruit juice in an underground station in the centre of Vienna, when four uniformed police officers came up to him and announced that he was under arrest. According to Fred Machulu Onduri, an employee of the Ugandan Ministry of Financial Planning who at the time was studying in Vienna, the officers refused to tell him why they were arresting him and asked to see his identity papers. Fred Machulu Onduri showed them his student identity card and was taken to a nearby police station. There, according to the Ugandan, he was made to strip naked and his mouth and genital area were inspected. When he asked why he was being subjected to such treatment, an officer allegedly punched him in the stomach. Fred Machulu Onduri was then handcuffed and told to sit down. When he protested that he was studying in Austria at the

invitation of the Foreign Ministry, an officer reportedly said, in broken English: "Why is a black ape, who should be climbing trees in Africa, staying in Austria?". Fred Machulu Onduri was taken to another station and placed in a cell. At approximately 4pm officers took him from his cell to his flat where he showed them his passport and other documentation. Again he asked the officers why he was being detained, and again he was refused any information. Back at the police station he was interviewed in the presence of an interpreter and learned for the first time - it was now approximately 8pm - that he had been arrested on suspicion of dealing in drugs and of being in a public place without valid documents. He was released from the station at about 10pm.

According to a report in *Der Standard* of 18 July 1996, Vienna Chief of Police Peter Stiedl commented that Fred Machulu Onduri had attracted the attention of police by making "sudden swallowing movements, just like drug dealers do when they swallow their 'goods'". He had been arrested because he did not have his identity papers on him.

Amnesty International raised the case of Fred Machulu Onduri with the Austrian authorities in October. The organization had received no response to its inquiries by the end of the year.

Updates to cases previously documented

In September **Violetta Jevremovic** (see AI Index: EUR 01/02/96) went on trial for resisting state authority and arrest. (*For further information see Women in Europe, page 62.*)

In October Amnesty International was informed by the Austrian authorities that no charges had been brought against officers alleged to have ill-treated **Peter Rosenauer** (see AI Index: EUR 01/02/96) because investigators had not been able "to clarify the exact origin of [his] injuries". Peter Rosenauer alleged that police officers banged his head against a wall, kned him in the testicles and struck him with a baton following his arrest at a demonstration against the

building of a dam near the village of Lambach in March 1996. He also alleged that he received no medical attention at Lambach police station. In their letter to Amnesty International, the authorities informed the organization that according to the judicial investigation into his allegations, a doctor had been telephoned from Lambach police station, but he had been "on a house call and would interrupt this...only in case of emergency".

In November an appeal by the Vienna Public Prosecutor's Office against the acquittal of three officers accused of assaulting Egyptian **Emad Faltas** at a Vienna railway station in June 1995 was rejected (see AI Index: EUR 01/02/96). Emad Faltas suffered three broken ribs and cuts and bruises to his arms, stomach and face following his arrest in a case of mistaken identity. An investigation into allegations that Emad Faltas had resisted arrest was dropped in December.

In October the investigation into allegations that police officers assaulted journalist **Wolfgang Purtscheller** was discontinued (see AI Index: EUR 01/02/95). Wolfgang Purtscheller alleged that officers struck him in the face and violently twisted his foot after he intervened during the arrest of a black African asylum-seeker in October 1994. The journalist's injuries included bruising to the face, abrasions to both wrists, and damaged knee ligaments. Wolfgang Purtscheller was charged with assault and resisting arrest in March 1995 but his trial could not proceed as his whereabouts were unknown.

Conscientious objection to military service

In December 1996 a new amendment to the Law on Alternative Service was passed by parliament, increasing the length of alternative service from 11 to 12 months. Although the amendment, which took effect on 1 January 1997, relaxed the time limits within which applications for alternative service should be made, it still remained too restrictive and in some cases appeared to deny conscientious objectors the right to submit an application at all.

In the period under review at least three men - Herwig Matzka, Peter Zwiauer and Andreas Gruber - faced possible imprisonment as a result of their refusal to perform military service. Amnesty International informed the Austrian authorities that if any of the men were imprisoned Amnesty International would adopt them as prisoners of conscience and would call for their immediate and unconditional release.

AZERBAIJAN

Alleged arbitrary detention of ethnic Armenians

During the period under review allegations emerged that at least seven ethnic Armenian civilians had been detained earlier in the year and transferred to a camp at Gobustan used as a special holding centre for ethnic Armenians detained in Azerbaijan pending verification of their identity and purpose in travelling on Azerbaijani territory (see AI Index: EUR 01/01/95). Those detained were said to include a 17-year-old girl, a 15-year-old boy, and a mentally ill man. It was alleged that they were being held as hostages, on grounds of their ethnic origin, rather than as a result of recognizably criminal charges being brought against them.

The exact dates of their detention were not known to Amnesty International, but most were said to have been detained after May when a large prisoner exchange took place to mark the second anniversary of the cease-fire in the conflict over the disputed Karabakh region (see AI Index: EUR 01/02/96). The seven were named as Artur Atoyian, from the village of Hoktember, Armavir region, Armenia, who suffered from a mental illness; Manvel Gevorkian, living in the town of Vanatzor, Armenia; Irina Kachaturian, born 1979 in Baku and living in the Ijevan region, Armenia; Larissa Kirakossian, living in the town of Maralik, Armenia; Armen Nersissian, born 1981 and a Russian citizen; Vahan Ossipian; and Armen

Pogossov who had been detained at Baku airport on 30 March 1996. An eighth person, Divanich Zanvelian, was alleged to have been taken hostage from the village of Got, Noyemberian region, Armenia, on 13 November 1995 and to have been transferred to a holding centre at Shubany, outside Baku, where he was still reportedly held as of at least May.

Amnesty International asked the Azerbaijan authorities for further information on the current status of these individuals, for example whether they were still in detention and if so whether this was to clarify their identity or as a result of a criminal charge or charges brought against them.

Allegations of ill-treatment in detention

Amnesty International continued to receive numerous allegations of ill-treatment by law enforcement officials during the period under review. For example, journalist **Taptig Farhadoglu** of the news agency TURAN reported that a man he subsequently recognized as a police officer was among a group of men who beat him on the street on 17 November in the capital, Baku. Speaking to an Amnesty International delegate in Baku later that month, Taptig Farhadoglu said that he was beaten near Azadlig Square by a group of men in civilian clothes who approached him shortly after he had conducted an interview with opposition politician Neimat Panahov. Taptig Farhadoglu reported that the men beat him more severely after he tried to explain that he was a journalist. He was knocked to the ground at one point, and kicked repeatedly. Taptig Farhadoglu also alleged that a group of police officers standing nearby watched what was happening but made no attempt to intervene physically. One of the officers asked the men beating Taptig Farhadoglu to stop, but no further preventive action was taken, or any attempts made to apprehend those responsible, after one of the attackers allegedly said: *“Shut up! Don’t you see that this is a special operation?”* Taptig Farhadoglu reported that he was confined to

bed on medical advice after suffering cuts and bruising to his head and body, and also that his glasses and dictaphone were broken in the attack (he was still suffering from headaches and bruises at the end of the month).

On 18 November Taptig Farhadoglu went to the Sabail district police department to report the assault, and he has alleged that while there he recognized the head of the district’s 39th Police Department, whom he named, as being among the group that had attacked him the previous day.

Allegations continued to be received of torture and ill-treatment in custody in order to force a confession. Some of these claims emerged in court, during a number of political trials taking place towards the end of the period under review. At the trial of 37 members of the special police unit known as OPON, for example, which opened on 1 October in Baku, 24 defendants alleged that they had been subjected to physical or mental duress during the first half of the year in order to extract testimony implicating them in a failed coup d’etat in March 1995. Defendant **Murshud Mahmudov** stated that he had been subjected to electric shock treatment applied to his ears, and **Abulfat Kerimov** testified that he had been hung upside down and beaten. Defence lawyers requested medical examinations as a result of the claims, and x-ray tests carried out at the end of November are said to have shown that at least three of the defendants had sustained broken ribs, although attributing a time and cause was problematic. Amnesty International’s concern about these allegations was heightened by the fact that many of those accused faced charges which carried a possible death sentence on conviction.

Amnesty International has continued to urge prompt and impartial investigations into all allegation of torture and ill-treatment, with the results made public and anyone identified as responsible brought to justice in the courts. A commitment to such investigations is especially important in the light of Azerbaijan’s accession in August to the UN Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment.

Deaths in custody

In October in a letter to Amnesty International the Azerbaijani Procurator's Office supplied further information on the investigation into the death in custody of **Rafik Shaban oglu Ismayilov**, who died in December 1995 at the Massali district Police Department allegedly from injuries sustained as a result of a severe beating by law enforcement officials (see AI Index: EUR 01/02/96). According to this information a criminal case had been opened against the acting head of the District Police Criminal Investigation Department under Article 168 part 2 of the Azerbaijani Criminal Code ("exceeding authority or official powers"), which carries a term of up to seven years' imprisonment if the offence is accompanied by the use of force or weapons, or by insult to the dignity of the victim. On 29 May the Massali district court decided to requalify the charge to the first part of Article 168, which carries no implication of force and a lower sentence, and the defendant was released in connection with an amnesty declared by parliament on 22 May. However, on 24 September the Azerbaijani Supreme Court set aside the decision of the lower court, on the grounds that the charge had been incorrectly requalified and that the sentence was too lenient, and the case was sent back for reinvestigation.

In the same letter the Procurator's Office also responded to Amnesty International's concerns about allegations that in June another man had died in custody as a result of police ill-treatment. **Ilgar Adil oglu Samedov**, a resident of the city of Kharkov, Ukraine, had been arrested on 14 June in Ukraine in connection with a charge of possessing drugs, and deported to Azerbaijan the same day. On 17 June he was charged by the Azerbaijani authorities under Article 226 part 2 of the Criminal Code, and transferred the following day to investigation-isolation prison No. 3 (Shuvelyan) in Baku. He subsequently sustained

fatal head injuries, dying in a prison hospital at Beyuk-shore on 29 July, although accounts of how the injuries occurred differ.

According to unofficial sources Ilgar Samedov was beaten while held at prison No. 3, and as a result was taken to the prison hospital suffering from serious injuries to the head and torso. Ilgar Samedov's father, Adil, reportedly attempted to visit his son several times in hospital but was refused permission each time by the official investigating the case. It is also claimed that the family were not informed until three days after Ilgar's death, and that photographs taken in the morgue showed evidence of beatings.

In its response, the Procurator's Office stated that Ilgar Samedov had been placed in a cell with eight others in prison No. 3 on 18 June, but had been overwhelmed with guilt at his alleged crime and so the following day at around 1pm had thrown himself off the upper bunk and tried to commit suicide by beating his head against the floor. As a result of his fall he broke four ribs and his right leg, and was taken to the prison hospital. While being treated there Ilgar Samedov is said on 28 July to have stripped naked and wandered about the ward speaking incomprehensibly. In connection with this behaviour he was moved to a two-person room, and later that night was discovered unconscious on the floor after apparently deliberately striking his head forcefully on a corner of the upper bunk in an attempt to kill himself. Medical assistance was summoned, but to no avail. An autopsy on 27 August recorded the cause of death as head injuries.

Amnesty International has requested a copy of the autopsy report and of the inquiry into the death of Ilgar Samedov.

The death penalty

During the period under review Amnesty International learned of a further 11 death sentences, and the total number of those passed during 1996 was given by official sources as 41. At least nine death sentences were commuted

during the year. Eighty five men were awaiting execution on death row in Baku as of September, according to statistics passed to Amnesty International by the Azerbaijani authorities, which also recorded that 37 men were sentenced to death in 1995, and seven pardoned. No executions are said officially to have taken place in Azerbaijan since 1993.

See also Women in Europe, page 65.

BELARUS

Against a background of growing political unrest, President Alyaksandr Lukashenka in November, in a move to enhance his power over parliament, held a referendum on amending the constitution, which he won overwhelmingly. A separate referendum question on abolition of the death penalty won only 17.9 percent of votes in favour.

Following the deterioration of the human rights situation in Belarus especially during the second half of 1996, and in reaction to the way the new Parliament in the republic had been constituted, in the beginning of January 1997 the Bureau of the Council of Europe's Parliamentary Assembly decided to suspend Belarus' status of special guest. "Belarus' new Constitution is illegal" as it "does not respect minimum democratic standards and violates the separation of powers and the rule of law," said Leni Fischer, Chair of the Parliamentary Assembly, in a press release which further stated that the status of special guest of Belarus had been "suspended" and not "withdrawn" in order to "maintain contacts and support any positive development in the country".

Further alleged ill-treatment of peaceful demonstrators by police

Amnesty International has repeatedly expressed its concern to the Government of Belarus about the apparent pattern of ill-treatment and imprisonment of government opponents during peaceful strikes and demonstrations in Belarus. The organization urged the authorities to provide legal redress and compensation to the victims of police abuse and to inform all law enforcement officials that torture and ill-treatment are prohibited in any circumstances under the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR), to which Belarus is a party as a successor state of the USSR. Amnesty International is not aware of any steps taken by the government or the President of Belarus to stop the pattern of ill-treatment of demonstrators by law enforcement officials.

On 17 November Belarussian police, wielding riot shields, reportedly beat demonstrators with truncheons and arrested more than 10 people during a peaceful demonstration, reportedly attended by between 5,000 and 10,000 people, against the President in the centre of the capital, Minsk. Some 20 people were reportedly injured by the police, including Stanislav Bogdankevich, leader of the United Civic Party and a member of the parliamentary opposition, who told a press conference that the police beat him with truncheons.

The death penalty

At a press conference in Minsk on 24 September the first deputy chairman of the Supreme Court of Belarus, Igar Andreyev, announced that Belarus had carried out 24 death sentences since the beginning of the year. He also claimed that President Lukashenka had not pardoned a single person facing the death penalty during his two and a half years in office.

From a letter to Amnesty International by the Deputy Foreign Minister of Belarus, Ivan Antanovich, in October the organization learned that one of those executed was **Igor Mirenkov**,

who had been the subject of Amnesty International appeals for clemency (see AI Index: EUR 01/01/96), but had been executed in June. At the end of the year the total number of executions for 1996 was unknown, as was the number of people under sentence of death in Belarus.

BOSNIA-HERZEGOVINA

Few displaced persons or refugees able to return to their homes; freedom of movement not in place

Little progress was made during the period under review towards realizing the objectives of the Dayton peace agreement of ensuring the return of refugees and displaced persons to their homes and freedom of movement throughout all areas of Bosnia-Herzegovina. The actions and policies of the authorities in the country, particularly those in the Bosnian Serb entity, the Republika Srpska, and the Bosnian Croat-controlled areas of the Federation, continued to make the return of displaced persons or refugees to their homes almost impossible.

Throughout the period there were repeated incidents in which displaced persons who were attempting to return to their homes or prepare for their return were physically attacked or threatened. In addition, houses to which the displaced persons were to return, including ones which they had started repairing in advance of their return, were deliberately damaged or destroyed with explosives or by setting them on fire.

New expulsions of members of minorities from their homes and cases of detention without charge or prompt trial of people who were travelling through an area controlled by another nationality also sent a strong negative message to potential returnees who feared for their security.

A series of incidents took place in the second half of 1996 near Zvornik in eastern Bosnia in a group of villages (principally Mahala, Jušifi and Gajevi) just inside the Republika Srpska, in the

Zone of Separation (ZOS) which runs either side of the boundary between the Federation and the Republika Srpska. Under the peace agreement, the ZOS was defined as a demilitarized area in which the North Atlantic Treaty Organization (NATO)-led peacekeeping force, Implementation Force (IFOR), has increased powers. It was likely that the Muslim authorities aimed to settle returnees in the ZOS because of the increased powers of IFOR and the weakened authority of the Republika Srpska authorities there.

Much controversy surrounded the incidents as some of the returning Muslims brought arms into the villages and the Republika Srpska authorities accused them of being involved in military activity and of provoking confrontations. However, unarmed Muslim civilians were injured in some of the incidents. For example, in Mahala on 29 August Bosnian Serb police beat a group of Muslims who had moved back into the village before IFOR troops intervened, injuring at least 10.

Houses and other buildings had been deliberately damaged or destroyed with explosives with the probable intent of discouraging returnees earlier in the year. In the Muslim-controlled town of Bugojno at least 10 cases were recorded of explosives being placed in houses belonging to Croats between late June and September. However, from October, when the practice became widespread, the principal victims were Muslims. On 24 October around 94 homes belonging to Muslims in the Prijedor area were destroyed with anti-tank weapons. All had been on a list given by United Nations High Commissioner for Refugees (UNHCR) representatives to the Republika Srpska authorities of houses which the Muslim owners were to visit. In Bosnian Croat-controlled Drvar 30 homes belonging to Bosnian Serbs were destroyed while in the area of „apljina, also under Bosnian Croat control, Muslim homes were also destroyed. By December international organizations reported that more than 300 houses had been destroyed.

Plans for the organized return of displaced persons to several towns in the Federation under

the supervision of the UNHCR, known as the “pilot projects”, were only partly successful. Several of the projects, involving about 200 families from each town, were completed, but none of the 200 Muslim families who were to have returned to the Bosnian Croat-controlled town of Stolac near Mostar had been able to do so by the end of 1996 because of violence and obstruction which the Bosnian Croat authorities either perpetrated or failed to act to prevent. Houses which the Muslims had been repairing for their return were damaged with explosives to discourage return. Visiting Muslims were not allowed by police to move freely around the town and on occasions were threatened by police or were not adequately protected by them. The UNHCR suspended the project on many occasions.

Some of the Bosnian Croats who were due to return to the Muslim-controlled town of Bugojno were also unable to do so. There were continuing reports of harassment of Croats in the town, such as the placing of explosives in churches and their houses.

Further expulsions of minorities

The deliberate expulsion of remaining minorities continued in some areas. In the town of Mostar, which is effectively divided between a Bosnian Croat-controlled western part and a Bosnian Muslim-controlled eastern part, Muslims (and some Serbs) were routinely evicted from their apartments and left with no choice but to flee to east Mostar. The evictions were frequently carried out by men wearing uniforms who threatened or physically attacked the occupants. One of the worst cases reported was that of a 71-year-old disabled Muslim woman, **Rukija Bejtović**, who was taken from her apartment on or just before 24 December 1996. She was found dead in her wheelchair on 6 January 1997, apparently having been left in an abandoned building. In the meantime a Bosnian Croat soldier, who claimed to have bought the apartment, was found living in it.

Officials of international organizations reported that more than 70 Muslims and Serbs were evicted from their homes in Bosnian Croat-controlled west Mostar during 1996. Few of these had been able to return to their homes and most had to seek refuge in Muslim-controlled east Mostar or other parts of the Federation under Muslim authorities.

Prisoners of conscience detained; detention without charge or prompt trial

Some individuals who were not of the nationality of the authority which controlled a particular area were also detained without charge or prompt trial. The detainees, who were often people who had crossed the boundary between the entities, frequently appeared to be hostages as one or other authority demanded that prisoners be released in exchange for them.

A Bosnian Croat man had been detained by the Bosnian Serb authorities near Priboj in February 1996, as was a Bosnian Muslim who was detained after crossing from the Federation near „**elif**“. The Bosnian Croat man claimed that he was forced to sign a blank piece of paper early in his detention which was later purported to be a confession to war crimes. However, neither man was charged before they were eventually released in December.

Two Bosnian Serbs from the Republika Srpska, **Sekula Mandić** and „**edo Vukadin**“, went missing on 2 July while driving on a road near Sarajevo in the Muslim-controlled area of the Federation. Two other Serbs, **Radenko Golijanin** (from Bosnia) and **Pregdrag Matković** (from the Federal Republic of Yugoslavia), went missing in the same area on 23 September. Despite demands for information from international organizations, the authorities denied knowledge of all four men until 16 October when they were found to be held in prison in Sarajevo. They were released on 30 October following pressure from international organizations in the field.

Alleged ill-treatment in detention

Detainees were reportedly ill-treated by police in all areas of Bosnia; those most at risk were again members of minorities, but opposition supporters were also ill-treated. The victims were often people who were held briefly by police. There were frequent complaints of beatings or other ill-treatment of Serbs or Muslim opposition supporters by Muslim federation police in the Bihać area. The most serious case, however, was that of **Hasan Kovačević**, a Bosnian Muslim from Banja Luka, who died in police custody on 1 August. A pathologist's report indicated that he had sustained multiple fractured ribs, most likely as a result of beatings and that he died as a result of a blow from a blunt instrument. The Bosnian Serb police initially said that he sustained the injuries as a result of falling through a window, but later claimed that he had been kicked by a bystander (a soldier) during his arrest and that police had had to use force to restrain him during his arrest and in custody.

Prosecutions and convictions for war crimes

In July the International Criminal Tribunal for the former Yugoslavia (the Tribunal) issued international arrest warrants for Ratko Mladić and Radovan Karadžić, the former Bosnian Serb military and civilian leaders, after preliminary hearings to consider evidence in support of previously-issued indictments charging them with genocide and other gross violations of international law. However, the national political leaders who were responsible for directing IFOR and the senior military commanders continued to fail to meet the obligations of the troop-contributing states under international law to search for and detain individuals suspected of war crimes.

IFOR had previously stated that it would at least detain war crimes suspects if troops encountered them. Nevertheless, on many reported occasions IFOR troops deliberately avoided

encounters with indictees of all ranks within the Bosnian Serb and Bosnian Croat authorities.

The Tribunal passed its first sentence in December when it sentenced Dražen Erdemović, a Bosnian Croat and former member of the Bosnian Serb Army, to 10 years' imprisonment. Dražen Erdemović had pleaded guilty to participating in the shooting of up to 1,200 Bosnian Muslim men captured near Srebrenica in July 1995.

BULGARIA

Prisoners of conscience

Amnesty International was concerned about the arrests and ill-treatment of members of the United Macedonian Organization "Ilinden" (*OMO "Ilinden"*), an organization of ethnic Macedonians. The Bulgarian authorities persistently refused to allow members of this organization to organize peaceful assemblies to celebrate their national holidays.

On 23 July 1996 at around 10.30pm, in the centre of Sandanski, two police officers arrested **Georgi Stoev** and **Andon Andonov** as they were putting up leaflets announcing an assembly of *OMO "Ilinden"*. At the police station one of the officers punched Georgi Stoev in the face. The two men were then detained in the police lock-up. The following day at around 7.30pm Andon Andonov was questioned by an officer¹, who allegedly punched him in the head and threatened him with further beating and detention if he did not renounce the organization of the assembly and his membership of *OMO "Ilinden"*. Georgi Stoev and Andon Andonov were released without charge later that evening.

Amnesty International considered the arrest and detention of Georgi Stoev and Andon Andonov a violation of the nondiscrimination

¹The officer's identity is known to Amnesty International.

principle contained in Article 2 of the International Covenant on Civil and Political Rights (ICCPR). Their detention was arbitrary and a violation of Article 9 of the ICCPR and Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) as well as a breach of their right to freedom of expression guaranteed by Article 19 of the ICCPR and Article 10 of the ECHR.

In September Amnesty International urged the Bulgarian authorities to investigate promptly both the grounds for the detention of Georgi Stoev and Andon Andonov and the ill-treatment they reportedly suffered.

Amnesty International was also concerned about the imprisonment of **Dian Yankov Dimitrov**, a conscientious objector who had been convicted for evading military service. Dian Yankov Dimitrov, a 20-year-old Jehovah's Witness whose religious convictions forbade him to carry arms and perform military service, was sentenced by the Popovo Regional Court in September 1995 to a suspended term of six months' imprisonment for failing to respond to a call-up order. Following a second call-up, he was tried again under the same law and sentenced in February 1996 to eight months' imprisonment. Later, this sentence was reduced on appeal to four months' imprisonment. On 9 September 1996, Dian Yankov Dimitrov was imprisoned in the Belene Island Prison to serve the cumulative 10-month sentence.

Although the right to perform an alternative service is recognized by the Bulgarian Constitution (Article 59 paragraph 2), there is no law in Bulgaria which would enable conscientious objectors to duly address their requests to perform an alternative service to the competent authorities. Amnesty International considers Dian Yankov Dimitrov to be a prisoner of conscience and has called for his immediate release.

New cases of police shooting

Amnesty International continued to receive numerous reports about police officers whose

conduct was at variance with internationally recognized principles on the use of firearms. There were no indications that any of the victims in the following incidents had been armed or had otherwise endangered the lives of the police officers involved.

On an unspecified date in July in Petrich, **Valentin Hristov** was detained in the Regional Police Directorate where he was left unguarded in an unlocked cell. After he managed to leave the building, he was pursued for around 200 metres by a police officer who shot him in the thigh.

Also in July, in the Roma neighbourhood in Plovdiv, police shot **Simcho Milenkov**, a minor, after he failed to obey the order to stop and continued to run across the roofs of houses. The youth was taken to hospital with life-threatening injuries. The police were reportedly looking for members of a group implicated in several robberies.

Another shooting incident reportedly took place in Sofia, the capital, on 16 August, in front of a cinema. An officer of the Sofia Directorate of Internal Affairs was attacked by two men while riding a bicycle on the sidewalk. The men took his bicycle and ran away. The officer shot at the attackers, hitting and injuring **Chavdar Dimitrov**, who happened to be present at the scene. Chavdar Dimitrov was later taken to a hospital.

In September Amnesty International wrote to the Bulgarian authorities urging them to initiate prompt and impartial investigations into these incidents. At the time of writing of this report no information had been received from the Bulgarian authorities about whether any investigations have been carried out.

Deaths in custody in suspicious circumstances

On 9 July at around 6am, 20-year-old **Filip Kunchev**, who had been detained in the course of a criminal investigation, was discovered dead in the lock-up of the Eighth Police Precinct in Sofia. A

medical team from the Ministry of Interior hospital issued a death certificate, and an autopsy was reportedly ordered to establish the cause of death.

On 28 July in Stara Zagora prison **Borislav Slavchev** reportedly died from an electric shock while handling a light fixture in a storeroom. He had been serving a 25-year prison sentence for the murder of two men. In an open letter to the Bulgarian authorities his mother, Stanka Kotseva, contested the reported cause of death. She claimed that on his body, after it was brought from prison, there had been bruises all over the back, three open wounds in the kidney area and slanted weals which were consistent with beating with a rope or a truncheon. On 27 August it was reported that the Chief Prosecutor's Office had issued instructions for exhumation and a second autopsy of the remains of Borislav Slavchev.

In September Amnesty International requested from the Bulgarian authorities information about the investigations into these incidents as well as copies of the autopsy reports. No information has been received at the time of writing of this report.

Cases of alleged ill-treatment

On 5 July at around 1am in Plovdiv, 13 people attacked and indiscriminately beat visitors to the "Komuna" discotheque. The discotheque owner, Petur Glavchev, and some of the other victims claimed to have recognized four police officers². Earlier, on 29 June following a dispute, one of the officers had been told by a discotheque guard to leave the premises. Two days later eight police officers came to the discotheque and took the same guard to another location where he was severely beaten.

On 4 October in Stara Zagora, police officers **Borislav Nedev** and **Georgi Yorgandzhiev** were arrested on suspicion of

participating in several thefts. They were reportedly ordered by their superiors to go to the underground garage of the Regional Directorate for Internal Affairs, where unknown men in plain clothes beat them with truncheons. They were then held handcuffed for 30 hours without a warrant and their request to speak to a lawyer was refused. Two days later it was reported that the officers had been reinstated but that they intended to file complaints about their ill-treatment.

On 7 December in the village of Drumohar, in the Kyustendil region, police officers in five or six cars came to the house of **Detelin Apostolov** and reportedly beat him with truncheons and kicked him all over his body. They also beat **Kiril Nikolov**, Detelin Apostolov's brother-in-law. According to an article published on 9 December in *Standart*, a Sofia daily newspaper, both men were later taken to hospital. According to a spokesperson of the Ministry of the Interior, the police involved in the ill-treatment were officers of the Sofia Department of Internal Affairs and a report about the incident would be forwarded to the Military Prosecutor.

Amnesty International wrote to the Bulgarian authorities about these incidents in January 1997 requesting information about the results of the investigations.

CROATIA

Croatia admitted to the Council of Europe

On 6 November Croatia was admitted as a member of the Council of Europe. The admission came after having been twice refused earlier in 1996 when additional conditions for membership were imposed relating to Croatia's human rights record.

Attacks on human rights defenders

²The officers' identity is known to Amnesty International.

On 18 July a bomb exploded about 20 metres from the summer home of **Ivan Zvonimir „i.ak**, President of the Croatian Helsinki Committee for Human Rights (HHO). The HHO and Ivan Z. „i.ak personally have been outspoken in their criticism of the human rights record of the authorities in Croatia. Ivan Z. „i.ak and some relatives (including some young children) were in the house at the time, but fortunately no one was injured.

An advice centre in the town of Vrhovine in the former United Nations (UN) Protected Area, Sector North, was subjected to several attacks between July and November. The area was under the control of rebel Croatian Serb forces from mid-1991 until August 1995 when the majority of the Croatian Serb civilians and armed forces fled in advance of a Croatian Army offensive, leaving a small population of predominantly elderly people. The advice centre had been assisting the local population (regardless of nationality) with legal advice and promoting the return of refugees and displaced persons of all nationalities to the area.

In July the first attempt to set the centre's office on fire occurred. No one was injured on this occasion. On 17 October two staff members at the centre were assaulted by an intruder. A man was briefly detained by police in connection with the assault, but he was quickly released and reportedly threatened the staff members again soon after. On the night of 22 November the offices of the centre were again set on fire, but the building was empty and again no one was injured.

These incidents are similar to others which have happened in recent years in which journalists, lawyers and activists in non-governmental organizations have been subjected to physical attacks and had their offices or homes damaged with fire or explosives. Although representatives of the authorities may not have been responsible for these incidents, the absence of prosecutions of the perpetrators reinforces the conclusion that an atmosphere of impunity exists which encourages perpetrators. Human rights defenders and independent journalists have been repeatedly

criticized by authorities. The President himself has made repeated references to funding they receive from abroad and claimed that they damage state interests.

Journalists acquitted of charges of slandering President; another journalist may be charged

On 25 September the Municipal Court in Zagreb acquitted *Feral Tribune* journalists **Marinko „ulif** and **Viktor Ivan..if** of charges of “slandering” or “insulting” the President (see EUR 01/02/96). The State Prosecutor immediately announced an appeal against the acquittal although further proceedings had not been announced by the end of December.

In November another journalist, Vesna Jankovič, editor of the independent magazine *Arkzin* which was founded by the Croatian Anti-War Campaign, was interrogated by police in connection with an article in the magazine which questioned the source of the President's wealth and made comparisons of his position with that of the Indonesian President Suharto. No indictment had been issued by the end of December.

Outstanding “disappearances”: exhumation of mass graves

In September a team of experts from the US organization Physicians for Human Rights, working on behalf of the International Criminal Tribunal for the former Yugoslavia (the Tribunal), commenced on-site investigations of mass graves near the town of Vukovar in eastern Slavonia. The bodies were believed to be of patients and staff, predominantly Croats, who were detained by the Yugoslav National Army when it took control of the hospital in the town in November 1991. Two hundred bodies which were exhumed from the graves were in the process of identification at the beginning of 1997.

Three Yugoslav Army officers were indicted by the Tribunal in November 1995 in connection with the abduction and killing of staff and patients from the Vukovar hospital.

In June the Croatian authorities arrested Zlatko Aleksovski, who had been indicted by the Tribunal for crimes against Bosnian Muslims in central Bosnia in 1993. However, by the end of December they had still not transferred him to the custody of the Tribunal.

Continuing poor security in the Krajina; few refugees return; lack of fair trials

Few Serbs had returned to the Krajina former UN-Protected Areas, Sectors North and South, by the end of December 1996. The main reasons appeared to be the concerns of refugees and displaced persons about their physical security and the problems in obtaining documents and permission from the Croatian authorities to enable their return. Although there were fewer reports of physical assaults on members of the small and predominantly elderly population of Serbs remaining in the Krajina, there were continuing complaints of looting and the lack of a visible police presence to deter and investigate such incidents. Croats who had returned to the area or remained there expressed the same fears about their physical security and much of the looting was attributed to refugees from Bosnia-Herzegovina moving into the area or people crossing the border from Bosnia.

In September a new Law on Amnesty was enacted which was aimed primarily at Croatian Serbs who had taken part in the rebellion against the Croatian authority during the armed conflict in Croatia between 1991 and 1995. The law excluded from amnesty anyone who had been charged with or convicted of perpetrating war crimes or human rights abuses. The law was passed after pressure from the UN which pointed out that earlier amnesty laws were narrow in scope and that many Croatian Serbs were likely to leave the UN-administered region of eastern Slavonia when it

reverted to Croatian rule in 1997 simply because of fear of prosecution.

As a result of the law around 100 detained Serbs were released, of whom around 45 chose immediately to be taken to the Federal Republic of Yugoslavia (FRY). However, many of those who remained were immediately rearrested, mostly on charges of war crimes which had not previously been brought against them.

A number of Croatian or Bosnian Serbs were convicted of war crimes in Croatian courts in 1996. There were strong reasons to doubt that they received a fair trial. It appears, for example, that defendants were unable to present defence witnesses who were resident in eastern Slavonia, the Republika Srpska Entity of Bosnia-Herzegovina, or the FRY.

CYPRUS

Killings

Kutlu Adali, a journalist living in the Turkish Cypriot-administered part of the island, was shot dead outside his home on 7 July. He had reportedly received death threats related to his criticism in the newspaper *Yeni Düzen* (New Order) of the continued presence in Cyprus of Turkish troops and the policy of bringing citizens of the Republic of Turkey to live in Cyprus. An anonymous caller was reported to have telephoned the newspaper *Kıbrıs* (Cyprus) claiming that the murder was committed on the orders of an extreme-right group, the Turkish Revenge Brigade. In August, Amnesty International asked Rauf Denktas, the leader of the Turkish Cypriot Community, what steps had been taken to investigate the killing of Kutlu Adali. He replied in November that an investigation into the death continued, but that no charges had been brought in connection with the killing.

Tasos Isaak, a Greek Cypriot, was beaten to death in the United Nations (UN) buffer zone on 11 August by Turkish Cypriots or alleged members

of the right-wing Turkish organization Grey Wolves. Violence erupted when Greek Cypriots aiming to focus international attention on the continued division of Cyprus tried to force their way through the buffer zone at various points. Tasos Isaak was beaten unconscious with clubs and stones after he and another man were trapped in barbed-wire barricades. He died soon afterwards from severe head injuries. Video footage clearly showed him being beaten by three Turkish Cypriot or Turkish counter-demonstrators while a Turkish Cypriot police officer watched without intervening. During a demonstration following his funeral on 14 August, **Solomos Solomou**, also a Greek Cypriot, was shot dead by Turkish Cypriot soldiers as he tried to pull down a flag from a sentry post on the Turkish Cypriot side of the buffer zone. Amnesty International urged Rauf Denktas to ensure that prompt, thorough and impartial investigations were carried out into the killings. He responded that the events which led to the death of Tasos Isaak were provoked when "Greek Cypriots tried to force their way through the UN buffer-zone at various points [in] direct threat to the rights and security of Turkish Cypriots".

In October, **Petros Kakoulis**, a Greek Cypriot, was shot dead by Turkish Cypriot soldiers when he wandered into the buffer zone, reportedly while gathering snails. According to his son-in-law, who was with him, six Turkish Cypriot soldiers approached Petros Kakoulis who immediately raised his arms in a gesture of surrender. The soldiers fired at him, allegedly shooting again at close range after he had fallen to the ground. An autopsy carried out by Turkish Cypriot doctors reportedly found that Petros Kakoulis died of a single gunshot wound which punctured his lung and heart. However, a second post-mortem examination carried out after his body was returned to his relatives found that although the fatal shot hit Petros Kakoulis in the chest, he had been shot three times in his throat. In November the Turkish Cypriot authorities responded to Amnesty International's call for an investigation into the

killings, stating that the matter was being dealt with by an internal inquiry.

Conscientious objection to military service

The alternative "unarmed military service" provided for conscientious objectors remains punitive in length (42 or 36 months as against 26 months of ordinary military service) and is suspended during periods of emergency or general mobilization. At least 18 Jehovah's Witnesses were imprisoned during 1996 for refusing to perform military service. Those called up for the first time received 26-month sentences, while reservists received sentences of seven or eight months' imprisonment.

"Disappearances" and "missing" persons

In August, Amnesty International called on the UN to establish an effective commission of inquiry to investigate "disappearances", "missing" persons and deliberate and arbitrary killings in Cyprus arising out of the events of 1963 to 1964 and 1974. The organization called on President Glafkos Clerides and Rauf Denktas to support the establishment of such a commission.

DENMARK

Allegations of ill-treatment

Veronica Ngozi Ugwuoha, a Nigerian national who has lived in Denmark for the past 12 years, was arrested by Copenhagen police on the night of 20-21 July, in disputed circumstances. As a result of her arrest, she sustained a fractured leg and a split knee cap.

Veronica Ngozi Ugwuoha claims that she was denied medical attention for several hours while detained in police custody despite her repeated request to see a doctor. In addition, she claims that during the course of her arrest, the

police allegedly made racist remarks. Specifically, it was reported that in response to her complaints of ill-treatment in the course of being restrained, a police officer told her that, "This is the way we treat negroes in Denmark, and if you do not like it you should just go home".

Amnesty International wrote to the Danish Minister of Justice in September asking him to investigate the circumstances surrounding Veronica Ngozi Ugwuoha's arrest, and her allegations of ill-treatment and racist abuse. The organization expressed concern about the allegations of medical neglect, especially in the light of the assurance it had received in March 1995 from the Danish Minister of Justice indicating that medical treatment would be provided as a matter of course wherever it was requested. With regard to this, Amnesty International requested to be informed what measures were being taken to ensure that, in accordance with the Minister's statement and international standards, all persons, including those in the custody of the police, were afforded their rights to be examined by a doctor.

The organization also expressed concern about assertions, which had been featured in the Danish press, by the Regional State Prosecutor for Copenhagen, who is currently investigating all the above-mentioned allegations. In particular, Amnesty International was concerned about his statement that only reasonable force had been used in the course of the arrest and that according to the information available, there had been no grounds to believe that any of the officers involved had engaged in unlawful conduct. The statement appeared to pre-judge the results of the investigation and could undermine the confidence of the public in its impartiality.

In a reply to Amnesty International the Minister of Justice stated that he had not found that the statements attributed to the Regional State Prosecutor could raise doubts "as to his [the Regional State Prosecutor's] impartiality in the investigation of the case". He provided the organization with a statement by the Regional State Prosecutor in which the latter had stated that he no

longer had any precise recollection of the wording of his original statement, and that there had been no grounds at the time "to charge specific police officers with intentionally having broken the leg of the woman in question or with having wilfully committed any other criminal offence". Amnesty International noted that, unlike the initial statement attributed to the Regional State Prosecutor, his later statement referred to intention and wilfulness as opposed to reasonableness and lawfulness of the force used in the course of the arrest and of the conduct of the officers involved respectively.

In November Amnesty International wrote to the Minister of Justice expressing concern about reports that **Dung Chi Nguyen**, a 24-year-old Vietnamese national, had been ill-treated by plainclothes police officers during arrest. On 9 April 1995 police were called to clear a disturbance outside a nightclub in Kongens Nytorv. Dung Chi Nguyen was arrested by a number of police officers from Store Kongensgade Police Station on suspicion of involvement in a fight. He was later charged with violently assaulting a member of the public, resisting arrest and assaulting a police officer during the course of the arrest. All charges were later withdrawn.

A number of prominent members of the Danish Social Democratic Party witnessed the arrest. Among them was Jens Kramer Mikkelsen, Copenhagen's Head Mayor. The eye-witnesses filed a complaint with the Chief of Copenhagen Police alleging that police officers repeatedly beat Dung Chi Nguyen with batons while he was handcuffed both before and after he lay on the ground. They also alleged that Dung Chi Nguyen's hair was pulled and further stated that they had not seen Dung Chi Nguyen act violently during the course of his arrest.

The Chief of Copenhagen Police, in turn, forwarded the eye-witnesses' complaint to the new police complaints board. As a matter of course, the findings of the investigation, conducted by the homicide division of Copenhagen Police, were referred to the Regional State Prosecutor. He found that the blows received by Dung Chi Nguyen

had been necessary to overcome his resistance to the arrest and that he had not been beaten while lying on the ground and handcuffed. As a result, no criminal proceedings were instituted against the police officers involved.

In the autumn of 1995 Dung Chi Nguyen appealed the decision of the Regional State Prosecutor to the Director of Public Prosecutions. The outcome of this appeal was a reiteration of the Regional State Prosecutor's decision not to bring charges against the officers involved. In May 1996, however, the new police complaints board found that the police officers had acted improperly when, during the arrest, they had hit Dung Chi Nguyen with batons while he lay handcuffed on the ground. To Amnesty International's knowledge, this was the first instance where the new police complaints board, which had started operating at the beginning of 1996, had expressed disagreement with a decision of the Regional State Prosecutor.

However, in its reply to Amnesty International the Ministry of Justice informed the organization that it had considered the case and had not found "grounds to take action against the police officers involved". Irrespective of its conclusion, the Ministry had expressed "regrets of the entire course of events in connection with the arrest of Dung Chi Nguyen".

The evidence substantiating ill-treatment allegations in the case of Dung Chi Nguyen was particularly compelling. Unlike other cases where allegations of ill-treatment are made only by the person who is alleging to be the victim of such misconduct, in this case the allegations were corroborated by statements made by prominent members of the public.

UN Human Rights Committee's Examination of Denmark's third periodic report

In October, the UN Human Rights Committee examined Denmark's third periodic report pursuant to Article 40 of the International Covenant on Civil and Political Rights (ICCPR) and made a number

of recommendations, including further training of the police in methods of crowd control, reconsideration of the use of dogs in crowd control, revision of regulations concerning the length of pre-trial detention and solitary confinement, and measures to ensure the direct application of the ICCPR in domestic law. Amnesty International wrote in November to the Danish Minister of Justice welcoming Denmark's ratification of the Second Optional Protocol to the ICCPR, the increased jurisdiction granted to the Ombudsman and other positive aspects mentioned in the Human Rights Committee's concluding observations. However, given the seriousness of the concern expressed by the independent international human rights monitoring body, the organization asked to be informed whether, and if so what, measures would be taken to implement the Committee's recommendations.

With respect to the use of dogs in crowd control, the Minister stated that "the National Commissioner's Office is currently drafting rules for the use of police dogs, including the use of dogs in crowd control". As far as the direct application of the ICCPR in domestic law is concerned, the Minister stated that "the Covenant [ICCPR] is directly applicable in Danish law and can be invoked before the Danish courts".

ESTONIA

In August Amnesty International published a document *The Baltic States - A summary of recent concerns* (AI Index: EUR 06/01/96) in which it described its main concerns in Estonia, Latvia and Lithuania in the period January 1995 - July 1996.

In October President Lennart Meri was sworn in for a second term of office following five rounds of voting, three in parliament and two in an electoral college. In November the Reform Party left the ruling coalition, forcing Prime Minister Tiit Vähi to set up a minority government.

The death penalty

In June Amnesty International was informed by the Deputy Prosecutor General that 13 people were currently under sentence of death. In four cases the legal possibilities to appeal the sentences had been exhausted. Three of the four prisoners were still waiting to hear the outcome of appeals for clemency which they had submitted to President Meri; in the case of one prisoner, **Vladimir Botchko**, the petition had been submitted over three years previously. The Deputy Prosecutor General also informed Amnesty International that Tallinn Central Prison had submitted an appeal to the State Court on behalf of Vladimir Botchko. (Vladimir Botchko had been convicted of the rape and murder of a five-year-old girl by Harju county court in December 1992. See *The Baltic States - A summary of recent concerns*, AI Index: EUR 06/01/96.)

Finally, in his letter to Amnesty International the Deputy Prosecutor General responded to the organization's concern that prisoners on death row were kept in conditions of isolation by stating that this was done not least for the prisoners' own protection. (Amnesty International believes that isolation can have serious effects on the physical and mental health of prisoners and may constitute cruel, inhuman or degrading treatment. The organization had raised its concerns on this issue in a letter to President Meri in August 1995.) In a reply to the Deputy Prosecutor General in October, Amnesty International urged the Estonian prison authorities to explore all possible ways of alleviating the effects of isolation on death row prisoners which did not compromise their security.

In its letter to the Deputy Prosecutor General Amnesty International also asked for further information on the prisoners currently under sentence of death. In response to Amnesty International's inquiry, the Deputy Prosecutor General replied in November that he could not "take the responsibility to inform you or anybody else continuously about these cases". In October

Amnesty International asked the Chairman of the State Court what progress it had made with regard to the appeal which Tallinn Central Prison had submitted on behalf of Vladimir Botchko. In November the organization was informed by the Chairman of the State Court that the information supplied to the organization by the Deputy Prosecutor General had been inaccurate: no such appeal had been submitted to it.

In December an amendment to the Criminal Code was passed by the 101-seat Estonian Parliament (*Riigikogu*), making it possible for courts to impose a new penalty of life imprisonment on people convicted of particularly violent crimes. A proposal to abolish the death penalty was defeated by 39 votes to seven. In January 1997 the Chairman of the Legal Committee informed Amnesty International that on 14 January the government submitted the Sixth Protocol to the European Convention on Human Rights and Fundamental Freedoms (ECHR) to the *Riigikogu*. (Estonia signed the ECHR and its Sixth Protocol, which abolishes the death penalty in peacetime, in May 1993, at the same time that it became a member of the Council of Europe. Although Estonia did not enter into a formal commitment to abolish the death penalty upon its accession to the Council of Europe, in general the Parliamentary Assembly expects member states to ratify the Convention and its main protocols within one to three years of accession. Estonia ratified the ECHR, but not the Sixth Protocol, in April 1996). According to the Chairman of the Legal Committee, the Sixth Protocol will first be discussed by the Committee and then tabled for debate in parliament.

In January 1997 *The Baltic Times* reported that Tallinn City Court had condemned **Romeo Kalda** to death. The 22-year-old man had been convicted of the murder of a police officer during a robbery attempt in April 1996.

FRANCE

Shootings, killings and alleged ill-treatment by law enforcement officers

In July 1993 **Franck Moret** was shot and killed, when out with his fiancée, by a *gendarme* who fired nine rounds into his car on a road in the Drôme region. Both Franck Moret and his fiancée were unarmed. Their families filed a judicial complaint as civil parties against the *gendarmes* alleging murder. However, the officer claimed that he opened fire in self-defence. The circumstances of the killing have been strongly disputed between eye-witnesses and the evidence of a forensic re-enactment of the killing arranged by the investigating magistrate.

The judicial inquiry took two and a half years and there was a further delay of six months while the authorities considered which court should try the case. In August it was finally sent for trial to the lower Correctional Court, which sits without a jury. The party representing the families of the victim and his fiancée appealed against this decision and asked for the trial to be transferred to the higher Court of Assize, sitting with a jury.

These long delays are regrettably quite common in France and numerous other cases described in Amnesty International's 1994 report (see AI Index: EUR 21/02/94) are still awaiting the conclusion of the judicial inquiries, let alone the commencement of trial.

Mourad Tchier was killed by a police officer in December 1993. He was unarmed and had allegedly attempted to escape from the officer. The police stated that Mourad Tchier had waved something in the air at a distance of four to five metres and the officer claimed that because he had felt threatened he shot him through the back (see AI Index: EUR 01/02/96). There have been continued delays and procedural irregularities in the inquiry and, indeed, the investigating magistrate only staged a reconstruction of the events, which is essential for a thorough inquiry in this type of case, two years after the shooting.

Similar delays occurred in the inquiry into the fatal shooting by a *gendarme* of an 18-year-old

youth of Senegalese parents, **Ibrahim Sy**, near Rouen. Two *gendarmes*, who had been called to a reported burglary, claimed that they attempted to stop a car with three youths inside as it left a car park. The *gendarmes* stated that they shouted the statutory warnings at the approaching vehicle and, when it did not stop, one *gendarme* fired twice, fatally wounding Ibrahim Sy. His body was recovered lying outside the *gendarmerie* station some hours later (see AI Index: EUR 21/01/95). The *gendarmerie* is a military force and, therefore, operates under different legislation to the civilian police in the matter of the use of firearms. The commanding officers of the *gendarmes* stated that the legal conditions for the use of service weapons had been met. A judicial inquiry was immediately opened and Ibrahim Sy's parents made a complaint of murder against persons unknown. Two years later the magistrate requested a reconstruction of the events. At the end of the year the inquiry was still open.

Joël Nebor and **Frédéric Adom** were shot and killed in June 1994 by an off-duty policeman while they were burgling the shop of a coin dealer in Paris. The officer was carrying his service weapon and claimed that he had acted in self-defence. Neither of the victims were armed. At the end of the year the judicial investigation had still not been completed.

On 20 December the judge of instruction in Nice, conducting the investigation into the killing of an eight-year-old boy, agreed to the prosecutor's request that there were no grounds for prosecution. In August 1995 **Todor Bogdanovif** was asleep in the second car of a small convoy of vehicles carrying Roma, originally from a village near Novi Pazar, in the partly Muslim region of Sandžak, bordering on Bosnia-Herzegovina. They claimed that they were trying to get into France illegally along mountain roads in order to seek asylum. Police claimed that when the convoy reached a roadblock above Sospel it refused to stop. One officer fired three shots, first with rubber then with metal bullets, from a pump-action shot gun. The last two shots were fired at close range through the

rear windows of the vehicle carrying Todor Bogdanovif after it had passed the officer. The preliminary inquiry by the General Inspectorate of the National Police - a body responsible for conducting inquiries into the police - found that the shots had been fired prematurely. All the reported circumstances of the shooting indicate that the criteria for legitimate defence were not met. Indeed, the French police training manual would appear specifically to forbid the use of a weapon in the reported circumstances: "Once the vehicle has passed, the criteria for legitimate defence no longer existing, the use of the weapon by the officer is forbidden". Despite the evidence of the police and judicial inquiries, and regardless of the police rules and the Penal Code provisions on the limits of legitimate defence, the prosecutor insisted that the officer could legitimately have believed that his life was in danger and he was, therefore, justified in opening fire to defend himself.

Immediately after the killing nearly all the Roma, including one important eye-witness, were expelled from France. The examining magistrate's ruling was being appealed by the dead child's family.

Amnesty International sought information about further allegations of ill-treatment and shootings and killings of unarmed people by law enforcement officers.

Etienne Leborgne, a Paris taxi driver originally from Guadeloupe, was stopped in January 1996 at Roissy airport for a police check on his time clock. He evaded the check which was over the limit but in the process injured one of the officers. A team of police officers found him in his car three days later and succeeded in blocking it and immobilizing the engine. Two shots were fired, shattering the windows of the taxi. One officer apparently then went up to the car and shot Etienne Leborgne through the head at close range. The officer claimed that he had fired because he saw him reaching into the glove compartment, which allegedly contained a tear gas canister. An inquiry was opened into his death and Etienne Leborgne's mother lodged a judicial complaint against the

officers alleging murder and complicity to commit murder.

Allegations of ill-treatment by law enforcement officers were sometimes accompanied by reports of officers using racist insults.

In April 1996 **Abdelkrim Boumlik**, a 16-year-old youth of Moroccan origin, was stopped by two police officers, one of whom was later identified as a plainclothes member of the Anti-Crime Brigade (BAC), in Soisy-sous-Montmorency. He had been riding on a motorcycle with a 15-year-old friend without a helmet, which is against the law.

In a formal judicial complaint, Abdelkrim Boumlik claimed that the officers chased him and his friend, kicked and punched them and beat them with truncheons. He claimed that the officers then attempted to throw him into a lake. Both boys were handcuffed and forced to kneel in the officers' car where they were racially abused and threatened.

The two boys were taken to Enghien-les-Bains police station where they were held in the cells overnight. Neither a lawyer nor the public prosecutor's officer was informed of their detention. The police claimed that they tried to contact Abdelkrim Boumlik's parents without success but the parents dispute this, insisting that they were at home all that evening.

After 12 hours' detention Abdelkrim Boumlik was allowed to leave. He then visited a local hospital which recorded injuries consistent with his allegations.

In November three police officers from Bobigny were formally cited in the inquiry into a charge of forging the particulars of the arrest and questioning of a Sikh refugee and asylum-seeker, **Gurnam Singh**. A police patrol searching a squat in La Courneuve, an area outside the officers' jurisdiction, had detained him without authority and taken him to the police station in Bobigny.

Gurnam Singh claimed to be a Sikh militant who had been detained and tortured, resulting in the loss of sight in one eye, in India before seeking asylum in France in 1994. His request for asylum

had been rejected in April 1995 and he was living illegally with other Sikh acquaintances in the squat. Once in the station at Bobigny an officer, whom he later picked out in an identity parade, punched and slapped him in the face, shouting racist insults. When he went to the toilet the officer seized him by the hair and smashed his head against the door, severely injuring his face and imperilling the sight of his remaining good eye.

The next day Gurnam Singh was taken to hospital for treatment. The deputy public prosecutor and officers of the General Inspectorate of Services - a body responsible for internal inquiries into the police from the Paris Prefecture - took a statement from him.

Gurnam Singh made a formal complaint and a judicial inquiry was opened. The officer who allegedly assaulted him was identified and cited on a charge of intentional duress (*violence volontaire*).

The judicial inquiry produced evidence that the detaining officers had forged the station records to make it appear that Gurnam Singh had been legitimately detained within their area of authority at the Pablo-Picasso *métro* station and not in La Courneuve. Formal charges were awaited on both counts.

Draft bill on compulsory national service

In November the government approved a draft bill proposing the total suspension by 2002, via a phasing-out process due to begin in 1997, of compulsory national service. A compulsory five-day citizenship course (*rendez-vous citoyen*) for both males and females and a voluntary military and civilian service would replace it. However, at the end of 1996 there was still no right to claim conscientious objector status during active military service and the alternative civilian service available to recognized objectors remained, at twice the length of ordinary military service, of punitive length. Several criminal proceedings against conscientious objectors prosecuted as a result of

their refusal to conform to the national service laws were under way at the end of the year.

GEORGIA

The death penalty and alleged ill-treatment in detention

During the period under review at least one death sentence came to light. On 17 June political prisoner **Badri Zarandia** was sentenced to death by the Supreme Court, reportedly without right of appeal. Badri Zarandia is a supporter of Georgia's former President Zviad Gamsakhurdia, who was ousted in 1992 but staged an abortive attempt to regain power in 1993. The former president's supporters briefly took control of large areas in the west of the country at that time, before fleeing or surrendering. A former commander of the western town of Zugdidi when it was controlled by pro-Gamsakhurdia troops, Badri Zarandia was arrested on 20 October 1994 and sentenced to death for treason and banditism in connection with the 1993 uprising. His five co-defendants received prison sentences of between 13 and 15 years. As has been alleged previously in other trials (see for example AI Index: EUR 01/02/95), the defendants claim that they were ill-treated in order to force a confession. Badri Zarandia, for example, says he was beaten with gun butts several hours after he had undergone an operation to amputate his leg. Zviad Sherozia reports that he was suspended by the legs and beaten repeatedly, and that an investigator forced a grenade into his mouth and threatened to remove the pin. Amnesty International is urging that the death sentence passed on Badri Zarandia be commuted, along with all other pending death sentences, and that all reports of ill-treatment are investigated promptly and impartially, with the results made public and any persons found responsible brought to justice.

In a separate political case, Amnesty International approached the authorities with its concerns about the health of prisoner **Irakli**

Surguladze. He is reported to have suffered a heart attack while in detention, but claims that he has been denied the possibility of a transfer to hospital. Irakli Surguladze was arrested on 13 January 1995 together with former Defence Minister Tengiz Kitovani, and both have been charged with creating an illegal armed formation in connection with the activities of the opposition National Liberation Front (now disbanded). The trial began on 25 December 1995.

According to Irakli Surguladze, he had an attack of pain in his chest and left hand on 17 May 1996 at around 6pm, lasting for 18 hours, in investigation-isolation prison No. 1 in the capital, Tbilisi, where he is detained. The prison doctor visited him three times, but was said not to have had available any means of treatment. The following day the prison director paid a private external service, ARDI, to take a cardiogram. They did so again on 19 and 22 May, and recommended that Irakli Surguladze be taken to hospital. This did not happen, however, and on 23 May he was taken to a session of the trial at Didube district court where he fainted.

Irakli Surguladze reports that as a result he was diagnosed as suffering from arterial hypertension and a subendocardial infarction, but was still not taken to hospital. The deputy head of the Interior Ministry administration of prison services is said to have confirmed that Irakli Surguladze suffered a heart attack, but has insisted that any treatment can be conducted within the prison. Irakli Surguladze wishes to be transferred to a hospital, rather than the medical department within the prison, as he believes the latter lacks the necessary facilities.

Amnesty International is concerned that Irakli Surguladze may not be receiving the medical care said to be necessary and appropriate to his state of health, and believes that a refusal to grant him such treatment would constitute cruel, inhuman or degrading treatment or punishment, and violate Article 22 (2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners. This states *inter alia* that "Sick prisoners who

require specialist treatment shall be transferred to specialized institutions or to civil hospitals". AI is urging that Irakli Surguladze be transferred to a hospital or other relevant institution where he may be afforded specialist treatment.

Concerns about persistent allegations of ill-treatment in detention in Georgia prompted Amnesty International to oppose the repatriation of **Elguzhda Meskhia**, a political opponent of the current government who had been seeking asylum in Russia. He had been detained on 25 December 1995 in Moscow, on the basis of a warrant for his arrest issued by the procurator of the town of Tsalendzhikha in Georgia. Under this warrant the charge was given as participation in an anti-state organization aimed at overthrowing the constitutional order in Georgia, a crime under Article 73-1 of the Georgian Criminal Code. Elguzhda Meskhia was forcibly returned to Georgia on 19 March 1996.

While Amnesty International does not oppose the right of states to extradite known or suspected criminals, it was concerned that Elguzhda Meskhia might fall victim to torture or ill-treatment in Georgia, bearing in mind many such allegations reported to the organization in recent years in relation to detained opposition supporters. Amnesty International asked the Georgian authorities for further information on Elguzhda Meskhia following his return, including whether he had access to appropriate medical care and whether he has been able to meet with a defence lawyer of his own choice.

The new law on a Public Defender

On 16 May 1996 President Eduard Shevardnaze signed into law a bill on the Public Defender, a new post instituted under the Constitution adopted last year to monitor the defence of individual rights and freedoms (see AI Index: EUR 01/01/96). According to the law the Public Defender is independent and subordinate only to the Constitution and the law, with interference in his or her work punishable by law. The Public Defender

is charged with supervising the observance of human rights in Georgia, making known violations of these rights, and furthering the restoration of violated rights. To this end the Public Defender is entitled, among other things, to unhindered access, including to military areas and all places of detention; to demand any necessary material and receive an explanation from officials at any level; and to recommend institution of criminal or other disciplinary procedures. Parliament had not yet appointed anyone to the post of Public Defender, however, by the end of the period under review.

Concerns in the disputed region of Abkhazia

The situation in many parts of the disputed region of Abkhazia (see AI Index: EUR 01/02/95) remained tense, especially in the southern district of Gali to which small numbers of ethnic Georgians have returned. Both the Georgian and Abkhazian sides allege that the other sponsors, or at least tolerates, the activity of armed gangs said to be responsible for numerous acts of robbery, looting and murder against the civilian population. For example both sides accused the other of responsibility for the murder of eight ethnic Georgians in Shesheleti, Gali District, in January this year. According to reports, the incident occurred at around 1pm on 5 January when three unidentified armed men are said to have burst into the home of Iona Sanaya and tortured to death six members of the family living there. The dead were a husband and wife and four others, said to include children and grandchildren. The family were said to have recently returned to their home in the Gali region, having previously fled the hostilities there. Two other people are also said to have died in the incident - neighbours named as Mimoza Sanaya and Vakhtang Khurtsilava - who were reportedly shot dead by machine-gun fire as they went to the aid of the Sanaya family. Amnesty International sought further information from the Abkhazian authorities on the progress of any investigation into these deaths, and urged that all appropriate steps

be taken to ensure the security of all residents, regardless of ethnic origin.

Amnesty International also sought further information on the situation of a group of Georgians detained on 15 June 1996 while travelling on a bus in Abkhazia. The bus was reportedly travelling from the Zugdidi district to the Gali district when it was stopped in the village of Zemo Barghebi, Gali district, by officials from the Okumi village branch of the District Department of Internal Affairs. Three automatic weapons, a grenade and a knife were said to have been found on board the bus. All passengers, said to number at least 17 and including women and children, were taken to the District Department of Internal Affairs in Ochamchire.

The women and children are said to have been released the same day, followed on 16 June by several others of those initially held. Ten passengers are said still to be detained, however. All are said to be ethnic Georgian males who had previously resided in Abkhazia. According to press reports they are accused of being members of a bandit group allegedly formed to carry out terrorist acts in the Gali District and elsewhere in Abkhazia; three are also accused of fighting on the Georgian side during the armed conflict prior to September 1994. The 10 are said to be held at present in the investigation-isolation prison in Ochamchire, and their names have been given by a Georgian news agency as Paata Zukhbaya, Gela Nadaraya, Zhora Lukava, Manuchar Nadaraya, Robert Sordia, Tamaz Kvekveskiri, Tamaz Zakaraya, Demur Kavshbaya, Lasha Kardava and Pridon Basaria.

Amnesty International has requested to be informed of the exact charge or charges against these 10 men; their state of health and conditions of detention; and whether they have access to their family and a defence lawyer of their own choice in line with international standards.

The death penalty

During the period under review Amnesty International received no further information on the situation of **Ruzgen Gogokhiya**, a Georgian

citizen sentenced to death in Abkhazia (see AI Index: EUR 01/01/96) or on the application of the death penalty in general in Abkhazia as requested from the *de facto* authorities there last year. Three further death sentences may have been passed, however. According to a press report the Abkhazian prosecutor had called for the death penalty to be passed on three Abkhazians accused of murder in a trial that began in Sukhumi on 30 April. The three men (named only as Tarba, Tania and Ketsba) are said to have been accused of murdering five people in a shooting spree on Peace Avenue in Sukhumi at the end of January, killing the owner of a Turkish cafe who refused to serve them free of charge, and four passers-by.

Amnesty International has again urged the Abkhazian authorities to commute any pending death sentences, and asked for 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.

GERMANY

The alleged ill-treatment of detainees

United Nations Human Rights Committee

In November the UN Human Rights Committee met to consider Germany's fourth periodic report on its compliance with the International Covenant on Civil and Political Rights (ICCPR). In its concluding observations the Committee expressed its concern that "there exist instances of ill-treatment of persons by the police, including foreigners and particularly members of ethnic minorities and asylum-seekers". The Committee criticized the lack of any "truly independent mechanism for investigating complaints of ill-treatment by the police" and recommended the "establishment of independent bodies throughout the territory of [Germany] for the investigation of

[such] complaints". Finally, the Committee concluded that "efforts to educate the youth and train the police that racism and xenophobia are violative of basic human dignity, contrary to fundamental values and constitutionally and legally impermissible, should be intensified". It urged the federal and regional authorities to "introduce courses in human rights in school, colleges and universities and also in police and defence academies with a view to strengthening a culture of human rights".

Fresh allegations received by Amnesty International

In the period under review, Amnesty International continued to receive allegations that German police officers 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. As in previous years, the overwhelming majority of alleged victims were foreign nationals, including asylum-seekers or refugees, or members of ethnic minorities.

In April **Aliu B.**, a 16-year-old youth from Sierra Leone, alleged that he was slapped by police officers and by a police doctor following his arrest outside Bremen railway station. Aliu B. alleged that on 29 April 1996 he was waiting with a friend at a bus stop when two police cars pulled up and four officers got out. The officers forced Aliu B. to open his mouth for inspection and then arrested him. Aliu B. states that he was not informed of the reason for the officers' action. At a nearby police station the detainee was made to undress and was searched for drugs. None were reportedly found on him. When he refused to let an officer photograph him, he was allegedly slapped by one of the officers twice in the face. Aliu B. was taken to see a police doctor at another police station in the Huckelriede district of Bremen. There, he was made to undress, keeping only his underpants on, and was given a quick medical examination. When the doctor asked Aliu B. to drink a cup of liquid

containing an emetic, the detainee refused and told the doctor that he had spent a few days in hospital several months previously following an assault on him during which he had been kicked or punched in the stomach. According to Aliu B., the doctor ignored this information and asked the detainee no questions about his hospitalization, or about his general state of health. Following his refusal to drink the liquid, Aliu B. was handcuffed behind his back, and while two officers held him the doctor forced a tube into his nose, causing it to bleed. Aliu B. states that he did not give his consent to this procedure, and that while the tube was being forced into his nose he began to vomit. The procedure was discontinued and a bucket was placed in front of him. Aliu B. was told again to drink a cup of liquid. When he refused again, the doctor allegedly slapped him in the face three times. The detainee drank a total of three cups of liquid, followed by large quantities of tap water. After he had been violently sick he was made to wipe the floor of the room and the toilet. Aliu B. states that he was not given any further medical examination prior to being thrown out of the station whereupon he collapsed in the station yard. In September Amnesty International called upon the Bremen authorities to carry out a prompt and impartial investigation into the allegations made by Aliu B. In January 1997 the organization was informed by the Bremen Justice Ministry that an investigation was in progress. The authorities also stated that the forcible administration of emetics was sanctioned in German law. Amnesty International believes that the administration of emetics to detainees against their will and for non-medical reasons amounts to cruel, inhuman and degrading treatment and has called upon the Bremen authorities to discontinue the practice.

In March 1996 M., a 29-year-old asylum-seeker from Uganda, alleged that he was ill-treated by Brunswick police officers. According to a written complaint he made to the Brunswick prosecuting authorities in April 1996, M. had gone to take a shower on the second floor of the asylum hostel where he lives when he was suddenly

attacked by a number of masked men, one of whom grabbed hold of him and slammed him against the wall several times. M. was surrounded by several of the masked men - none of whom had said a word to him - and was struck in the face and on the body. He fell to the ground and was kicked on the ankle by the same person who had first attacked him. The asylum-seeker - who claims he offered no resistance during the assault on him by what he assumed to be a group of neo-Nazis - cried out when he saw several uniformed police officers. None of the officers intervened. M. later learned that the men who had attacked him were police officers participating in a drugs raid on the hostel. (According to a police statement, 12 people were arrested during the raid, nine of whom were later accused of drugs offences. It was reported that 100 grams of cocaine were seized during the police operation which involved 150 officers.) Medical certificates showed that M. had suffered multiple bruising to the shoulder, nose, skull and ribs, abrasions to the left knee and right shoulder and an injury to his left ankle. In August Amnesty International called upon the authorities of Lower Saxony to carry out a prompt and impartial investigation into M.'s allegations. In the same month the organization was informed by the Interior Ministry that its letter had been passed on to the Brunswick police authorities. No further information was received by the end of the year.

Updates to cases previously documented

In a letter to Amnesty International in June, the Minister of Justice of North-Rhine/Westphalia criticized the organization's reporting on the case of **Samir Z.** for being "one-sided" and "lacking in credibility". The minister stated that he personally was "filled with consternation" that the organization had published the case in its "annual report" of February 1996 alongside other cases describing torture practices. In fact, the case of Samir Z. had been described by Amnesty International, not in its annual report, but in a document entitled *Federal Republic of Germany: The alleged ill-treatment*

of foreigners - An update to the May 1995 report (AI Index: EUR 23/02/96), published in February 1996. In this document Amnesty International detailed allegations that officers in Büren Pre-expulsion Detention Centre had hogtied Samir Z., an ethnic Albanian from Kosovo province, Federal Republic of Yugoslavia. (According to Samir Z., officers placed him face down in a 'cooling-off' cell and secured his hands behind his back. With his legs bent at the knee, his feet were then tied together and attached by a piece of cord or rope to the bindings which secured his hands. Amnesty International has criticized this method of restraint, known as 'hogtying', on the grounds that it can cause serious injury to the detainee concerned and may therefore amount to cruel, inhuman or degrading treatment or punishment.) In his letter to Amnesty International in June, the Minister of Justice informed the organization that he was unable to provide any information regarding the medical care given to Samir Z. (Amnesty International had asked the minister whether Samir Z. was medically examined before, during or after the period during which he was restrained), and that he could not supply the organization with a copy of the prosecuting authorities' report of their investigation. The Minister did, however, confirm that as a result of public reaction to the case, and "not least as a result of Amnesty International's action", officials had succeeded in finding a less "spectacular" method for restraining prisoners in the future.

In May and June 1996 the trial took place of two Hamburg police officers charged with assaulting journalist **Oliver Neß** at a demonstration he was reporting on in May 1994 (see AI Index: EUR 23/08/94). Oliver Neß alleged that officers hit him repeatedly in the kidneys, pelvis and chest with their batons and deliberately and violently rotated his foot at the ankle while he was on the ground. He was still receiving medical treatment for his injuries, which included multiple bruises and abrasions and torn ankle ligaments, two years after the incident. In its findings the court rejected claims by one of the accused officers that Oliver Neß had been an "agitator" at the demonstration,

and established that the officer had threatened the journalist and violently brought him to the ground in order to "teach a lesson" to demonstrators. The court found the other officer guilty of causing bodily harm to Oliver Neß through negligence as a result of his actions in twisting the detainee's foot in an effort to turn him over on to his back while he was on the ground. The court was unable to attribute any of Oliver Neß's other injuries to the actions of either officer. The two officers were fined DM 3,200 (approximately US\$1,800) and DM 4,800 (approximately US\$2,700) respectively.

In July the highest court in the federal state of Berlin ordered a retrial of three police officers accused of assaulting Iranian student **Habib J.** (see *Federal Republic of Germany: The alleged ill-treatment of foreigners - An update to the May 1995 report*, AI Index: EUR 23/02/96, published in February 1996). Habib J. had alleged that police officers had thrown him roughly into a police van and had racially abused him and hit him in the face at a police station following his arrest in December 1992. In September 1994 two officers had been found guilty of assault and a third of assault and verbal abuse. All three officers had been fined, but their convictions had been overturned on appeal in July 1995. In ordering a retrial the presiding judges described the appeal court's findings as "contradictory and full of holes".

In August two officers were charged with assaulting **Ahmet Delibas** (see AI Index: EUR 01/02/96). Ahmet Delibas, a Turkish national, alleged that two police officers repeatedly punched him in the face in the back of a police car following his arrest outside a club in Hamm in North-Rhine/Westphalia in October 1995. According to witnesses, Ahmet Delibas showed no signs of injury when he was placed in the car, his hands secured behind his back. The detainee himself reported that when he arrived at the police station he was so dazed that he was unable to walk. He was later taken to hospital where it was confirmed that he had suffered serious injuries to his face, including a fracture of the left cheekbone, two separate fractures of the left eye-socket and two

separate fractures of the right eye-socket. His injuries have necessitated two operations.

Freedom of expression

In November Amnesty International expressed concern to the Legal Affairs Committee of the German *Bundestag* about the draft law it was examining would add a new offence - "Denigration of the army" - to the German Criminal Code. According to the draft law, which had already had its first reading in parliament, a new section 109 (b) of the criminal code would make it a crime, punishable by up to three years' imprisonment, to "...publicly, in a meeting or through the distribution of writings... denigrate soldiers with respect to their service in a manner designed to lower the esteem of the army and its soldiers in the eyes of the public...". In its letter to the Committee, Amnesty International stated that the amendment, intended to punish people who publicly expressed the view that "soldiers are murderers" or "potential murderers", would impose unnecessary and excessive restrictions on the right to freedom of expression and would represent a violation of the right to freedom of expression recognized in Article 19 of the ICCPR and Article 10 of the European Convention on Human Rights, both of which the Federal Republic of Germany has ratified and is legally bound to observe. Amnesty International concluded its letter by saying that the enforcement of the proposed amendment could lead to the imprisonment of people whom it would consider to be prisoners of conscience. The organization had received no response to its letter by the end of the year. In January 1997 it was reported that although the draft legislation had been approved by the Legal Affairs Committee, it had been removed from the timetable of the *Bundestag* where it would normally next return for its second and third readings.

GREECE

Conscientious objection to military service

There was still no provision for an alternative civilian service to compulsory military service. About 350 conscientious objectors to military service, all of them Jehovah's Witnesses, were serving sentences of up to four years' imprisonment for their refusal on religious grounds to perform military service. In December the Ministry of Defence made further promises that a draft bill on conscription would be introduced into Parliament in February 1997 and that the new law would include measures to solve the issue of insubordination, which is currently the basis for prosecution of conscientious objectors in Greece. Amnesty International reiterated its call to the Greek authorities to ensure that the law includes a provision for an alternative civilian service for conscientious objectors, in line with international standards.

Fair trial concerns

In October Amnesty International published a report *Greece: Unfair trials of people arrested at Athens Polytechnic University* (AI Index: EUR 25/06/96), about the unfair trials of 470 people detained in November 1995 as a result of clashes during demonstrations at the Polytechnic University (see AI Index: EUR 01/01/96). The organization called on the authorities to conduct new trials in accordance with international standards for all persons convicted in the case, and urged them to ensure effective implementation of international human rights standards at all stages of the proceedings in such cases.

Further allegations of ill-treatment

Amnesty International raised with the Greek authorities its concerns about allegations of police brutality and unlawful killings it had received since June and called for these to be impartially and thoroughly investigated.

In July **Achilleas Kremmydas** alleged that he was ill-treated during an identity check after he told two police officers he was a member of the Greek minority in Albania. He reported: *"It was in the afternoon and as I was going to the kiosk in Omonia Square I was stopped by two police officers. They asked [me] where I came from and I said from Northern Epirus. I showed them my identity papers where it was written ethnic Greek. They took my papers by force, handcuffed me and took me to the police van. The two police officers started to insult me while a third one hit my head with something hard."* After his transfer to the Fourth police station in Athens he was put into a 5m by 3m cell where about 30 other detainees were kept. Achilleas Kremmydas was released without charge after interrogation by the station commandant. Out of fear of further ill-treatment of members of his family he decided not to claim his belongings back from the police station.

In August there were attacks against members of the Turkish minority in Komotini, apparently provoked by the killing of two Greek Cypriots during incidents in Cyprus on 11 and 14 August. **Emine Inceyizli**, aged 70, and **Salih Cansiz**, aged 60, were severely injured by a group of bikers while the police reportedly stood by without intervening to prevent the attacks on the two women and on other members of the Turkish minority.

Mohamed Farhank Amin, an Iranian refugee living in Germany, and his friend, an Iranian political refugee living in Norway, who were on holiday in Greece, alleged that they were ill-treated by police officers on 4 October in a park in Athens. Mohamed Farhank Amin gave the following interview from his hospital bed - where he had been admitted with a broken kneecap as a result of his ill-treatment - to the newspaper *Eleftherotypia*: *"A man in civilian clothes approached us and showed us quickly an identification which we had no time to read because we don't know [Greek]. He told us not to move and to show him our identity papers.*

We did not understand what was going on and we were afraid he might be a criminal. I took my money in my hand, I did not have my passport, and my friend showed him his driving licence. Another man arrived and a few minutes later six or seven others joined them. They grabbed us by the hair, they locked our arms behind our backs and they started to hit us on our faces and our legs. They insulted us and they beat us. My friend tried to escape and seek help. They grabbed my hair and shook my head up and down. We tried to protest but they became angrier. We explained that we had our identity papers in the house nearby but they did not let us go and carried on hitting us on the face, the legs, the genitals. Then they [separated us], put us into police cars and took us to the police station of Nea Smyrni. We hoped that they would stop beating us there but they carried on until I lost consciousness." The two men were kept in the police station until the afternoon of the following day. The police reportedly deny any ill-treatment.

Selman Tomaraj, a prison inmate on Crete, called the local television channel, *Kriti TV*, on 2 November claiming he had been beaten by prison guards. The ostensible reason for the guards' entry to the cell was to search for a knife, but Selman Tomaraj said, *"They did not search for anything. They only told me 'You, are you the trouble-maker among the Albanians?' I told them no, because I don't go out to make troubles. And all of them started to beat me. About 15 people. They kicked me, they threw me on the floor and they beat me"*. Other detainees reported to *Kriti TV* that similar incidents had occurred in the past and that detainees in the prison were subjected to racist remarks and threats by prison guards and were denied access to medical treatment on the grounds of their foreign origin.

On 20 November a car with four Roma, including **Anastasios Mouratis** and his two sons, aged 16 and 13, was stopped by police at a petrol station in Livadia where traffic police had set up a roadblock in an attempt to catch a Roma suspected

of murder. The police asked the occupants of the car to get out and to lie face down on the ground. When Anastasios Mouratis moved his head to make sure his sons were all right, he was shot at and killed on the spot. Shortly afterwards five other vehicles, carrying about 35 Roma, arrived at the same petrol station. All of them were ordered by the police to leave their vehicles and lie down on the ground. They were threatened with being shot if they refused to comply with the order. As the Roma lay on the ground, police officers allegedly kicked, beat and stepped on them, including the children.

HUNGARY

Alleged ill-treatment by police officers

Amnesty International continues to receive reports of ill-treatment by police officers.

In one such incident on 5 May 1996 at around 2am in Budapest, **Hamodi Ahmed** was stopped by a police officer as he tried to enter a restaurant. After he was asked to show his identity papers, he reached into his pocket and leaned towards the door to see if his friends were in the restaurant. Three or four police officers then allegedly pushed him against the wall, twisted his arms behind his back, handcuffed him and started to beat him all over his body. He was twice punched in the face, breaking the skin over his eyelid. Hamodi Ahmed was then taken to the Fifth District Police Station, where five or six officers allegedly kicked him all over his body. He was later transferred to the Central Police Station on Szalay street. Later that morning, he was taken for medical treatment to a hospital but he later returned to the station to file a complaint about his ill-treatment. An investigation was reportedly closed after Hamodi Ahmed left Hungary. The use of force was reportedly not considered excessive in the circumstances and the investigation failed to establish the identity of the police officers involved in the incident.

On 8 May 1996 at around 3.30pm at the intersection of Saletrom Street and Rakocsi Square in Budapest, **István Nagy** protested about the conduct of a police officer, who, while driving a car, insulted an old man for crossing the road too slowly. The police officer then asked István Nagy to show him his identity card. Because he did not have the card with him, István Nagy was taken to the Eighth District Police Station where he was told to stand facing the wall while an officer searched him. When István Nagy later turned around, one officer reportedly hit him in the face while five or six officers beat him, making him fall to the ground, and then kicked him all over his body. He was then taken in an ambulance to Erzsébet Hospital where he was admitted and treated for three days for chest and spleen injuries and a ruptured eardrum. On 2 July István Nagy filed a complaint about the ill-treatment with the public prosecutor. In September István Nagy was ordered to pay a 3,000 forint (US\$20) fine for not having his identity card at the time of the incident.

On 12 May 1996 at around 11pm at the Nyugati metro station in Budapest, several police officers pushed **Károly S.** against the wall and beat him. After he fell to the ground he was kicked and handcuffed. The hood of his jacket was placed over his head and he was beaten continuously while being led to a police car, where he was told to keep his head between his legs. He was informed that he was suspected of attempting to steal a car and assaulting a police officer. Over the police radio Károly S. heard that four other suspects had also been arrested on the same suspicion, one of whom was so badly beaten that he was taken to a hospital for treatment. At the 13th District Police Station, Károly S. was reportedly beaten by four or five officers. He was pushed against the wall with his legs spread and arms raised, and was then struck on the thigh and between the legs. Later he was told to turn around and was hit several times in the abdomen and chest and his head was hit against the wall.

Three other detainees who were suspected of the same offence were also reportedly beaten.

One of them, a middle-aged Romanian, was allegedly beaten more severely than the others and insulted about his nationality. Three hours later all four suspects were released after being told that the man who had identified them as suspects had retracted his statement. At around 2.30am, Károly S. was taken to a hospital where he was treated for a dislocated shoulder and was given a certificate describing bruising and other injuries which he had suffered as a result of the beating. An investigation into Károly S.'s complaint is reportedly under way.

In December, Amnesty International requested from the Hungarian authorities reports about the investigations into these incidents.

See also Women in Europe page 62.

IRELAND

Allegations of ill-treatment

In October Amnesty International wrote to the Minister of Justice expressing concern about allegations of ill-treatment of individuals in police custody.

Specifically, the organization raised allegations of ill-treatment of people who were arrested in Limerick in connection with the investigation into the killing of Garda [police] Detective Jerry McCabe on 7 June, and who were subsequently charged with membership of the Irish Republican Army (IRA) and possession of firearms or ammunition.

At the time of his transfer to prison, prison guards noted that one of the arrested persons, **Jeremiah Sheeny**, had sustained a number of injuries. They therefore insisted that before he could be admitted to prison, he first be taken to a hospital where the injuries could be recorded.

In the case of another of the arrested persons, **John Quinn**, at a court hearing on 12 June his lawyer stated that John Quinn had received a number of injuries to the face and body

while in custody at Henry Street Garda Station in Limerick. She also stated that he had complained of periods of unconsciousness and memory loss as a result of these injuries. Other people commented on his dazed and apparently disoriented state. John Quinn had been taken to hospital four times between 9 and 12 June.

In addition, some of the 16 other people who had been arrested in connection with the same operation, but who had not been subsequently charged, complained that they had been physically ill-treated, including by being slapped about the head, punched, hit, pushed and kicked. Some of them also alleged that they had been verbally and psychologically abused, that derogatory comments had been made about family members and that they had been threatened with violence while in police custody. A human rights researcher was threatened with arrest and seizure of confidential files while attempting to interview some of these people.

In its letter to the Minister of Justice, Amnesty International urged the government to carry out a full and independent inquiry into all these allegations, and to make the findings of the inquiry public. The organization also expressed concern at the apparent lack of adequate safeguards to prevent such abuses during interrogation, including the recording of interviews and the presence of lawyers during interrogations.

ITALY

Alleged ill-treatment by law enforcement officers

In July the Italian Embassy in Denmark informed Amnesty International that a report had been requested from the relevant authorities following allegations made to the embassy in March by **Edward Adjei Loundens**, a Ghanaian musician resident in Denmark, against unnamed Italian police officers (see AI Index: EUR 01/02/96). Edward Adjei Loundens claimed that in December 1995 he

was detained overnight and subjected to an unprovoked physical assault by around seven police officers at Leonardo Da Vinci international airport, near Rome, while in transit between Denmark and Ghana, and that his treatment had resulted in facial disfigurement and impaired hearing. His allegations were supported by a medical certificate issued in Ghana in January 1996 and by photographs, showing marked facial swelling, apparently taken at Leonardo Da Vinci airport by a Polish traveller who had witnessed the alleged assault.

A report supplied by the Public Security Department of the Ministry of the Interior indicated that, as his name was very similar to that of a Ghanaian citizen who was the subject of an expulsion order from Italy, the police had detained Edward Adjei Loundens in order to carry out a full identity check. This confirmed that he possessed a valid transit visa. The Department said that the attitude of the police had been "marked by the utmost institutional propriety, thus necessarily ruling out any racial prejudice or violent and oppressive behaviour". It suggested that the allegations made by Edward Adjei Loundens had been prompted by "resentment probably arising from a procedure which he did not understand". However, the Department failed to explain how it had investigated the allegations of ill-treatment. It also gave no indication that any steps had been taken to obtain evidence from the Polish traveller (whose name and address were available) or from friends who travelled with Edward Adjei Loundens and saw him immediately before and after his detention, or to obtain further forensic evidence from doctors who examined him in Ghana and Denmark.

In October the Ministry of Justice informed Amnesty International that it had referred the organization's inquiries about the steps taken to investigate the allegations made by Edward Adjei Loundens to the Public Prosecutor's office attached to Rome Tribunal. Amnesty International's inquiries about the progress and outcome of a formal complaint of ill-treatment lodged against police officers at Leonardo da Vinci airport by **Abdel H.**, a 17-year-old Iraqi asylum-

seeker, in August 1994 (see AI Index: EUR 01/02/96) had been similarly referred.

In July the Public Prosecutor's office in Voghera asked the competent judge of preliminary investigation to dismiss **Ben Moghrem Abdelwahab**'s complaint that in September 1995 *carabinieri* officers had ill-treated and racially insulted him and forced him to sign, at gun-point, a statement which he had not read (see AI Index: EUR 01/01/96). Ben Moghrem Abdelwahab contested the Prosecutor's request and asked the judge to order further relevant inquiries, including interviews with friends and hospital doctors who saw him immediately after his release from custody. However, in September the judge endorsed the Prosecutor's request and dismissed his complaint.

In December two police officers were committed for trial on charges of causing serious bodily harm to **Grace Patrick Akpan**, a medical student and an Italian citizen of Nigerian origin, after stopping her for an identity check in February 1996 (see AI Index: EUR 01/02/96). One of the officers was additionally charged with using threats against her. At the same time Grace Patrick Akpan was ordered to stand trial for refusing to identify herself to a public official, for insulting and resisting a police officer and for causing one of them bodily harm. The trial of all three defendants was scheduled to open before a court in Catanzaro on 28 February 1997.

Grace Patrick Akpan had lodged a formal complaint alleging that the officers had verbally abused and physically ill-treated her on the street, in their car and in a police station, where her requests for medical assistance were refused. Within hours of her release from police custody she was admitted to hospital for two weeks' treatment for a neck injury and various cuts and bruises. She claimed that when she informed the officers that she was an Italian citizen married to a *carabiniere* officer and that her identity papers could be retrieved from her nearby apartment, they told her, using the derogatory term "*negra*", that a black woman could not be an Italian citizen, and radioed

the police station to say they were bringing in a prostitute. The police subsequently accused her of refusing to identify herself and of striking and scratching one of the police officers.

Alleged ill-treatment by prison officers

During 1992 and 1993 there was a marked increase in the number of reports of alleged ill-treatment emanating from Italian prisons. Amnesty International communicated its concerns about these allegations to the Italian authorities but received little response (see *Italy - Alleged torture and ill-treatment by law enforcement and prison officers*, AI Index: EUR 30/01/95). The organization understands that the majority of official inquiries into the allegations concluded that they were unfounded. However, a number of judicial proceedings relating to allegations dating back to 1992 remain open and have been subject to considerable delay.

In October Amnesty International expressed concern about reports that a complaint of ill-treatment which **Marcello Alessi**, a common criminal prisoner, had lodged against a prison officer at San Michele prison, Alessandria, in December 1992 had not been handled either promptly or impartially by the judicial authorities.

In a written statement made to the head of the San Michele prison officers on 19 December 1992, and a formal complaint addressed to the Public Prosecutor's office attached to Alessandria Tribunal on 20 December, Marcello Alessi claimed that on the evening of 19 December 1992 tension had risen in his section of the prison because inmates thought prison officers had delayed calling in medical assistance for a prisoner, believed to be HIV-positive, who had slashed his arm repeatedly with a razor. He alleged that a prison officer swore at one of his cell-mates who had asked the officer to see to the removal of spilled blood left in the area of the cells just after the incident. A bad-tempered exchange then followed between the officer and Marcello Alessi, who claimed that the officer used abusive and insulting language and

struck his face with a bunch of keys, inflicting a deep cut on his lower lip, which began to bleed heavily, and breaking one of his teeth.

Marcello Alessi admitted that, under such provocation, he then swore and used threatening language towards the officer, but denied attacking him. A medical certificate issued by the prison infirmary on 19 December 1992 confirmed that Marcello Alessi was treated there for the above-mentioned injuries that evening, and had claimed that they were inflicted by a prison officer. Two witnesses, both prisoners, subsequently made statements to the Public Prosecutor supporting Marcello Alessi's version of events.

Within some 24 hours of Marcello Alessi lodging his complaint the prison administration also submitted a judicial complaint to the Public Prosecutor about the alleged incident. The accused prison officer claimed that Marcello Alessi had grabbed him by the collar, struck his left cheek, leaving a graze, used insulting language and threatened to kill him. Marcello Alessi was charged with using violence against, and insulting the honour and prestige of, a public official. In May 1994 a judge (*pretore*) in Alessandria found him guilty of both offences and sentenced him to six months' imprisonment, plus legal costs.

In an appeal filed in July 1994, asking for the sentence to be annulled, Marcello Alessi claimed that he had been denied a proper defence. He had admitted making offensive comments to the officer, but the judge had failed to take the circumstances in which they had been made into account and had described the alleged violence by the officer as a "circumstance not backed up by any evidence", even though the officer had explicitly admitted "accidentally" striking Marcello Alessi and therefore, at the least, admitting that physical injury had been done. Marcello Alessi also protested that the judge had shown a hostile attitude to him by stating that there was no reason to doubt the reliability of the officer, by very reason of the post he held, even though he was the defendant in a separate legal proceeding concerning Marcello Alessi's own complaint. The

judge apparently also had failed to call the two above-mentioned witnesses to testify on behalf of the defence.

As a result of Marcello Alessi's December 1992 complaint, the prison officer was charged with causing him bodily harm and with abusing his power as a public official. However, the trial did not open until 25 October 1996 - almost four years after the complaint had been lodged. Marcello Alessi was also ordered to appear as a defendant at the same hearing on a second charge of insulting the officer, apparently in connection with the same events as those for which he had been sentenced in May 1994. Amnesty International wrote to the authorities before the opening of the court hearing, expressing concern about the conduct of the judicial proceedings. At the opening of the October hearing, the judge ordered further investigation into the circumstances of the case and adjourned the hearing to December 1997. Marcello Alessi's appeal against the May 1994 sentence, scheduled to be examined by Turin Court of Appeal on 13 November 1996, was postponed until January 1997. (For further information on this case see AI Index: EUR 30/11/96).

KAZAKSTAN

Possible prisoner of conscience Nina Sidorova

In August police in Almaty, the capital, arrested **Nina Sidorova**, a Cossack activist. She was charged with defamation of the judge at the trial in November 1995 of another Cossack activist, Nikolay Gunkin (see AI Index: EUR 01/01/96), and with hooliganism and assault of procuracy officials in relation to incidents which also occurred in 1995. There were allegations that the bringing of the charges was politically motivated and was connected with Nina Sidorova's attempt on the day of her arrest to obtain legal registration for an organization promoting the interests of Kazakstan's Cossack minority.

Nina Sidorova was detained for over a month, during which time she was allegedly severely beaten. A sufferer from severe claustrophobia, she was also ill-treated by being placed periodically in small, unventilated and unlit punishment cells. In September Nina Sidorova's lawyer, **Maria Larshina**, was assaulted by an unknown person outside her home, an incident reminiscent of the treatment of the wife of Nikolai Gunkin's lawyer in 1995 (see AI Index: 01/01/96).

Nina Sidorova was tried in December, found guilty, and given a two-year suspended prison sentence.

Amnesty International called for clarification of the criminal charges against Nina Sidorova, for guarantees of her physical safety and well-being in detention, and for an investigation into her allegations of torture and ill-treatment, with anyone found responsible being brought to justice. Amnesty International similarly called for an investigation into the attack on Maria Larshina.

See also Women in Europe pages 63 and 65.

Prison conditions amounting to ill-treatment (update to information given in AI Index: EUR 57/10/96 and EUR 01/02/96)

It was reported in late July that the planned early release of nearly 20,000 prisoners to alleviate poor conditions caused by stretched financial resources was to be scaled back to only around 8,500 prisoners. Media sources in Kazakstan speculated that the authorities feared an upsurge in crime.

The death penalty

Kazakstani officials failed to provide reliable statistics for the application of the death penalty in 1996. In January 1997 during an open discussion on the issue of statistics at a conference on the death penalty organized in Almaty by the Kazak-American Bureau on Human Rights, a local non-governmental organization, officials from different

agencies were unable to provide a figure for the number of death sentences passed during 1996 or agree a figure for the number of executions, although execution figures of 68 and 71 were variously cited. The only figure on which officials were able to agree was that eight people under sentence of death had been granted clemency during the year. Furthermore, officials were still unable to provide reliable statistics for the number of executions in 1995, although they continued to dispute the figure of 101 executions previously cited by Amnesty International (see AI Index: EUR 01/01/96). Amnesty International continued to urge authorities in Kazakhstan to compile and publish comprehensive death penalty statistics.

In September changes were implemented in the composition and procedures of the clemency commission along the lines of government proposals reported in the July 1996 Amnesty International report *Kazakhstan - Ill-treatment and the death penalty: a summary of concerns* (AI Index: EUR 57/10/96). Notably, the Minister of Internal Affairs, Chairman of the National Security Committee and Chairman of the Supreme Court ceased to be members of the commission, and instead the composition included members of parliament, heads of social affairs committees and an increased number of public figures. Furthermore, a tied vote in the commission would result in the petition being granted, not refused as previously. Finally, the period during which a petition could be submitted to the commission was extended from seven days to 30 days after sentence was upheld on appeal. Local human rights monitors assessed that the change had already begun to have a moderately positive effect, noting the eight commutations in 1996 compared to only one in 1995.

Amnesty International learned of 13 new death penalty cases. These included the sentences passed in 1995 on a group of seven men accused of multiple murder, four of whom, named as **Ostatnevo**, **Besterekov**, **Bernvald** and **Yefremov**, had petitions for clemency turned down in January 1997 and were assumed to have been

executed shortly afterwards; two others, **Y. Murzayev** and **Golodov**, were granted clemency in January 1997, while the seventh member of the group, **L. Murzayev**, committed suicide in prison in November 1996. **Azer Bashirov**, an Azerbaijani citizen, who was sentenced to death for murder at an unknown date, was granted clemency during 1996. **Oleg Gorozashvili**, who had been sentenced to death for murder in the first half of 1996, had his appeal against his death sentence turned down in July, and his petition for clemency turned down in December, but was known to be still alive in mid-January 1997.

KYRGYZSTAN

Prisoners of conscience (update to information given in AI Index: EUR 01/02/96)

Topchubek Turgunaliyev, an opposition activist who had been prosecuted in April on charges of "defamation", "insult" and "inflaming national discord or hatred" and had received a suspended prison sentence, was arrested again in December on charges of "large-scale theft of state or social property" and "abuse of authority". He was accused of having embezzled US\$10,000 from the University of Humanities in Bishkek, the capital, in 1994, when he had been university rector. There were suspicions that the charge may have been without legitimate foundation and that Topchubek Turgunaliyev may have been subjected to a prosecution on criminal charges to punish him for his non-violent opposition activities.

A number of circumstances surrounding the criminal prosecution of Topchubek Turgunaliyev gave rise to these suspicions. Specifically, Topchubek Turgunaliyev was arrested immediately after he had led a delegation of protesters at a meeting with the Prime Minister following a demonstration against low pensions and the refusal by the government to compensate people for loss of savings in state banks. His arrest also came four days before the founding congress

of a new political movement called "For deliverance from poverty", of which he was one of the chief organizers. Furthermore, Amnesty International noted that the arrest and prosecution of Topchubek Turgunaliyev occurred only months after he had received a suspended prison sentence following conviction on a charge which had attracted international criticism as a violation of his human rights and an abuse of criminal legislation. The alleged crimes of embezzlement and abuse of authority also predated the defamation case, but criminal investigation had not apparently been pursued actively until after his release from prison following the defamation trial.

Topchubek Turgunaliyev went on trial in Bishkek City Court in late December. In early January 1997 he was found guilty and sentenced to 10 years' imprisonment in a strict regime corrective labour colony. A co-defendant, the former commercial director of the University of Humanities, was sentenced to seven years' imprisonment.

In the light of the suspicions of a political motive for the prosecution of Topchubek Turgunaliyev, Amnesty International considered him a possible prisoner of conscience and called on authorities in Kyrgyzstan to provide an explanation of the basis for his criminal prosecution.

Dzhumagazy Usupov, who had been the co-defendant of Topchubek Turgunaliyev in April and had also received a suspended prison sentence at that time, was detained in December on the day of the founding congress of the movement "For deliverance from poverty". A number of other participants in the congress who were detained with him were released within hours, but Dzhumagazy Usupov was held for four days before being sentenced to 15 days' administrative arrest for "organizing an unsanctioned meeting". The charge arose because permission had apparently not been sought in advance to use the venue, a sports arena, to which the congress had been moved at short notice. Dzhumagazy Usupov was a prisoner of conscience.

The death penalty (update to information given in AI Index: EUR 01/02/96)

The death sentence passed on **Nikolay Sokolov** in April was overturned in December by a judicial review, and replaced with a sentence of 15 years' imprisonment. Amnesty International learned of the execution in November of a prisoner identified only by the surname Baterev.

LATVIA

In August Amnesty International published a document *The Baltic States - A summary of recent concerns* (AI Index: EUR 06/01/96) in which it described its main concerns in Estonia, Latvia and Lithuania in the period January 1995 - July 1996.

The death penalty

In August Amnesty International was informed by the Minister of Foreign Affairs that "no death sentences have been passed this year, one death sentence from a previous year has been commuted to life imprisonment, three appeals to the President of the Republic of Latvia for clemency have been accepted and at present there are no prisoners in Latvia on death row". The minister also informed the organization that a revised draft criminal code, providing for abolition of the death penalty and its replacement with life imprisonment, had been submitted to the parliament (*Saeima*) for consideration. According to the Minister of Foreign Affairs: "If the outcome of debates in the *Saeima* is the abolition of the death penalty, Latvia will immediately be able to ratify Protocol No. 6 to the European Convention on Human Rights". (Latvia became a member of the Council of Europe and

signed the European Convention on Human Rights (ECHR) in February 1995. In June 1996 the Parliamentary Assembly of the Council of Europe expressed its regret that "Latvia has not kept its commitment to ratify Protocol No. 6 to the ECHR within one year of its accession to the Council of Europe".)

In September in a speech to the Parliamentary Assembly of the Council of Europe, President Guntis Ulmanis announced that he would grant all requests for clemency submitted to him, pending a decision by the *Saeima* on abolition of the death penalty.

Two death sentences were reported in the last few weeks of the year. According to the Baltic News Service (BNS), in November Kurzeme District Court in Riga sentenced **Vladimir Lesik** to death for murder. A second man was sentenced to 15 years in prison for the same offence, and a third man was given a 12-year sentence for assisting them in the commission of the crime. The case involved the murder of three people.

In December BNS reported that the same court had sentenced **Levon Barhanadzhan**, an Armenian citizen, to death for the murder of a 72-year-old woman in September 1995.

Detention of asylum-seekers

In August Amnesty International expressed concern to the Latvian authorities about the continued detention of between 130 and 140 asylum-seekers. The majority of the asylum-seekers had originally been detained on a train on the Latvian-Russian border in March 1995 and later moved to a detention camp in Olaine, near the capital Riga. In its letter to the Minister of the Interior, Amnesty International stated that refugees and asylum-seekers should not be seen as illegal migrants and that the right to seek asylum was laid down in the Universal Declaration of Human Rights. Amnesty International urged the Latvian authorities to ratify the 1951 Convention and the 1967 Protocol relating to the Status of Refugees

and to establish an adequate protection system for refugees and asylum-seekers. In a letter to Amnesty International in the same month, the Minister of Foreign Affairs informed the organization that a working group had been given the task of drawing up a draft law on refugees. (The law was submitted to the Cabinet of Ministers in November 1996.)

In December the majority of the asylum-seekers detained in Olaine were allowed to enter Sweden, Finland, Denmark or Norway where they were granted political asylum.

LITHUANIA

In August Amnesty International published a document *The Baltic States - A summary of recent concerns* (AI Index: EUR 06/01/96) in which it described its main concerns in Estonia, Latvia and Lithuania in the period January 1995 - July 1996.

Following two rounds of voting on 20 October and 10 November, the conservative Homeland Union emerged as the largest party with 70 seats in the 141-member parliament (*Seimas*). Parliament approved Gediminas Vagnorius as prime minister in November and President Algirdas Brazauskas endorsed the new cabinet the following month. Eleven ministerial posts in the new government were filled by conservatives, and four by members of the Christian Democratic Party and Centre Union (which won 16 and 13 seats respectively).

The death penalty

A decree signed by President Brazauskas suspending executions until the death penalty had been debated by parliament had still not been approved by parliament by the end of the year. Legally, therefore, the decree had no force. (The President had signed the decree on 26 July "in the light of the principles of humanism and taking into

account the fact that a large number of European governments have eliminated the death sentence, as well as considering the views of the Catholic church on this issue". Nine people were reported to be under sentence of death at the time the decree was signed by President Brazauskas.) It was reported, however, that no executions could take place because the president, or the Clemency Commission he chairs, was refusing to consider appeals for clemency submitted by death row prisoners. (The Clemency Commission considers all death penalty cases, including those where the prisoner concerned has not submitted a petition for clemency.)

In January 1997 it was reported that Interior Minister Vidmantas Šiormelis had called for a discontinuation of the *de facto* moratorium, and that President Brazauskas had urged parliament to debate his decree and had called for public discussion of the death penalty pending adoption by parliament of a new criminal code. (In July *The Baltic Times* had carried the results of an opinion poll on the death penalty in Lithuania conducted in February 1996. According to the poll, 75 per cent of 1,009 people questioned believed that the death penalty should be used in Lithuania, 15 per cent were against it.)

MOLDOVA

Death in custody in the self-proclaimed Dnestr Moldavian Republic (update to information given in AI Index: EUR 01/02/96)

New information became available regarding the investigations into the criminal charges brought against Vladimir Luchinets in connection with the death in custody in March 1995 of **Aleksandr Kalashnikov**. According to reports, Vladimir Luchinets was tried by the Supreme Court of the Dnestr Moldavian Republic (DMR) in August 1996 and found guilty of "misconduct and exceeding his powers" and of "the use of torture and physical violence, which resulted in the death of a person".

He was sentenced to eight years' imprisonment in a labour colony. According to the same reports, his three colleagues (I. Chaban, A. Gremitsky, and A. Sobolevsky), initially co-defendants of Vladimir Luchinets and later amnestied, were said to be free and were attempting to be reinstated as police officers. Their commanding officer, Igor Semashko, has reportedly opened his own private business.

Further allegations of torture and ill-treatment in detention

In addition, Amnesty International has received information claiming that during the court hearings of the case against Vladimir Luchinets in August a number of witnesses came forward and testified that they had been victims of torture and ill-treatment while detained at the Rybnitsa City Department of Internal Affairs as suspects (as Aleksandr Kalashnikov had been) in the murder case of businessman M. Faerman. The witnesses reportedly testified that they had all been ill-treated in order to force them to confess to killing M. Faerman. Some of them claimed to have been handcuffed to a water-pipe and beaten with plastic clubs until they "agreed" to sign a confession. Among the alleged victims were **G. Kachurovsky**, **S. Boynovich** and **A. Marchenko**.

G. Kachurovsky had reportedly been beaten until he signed a confession. Later he allegedly repudiated it and was beaten again until he signed a new confession. This reportedly happened several times until G. Kachurovsky fled the DMR to avoid further ill-treatment.

According to reports quoting witness testimonies given during the trial of Vladimir Luchinets, S. Boynovich was severely beaten and ill-treated while in police custody on 3 September 1995 and 15 September 1995. He was allegedly repeatedly hit and punched in the chest, back, abdomen and legs by Vladimir Luchinets and Igor Semashko, consequently suffering heavy external and internal bruising and haemorrhage.

Reportedly, A. Marchenko, a local customs employee, had also been suspected in connection with the murder case of M. Faerman, although she had proved that at the time of the murder she was in Odessa, attending classes at the university. During her questioning at the Rybnitsa City Department of Internal Affairs she claimed to have heard screams and noises which suggested beatings coming from the second floor of the police building. Her interrogator, Igor Semasko, did not ill-treat her but allegedly asked her to sign a confession. She was reportedly later detained for nine days in prison, without a procurator's order for arrest, to punish her for declining to do so.

In view of this new information, Amnesty International urged the DMR authorities to undertake immediate measures to stop ill-treatment and torture of criminal suspects by law enforcement officials, including initiatives aimed at ensuring that the officials in the Ministry of Internal Affairs are made fully cognizant of human rights concerns and are provided with human rights training. Amnesty International also called on the authorities to initiate without delay thorough, prompt and impartial criminal investigations into the alleged beatings and ill-treatment of G. Kachurovsky, S. Boynovich, A. Marchenko and other individuals who testified during the court hearings of the case of Vladimir Luchinets to have suffered ill-treatment while in police custody.

In a reply received in November, the Minister of the Interior of the DMR, I. Fuchedzi, stated that appropriate measures had been taken to address all violations by law enforcement officers in the DMR raised by Amnesty International, including disciplinary actions and dismissals.

NORWAY

Detention of mentally-ill prisoners

With respect to the detention of mentally-ill prisoners in isolation cells in Ila prison pending their transfer to psychiatric institutions, Amnesty

International was informed by the Governor of Ila Prison that during the last six months of the year a total of 16 inmates had been temporarily kept in solitary confinement since they were considered to be mentally unstable. During the same period, seven of the above-mentioned inmates were admitted to psychiatric institutions. The Governor of Ila Prison also informed Amnesty International that two individual cases were of particular concern given that they had been kept in solitary confinement for a period of approximately seven and eight weeks respectively before being admitted to a psychiatric institution. In both cases the Governor opined that their transfer should have occurred earlier.

In October Amnesty International wrote to the Norwegian Minister of Justice reiterating its belief, expressed in previous correspondence, that the practice of placing prisoners in isolation can lead to their physical and mental deterioration; to place a mentally-ill person in isolation without adequate specialist care may lead to an even greater deterioration of that person's mental health. The organization stressed that such prisoners should be detained in specialized institutions, in conformity with UN Standard Minimum Rules for the Treatment of Prisoners. Amnesty International noted with concern that, despite the 1996 "substantial increase" granted by the Ministry of Health and Social Affairs in psychiatric hospitals' budget, this very disturbing practice had been allowed to continue. Therefore, the organization continued to urge the government to ensure that adequate facilities would be provided for the detention of mentally-ill people.

In its reply to Amnesty International the Ministry of Justice stressed the government's dissatisfaction with the current situation and the authorities' commitment to its improvement. The Ministry, however, expressed confidence that "the conditions for mentally-ill prisoners are in conformity with UN Standard Minimum Rules for the Treatment of Prisoners".

Prolonged detention in police cells

In its October letter to the Minister of Justice Amnesty International also expressed concern about the prolonged detention of individuals in police establishments. Despite the authorities' public acknowledgement of this situation, which developed in the 1980s, and their subsequent commitment to finding a solution to the practice of detaining people in police cells for protracted periods, the organization had continued to receive reports alleging that people had been detained in police establishments for periods lasting up to four weeks. Given that the information received indicated that a number of individuals had: a) been denied adequate access to essential sanitary facilities; b) reported severe weight loss as a result of being provided with insufficient amounts of food; c) been denied or had been given very minimal opportunities to have physical exercise outdoors; and d) been deprived of sleep as a result of the poor or non-existent sound insulation of police cells, the organization expressed concern that detention conditions in police cells may have resulted in cruel, inhuman or degrading treatment. In addition, Amnesty International stressed how such detention had given rise to complaints about abuse and intimidation on the part of the police which may, in turn, have undermined internationally recognized fair trial guarantees. The organization stressed that scepticism may be justified regarding the credibility that could be afforded to self-incriminating statements made by people held in police cells for long periods. The organization requested information regarding investigations into allegations of ill-treatment made both publicly and before the courts by individuals detained for prolonged periods in police cells. Amnesty International also sought to be informed of what measures the authorities were going to undertake to eradicate the practice of prolonged detention in police establishments and any steps that would be taken to ameliorate the situation in the meantime.

The organization emphasized that this disturbing practice had continued despite the criticism of the European Committee for the

Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) contained in their report on their visit to Norway from 27 June to 6 July 1993. In that report the CPT stated that "it was quite common for persons remanded in custody to be kept for some time on police premises for want of places in remand prisons". The CPT also stressed that "the physical environment and the regime fell distinctly short of what a detainee held for a prolonged period is entitled to expect". In this regard, the CPT specifically recommended that "the Norwegian authorities take steps to ensure that persons remanded in custody are not kept for prolonged periods in police establishments". In its reply to Amnesty International the Ministry of Justice stated that "the issue of prolonged detention in police cells is currently not a problem" and that "the Ministry has introduced procedures in order to secure that a detainee is not kept in a police cell for more than five consecutive days".

PORTUGAL

Amnesty International delegation visits Portugal

In December Amnesty International delegates visited Portugal and held talks with the President of the Republic and senior ministers in the government. The talks covered a wide range of issues, in Portugal and abroad. Within Portugal Amnesty International was concerned by continuing reports of killings, deaths in custody and ill-treatment by law enforcement officers. The delegation, therefore, discussed with the competent ministers; and other authorities, the operation of the judicial system in such cases. It urged the government to improve access to the system for victims, to implement more effective safeguards for detainees and to improve substantially the system of training for officers. Other issues included the role of military tribunals in cases involving officers of the National Republican Guard (*Guarda*

Nacional Republicana - GNR) accused of ill-treating civilians, and the question of impunity. In this context Amnesty International welcomed the fact that for the first time the new Penal Code recognized specific crimes of torture and ill-treatment by law enforcement officers. The government assured the delegation that it intended tabling new legislation to improve access to the legal system for victims of assault by law enforcement officers.

Report of the European Committee for the Prevention of Torture (CPT)

The findings of the 1995 visit of inspection by the European Committee for the Prevention of Torture (CPT) and the reply of the Portuguese Government were published in November. The CPT report concluded that "A significant proportion of the persons interviewed alleged that they had been ill-treated while in police custody". Amnesty International considers it of serious concern that almost none of the core recommendations on safeguards against ill-treatment made following the CPT's earlier visit of inspection in 1992 had been implemented by 1995, and that the CPT did not feel able to modify its earlier statement that the "ill-treatment of persons in police custody was a relatively common phenomenon".

Deaths in or immediately after police custody

In October a body later identified as that of a 21-year-old man of Cape Verdean origin, **Olívio Almada**, was found floating in the Tagus river near the docks of Alcântara. A week previously, on 13 October, he had been detained in front of a group of his friends by three officers of the Public Security Police (*Policia de Segurança Pública* - PSP) attached to the station of Alcântara. The officers stated that he had been drunk and disorderly and had been causing a disturbance, and that they had wished to check his identity. He was driven away in their patrol car but, on their own

admission, not taken to the police station, although the law requires arrests to be registered at a station. The officers stated that they let him out of the car in the Cais da Rocha, some distance from where he had arranged to meet his friends. His death certificate stated that the cause of death was "asphyxia by drowning" ("*asfixia por afogamento*"). However, press reports stated that his body showed signs of violence, with his head split open and injuries to his face. The officers are now under investigation by the Judiciary Police (*Policia Judiciária* - PJ) in connection with the death.

A police investigation was opened into the fatal shooting of a man by an officer of the PSP in Pragal on 25 November. **Vítor Campos** had been allegedly spotted stealing a car radio. He was shot in the back in the course of trying to escape from two officers from the Almada station and died on the way to the Garcia de Orta Hospital in Almada. According to the officers, they had fired two warning shots in the air and the fatal, third shot had been fired accidentally when one officer lost his balance on a steep slope. News reports contested this sequence of events, however.

On 15 December PSP officers at Évora arrested three men who had been reported breaking into a clothes shop. According to the PSP statement, one of these men, a 21-year-old drug addict called **Carlos Araújo**, was taken "suddenly ill" at the police station, and was, therefore, immediately driven to the hospital in Évora. According to sources at the hospital, however, the man had died a considerable while before. An autopsy found that Carlos Araújo had in fact been shot in the back by a police weapon at a range of only three metres, and the General Inspectorate of Internal Administration (*Inspecção-Geral da Administração Interna* - IGAI) launched an inquiry into the death and the circumstances in which the PSP could have made so misleading a statement. An officer was arrested and placed in preventive detention by the *Tribunal de Instrução Criminal de Évora* following the results of the autopsy. Carlos Araújo's two companions were

released from detention. Police officers surrendered their weapons over Christmas in protest at the detention of their colleague. The general commanding the PSP, who voiced support for the protests, was subsequently dismissed by the Minister of Internal Administration. He was replaced by the first head of the police force not to be appointed directly from the ranks of the military.

On 23 December IGAI published the conclusions of a separate inquiry it had conducted into the death in November of another drug addict, **Fernando La Fuente Gregório do Carmo Pinto**, who had allegedly been beaten by PSP officers and had later died in the prison hospital of Caxias. IGAI concluded that the PSP officers had not ill-treated him and that he had died of a heart attack.

Developments in earlier cases of deaths in custody

On 20 December the Minister of Internal Administration ordered the expulsion from the GNR of a sergeant and another officer in connection with the killing of **Carlos Rosa** at the police post of Sacavém (see AI Index: EUR 01/02/96). A second autopsy had confirmed that he had been shot in the head at close range and that his head had then been cut off with a machete. In December the sergeant, who is being held in preventive detention, was charged with aggravated homicide (*homicídio qualificado*). Five other officers remaining in service are under investigation.

On 4 December the Supreme Court of Justice reduced the prison sentence of a PSP officer convicted of manslaughter (*homicídio por negligência*) from a three-year prison sentence, suspended for four years, to a suspended sentence of two years and ten months' imprisonment. The court also rejected the additional sentence of expulsion from the service which had been passed by the lower court in Matosinhos in March 1995. The public prosecutor had requested a sentence of 12 years' imprisonment for homicide for this officer

who, on 9 June 1994, shot dead **Romão Monteiro**, a 31-year-old Rom, while he was being interrogated about drugs offences, and was handcuffed, at Matosinhos police station. The PSP at first insisted that Romão Monteiro had committed suicide. The officer later admitted that he had fired at Romão Monteiro, but had assumed his gun was not loaded. The Supreme Court's judgement was reportedly based partly on the officer's previous "good conduct". An internal PSP investigation has now been opened into the incident.

Cases of alleged ill-treatment

Gabriel Camara, a citizen of Guinea-Bissau, resident in Portugal for eight years, was reported by several eye-witnesses, including two journalists, to have been severely beaten by plain clothes PSP officers in Oporto in March 1996. The eye-witnesses maintained that Gabriel Camara was beaten and kicked after he had been handcuffed and was lying on the ground. The PSP opened an internal inquiry and its sources in Oporto maintained that Gabriel Camara was beaten by unknown assailants. A separate inquiry was opened by the Ombudsman (*Provedor de Justiça*).

In September Amnesty International wrote to the Ombudsman in connection with a dossier of allegations it had received that a number of "street children" between the ages of 12 and 16 had been ill-treated by PSP officers in Funchal, Madeira. The children alleged that on a number of occasions they had been ill-treated by police in the street, sometimes while trying to sleep, or while in police custody in police stations or police vans. Reports passed to Amnesty International and the Ombudsman allege that different groups of children had been beaten with truncheons, hit about the head and kicked in the stomach. In one report the children claimed they were taken to a police station and made to clean the bathroom, windows and floor and to mop blood from areas where others (adults) had been beaten.

A press release from the Ombudsman's office stated that, while the attitude of the PSP to the street children of Funchal was in general positive, an inquiry had established that there were indications that some officers had committed acts that warranted the taking of judicial or disciplinary measures. In reply to Amnesty International's letter the Ombudsman's office acknowledged that "the practice of ill-treatment by some police officers did in fact come out", but that the proceedings were closed by the public prosecutor without any action being taken. Amnesty International is seeking further clarification.

Developments in earlier cases of alleged ill-treatment

In September the trial of **Joaquím Teixeira** (see AI Index: EUR 01/01/96 and 01/02/96) was adjourned until December. Upon the request of the defence, the judge again postponed the opening of the trial pending the decision of the Appeal Court on the case brought by Joaquim Teixeira against a PSP officer. The judge agreed that the two cases should be tried together. Until December the allegations had been the subject of two parallel investigations.

ROMANIA

Prisoner of conscience

According to information supplied by the General Directorate of Penitentiaries, a 42-year-old prisoner in Poarta Albă penitentiary began serving a two-year-sentence under Article 200, paragraph 1, of the Penal Code "for repeatedly engaging in sexual relations with another man". The alleged homosexual acts between consenting adults in private took place in Constanța in January 1994. Two men were reportedly tried in June 1995 and sentenced to suspended prison terms. Following the prosecutor's appeal the Constanța court converted the two-year suspended sentence of one of the

defendants into two years' imprisonment. In November Amnesty International called for his immediate and unconditional release. The same month the organization learned that the prison authorities had filed a petition for his conditional release, but has not received official confirmation of the prisoner's release.

Failed reform of the Penal Code

On 1 October 1996, after three years of deliberations to amend the Penal Code, the Romanian Parliament adopted a number of provisions that were at variance with Romania's international commitments to observe and ensure respect of human rights. These provisions include the revised version of Article 200, paragraph 1, which prohibits homosexual relations between consenting adults "if the act was committed in public or has produced public scandal" and paragraph 5, which proscribes "enticement or seduction of a person to practise same-sex acts, as well as to form propaganda associations, or to engage in other forms of proselytizing with the same aim". Amnesty International is concerned that this article could not only lead to the continued imprisonment of adults solely for engaging in consensual homosexual relation in private, but that it could also lead to the imprisonment of individuals solely for having exercised their rights to freedom of expression and to freedom of assembly and association.

Several other amendments to the Penal Code also impose excessive restrictions on the right to freedom of expression. Article 168 prohibits "communication or dissemination, by any possible means, of false news, facts or information or forged documents, if committed with the intent to impair the security of the Romanian state or its international relations". Article 236 makes a criminal offence "public acts committed with the obvious intention to defame the state or a nation". Amnesty International is concerned that the vague and ambiguous wording of these provisions would allow for the prosecution of persons solely for

having exercised their universally recognized right to freedom of expression.

Certain provisions of Article 238, paragraph 1, and Article 239, paragraph 1, which criminalize defamation of public officials, could also lead to contravention of the right to freedom of expression. Amnesty International believes that public officials who consider themselves defamed should seek redress through legal actions to which anyone, regardless of status or function, can resort in order to protect his or her reputation. Such legal actions, however, should not be used to stifle criticism of state authorities or to intimidate those who voice legitimate concern about the actions or practices of state authorities.

New cases of alleged ill-treatment

In July 1996 police officers and public guardians in Târgu Mures reportedly ill-treated three Roma minors, **Gheorghe Notar Jr, Ioan ÄtvÅs** and **Rupi Stoica**, who were held in custody for five days in the Centre for the Protection of Minors. On 7 July at around 4.40pm police officers took into custody 17-year-old Gheorghe Notar Jr. One officer reportedly hit him with a truncheon on the neck making him fall down several steps. Gheorghe Notar Jr. was then taken to the police station together with 15-year-old Ioan ÄtvÅs and 16-year-old Rupi Stoica, who had been detained earlier. In the police car the three youths were reportedly slapped and beaten by two police officers. At the police station, as Gheorghe Notar Jr was climbing the steps, he was hit again on the back, making him fall and briefly lose consciousness. The alleged beating of the three youths continued intermittently as they were interrogated in a changing room at the station. They were questioned about an incident involving another minor that had occurred earlier that afternoon and which the police reportedly considered to be an act of robbery. The officers did not inform the boys' parents about their being in custody, nor ensure that a lawyer was present at the interrogation. In October Amnesty International published a report, *Romania: Ill-treatment of*

minors, Gheorghe Notar Jr, Ioan Ötvös and Rupi Stoica (AI Index: EUR 39/18/95) presenting, in addition to a detailed description of the case, an analysis of certain provisions of Law number 3/1970 Concerning the Protection Regime of Certain Categories of Minors. This law allows police to keep minors suspected of a criminal offence in custody for up to 30 days. It does not define the procedures to be followed by police officers who take minors into custody; places no obligations on officers to inform parents or guardians of this measure and imposes no restrictions on the police to question minors held in such custody. Nor do parents or guardians have the right to an effective appeal against the police decision to detain a minor. Amnesty International urged Romanian authorities promptly and impartially to investigate the alleged ill-treatment of the three minors. The organization also called on the Romanian Government to revise the law to ensure that it contains recommended provisions regarding police procedures, compulsory presence during questioning of a lawyer or a representative of the child welfare authority, as well as allowing for an effective appeal against the decision to place a minor in custody.

On the night of 7 - 8 December in a bar in Fântânele, Mures County, a local police officer who was in plain clothes reportedly pushed and punched in the chest **János DöngolÁ**, an 18-year-old high school student. When the youth attempted to defend himself the officer reportedly continued to punch and kick him, saying that he would shoot at anyone who attempted to intervene. He then also punched **Mihály Rozs**, another 18-year-old student. Three other officers in plain clothes pursued the two students after they managed to leave the bar. They were apprehended and taken to the local police station where the beatings continued. Later, János DöngolÁ and Mihály Rozs were admitted to the Târgu Mures hospital where they were treated in the course of 12 and 8 days respectively, for head and bodily injuries which they suffered as a result of the ill-treatment.

On 11 December 1996 at around midnight in the Distor district of Bucharest, **Adrian Sandu** and **Mihail Alexandrescu** were stopped by a group of nine police officers who were accompanied by two police dogs. They were told to present their identity cards. An officer reportedly objected to the fact that there were handwritten markings on the first page of Adrian Sandu's identity card. Adrian Sandu explained that the markings had been made at the police station at the time when the validity of his card was being extended. He suggested that the officer should keep the card and that he would come to the station to clarify the matter. The officers then incited the dogs to attack Adrian Sandu and Mihail Alexandrescu and started to punch and kick them. One officer hit Adrian Sandu in the head with a flash light. Some other officers who came in a police vehicle reportedly refused to take the two men to the police station to charge them. Adrian Sandu and Mihail Alexandrescu were then handcuffed and taken to a nearby bar where the beating continued and where they were coerced into signing police statements. Adrian Sandu was issued with a fine of 80,000 lei (US\$20) for not having a valid identity card and Mihail Alexandrescu was fined 5,000 lei (US\$1.25) because his blood type was not inscribed in the card.

After the incident Adrian Sandu and Mihail Alexandrescu were examined by a forensic medical expert. A certificate issued to Adrian Sandu described bruising and lesions on the face and all over the body as well as dog bite wounds on his left thigh and right leg. Similar injuries suffered by Mihail Alexandrescu were described in a separate certificate. In January 1997 Amnesty International urged the Romanian authorities promptly and impartially to investigate the alleged ill-treatment of János Döngölä, Mihály Rozs, Adrian Sandu and Mihail Alexandrescu, to make public the findings and to bring to justice those found responsible for human rights violations.

Open letter to the newly elected authorities

Following presidential and parliamentary elections held in November, Amnesty International appealed to the new Romanian authorities to place human rights concerns at the forefront of their policies. In *Romania: Open letter from Amnesty International to the President, the Government and the Members of the Parliament* (AI Index: EUR 39/22/96) the organization called on the new authorities to revise all legislation which might lead to violations of human rights. Amnesty International expressed concern that the enforcement of the amended Penal Code may result in the continued imprisonment of people who would be considered prisoners of conscience. The organization also criticized certain provisions of Law number 46/1996 concerning an alternative service to military service; Law number 26/1994 on the Organization and Functioning of the Romanian Police, which permits officers to use firearms "to apprehend a suspect who is caught in the act and attempts to escape without obeying an order to stay at the scene of the crime"; and Law number 15/1996 concerning the Status and Regime of Refugees in Romania, which is also at variance with international standards.

At the time of publication of this report Amnesty International has still not received any reply from the Romanian authorities regarding its open letter.

RUSSIAN FEDERATION

Russia before the United Nations (UN) Committee against Torture

Amnesty International urged the Russian Government to implement the recommendations of the United Nations Committee against Torture, which on 12 November examined the second periodic report submitted by the Russian Federation.

Amnesty International had submitted its own report to the members of the Committee

detailing its concerns about allegations of systematic and widespread use of torture and ill-treatment in Russia (see *Russian Federation: Comments on the Second Periodic Report submitted to the United Nations Committee against Torture*, AI Index: EUR 46/46/96). The organization also held a meeting with the Russian delegation in which measures planned by the authorities were discussed.

The findings of the Committee against Torture confirmed Amnesty International's concerns: soldiers have been brutalized by senior soldiers and officers in the army without the authorities taking appropriate remedial measures; the authorities have failed to establish an effective machinery for the prompt examination of prisoners' complaints; the process of harmonizing domestic legislation with international human rights standards is progressing slowly; police and prison personnel lack training; people facing extradition do not enjoy appropriate safeguards; the widespread reported abuses of human rights in the conflict in Chechnya, including torture, are not being investigated promptly and effectively.

Amnesty International strongly supports the recommendation of the Committee that the Russian Federation adopt a comprehensive action plan to stop torture. The plan includes: the criminalization of torture; expediting the process of training of personnel, including medical personnel, of all agencies engaged in the enforcement of the law and detention of prisoners; the adoption of programs to inform detainees and the public of their rights and the legal means to protect them; the establishment of an effective machinery to monitor the conditions under which investigations of crimes are conducted, the conditions under which persons are held in custody and conditions in prisons; the establishment of an appropriate process for the prompt investigation of complaints of suspects, detainees and prisoners and the prosecution of the offenders; the radical improvement of conditions in prisons; the abolition of acts, rules and regulations allowing remand in custody for longer than 48 hours without judicial authorization; the abolition of

acts, rules and regulations limiting access to legal assistance; and the establishment of an independent committee to investigate allegations of torture, inhuman and degrading treatment committed by the military forces of the Russian Federation and Chechen separatists with a view to bringing to justice those against whom there is evidence of involvement or complicity in such acts.

Prisoners of conscience

Conscientious objectors to military service: the case of Uvanchaa Dozur-ool Mongushevich

Uvanchaa Dozur-ool Mongushevich, an ethnic national of the Republic of Tuva in the east of the Russian Federation, was drafted into the army in 1995, despite the fact that he was preparing to be initiated as a monk. He was sent to serve in the military unit in the village of Pereyaslavka, Khabarovsk region. There he was allegedly ill-treated by his fellow soldiers, and as a result of severe beatings, he was reportedly hospitalized with both legs broken. Soon afterwards he returned to the Buddhist monastery, where he was arrested on 26 May 1996 by the military authorities. He was charged on 13 June under Article 246 of the Russian Criminal Code with "voluntary desertion of his army unit", for which he faced a sentence of between three and seven years' imprisonment. He was held in a pre-trial detention centre (SIZO) in St Petersburg. Uvanchaa Dozur-ool Mongushevich reportedly stated his conscientious objection to compulsory military service consistently from the time when he was first drafted. His spiritual teacher received a letter dated 28 June from the Office of the Chief Military Procurator of the Russian Federation, which acknowledged this.

Amnesty International learned that on 28 June the St Petersburg Military procurator ruled to close the case against Uvanchaa Dozur-ool Mongushevich due to a "change in circumstance". The procurator ruled that he should no longer be detained, but sent to the military recruitment office in the Republic of Tuva, in order to be dismissed

from military service. This decision was upheld on 18 July by the Military Procurator in Moscow. However, according to information received from the Deputy Military Procurator of Khabarovsk, Uvanchaa Dozur-ool Mongushevich was returned from the SIZO in St Petersburg to his original military unit in Khabarovsk, and was made to continue serving in the army.

In November Amnesty International was informed by the Chief Military Procuracy of the Russian Federation that all criminal charges against Uvanchaa Dozur-ool Mongushevich had been dropped, and that he had been released from detention.

The case of Aleksandr Nikitin (update to information given in AI Index: EUR 01/02/96)

After exhaustive investigation of materials written by **Aleksandr Nikitin** for a report by the Norwegian environmental organization Bellona Foundation, for which he had been charged with treason, Amnesty International concluded that the disclosure of the information contained in the relevant chapter did not justify restricting Aleksandr Nikitin's freedom of expression on the grounds of protecting Russia's national security interests. Amnesty International concluded that he was held solely for the peaceful exercise of his right to freedom of expression, and adopted him as a prisoner of conscience. The organization called for his immediate and unconditional release from detention. In addition, the conduct of the investigation by the Federal Security Service (FSB), including evidence that it had been obstructing a fair judicial determination of the case since the day of Aleksandr Nikitin's arrest, gave reason to believe that Aleksandr Nikitin's prosecution was politically motivated. Furthermore, Amnesty International believed that the conviction of Aleksandr Nikitin might trigger further arbitrary prosecutions by the FSB.

In October Aleksandr Nikitin was formally charged with treason in the form of espionage (Article 64 of the Russian Criminal Code), release

of state secrets (Article 74 part 2) and falsification of documents (Article 196 part 1).

Aleksandr Nikitin was released from detention on 14 December pending trial. (Under Russian law his procedural pre-trial detention term came to an end on 13 December, and the authorities had to release him or review his case to decide if his detention should be extended.) By that time the FSB had also finished the preliminary investigation into the case, and on 13 December the Deputy Procurator General of the Russian Federation, M. B. Katyshev, ruled that Aleksandr Nikitin should be released and returned the case to the FSB for additional investigation on the grounds that it was not yet ready to go to trial. As of the end of the year the charges against Aleksandr Nikitin had not been dropped and he was not allowed to travel outside St. Petersburg while awaiting trial. (For detailed information on the case of Aleksandr Nikitin see *Russian Federation -- Federal Security Services (FSB) versus Prisoner of Conscience Aleksandr Nikitin: Return to Soviet Practices*, AI Index: EUR 46/42/96).

The case of Yury Shadrin

Yury Shadrin, a respected Russian human rights advocate and public defender, was arrested on 29 November 1996 in the Siberian city of Omsk on the order of the Regional Procurator. He was later charged under three articles of the current Russian Criminal Code: Article 211(1) (violation of the "rules of traffic safety and operation of transport vehicles"); Article 207 ("a threat of physical force to person or property"), and Article 176(3) ("defamation of judges and people's assessors in the process of their judicial activities"). The case against Yury Shadrin combined charges brought against him on three separate occasions between 1992 and 1996, including two charges which had previously been dropped.

Yury Shadrin has represented many human rights organizations from the Omsk Region and has been a public defender in court for many victims of human rights violations. Prior to his arrest, Yury

Shadrin had been scheduled to participate in the Congress of Russian judges in Moscow on 5 December. He had been planning to speak at the meeting about the numerous violations of the judicial process by a number of Omsk judges and to submit documentary evidence to this effect. It was reported that on the night of 28 November Yury Shadrin placed a phone call to the human rights group Moscow Center for Prison Reform, asking them to arrange his identity pass for the Congress. He was arrested the following morning. His defence lawyer, Karinna Moskalenko, and other human rights observers believe that his telephone line was tapped and that the phone call was monitored by the authorities in Omsk, who decided to arrest him and thus prevent him from participating in the Congress of the Russian judges.

Amnesty International believed that Yury Shadrin was arrested and charged solely for his human rights activities as a public defender and for the peaceful expression of his conscientiously held beliefs. It believed that the charges against Yury Shadrin were unfounded and that he was singled out by the authorities and arrested to prevent him from continuing with his human rights work. Amnesty International considered him to be a prisoner of conscience and called for his immediate and unconditional release from prison and for all charges against him to be dropped.

It was reported that on 1 December Yury Shadrin filed a complaint requesting a court review of the legality of his arrest. In response to his repeated requests, the prison authorities gave him a document stating that his complaint had been sent to the court on 4 December. In fact, Yury Shadrin's complaint was filed with the court only on 10 December, after his defence lawyer had visited him in detention. This was a clear violation of Article 17(7) and Article 18 of the 1995 federal law governing the detention of persons suspected or accused of having committed offences, and of Article 46 of the Russian Constitution.

A number of Russian human rights organizations and advocates came forward to protest the arrest and detention of Yury Shadrin. In

an unprecedented move, a group of former prisoners of conscience and political prisoners from the Stalinist camps announced that they would give back their rehabilitation certificates as victims of the political persecution during the Soviet era and would return the monetary compensation given to them by the government if Yury Shadrin was not released from detention by 31 December. At the end of December members of various Russian human rights organizations held pickets and protest meetings in Moscow in defence of Yury Shadrin. He was released from detention pending trial on 31 December, on the alleged personal initiative of Anatoly Chubais, head of the Presidential administration, but Yury Shadrin was not allowed to leave Omsk and the charges against him were not dropped.

Continuing executions

Executions in Russia continued even after the adoption on 28 June of the Council of Europe's Parliamentary Assembly resolution 1097 (1996) calling on the government to honour its commitments to introduce a moratorium on executions (See AI Index: EUR 01/02/96).

Amnesty International's information indicates that at least 140 prisoners were executed in 1996, 103 of them after the country joined the Council of Europe. There is strong evidence to suggest that those executed include people who were innocent of the crimes for which they were convicted. Amnesty International has repeatedly denounced the continuing executions in Russia and called on the authorities to stop them.

See also Women in Europe, page 63

SLOVAK REPUBLIC

Prisoners of conscience: conscientious objectors to military service

Amnesty International adopted as prisoners of conscience two men who had been imprisoned for refusing to carry out their military service. **Erik Kratmüller** was imprisoned on 12 June 1996 to serve an 18-month sentence. **Martin Badin** was imprisoned on 27 August 1996, sentenced to one year's imprisonment. Both men had acquired religious convictions, which did not allow them to carry arms, after the period in which, under Slovak legislation, they could apply for alternative civilian service.

Two other conscientious objectors, **Miloš Lipinský** and **Martin Bednár**, were convicted of the same offence and sentenced to 14 months' and one year's imprisonment respectively. They are currently free pending a retrial and an appeal. Amnesty International has urged the Slovak authorities immediately and unconditionally to release Erik Kratmüller and Martin Badin, and appealed for the dismissal of criminal charges against Miloš Lipinský and Martin Bednár, who, should they be imprisoned, would be considered to be prisoners of conscience.

Amnesty International has repeatedly criticized certain provisions of the Slovak Law on Civilian Service which it considers to be at variance with internationally recognized principles concerning conscientious objection to military service (see AI Index: EUR 01/01/96). Article 2, paragraph 2, of this law requires that applications for alternative service be submitted within 30 days of the coming into force of the conscription board decision on fitness for military service. This effectively disqualifies people who develop a conscientious objection to military service between conscription and call-up, or after call-up. Amnesty International believes that a person's conscientiously-held beliefs may change over time and that therefore people should have the right to claim conscientious objector status at any time. The organization is also concerned that the length of civilian service is punitive. According to Article 1, paragraph 8, the length of civilian service is twice that of military service. Amnesty International has

urged the Slovak authorities to revise these provisions.

SPAIN

Witness in "dirty war" investigation kidnapped and tortured

On the morning of 9 November municipal cleaners found a man calling for help on a stretch of open ground near the southern coastal town of San Fernando (Cadiz). He was taken to the Municipal Police and later to a local hospital for treatment.

The man, whose identity is confidential and who is known only as **1964/S**, is a protected witness in the investigation into the abduction from Bayonne, France, in 1983 of two members of the armed Basque group ETA, José Antonio Lasa and José Ignacio Zabala. Their corpses were discovered in southern Spain in March 1995. Both bodies showed signs of extensive beatings and torture, including loss of finger and toe nails. They were killed by blows to the skull followed by shots in the back of the head.

On 5 November the witness had given evidence to a judge in the National Court in Madrid, charged with investigating part of the actions of a secret organization, the so-called Anti-terrorist Liberation Groups (GAL), which murdered 27 people between 1983 and 1987, including 10 people with no connection with ETA. This secret organization was reportedly composed of security officers and contract gunmen with links to organized crime. It is believed to have had links with the highest ministerial levels in Spain, including a former minister of the interior, the commanding officer of the security forces and the most senior government representatives in the Basque region.

1964/S, a former Naval intelligence officer, reportedly implicated members of the Civil Guard, formerly stationed in the Basque country, in the crimes. Numerous Civil Guard officers, who were stationed at Intxaurreondo barracks in the Basque country, including Civil Guard General Enrique

Rodríguez Galindo, the Governor of Guipúzcoa province, Julen Elgorriaga, and the secretary of state for security in the Ministry of the Interior, had already been indicted in the judicial investigations into these murders. The judge, therefore, issued an order requiring the Minister of the Interior to arrange increased protection for the witness. However, according to the explanation given by the Minister of the Interior in reply to questions in parliament, the order which arrived at his office was incomplete. By the time this had been rectified by the court and the order passed to the Director General of Police for action the witness had left Madrid and headed south.

In his statement, 1964/S claimed that on the night of 8 November armed men kidnapped him at gunpoint from a petrol station and took him to a beach. He was handcuffed and beaten. The men repeatedly burned him with cigarettes and he was sodomized with a blunt instrument on at least three occasions. The men took his wallet and threatened members of his family whose photos he was carrying. They accused him of talking too much and said that if he spoke to the police about what had happened his family would be in danger. A copy of the order from the judge requesting increased measures of security for the witness was forced into his mouth.

A doctor in the emergency services of the local hospital examined the injuries to 1964/S and confirmed that he had injuries consistent with the allegations of torture, including 22 cigarette burns to his body and lacerations in the rectal area.

1964/S claimed to have identified the handcuffs as regulation service issue and also stated that one of his torturers was wearing special superfine black latex gloves which are issued to the special forces.

The duty magistrate in Cadiz immediately opened an inquiry and the Minister of the Interior made a statement to parliament. The Minister of the Interior admitted that there had been insufficient measures of security but denied that this was a result of negligence. He committed himself to verifying 1964/S's allegations and

recognized that the events of 8 November were "a collective failure of the state of law".

The failure to provide adequate protection to 1964/S came at a time of other reports of verbal threats and assaults against other witnesses, jurists and lawyers involved in the different inquiries into the operations of GAL.

After the torture of 1964/S an officer serving in the Spanish Embassy in Guatemala was recalled to Spain to give evidence. However, the press reported that he had exercised his right to silence.

Barcelona court acquitted Civil Guards of torture and murder of detainee

Jorge Xurigué Blanch died in hospital in Sabadell (Barcelona) in August 1994. He and a friend had been arrested by two Civil Guards while they were attempting to rob a service station. The officers claimed subsequently that when they were taking the two men back to the Civil Guard station they made an attempt to escape and had to be physically subdued. The officers maintained that there had been a struggle but no blows or kicks had been used.

Jorge Xurigué died of a cerebral haemorrhage following a blow to the temple. The Provincial Court found that the two officers kicked and beat them while they were lying on the ground. In its judgment the court conceded that the officer guarding Jorge Xurigué kicked him in the head. However, on the basis of the forensic evidence, it found it not proven that the cause of the fatal haemorrhage had been a kick from the officer or that they had hit the detainee with the intention of killing him. The court was also unable to identify with certainty which of the two arresting officers was responsible for the individual injuries to each of the two detainees. Accordingly, it acquitted both defendants of the charges of murder, homicide, falsifying an official document and torture. Both the state prosecution and the party representing the widow entered notice of appeal to the Supreme Court.

Abuses by armed Basque group, ETA

The campaign of attacks and hostage-taking by ETA continued.

In November ETA claimed responsibility for kidnapping **Cosme Delclaux Zubiria**, a lawyer and the son of a wealthy industrialist in the Basque country. ETA stated in a communique that the abduction of Cosme Delclaux was a "blow to the heart of the financial aristocracy of Neguri [an exclusive suburb of Bilbao]...who are principally responsible for the economic and political oppression" of the Basque country. The kidnapping coincided with a renewed campaign by ETA to raise funds through the means of the so-called "revolutionary taxation".

José Antonio Ortega Lara, a prison officer from Burgos who was kidnapped by ETA in January 1996, was still held hostage at the end of the year. A parliamentary representative of a Basque political party which supports ETA prisoners and which has been campaigning for these prisoners to be brought back to the Basque country, stated in December that José Antonio Ortega Lara's "future" lay in the hands of the Minister of the Interior. He reportedly claimed that he was not speaking on behalf of ETA but that what happened to José Antonio Ortega Lara depended on whether the Spanish Government was prepared "to observe the law" and respect the human rights of the Basque prisoners by transferring them nearer their families.

Amnesty International, under its mandate, takes no position on the relocation of prisoners. It has, however, repeatedly condemned deliberate and arbitrary killings and hostage-taking as a contravention of international humanitarian standards.

Forcible expulsions of Africans, including asylum-seekers

In June 1996 103 people from different African countries were expelled in five military aircraft

from Melilla and Malaga. Among the expellees were known asylum-seekers. Forty-five African nationals were deposited in Guinea-Bissau and were immediately detained in the *Segunda Esquadra* prison where some were beaten.

Following press reports, including allegations made against the Ministry of the Interior by a Spanish police union, the government was compelled to admit that the expellees were given water bottles during the flight to which sedatives had been secretly added. Reportedly, some of the water bottles were also given in error to the escorting police officers. Amnesty International also received reports that the expellees were handcuffed and that some were beaten by Spanish police officers in the aeroplane. Many of those expelled to Guinea-Bissau were reportedly ill, malnourished and penniless. One of them, a 25-year-old Nigerian, was shot and killed by police in Bissau in September during a violent demonstration.

In August the United Nations High Commissioner for Human Rights declared that the expulsion was of great concern and that, in his opinion, the procedure of expulsions, if they were as reported in the press, were highly censurable. Many non-governmental organizations, including Amnesty International, publicly condemned the expulsions and called upon the Spanish Government to respect its obligations to the expellees.

In a letter to Amnesty International, signed by the Director of the Office of the Secretary of State, the Spanish Government claimed that in every case expulsion had only taken place after prior consultation and agreement with the countries of origin of the alleged "illegal immigrants". The Spanish Government could, therefore, guarantee their destination, security and respect of their rights. However, according to information given to Amnesty International, the countries of origin of many of the expellees were not known to the government at the time of their expulsion.

Conscientious objection to compulsory military service

Amnesty International has repeatedly expressed concern about the lack of any provision to claim conscientious objector status after entering the armed forces. Over the last 10 years over a dozen cases of conscripts imprisoned as a result of their refusal to complete their military service, on grounds of conscience developed after joining the armed forces, have been brought to the organization's attention. In April 1996 the Human Rights Committee also urged Spain to amend its legislation to introduce such a right (see AI Index: EUR 01/02/96).

On 26 November the Congress of Deputies voted to discuss a proposal to reform the existing law on conscientious objection. The text of the proposal, put forward by the Catalan *Convergència i Unió* party, included a provision allowing for conscientious objection developed after entering the armed forces. However, the major political parties indicated their intention of making considerable amendments to the text during its passage through parliament in 1997. The government has also indicated to parliament its intention of ending conscription into the armed forces and replacing it, by 2003, with armed forces staffed by professionals and volunteers.

SWITZERLAND

Conscientious objection to military service

Legislation providing, for the first time, a genuine civilian alternative to compulsory military service came into force in October. The new service, one and a half times the length of ordinary military service, is available to conscripts able to demonstrate to the satisfaction of a civilian commission their inability to reconcile military service with their consciences. Amnesty International had expressed concern over many years about the lack of a genuine civilian service for conscientious objectors to military service and the sentences of imprisonment or compulsory work

imposed on conscientious objectors by military tribunals. The organization, therefore, welcomed the new legislation and will monitor its implementation.

Alleged ill-treatment of detainees

EG, a Turkish national with official refugee status in Switzerland, alleged he was subjected to physical ill-treatment during two hours' detention by officers attached to the border guard force (a federal agency) in the Ticino canton.

He said that on re-entering Switzerland by car on 26 June 1996 after a day-trip to Italy, he and his travelling companion, also an officially recognized refugee from Turkey, were stopped by a Swiss border guard at the Swiss-Italian border outside Chiasso and asked to produce their identity and travel papers. EG said these were taken away for checking and that the car was surrounded by some five officers who ordered him and his companion out of the car at gunpoint. EG claimed that he was dragged out of the car and violently forced to the ground while guards proceeded to search the car. He said he informed the guards that he was disabled and that such ill-treatment could have repercussions on his health and, after getting up, asked what offence he and his companion were accused of. However, he alleged that in response one of the guards told him to be quiet and hit him. An exchange of verbal insults apparently followed and EG was handcuffed and taken inside the border guards' offices where he claimed that he was forced against a wall while two officers struck him on his legs and shoulders. He said his handcuffs were then removed and he was forced to strip naked and stand with his face to the wall while officers carried out a search of his person and clothing. He said that nothing incriminating was found and his clothes were then thrown back at him. When he had dressed, his handcuffs were replaced and he was detained in a room for a further half-hour while his companion was stripped and searched.

He stated that eventually two officers of the cantonal police entered the room and informed him that the border guards had mistaken him for someone else, apparently a murderer, and that he was free to go. He said that when he told the police that he wished to make a complaint they confirmed that he had a right to do so and advised him to obtain a medical report from a doctor. He did not see the border guards again and, after his companion had rejoined him, he travelled on to his canton of residence. The following day, 27 June, he was examined by his doctor who recorded bruising to his left leg and right arm and indicated that his injuries were consistent with his allegations. On 28 June he apparently tried to register a formal complaint with his local cantonal police but was informed that his complaint had to be lodged in the Canton of Ticino, where the alleged incidents had occurred. He lodged a formal complaint with the Public Prosecutor's office in Lugano in August and formal investigations were opened into his allegations.

Judicial investigations apparently continued into the complaints of ill-treatment lodged against officers of the Ticino cantonal police by Turkish-Kurd refugees **Ali Doymaz** and **Abuzer Tastan** in June 1995 and by **AS**, an asylum-seeker from the Kosovo province of Yugoslavia, in January 1996 (see AI Index: EUR 01/02/96).

In October the Chief of the Geneva Cantonal Police confirmed that an investigating magistrate had been assigned to a judicial investigation under way into the formal complaint which **Marc Guerrero** had lodged against Geneva police officers in March 1996 (see AI Index: EUR 01/02/96). His complaint alleged that police officers had set a police dog on him, causing him serious injuries, after he had surrendered to them following a police chase in February. He also claimed that officers had physically ill-treated him and deliberately deprived him of medical treatment for several hours. The Chief of Police stated that it appeared premature to draw any definitive conclusions about the case but underlined that the accused officers strongly contested the allegations

made in Marc Guerrero's complaint. He stated that a police dog had been used during Marc Guerrero's arrest for security reasons but that there was nothing "*a priori*" to indicate that the use of the police dog contravened the principle of proportionality".

United Nations Human Rights Committee examines Switzerland's first report

On 24 and 25 October the UN Human Rights Committee considered Switzerland's initial report on its implementation of the International Covenant on Civil and Political Rights, to which it has been a State party since 1993. A 10-member government delegation introduced the report and responded to oral and written questions from the Human Rights Committee.

In its formal conclusions, issued in November, the Committee expressed concern about several specific issues, including "numerous" allegations of ill-treatment, particularly of foreign nationals, at the time of arrest and during initial police custody; unsatisfactory investigations into complaints of ill-treatment and failure to impose appropriate penalties on those responsible for such treatment.

The Committee recommended that Switzerland intensify discussions aimed at harmonizing the 26 cantonal codes of penal procedure, particularly concerning the provision of fundamental guarantees for detainees. The Committee stressed the need for all cantons to introduce a legal right for criminal suspects to have access to a lawyer and relatives from the moment of arrest and to be examined by an independent doctor upon arrest, after questioning and before appearing in front of a magistrate or being released. It also recommended that independent, publicly-accountable, mechanisms be established in all cantons, to examine complaints of police ill treatment.

TAJIKISTAN

Short-term detention of former opposition leader

In July **Davlat Khudonazarov**, an exiled former opposition leader, was briefly detained in Moscow, Russia, by police who found him listed as being wanted in Tajikistan on criminal charges connected with his opposition activities. He spent some nine hours in custody before authorities in Tajikistan stated that he was no longer being sought on criminal charges. Amnesty International raised the issue of Davlat Khudonazarov's arrest with the Moscow police.

Alleged torture and ill-treatment

Attacks on United Nations observers by government troops

In two separate incidents in December members of the United Nations Mission of Observers in Tajikistan (UNMOT) were reportedly assaulted and subjected to mock executions by Tajik government soldiers.

In the first incident **Hans Schalk**, an Austrian army captain, **Imran Shavkat**, a Bangladeshi lieutenant, and their **Tajik translator** (who was not named in reports) were intercepted close to the front line near the town of Garm by government soldiers who demanded that the UNMOT observers escort them to territory held by forces of the United Tajik Opposition (UTO) where government troops were allegedly being held captive. When the UNMOT personnel refused, according to an UNMOT statement they were beaten with weapons, kicked and punched, lined up in a row to be shot, and attempts were made to push one member of the UNMOT team off a mountain ledge. The UNMOT personnel were later allowed to leave in the direction of UTO-held territory under threat of death if they did not return with the captive soldiers. They were eventually escorted to safety at an UNMOT outpost in Garm by UTO fighters.

In the second incident less than two weeks later, two teams of UNMOT observers, who were not named in reports, were stopped at a government military checkpoint at Saripul, near Garm, and ordered to leave their vehicles and line up, whereupon the troops, reportedly acting on the orders of their commander, fired machine-gun rounds over their heads. The UNMOT teams were able to escape reportedly after the appearance of another car on the road distracted the soldiers' attention.

Appalling prison conditions amounting to ill-treatment

Information was received about appalling prison conditions amounting to gross ill-treatment. In August the official press and other sources reported that deaths in prison had risen from 120 in the whole of 1994 to over 400 in 1995 and 509 during the first half of 1996, mainly because of starvation and disease. It was reported that Tajikistan's parliament had responded by adopting a resolution on improving prison conditions.

The death penalty

Amnesty International learned of nine more death sentences. **Abdunabi Boronov** and **Nurali Dzhandzholov**, former members of the pro-government paramilitary People's Front organization, were sentenced to death in August for the March 1995 murder of journalist and member of parliament Zayniddin Mukhiddinov. Their trial was held reportedly in the Supreme Court acting as the court of first instance, and it was consequently unclear whether they had a right of appeal as required by international human rights standards. **Alidzhon Dodokhonov** was sentenced to death, probably in October, for the murder of a woman and her young child. Six men, who were not named in reports, were sentenced at the end of December by the Supreme Court for the murder of Nurali Cha, a warlord and former People's Front commander, and seven members of his group

during violent clashes between rival armed groups in Gissar in 1994.

In November Amnesty International received notification from the office of the head of the city administration in Dushanbe, the capital, that five prisoners who had been sentenced to death in 1994 were still alive and on death row. The prisoners - brothers **Rahim and Hassan Rakhmatulloev** (previously given as Rakhmatollayev), **Buri Boymatov** (previously given as Baiminov), **Avaz Dzhonov** (previously given as Avazshah Dzhononov) and **Sobir Safoyev** - had been sentenced in two separate trials for banditry, and had had appeals against their sentences turned down.

Amnesty International continued to call for commutation of all pending death sentences in Tajikistan and for the complete abolition of the death penalty.

Human rights abuses by opposition forces

A number of incidents were reported in which UTO armed forces took government troops and police hostage. For example, in August it was reported that the UTO was holding hostage four police officers captured in the southern district of Yavan and was offering their release in exchange for that of imprisoned opposition members. The exchange subsequently went ahead. In October the UTO demanded the removal of government roadblocks and the release of imprisoned opposition members as conditions for the release of 37 police officers captured in Komsomolabad. All of these hostages had been released by early November.

TURKEY

Police, ministers, narcotics and political murder

On 4 November a speeding Mercedes crashed into a lorry at Susurluk on the Izmir-Istanbul road. The car belonged to Sedat Bucak, member of parliament for one of the parties in government and leader of a Kurdish clan from which are drawn thousands of members of the notorious village guards civil defence system. Sedat Bucak survived, but the three other travellers in the car were killed. They included Hüseyin Kocada•, Director of the Istanbul Police Academy and former Deputy Police Chief of Istanbul, and Abdullah Çatli, alleged mafia member and former vice-president of an extreme right-wing youth organization who was wanted for alleged participation in the massacre of seven members of the Turkish Labour Party in 1978, and also wanted by Interpol for drug smuggling offences. At the time of the accident Abdullah Çatli was carrying a "green passport", reserved for high ranking civil servants, even though he was on the run after escaping from a prison in Switzerland where he had been held on drug smuggling charges.

The car also contained an arsenal of weapons, including two sub-machine guns and, revealingly, silencers.

When questioned on how a high ranking police officer should be in the company of a criminal wanted for political murder and drug smuggling, the Minister of the Interior and former General Director of Police Mehmet A•ar suggested that Hüseyin Kocada• was driving Çatli to Ankara to hand him over to the authorities. It later emerged that the four had been socializing together at a resort on the southwestern coast; Mehmet A•ar resigned as Interior Minister shortly afterwards and is now being investigated for signing a false police document for Abdullah Çatli.

The state intelligence service MIT confirmed in public statements that Abdullah Çatli had been used for "secret operations abroad". The MIT spokesperson added, "Later we learned he was involved in drug trafficking and stopped using

him. But the General Police Directorate took him on.”³

Subsequent investigations by journalists revealed state involvement up to ministerial level in the drugs trade, while a German judge trying a narcotics case in Frankfurt stated that Turkish gangs had “excellent relations” with the government in Ankara and even “personal contacts” with the foreign minister Tansu Çiller⁴. Indeed, Tansu Çiller astounded the Turkish public with her salute to Abdullah Çatli, saying of him: “Those who shoot, as well as those who are shot, for the sake of a nation, a people, a state, are always remembered with honour”.

The revelations corroborate Amnesty International’s findings (See *Turkey: No security without human rights*, AI Index: EUR 44/84/96) that Turkish security forces have become increasingly involved in nakedly criminal activities - including political murder - and that such acts are covered up at all levels of government and administration.

No security without human rights - launch of Amnesty International campaign on Turkey

"Our cries continue. How is it that our voices are heard in Taiwan but that officials in Turkey still do not hear us?"

Baba Ocak, father of Hasan Ocak who “disappeared” in March 1995.

Amnesty International launched a worldwide campaign for human rights in Turkey at a press conference in Istanbul on 1 October. AI delegates at the launch included Pierre Sané, Secretary General of Amnesty International; Dr Habiba Hasan, a medical doctor from AI Pakistan; and

Arie Zwanenburg, member of AI Netherlands police group and former police commissioner.

On 26 October, representatives from Amnesty International structures in France, Taiwan, Sweden, Denmark, Norway, Pakistan, UK, Netherlands, Switzerland and Austria went to Istanbul to participate in the weekly vigil held by mothers of the “disappeared”. They were accompanied by four relatives of the “disappeared” from Bosnia-Herzegovina (Hatidžina Hren and Beba Hadžić, from the non-governmental organization “Women of Srebrenica”), Lebanon (Wedad Halwani, from the Committee of Relatives of the Detained and Disappeared in Lebanon) and Argentina (Mirta Acuña Baravalle, a Plaza del Mayo mother and grandmother of the “disappeared”).

New “disappearances” in Diyarbakir

In late November there was a cluster of at least 11 “disappearances” in the province of Diyarbakir. Several of those “disappeared” were subsequently found killed. **Fahriye Mordeniz** was taken from her home in Diyarbakir by a group of armed men with walkie-talkie radios, apparently plainclothes police officers on 28 November 1996. Her husband **Mahmut Mordeniz** had been taken into custody from a livestock market by the same men earlier that day. When relatives went to a nearby police station they were told that the arrest had been carried out by “the Anti-Terror Branch”. Subsequent petitions to courts, prosecutors and police stations either received no response or blank denial that Fahriye Mordeniz and her husband had been detained. No news has been received of them since.

European Court of Human Rights finds security forces guilty of burning and torturing

On 16 September the European Court of Human Rights found that Turkish security forces had

³Frankfurter Rundschau, 23 January 1997

⁴Sabah (Morning), 27 November 1996

deliberately burned the houses of Kurdish villagers at Kelekçi village, near Dicle, in Diyarbakir province (Akdivar v Turkey). On 18 December the Court found Turkish security forces responsible for the torture of **Zeki Aksoy** in detention in November 1992 (Aksoy v Turkey). He was held in police custody for 14 days in Mardin, southeast Turkey, where he was subjected to beatings, electric shocks, hosing with cold water and being suspended by his arms which were tied behind his back. The court ruled that this treatment amounted to torture, that the length of detention was excessive, and that insufficient safeguards were provided. Zeki Aksoy was shot dead in April 1994 after complaining to his lawyer that he had received telephoned threats that he would be killed unless he dropped his complaint to the European Court. Turkey's defence lawyer at the Court resigned in October saying, "Turkey always promises, but never fulfils... I thought defending Turkey is impossible in the current conditions, and resigned."

Torture - "a common occurrence"

In its second public statement on Turkey on 6 December, the European Committee for the Prevention of Torture described torture as "widespread... a common occurrence" and reported that it had once again found instruments of torture. In 1992 they found equipment in Diyarbakir and Ankara police headquarters. Then, in a visit to Istanbul Police Headquarters on September 1996 its delegates found "an instrument adapted in a way which would facilitate the infliction of electric shocks and equipment which could be used to suspend a person by the arms".

Imprisonment of conscientious objector

Turkey has no provision for conscientious objection or alternative civilian service. **Osman Murat Ülke**, chairperson of Izmir War Resisters' Association (ISKD), was detained in Izmir on 7

October 1996 for having publicly burned his call-up papers and for declaring that, as a pacifist, he would not perform any military service.

Osman Murat Ülke was later transferred to Ankara for interrogation on charges of violating Article 155 of the Turkish Penal Code, "alienating the people from military service". At Mamak Military Prison an attempt was made to force him to begin carrying out military service but he refused to put on a military uniform or obey military orders.

On 24 December Osman Murat Ülke was released by the Military Court of the General Staff in Ankara, but at the end of the year his prosecution for criticizing the institution of military service continued. He also faces separate charges at the Disciplinary Military Court in Eskisehir for refusing to obey orders.

TURKMENISTAN

Possible prisoners of conscience

Yevgenia Starikova and Bayram Vellekov (update to information given in AI Index: EUR 61/03/96 and AI Index: EUR 01/02/96)

It became known in August from unofficial sources that possible prisoners of conscience **Yevgenia Starikova** and **Bayram Vellekov** had been released from prison in December 1995 under the terms of an amnesty. Their co-defendants, **Mukhametkuli Aymuradov** and **Khoshali Garayev**, did not benefit from the amnesty, and no significant developments in their case were reported during the second half of 1996, although Mukhametkuli Aymuradov was reported by unofficial sources to be in very poor health as a consequence of ill-treatment by law enforcement officials during his recapture following an attempt in 1995 to escape from pre-trial detention.

Possible abuse of psychiatry (update to information given in AI Index: EUR 01/02/96)

Information emerged via unofficial sources towards the end of the year that **Rufina Arabova** and **Valentin Kopysov** were no longer detained in psychiatric hospitals. Rufina Arabova had reportedly been at liberty since July, but no information was available about the date or circumstances of Valentin Kopysov's release. **Durdymurad Khodzha-Mukhammed** was believed still to be detained in the psychiatric hospital at Bekrava.

See also Women in Europe, page 66.

Appalling prison conditions amounting to ill-treatment (update to information given in AI Index: EUR 61/03/96)

Appalling conditions in Turkmenistan's prisons amounting to ill-treatment continued to be reported. At least two prisoners were killed and seven wounded when law enforcement personnel put down a riot at a prison in the city of Mary in August. Atrocious living conditions at the prison were believed to have been among the factors which provoked the riot.

The death penalty

It was reported that 123 people had been executed in Turkmenistan during 1996 for the offence of drug trafficking. This figure appeared in a media report published in Kyrgyzstan, and was attributed to official sources in Turkmenistan. Statistics for executions for other offences were not known.

UKRAINE

Death in police custody

Amnesty International continued to urge the Government of Ukraine to take urgent steps to stop the practice of torture and ill-treatment, including rape, of people in detention, and to conduct prompt and impartial investigations into all allegations of torture by law enforcement officials. *See also Women in Europe, page 64.*

In August Amnesty International approached the government concerning the case of **Yury Mozola**, aged 26. According to reports, on 27 March 1996 Yury Mozola was arrested by officers of the Lviv Regional Directorate of the Security Services on suspicion of multiple murder. He was detained in the investigation isolation prison of the Directorate where, according to information provided to Amnesty International, he was allegedly tortured to death by officials whilst being interrogated about the crime. Yury Mozola was said to have died four days after his arrest.

Amnesty International learned that an investigation into the actions of the law enforcement officials allegedly involved in Yury Mozola's death was opened by the Office of the Military Procurator of Western Ukraine. In a press release in August, the Directorate of the Ukrainian Security Service in the Lviv Region claimed that it was not involved in Yury Mozola's arrest. The press release stated that the arrest of Yury Mozola as a suspect for committing crimes, was made by law enforcement officials on the grounds of a warrant issued by the Lviv Regional Office of the Procurator.

Further the press release claimed that, "the leadership of the Directorate of the Ukrainian Security Service in Lviv Region will provide all necessary assistance to the investigation with the aim of establishing the definitive circumstances of this tragic event and determining the level of possible guilt of employees, who were responsible for looking after Yu.I. Mozola in custody."

Amnesty International is not aware of any information regarding the outcome of the investigations into this case.

The death penalty: secret executions continue

In an action described by a special representative of the 40-nation Council of Europe as barbaric, Ukraine secretly executed more than one hundred prisoners in 1996, in defiance of the commitment it made to institute an immediate moratorium on executions on joining the Council of Europe in November 1995. Amnesty International condemned the executions and appealed to the Ukrainian authorities to end this practice.

The executions were disclosed at a news conference on 29 November in Kyiv, Ukraine, at the end of an international seminar on the death penalty organized by the Council of Europe. In a dramatic statement, Zsolt Nemeth, Council of Europe rapporteur on the honouring of obligations and commitments by Ukraine, told journalists he had just received the "shocking" information that over one hundred people had been executed since the beginning of the year.

The executions could only be characterized as "barbarism" and called into question the credibility of Ukraine, he said. Ukraine must now institute an immediate moratorium on executions and provide a timetable for abolishing the death penalty. "We cannot be satisfied with promises. We need to see concrete plans", said Zsolt Nemeth.

He called on the Ukrainian authorities to disclose the names of those executed - under a 1993 law, information on the death penalty is a state secret. He said that executed prisoners were buried in unmarked graves and their families were not notified of the executions.

After the disclosure by the Council of Europe rapporteur, the Ukrainian Minister of Justice, Serhiy Holovaty, confirmed that 89 prisoners were executed in the first six months of 1996. He told the news conference he believed Ukraine must honour its commitment to stop executions.

The number of executions disclosed by the Council of Europe's rapporteur confirmed reports

received by Amnesty International from a Ukrainian radio station, which claimed in July that approximately 100 people were executed in 1996. Amnesty International had been able to confirm five of those executions, one in March, one in June, two in August and one in October. Amnesty International had appealed to President Leonid Kuchma to grant clemency to all death penalty prisoners. President Kuchma never replied to the appeals.

The relatives of **Sergey Tekuchev**, executed in October, claimed that he was innocent and that his confession was obtained under duress. There were claims that the emergency services were called six times in October 1994 to treat Sergey Tekuchev for injuries resulting from beatings in custody and that the prison authorities refused to pass medication from his relatives to him.

Amnesty International called on the Government of Ukraine to undertake urgently five steps to implement its commitments to the Council of Europe. First, there must be a political decision not to sign any more execution orders. Second, this decision must be formalized by the central government issuing an order to all prison governors that no further executions are to be carried out. These two steps must be taken immediately. Third, the government must begin to prepare public opinion to accept the abolition of the death penalty. Fourth, it must sign Protocol No. 6 to the European Convention on Human Rights, providing for the abolition of the death penalty in peacetime. Fifth, the government and parliament must prepare and enact legislation to remove the death penalty from the country's penal code.

UNITED KINGDOM

Deaths in custody and inquests

The deaths in police custody of **Ibrahima Sey, Ziya Mustafa Birikim, Oscar Okoye, Ahmed**

El-Gammel and **Bosey Davis** were being investigated by the police.

No prosecutions were brought against officers involved in the deaths of **Brian Douglas** (see AI Index: EUR 01/02/95) or **Wayne Douglas** (see AI Index: EUR 01/01/96). The inquest into the death of Brian Douglas ruled in August that he had died of misadventure; the jury was told that Brian Douglas suffered six hairline fractures of his skull, consistent with his being hit with a baton.

In November, the inquest into the death of Wayne Douglas was told by eye-witnesses that a police officer knelt on Wayne Douglas' head while he was handcuffed and held face down on the ground by at least four other officers. The jury found that his death was accidentally caused by stress, exhaustion and positional asphyxia.

The inquest into the death of **Leon Patterson** ruled in November that he had died of misadventure to which neglect had contributed. The Coroner strongly criticized the time Leon Patterson had spent in custody. Leon Patterson died in a cell at Denton police station in Manchester on 27 November 1992, hours after having been transferred from Stockport police station. He had been naked and delirious, shouting incoherently and unconscious for spells, for more than 20 hours, and had suffered a series of seizures and vomiting fits. A police doctor had, however, decided that Leon Patterson was fit enough to remain in custody. In February 1993, the first inquest into Leon Patterson's death in custody had been suspended after it had been discovered that one of the jurors was married to a local serving police officer. In July 1993, a jury had returned a verdict of unlawful killing resulting from reckless disregard shown by police officers and police doctors for Leon Patterson's medical care while in custody. This verdict, however, had been quashed in the High Court in October 1994 on a legal technicality.

One police officer was charged in July with actual bodily harm in connection with the death of **Gary Allsopp**, who was allegedly hit on

the head with a truncheon (see AI Index: EUR 01/01/96). He was acquitted in December.

No prosecutions were brought against police officers involved in the deaths of **Richard O'Brien** and **Shiji Lapite**, despite inquest jury verdicts of unlawful killing (see AI Index: EUR 01/02/95, EUR 01/01/96 and EUR 01/02/96).

Disputed killings and inquests

In September **Diarmuid O'Neill**, an Irish Republican Army (IRA) member, was shot dead in disputed circumstances in London by police officers. Initial statements that he was killed during a shoot-out proved false, since he was unarmed. Questions were raised about why Diarmuid O'Neill had been shot after CS gas had been sprayed into his room, and what effect the gas might have had on his subsequent behaviour.

Inquests in Northern Ireland into disputed killings in previous years continued to be postponed due to legal challenges to the procedures. In June the Appeal Court upheld the coroner's decision, during the hearing into the death of **Pearse Jordan** (see AI Index: EUR 01/02/96), to allow police officers to give evidence anonymously and to deny the family's lawyer access to witness statements at the outset of the inquest. This judicial decision has been appealed and other inquests into disputed killings were adjourned pending the outcome.

Ill-treatment and cruel, inhuman or degrading treatment

In September a decision was taken not to bring any prosecution against the officers involved in the arrest of part-time student **Amer Rafiq** (see AI Index: EUR 01/02/96). Amer Rafiq had lost his right eye, allegedly as a result of police brutality. The police inquiry, supervised by the Police Complaints Authority (PCA), said that there was no evidence to support claims that he had been assaulted by police. The PCA recommended that

two officers should face disciplinary charges of neglect of duty towards a prisoner in custody.

Prisoners held in high security prisons claimed that they were subjected to psychological torture and cruel, inhuman or degrading treatment because of the restrictions placed on their rights to association, exercise and visits. This resulted in the mental deterioration of a number of prisoners. An internal prison service report by Sir Donald Acheson, which has not been published, claimed that the deprived environment of the new special secure units contributes to mental illness.

Róisín McAliskey, who was arrested in November on an extradition warrant, was placed in a men's prison for six days before being transferred back to a women's prison. It was reported that she was being detained in virtual isolation and given inadequate medical treatment for her pregnant condition.

Royal Ulster Constabulary (RUC) conduct during the "parade" season of July and August in Northern Ireland led to claims of uneven-handed policing and human rights violations by the police. People were allegedly ill-treated, beaten, and seriously injured by the large number of plastic bullets fired. Police investigated the death of **Denis McShane** who was run over by a police vehicle.

Emergency legislation

The review of all legislation governing the prevention of terrorism in the UK, carried out by Lord Lloyd of Berwick, was published in October. He was asked to undertake the review on the premise that there would be a "state of lasting peace". By the time he finished his review, the cease-fire by the IRA had been broken. Thus, since a number of his recommendations are predicated on a peaceful situation, the government has said they will not be acted on. However, Amnesty International believes some of these measures are in accordance with international standards and should be implemented now. Lord Lloyd recommended, among other provisions: the discontinuing of the "Diplock courts"; the abolition

of exclusion orders and internment without trial; judicial scrutiny of extension of detention beyond 48 hours; and that interviews with suspects should be tape-recorded and conducted in the presence of a solicitor. Lord Lloyd also recommended other measures which he believed should be made permanent features of anti-terrorist legislation, including the admissibility in court of evidence gathered through secret telephone bugging.

Fair trial concerns

Amnesty International monitored several trials in England and in Northern Ireland because of allegations of politically-motivated prosecutions or because of possible unfair trial concerns. A 10-week trial began in October of four Palestinians charged in connection with the bombings in London of the Israeli Embassy and a Jewish centre in July 1994. Two defendants were acquitted; **Samar Alami** and **Jawad Botmeh**, who were convicted of conspiracy to cause explosions and each sentenced to 20 years' imprisonment, claimed they were innocent of the charge. In Northern Ireland, some cases of alleged wrongful convictions were heard in the courts, leading to the acquittal of **Stephen Larkin** on a charge of murder in a retrial in May and the quashing of the murder conviction of **Colin Duffy** by the Court of Appeal in September. Colin Duffy had been convicted of murdering a former soldier and Stephen Larkin of attempting to murder a leading Loyalist. In other cases, judgment was still reserved at the end of the year.

"National security" deportations

The European Court of Human Rights ruled in November that the government's attempt to deport **Karamjit Singh Chahal** to India was in violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms. He had been detained pending deportation on "national security" grounds since 1990 (see AI Index: EUR

01/01/96). The Court stated that the prohibition of torture was paramount and that allegations of national security risk were immaterial to a determination of whether a person faced risk of torture if *refouled*. The Court further ruled that the hearing before an advisory panel of three people did not satisfy the Convention's right to have one's detention scrutinized by a judicial authority, and that Karamjit Singh Chahal's detention had therefore been unlawful. Karamjit Singh Chahal was released on the day of the judgment. Subsequently, other people detained under the same provisions were released, including **Sezai Ucar** and **Raghibir Singh** (see AI Index: EUR 01/02/95).

Asylum legislation

In July the Asylum and Immigration Act 1996 became law, extending "fast track" appeal procedures introduced in previous legislation to a broad range of cases including those where the applicant is from one of a "white list" of designated countries, considered by the authorities to have no serious risk of persecution. Appeal rights in the majority of "safe third country" cases were effectively abolished. The Act also saw the withdrawal of welfare benefits to the majority of asylum-seekers. This latter provision was legally challenged on several occasions. Amnesty International expressed concern to the government about various provisions in the Asylum and Immigration Act 1996. The organization opposed the withdrawal of humanitarian welfare because it may deny applicants access to the asylum determination procedures, including a meaningful right of appeal.

Human rights abuses by paramilitary groups

Amnesty International continued to be concerned about reports of human rights abuses carried out by armed political groups. The IRA claimed responsibility for two car bombs which exploded in

Thiepval army barracks in Northern Ireland in October, killing one soldier and injuring 30 people, including an eight-year-old girl. In December the IRA shot and injured an RUC officer inside a Belfast hospital for children. The Irish Continuity Army claimed responsibility for several bombings and bombing attempts in Northern Ireland. An internal feud within the Irish National Liberation Army led to seven deaths during the year, including that of nine-year-old **Barbara McAlorum**, before one of the two factions, the GHQ Staff, disbanded itself in September.

Responsibility for several deaths in Northern Ireland, including that of **John Molloy**, was unclaimed by any organization, but they may have been carried out by Loyalists for sectarian reasons. **Michael McGoldrick**, a Catholic, was shot dead in his taxi in July, allegedly by the Ulster Volunteer Force (UVF). In December a booby-trap exploded under a car injuring a well-known Republican, **Edward Copeland**.

In addition there were several "punishment" shootings. **Thomas Stewart**, a UVF leader, was shot dead by Loyalists in October, and **Sean Devlin** was shot dead by the republican Direct Action Against Drugs in the same month.

"Punishment" beatings and torture by paramilitary groups continued unabated. **George Scott** was beaten to death by masked men wielding baseball bats in September. In December, Republican attackers tied **Michael Finnegan**, a 16-year-old boy, upside down to railings and beat him with baseball bats studded with nails until his legs were broken. Before the beating, Michael Finnegan's eyes were taped over and a sock pushed into his mouth to muffle his screams. A friend said that the wounds caused by nails ripping into the flesh were "so big you can stick your finger into them".

UZBEKISTAN

Prisoners of conscience

Early release of possible prisoners of conscience

Following the early release of a number of possible prisoners of conscience by presidential amnesty in May (see AI Index: EUR 01/02/96), a further amnesty in August resulted in the release of possible prisoners of conscience **Mamadali Makhmudov** (see AI Index: EUR 01/02/95), **Khoshim Suvanov** and **Shavkat Mamatov**. The latter two had been part of a group of seven people tried in 1995 for serious crimes against the state (see AI Index: EUR 01/02/95); the other four group members serving custodial sentences - **Murad Dzhurayev**, **Erkin Ashurov**, **Nemat Akhmedov** and **Shavkat Kholbayev** - remained in detention, and it was unclear whether they had benefited from the amnesty by reductions in the length of their sentences.

Amnesty International welcomed these early releases, but continued to urge a judicial review of the case of Murad Dzhurayev, Erkin Ashurov, Nemat Akhmedov and Shavkat Kholbayev, as well as an investigation into allegations that defendants in this case had been tortured and ill-treated while in pre-trial detention.

Short-term detention

In September **Akhmatzhan Abdulayev** was detained for several hours after accompanying prominent human rights defender Mikhail Ardzinov to a meeting with a representative of Amnesty International during an international human rights seminar in Tashkent, the capital. Akhmatzhan Abdulayev was a prisoner of conscience. Amnesty International continued to call on the authorities in Uzbekistan to end the practice of

subjecting opposition activists and human rights monitors to arbitrary short-term detention.

Ill-treatment

In November **Khasan Mirsaidov**, son of prominent government opponent Shukrulla Mirsaidov, was abducted by unknown men who beat him and detained him for around 12 hours. The attackers were believed to have been government agents. Khasan Mirsaidov's father and brother had suffered similar treatment in 1995 (see AI Index: EUR 01/02/95).

In August **John MacLeod**, a United Kingdom citizen and representative of the organization Human Rights Watch/Helsinki, was ill-treated by police in Tashkent who arbitrarily detained him for several hours.

Amnesty International called for investigations into the abduction and beating of Khasan Mirsaidov and the ill-treatment of John MacLeod, and for anyone found responsible to be brought to justice.

"Disappearances" (update to information given in AI Index: EUR 01/02/96)

There was no news about Islamic prayer leader **Abduvali Mirzoyev** and his assistant **Ramazan Matkarimov**, who had "disappeared" in 1995.

Amnesty International learned that the family of **Abdullo Utayev**, leader of the unregistered Islamic Renaissance Party of Uzbekistan who had "disappeared" in 1992, had received notification in May from the office of the city procurator in Tashkent that an investigation into the "disappearance" was still being pursued, and that the case was being treated as murder. There was, however, no indication as to how investigators had arrived at the conclusion that Abdullo Utayev was dead.

Amnesty International continued to call for clarification of the whereabouts of Abduvali

Mirzoyev, Ramazan Matkarimov and Abdullo Utayev

The death penalty

In September the death sentence passed in 1995 on **Adkham Abdulayev** (see AI Index: EUR 01/02/96, where his first name is given as Atan) was overturned at an appeal hearing in the Supreme Court. He was sentenced instead to 20 years' imprisonment, reduced to 15 years under the terms of the amnesty announced in August.

Amnesty International learned of eight new death sentences. **Jahongir Gofurov** and **G. Kim** stood trial together and were sentenced to death by Tashkent City Court in 1996 (the exact date was unknown) after being found guilty of premeditated, aggravated murder. The sentences were upheld by the Supreme Court. **Yodgor Toshpulatov** was also sentenced to death for premeditated, aggravated murder, drug trafficking and illegal possession of firearms in a separate trial in Tashkent City Court. These death sentences were upheld by the Supreme Court, but the three men were believed still to be alive at the end of the year. In July five people, whose names were not known to Amnesty International, were sentenced to death for multiple murder. Their subsequent fate was unknown.

Amnesty International continued to call for commutation of all pending death sentences and for complete abolition of the death penalty in Uzbekistan.

FEDERAL REPUBLIC OF YUGOSLAVIA

War crimes

In Serbia the first trial of a defendant accused of war crimes committed in Bosnia-Herzegovina ended in July. A court in Šabac convicted Duško Vu..kovif, who had fought with Serbian

paramilitary units, of killing 16 unarmed Muslims and wounding 20 others while they were held in a village near Zvornik in 1992. He was also convicted of raping a Muslim woman on Serbian territory, just over the border. He was sentenced to seven years' imprisonment.

In October Nebojša Ranisavljević was arrested in Montenegro and charged with taking part in the murder of some 20 men, most of them Muslims from Montenegro, who were abducted in 1993 by Serbian paramilitary forces from a train travelling from Belgrade (the Serbian and federal capital) to Bar in Montenegro.

Earlier, in August, the International Criminal Tribunal for the former Yugoslavia (the Tribunal) opened a liaison office in Belgrade, but the authorities continued to fail to extradite three Yugoslav army officers sought by the Tribunal.

Prisoners of conscience and political prisoners

Prisoners of conscience included an unknown number of conscientious objectors. Among them were at least four Jehovah's Witnesses serving prison sentences of between four months and one year for refusing to take up arms. Under Yugoslav law it is possible to apply for conscientious objector status, but only within 15 days of receiving the first summons for recruitment to military service. Conscientious objectors may either do unarmed military service or civilian service, which last 24 months - twice the length of armed service.

During mass demonstrations in November and December by supporters of the opposition coalition *Zajedno* (Together) and students in protest against the annulment of *Zajedno* victories in local elections in Belgrade and other major cities, over 50 demonstrators were arrested in Belgrade and elsewhere. Over 20 of them, almost all in Belgrade, were sentenced to up to 30 days' imprisonment on charges of disturbing the peace; some of these were prisoners of conscience convicted of making symbolic gestures of protest,

such as throwing eggs, at offices of the state media.

Other prisoners of conscience included several ethnic Albanians sentenced to up to 60 days' imprisonment for organizing meetings or holding classes outside the official Serbian education system, without official permission. Some 60 ethnic Albanian political prisoners, most of them convicted in unfair trials in 1994 and 1995 of seeking the secession of Kosovo province by violent means, remained in prison. Some were possible prisoners of conscience.

Alleged ill-treatment and torture

There continued to be almost daily reports that police had beaten or otherwise ill-treated ethnic Albanians in Kosovo province. There were also further attacks on police stations and police officers in Kosovo. Three officers were shot dead in two separate incidents in August and October. These attacks led to mass arrests of ethnic Albanians, many of whom reported that they had been tortured or ill-treated at police stations before being released without charge. In September three ethnic Albanians were arrested by plainclothes police. One of them, **Osman Rama**, who was released six days later, stated that he was forced into a car, blindfolded, and taken to an unknown location where he was questioned and severely beaten. Four days later he was again detained for six days and tortured. The two others, **Besim Rama** and **Avni Nura**, were reportedly held incommunicado for over two weeks before being brought before an investigating judge, in violation of national law which provides for a maximum of three days in police custody. They were charged with terrorism, and accused of killing three police officers and one civilian. Their trial had not taken place by the end of the year. *See also Women in Europe, page 63.*

There were also reports that some of the demonstrators arrested in Belgrade in November and December had been ill-treated by police. One of them, **Dejan Bulatovij**, was arrested on 6

December and sentenced to 25 days' imprisonment for disturbing the peace. He was beaten by police in a Belgrade police station and alleged that police had forced a rubber truncheon up his rectum and put a gun barrel in his mouth, threatening to shoot him.

Death following ill-treatment in custody

Feriz Blakçori, an ethnic Albanian school teacher from Priština, died on 10 December in hospital where he had been taken by police who had arrested him the previous day after finding a rifle at his home. His death certificate reportedly attributed his death to cardiorespiratory insufficiency due to severe shock caused by bruising to his head and body.

Alleged ill-treatment of ethnic Albanian asylum-seekers

In September there were reports of the ill-treatment of some ethnic Albanians following their return (in some cases forced return) to the Federal Republic of Yugoslavia (FRY) from Germany where their requests for asylum had been refused. In October the FRY and Germany signed an agreement providing for the return of some 135,000 Yugoslav citizens, the majority of them ethnic Albanians, over a period of several years.

RATIFICATIONS

ALBANIA

In October Albania acceded to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

CROATIA

In November Croatia signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

ESTONIA

In November Estonia ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

ICELAND

In October Iceland ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

KYRGYZSTAN

In October Kyrgyzstan acceded to the Convention and the Protocol relating to the Status of Refugees.

WOMEN IN EUROPE

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

Alleged ill-treatment

ARMENIA

Four women were among those said to have been attacked when uniformed men entered the premises of the opposition National Self-Determination Union (NSDU) in Yerevan on 26 September, following disputed presidential elections (for further background information see the entry on Armenia). Garine Stepanian, President of the ASDA Children's Fund which has offices next to the NSDU headquarters, described the events as follows: "*...uniformed troops, suddenly and without warning or provocation, entered our headquarters...and proceeded to ransack the premises, to confiscate all vehicles, equipment, files and supplies, and to break into the safe containing our funds for distribution to our 'children without parents'. [She and] staff members Ina Konstanian, Sophia Neshanian and Anahid Garabedian were beaten with rifle butts and kicked by soldiers when trying to object to the attack....Men in the vicinity and members of the NSDU who came to our defence were beaten mercilessly and hauled off to prison by the troops*".

Amnesty International urged a prompt, impartial and thorough investigation into this and all other allegations of ill-treatment by law enforcement officials following the disputed

September elections, but no reply had been received by the end of the period under review.

AUSTRIA

In September Violetta Jevremovic (referred to as Violetta J. in AI Index: EUR 01/02/96) went on trial for resisting state authority and assault. Violetta Jevremovic alleged that police officers beat her when they came to her Vienna flat to arrest her husband, Nicola, in April 1996. Medical records showed that Violetta Jevremovic suffered bruising of both elbows, left wrist, right hand, right thigh, left ankle and swelling of the head, upper jaw and upper lip. Violetta and Nicola Jevremovic, who are Roma, also alleged that police officers subjected them to racist abuse. The investigation into their allegations had still not been concluded by the end of the year.

HUNGARY

In December 1996 Amnesty International wrote to the Hungarian Minister of Justice expressing concern about several recent allegations of ill-treatment by police officers in Hungary, including the case of Mrs B.

On 4 September 1996 Mrs B. was on her way home with her daughter and two grandchildren, aged six and three years old. At around 5pm, in Budapest's *Örs vezér* Square underground station, she saw police officers ordering several older women to leave the station, kicking their possessions. These women were apparently selling goods without a permit.

Mrs B. said to her daughter: "Instead of harassing these poor things, they should be catching criminals". Her words appear to have been overheard by an officer, who then asked Mrs B. to produce her identity card. While he was noting down her particulars the children began to cry.

Mrs B. asked the officer to let her go and when she got no reply she took her ID card from the officer's hand. The officer then reportedly

pushed Mrs B. against the wall, tearing her blouse and causing injuries to her arm, back and shoulder-blade. According to a medical certificate later obtained by Mrs B., her injuries required eight days of treatment.

Mrs B. was taken to 14 District Police Station on suspicion of assaulting the officer. According to the officer's complaint, she had twice slapped him. Mrs B. filed a complaint about her ill-treatment. An investigation into Mrs B.'s complaint has been initiated. In its letter, Amnesty International urged the Minister to ensure that the investigation into Mrs B.'s complaint is conducted promptly and impartially as required by Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Hungary has ratified. At the time of writing, Amnesty International had not received a reply to its letter.

KAZAKSTAN

Nina Sidorova, a Cossack activist who spent over a month in detention after her arrest in August on possibly politically-motivated criminal charges (see the section Women prisoners of conscience), alleged that during her detention she was severely beaten by officers of the State Investigative Committee. A sufferer from severe claustrophobia, she also alleged that she was ill-treated by being placed periodically in small, unventilated and unlit punishment cells. Amnesty International called on the Kazakstani authorities to guarantee the safety and well-being of Nina Sidorova, and to investigate her allegations of ill-treatment and bring anyone found responsible to justice.

In September Nina Sidorova's lawyer, **Maria Larshina**, was assaulted by an unknown person outside her home. There were suspicions that the attack was linked to Nina Sidorova's case and that law enforcement officials might have been behind it.

FEDERAL REPUBLIC OF YUGOSLAVIA (KOSOVO PROVINCE)

Ethnic Albanian women and their children in Kosovo province are often witnesses to scenes of violence when police carry out searches in their homes and arrest or beat their menfolk. Sometimes they themselves may be arrested or beaten or otherwise ill-treated by police who are looking for their male relatives (see *AI Index: EUR 01/02/96*). Reported cases include the following:

On 25 July Mihrie Avdyli was at her home in a village near Podujevo when police came looking for her husband, who was out. They ordered her to hand over a gun, and when she denied possessing one they allegedly beat her with a stick. A medical certificate issued two days later recorded bruising on the buttocks.

Zahide Cubolli, aged 74, from Podujevo, is the wife of Hasan Cubolli, who died in December 1994, a day after he was detained and allegedly beaten by police. On 29 July 1996 police came to the family home and beat her and her sons, threatening to kill her unless she handed over a weapon she allegedly possessed. That night, after the police officers departed, the entire family abandoned their home for fear of further persecution. When police officers returned the following day, they reportedly destroyed the furniture in the empty house.

After two bombs exploded (without causing injury) at a police station in a village near Pejë, police on 28 August arrested members of the Dizdari family, including Ryve Dizdari. She was reportedly ill-treated at a police station and suffered injuries to her head for which she subsequently required hospital treatment.

Amnesty International has repeatedly called on the Yugoslav authorities to carry out prompt and impartial investigations into reports of police ill-treatment and to bring those responsible to justice. The organization has also urged that police officers be required to uphold international standards for law enforcement officials.

Alleged rape and ill-treatment

It is universally accepted that the rape of a woman detainee by a state official is torture. The United Nations (UN) Special Rapporteur on torture, the UN Special Rapporteur on violence against women, the European Commission of Human Rights, and the Inter-American Commission on Human Rights, have reached the same conclusion. Professor Nigel Rodley, UN Special Rapporteur on torture, has concluded that rape is "an especially traumatic form of torture".

RUSSIAN FEDERATION

Alleged rape and ill-treatment of a 15-year-old girl by police officers

In mid-1996 Amnesty International was informed about the alleged rape and ill-treatment of a young girl by law enforcement officials in the city of Bryansk. According to reports, Boris Yevdokimov and another officer, officials from the Regional Department of Internal Affairs (ROVD), kidnapped in their car three young girls from a street in the centre of Bryansk in late 1995. Two of the girls subsequently escaped. The third, 15-year-old O.D.,⁵ was raped and tortured all night by the two officers. Later, a medical examination of O.D. listed the following injuries: "concussion; haemorrhage of the neck, back and legs; serious injuries to the right hand and the left knee; internal injuries to the soft tissue of the genitals and the rectum; an injury to the right breast; the hymen was broken." During an attempt to escape, O.D. was chased by Boris Yevdokimov who, when he caught her, cut her breast with a piece of glass.

In February 1996 the two officers were tried and Boris Yevdokimov was convicted under Article 117-3 of the Criminal Code (gang rape of

⁵The real name of O.D. is not mentioned here for her protection.

an adolescent) and sentenced to five years' imprisonment, the shortest possible term prescribed under this article. The other officer was acquitted. The court justified its verdicts by reference to the exceptional professional record of the accused men: Boris Yevdokimov was an award-winning police officer; the other officer was a holder of a special award from the Russian President for his contribution in resisting the coup attempt against Soviet President Mikhail Gorbachev in 1991. He was also the only son and carer of elderly parents, and in accordance with Russian law could therefore be exempted from a prison sentence. Nevertheless, the Office of the Procurator appealed against the district court's decision and the case has been referred for reexamination by the regional court.

UKRAINE

Alleged rape and ill-treatment of a Roma woman by police officers

In the context of Amnesty International's continuing concern about allegations that people in the custody of law enforcement officials in Ukraine have been subjected to torture and ill-treatment, in December the organization approached the Government of Ukraine concerning the case of a Roma woman allegedly raped and further ill-treated in the street by two police officers in Mukachevo, in the Transcarpathian region of Ukraine, in March 1996.

According to reports brought to the attention of Amnesty International, three police officers, who were apparently searching for a Roma man in connection with the theft of a bicycle, broke into a house where a 19-year-old woman identified only as Anna D. lived with her family. According to witnesses, the three police officers, all of whom were drunk, entered the house and beat Anna D.'s father-in-law. Later, two of the police officers reportedly attempted to rape Anna D., but she managed to escape and suffered only a

beating. Her husband, who was hidden in the room, was a witness to the incident.

The two police officers then reportedly left the house and came upon a Roma couple and their two children, walking in a street in front of the Roma settlement (*tabor*). It was reported that the two officers beat and raped the 28-year-old woman identified only as Eva H., while shouting that this was revenge for being rejected by Anna D.

Two non-Roma living outside the *tabor* allegedly witnessed the rape, and one of them narrowly escaped being beaten himself when he attempted to intervene. According to these witnesses, a police car and an ambulance arrived and Eva H. was taken to a hospital. The medical personnel reportedly admitted her to the hospital, sutured a wound on the left side of her mouth resulting from the attack, and released her. She was reportedly found in the morning, unconscious, in the street. She was later readmitted to a hospital (the family were said to have had difficulties finding one willing to accept her as a patient). Eva H. reportedly claimed that while in the hospital she was visited by officers of the police department who offered her money to stop mentioning the incident publicly, which she refused. It was reported that Eva H. subsequently approached the hospital several times and requested a medical report on her injuries, which was not provided.

It was also reported that the father-in-law of Anna D. was summoned to the police department, where it was suggested to him that he should not make a written complaint about the incident, and as a result he did not file a complaint. Eva H. and a city deputy allegedly attempted to file complaints about the alleged torture with Mukachevo's police department, but the department refused to register the complaints officially.

Amnesty International has learned that Mukachevo's deputy head of the police department, Victor Chepak, claimed that he was aware of the incident and also claimed that the police officers involved had been disciplined. Other sources, however, have claimed that no police

officers have been officially disciplined in connection with this case.

Amnesty International urged the Government of Ukraine to initiate without delay a prompt, impartial and comprehensive investigation into this and any other allegations of rape and other ill-treatment of women by police officers, with the results made public and anyone found responsible brought to justice. Amnesty International reminded the Government of Ukraine that the failure to conduct such an investigation would violate Ukraine's obligations as a State party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Articles 7, 12, 13 and 14 of the Convention against Torture) and to the International Covenant on Civil and Political Rights (ICCPR, Article 7), as well as Ukraine's own Constitution.

In a letter to Amnesty International of 21 January 1997, L. V. Borodich, first deputy Minister of Internal Affairs of Ukraine, claimed the following: *"An official investigation was carried out, and as a result it was determined that the staff members of the Mukachevo City Department of the Ukrainian Ministry of Internal Affairs in the Transcarpathian Region, V. E. Odintsov and Yu. Yu. Gleba have done illegal actions on 18 March 1996, during which they caused bodily harm to the persons of Gypsy nationality, B. J. Fets and E. Yu. Gorvat. Information regarding rape of Eva H. by the above members of staff was not confirmed."*

Amnesty International was informed that the Office of the City Procurator of Mukachevo refused, on 6 April 1996, to press criminal charges against V. E. Odintsov and Yu. Yu. Gleba in connection with the case in accordance with Article 6, paragraph 2 of the Ukrainian Code of Criminal Procedure (lack of crime content). In addition, "for the discrediting of the name as a member of the Ministry of Internal Affairs," V. E. Odintsov and Yu. Yu. Gleba were relinquished from the duties of their posts. The letter stated that administrative preventive measures were

undertaken against other staff members of the Mukachevo City Department of Internal Affairs.

Arbitrary detention

AZERBAIJAN

A 17-year-old girl and a woman were said to be among at least seven ethnic Armenian civilians detained during the year and transferred to a special holding centre outside the capital, Baku (see Azerbaijan entry). Irina Kachaturian, born 1979 in Baku and living in the Ijevan region, Armenia, and Larissa Kirakossian, living in the town of Maralik, Armenia, were said to have been detained sometime after May. It was alleged that they and the others were being held as hostages on grounds of their ethnic origin, rather than as a result of recognizably criminal charges being brought against them.

Amnesty International asked the Azerbaijani authorities for further information on the current status of these individuals, for example whether they were still in detention and if so whether this was to clarify their identity or as a result of a criminal charge.

Women prisoners of conscience

KAZAKSTAN

Nina Sidorova, a Cossack activist, spent over a month in detention following her arrest in August. She was charged with defamation of a judge at the trial in 1995 of fellow Cossack activist Nikolay Gunkin, and with hooliganism and assault of procuracy officials in relation to incidents which also occurred in 1995. Her supporters claimed that Nina Sidorova's arrest was politically motivated and was linked to the fact that on the day of her arrest she had reportedly sought unsuccessfully to meet the Deputy Minister of Justice of Kazakstan to discuss the legal registration of the Cossack

Community of Kazakstan, an organization promoting the interests of Kazakstan's Cossack minority. Amnesty International regarded Nina Sidorova as a possible prisoner of conscience. In December Nina Sidorova was found guilty and given a two-year suspended prison sentence. (See also the section "Alleged ill-treatment".)

TURKMENISTAN (update to information given in AI Index: EUR 01/02/96)

Information emerged that possible prisoner of conscience **Yevgenia Starikova** had been released from prison in December 1995 under the terms of an amnesty. It also became known towards the end of 1996 from unofficial sources that possible prisoner of conscience **Rufina Arabova** was no longer detained in a psychiatric hospital and had been at liberty since July.

“Out of the margins”

Amnesty International’s campaign for recognition of the right to conscientious objection to military service in Europe

On 15 April 1997 Amnesty International will launch a campaign on the right to conscientious objection to military service in Europe. The action will coincide with the publication of a major Amnesty International research document on the issue, *Out of the margins: the right to conscientious objection to military service in Europe* (AI Index: EUR 01/02/97).

Several of the entries in this Bulletin discuss Amnesty International’s principal concerns regarding the treatment of conscientious objectors in individual countries in the region. Further documents are also available: *Austria: Conscientious objection to military service - a summary of recent concerns* (AI Index: EUR 13/01/97) and *update* (AI Index: EUR 13/02/97); and a forthcoming publication concerning the Russian Federation.

What is a conscientious objector?

Amnesty International considers a conscientious objector to be any person liable to conscription for military service or registration for conscription to military service who refuses to perform armed service or any other direct or indirect participation in wars or armed conflicts for reasons of conscience or profound conviction. Their profound conviction may arise from religious, ethical, moral, humanitarian, philosophical, political or similar motives. But regardless of the basis of their objection, the right of such individuals to refuse to carry weapons or to participate in wars or armed conflicts must be guaranteed. Wherever such a person is detained or imprisoned because they have been refused their right to register an objection or to perform a genuinely alternative service, Amnesty International will adopt that person as a prisoner of conscience. Its world-wide membership in more than 190 countries campaigns actively for the immediate and unconditional release of such imprisoned conscientious objectors. The organization also adopts as prisoners of conscience those objectors who are imprisoned or detained because of their refusal to perform an alternative service which is not of a purely civilian character, or of a length which could be considered punitive (for example, twice the length of ordinary military service).

Amnesty International does not question the right of governments to conscript individuals into the armed forces. Nor does the organization agree or disagree with the motives of individual conscientious objectors. But in keeping with international standards, Amnesty International insists that all those liable to conscription are given the opportunity to perform an alternative to armed service on the grounds of their conscience or profound conviction. On this basis, Amnesty International campaigns for the development of law and procedure which make adequate provision for conscientious objectors.

Conscientious objection - a fundamental right

The right to conscientious objection to military service is not a marginal concern outside the mainstream of international human rights protection and promotion. The right to conscientious objection is a basic component of the right to freedom of thought, conscience and religion - as defined by the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the European Convention on

Human Rights. It has been recognized as such in resolutions and recommendations adopted by the United Nations Commission on Human Rights, the United Nations Human Rights Committee, the Council of Europe and the European Parliament.

These bodies have all urged governments to guarantee that individuals objecting to compulsory military service because of their conscientiously held beliefs are given the opportunity to perform an alternative service. They have stated explicitly in a number of resolutions that this alternative service should be of a genuinely civilian character and of a length which cannot be considered to be a punishment. They have recommended that individuals be permitted to register as conscientious objectors at any point in time before their conscription, after call-up papers have been issued, or during military service. Likewise, the United Nations Commission on Human Rights, the Council of Europe and the European Parliament have emphasized that information about how to seek recognition as a conscientious objector should be readily available to all those facing conscription into the armed forces - as well as to those already conscripted.

Why a new campaign on the right to conscientious objection in Europe?

The historic developments in Europe since 1989 have brought a host of new challenges to human rights organizations. The admission of the new democracies of Central and Eastern Europe and several of the successor states of the former Soviet Union to the Council of Europe, as well as the aspirations of many of these nations to become members of the European Union and NATO, have likewise placed new responsibilities for the protection and promotion of human rights on these institutions.

Amnesty International's new campaign on the right to conscientious objection grows out of the organization's concern that the human rights commitments undertaken by these young democracies upon entering the Council of Europe or other regional bodies are taken seriously - both by the individuals governments themselves and by the European institutions as well. The desirability of swift integration of these states into the European human rights, security and economic systems must not be permitted to take precedence over their obligations to comply with the full range of commitments to human rights and fundamental freedoms - including conscientious objection - which are meant to be the essential criteria for membership in these bodies. Any dilution of these basic principles or standards in the interests of political or economic expediency can only result in the undermining of the integrity and legitimacy of the European institutions themselves.

The right to conscientious objection is now clearly defined and firmly established in both United Nations and European standards. And yet many European states continue to enjoy membership or associative status in the continent's political and economic institutions while at the same time denying basic rights to conscientious objectors to military service. Amnesty International believes that this situation is entirely unacceptable, and that the respective governments must be encouraged to amend or introduce the necessary legislation guaranteeing conscientious objectors their fundamental rights without further delay.

The armed conflicts in Croatia and Bosnia-Herzegovina and in Chechnya in recent years have also highlighted dramatically the shortcomings or complete absence of provision for conscientious objectors to military service in the successor states of the Socialist Federal Republic of Yugoslavia and in the Russian Federation. During the war in Chechnya, for example, the lack of any form of alternative service for those opposed to all war or to that particular conflict on the basis of their conscientiously-held beliefs or profound convictions resulted in desertion from the army on a large scale. Consequently, large numbers of deserters were reportedly executed by the military authorities following their capture.

In the new republics arising out of the former Yugoslavia, most men above a certain age had already served in what had been the Yugoslav National Army. Nevertheless, many of these men have subsequently been called up for reserve duty or have been otherwise liable for conscription into the armies of their new states. However, the limited provision for conscientious objection which has been available in the new states has generally not been extended to reservists.

Likewise, many individuals in the region have not wanted to participate in a conflict taking place within the borders of what had been a single country. Yet the concept of conscientious objection was comparatively unknown or little understood by many such individuals. Partly for these reasons, few of those men who objected to participation in the conflict were able to present their objections as being grounded in conscience or profound conviction. Resolutions concerning the situation of deserters and draft resisters from the former Yugoslavia were adopted by both the European Parliament and the Council of Europe Parliamentary Assembly in 1993 and 1994.

Some countries in Western Europe, including France and Spain, have indicated their intention of phasing out compulsory military service by the early years of the 21st century. Others, such as Belgium and the Netherlands, have already ended it. However, a number of Western European states currently retain unsatisfactory legislation on conscientious objection to military service. For example, France, Italy and Spain make no provision for conscientious objection developed during military service. France, in addition, offers conscientious objectors a civilian service which, at twice the length of ordinary military service, is clearly punitive. In Austria, Amnesty International has concerns regarding the restrictive time limit for the submission of applications for alternative service. In Switzerland a genuine civilian alternative to compulsory military service only became available in October 1996.

The continuing failure of the Greek Government, although a member of the European Union and the Council of Europe, to introduce a genuinely alternative service under civilian control for conscientious objectors to military service has also been a source of ongoing concern to Amnesty International. This situation, resulting in hundreds of men being tried and imprisoned for their refusal to perform military service each year, has been noted in several resolutions adopted by the European Parliament. Similarly, Turkey continues to deny conscientious objectors to military service an alternative civilian service - in spite of the country's increasingly close relationship to the European Union and its membership in the Council of Europe and NATO.

Both these states, as well as a large number of other countries participating in the Organization on Security and Cooperation in Europe (OSCE), likewise continue to fall short of that body's agreement of 1990 "...to consider introducing, where this has not been done, various forms of alternative service, which are compatible with reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature." Amnesty International is concerned that in spite of the OSCE's stated intention in its 1990 Copenhagen Document to continue to consider the subject as an integral part of its "Human Dimension framework" and to facilitate an information-exchange concerning conscientious objection to military service among OSCE-participating states, the matter has all but disappeared from view in the various OSCE fora - as evidenced by the absence of any substantial reference to the right to conscientious objection in the 1994 Budapest and 1996 Lisbon Documents. This situation of commitments once made and then largely ignored can only call into question the credibility of the very institutions themselves as guarantors of the human rights of individual citizens. Likewise, such a state of neglect effectively gives licence to those states eager to avoid compliance with their obligations for whatever reason.

Raising awareness

The articulation of international standards and the drafting of adequate legislation alone will not be sufficient to guarantee widespread recognition of conscientious objection to military service as a basic component of one of the most fundamental of all human rights - freedom of thought, conscience and religion. A substantial and creative human rights promotion initiative is required - most especially in areas of Central and Eastern Europe. To this end, Amnesty International's current campaign also aims to raise public awareness of the issue through a series of public meetings and events held in selected European countries. In particular, Amnesty International hopes to deliver the message - that conscientious objection to military service is an internationally recognized human right - to the widest possible audience of young people of secondary school and university age. Amnesty International's intention is to promote a vigorous and informed public discussion about conscientious objection among educators, students, politicians, religious groups and the media in countries where it is most needed, or where the level of consciousness about the issue is particularly low.

How can the right to conscientious objection in Europe be extended and better protected?

A number of new initiatives from both non-governmental organizations (NGOs) and European inter-governmental institutions are underway which could have a significant impact on the protection and promotion of the right to conscientious objection in Europe. A draft Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, specifically recognizing the right to conscientious objection to military service, has been in circulation since 1984. In its Resolution of 13 October 1989, the European Parliament expressed its explicit support for the Protocol - a position which was then reiterated in a subsequent Resolution adopted by the Parliament on 18 January 1994.

Fresh support for the incorporation of this Protocol into the Convention has recently come from the grouping of NGOs which have consultative status at the Council of Europe, including Amnesty International. On 25 September 1996, the grouping approved unanimously a resolution on the recognition of the right to conscientious objection.

The Resolution expressed concern that "...although the principles set out in Recommendation R(87)8 of the [Council of Europe] Committee of Ministers represent only minimum standards the situation in several Member States fall short of those principles." The Resolution also called on the Committee of Ministers to instruct the Steering Committee on Human Rights to request a report from each member state of the Council of Europe on action taken in response to the 1987 Recommendation.

In response to a written question put to them by a member of the Council of Europe Parliamentary Assembly regarding conscientious objectors in Greece, the Committee of Ministers replied in October 1996 that they had noted:

"...a number of developments in recent years in several member States as regard conscription and/or conscientious objection to military service. At the same time, the membership of the Organisation has expanded considerably since the time the Committee adopted its Recommendation No. R(87) 8. For these reasons, the Committee of Ministers believes it would be helpful to have at its disposal a comparative review of members States' legislation and practice in the field. The Committee of Ministers...has instructed the Steering Committee for Human Rights (CDDH) to conduct such a review and to assess the implementation of

Recommendation No. R (87) 8 with a view to identifying what further action might be called for at a European level.”

The Steering Committee for Human Rights (CDDH) is currently carrying out this review, with an aim to completing the work by the end of 1997. The comparative study requested is currently scheduled to be presented to a meeting of the Steering Committee for Human Rights in June 1997.

Complementing these developments at the Council of Europe, Amnesty International also urges European Union member states, through an appropriate resolution adopted by the European Parliament, to make clear that recognition of the right to conscientious objection to military service and the introduction of an alternative civilian service of non-punitive length will be included among the criteria for the admission of new members to the European Union in future.

Concern about the need for applicant states to the EU to comply with international standards on the right to conscientious objection was the impetus for the preparation of a recent report by Dr Christof Tannert, a German Member of the European Parliament. Dr Tannert's study, "Military Service and Conscientious Objection in Central and Eastern Europe in View of the Extension of the European Union towards the East," was conducted in cooperation with the European Bureau for Conscientious Objection (EBCO) and completed in 1996.

Amnesty International also reiterates its calls for existing EU Member States to reexamine their own legislation on conscientious objection to military service in the light of current international standards.