

# CONCERNS IN EUROPE

July - December 1999

## FOREWORD

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

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

Reflecting the priority Amnesty International is giving to investigating and campaigning against human rights violations against women and children, the bulletin contains special sections on *Women in Europe* (p.95) and *Children in Europe* (p.99).

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 01/02/99	Concerns in Europe: January - June 1999
AI Index: EUR 01/01/99	Concerns in Europe: July - December 1998
AI Index: EUR 01/02/98	Concerns in Europe: January - June 1998
AI Index: EUR 01/01/98	Concerns in Europe: July - December 1997
AI Index: EUR 01/01/97	Concerns in Europe: July - December 1996
AI Index: EUR 01/01/95	Concerns in Europe: May - December 1994

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## ARMENIA

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### **Prisoners of conscience** (update to AI Index: EUR 01/01/99 and EUR 01/02/99)

At the end of the period under review at least 10 young men remained imprisoned because their conscience led them into conflict with the law that makes military service compulsory for young males, and offers them no civilian alternative. Four men were released early - Grigor Daian, serving his second term for the same offence, was reportedly given a presidential pardon; Karen Voskanian, reportedly severely beaten by conscription officials, was released on health grounds; and Ruslan Ohanganian and Gurgun Sevoian were released early after serving a third of their terms. However, five further arrests came to light during the period under review. Jehovah's Witnesses Vigen Hakobian, Khachatur Zakarian, Vardan Virabian, Vitaly Usupov and Artur Petrosian refused their call-up papers, or refused to cooperate after being forcibly conscripted into the army, as their religious beliefs precluded them from carrying out military service.

### **Arrests following parliamentary assassinations**

On 27 October a group of armed men burst into the chamber of the National Assembly (parliament) and opened fire on senior officials. A total of eight men died, including the Prime Minister Vazgen Sarkisian, the Speaker of Parliament Karen Demirchian, and the latter's two deputies.

Amnesty International extended its condolences to President Robert Kocharian, and welcomed both his efforts to ensure that the events unfolded without further bloodshed and his public assurances at the time to the armed men that, on surrender, they would face no violence and would be granted a fair trial. In cases of such heightened emotions, the organization stressed, it is especially important that those detained and subsequently charged in connection with the deaths receive a fair trial. During the period under review Amnesty International sought clarification on three further deaths in custody which occurred during the year,

trial in accordance with the international standards Armenia has pledged to uphold.

Five men (Nairi Unanian, his brother Karen Unanian, their uncle Vram Galstian, Derenik Bezhdanian and Eduard Grigorian) were arrested at the parliament building following the shootings, and further arrests followed among alleged accomplices. Charges brought include terrorism (Article 61 of the criminal code) and premeditated murder (Article 99), both of which have a maximum sentence of death.

### **Alleged torture and death in custody**

At the end of September a senior military officer was reportedly beaten so severely by law enforcement officials in an attempt to force a confession that he died in custody. Lieutenant-Colonel Artush Ghazarian, the military commissar of Tashir district in the northern Lori region, had been in detention since 18 September (or 14 September, according to some reports), charged with bribery. He was said to have been held at civilian preliminary detention centre No. 3 in the city of Vanadzor, but to have been taken from there for interrogation to a military police station where the beatings took place on or around the night of 30 September to 1 October (reports vary). His body was then said to have been transferred to Yerevan, where an autopsy reportedly revealed injuries consistent with beatings - according to one report these included broken ribs, a broken upper jaw and damage to the kidneys. Amnesty International understands that a criminal case has been instituted into the death, and that initially a number of people were detained including three prison guards and two prison doctors. Later reports indicated that all but one were subsequently released on 6 October, and that in addition the head of the preliminary detention centre in Vanadzor had been detained.

### **Other deaths in custody**

one of which was officially reported as suicide by defenestration. Eduard Vardanian is said to have thrown himself from a window of an upper floor of

a Ministry of Internal Affairs police station in Abovian, the centre of the Kotaik region, at around 9.30pm on 2 March.

Amnesty International understands that Eduard Vardanian had been called to the police station in Abovian to give evidence as a suspect in a case involving a murder. He told his family that he went there on 25 February and was told to return the following day. He did so, and was then apparently taken into custody. His mother reports that when she went to the police station on 1 March, to hand over a parcel for her son and to find out why he was being held, she was told that Eduard Vardanian had been cleared of involvement in the murder, but that he had been given five days' administrative detention as of 9am that morning. The official reason given for the detention was that he had twice been summoned to give evidence but had not responded. His mother further reports that she was telephoned at around 9pm on 3 March by someone requesting that she go to the Abovian police station the following morning. When she arrived in the morning of 4 March she was reportedly told by the head of the interrogation department, Levon Ovanisian, that her son had killed a man, confessed everything, thrown himself out of the window and been taken to hospital. When she asked to be taken to the hospital the officer replied that it was too late as her son had already died.

A statement by the General Procuracy is said to have added that at around 8.30pm on 2 March Eduard Vardanian expressed his willingness to meet the investigator, and had thrown himself out of the window during the interrogation. He was taken to hospital, but died there at 5am on 3 March. The procuracy had opened a criminal case in connection with the death, which was recorded as

A criminal case was reportedly instituted into the death of Stepan Gevorgian, but then subsequently closed as it was not possible to determine exactly when and where the assault which led to his death took place, and therefore those responsible. The forensic medical examination was said to have put his injuries at 12 to 15 days old, which meant that in theory, according to officials, the assault could have happened either at the Sovetashen investigation-isolation prison, during the transfer, or at Artik

suicide in death certificate No. 2060915/12 issued on 6 March by the chief medical examiner of Kotaik region. According to unofficial sources, however, there were traces of cigarette burns on Eduard Vardanian's hands, fuelling allegations by unofficial sources that he had been tortured in custody.

The other two cases of deaths in custody concern prisoners Stepan Gevorgian and Oleg Arishin, who are said to have died on 15 April and 27 April respectively. Both men were said to be around 20 years old, and to have been jointly convicted of robbery and assault on an official. Stepan Gevorgian and Oleg Arishin were said to have spent a total of 15 months in Sovetashen investigation-isolation prison in Yerevan, before being sent to corrective labour colony No. 14 at Artik on 2 April this year to serve the sentences of eight and five years' imprisonment respectively. Oleg Arishin was officially said to have died as a result of suicide by a drug overdose. Stepan Gevorgian, however, is said to have died after a severe beating, although officials have been unable to identify the perpetrators.

Before the transfer to Artik, Stepan Gevorgian had been visited by his mother who reported that he was looking forward to the more flexible regime of imprisonment at the colony. Two days after his transfer, however, Stepan had reportedly collapsed unconscious and was taken to Artik hospital. Visiting him there, his mother reported that his body, especially his back, bore traces of violent injuries. Stepan was transferred to the Nor Nork Emergency Hospital in Yerevan, but died there on 15 April without regaining consciousness. Injuries noted at the postmortem are said to have included fractures of the skull which resulted in cranial haemorrhaging. colony. Unofficial sources claim, however, that there were no notations about any health problems suffered by Stepan Gevorgian during medical examinations when he left Sovetashen or arrived at Artik, which indicated that the injuries were sustained at the colony.

Amnesty International has fewer details at present on Oleg Arishin, who is said to have been transferred from Artik colony to the Republican Hospital in Yerevan, where he died on 27 April.

No criminal case was said to have been opened in his case.

### **Other allegations of torture and ill-treatment**

Amnesty International continued to receive other allegations of ill-treatment of detainees in pre-trial detention. Former Deputy Minister of Education Ashot Bleian, for example, alleged that he was beaten by the deputy head of Nurabashen prison in Yerevan on 18 August. A criminal case against Ashot Bleian was initiated in March this year accusing him, among other things, of embezzling public funds while in office in 1995 to 1996. Ashot Bleian was taken into custody on 14 May after Yerevan's central district court found that he was obstructing the investigation. Speaking at a press conference on 20 August, one of Ashot Bleian's lawyers, Karo Karapetian, quoted his client as reporting that he had suffered "moral and physical pressure" two days earlier at the hands of the deputy director of the Interior Ministry's Nurabashen investigation-isolation prison No. 1. Ashot Bleian reported that the beating took place at around 5pm on 18 August, and that he had been verbally abused while being beaten, including by disparaging references to his 1992 trip to Baku to promote his vision of a way to solve the Karabakh conflict. He also reported that the beating took place in the presence of one of the senior investigators in his case. It is further alleged that Ashot Bleian was subsequently transferred to a punishment cell where he was denied paper and pen to lodge an appeal against his treatment (other sources report that the punishment was imposed for violation of rules during a meeting the same day with the Deputy Chairman of the Nor Oughi Party which Bleian heads - it is said that they ignored warnings to desist from discussing matters relating to the investigation).

On 1 October Armenia became a signatory to the Statute of the International Criminal Court, which will lead to the establishment of a permanent international criminal court once 60 countries have ratified it.

**Alleged arbitrary arrest** (see also AI Index: EUR 54/05/98)

Amnesty International has expressed concern over a period of time about allegations that military officers involved in conscription have detained family members illegally and arbitrarily, in effect as hostages, in order to force young men liable to call-up to report for conscription. An official from the Military Procurator's Office, speaking to an Amnesty International delegate in Yerevan in February this year, said that such instances had greatly declined in recent years. At the beginning of December, however, it was reported that a father had recently been held hostage to force his draft age son to come forward for conscription. Vahan Arakelian, from the town of Masis, was not at home when his call-up papers arrived. Officers reportedly detained his father instead and kept him illegally at the military enlistment office for nine hours, before releasing him and giving him three days to find his son. Other relatives are reported to have been held for days under such circumstances.

### **The death penalty**

At the end of December the head of the General Prosecutor's Office responsible for monitoring the execution of sentences, Vagarshak Vardanyan, said that there were currently 31 men on death row. This figure included three men sentenced to death during 1999. No executions have been carried out in Armenia since independence but a draft criminal code which would abolish the death penalty completely, and which was passed on its first reading in parliament in 1997, had still not become law at the end of the period under review.

**Ratifications** (update to AI Index: EUR 01/01/99)

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## **AUSTRIA**

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### **Intergovernmental organizations**

In the period under review Austria was scrutinized by both the European Committee for the Prevention

of Torture and Inhuman and Degrading Treatment or Punishment (ECPT) and the UN Committee against Torture. In September the ECPT carried out a 12-day visit as part of its third periodic visit to the country, the findings of which had not been made public by the end of 1999.

In November Austria came before the Committee against Torture in Geneva, which expressed concern that "allegations of ill-treatment by the police are still reported". The Committee recommended that "clear instructions be given to the police by the competent authorities to avoid any incident of ill-treatment by police agents. Such instructions should emphasize that ill-treatment by law enforcement officials shall not be tolerated and shall be promptly investigated and punished in cases of violation according to law".

### ***Alleged police ill-treatment***

Amnesty International continued to receive new reports of the alleged ill-treatment of detainees by police officers, some of which were very serious. The organization learned of a case of alleged ill-treatment of the Nigerian national Raymond Ayodeji by police officers in St. Pölten. In the early afternoon of 3 July 41-year-old Raymond Ayodeji and his Austrian wife, Daniela Ayodeji, took their three children around the town centre of St. Pölten. Daniela Ayodeji has stated that she took her three children for a ride on the town's sight-seeing train as a treat while her husband waited with the children's prams near the family car. After the ride she returned to find her husband lying on the ground

The Austrian media reported a case in Vienna of alleged ill-treatment by police officers of an Austrian citizen referred to as Johannes G. He has reportedly stated that two police officers found him lying at the front door of his house on the evening of 6 November. He has maintained that he had been forced to the ground by an unknown person and had asked the police officers for help. When the police officers refused to help him an argument ensued resulting in his arrest. It is reported that the two police officers maintain that Johannes G. was intoxicated, verbally abused them and then attacked them. The two officers handcuffed Johannes G. and took him to a police station on *Boltzmanngasse* in Vienna. According to

surrounded by three police officers. She alleges that the police officers beat her husband in her presence as he lay on the ground. Raymond Ayodeji was reportedly sprayed with pepper after he had been pushed to the ground and repeatedly punched and kicked by police officers. Eyewitnesses reportedly stated that they saw Raymond Ayodeji and a police officer involved in an intense discussion about his identification. The situation reportedly escalated after Raymond Ayodeji asked the police officer for his service number. The police officer reportedly called for reinforcements and shortly afterwards three additional police officers arrived and immediately attacked and seized Raymond Ayodeji. More police officers arrived at the scene of the arrest and reportedly placed Raymond Ayodeji in a police vehicle and took him to the main police station in St. Pölten where he was charged with resisting arrest, committing physical bodily harm and damaging property.

Amnesty International received a response from the Ministry of the Interior in October rejecting Raymond Ayodeji's version of events and alleging that Raymond Ayodeji had acted aggressively towards police officers after being asked for identification and had insulted and attacked police officers resulting in his arrest. In November he was given a conditional eight-month prison sentence. The Ministry of the Interior informed Amnesty International that Raymond Ayodeji had initiated a complaint at an Independent Administrative Tribunal (*Unabhängiger Verwaltungssenat*), the result of which is not yet known.

Johannes G. after he was placed in a cell in the police station, several police officers repeatedly punched him in the face. Johannes G. has stated that as a result he lost consciousness and had to be taken to hospital for medical treatment. After receiving superficial medical treatment at the hospital he was brought back to the police station and detained overnight. Johannes G. has complained that the police officers refused to allow him to make a telephone call after they returned to the police station from the hospital.

Upon his release on the next morning Johannes G. was referred by a police doctor to the *Krankenanstalt Rudolfstiftung* hospital in Vienna after he recognized the seriousness of the detainee's

eye injuries. Doctors at the *Krankenanstalt Rudolfstiftung* hospital, where he was treated for 12 days, have reportedly lodged a complaint against the police officers on the basis of the injuries sustained by their patient. Johannes G. was diagnosed as suffering from cerebral haemorrhaging, a detached right optic nerve and cuts to the eye region of his face. The police officers stated that the respective injuries to Johannes G.'s left and right eyes occurred as a result of him hitting his face against a house intercom during his arrest and falling from a chair at the police station. Amnesty International has called on the Austrian authorities to initiate an immediate, thorough and impartial investigation into Johannes G.'s alleged ill-treatment and has requested to be informed of its findings. Amnesty International has also expressed concern that, since Johannes G.'s arrest and subsequent hospitalization, the arresting police officers have brought charges of physical assault and violent conduct against him.

Amnesty International learned of the sentencing in October of a Serbian national, referred to in the Austrian media as Miodrag P., to three months' imprisonment for resisting arrest and threatening behaviour. The organization expressed concern about eyewitness reports that police officers may have used excessive amounts of force to make the arrest, amounting to ill-treatment of the detainee. Miodrag P. was arrested on 14 July on *Wien-Landstraße* in Vienna by three or four plainclothes police officers. The police officers were reportedly hidden inside a building container

Dr C's complaint of being physically abused by the two police officers and their counter-complaint that he resisted arrest and physically assaulted them was heard in court (*Straflandesgericht*) in August. The judge presiding over the hearing rejected the counter-claim of the two police officers that Dr C had physically assaulted them, but upheld the charge that he had resisted arrest, sentencing him to a conditional four-month prison sentence. The judge found the two police officers guilty of intentionally injuring Dr C and sentenced them to conditional six-month prison sentences. However, these judgments are not final and are open to appeal. Amnesty International has also learned that disciplinary procedures have been initiated against the two police officers. In October

watching a bank, which they expected might be the target of a bank robbery. There are reports that the police officers approached Miodrag P. after an argument broke out between him and his girlfriend. It is reported that an argument then broke out between Miodrag P. and a number of the police officers, which escalated and resulted in his arrest.

Amnesty International expressed concern about eyewitness accounts of the incident, which have stated that the police officers ill-treated the detainee. One eyewitness reportedly commented that one of the arresting police officers repeatedly kicked Miodrag P. in the head after he had been restrained and was lying on the ground, stating that: "He played football with his head". Amnesty International requested to be informed of exactly how the above incident culminated in the eventual arrest of Miodrag P. and his girlfriend and of the findings of any investigation into the allegations that one of the police officers repeatedly kicked the detainee in the head.

In April Amnesty International wrote to the Austrian authorities expressing concern about allegations of ill-treatment by police officers of a non-Caucasian Austrian national widely referred to in the Austrian media as Dr C. In November 1998 he was allegedly beaten unconscious, physically assaulted and racially abused by two police officers after being stopped for identification, which resulted in him spending 11 days in hospital. Dr C was later charged with resisting arrest and physically injuring the police officers (AI Index: EUR 01/02/99).

an Independent Administrative Tribunal found the police officers guilty of using excessive force against the detainee and reprimanded them for their use of racist language.

### ***Racist police attitudes***

In October Amnesty International expressed concern about a senior police officer in the Vienna-Donaustadt Branch of Security (*Wien-Donaustadt Sicherheitswache*) who allegedly made racist comments to approximately 30 subordinate police officers and incited them to the use of violence during a training session at the end of August. He allegedly told police officers present at the training session that "Negroes deserve to be hit first, then

asked their name". Amnesty International received a reply from the Ministry of the Interior in November stating that the allegations against the official were being investigated.

### **Deaths in police custody - update**

In May Amnesty International expressed concern to the Austrian authorities about the death of a 25-year-old Nigerian citizen, Marcus Omofuma, during his deportation from Vienna, Austria, to Nigeria on 1 May. Marcus Omofuma allegedly suffocated on the aeroplane in the presence of three Austrian police officers after being gagged and bound (AI Index: EUR 01/02/99). The inquiry into the death of Marcus Omofuma has revealed a considerable degree of ambiguity regarding the types of physical restraints which could permissibly be used during the expulsion of a deportee. In commenting on the death of Marcus Omofuma the Committee against Torture also expressed concern in November about "insufficient measures of protection in cases of individuals under an order of deportation". It recommended that "provisions concerning the protection of asylum seekers should fully conform with the relevant international standards".

The investigation into the death of Marcus Omofuma is continuing but it is not yet known when the case will be heard by a court and whether the three police officers will be held responsible for his death. While there have been two medical investigations into the death their results have been contradictory. The autopsy, which was conducted in Bulgaria shortly after the death, pointed to death by asphyxia. However, the findings of an autopsy, which was conducted in Austria and made public in November, suggested that an undetected heart

## **AZERBAIJAN**

(See also *Women in Europe*, page 95)

**Possible prisoners of conscience** (update to AI Index: EUR 01/02/99)  
*Rasim Agayev*

Rasim Agayev was released early from his four-year sentence following a pardon issued by

defect meant that it could not be said with the required certainty that there was a causative link between the gagging of Marcus Omofuma and his death.

### **Police shootings - update**

Amnesty International learned of the fatal shooting of a man suffering from mental health problems by a special detachment of police officers in the village of Wörterberg in the southern region of Burgenland on 1 June. Franz Wohlfahrt was shot in the arm and in the thigh by police officers after they had forced their way into his house, in which he had barricaded himself (AI Index: EUR 01/02/99).

In a response received by Amnesty International in August the Ministry of the Interior stated that attempts were made by the police officers to lure Franz Wohlfahrt out of the house and a special negotiating team was called after their attempts had failed. After entering the house police officers reportedly found Franz Wohlfahrt in the bathroom armed with a pitchfork. After he refused to put down the pitchfork police officers sprayed him with pepper. They alleged that Franz Wohlfahrt made threatening movements towards them with the pitchfork at which point both officers discharged their firearms several times in the direction of his legs. Franz Wohlfahrt died on the way to hospital after losing a large amount of blood.

Azerbaijani President Heydar Aliyev on 10 July. Amnesty International was concerned that Rasim Agayev may have been imprisoned solely for his political views and past role as press secretary to a former President now in opposition. The organization was also concerned about allegations of numerous procedural irregularities in the case, which cast doubt on the fairness of his trial.

### **Harassment and detention of religious believers**

During the period under review there were several reports that law enforcement officials had harassed non-traditional Christian groups, for example by breaking up services, confiscating literature, detaining pastors and deporting or threatening to deport non-Azerbaijani citizens engaged in religious activity (Azerbaijani law forbids foreigners or stateless persons engaging in religious "propaganda", and on 15 September Mustafa Ibrahimov, Adviser for religious questions in the Azerbaijani Cabinet of Ministers, told the newsagency TURAN that foreign missionaries are deported regularly, including three over the previous month).

On 5 September, for example, police in Baku are said to have raided an afternoon Baptist church service and detained around 60 worshippers, including half-a-dozen women and children, and taken them to a local police station for questioning. Two Azerbaijani Christians leading the service were reportedly sentenced on 7 September to 15 days' administrative arrest for "resisting the police", and a court on 8 September ruled that eight foreigners among those detained had "spread illegal propaganda" and ordered them deported. The deportation order was later overruled in late November by the Supreme Court.

Following the search Ibrahim Yuzbeyov was returned to the regional police administration and detained in a cell there. He was not given access to a defence lawyer, in spite of a 13 July 1999 ruling by the Azerbaijani Constitutional Court that the constitutional right to receive qualified legal aid from the moment of detention should be applied to those held under the administrative violations code, as well as to those held in connection with offences under the criminal code. The following day Ibrahim Yuzbeyov was sentenced to 15 days' administrative detention by Khachmas district court for petty hooliganism. He had previously refused to sign a statement relating to this charge at the police administration, claiming that he had not engaged in hooliganism and was instead being prosecuted for his actions as a Jehovah's Witness.

Ibrahim Yuzbeyov was taken to a preliminary detention cell at the police

The Jehovah's Witnesses also reported harassment, for example when six female workers were allegedly dismissed on 1 September from the Azerbaijan Gas Refining Factory in Qaradag because of their religious beliefs. They were reinstated in November. The Jehovah's Witnesses were officially registered as a religious organization in Azerbaijan on 29 December, a status they had been seeking for many years. Registration enables such an organization to maintain a bank account, legally rent property, and generally act as a legal entity.

#### *Detention of Ibrahim Ikrameddin oglu Yuzbeyov*

At least one Jehovah's Witness detained allegedly for religious reasons during the period under review was Ibrahim Ikrameddin oglu Yuzbeyov, from the village of Alekseyevka. On 9 August he was summoned to the regional police administration in Khachmas, reportedly to discuss a complaint regarding his proselytizing. Four police officers then accompanied him to his home, and in violation of the law they are said to have conducted a search without a warrant and without the presence of witnesses. They are also said to have drawn up the record of the search, during which books, videotapes and audiotapes were confiscated, in a separate location after the items had been removed. administrative building to serve his term. While there he alleges that he was subjected to verbal abuse; that several police officers beat him around the face and head, trying to force him to renounce his religion; and that he received food only once a day. Ibrahim Yuzbeyov reports that on one occasion his father had not been allowed to hand over a food parcel he had brought as police officers falsely told him his son had refused to accept food from home. Instead his father gave money to the head of police administration to buy food for Ibrahim Yuzbeyov, although this was not done and neither was the money returned.

Ibrahim Yuzbeyov was released at the end of his term on 25 August. The confiscated items were not returned to him and neither, he alleges, was his watch. This had been removed from him before his detention in the preliminary detention cell, but could not be found by the police when he was released. Ibrahim Yuzbeyov further alleges



that after his release he was summoned to the regional head of the Ministry of National Security in Khachmas, who warned that he would be forcibly expelled from Azerbaijan within three days if he did not renounce his faith.

**Deaths in custody at Gobustan prison** (update to AI Index: EUR 01/02/99)

During the period under review the Procurator General's Office and the Ministry of Justice responded to Amnesty International regarding the deaths of 11 prisoners and two guards in January 1999 during disorders at Gobustan prison, some 60 kilometres outside the capital city of Baku. Reports at the time, even from official sources, varied about certain aspects of events, including what caused troops to open fire on a bus containing prisoners and a hostage. Amnesty International regarded it as especially important that any inquiry instigated would be thorough and impartial, and include among its aims a public clarification of the circumstances of the custodial deaths, in order to allay allegations from some unofficial sources that those deaths had been extrajudicial killings.

The Minister of Justice stated that the hostages seized by the group of prisoners seeking to escape had included civilian workers at the prison as well as guards, and reported that all the hostages had been beaten. She also clarified that the bus

Amnesty International expressed serious concern that Azerbaijan has failed to implement fully its treaty obligations. Allegations of torture and ill-treatment by law enforcement officials have remained persistent and widespread, from a range of places of detention, and in both political and criminal cases. Lawyers, journalists, opposition politicians and demonstrators have also reportedly been abused by law enforcement officials since Azerbaijan signed the Convention. State agents have also obstructed access by lawyers, family members, and independent doctors to those held pending trial. There have been persistent allegations that physical and mental abuse has not only flourished in those conditions, but become a routine tool for obtaining confessions and coercing testimony, or for intimidation and extortion. Amnesty International is deeply concerned that the

requested by the prisoners was given to them in exchange for hostages and in an attempt to restore order to the rest of the prison, where over 300 prisoners were said to have remained in locked cells without food. The Minister said that the prisoners, together with five hostages, left the prison premises in the bus but began to open fire and continued firing after being forced to leave the bus when it crashed into a car. Law enforcement officers returned fire, as a result of which 10 prisoners and one hostage died. The Procurator General's office added that the ongoing investigation into the incident included verifying whether the use of force and firearms was justified and proportionate.

**UN Committee against Torture reviews Azerbaijan's first report**

In October Amnesty International issued a substantial document on its concerns about torture and ill-treatment in Azerbaijan (see AI Index: EUR 55/02/99). This was also submitted to the UN Committee against Torture, which met on 17, 18 and 19 November to review Azerbaijan's first report on steps the country had taken to implement the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

authorities' failure to meet their obligations to initiate impartial and thorough investigations of ill-treatment and torture, and the failure to bring alleged perpetrators to justice in the course of full and fair proceedings, creates both an impression that torture and ill-treatment by state agents is acceptable conduct, and also allows law enforcement officials to engage in such conduct and violate people's human rights with impunity.

In its conclusions and recommendations the Committee noted several positive aspects, and the difficulties associated with problems of transition. However, it expressed concern about a number of points including the absence of a definition of torture as provided for by Article 1 of the Convention; the numerous and continuing reports of allegations of torture and other cruel, inhuman or degrading treatment or punishment

committed by law enforcement personnel; the apparent failure to provide prompt, impartial and full investigations into numerous allegations of torture reported to the Committee, as well as the failure to prosecute, where appropriate, the alleged perpetrators; the absence of guarantees for independence of the legal profession; and the use of amnesty laws that might extend to the crime of torture. The Committee made various recommendations in line with these concerns, and also called on Azerbaijan to consider making relevant declarations under the Convention to allow the Committee to examine complaints by individuals or other states parties.

### **Refugees from Chechnya**

In November Amnesty International expressed concern to the authorities about remarks attributed in the press to the Minister of National Security and to the Border Guard Service of Azerbaijan, in which they are said to have expressed opposition to opening the borders of Azerbaijan to people fleeing the armed conflict in the Chechen Republic - Ichkeria.

The organization acknowledged that the Azerbaijani Government already carries a very heavy burden in terms of the large number of refugees and internally displaced people on its territory, as a result of the conflict over the disputed region of Nagorno-Karabakh, but underlined that Azerbaijan has a clear obligation under international refugee law to ensure that a person **Presidential Decree on Human Rights, and proposal to establish the office of Ombudsman** (update to AI Index: EUR 01/02/98)

In February 1998 President Aliyev issued a decree "On measures to ensure human rights and the rights and freedoms of citizens", which contained a range of proposals on promoting and protecting human rights. In June that year the President approved a "State program for the defence of human rights", drawn up by the Cabinet of Ministers on the basis of the earlier presidential decree. Amnesty International noted many positive aspects in the program, including the intention to ratify in 1998 the first and second Optional Protocols to the International Covenant on Civil and Political

seeking asylum is not forcibly returned without having an adequate opportunity to have their reasons for seeking asylum considered.

Like all states, Azerbaijan is bound by the principle of *non-refoulement*, a principle of customary international law. This principle forbids states from forcibly returning, in any manner whatsoever, a person to a country where they might face serious human rights violations. The principle prohibits rejection at the frontier, and countries must keep their borders open, and afford refugees protection. This protection need not be permanent, or even long term; refugee protection lasts only as long as the human rights situation in the refugees' country of origin necessitates. In a situation where a large number of refugees enters a state in a short period of time, that state is clearly obliged to offer protection at least pending a durable solution of the refugees' plight. Efforts to seek durable solutions are to be made by the international community, the three traditional durable solutions being voluntary repatriation, integration into the host country, and resettlement in a third country.

Amnesty International urged that Azerbaijan honour fully its obligations under the Refugee Convention, including by keeping its borders open to all refugees requiring protection; by ensuring that officials at border crossing points are instructed to refer all those seeking asylum to the appropriate authorities so that their claims may be considered; and by ensuring that the international community is able to monitor fully the asylum situation in the border area and elsewhere. Rights, and to establish the institution of Ombudsperson for human rights in the Azerbaijani Republic.

Azerbaijan became a party to the Second Optional Protocol to the International Covenant on Civil and Political rights in January 1999. However, it entered a reservation under which the death penalty could be applied for grave crimes committed in wartime or under threat of war, and the criminal code was amended to this effect in October. At the end of the period under review, however, Azerbaijan had still not ratified the first Optional Protocol, nor instituted an Ombudsperson. For details on the Optional Protocol to the Convention on the Elimination of All Forms of

Discrimination against Women, see the section *Women in Europe*.

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## **BELARUS**

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### ***Arbitrary detention and alleged police ill-treatment***

During the period under review opposition groups staged a number of peaceful protests against President Lukashenka's refusal to hold elections scheduled for July, questioning the legitimacy of his tenure in office. The opposition staged a series of large-scale demonstrations in July and October, as well as numerous smaller protest actions, both in and outside Minsk, during which Amnesty International learned of hundreds of arrests. In a series of public statements Amnesty International condemned the arrests and considered any demonstrators detained for peacefully exercising their freedom of assembly as prisoners of conscience.

During the 'Freedom March' demonstration on 17 October a number of prominent members of the opposition were arrested by the Belarusian authorities. Leader of the Belarusian Social Democratic Party Nikolai Statkevich, human rights activists and deputies of the dissolved parliament Loudmila Gryaznova and Valery Schukin, chairman of the human rights organization 'Spring-96' (*Vesna-96*) Ales

During a peaceful demonstration to mark Belarus' Day of Independence on 27 July, a 20-year-old member of the Belarusian Popular Party's Youth Front, Yevgeny Osinsky, was arrested and held on the charge of 'malicious hooliganism' and taking part in an unsanctioned demonstration (AI Index: EUR 49/24/99). He maintains he was ill-treated by police officers who reportedly hit him in the stomach, kidneys and back. He was released from prison on bail on 6 September after spending around five weeks in detention. On 18 January 2000 a court ruled that Yevgeny Osinsky, who works as an electrician, must pay 20 percent of his wages for a period of two years as a form of 'corrective labour' for allegedly resisting arrest. The charges originally brought against him were dropped.

### ***Possible "disappearances"***

*Amnesty International March 2000*

Byalatsky, current deputy chairman of the dissolved parliament Anatoly Lebedko and chairman of the Belarusian Popular Front Vintsuk Vyachorka were among around 200 protestors detained by the authorities. Most of the aforementioned people were given administrative prison sentences of between 10 and 15 days or fined. Criminal charges were later brought against a number of them for their part in organizing and participating in the demonstration. Their cases are expected to come to trial in February 2000 and, if they are convicted, Amnesty International will consider them prisoners of conscience.

Seventeen-year-old Yevgeny Aphnagel, 17-year-old Andrei Volobev, 18-year-old Anton Lazarev and university students Gleb Dogel and German Sushkevich were among a number of young Belarusians who were arrested and given administrative sentences after the Freedom March demonstration. Yevgeny Aphnagel was reportedly acquitted of all criminal charges on 29 November after having spent 15 days in administrative detention and allegedly being beaten by police officers. Criminal charges of 'malicious hooliganism' under Article 201 (2) of the Belarusian Criminal Code have reportedly been brought against the other young protestors, whose trials are also expected to commence in February 2000. University students Gleb Dogel and German Sushkevich have alleged they were ill-treated by police officials after their arrests.

Amnesty International expressed serious concern for the safety of prominent opposition leader and former Amnesty International prisoner of conscience Viktor Gonchar and his companion Anatoly Krasovsky, who failed to return home on 16 September. Viktor Gonchar, head of the unofficial electoral committee and first deputy chairman of the dissolved parliament, and his companion Anatoly Krasovsky apparently "disappeared" three days before Viktor Gonchar was due to give an extensive report about the political situation in Belarus under President Lukashenka to members of the dissolved parliament. In May another prominent member of the opposition and former Minister of the Interior, Yuri Zakharenko, also apparently "disappeared" on

*AI Index: EUR 01/01/00*

the first day of the campaigns of the unofficial presidential elections (AI Index: EUR 01/02/99).

These possible "disappearances" occurred at key political moments and the Belarusian authorities have shown great reluctance to investigate the cases. Instead, they have accused Belarus' opposition of staging the "disappearances" for the purposes of seeking international attention or have stated that the individuals concerned have been sighted abroad. Since they went missing there has been no reliable information about the whereabouts of the three men.

### ***Prisoners of conscience***

In March the former Prime Minister, Mikhail Chigir, was imprisoned for his opposition activities. He had intended to stand as a presidential candidate in the unofficial presidential elections scheduled for May (AI Index: EUR 01/02/99). His arrest caused a great deal of concern in the international community and there were numerous calls for his release. He was charged with financial impropriety relating to a position he held as head of a bank, a charge which he denied. After eight months' imprisonment he was conditionally released at the end of November and his case is currently being

Amnesty International expressed concern about the arrest of the Rector of Gomel Medical Institute, Professor Yury Bandazhevsky, in July, fearing he may have been deliberately targeted by the authorities for exercising his right to freedom of expression, and considered him a possible prisoner of conscience (AI Index: EUR 49/27/99). He has openly criticized the way in which the Ministry of Health has conducted research into the adverse health effects of the Chernobyl nuclear reactor catastrophe of 1986 and the money it has spent on such research.

Yury Bandazhevsky was arrested in Gomel in the middle of the night of 13 July by a police detachment. In violation of international human rights standards, the authorities did not formally charge him until 5 August. The circumstances surrounding Yury Bandazhevsky's arrest have caused further concern, since he was not given access to a lawyer or allowed to see his family

heard by a court in Minsk. Amnesty International fears he may not receive a fair trial.

Other members of the opposition remain imprisoned for their non-violent political beliefs, including members of the dissolved parliament Andrei Klimov and Vladimir Koudinov (AI Index: EUR 01/02/99). The case of Andrei Klimov, who has been in pre-trial detention since February 1998 charged with financial impropriety, eventually came to court in July and continued throughout the year. On 13 December Andrei Klimov was reportedly beaten and kicked by prison officials and dragged into a Minsk courtroom in torn clothes and without shoes. The ill-treatment allegedly occurred after Andrei Klimov refused to leave his prison cell and go to court, protesting he has not received a fair trial. It is anticipated that the court will reach a verdict early in the year 2000.

Amnesty International learned of the release of 73-year-old Vasily Starovoitov on 11 November after spending two years in prison convicted of bribery and large-scale embezzlement in May 1999 (AI Index: 01/01/99). Amnesty International believes that the charges were politically motivated and designed to silence an opponent of President Lukashenka.

### ***Possible prisoners of conscience***

until three weeks after his arrest. After the lawyer obtained permission to visit his client in Gomel, Yury Bandazhevsky was transferred to a prison some 100 miles away in Mogilev without the lawyer's knowledge. On 27 December he was released on the condition he does not leave Minsk and is awaiting trial on charges of allegedly taking bribes from students seeking admission to his research institute. If he is convicted, he faces between five and 15 years' imprisonment and confiscation of his property. Amnesty International fears that like Mikhail Chigir and Andrei Klimov he may not receive a fair trial.

### ***Persecution of human rights defenders***

Several prominent human rights defenders and human rights organizations came under increased pressure in 1999 to cease their human rights work. The Minsk offices of the human rights organization

'Spring-96' were raided on 4 October by the police. Police officers confiscated computers, a printer and photocopier and copies of their human rights journal *Right to Freedom* on the pretext that the organization did not possess the necessary documentation to print on the premises. The Belarusian Helsinki Committee was also subjected to continued harassment by the authorities. In December they were threatened with eviction from their offices, which are owned by the Presidential Business Administration.

In July Oleg Volchek, the head of the legal advice centre Legal Aid to the Population and head of a non-governmental committee which has demanded an independent investigation into the possible "disappearance" of Yury Zakharenko, was charged under Article 201 (2) of the Belarusian Criminal Code with "malicious hooliganism" (AI Index: EUR 49/24/99). The charges related to his participation in a peaceful protest organized by the opposition on 21 July, during which he was arrested and ill-treated by police officers. Amnesty International expressed concern that he had been

Several prominent independent newspapers critical of the government had their registered status revoked. In other instances, independent newspapers were closed down for alleged tax violations or after losing expensive libel cases for criticizing senior government figures. The independent newspapers, *Narodnaya Volya*, *Naviny*, *Imya* and *Belorusskaya Delovaya Gazeta* came under particular pressure. The harassment of the independent press aroused significant criticism abroad.

In July Irina Halip, editor of the independent newspaper *Imya*, was arrested at the Belarusian headquarters of the Russian television station, ORT, where she had been scheduled to give an interview (AI Index: EUR 49/24/99). She was arrested on the charge that *Imya* had slandered the Belarusian Prosecutor General, Oleg Bozhelko, in a previous article. Irina Halip also had her travel documents confiscated by the authorities after her arrest. She was due to fly to the United States to attend meetings with fellow journalists two days later. In a press release on 23 July Amnesty International expressed the concern that the confiscation of her travel documents was part of the

deliberately targeted by the Belarusian authorities to punish him for his opposition activities and to silence a vocal member of the opposition. The organization learned that the charges against him were dropped in late November. However, on 8 November the Ministry of Justice reportedly revoked the license of the Legal Aid to the Population advice centre, which permitted it to give legal advice to the general public.

Amnesty International learned that charges against the human rights lawyer Vera Stremkovskaya, under Article 128 (2) of the Belarusian Criminal Code for allegedly slandering a public official, were also dropped at the end of December (AI Index: EUR 01/02/99). The charges carried up to five years' imprisonment and Amnesty International informed the Belarusian authorities that if she were imprisoned it would consider Vera Stremkovskaya a prisoner of conscience.

### ***Harassment of journalists and the independent press***

government's crack-down on peaceful dissent and to prevent her from talking about the political situation in the country (AI Index: EUR 49/18/99). Amnesty International learned several days later that the Belarusian authorities had eventually allowed her to visit the United States as she had originally planned. Although she was interviewed by the authorities on several occasions after her release she had not been formally charged by the end of the year.

### ***Death penalty***

The death penalty continued to be imposed frequently. In August the Chairman of the Supreme Court of Belarus, Valyantsin Sukala, told a news conference that 29 people had been executed in the first seven months of 1999. There was continued concern about the veil of secrecy surrounding the death penalty, about which information is classed as a state secret. Even after a prisoner has been executed the relatives are not informed of the date or place of execution.

In July the mother of Anton Bondarenko, who was under sentence of death and whose appeal

had failed, stated that the prison authorities refused to inform her of the exact date when her son would be executed. She had visited the prison where her son was being held every day for several weeks to see if he was still alive. On 14 July she and a friend staged a picket near the Presidential Administration building to plead for Anton Bondarenko's sentence to be commuted. She was arrested by police officers and detained for three hours. Her son was executed 10 days later on 24 July.

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## BELGIUM

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### ***Death during forcible deportation - the case of Semira Adamu*** (update to AI Index: EUR 01/01/99)

A judicial investigation was still under way into the circumstances surrounding the death by asphyxiation of Nigerian national Semira Adamu within hours of an attempt to deport her forcibly from Brussels-National airport in September 1998. A dangerous method of restraint known as the "cushion technique" was used by escorting. In September Amnesty International wrote to the Minister of Interior in the new coalition government which took office in July, drawing his attention to correspondence concerning the alleged ill-treatment of detained asylum-seekers which had been exchanged between the organization and the Ministry of the Interior during the period September 1998 to February 1999 (see *Belgium: Correspondence with the government concerning the alleged ill-treatment of detained asylum-seekers*, AI Index: EUR 14/01/99). The organization expressed disappointment that it had received no response to a letter addressed to the former Minister of Interior in February 1999 and underlined its continued interest in receiving the information requested in its previous correspondence, together with news of relevant developments.

In October the Minister expressed his wish to cooperate with Amnesty International and supplied a copy of an official note issued by the government that month, which outlined its policies on asylum and immigration, to be implemented over the period of a year.

Amnesty International wrote again to the Minister of Interior in December and, in the context

gendarmes during the deportation operation. This restraint method -- since suspended -- allowed gendarmes to press a cushion against the mouth, but not the nose, of a recalcitrant deportee to prevent biting and shouting. Three gendarmes remained under investigation in connection with possible manslaughter charges. In September 1999 the Belgian Human Rights League, which had lodged a criminal complaint against persons unknown and constituted itself a civil party to the judicial proceedings opened immediately after Semira Adamu's death, requested the relevant judge of instruction also to investigate two former Interior Ministers in connection with possible manslaughter charges. It held them responsible for the introduction and implementation of the "cushion technique" as an authorized method of restraint during forcible deportations and argued that they thereby also bore responsibility for Semira Adamu's death.

### ***Alleged ill-treatment of detained asylum-seekers*** (update to AI Index: EUR 01/01/99)

of its concerns about the alleged ill-treatment of asylum-seekers, welcomed a number of the policy intentions outlined in the government's October note, including the maintenance of strict official limitations on any recourse to the use of force by law enforcement officers during deportation operations. The organization expressed the hope that the provisions of relevant international human rights standards, such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials, would be fully incorporated into the instructions given to officers participating in deportation operations. In view of reports that temporary internal guidelines on the execution of repatriations which were issued to gendarmes in October 1998 (substituting those in force at the time of Semira Adamu's death), had been replaced by new guidelines in July, Amnesty International sought a copy of the relevant text.

Amnesty International also noted as a positive development the indication that an independent body was envisaged, mandated, amongst other things, to receive and examine

complaints about the treatment of detained asylum-seekers.

Among other measures announced in the October note and welcomed by Amnesty International was the indication that steps would be taken to improve the situation of detained child asylum-seekers -- both those arriving unaccompanied and those arriving with adult relatives -- and to bring their treatment into line with Belgium's obligations under the UN Convention on the Rights of the Child. In view of the particularly vulnerable nature of this category of asylum-seeker, Amnesty International urged that the reforms outlined by the government be implemented with the utmost speed and urgency and that due account be taken of the provisions of the relevant international standards on the treatment of children in detention, including Guideline 6 (relating to the Detention of Persons under the Age of 18 years) of the Guidelines on applicable Criteria and Standards relating to the Detention of Asylum-seekers, which the UN High Commissioner for Refugees (UNHCR) issued in February 1999, the UNHCR Guidelines on Refugee Children and the 1990 UN Rules for the Protection of Juveniles Deprived of their Liberty, as well as the UN Convention on the Rights of the Child.

The organization asked to be informed, amongst other things, of the outcome of an internal investigation, opened at the request of the Interior Ministry, into violent incidents which occurred at Steenokkerzeel Detention Centre 127-bis in October 1998, and in which a number of detainees, including Blandine Kaniki, alleged they were subjected to physical assault by gendarmes. Amnesty International reiterated its request for a copy of any report drawn up following the investigation and to be informed of any administrative or disciplinary proceedings arising from it. Similarly, the organization again invited the Ministry's comments on the reported irregularities in the conduct of the internal investigation and the claims that by February 1999 several detainees who were said to be victims of or witnesses to the violent incidents of October 1998 had been deported or ordered to leave the country, even though relevant internal and judicial investigations were still under way. The organization recalled that in February it had sought assurances from the Ministries of Justice and the Interior that Blandine Kaniki would not be deported before the conclusion of the judicial investigation opened into the criminal complaint she lodged in November 1998 in connection with the October incidents. Therefore, the organization welcomed news indicating that Blandine Kaniki had since received such assurances. The judicial

investigation was still under way at the end of December.

Amnesty International expressed disappointment that the Minister's October letter provided no information in response to its previous requests for information on several specific issues and cases relating to alleged ill-treatment and renewed its request for cooperation in these areas.

#### ***Alleged ill-treatment in detention centres for aliens***

Amnesty International also sought clarification as to whether any administrative investigation was undertaken into the allegations made by Fatimata Mohamed that she was subjected to ill-treatment while detained at the Centre for Illegal Aliens in Bruges in November-December 1998 and that she and other inmates were unable to communicate freely with their lawyers. The organization asked to be informed of the body which undertook any such investigation and of its findings.

Amnesty International pointed out that further allegations of ill-treatment had emanated from detention centres for aliens during 1999. An Armenian national, Hovhannes Karapetyan, alleged in a criminal complaint that, following his return to centre 127-bis for aliens, after an attempt to deport him in June, and pending transfer to another wing of the building, warders subjected him to an unprovoked assault, throwing him to the ground and beating him until he lost consciousness. He was then transferred to an isolation cell where he said he was held overnight without medical assistance. A doctor who examined him next day ordered his hospitalization and medical reports accompanying his complaint apparently recorded facial injuries and a fractured elbow. The Aliens Office attached to the interior ministry and responsible for the

running of the detention centres, stated that warders intervened because Hovhannes Karapetyan had physically resisted his transfer to another section of the centre, had refused to see a doctor who went to visit him in the isolation cell during the night and threw himself against one of the cell walls. It was also reported that he had received a previous fracture to his injured arm, prior to his detention in Belgium. Amnesty International invited the Minister's comments on these reports and asked whether any administrative investigation had been opened into his allegations.

In view of such allegations Amnesty International also sought clarification of the system for monitoring the detention conditions in the closed centres for aliens. It pointed out that

Amnesty International noted that a Royal Decree of May 1999 concerning the regime in the detention centres for aliens operated by the Aliens Office, authorized the Interior Minister to institute a permanent committee to monitor the conditions of detention in the centres. It was stipulated that a magistrate should preside over the committee and that it should be composed of at least two representatives from the Aliens Office and two representatives from the Centre for Equal Opportunities and Opposition to Racism attached to Prime Minister's office. Reportedly, the representatives of the Aliens Office include at least one director of a detention centre for aliens. Under the decree, the committee may request the authorization of the Interior Minister to appoint specialists to aid it in its work, on either a permanent or temporary basis.

Amnesty International was concerned that such a committee was not in line with Principle 29 of the UN Body of Principles and asked to be informed of the precise composition of the committee, whether it had the right to make public its reports, whether it was mandated to make unannounced visits of inspection and, if so, to be informed when and where they were carried out in 1999.

### ***Alleged ill-treatment during deportation***

Amnesty International sought replies to questions raised in its previous correspondence concerning the investigation process employed by the

relevant international standards such as the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN Body of Principles) stress the importance of independent supervision of detention conditions. It underlined that these principles are not merely exhortatory or advisory, they call upon governments to implement and enforce their provisions. Principle 29 provides that: "Places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment."

administrative authorities with regard to alleged ill-treatment by gendarmes during deportation operations. The organization also asked to be informed whether the gendarmerie continued to video-tape forcible deportation operations, as was the practice at the time of Semira Adamu's death during forcible deportation in September 1998 and, if not, to be informed why the practice was abandoned. The organization indicated that its interest in clarifying these questions also arose in the context of further allegations of ill-treatment during forcible deportations reported during 1999. Matthew Selu, a Sierra Leone national who was deported from Brussels-National airport to Dakar (Senegal) in November claimed that gendarmes used gloves to "choke" him; hit him, while handcuffed, on the chest, ribs and head; and placed him on "a kind of stretcher" on board the aircraft, with restraints placed around his shoulders, forearms, knees and ankles. He alleged that he briefly lost consciousness as a result of the blows inflicted. A medical certificate issued by a doctor who examined him within a day of his arrival in Dakar recorded, amongst other things, a head wound some six centimetres long, a sprain to his left thumb, multiple contusions to his chest, neck and right shoulder, and bruising to his wrists and ankles. Matthew Selu said he was unable to recall precisely how he had incurred the head wound.

In a parliamentary committee session in December the Minister of Interior stated that, according to gendarmerie reports, Matthew Selu had violently and vociferously resisted, tried to bite



and head-butt the escorting gendarmes and had accidentally incurred a minor head-wound when alighting from a gendarmerie vehicle transporting him to his flight. He indicated that Matthew Selu received first aid on board the aircraft, that he offered no further physical resistance once airborne, and that his handcuffs were removed for the rest of the flight which was without incident. A judicial investigation was opened into a criminal complaint lodged by Matthew Selu.

In its December letter Amnesty International also drew the Minister's attention to persistent general claims made publicly in the course of 1999 of gendarmes making use of heavily padded gloves to cover the mouths of deportees, thus blocking the airway, and of deportees being placed face down on the floor in restraints, with

Amnesty International also sought the cooperation of the Minister of Justice in informing the organization of the eventual outcome of the criminal complaints of ill-treatment lodged by Blandine Kaniki, Hovhannes Karapetyan and Matthew Selu. It reiterated its September 1998 request that the organization be kept informed of the progress of the judicial investigation into the death of Semira Adamu and of any further criminal proceedings arising from it.

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## **BOSNIA-HERZEGOVINA**

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### ***Continued obstruction to minority returns***

The increased freedom of movement throughout Bosnia-Herzegovina was reflected in more return assessment visits, in particular in areas where this had previously been difficult like the eastern Republika Srpska. In spite of this, relatively few people in fact returned to their pre-war communities where they would now be a national minority. Returnees continued to face problems in regaining access to their property and exercising other basic civil and social rights.

The newly-appointed High Representative for Bosnia-Herzegovina, Wolfgang Petritsch, used his authority to take a number of measures aimed at removing legal and political obstacles to minority returns. At the end of October he imposed a number of amendments and instructions relating to property

their hands and ankles tied together behind their bodies, sometimes being left in this position for prolonged periods, and then carried in such a manner that the weight of the body puts extremely painful pressure on the areas where the restraints are placed. Amnesty International noted that the allegations reported described a method of restraint reminiscent of one sometimes known as 'hog-tying' which has been recognized as a highly dangerous procedure for at least the past decade as it can restrict breathing and can lead to death from positional asphyxia, especially when applied to an individual who is agitated. The organization therefore said that it would welcome the Minister's comments on these claims and information as to any steps taken to ascertain their veracity.

and housing laws in both the Republika Srpska and the Federation aiming to harmonize legislation between the entities and to facilitate its implementation. In November he dismissed 22 local officials throughout the country who had reportedly been obstructing returns and the reintegration of minorities and thus hampered the implementation of the Framework Agreement for Peace in Bosnia-Herzegovina (Dayton Agreement).

A number of violent attacks on members of minorities continued to be reported, apparently in an attempt to intimidate possible returnees. In July International Police Task Force monitors reported that unknown perpetrators had burnt 15 houses belonging to Serbs intending to return to Zajaruga village in Glamo\_ municipality in the Federation.

In July and August violent incidents were reported in Drvar (Federation) between Serb returnees and Croat displaced persons now settled there. International observers expressed concern that local police had allowed some of the suspected instigators of the violence to leave the scene. Drvar had been the scene of many unsolved ethnically-motivated arson attacks and physical violence during 1997 and 1998 (see also *Concerns in Europe* January-June 1998).

In September mortars were launched at houses of recently returned Bosniacs to Fazlagi\_ a Kula hamlet in Gacko municipality in the Republika Srpska, although no one was injured. In another incident in the same municipality in November, two local employees of a relief

organization were injured when a bomb exploded in a Bosniac returnee's house they were reconstructing.

On 6 October Munib Hasanovi\_, a Bosniac deputy secretary of the multi-ethnic municipal council in Srebrenica in the Republika Srpska, was beaten and stabbed by two unknown assailants in the municipality building. He had apparently received threats from hard-line Serb politicians

The lack of official response by the competent authorities to return-related violent incidents appears to be a chronic problem which was the focus of a special report issued by the Ombudsperson for Human Rights in September. On 14 July the Ombudsperson had provided the relevant authorities in both entities with a list of return-related violent incidents which had occurred so far in 1999. On that occasion she asked the authorities to inform her whether they had investigated these incidents and which steps had been taken by them to ensure the protection of returnees' human rights. None of the authorities addressed had replied to the Ombudsperson by the deadline she had given them (15 August). In her special report, the Ombudsperson concluded that the violence directed against returnees and the failure of the authorities to effectively investigate those responsible for orchestrating violent incidents constituted inhuman treatment and therefore a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Ombudsperson also recommended that the authorities by 1 December identify officials responsible for the failure to protect the human rights of returnees and ensure that prompt, effective and vigorous investigations be carried out in all cases of return-related incidents. However by the said deadline no information had been obtained from the authorities indicating that these recommendations had been implemented.

### **Attacks on independent journalists jeopardize the right to freedom of expression**

A number of independent journalists were subjected to violent attacks and other forms of harassment, including legal action filed by government officials for libel. On 22 October, \_eljko Kopanja, editor-in-chief of the Bosnian Serb

previously. A Serb local opposition politician, Milojko Andri\_, who had publicly supported the return of Bosniacs to the municipality had his car set on fire one month previously and had similarly been threatened. To Amnesty International's knowledge, no one has been arrested in connection with these incidents in Srebrenica so far.

independent newspaper *Nezavisne novine* and of *NES* radio lost both legs when a bomb exploded in his car. The attack appeared to be directly linked to a series of reports which had been published in his newspaper in previous months. These reports described human rights abuses against Bosniacs and Croats committed by members of Serb paramilitary forces in Prijedor, Tesli\_ and Doboј during the war. Allegations were also made that Republika Srpska authorities at the time had obstructed investigations into these crimes in an attempt to shield those responsible from prosecution. Prior to the car-bomb attack, \_eljko Kopanja had received anonymous death threats which had been reported to the police.

On 3 November, another Bosnian Serb journalist, Mirko Srdi\_, of the Belgrade-based *Beta* independent news agency was beaten up by a prominent local municipal official in Doboј. The attack was allegedly connected to a recent television documentary which had exposed corruption among local authorities.

### **Update on investigations and prosecutions for war crimes**

Amnesty International welcomed the fact that a total of six men, who had been indicted by the International Criminal Tribunal for former Yugoslavia (Tribunal), came into the Tribunal's custody. Three of them, Bosnian Serb army generals Momir Tali\_ and Stanislav Gali\_ and former deputy Prime Minister Radoslav Brdjanin, had been secretly indicted for war crimes and crimes against humanity (in December Radoslav Brdjanin and Momir Tali\_ were additionally charged with genocide).

In October Bosnian Serb Goran Jeliši\_ was found guilty of war crimes and crimes against

humanity, but acquitted of genocide. He had been indicted in connection with systematic torture and murder of Croat and Bosniac detainees in the Luka camp near Brčko in northern Bosnia-Herzegovina, and was one of the few defendants before the Tribunal who had confessed to committing most of the crimes he was charged with. He was sentenced in December to 40 years' imprisonment.

Criminal proceedings also continued in national courts for war crimes or other human rights violations committed during the war. In October and December the Sarajevo Cantonal Court

In December the Montenegrin State Prosecutor ordered an investigation into war crimes against the civilian population allegedly committed in Bosnia-Herzegovina by Veselin Vlahović, a Yugoslav citizen currently imprisoned in Montenegro. Veselin Vlahović is thought to have been responsible for the killing of some 200 Croat and Bosniac civilians in the Grbavica quarter of Sarajevo during the war. In November the Bosnia-Herzegovina Foreign Minister had used UN diplomatic channels to request the Federal Yugoslav government to extradite Veselin Vlahović so that he could be tried before a Bosnian court. Several months before, the Tribunal Prosecutor's office, upon examining the case file, had indicated to the Bosnian authorities that there were sufficient grounds for starting criminal proceedings against the suspect.

### ***Outstanding cases of "disappearances"***

Exhumations continued of mass grave sites which were thought to contain the bodies of the tens of thousands persons still missing since the end of the war. As in 1998, many cross-entity exhumations were carried out. For example the Bosnian Government commission recovered the bodies of 117 mainly Bosniac victims near the town of Foča in eastern Republika Srpska.

Amnesty International believes that many of the missing people were victims of "disappearances" during the war. In one of the worst of such cases, at least 8,000 Bosniac men "disappeared" after the Bosnian Serb army captured the UN-protected enclave of Srebrenica in July 1995. In September the International Committee of

convicted two Bosniac men for participating in the killings of Serb civilians and sentenced them to imprisonment terms of respectively four years and three months and three years. Both men had been members of a paramilitary brigade which during the war had allegedly tortured and executed Serb inhabitants of Sarajevo. The bodies of scores of victims, which were subsequently thrown in the Kazani crevice on Mount Trebević, have been recovered as a result of cross-entity exhumations in the Sarajevo area which started at the end of 1998.

the Red Cross (ICRC) estimated that around 7,400 people were still missing from Srebrenica. Although several thousands of bodies were exhumed from mass graves or secondary graves or recovered in the woods around Srebrenica, apparently only some 60 of these had been identified by September. According to autopsy reports many of the victims had their hands tied behind their back, were blindfolded or were shot in the back or in the back of the head, confirming the allegations of mass executions that took place after the fall of the enclave.

In November the United Nations (UN) Secretary-General issued a detailed report on the events surrounding the establishment and the fall of the "safe haven" of Srebrenica, as he had been instructed to do by a General Assembly Resolution in November 1998. The report marked the first attempt by the UN to publicly scrutinize its peacekeeping efforts in Bosnia-Herzegovina and to accept its share of the moral responsibility for the massive loss of life through errors of judgment and lack of decisive action. The report also highlighted the failure of the UNPROFOR battalion deployed in Srebrenica to alert their superiors in the UN immediately to the massive killings of Bosniac men of which they were clearly aware. Furthermore the Secretary-General stressed the need to bring to justice Radovan Karadžić and Ratko Mladić who have been indicted by the Tribunal for genocide committed after the fall of Srebrenica. Amnesty International has many times appealed to states contributing forces to the Stabilization Forces (SFOR) now deployed in Bosnia-Herzegovina to seek out and arrest those indicted by the Tribunal, in particular those accused of war crimes committed in Srebrenica.

### ***Alleged ill-treatment by police***

Despite the overwhelming presence of international police monitors throughout the country, incidents of police brutality continue to be reported. Amnesty International has observed a decline in the number of cases where the ill-treatment appears to be motivated by the victim's nationality. However, the organization remains concerned that ill-treatment in custody is a frequent occurrence and that the available information suggests that action is rarely taken against police officers who are involved in such human rights violations.

In one such case, Andrija Beljo, a Croat businessman from Prozor, was reportedly punched in the face, beaten and kicked by three Croat police

## **BULGARIA**

### ***New cases of alleged torture and ill-treatment by police***

*In the morning of 21 September private security guards of the "Egida" company, which guards Sofia's municipal schools, detained 49-year-old Kostadin Sherbetov and took him to a police station. At around 1pm an ambulance was called to the police station. On their arrival the ambulance crew found Kostadin Sherbetov to be dead. According to a forensic medical certificate his death was caused by a violent assault upon him. It recorded that he had several broken ribs, many bruises all over his body, and footprints on his clothes. The Military Prosecutor's Office opened a preliminary*

*officers while in detention in Mostar police station on 26 and 27 August. The ill-treatment appeared to be connected to his refusal, several months earlier, to pay some of these police officers a large sum of protection money. After he had been released from custody, he alleged that he was immediately apprehended again by two of the police officers and a third man who was unknown to him. They drove him to a deserted mine outside town where he was again beaten and subjected to a mock execution. He was finally forced to cross the border where he was detained by Croatian police who subsequently took him to Split where he is currently in pre-trial detention.*

*investigation into the actions of four police officers.*

*Yurii Lenev was arrested by three police officers at his home in Sofia at 8pm on 1 June on suspicion of involvement in the assassination of former President Andrei Lukanov. Allegedly, the police officers took him first to an unidentified location, where they beat him severely over the course of several days. Only after this did they regularize his arrest by bringing him to the detention facility of the Special Investigation Service, by which time he reportedly had numerous bruises on his head and entire body. His relatives were allowed to visit him on 12 June, and they reported that the bruises were still apparent at that point.*

There were reports of alleged ill-treatment in late July and early August by members of the Bureau for Operational Investigation (BOI), comprising a special police unit based at Shtarkelovo Gnezdo, on the shore of the Iskar reservoir, and of subsequent intimidation of victims who filed a complaint. On 29 July two armed members of the unit allegedly beat former soldier Mitko Pelov on a road north of the reservoir for failing to let their vehicles overtake his car. On 8 August a man in a motorboat who fitted the description of one of Mitko Pelov's alleged assailants warned a party of day-trippers relaxing on one of the Iskar Reservoir's beaches against continuing to come close on their jet-ski to a private resort on the opposite shore, where it later emerged that the then Minister of the Interior, Bogomil Bonev, was staying. Subsequently, two vehicles reportedly departed the BOI base, and drove to the beach where the day-trippers were. On the road police officers in the two vehicles allegedly pointed their automatic weapons at a man with his family who could not get his jeep out of their way quickly enough. On arriving at the beach 15 armed men dressed in camouflage uniforms over which were padded jackets with POLICE printed on them rushed out of the two vehicles, dispersing other people from the beach,

and demanding from the day-trippers to be told where the jet-ski was. The police officers then allegedly made 46-year-old businessman Svetlyu Shishkov and his son's friend Ivan Ivanov lie face down on the ground, pressed the barrel ends of guns against their bodies, and beat them with truncheons in a sustained assault. Police officers also allegedly struck a young woman, Madlena Marinova, two or three times. Throughout the sustained beating Svetlyu Shishkov reportedly pleaded with the police officers to say why they were beating them. A police major, who appeared to be the leader of the police detachment, reportedly told him in response: "We have orders to shoot you, and you are asking why we are beating you." A few minutes later Svetlyu Shishkov's 20-year-old son Slaveiko and his friend Georgi Randev returned on the jet-ski. When they came ashore they were allegedly forced to lie on the ground by police officers who pointed their guns at them and beat them. The police officers then fired a burst of shots from an automatic weapon at the jet-ski, which was hit with 19 bullets. The beatings lasted roughly for 15 minutes, by which time Svetlyu Shishkov, Ivan Ivanov, Slaveiko Shishkov and Georgi

Randev were reportedly bleeding from the wounds inflicted upon them, which in Svetlyu Shishkov's case included four broken ribs. The police officers then departed in their vehicles. Before they

The authorities' statements on the progress of the investigation into the incident have been laconic and detached. The Minister of the Interior suggested that the assailants were not police officers, and that the incident itself was a settling of accounts between rival criminal gangs. As if in support of this version the Ministry of Interior released detailed information about past criminal offences committed by some of the victims, their relatives and friends, together with their home addresses. After filing a complaint Svetlyu Shishkov and his family were reportedly threatened with further violence unless he agreed to stop talking to the media and to withdraw his complaint. Svetlyu Shishkov is also reported to have been approached by a member of parliament, who warned him that his business interests would be ruined if he did not desist from his complaint.

### **Shootings by police officers**

There were new reports of police officers wounding and killing people by using firearms in

did so the police major reportedly threatened the victims of the alleged assault that if they dared to look up or move within the next 10 minutes they would be shot.

circumstances forbidden by international standards. Article 42 point (1) 4 of the Bulgarian Law on National Police allows police officers to use firearms as a last resort: "While arresting a person who is in the process of committing or who has committed a crime of a general nature and who is attempting to escape, after giving a warning". This contravenes the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which only allow firearms to be used against persons presenting an immediate danger to life.

Thirty-year-old Oleg Petrov Georgiev from Vidin was travelling in the back of a lorry, full of wood, which was driven by his father Petar Lapatadov Georgiev, near the Kiryaevo border post at about 3am on 14 July. A patrol of border police challenged the lorry driver to stop, as they reportedly suspected that the lorry was being used to smuggle cigarettes between Bulgaria and Serbia. They fired several shots into the body of the lorry. Oleg Georgiev was killed. His father Petar Georgiev was hit in the knee

by a bullet, and Oleg Georgiev's 33-year-old brother Lyuben, who was travelling in the driver's cabin with his father, was lightly wounded in the leg.

On 6 June, in Sofia, Gancho Ganetsa and Angel Mitov were shot at by police officers who were pursuing them in connection with car thefts. Angel Mitov was wounded in the knee, and was arrested and hospitalized. Gancho Ganetsa was killed by a gunshot wound to his head. The investigation of the Sofia Military Prosecutor's Office reportedly concluded that none of the gunshot wounds was inflicted by police officers: Angel Mitov's gunshot wound was inflicted by his companion Gancho Ganetsa and Gancho Ganetsa then shot himself in the head. The family of Gancho Ganetsa has announced that it is appealing against this conclusion. Inconsistencies were reportedly found in

Around 5am on 20 July Miroslav Kabakchiev and another Romani man from the village of Slavyanovo in northern Bulgaria were travelling in a horse-cart when two police officers ordered them to stop. Reportedly, Miroslav Kabakchiev's friend jumped from the cart and one of the police officers fired a shot into the air. The horse apparently took fright and

the investigation file. It did not include interviews with four police officers who pursued Gancho Ganetsa and Angel Mitov. Fingerprint tests reportedly did not show Gancho Ganetsa's fingerprints on the PSM pistol with which he allegedly shot at police officers, Angel Mitov and himself. Reportedly, traces of 30 or 40 fired bullets were found at the scene, and apparently none of them came from the PSM pistol which Gancho Ganetsa is alleged to have used. Police officers reportedly put handcuffs on Gancho Ganetsa. There were allegations that police officers shot him in the head after they arrested and handcuffed him.

#### ***Alleged ill-treatment of Roma***

There were many new reports of ill-treatment of Roma by police officers, of which the following are selected examples.

Miroslav Kabakchiev was therefore unable to bring the cart immediately to a halt. The police officers reportedly fired more shots. When Miroslav Kabakchiev finally managed to stop the horse the police officers ordered him to get out of the cart and to lie down on the ground. They handcuffed him, after which one of the officers allegedly hit Miroslav Kabakchiev in the neck with the butt of

his pistol, then kicked him in the head and all over his body. The police officers took him to the Slavyanovo Regional Police Department, where they allegedly beat him again before releasing him from custody at about 3.30pm.

On 22 July, at around 11pm, four Romani men and a Romani woman travelling in a horse-cart near the town of Pavlikeni, northern Bulgaria, stopped by a melon field and allegedly stole some melons from it. A civilian field guard spotted them and shot at them, wounding Anton Ivanov in the back of the head. The guard then reportedly ran away. The Romani group turned the horse-cart to go to the hospital in Pavlikeni. Then the field guard reappeared, together with three other civilians, and ordered them at gunpoint to wait for the police. Police officers arrived and summoned an ambulance for Anton Ivanov. However, when the ambulance came the medical team reportedly declined to give Anton Ivanov medical assistance, on the grounds that he was drunk and did not need help. The police then took the group of Roma to Pavlikeni Regional Police Department, arriving there around midnight. They reportedly left the wounded Anton Ivanov outside the police station in the

horse-cart until 4am, while they took Assen Assenov and Atanas Ivanov into the police station and allegedly beat them there. The police officers summoned an ambulance again at 4am, four hours after their arrival, Anton Ivanov was at last given first aid and was transferred to a hospital in Veliko Trnovo.

At 11am on 8 September a crowd of mainly Roma people was gathered outside a labour bureau in Pazardjik. A police officer was jostled when the crowd surged forward. He placed the blame on Tanya Borissova, a Roma woman, went up to her, and allegedly grabbed her by her hair and began to beat her. She reportedly tried to convince the officer that she had not been responsible for pushing him, but he reportedly continued to beat her, and was joined by two other police officers who also allegedly beat her. Pazardjik District Court subsequently sentenced Tanya Borissova to five days of police custody for minor hooliganism, reportedly convicting her on the evidence of two of the police officers who allegedly beat her and a labour bureau employee. Reportedly, none of the many Roma from the crowd was called as a witness.



At about 3pm on 18 November a 24-year-old Roma man, Marin Gheorghiev, was arrested at his home in Silistra by two plainclothes police officers. Sixteen-year-old Marin Ivanov from Kamenar in Varna oblast was also in the house at the time and was also arrested. The two Roma were taken to Silistra Regional Police Department, and were put into separate, neighbouring rooms. Each of them was allegedly beaten by police officers, who reportedly took turns to perform the beating. Each

The Parliamentary Assembly of the Council of Europe (PACE) decided on 26 January to close the monitoring procedure on Honouring of Obligations and Commitments by Member States of the Council of Europe in respect of Bulgaria. The PACE rapporteurs paid tribute to the Bulgarian authorities' abolition of the death penalty, organization of municipal elections, and enactment of legislation in compliance with Council of Europe standards on the media, legal system and national minorities. Nevertheless, concern was expressed about continuing police brutality, particularly as regards Roma; and about corruption, and greater efforts to combat these phenomena were recommended. The PACE report also noted the need for sanctions against journalists to be removed from the sphere of criminal law; better implementation of the rights of minorities; and guarantees of the independence of the judiciary and of the media in relation to the executive. The Chairman of the Monitoring Committee of the PACE will report on the extent of Bulgaria's compliance with the recommendations made for the areas of concern in one year's time. The monitoring procedure could then be reopened if progress has not proved satisfactory.

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## **CROATIA**

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of the two Roma could hear the other being beaten in the neighbouring room. In addition to uniformed officers two or three men in plainclothes allegedly participated in the beatings, using their fists and a truncheon. After the alleged beatings the police officers reportedly brought the two Roma into the same room and insulted them about their Roma ethnic origin.

### **Council of Europe**

On 24 November the speaker of the Croatian Parliament, Zlatko Pavletić, took over presidential functions, after Parliament had adopted constitutional amendments enabling him to replace President Franjo Tuđman who was declared temporarily incapable due to his illness. President Tuđman died on 10 December. General elections which had been scheduled for the end of December, were postponed until 3 January.

### **Refugees and displaced persons**

Amnesty International remained concerned that, despite continuing international pressure, the return and reintegration of Croatian Serb refugees and displaced persons was slowed down and discouraged by political and administrative obstacles. Croatian government statistics indicated that less than 5,000 Croatian Serbs returned from the Federal Republic of Yugoslavia, the Bosnian Serb entity and other countries to Croatia over the second half of 1999. Around 3,000 Croatian Serbs who had been displaced in the Eastern Slavonia region were also reported to have returned to their pre-war homes elsewhere in Croatia, which contributed to the return of over 6,000 pre-war domicile Croats to that region.

However, there were also reports of scores of Croatian Serbs leaving Eastern Slavonia, mostly to seek asylum in western European countries, in particular in the wake of ethnically-motivated violence (see below).

The non-return of so many Croatian Serbs has had serious implications for the situation of refugees and displaced persons elsewhere in the region, as is illustrated by the town of Kozarac in the Republika Srpska. After the 1995 Croatian government offensives, hundreds of Croatian Serb refugees were resettled in houses originally belonging to Bosniacs who had been expelled from Kozarac. Problems arose earlier in 1999 when the Bosniac pre-war inhabitants of Kozarac started returning to the area, claiming their property back, and culminated in August when two people - one of

Another impediment to return continued to be the violent attacks on the lives and property of Serbs returning to or remaining in Croatia. On 9 August Croatian Serb Djuro Mutić was killed in Berak village near Vukovar in Eastern Slavonia. This village had been extremely tense after the return of pre-war Croat inhabitants got under way earlier in the year. Many of them were still searching for relatives who had gone missing during the war and were presumably killed by Serb paramilitaries. Croat returnees, including the local mayor, reportedly intimidated and threatened the remaining Serbs in the village, ostensibly to force them to reveal information on possible mass graves containing the bodies of the missing. Although police immediately arrested a suspect after the murder of Djuro Mutić, concern was expressed by international monitors that the investigation into the killing was not sufficiently vigorous. By the end of the year the suspect remained in investigational detention and had still not been charged. Furthermore the police did not try to search for and apprehend accomplices of the suspect they had arrested, even though witnesses asserted that several people had been heard in Djuro Mutić's house immediately before his death.

Concerns about the lack of security were also expressed in other parts of Croatia, notably in the area around Knin in the former Krajina. In August the Croatian Helsinki Committee wrote an open letter to the Croatian Government, alerting it to the increased number of intimidatory attacks

them a Croatian Serb - were shot dead, allegedly by a Bosniac returnee.

Many Croatian Serb refugees are unable to obtain Croatian citizenship because the Croatian authorities continue to refuse this right to Serbs who have lived most of their life in Croatia but were not born there. By contrast, Croatian citizenship was granted immediately to tens of thousands of Bosnian Croats who resettled in Croatia during the war in Bosnia-Herzegovina, many of whom now continue to occupy houses belonging to Croatian Serbs. Serbs who were born in Croatia obtained Croatian citizenship and identification papers only after long delays, and, upon returning to the country, faced great difficulties in regaining their property.

against returning Croatian Serbs in that area. In a later report the Helsinki Committee mentioned some 12 instances in which Serb returnees in villages near Knin had been threatened, physically attacked or had their property damaged or destroyed. In the majority of these cases there had been no adequate reaction from the police, although sometimes the perpetrators were known to have been involved in earlier incidents.

#### ***Alleged ill-treatment by police; update on prosecutions for ill-treatment***

Amnesty International received new reports of ill-treatment by police which led the organization to believe that this may occur frequently. For example, on 29 October Nikola Miletić was detained by two officers of the special police in Dubrovnik, apparently for failing to close his bar on time. He alleges that immediately after his apprehension he was beaten and kicked in the stomach by the two officers. When he arrived in the police station, he was reportedly further ill-treated by several other officers, one of whom touched his handcuffs with his electric shock baton. He was then held overnight in the police station and denied the right to call a lawyer or his family. Several hours after he was released the following day he lost consciousness and had to seek medical treatment. According to a medical report, issued by Dubrovnik General Hospital, he sustained bruising to his head, neck and shoulder, as well as injury to his eye. He

has filed a criminal complaint against the five police officers involved. Amnesty International is not aware that any of the police officers involved in the alleged ill-treatment had been internally disciplined or investigated by the end of the year.

On 23 September the retrial opened before the Slavonski Brod Municipal Court of two officers of the Croatian secret police (*Slu\_ba za zaštitu ustavnog poretka, SZUP*) who were charged with causing grievous bodily harm and extracting a confession by use of force. On 15 September 1995 they had severely ill-treated Šefik Mujki\_, a Croatian citizen of Bosnian descent, who had died as a result of his injuries. The two officers had already been tried and found guilty of the same crimes in 1996 but were released from prison after the Supreme Court quashed their convictions and sent the case back for retrial to reconcile two differing medical opinions on the cause of death, neither of which disputed that Šefik Mujki\_'s death was a result of his injuries (see AI Index: EUR 01/02/99).

On 3 December the court convicted the two officers of the crimes they were charged with and sentenced them both to imprisonment terms of one

On 3 December another trial against seven police officers from Šibenik came to a close. They had been accused of causing grievous bodily harm and committing ill-treatment while acting in a public or official capacity, in connection with the death in custody of Italian citizen Ricardo Cettina in September 1998. The Šibenik Municipal Court convicted six of the defendants and sentenced them to imprisonment terms ranging from four months to one and a half year. One defendant was acquitted. In November 1998 Amnesty International had noted in a briefing for the United Nations (UN) Commission against Torture that the police officers had not been charged with torture although this had been included as a criminal act in the new Croatian Penal Code which came into effect in January 1998 (see AI Index: EUR 01/01/99).

#### ***Update on Amnesty International's concerns on investigations and prosecutions for war crimes***

The Croatian authorities persistently refused to cooperate with the Tribunal Prosecutor in her

year and 10 months. Amnesty International welcomed the fact that, four years after the death of the victim, the perpetrators of the human rights violations he suffered were finally brought to justice. However, an Amnesty International delegate who observed the trial proceedings, noted with concern that the public prosecutor involved in the case did not pursue the prosecution vigorously and accepted without further questioning the defence of the two accused. Only when the legal representative of the Mujki\_ family cross-examined the accused did it become clear that their defence testimony contained major contradictions and inaccuracies. Thus they were not able to reconstruct their actions for most of the four-hour period in which they interrogated Šefik Mujki\_, or convince the court that they had to use force to restrain Šefik Mujki\_ after he attacked them, as it was clear from the medical evidence that the victim had been seated and was handcuffed throughout the interrogation. The lawyer for the Mujki\_ family has requested the State Public Prosecutor to initiate a review of the actions of the Slavonski Brod public prosecutor in this trial.

ongoing investigations into violations of international humanitarian law committed during and after the 1995 Croatian Government offensives, Operations "Flash" and "Storm". According to the Croatian authorities these offensives were internal law enforcement operations, over which the Tribunal lacked jurisdiction.

In July the Tribunal Prosecutor requested the President of the Tribunal to report Croatia's non-cooperation with the Tribunal to the UN Security Council, stating that she still had not received answers to many outstanding queries, some dating back to 1996. In August the Tribunal President urged the President of the Security Council to intervene in order to ensure that Croatia provide the Tribunal with evidence and information relating to ongoing investigations into the 1995 offensives and that a publicly indicted suspect, Mladen Naletili\_ (also known as Tuta, see below) be surrendered to the Tribunal's custody. In September the Justice Minister and the Council for Cooperation with the International Court of Justice and International Criminal Court published a

"White Paper", in an apparent attempt to convince the international community of their willingness to support and cooperate with the Tribunal. Nevertheless, the White Paper did not resolve many of the unresolved requests for information nor did it revoke the Croatian Government's unilateral decision to declare the 1995 offensives not within the Tribunal's jurisdiction. In November the Tribunal President repeated her report to the Security Council regarding Croatia's non-compliance in a letter raising the lack of cooperation with the Tribunal by several former Yugoslav states.

The Croatian Supreme Court rejected in October an appeal filed by Mladen Naletilić, against the decision of the Zagreb County Court to extradite him to the Tribunal's custody, which meant he could now be surrendered. However, the Tribunal decided in November to delay his transfer after international medical experts engaged by the Tribunal who examined Mladen Naletilić in October had concluded that his bad state of health

Meanwhile trials continued against Croatian Serbs for war crimes. In September, the retrial of Mirko Graovac before the Split County Court was postponed as his lawyer sought to have the case transferred to another court. His motivation for this was that the Split court had not shown itself to be an impartial tribunal during criminal proceedings against Mirko Graovac in 1995 and 1996. Amnesty International had expressed concern that Mirko Graovac's right to a fair trial had been violated during this trial (see AI Index: EUR 64/10/98). The Supreme Court rejected the lawyer's request in November.

In December the Dubrovnik County Court convicted Dejan Subotić, a Montenegrin citizen, of war crimes against the civilian population and sentenced him to 10 years' imprisonment. International observers who monitored the trial were concerned that the evidence presented did not seem to support the charges against Dejan Subotić. Furthermore, it appeared that the presiding judge, who claimed that he himself had been a victim of looting by the Yugoslav Army unit that Dejan Subotić had allegedly belonged to, could not be considered to be impartial in the case.

There was a positive development, however, in another case of concern to Amnesty

made him unfit to stand trial. Another suspect, co-indicted with Mladen Naletilić, Vinko Martinović, was transferred to the custody of the Tribunal on 8 August, similarly after extradition proceedings in Croatian courts (see AI Index: EUR 01/02/99).

The White Paper also attempted once again to demonstrate that Croatia had itself investigated and prosecuted those thought to be responsible for crimes committed against remaining Serbs after Operations Flash and Storm. However, Amnesty International found the sparse new information relayed in the White Paper to be incomplete and misleading. For example, according to the statistics included in the report, seven persons were currently serving prison sentences for the criminal act of murder, yet only in two cases was it clear that these persons had been convicted for murders committed in relation to the offensives. No further information was given on persons serving sentences for other human rights violations related to the offensives, although the report did note that there had been two convictions for rape.

International, the trial of five Croatian Serbs from Šodolovci in Eastern Slavonia who had been convicted of war crimes in May (see AI Index: EUR 64/06/99). In November, the Supreme Court quashed the verdict of the Osijek County Court as it had found that serious violations of criminal procedure had taken place, and sent the case for retrial.

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## CZECH REPUBLIC

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### *Attacks on Roma*

Roma continued to be vulnerable to racist attacks, against which they did not receive adequate protection from the authorities. There were reports of violent assaults against Roma, particularly by gangs of "skinheads", and harassment of Roma by other extremist groups. Police officers reportedly often failed to intervene to protect Roma or to investigate allegations of such violence seriously. The courts continued to display a tendency to convict the perpetrators of attacks resulting in serious injury or death only for less serious, peripheral offences. The "skinhead" threat, coupled with the authorities' perceived indulgence of it,

created a climate of fear for Roma. The European Commission's annual report on the Czech Republic's progress towards European Union accession, which was issued in October, stated that the situation of the Czech Republic's 250,000 to 300,000 Roma had not markedly improved in 1999, and "remains characterized by widespread discrimination, as anti-Roma prejudice remains high and protection from the police and the courts often inadequate, and by social exclusion." The Czech government's report on racist and extremist crime for 1998, issued in July, revealed that the number of followers of extremist movements had

The issue of discrimination against Roma and their segregation within Czech society, which has made them vulnerable to racist attacks, attracted international attention when in October the town council of Ústí nad Labem constructed a wall to fence off Romani tenants in Mati\_ní Street from other residents who objected to them. The alleged lack of impartiality of the police when dealing with Roma was illustrated by the town council's use of 80 police officers on 13 October to confine Romani tenants to their apartments from 4am and to keep away Romani demonstrators to allow construction of the wall to be completed by that evening. Following international condemnation and belated activity on the part of the central authorities, who had failed to respond to the call in March by the UN Committee on the Elimination of Racial Discrimination for preventive action, the wall was demolished on 24 November, after the central authorities paid a grant to the town council. Large numbers of Czech Roma continued to seek asylum in western Europe and Canada.

Amnesty International wrote to the Czech authorities in February to express concern about an apparent failure by police to protect the victims of a reported attack by a group of "skinheads" upon Roma in southern Moravia in August, and to urge that investigation of the incident be thorough and impartial. According to information received from the European Roma Rights Centre, based on reports of the Association of Roma in Moravia, on 27 August the landlord of some farmhouses in the village of Dvorek u Ohra\_ovic, in the T\_ebi\_district, which were inhabited by Roma tenants whom he had been attempting to evict, reportedly arrived at the farmhouses in the late evening

doubled in one year alone, from 1997 to 1998, to almost 10,000, and that the number of "skinheads" rose by 40% in the same period. Commenting on police behaviour at a rally of "skinheads" in the western Bohemian town of Rakovnik in September, the Government Commissioner for Human Rights Peter Uhl criticized the Ministry of Interior and the senior leadership of the police for their apparent inability "to surmount a lukewarm attitude of the police toward neo-Nazism, to say the least". A Romani community leader in the northern Moravian town of Jeseník alleged that: "the police here cooperate with the skinheads".

accompanied by a gang of about 30 "skinheads" wielding guns, bricks, stones and tear gas canisters. The landlord reportedly shouted: "You black pigs, you niggers, come outside!", and the "skinheads" then reportedly attacked the homes of the Roma, throwing bricks and stones, firing guns and tear gas, and shouting "Gypsies to the gas!" and "Come out so we can kill you!" Some of the Roma were reportedly injured in the attack, which lasted about an hour. Two of the Roma managed to get away in their car to summon the police, while others fled to hide in nearby woods. A local police officer arrived after the attack had finished, yet reportedly restricted his action to satisfying himself that there had been no fatalities and departed. Reportedly, he responded to the voiced concern of the Roma that the attackers would return by telling them: "You watch too much TV. This is not a film." Three days later this officer allegedly threatened members of the Dvorek Romani community for having complained to the media about his behaviour on the night of the attack. The subsequent investigation conducted by the T\_ebi\_district police department reportedly focused on recording damage to property, and although the Dvorek Roma were questioned, reportedly no record was kept of their statements. On 3 September a representative of the T\_ebi\_district police department described the incident to local media as: "an attack on property, not an attack on people" and stated that: "the injuries sustained by the people were not a direct result of the attack". Twelve local men were charged with rioting, damage to property, and violent behaviour, and were released on bail. However, none of them was reportedly charged with the provisions of the Czech Penal Code which

outlaw racially motivated crimes, and the landlord was reportedly considered by the police not to have been a party to the attack. Allegedly, he returned to Dvorek after the attack and threatened the Roma community with further violence. Several of the Roma families have reportedly ceased to sleep in their homes at night since the attack, fearing further attacks, against which the authorities have not demonstrated that they would protect them.

In November the authorities appeared to demonstrate greater resolution in addressing the issue. The Interior Minister considered outlawing some extremist organizations, and an investigation was initiated into 24 people involved in an attack by a large gang of "skinheads" wielding metal bars, stones and handguns on a Romani gathering in a restaurant in \_eské Bud\_jovice.

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## FINLAND

Since 1997 Amnesty International has been expressing its concern to the Finnish authorities about the repercussions a reduction in military service time would have on the length of alternative service for conscientious objectors. Sinikka Mönkäre, the Minister of Labour informed Amnesty International on 12 October 1999 that the government had ordered a review of the current civilian service system which would take into account the issue of human rights and also include a comparative study of systems in other countries.

The six conscientious objectors adopted as prisoners of conscience by Amnesty International were Tom André **Kettunen**, Otso **Kivekäs**, Nakke **Lempinen**, Otto **Salin**, Jukka **Mikael Johansson** and Kim **Ake**. They were serving prison sentences of 197 days after having been convicted for the protection of Human Rights and Fundamental Freedoms (military service offence). All of them have given the punitive length of alternative service as one of their reasons for refusing to perform alternative service.

### **Conditions of detention of asylum-seekers**

A report by the European Committee for the Prevention of Torture, published in May 1999 and based on its visit to Finland in June 1998, expressed concern about the detention in local prisons and police stations of asylum-seekers; that long-term prisoners spent most of the day in their cells; and that prisoners at Riihimäke Central Prison were

### **Prisoners of conscience**

On 2 November Amnesty International adopted as prisoners of conscience six conscientious objectors to military service who are currently serving a prison sentence of 197 days for refusing to perform alternative service, the length of which the organization considers to be discriminatory and a form of punishment. Under the current system over 50 per cent of recruits serve 180 days of military service while all conscientious objectors have to perform 395 days of alternative service. In its letter of 2 November Amnesty International informed the Minister of Labour that it would adopt as a prisoner of conscience any other conscientious objector imprisoned for refusing to carry out an alternative service while the length is considered to be punitive and discriminatory.

often left naked in the observation cell. The United Nations Committee against Torture recommended in November that adequate penal provisions to make torture a punishable offence and a change in the law governing isolation in pre-trial detention places be introduced. It expressed satisfaction that asylum-seekers are no longer accommodated in places other than prisons.

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## FRANCE

### **European Court of Human Rights finds France guilty of torture**

On 28 July the European Court of Human Rights found France guilty of violating international norms on torture as well as on fair trial within a reasonable time.

Moroccan and Netherlands national Ahmed Selmouni was arrested by judicial police for a drug trafficking offence in November 1991 and held in police custody for three days at Bobigny (Seine-Saint-Denis). A conviction against a total of five officers for committing violent acts against Ahmed Selmouni and another detainee, Abdelmajid Madi, was upheld by the Versailles appeal court in July, but their sentences were reduced and they remained in their posts pending appeal to the Court

of Cassation. (AI Index: EUR 01/02/99). In its judgment the European Court found that Ahmed Selmouni had “endured repeated and sustained assaults over a number of days of questioning” and described the treatment inflicted on him as of “such a serious and cruel nature that it could only be described as torture”. The treatment included repeated punchings, kickings, beatings with a

France argued that the European Court could not examine the torture complaint because the applicant had not exhausted domestic remedies and the police officers had ultimately been committed for trial at the criminal court of Versailles. However, the European Court rejected this argument on the grounds that “the existence of such remedies must be sufficiently certain not only in theory but also in practice, failing which they lack the requisite accessibility and effectiveness”. In this case the proceedings, still pending before the Court of Cassation on points of law, had already lasted more than six years and seven months; the number of delays had been already excessive and Ahmed Selmouni had not been granted effective redress. Finding that France had breached both Articles 3 and 6.1 (length of proceedings) of the European Convention, the court ruled that Ahmed Selmouni should be paid 500.000 French francs in damages and 113.364 French francs for costs and expenses.

By the end of the year the Court of Cassation had not yet heard the police officers’ appeal against conviction, and the officers were still at their posts.

### **Length of preventive detention**

Article 5.3, European Convention: “Everyone arrested or detained ...  
 On 14 November, the European Court again found France to be in violation of the Convention, this time with regard to the length of preventive detention. Ismaël Debboub, also known as Ali Husseini, was one of the 138 defendants brought to trial in the so-called “Chalabi” case (see below). Arrested in Paris in November 1994, during a sweeping police operation aimed at alleged supporters or members of a network supplying logistical support to Algerian armed opposition groups, Ismaël Debboub remained in preventive detention for a total of four

baseball bat and truncheon and hair-pulling. The court also noted that he was forced to run along a corridor with police officers positioned on either side to trip him up, and made to kneel in front of a young woman to whom someone said: “Look, you’re going to hear somebody sing”. He was also urinated on and threatened with a syringe and a blow lamp.

years, two months and 10 days before being sentenced to six years’ imprisonment by the 11<sup>th</sup> Correctional Court of Paris in January 1999. He was released in May. The court noted that the investigating judge extended the time limits of his preventive detention nine times. Ismaël Debboub unsuccessfully appealed against the orders extending his detention five times and a sixth request was rejected by a Paris court on 5 May 1998. However, during the entire period the defendant was questioned by the investigating judge only seven times - on average just twice a year.

The European Court observed that the French courts had shown little evidence of “celerity”. It stressed that the grounds for prolonging the length of preventive detention must be “pertinent” and “sufficient”. The judicial authorities were also bound to show “particular diligence” in the pursuit of their inquiries. However, the court argued that the preservation of law and order and the need to prevent a recurrence of the alleged offence were not sufficient reasons for justifying such a long period of preventive detention and any further risk of collusion between co-defendants had ceased to exist after the witnesses had been examined a number of times.

The mass “Chalabi” trial had been criticized by Amnesty International in 1998 for being unfair on a number of different grounds, and for violating a number of international norms. One of the organization’s concerns was the length of time many of the defendants had remained in preventive detention (AI Index: EUR 01/01/99).

### **Farad Boukhalfa: Police shooting**

On the night of 1 September Farad Boukhalfa was approached outside his home in Cormeilles-en-Parisis (Val d’Oise) by officers of the Anti-Crime Brigade (BAC) who wanted to question him about

a traffic offence. In the course of the police check there was reportedly a struggle and a shot was fired from a regulation weapon belonging to an officer. Farad Boukhalfa was admitted to the Pitié-Salpêtrière hospital in Paris for treatment to a serious head wound. According to reports, the police officers indicated that Farad Boukhalfa had tried to take possession of a service weapon and that in the ensuing struggle he had fallen and hit his head on the curb. However, doctors later informed the Pointoise prosecuting authorities that they had recovered a "metallic fragment" from the head wound, later identified as part of a bullet fired from a weapon belonging to one of the three officers.

#### **Updates on cases of police shootings**

*Abdelkader Bouziane:* In August the judge investigating the death of 16-year-old Abdelkader Bouziane at Fontainebleau in 1997 decided that, subject to confirmation by the public prosecutor, the charge against a BAC officer suspected of having fired the fatal shot, should be reclassified as homicide. The officer had previously faced a charge of manslaughter. The decision to reclassify the charge was reportedly based on the findings of a ballistics report, which appeared to question the defence argument of "legitimate defence", and on those of a reconstitution of the circumstances of the death, held in November 1998. The ballistics report ordered by the investigating judge reportedly suggested that two of the four bullets fired at close range at the car driven by the 16-year-old were aimed at head and shoulder level while the car was passing or had already passed the two officers involved and not, as they had maintained, while the car was bearing down on them (*Children in Europe*, AI Index: EUR 01/01/98).

*Fabrice Fernandez:* In December a former BAC officer was sentenced to 12 years' imprisonment for manslaughter by the Rhône Assize Court. On 18 December 1997 he had shot in the face and killed Fabrice Fernandez, who was sitting on a chair, handcuffed behind the back, and surrounded by a number of police officers at the moment of his death. Ballistics experts reportedly denied that the pump-action shotgun involved could have been fired accidentally, as the defence argued, stating that pressure had to be applied to the trigger. The

On 4 September a BAC officer, who was being held in custody, was placed under formal investigation by the investigating judge on a charge of deliberate assault with a weapon. An internal administrative inquiry was opened by the General Inspectorate of the National Police (IGPN) and the officer was suspended from the force on full pay. He was released from custody under judicial control.

former police officer, found guilty of manslaughter, as requested by the public prosecutor, had been sent for trial by the *chambre d'accusation* of Lyons on the graver charge of homicide (AI Index: EUR 01/01/98).

#### **Alleged police ill-treatment**

In August computer programmer Françoise Grimaldi lodged a judicial complaint against police in Toulouse for assault and failure to assist. According to reports, on the night of 11-12 August she was dining in the avenue Honoré-de-Serres with friends - among them Eric Dabert, who had been taking a mixture of alcohol and anti-depressants. After accompanying her from the restaurant he collapsed on the pavement and the two were noticed by a passing police patrol. They were handcuffed and taken to a police station where Eric Dabert was reportedly kicked as he lay on the ground. When Françoise Grimaldi shouted in protest one officer allegedly punched her twice in the face, breaking and damaging her teeth. She and Eric Dabert later received treatment at Rangueil Hospital. The case was being investigated by Amnesty International.

#### **Prisons**

*General developments:* In July the Justice Minister announced the creation of a working group on the external control of the prison system (*Commission Canivet*). The announcement came at about the same time as a report by several prison organizations, calling for the establishment of an



independent body to control prisons. Amnesty International, in a report published in 1998, (*France: Excessive force*, AI Index: EUR 21/05/98) had also pointed to the fact that prisons had been excluded from the competence of the planned new *Conseil supérieur de la déontologie et de la sécurité* (CSDS) - an agency to oversee police conduct, still not in place, however, by the end of the year. Amnesty International was concerned about claims that a trend towards longer sentences, with consequent overcrowding, was coupled with the *Alleged ill-treatment and isolation*: In September the public prosecutor of Créteil (Val-de-Marne) opened an inquiry into a complaint by a former police officer, Gaël Le Pinic, who alleged that on 9 September he was beaten by a prison guard at the *maison d'arrêt* of Fresnes. The former officer, in preventive detention on a drugs-related charge, stated that after returning from the prison hospital, where he had been treated for injuries incurred in an apparent suicide attempt, he was refused permission to take a shower. He protested, tearing up his identity card, and was reportedly punched, beaten in the face with keys and insulted for being a "dirty cop" ("*sale flic*"). An internal administrative inquiry into the incident reportedly concluded that the guards had used only necessary force.

On 13 October Joëlle Aubron and Nathalie Ménigon, former members of the armed group *Action directe*, were transferred to a prison at Bapaume (Pas-de-Calais) after spending 12 years under an exceptional regime at the *maison d'arrêt* of Fleury Mérogis (AI Index: EUR 01/01/99). As prisoners subject to special surveillance measures (*détenues particulièrement surveillées*) they had been held in an establishment designed mainly for those being held in provisional detention rather than for convicted prisoners and had not therefore been allowed to integrate into normal prison life. In November 1998 Amnesty International had expressed concern to the Minister of Justice about the continuing special restrictions placed on the two women.

During the period under review there were also persistent reports that another former member of the group, Georges Cipriani, now at Ensisheim prison (Haut-Rhin), had become mentally ill after spending a number of years in isolation. Although

frequent inability of custodial staff to monitor and protect the safety of inmates - for example, at the juvenile detention centres of Fleury-Mérogis (Essonne) or Saint-Paul (Lyons).

In July the Justice Minister also presented a draft decree aimed at establishing a deontological code for all those working within the penitentiary system, including prison guards. According to the draft code the latter may not commit "any act of violence or inhuman or degrading treatment".

no longer in isolation, guards at the prison reportedly warned in November about his deteriorating condition.

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## GEORGIA

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(See also *Women in Europe*, page 95)

### ***Allegations of torture and ill-treatment***

During the period under review Amnesty International continued to receive persistent reports of torture and ill-treatment in detention. In at least one case the victim is alleged to have died as a result of a sustained assault (see the case of Davit Vashaqmadze below).

In November, for example, Dato Natelashvili made a written complaint about ill-treatment to the Tbilisi procurator and the General Procurator. He stated that he had been beaten at the temporary detention facility of Tbilisi Main City Police Department over a period of two days, after being transferred there from the Interior Ministry's investigation-isolation prison No 1. (Ortachala prison) on 19 November. He also alleged that he had been subjected to electric shock treatment in order to force him to confess to a murder.

Dato Natelashvili was detained on 26 June, charged with theft and transferred from preliminary

detention to Ortachala prison. On 19 November, however, he was transferred back to the temporary detention facility. His family was reportedly not informed of the transfer at the time, and only discovered the move when Dato Natelashvili's brother attempted to deliver a food parcel to him at Ortachala prison on 21 November. The next day Dato Natelashvili's brother and his

Dato Natelashvili's written complaint (dated 30 November) reportedly stated that on the day of his transfer, 19 November, he was beaten by four law enforcement officials who had accompanied him from Ortachala to the Tbilisi Main City Police Department. They beat him the next day also, and used electric shock treatment to try to force him to confess to the murder of a man named Sheikhadinov. At the time of writing his complaint Dato Natelashvili said that he still suffered from pain in the right hand side of his body, and he requested a forensic medical examination. A third lawyer, allowed access to him on 25 November, reported that her client, who described to her how he was severely beaten, was unable to sit upright without severe pain. It is believed that Dato Natelashvili was transferred back to Ortachala prison after this visit, but Amnesty International has no further information on whether a medical examination or other investigation into his allegations has been instigated.

### **Deaths in custody**

#### *Davit Vashaqmadze*

In November a man named Davit Vashaqmadze died after an alleged severe beating by police officers in Tbilisi. According to reports, Davit Vashaqmadze had called on his friend Zaza Buadze on the evening of 13 November. There was a power cut, and they decided to leave in Vashaqmadze's car to find out if electricity was being supplied in other parts of the city. Vashaqmadze stopped his car in Tavisupleba Square to receive a call on his mobile phone, and was approached a few minutes later by two police officers who asked for his documents. Vashaqmadze did not have his documents on him, and the police officers are said to have then pulled

two lawyers tried to visit him at the Tbilisi Main City Police Department, but were denied access. The lawyers reported that procuracy officials told them they were no longer able to represent their client as they had been designated as witnesses in the case (a move they interpreted as a deliberate attempt to block their further participation in the defence of the case).

the two men out of the car and started to beat them. Several other police officers also reportedly joined in the beating. Vashaqmadze and Buadze were then told that they would be taken to Mtatsminda police station, but were instead taken to a location outside the city centre where the beating continued. Davit Vashaqmadze is said to have suffered multiple fractures and other serious injuries, including some inflicted with a blunt instrument, and to have died in hospital two days later. Zaza Buadze was also said to have sustained serious injuries. A criminal case is said to have been opened by the Tbilisi City Procurator's office, and two officers of the traffic police have been arrested on a charge of "exceeding their authority" (Article 187 of the Georgian Criminal Code).

#### *Zaza Tsotsolashvili*

A young man named Zaza Tsotsolashvili fell to his death on 4 December from the sixth floor window of the Ministry of Internal Affairs building in Tbilisi. His two brothers, named as Aleksandr and Kakha Tsotsolashvili were being questioned in the next room at around the same time. Zaza Tsotsolashvili was taken to hospital, but died shortly afterwards the same day. According to reports the Interior Ministry has begun an investigation, and the Krtsanisi District Procurator's Office has instituted criminal proceedings. Four officials from the Interior Ministry's Organized Crime Department, said to have accompanied Zaza Tsotsolashvili to the investigator's office for questioning, have been suspended pending the investigation.

Elene Tevdoradze, Chairperson of the parliamentary Human Rights Committee who visited the room from which Zaza Tsotsolashvili fell, was quoted by press sources on 14 December as saying that she doubted that he threw himself from the window. She is said to have based these

remarks on her observations that the window was relatively high in the room and closed for the winter, and that Zaza Tsotsolashvili was not alone in the room at the time but accompanied by four police officers, who would have been expected to prevent his efforts to climb up onto the high window ledge and open the window.

Amnesty International is also concerned

In a similar case early in 1999, a man named Ivane Kolbaya fell to his death on 22 March from the fifth floor window of the Tbilisi Central Police Department while being questioned by police officers about alleged thefts. His death was said to have been regarded officially by police as suicide, although the head of the Georgian forensic medical centre, speaking four days after the events to the non-governmental organization Human Rights Watch, reportedly said that forensic medical examiners did not have the capacity to determine conclusively whether the trauma marks they found on Ivane Kolbaya's body were the result of the fall or were sustained prior to his death.

### ***Attacks on evangelical Christians***

On 29 May police from the Gldani district of Tbilisi forcibly broke up an open-air meeting of an evangelical Christian group. Church members allege that police beat up several peaceful worshippers, including the pastor, Zaal Tkeshelashvili and his wife Nino. To Amnesty International's knowledge no criminal charges were opened in connection with the alleged assaults, and the church failed in a civil action against the police in connection with the incident.

Zaal Tkeshelashvili is pastor of the Madli (Grace) church, which belongs to the Christians of the Evangelical Faith Church in Georgia, a Pentecostal denomination registered with the authorities. He reports that on the evening of 29 May police interrupted a service he was holding in a courtyard between apartment blocks in the Gldani district of the Georgian capital, verbally abusing members of the congregation and striking his wife and another female worshipper. He asked the congregation to disperse, but a further confrontation occurred when around 12 police officers later tried to detain him and his wife but were prevented from doing so by other church members present (who

about allegations that a brother of Zaza Tsotsolashvili was pressurized by police into refusing an independent forensic medical examination of the body (the brother is said to have visited the police and been held by them until 3am the following morning until he agreed not to seek such an examination).

also freed two of their number who had been put in a police car). The police officers are then said to have beaten and kicked several members of the congregation for about 10 minutes, before leaving as they were unable to detain those present. Among the injured was Gocha Lalebashvili, who was reportedly thrown to the ground and kicked in the head and face.

Pastor Tkeshelashvili brought a civil case against several of the Gldani officers in connection with the forcible break-up of that and other meetings, claiming violations of his rights to freedom of religion and association. On 17 August, after a two-day hearing before Gldani-Nadzaladevi district court Judge Tamaz Sabiashvili found in favour of the police officers, ruling that they had acted appropriately. Lawyers for the Madli church, however, claimed that police failed to produce in court long lists of people they claimed had petitioned them to disperse the meetings, with several of their witnesses saying that they had signed a document to that effect only on the day of the hearing. An appeal against the ruling was turned down on 10 October.

Also in October, Tbilisi police faced criticism when they allegedly failed to respond as followers of defrocked Orthodox priest, Father Basil Mkalavishvili, assaulted members of a Jehovah's Witness congregation. The Jehovah's Witness church is legally registered in Georgia, but has been the focus of hostility from radical supporters of the Georgian Orthodox Church. The Jehovah's Witnesses report that a group of around 200 people attacked some 120 adherents, including women and children, who had gathered in a rented theatre for a Sunday service on 17 October. The attackers are said to have beaten the worshippers with iron crosses and wooden clubs. A few adherents escaped during the attack and reported it to two local police stations, but police allegedly refused to come to their aid or provide protection.

Fifteen worshippers reportedly needed hospital treatment, including Fati Tabagari who suffered a

Extracts from a video of the attack were shown on Georgian television, prompting widespread condemnation, including from President Eduard Shevardnadze who called for the attackers to be charged. The police opened a criminal case after the Jehovah's Witnesses lodged a complaint on 18 October, and laid charges against Father Basil Mkalavishvili. By the end of the period under review, however, no court case had been heard against him. Neither, to Amnesty International's knowledge, had he been charged or prosecuted in connection with attacks on Pentecostal believers earlier that year. Speaking to the British-based Keston News Service, Paata Zakareishvili, then chief of staff of the Committee for Human Rights and National Minorities of the Georgian parliament, said: "For the two months before the raid [on the Jehovah's Witnesses] they [supporters of Father Basil Mkalavishvili] had organized raids on the Pentecostals in Tbilisi. I had appealed via my parliamentary committee to the Ministry of Internal Affairs for them to take action, but they merely replied that they had discovered no evidence of violence despite the fact that I have photographs with such evidence."

**Fair trial concerns - Guram Absandze** (update to AI Index: EUR 01/02/99 and EUR 01/02/98)

In August the trial began of Guram Absandze, a minister in the government of the former President of Georgia, who had been forcibly returned to Georgia from Russia in March 1998. Amnesty International had previously sought further information about allegations that he and his defence lawyer had been prevented from familiarizing themselves fully with the case materials before the start of the trial, and about the mechanisms for appeal, given that the case was being heard by the Supreme Court of Georgia as court of first instance.

While welcoming Georgia's August ratification of the Convention, Amnesty International sought further information on its application with regard to those seeking to flee the armed conflict in the Chechen Republic - Ichkeria by crossing Georgia's

temporary loss of vision after she was struck on the head.

Responding in July, the Deputy Prosecutor General of Georgia reported that a time limit for familiarization with case material had been imposed owing to what were described as delaying factors by the defendant. The official also reported that any sentence passed by the Board of Criminal Cases of the Supreme Court may be appealed via the Chamber for Criminal Cases of the Supreme Court. However, the UN Human Rights Committee has been among those expressing concern that such an appeal within the same body did not meet international fair trial standards, in line with which a defendant has the right to conviction and sentence being reviewed by a *higher* tribunal.

### **Resignation of the Public Defender**

David Salaridze, the Public Defender (Ombudsperson) of Georgia, resigned on 9 September to become a candidate in the parliamentary elections the following month. At the end of the period under review President Eduard Shevardnadze had still not submitted a new nomination for the post to parliament. David Salaridze was appointed Georgia's first Public Defender in 1997, after a new law establishing the post was passed in 1996.

### **Ratifications** (see also *Women in Europe*, page 95)

In August Georgia acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees - the main instruments of international refugee protection.

### **Reported threat to deny entry to some Chechen refugees**

international border with Russia. The organization welcomed Georgia's stated willingness to provide protection for refugees fleeing this conflict, but at the same time was concerned in particular about reports that

Georgian officials may have been denying access to Chechen men in a certain age range, or to those regarded as “militants” or as having a “dubious reputation”. President Eduard Shevardnadze, for example, was quoted on 25 October as saying that Georgia’s borders would be open for women, children and the elderly, but not to “armed people, so-called combatants”. While acknowledging that the Georgian Government may have concerns about the stability of the country, and that it is reasonable to require that arms be forfeited at the border, Georgia has a clear obligation under international refugee law to ensure that a person seeking asylum is not forcibly returned without having an adequate opportunity to have their reasons for seeking asylum considered.

Like all states, Georgia is bound by the principle of *non-refoulement*, a principle of customary international law. This principle forbids states from forcibly returning, in any manner whatsoever, a person to a country where they might face serious human rights violations. The principle also prohibits rejection at the frontier, and countries must keep their borders open, and afford refugees protection. This protection need not be permanent, or even long term; refugee protection lasts only as long as the human rights situation in the refugees’ country of origin necessitates.

Amnesty International urged Georgia to honour fully its obligations under the Refugee Convention, including by keeping its borders open to all refugees requiring protection, of whatever age or sex; by ensuring that officials at border crossing points are instructed to refer all those seeking asylum to the appropriate authorities so that their claims may be considered; and by ensuring that the international community is able to monitor fully the asylum situation in the border area and elsewhere. The organization also sought further information on what procedures were being used to screen people seeking to leave the Chechen Republic, and what procedures were in place to consider applications for refugee status, including the right to appeal.

### **Concerns in the disputed region of Abkhazia**

Amnesty International is aware that reports on events in Abkhazia can be extremely polarized, and

regrets that the continued lack of response to its concerns from the de facto Abkhazian authorities means it is unable to reflect their assessment of the claims against forces said to be under their control.

### *Detention of the crew of the Alioni* (update to AI Index: EUR 01/02/99)

In April the crew of a Georgian fishing boat named *Alioni* were detained by Abkhazian border guards for allegedly violating the region’s sea borders. The only female crew member was released around 10 days later, but the rest were taken to the Abkhazian capital of Sukhumi. There it was reported that the captain and chief mechanic were to be charged with illegally entering Abkhazian waters, and the remaining crew with fishing illegally in a conservation area. It was unclear initially, however, what if any formal charges were to be laid. Moreover, Abkhazian officials were quoted as saying that crew members could be released without any further legal proceedings if exchanged for four Abkhazian civilians said to have been captured by Georgian irregular armed forces. Amnesty International expressed concern that if the crew members were held without formal charge, with their release conditional on an exchange for others, then in effect they were being held as hostages. In August the Abkhazian Supreme Court began hearing the case, but the nine men were released the following month in exchange for three Abkhazians and one Cossack said to have been held in western Georgian by Georgian irregular forces.

### *Activities of Georgian irregular forces* (update to AI Index: EUR 01/02/99 and EUR 56/02/98)

During the period under review Amnesty International received responses from the Ministers of State Security and the Interior regarding the organization’s concerns about the activity of illegal Georgian armed formations in and around Abkhazia. Such formations are said to have been responsible for the abduction of Abkhazian service personnel and civilians as hostages, and are alleged to have had links with, or support from, certain Georgian officials. Both ministers again denied any such connections. However, the reported exchange of four men said to have been held by

such irregular forces, in return for the nine Georgian sailors held by the Abkhazians (see above), would appear to indicate some level of coordination, if not cooperation.

An ethnic Georgian named Apollon Markelia was said to have died following a beating by Abkhaz law enforcement officials. He and another man named Ushangi Todua (aged 75) were said to have been detained in the Gali district, then taken to a preventive detention unit in the town of Ochamchira. On 5 August the Georgian Iprinda news agency reported that Apollon Markelia died after being beaten in this unit.

*The death penalty* (update to AI Index: EUR 56/02/98)

At least one death sentence was passed during the period under review. Otak Kulaia was reportedly sentenced to death on 31 August for heading a terrorist group which caused explosions in the town of Tkvarcheli in 1998. Two other defendants named as Astamur Jinjolia and Beslan Pachulia received prison sentences of 12 and 15 years' respectively. The head of the Commission for Human Rights in Abkhazia reported in November that 14 people had been sentenced to death since the region had declared itself independent. No executions were reported, presumably as a de facto moratorium continued to hold.

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## GERMANY

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### *Police shootings*

During the period under review Amnesty International learned of the fatal shooting of a tourist by four police officers in Heldrungen, Thuringia on 27 June. The 62-year-old man from Cologne, who has been referred to in the German press as Friedhelm B., was reportedly on a walking holiday in Saxony and Thuringia and chose to stay overnight in a hotel in the town of Heldrungen. The four plainclothes police officers from the town of Nordhausen came to the hotel late in the evening of 27 June in response to a telephone call from an employee of the hotel after seeing a crime program on television about a wanted murderer, stating that a person of the same description was in the hotel.

AI Index: EUR 01/01/00

### *Reported death in custody*

At around 11pm the owner of the hotel reportedly knocked on Friedhelm B.'s hotel room door while the four police officers hid from the man's direct line of sight. There have been reports that a struggle ensued between the police officers and the guest, who, after closing his hotel room door, was shot at through the door by two of the police officers. The two police officers have since been suspended from duty. A special police detachment arrived approximately 70 minutes later and broke down the hotel room door to find the man lying dead on the floor. Only then did the police officers call for an ambulance, which reportedly arrived at around 2am. Amnesty International learned that an investigation into the fatal shooting of Friedhelm B. had been initiated and requested to be informed of its findings.

### *Danger of refoulement*

It was with great concern that Amnesty International learned that the Bavarian authorities once again were attempting to forcibly deport the 27-year-old Sudanese national Fathelrahman Abdallah on 12 November. Amnesty International wrote to both the Minister of the Interior and the authorities in Bavaria in the middle of June citing evidence that Fathelrahman Abdallah had been an active member of the Democratic Union Party of Sudan and there was a serious danger of *refoulement* if he were deported (AI Index: EUR 01/02/99). Following several stays of deportation ordered by the courts in June to allow further evidence in his asylum case to be considered, the German authorities permitted him to remain until 22 November. The urgency of the case and the lack of response from the German authorities to any of Amnesty International's letters once again led the organization to initiate urgent membership action on Fathelrahman Abdallah's behalf in November. On 23 November Amnesty International learned that he had been granted leave to remain in Germany for a further three months until February 2000.

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Amnesty International originally wrote to the German authorities about Fathelrahman Abdallah, who alleged he was ill-treated by officers of the Federal Border Police (*Bundesgrenzschutz*) during forced deportation at Frankfurt airport on 27 October 1998 and 12 November 1998. At the end of the period under review no response had been received from the German authorities.

### ***The alleged ill-treatment of detainees during forced deportation***

In July Amnesty International expressed concern to the German authorities that asylum-seekers were allegedly ill-treated by police officers of the Federal Border Police in March at Düsseldorf airport and during their subsequent deportation on a special flight to and from Guinea. On 17 March, 15 asylum-seekers were placed on a special flight at Düsseldorf airport destined for Conakry in Guinea. They were reportedly accompanied by 41 police officers from the Federal Border Police. At the airport they were strip-searched, and after redressing, their hands were bound behind their backs and their legs tied together. It is alleged that upon boarding the aeroplane the detainees were hit with police truncheons on their legs, backs and heads and punched in the face and in the chest. On the aeroplane the detainees were put in seats with their feet tied together, their hands bound behind their backs and their safety belts fastened. The detainees were allegedly forced to sit in this position and were only allowed to get up to go to the toilet. However, due to their restraints the police officers had to unfasten and then fasten their trousers. While executing this task the officers reportedly laughed and made degrading and humiliating comments about the detainees' genitals. In addition to the reports of physical abuse of detainees by police officers, allegedly the

While in the Moers detention centre Arhine Kwesi alleges he was ill-treated by detention centre officials. On 18 May Arhine Kwesi requested that he be allowed to make a telephone call. He maintains that an official refused this request and verbally abused him, calling him an "arsehole". Arhine Kwesi replied with the same insult and as a result the official allegedly rushed into Arhine Kwesi's cell and started hitting him

detainees were also verbally abused with racist language.

Upon the arrival of the aeroplane in Conakry the Guinean authorities refused to allow the aeroplane to disembark due to the incomplete travel documents of the detainees. The chartered aeroplane was forced to return to Germany with all 15 detainees on board. It is reported that the aeroplane left Düsseldorf at around 10am on 17 March and returned to Düsseldorf airport at around 6am on 18 March. After returning to Düsseldorf the detainees were transferred to various detention centres where a number of them made formal complaints about their treatment.

Amnesty International requested to be informed of the findings of the investigation into these allegations of ill-treatment. In August Amnesty International received a response from the Ministry of the Interior rejecting the allegations, stating that the accompanying police officers had acted correctly in every respect.

### ***Alleged ill-treatment of prisoners***

Amnesty International expressed concern to the German authorities in July about the alleged ill-treatment by officials of the Ghanaian national, Arhine Kwesi, in Moers detention centre (*Justizvollzugsanstalt Moers*). Arhine Kwesi had been hospitalized overnight after a skinhead attacked him with a knife during the late evening of 14 May in a district of Oberhausen. Arhine Kwesi has stated that after several initial interviews with police officers about the incident he was told to return to the police station on 16 May for the purposes of the investigation into the incident. However, when Arhine Kwesi returned to the police station on 16 May he was arrested for not having a visa to stay in the country and taken to the pre-deportation detention centre in Moers with his fist and a stick. Other officials also allegedly entered the cell and dragged Arhine Kwesi out of the cell hitting and kicking him. He maintains he was knocked to the ground and handcuffed, but the officials allegedly continued to kick him. After being physically assaulted by the officials Arhine Kwesi says he was transferred to another cell, furnished with only a mattress and a blanket, where he remained until 21 May when he

was transferred back to a normal cell where he remained until his deportation. Amnesty International urged the German authorities to investigate the incident of alleged ill-treatment and requested to be informed of the findings. At the end of the period under review no response had been received.

Amnesty International received a report of the alleged ill-treatment of the Austrian national, Gebhard Fidler, by prison officers at a prison in Traunstein in November 1998. He alleged he suffered a nervous attack and fell to the ground during the daily exercise period in the detention centre yard on the morning of 13 November 1998 but instead of being provided with medical assistance, Gebhard Fidler has stated that he was carried to a room by four or five prison officers where they allegedly hit him. He has alleged the prison officers injected him with drugs against his will in his right arm and right thigh causing some injury in the process (AI Index: EUR 01/02/99). Amnesty International urged the German authorities to investigate this incident of alleged ill-treatment of a detainee by prison officers and asked to be informed of the findings. The organization also requested to be informed of prison guidelines regulating the forcible use of medication and to what extent prison officers are trained to dispense such medication.

Amnesty International received a response from the Ministry of Justice in December, which stated that, according to an investigation carried out by the Bavarian Ministry of Justice, there did not appear to be any indication of ill-treatment of the detainee or other incorrect conduct on the part of the prison officers. Prison officers had restrained

Wolfgang Six says he then ran away from the police officers in panic in order not to be hurt further. However, a police officer allegedly kicked him in the back of the knee and twisted his arm behind his back and attempted to handcuff him. The other police officer is said to have come to assist his colleague. Wolfgang Six alleges his legs were pulled away and he fell forward hitting his head on the ground. One police officer is alleged to have kneeled on Wolfgang Six's shoulders causing him considerable pain. After they handcuffed him he was put into the police vehicle and taken to the police station. A medical report made the day after

Gebhard Fidler after he suffered a fit in order to prevent self-harm and a prison doctor had administered medication to calm the detainee. The response stated that according to section 101 of the Prison Act (*Strafvollzugsgesetz*) the forced dispensation of medical treatment is permissible where there is a danger to life, a serious danger to the prisoner's health or where there is danger to the health of another person.

### ***Alleged police ill-treatment***

Amnesty International learned of the alleged ill-treatment of a 58-year-old retired German citizen, Wolfgang Six, by two police officers during a traffic incident in Passau, Bavaria. At 4 pm on 1 October 1998 he was stopped by two police officers while driving along *Stelzhammer Straße* in Passau, ostensibly for not wearing a seatbelt. Wolfgang Six maintains that he is exempted from wearing a seat belt on medical grounds and upon request he showed the police officers his driving license and vehicle documents and informed them of his exemption from wearing a seatbelt. He has stated that he was ill-treated by the police officers when he attempted to wind up the window of his car because he was afraid that his dog might bite the police officers. At this point one of the police officers allegedly pulled open the car door and dragged Wolfgang Six out of the vehicle pushing him violently against the car door. He alleges a police officer hit him in the face and then twisted his left arm behind his back and knocked his glasses from his face causing them to break on the ground.

the incident indicated that Wolfgang Six had a fractured rib and contusions on his chest and on the back of his right knee where one of the police officers allegedly kicked him. Wolfgang Six was subsequently charged with resisting an officer in the course of his duties. Amnesty International learned that an investigation into the allegation of ill-treatment had been opened and asked to be informed of its findings. In August the organization received a response from the Bavarian Ministry of the Interior stating that it would comment on the incident in detail after the legal proceedings against Wolfgang Six had been completed.



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## GREECE

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### **Conscientious objection to military service**

Law 2510/97 on conscription which entered into force in 1998 and sets out a punitive length of alternative civilian service for conscientious objectors has been discriminatorily applied. In some cases where applications for conscientious objector status were rejected the applicants alleged they were unable to submit their documents in time because the relevant authorities refused to provide them with the certificate requested, or because of the unreasonably short time allowed for the submission of applications. All rejected applicants were subsequently charged with insubordination (which carries a sentence of up to four years' imprisonment). Yannis Farkonas was released in November after serving about six months of a four-year imprisonment sentence. He had been charged with draft evasion for failing to respond to military orders. He was absent at the time his call-up papers were sent to his parents' address and had not had time to prepare all the documents required for his application for alternative civilian service when he returned only four days before the deadline he had been given expired. Conscientious objectors who performed civilian alternative service in health institutions throughout Greece continued to be subjected to punitive measures which included working hours of up to 68 hours a week, no right of leave and threats of revocation of their right to alternative service if they refused to comply with such hours. (See: *Greece, No satisfaction: the failures of alternative civilian service*. AI Index: EUR 25/03/99)

### **Freedom of expression and religion**

There were further allegations of ill-treatment by police, including of members of ethnic minority groups. Members of the Roma community continued to be subjected to ill-treatment by police forces on the ground of their ethnic identity. "*These things happen sometimes*", was the answer of a police officer to questions raised by Greek Helsinki Monitor, a non-governmental organization

On 25 October the Appeal Court of Larissa postponed its hearing in the case of Mehmet Emin Aga, a member of the Turkish minority, who had been sentenced to seven months' imprisonment for peacefully exercising his right to freedom of expression and religion. Amnesty International takes no position on the procedures to be followed for choosing religious leaders and has no view on who is, or who should be, the legitimate Mufti of Xanthi. The organization's concern in this case is based solely on its belief that by sending leaflets with religious messages to the Muslim inhabitants of Xanthi, which he signed as the Mufti of Xanthi, Mehmet Emin Aga was exercising his right to freedom of expression and religion. On 1 December he received a further six-month imprisonment sentence for the same offence. Each conviction and appeal relate to his "sending out to the Muslims of Xanthi written messages of a religious content" to mark religious festivals, "present[ing] himself as Mufti" by writing "Mufti's office of Xanthi" at the beginning of the messages and by signing them as "Mufti of Xanthi, Mehmet Emin Aga" and thus "deliberately carr[ying] out duties which by their nature apply exclusively to the legitimate Mufti". Mehmet Emin Aga was elected mufti, reportedly among four candidates by way of a show of hands taken in 52 mosques of the district of Xanthi in 1990. He served as official mufti until a presidential decree was issued on 24 December of that year which granted the state the right to appoint the muftis. Although Mehmet Emin Aga was then dismissed from his office and replaced by a government-appointed mufti, he carried on as unofficial mufti. Amnesty International would consider him a prisoner of conscience, if imprisoned.

### **Ill-treatment**

about the ill-treatment of 23-year-old Rom Nikos Katsaris, his father, 16-year-old brother and 17-year-old cousin, by police in Nafplio on 12 September. According to Nikos Katsaris, three police officers stopped the car his father was driving in order to check his papers. The driver and all passengers were ordered to get out of the car with their hands up. They obeyed, offering no

resistance while they were searched. When Nikos' cousin asked if he could lower his arms one of the police officer approached and, requesting to know who had spoken, kicked Nikos Katsaris. His cousin confessed he had spoken and was kicked twice. He was grabbed by the elbow, pulled away from the car, insulted, punched twice on his side and then pushed back against the car. Nikos' father asked the police officers why they were hitting them with no reason. One of the police officers grabbed him by his hair and punched him on his side repeatedly while telling him: "Don't speak wanker or I'll break you teeth and make you eat them". Nikos' brother who was standing near his father was also kicked. Amnesty International, in association with Network DROM for the Social Rights of Roma and Greek Helsinki Monitor, called on the Greek authorities to investigate promptly and impartially the ill-treatment allegations, bring to justice any police officer suspected of being responsible and ensure that adequate reparation be paid to the victims. (See *Greece: "It should never happen" Citizenship: Greek, Identity: Romani - the ill-treatment of Nikos Katsaris by police*, AI Index: EUR 25/08/99)

Police reportedly also ill-treated British citizens Michael Tonge and his friend<sup>1</sup> in August. The two had been attacked, beaten and stabbed by a group of five or six youths in Malia, Crete, where they were on holiday. Having succeeded in escaping from their attackers (one of whom was injured during the fight) they returned to the apartment they were renting with two other people, only to be arrested by the police shortly afterwards. At the police station, they were kicked, punched, slapped, insulted and told in English, "you sign and go to jail or you die", after they had refused to sign statements written in Greek, a language they could neither read nor understand. Reportedly, no lawyer was present during their interrogation and although they had sustained wounds in the fight with the **Impunity**

Judicial proceedings against police officers accused of killing a suspect were subject to lengthy delays. Twenty months after the incident, no progress was

youths which required stitches, they were not given access to a doctor until several hours later. They were held together with eight other prisoners in a cell which contained only two mattresses infested with insects. Due to lack of space, they were obliged to sleep on the floor. They allege that little food was provided and that there was no water or toilet facilities. Michael's friend was released on bail four days after his arrest. However, Michael Tonge was transferred to Neapoli prison. During the journey he was handcuffed to a metal seat at the back of the police van. Upon arrival, he was stripped naked and searched, given a bottle for urine and a blanket to sleep on in the corridor. He was also subjected to further psychological torture as he was told by a prison guard that he would have his throat cut while asleep. The following day, he was taken to a six square metres cell where he was held together with 16 other detainees. As there were not enough beds or mattresses, he had to sleep on the floor. Michael Tonge was transferred to Korydallos prison, near Athens, on 18 August. He claims that he remained handcuffed in "crucifix position" to his seat during the 13-hour journey from Irakleio to the Piraeus and alleges he was given food only after he paid for a meal. While on the boat a police officer started to whip the legs of the prisoners with a rope covered in rubber. As Michael Tonge was dozing off he was again beaten on his leg with a bunch of keys by the police officer. He was charged in connection with the fight, but was released from prison in November and allowed to return to the United Kingdom. Amnesty International wrote to the Greek authorities urging that an investigation be opened into these allegations of ill-treatment, that any police officer suspected of being responsible for ill-treatment be brought to justice and adequate reparation be awarded to the victim. (See *Greece: the alleged ill-treatment of Michael Tonge by police officers*, AI Index: EUR 25/11/99).

made by the Greek authorities to bring to justice the police officers suspected of being responsible for the shooting and killing of Angelos Celal in Partheni on 1 April 1998. (See *Greece: Angelos Celal shot by police. A call for justice*, AI Index:

<sup>1</sup> His name is known to Amnesty International

EUR 25/46/98) Rom Angelos Celal was fatally shot by police near Partheni, Thessaloniki. According to his two friends who survived the shooting, the three men had stopped their car to smoke hashish near a barn where policemen were hidden, deployed on an unrelated affair of a stolen car. As the three men ran back to their car, a police officer began shooting at them. Angelos Celal started to drive the car away, but was killed on the spot. The autopsy report concluded that: "*The body of Angelos Celal (...) presents injuries resulting from shooting with a service gun*", adding that "... *death resulted from these injuries.*" The two survivors of the shooting claim none of the three men carried a weapon. In August 1998 the Ministry of Public Order stated that: "An administrative examination has been ordered to establish the circumstances of the death of Angelos Celal and for the attribution of possible responsibilities to the police officers who were involved in the case...". The Prosecutor's office said that charges, including for manslaughter and attempted murder, had been brought against three police officers. At the end of 1999 a date had still to be set for the examination of the police officers on these charges. Amnesty International is concerned that the length of the proceedings might lead to impunity for those responsible for human rights violations. Amnesty International and Greek Helsinki Monitor have repeatedly called on the Greek authorities to ensure that a thorough and impartial investigation is carried out; that its results be made public; that any police officer suspected of being responsible for the killing is brought to trial; and that the family of the victim receives fair and adequate reparation

*In the late morning of Sunday 5 September about 30 police officers arrived at an apartment block at Róbert Károly krt. in north Budapest, and reportedly shouted "Come out you dirty gypsies!" ("Gyertek ki, büdös cigányok!"). The police had reportedly received a telephone call earlier that*

### ***Prison conditions amounting to cruel, inhuman and degrading treatment of prisoners***

Conditions in some prisons and detention centres continued to be so poor as to amount to cruel, inhuman and degrading. In Iannena, a Greek prisoner complained of being detained in an overcrowded room and claimed that other detainees were kept in corridors. He also alleged that there were only two toilets in the prison, no running water; that food was insufficient; that , prisoners had only restricted access to the exercise yard and that people with reported cases of Tuberculosis and AIDS were left without adequate medical care. Conditions in Drapetsona detention centre, Piraeus, have not improved (see *AI Index: EUR 01/01/99*). Reportedly used only for non-EU foreigners, prisoners are so densely packed into cells that they have difficulty even in finding a place to lie down. Conditions at this centre also include lack of natural daylight; insufficient toilet and bath facilities; lack of adequate exercise; restriction on visits; inadequate and insufficient food; no ventilation; severely limited access to a doctor or medical treatment; and no access to social services.

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## **HUNGARY**

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### ***Alleged ill-treatment of Roma***

*There were reports of police ill-treatment of Roma, including children, in Budapest.*

*morning, claiming that six named young Roma had attacked a pregnant woman, causing her to fall into a coma and have a miscarriage. The police had not checked the call, which proved to be groundless. On arrival, the police officers identified the mother of F.V., a 17-year-old Roma boy to whom they*

demanded she should lead them. She showed the police a first floor apartment where he and some others were still sleeping after a party the night before. The police then allegedly smashed a window as they entered the flat, and beat F.V. in the face as he lay in bed. His mother protested, at which a policeman allegedly swore at her, struck her in the face, threw her on a bed, put his hand round her throat, and said: "You will die if you say another word". A young Roma woman, 19-year-old Elvira Varga, and a 13-year-old Roma girl, Z.M., were allegedly slapped around the face by the police, who called them, "Dirty bitches" ("Büdös kurvák") and threatened to kill them if they did not "speak the truth". A police officer then allegedly slapped B.I. on her left ear, puncturing her eardrum. The police took the three young people down into the courtyard, and out to the street, not allowing them to get dressed, with F.V. handcuffed. At the same time roughly 10 other policemen reportedly knocked loudly on the door of another flat on the first floor where a young Roma man, 21-year-old Norbert Batyi, a Roma youth, 16-year-old K.S., and a 17-year-old Roma girl, G.Z., and were sleeping after the party. Before K.S. could open the door the police allegedly

broke it down. Without any explanation, the police allegedly pushed K.S. and Norbert Batyi to the floor and beat them around the shoulders, back and head, including on and around their eyes, with a three-part retractable weapon called a *vipera*. Having handcuffed K.S., a policeman allegedly stood on his handcuffed wrists in order to inflict further injury. The police allegedly called G.Z. "a dirty whore" and said "You will die, dirty gypsies" ("Szemét kurva. Meghaltok, büdös cigányok"). The police took the two young men down into the courtyard, and then reportedly a policeman seized K.S.'s head in an arm-lock and ran at the metal entrance door of the courtyard, smashing the top of K.S.'s head against the door. Outside on the street the police officers continued beating Norbert Batyi, K.S. and F.V., and a policeman was seen treading on the neck of F.V., who was lying on the ground. All six young Roma were taken to the 13<sup>th</sup> district police station in two police transit vans. Police officers allegedly resumed beating the three young Roma males at the police station, for a period of 30-45 minutes. One police officer then reportedly intervened to prevent his colleagues from further ill-treating their detainees. This officer

was then said to have been criticized by other police officers for being “soft on gypsies”.

The three young women were reportedly interviewed in an intimidating and offensive way. A police officer referred to them as “the bitches of the three killers”, and Elvira Varga and 13-year-old Z.M. were shouted at. Elvira Varga asked police officers to contact Z.M.’s guardians, but they reportedly did not do so. Upon learning that Elvira Varga herself was 19 years old a police officer reportedly said to her: “You are not a juvenile. You can be beaten”. K.S. reportedly fell ill after his alleged beating, experiencing a sharp

On 9 June at about 4pm László Sárközi, a Roma student, was walking out of Budapest’s People’s Park (*Népliget*) when a white car stopped next to him and three plainclothes police officers got out and asked to see his identity card. They then demanded to see the contents of his pockets, which he showed them, with the exception of a piece of paper upon which he had reportedly written a poem. On his refusal to allow the policemen to read it, they allegedly knocked him to the ground, and struck and pressed his head and face against the ground several times. They then handcuffed him. The youngest of the three police officers then allegedly knelt on László Sárközi’s neck and head and beat his head and ears, while the other two kicked him repeatedly in the back and in the stomach, and once in the face. During the alleged assault, the police officers are reported to have verbally abused László Sárközi as a “stinking gypsy” and “dirty queer”.

László Sárközi was taken to Budapest 10<sup>th</sup> District police station to be detained for allegedly refusing to submit to a police identity check. The police officers summoned an ambulance to the

pain in his chest and difficulty in breathing. An ambulance was called, but police officers reportedly persuaded the medical team that there was no need to take him to hospital, and they departed without treating him. All six young Roma were released at 9pm without charge, after representatives of the Budapest-based Roma Civil Rights Foundation (*Roma Polgárjogi Alapítvány*) arrived at the police station with some of the parents of the six young Roma, and filed a complaint about the police action. Subsequent forensic medical examination confirmed that the three young Roma males in particular had been beaten.

police station as László Sárközi was reportedly bleeding from his right ear and wrists. At the police station he was made to wait, standing and facing a corridor wall, still in handcuffs while police officers intermittently verbally abused and mocked him. When the ambulance arrived, a doctor reportedly proposed that the police take László Sárközi to hospital to have a forensic medical certificate issued. László Sárközi declined, reportedly fearing that he would be beaten again on return to the police station if he revealed to doctors how he had received his injuries. The ambulance crew departed, reportedly without treating him.

László Sárközi was taken upstairs to the cells. He declared that he intended to complain about his ill-treatment, to which a police officer allegedly reacted by kicking László Sárközi in the abdomen. The police officer in charge of the cells reportedly told him: “Poets die young.” The officers allegedly threatened to detain him for 12 hours, and to place him in a cell with a large man arrested for “lewd offences”. One officer reportedly offered to release László Sárközi if he withdrew his intention

of filing a complaint. Two hours later a police officer allegedly kicked László Sárközi in the stomach when he reiterated his intention of filing a complaint. He was released at 7.30pm.

The Roma Civil Rights Foundation assisted László Sárközi in filing a complaint to the Budapest Public Prosecutor's Office on 11 June, and the case received some television coverage. On 23 June László Sárközi was visited at 7am in his Budapest student hostel and intimidated by one of his alleged assailants, together with two other plainclothes police officers. The officer who had reportedly beaten him is said to have mocked László Sárközi's television appearance and verbally abused him. Another officer demanded to check László Sárközi's identity document.

### **Refugees**

Asylum-seekers held in administrative detention staged hunger-strikes through the autumn, in protest against long periods of incarceration in poor conditions and slow or allegedly unfair implementation of the asylum procedure. Amnesty International wrote to the authorities in December, presenting the organization's concerns about

**Detention of asylum-seekers:** Asylum-seekers, including children and other vulnerable people, were detained for long periods in contravention of international standards. This was despite the Hungarian government's untrue assertion to the UN Committee against Torture in 1998 that it did not detain asylum-seekers. The reasons for detention did not appear to accord with the reasons for which international standards recognize that asylum-seekers may, exceptionally, be detained. The September amendments to the asylum law limited detention of asylum-seekers to 18 months. However, detention continued to amount, in effect, to a punishment for the seeking of asylum. 'Molik', an Afghan asylum-seeker, was reportedly told by guards in Szombathely detention centre: "You are young, without a family. You should be here for 18 months."

**Ill-treatment of detained asylum-seekers:** In Szombathely detention centre cases of guards spraying CS gas into detainees' faces or their rooms were reported, and they reportedly

Hungary's treatment of asylum-seekers in a number of areas.

**Non-admission to the asylum procedure:** Oral asylum claims were often ignored by Border Guards. At the eastern border many asylum-seekers were reported to be routinely deported to Ukraine. Amendments to the asylum law introduced in September were intended to improve the special accelerated procedure used at the international airport, by suspending deportations of asylum-seekers whose claims were rejected, if they appealed the decision. However, lack of transparency and of access for independent observers at the international airport allowed officials to circumvent the new rules, by reportedly not admitting asylum-seekers to the procedure at all and arbitrarily deporting them. In September the Border Guards at the international airport reportedly tried to prevent MEJOK, a Hungarian human rights organization, from gaining access to K.H., an asylum-seeker from the Democratic Republic of Congo, who arrived from Lebanon. Although MEJOK obliged the authorities to initiate the asylum procedure in his case, K.H. was arbitrarily deported to Lebanon two days later.

broke the wrist of B.I., a Kurdish Turkish asylum-seeker, with a baton when he refused their demand that he wash up for everybody. In Nyirbátor detention centre O.P., a Kurdish Turkish asylum-seeker, was reportedly taken into a room by seven guards, tied to a wall, beaten with rubber batons, and injected against his will with an unknown substance to quell his screaming.

**Inadequacies in practice of the asylum procedure:** In its implementation the asylum procedure was often seriously deficient. Insufficient time given to interviews, inadequate translation and superficial questioning often resulted in failure to elicit the substance of an asylum-seeker's claimed fear of persecution. Uniformly standardized negative decisions were made on whole groups of asylum-seekers. Negative decisions and the reasons for them were not always given in a language asylum-seekers could understand, and thus were often not understood as negative decisions. Some asylum-seekers' ability to lodge an effective appeal was consequently

severely limited. Detained asylum-seekers' applications were not always passed on to the appropriate authorities by the guards. Access to detained asylum-seekers by lawyers and human rights groups was increasingly restricted. A growing preoccupation with national security at the expense of human rights appeared to influence the actions of the authorities. The suspension of the asylum procedure in November on the instruction of the Hungarian security service in the case of V.O., who fled to Hungary in March to avoid being drafted into the army of the Federal Republic of Yugoslavia, appeared to be linked to that service's requests for information from him. This brought an improper pressure upon him and called into question the independence and impartiality of the asylum procedure.

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## ITALY

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(See also *Women in Europe*, page 95)

### ***Alleged ill-treatment by law enforcement officers***

There were allegations of gratuitous and deliberate violence inflicted on detainees by law enforcement officers. Numerous such allegations have been reported in recent years: they concern both Italian and foreign nationals but a high proportion of the

The police subsequently accused Marco Maggi of refusing to comply with a legitimate request to supply details of his identity to a public officer and of defacing property. The Public Prosecutor's office submitted a request to the relevant magistrate that he be tried and sentenced in connection with the first offence but that no action should be taken on the second. In September Marco Maggi challenged the Public Prosecutor's request of that month that his own complaint against the police should be filed without further action.

Maati El Adnaoui, stated that after his brother, Hassan El Adnaoui, had collapsed on a Bologna street, an ambulance and a squad of police officers arrived on the scene simultaneously. He said that, as he knelt next to his brother, a female police officer seized him by the neck and tried to force him away from his brother's side. He claimed

allegations received by Amnesty International concern foreign nationals. (For further information see *Italy: A briefing for the UN Committee against Torture*, AI Index: EUR: 30/02/99).

During the period under review, the organization sought confirmation from the authorities that thorough investigations were being conducted into the criminal complaints of ill-treatment lodged against Bologna police officers by Marco Maggi, an Italian citizen, in April and by Maati El Adnaoui, a Moroccan citizen, in May. Amnesty International asked for cooperation in informing the organization of the progress of the investigations and their eventual outcome.

Marco Maggi alleged that an officer subjected him to punches, kicks and verbal insults on a Bologna street after seeing him deface a mayoral election poster and chasing him. His complaint was accompanied by a medical certificate issued by the casualty department of a local hospital to which a passer-by had accompanied him immediately after the incidents. This and subsequent medical reports issued by the same hospital recorded various injuries, including multiple contusions; minor head trauma; bruising to his left thigh; swelling and bruising to his right cheekbone and abrasions to his wrists and face. Bologna police indicated that the injuries were the result of Marco Maggi and the officer accidentally falling to the ground.

that, when he protested, a male officer told him to be quiet and suddenly punched him in the face three times. He said several more officers then arrived and he was forced lie face down on the ground, handcuffed and escorted to a police car. He alleged that an officer punched him in the face several more times during his transfer to the Aliens Bureau where he was held for approximately two hours before being released: Maati El Adnaoui is in possession of a valid residence and work permit for Italy. It appears that he was subsequently placed under investigation in connection with possible charges of resisting arrest and insulting police officers.

In his complaint he stated that he believed that the officers' behaviour arose from his insistent requests that he be allowed to accompany his brother to hospital in the ambulance. On release, he proceeded to the hospital and tried to locate his

brother and seek treatment for his own injuries. His complaint was accompanied by a medical certificate issued by the hospital's casualty department noting that he had alleged being beaten by police officers and recording, amongst other things, that he had suffered a rebound, or 'whiplash', injury to the neck.

While at the hospital, police officers informed him that his brother had died after accidentally falling out of a second floor hospital window. They later indicated that his brother had been drunk and in an extremely agitated state, that doctors were forced to call in officers from the hospital police post in order to help subdue him but that he had insisted on leaving the hospital and, in an apparent attempt to do so, had fallen out of the window. An autopsy report, drawn up by medical experts appointed by the Public Prosecutor's office in the context of a judicial investigation opened into the death, endorsed this version of events. However, their conclusions were challenged by a medical expert appointed by the family who had participated in the autopsy and concluded that the injuries to the body were incompatible with such a fall. Amnesty International asked to be informed of the outcome of the judicial investigation. (For further information see AI Index: EUR 30/04/99)

### ***Alleged ill-treatment in prisons***

See *Italy: A briefing for the UN Committee against Torture* (AI Index: EUR 30/02/99) for further information.

### ***Criminal proceedings concerning human rights violations against Italian citizens in South America***

The court hearings in proceedings before Rome Court of Assizes involving seven former members of the Argentine armed forces being tried *in absentia* in connection with human rights violations committed against Italian citizens in Argentina, first scheduled for October, were postponed until December when, after one day, they were postponed until March 2000.

In May a former Argentine army general had been committed for trial on charges of ordering the abduction and murder of five individuals of

Allegations of ill-treatment emerged from several prisons and there were reports that in some prisons, including several newly-established temporary detention centres for aliens, the overall conditions of detention might amount to cruel, inhuman or degrading treatment. Several criminal proceedings against prison officers accused of ill-treatment in previous years were subject to excessive delays and fears were expressed that the failure of the criminal justice system to function swiftly and efficiently in such cases might be creating a climate of impunity. Criminal proceedings opened in 1993 into the alleged ill-treatment of inmates of Secondigliano prison, Naples, apparently ended in the acquittal of some 60 prison officers. Amnesty International noted that in 1997 lawyers in Catania had complained that inmates of Bicocca Prison were regularly subjected to ill-treatment by prison officers and expressed concern that these included officers transferred from Secondigliano where they were already under investigation for alleged ill-treatment. In October, following a criminal investigation into further alleged ill-treatment of Secondigliano prisoners between June 1995 and February 1999, 20 prison officers, accused of abusing their authority, and of injuring and threatening prisoners, were ordered to stand trial in 2000. The court hearings were expected to commence in March.

Italian nationality and the kidnapping of the child of one of them. The child was taken away immediately after his mother gave birth in a secret detention centre. At the same time six other military officers were committed for trial for the murder of two further Italian citizens.

The crimes occurred during the years of military rule in Argentina (1976-1983) when thousands of people, including dozens of Italian citizens, were abducted by the security forces and "disappeared". Among the "disappeared" are some 200 children, including around 10 of Italian descent, born in clandestine detention centres and some of whom are believed to have been given to childless couples connected to the armed forces and police to raise as their own.

The trial is the result of investigations opened by the Italian judiciary in 1983 following complaints by relatives of the Italian



“disappeared”. The proceedings have suffered numerous delays and setbacks both in Argentina where, in 1994, the Federal Appeals Court upheld an injunction to stop Italian magistrates from interviewing witnesses in Argentina, and also in Italy where, in 1995, the proceedings were threatened with closure.

Amnesty International has worked on behalf of the “disappeared” of Argentina since the military coup of 1976, when the systematic illegal abductions began. In 1995 Amnesty International joined the relatives of the “disappeared” and civil rights groups in Argentina and Italy in calling on the Italian authorities to keep the criminal proceedings into the “disappeared” open. It argued that to close the investigations would deny the families access to information about the fate of their relatives and the possibility of bringing those responsible for the human rights violations to justice.

In July the Minister of Justice gave authorization for a criminal prosecution to be pursued against five more Argentine officers accused of the murder of three Italian citizens in a secret detention centre in Argentina.

Amnesty International repeatedly expressed concern at the excessive length and complexity of the proceedings leading to the men’s imprisonment. The organization also expressed serious doubts about their fairness, including the extent to which the final verdict relied on the uncorroborated evidence of a *pentito* (a person benefiting from remission of sentence in return for collaboration with the judicial authorities) and whose testimony contained contradictions and inaccuracies.

Venice Appeal Court ruled that the application was admissible and that the review should commence in that court in October. It also suspended the men’s prison sentences, resulting in the release in August of Adriano Sofri and Giorgio Pietrostefani: Ovidio Bompresesi’s sentence had already been temporarily suspended on health grounds in 1998.

In December 1969 Pino Pinelli, an anarchist, was illegally held in Milan police headquarters for three days under questioning about a bomb attack which had just taken place in the city’s Piazza Fontana, injuring over 100 people

At the end of 1999 several other criminal proceedings, in the early stages of investigation, were under way into complaints of further human rights violations committed against Italian citizens by members of the Argentine security forces and as a result of past collaboration between the security forces of several South American countries.

### ***Fair trial concerns: the cases of Adriano Sofri, Giorgio Pietrostefani and Ovidio Bompresesi***

In August Venice Appeal Court ruled on an application which Adriano Sofri, Giorgio Pietrostefani and Ovidio Bompresesi -- three leading members of the former extra-parliamentary left-wing group *Lotta Continua* (Continuous Struggle) - had lodged in December 1997, requesting a judicial review of a verdict issued by Milan Appeal Court in 1995. This verdict resulted in their imprisonment in January 1997, after nine years of judicial proceedings and seven trials, to serve 22-year sentences for participation in the killing of police commissioner Luigi Calabresi in Milan in 1972.

and killing 16. Pino Pinelli fell to his death from a fourth-floor window at the police station. The precise circumstances of his death remain unclear. The police issued confusing statements about his death, attributing it first to suicide, then to an accident and there were widespread doubts about the official version of events. *Lotta Continua*, disbanded in 1976, conducted an extremely virulent campaign via its newspaper expressing the view that Pino Pinelli had been killed by the police. It held Police Commissioner Luigi Calabresi responsible for his death.

When the commissioner was assassinated in 1972 no group claimed responsibility. *Lotta Continua* stated that it did not consider assassination “an instrument of political struggle” but that the death of Commissioner Calabresi was an act in which “the exploited classes” could “recognize their will to justice”. For many years the police searched unsuccessfully for the commissioner’s killers amongst groups of both the far Left, including *Lotta Continua*, and the far Right.

The criminal proceedings against Ovidio

Bompressi, Giorgio Pietrostefani and Adriano Sofri opened in 1988 after Leonardo Marino, a former member of *Lotta Continua* said that he had driven the get-away car for the commissioner's assassin. He stated that Ovidio Bompressi, a prominent *Lotta Continua* member, had been the assassin and that Adriano Sofri, its leader, and Giorgio Pietrostefani, one of its committee members, had been the instigators (*mandanti*). He also confessed to a series of robberies which he said had been committed both on behalf of *Lotta Continua* and, after its disbandment, for his personal gain.

All four were first sentenced by an assize court in 1990 but a further six trials followed, three at appeal court level, including one which acquitted them, and three at Supreme Court level, including one which annulled a guilty verdict. Leonardo Marino was not imprisoned with the other three defendants in January 1997. As a *pentito* he had received a reduced sentence of 11 years' imprisonment in 1990 and by 1995 had also benefited from the statute of limitations. He had previously spent some three months in prison.

Adriano Sofri, Ovidio Bompressi and Giorgio Pietrostefani's argument that their application for a judicial review of the 1995 verdict Government claims that prison conditions had been improved since the adoption of a new criminal code were rejected by released detainees. Even the President's legal advisor, Igor Rogov, called prison conditions "appalling" and called for alternative punishments to be introduced. In an interview carried by the *Interfax* news agency on 27 October, Igor Rogov was quoted as saying that, "In Kazakstan prisoners lose everything, including their health and lives", and that the authorities could not create "proper conditions" in Kazakstan's corrective labour institutions for the country's estimated 60,000 prisoners.

### **The death penalty**

On 2 November the Regional Court in Aktyubinsk sentenced two men to death after convicting them of murdering 10 people during robberies carried out at a summer community outside the city. Six accomplices of the men, none of whose names are known to Amnesty International, reportedly received prison terms of between seven and 22

contained new witness and technical evidence and that it was, therefore, admissible, had been rejected by Milan Appeal Court in 1998. However, the Supreme Court annulled that decision and returned the case to appeal court level for re-examination. In March 1999 Brescia Appeal Court also ruled the application inadmissible and a further appeal was lodged with the Supreme Court which in May 1999 annulled the Brescia decision and referred the application to Venice Appeal Court.

The judicial review opened, as scheduled, in October. On 24 January 2000 Venice Appeal Court upheld the convictions and the 22-year prison sentences. Adriano Sofri was re-imprisoned immediately: Ovidio Bompressi and Giorgio Pietrostefani went into hiding. The court's judgment (*motivazione*), setting out the reasoning behind its decision, and an appeal against the decision addressed to the Supreme Court by Adriano Sofri, Giorgio Pietrostefani and Ovidio Bompressi were both expected by May 2000.

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## **KAZAKSTAN**

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### **Prison conditions**

years.

**Forcible deportations** (update to AI Index: EUR 01/02/99)

In August Amnesty International learned that Hemit Memet (also known as Khamit Memet) was among a group of 10 men sentenced to death around the middle of July by a court in the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China. He had reportedly been tortured while in pre-trial detention, and was said to be held in harsh conditions, incommunicado and in solitary confinement, in the Ili prefectural prison.

Hemit Memet, Kasim Mahpir and Ilyas Zordun, all ethnic Uighurs, were detained by the Kazakstan authorities while crossing the border from China in 1998. They sought political asylum and were subsequently placed in police custody before being forcibly deported to China in February 1999. Their return heightened Amnesty International's concern that the Kazakstan authorities were complying with China's request to

a number of Central Asian republics to help China fight what it terms "ethnic separatism" in XUAR. Amnesty International was also concerned that the Kazakstan authorities were returning the men in spite of a serious risk that they might be tortured and face the death penalty.

The fate of Kasim Mahpir and Ilyas Zordun was still unknown at the end of the period under review, although it was feared that they may have been among the 10 sentenced to death. Hemit Memet's brother Zulikar (also known as Zulfikar) Memet was among this group, and he too alleged that he had been severely tortured in order to force him to confess (he reportedly showed the court the signs of torture, including missing finger nails said to have been pulled out during the torture sessions).

Against this background, Uzbek law enforcement officers were reported to have frequently entered Kyrgyz territory and to have arbitrarily detained Kyrgyz citizens whom they accused of having links to banned opposition parties in Uzbekistan. Dozens of ethnic Uzbek men were abducted to Uzbekistan, where they were at serious risk of human rights violations. Yuldashbai Tursunbayev, for example, an ethnic Uzbek imam of the Bazar-Korgon mosque in Jalal-Abad in the southern Osh region, was abducted in August. He was reportedly apprehended in the street by two armed men in civilian clothes as he was leaving the mosque after his morning prayers, and forced into a waiting car which drove in the direction of the Andizhan Region in Uzbekistan. Imam Tursunbayev had reportedly been detained several times by Uzbek law enforcement officers on Kyrgyz territory in the weeks following the February bombings in Tashkent (see entry on Uzbekistan in AI Index: EUR 01/02/99).

Scores of men were also detained by Kyrgyz law enforcement officers while distributing leaflets of banned Islamist parties, in particular *Hizb-ut-Tahrir*. In September, during identity checks, the Kyrgyz authorities reportedly rounded up hundreds of foreign citizens predominantly of Asian or Turkish origin, including 200 asylum-seekers, and confined them in temporary detention centres.

### **Harassment of human rights defenders**

*Amnesty International March 2000*

## **KYRGYZSTAN**

### ***Detention and abduction on grounds of religion***

Kyrgyzstan faced increasing political tension in August, when hundreds of armed men claiming to be members of the banned Islamic opposition in Uzbekistan crossed into Kyrgyz territory from neighbouring Tajikistan, reportedly on their way to Uzbekistan. They took several hostages, including four Japanese nationals, and declared a *jihad* (holy war) on Uzbekistan. After two months of a military stand-off the hostages were released. One hostage was reportedly killed by his abductors.

(update to AI Index: EUR 01/02/99)

The Kyrgyz Committee for Human Rights (KCHR) finally gained re-registration in August, following international protests and intervention by the Organization for Security and Co-operation in Europe (OSCE). The Ministry of Justice had revoked the KCHR's registration in September 1998, amid allegations that the timing was politically motivated. Although the KCHR submitted new documentation, it was informed in May that a public association of the same name but under a different chairman had been registered the previous month. Members of the original KCHR believed that this was an attempt by the authorities to prevent a well-known human rights organization from carrying out its work.

### ***UN Committee against Torture reviews Kyrgyzstan's first report***

On 16, 17 and 18 November the UN Committee against Torture reviewed Kyrgyzstan's first report on steps the country had taken to implement the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee noted several positive aspects, and the difficulties associated with problems of transition. However, it expressed concern about a number of points including the absence of a definition of torture as provided for by Article 1 of the Convention in penal legislation; the

*AI Index: EUR 01/01/00*

numerous and continuing reports of allegations of torture and other cruel, inhuman or degrading treatment (sometimes including children) by law enforcement personnel; an apparent failure generally to provide a prompt, impartial and full investigation into allegations of torture and ill-treatment, as well as the failure generally to prosecute, where appropriate, the alleged perpetrators; the insufficient guarantees for independence of the judiciary, particularly in respect of renewable term appointments made by the President; and the use of amnesty laws that might extend to torture in some cases.

The Committee's recommendations included amending penal legislation to include the crime of torture, which would be consistent with the convention's definition and supported by an adequate penalty; taking all necessary steps to prevent acts of torture and ill-treatment by law enforcement officials, to ensure the prosecution of those responsible and to exclude torture from the reach of amnesty laws; taking urgent steps to ensure the independence of the judiciary; taking measures to improve prison conditions; considering the **The death penalty**

According to a non-governmental source, 20 people were sentenced to death in Kyrgyzstan during 1999. By the end of the period under review two of these had had their petitions for clemency turned down, and decisions were still pending on the other 18 cases. About 60 people were said to be on death row at the end of the year. A moratorium on executions has been in place since 1998.

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## LATVIA

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### **Conscientious Objectors**

Amnesty International learned of the cases of two Latvian citizens who have refused to serve in the Latvian army on grounds of conscience. Romans Nemiro and Vladimirs Gamajunovs, who is a minister, were drafted on 14 January and 16 February respectively by the Military Conscription Centre. Both men made appeals against their conscription to the Military Conscription Control Commission on the basis that serving in the military would conflict with their conscientiously held

abolition of the death penalty; and making relevant declarations under the convention to allow the Committee to examine complaints by individuals or other states parties.

### **Restrictions on freedom of the press**

Despite an amendment to the constitution guaranteeing freedom of the press, the independent media continued to be harassed by Kyrgyz authorities, including being sued for libel and tax evasion or other administrative offences. In August, for example, tax police raided the offices of the largest daily independent newspaper *Vechny Bishkek* (Bishkek Evening News), allegedly without a proper search warrant, and threatened to arrest its editor-in-chief, Aleksandr Kim, whom they accused of tax evasion. This was seen as an attempt by the government to silence any criticism in the run-up to elections. The newspaper had recently published interviews with opposition politicians.

beliefs as Jehovah's Witnesses. However, the Military Conscription Control Commission rejected their appeals.

According to Amnesty International's information, a law on military service was adopted in February 1997 which did not contain a provision which would allow conscientious objectors to undertake an alternative civilian service. The organization originally wrote to the Latvian authorities in December 1996 expressing its concern that the law on military service did not contain such provisions. Amnesty International once again urged the Latvian authorities in September to introduce an alternative civilian service of non-punitive length.

The Latvian parliament (*Saeima*) adopted a change to the law on military service on 20 December, which exempted priests and ministers of religious organizations registered with the Ministry of Justice from military service. However, the Saeima narrowly rejected an initiative to exempt all conscientious objectors from military service. While this change will exempt Vladimirs Gamajunovs, Romans Nemiro may still face imprisonment. Amnesty International has been

informed that there are currently other young men in Latvia who are refusing to serve in the military on grounds of conscience. The organization has informed the Latvian authorities that it will adopt as prisoners of conscience anyone who is imprisoned for refusing to perform military service on grounds of conscience, provided they have not had access to an alternative civil service that is not punitive in length, is of purely civilian character and under civilian control.

## **MOLDOVA**

Accusations of corruption, nepotism, abuse of power, official hindering of investigations, and of links with organized crime were exchanged between senior members of parliament, prosecutors, and police officials, and threatened to undermine the stability of the law enforcement structures. Prosecutor-General Valeriu Catana resigned in July before parliament could debate a report by its Committee for National Security and Public Order, which reportedly criticized his links with the activities of parliamentary chairman Dumitru Diacov, whose brother Ion Diacov he had appointed as the city prosecutor of Chi\_in\_u. The chief of the Interior Ministry's Department Against Organized Crime and Corruption, General Nicolae Alexei, who was widely regarded as a committed opponent of organized crime, was dismissed from his post in September, and in November was

### ***Alleged torture and police "protection rackets"***

Laws which gave police officers wide powers of administrative detention created circumstances which allowed torture to take place. There were allegations that a reported case of torture in police detention was a manifestation of a mafia-like 'protection racket' which aimed to extort money from the business community, and which was orchestrated by allegedly corrupt figures in the senior hierarchy of the law enforcement structures.

indicted on charges of abusing his office, which carried a prison sentence of five to 12 years. He was reinstated in his post with the rank of Deputy Minister of the Interior in the new government of Dumitru Braghi\_ in December.

Police officers reportedly often resorted to using powers of detention available to them under the Code of Administrative Sanctions to detain people for "outrage", a refusal to obey the authority of police officers, and other administrative infractions, in order to circumvent recent modifications made to the Penal Procedure Code which brought it into accord with Article 5 of the European Convention for Protection of Human Rights and Fundamental Freedoms, guaranteeing the right to liberty and security of person. Police officers were able to detain people under some administrative provisions for periods of up to 10 or 15 days, or under

others for up to a month with the sanction of a prosecutor. The police were not obliged to allow people detained under the administrative provisions access to a lawyer. According to the Moldovan Helsinki Committee for Human Rights, it has become a common police practice to detain a person on an administrative ground and then to "work on" a penal accusation against him during the period of detention. A reported lack of a rigorous system of registering detainees at detention facilities, and discretion in the choice of a detention facility reportedly allowed to police officers when making an arrest sanctioned by a judge, encouraged some police officers to use unlawful methods of interrogation, sometimes outside official detention facilities in some "special private places", according to the assessment of the Moldovan Helsinki Committee for Human Rights.

Andrey Ro\_ca, a production manager in a Moldovan-French joint venture company, was detained by police officers in Chi\_in\_u on 14 July and allegedly threatened with death and tortured over two or three days with beatings, electric shocks, and blocking of his air-intake when they forced him to wear a gas mask. Following this alleged torture, he signed a statement about involvement in a car-stealing scheme. His brother Leonid, the joint venture company's director, made inquiries in several police departments over the following three days, but police failed to inform him about Andrey Ro\_ca's whereabouts. Reportedly, the police neither formalised nor registered his detention over the first three days. They reportedly attempted to legalise the arrest at one Chi\_in\_u district court, and when this was refused, instead of releasing Andrey Ro\_ca they transferred him to detention in the outlying suburb of Ciocana. There they reportedly formalised his arrest on 16 July on an administrative ground, on the basis that he had allegedly been drunk and disobeyed police officers. The police

officially divulged his whereabouts and arranged for his brother Leonid Ro\_ca to visit him in detention only on Saturday 17 July. Leonid Ro\_ca was able to engage a lawyer for his brother from Monday 19 July, yet at no time during his detention was Andrey Ro\_ca allowed to meet the lawyer. Police officers allegedly tried to dissuade him from using a lawyer on the ground that he did not need one since there was no criminal charge against him. The lawyer secured a court decision ordering Andrey Ro\_ca's release on 22 July, yet a Chi\_in\_u police

commissioner<sup>2</sup> reportedly attempted to frustrate the release with delaying

The alleged “protection racket” motive behind the detention and alleged torture of Andrey Ro\_ca was reportedly revealed by the following exchanges. During the first day of Andrey Ro\_ca’s detention, during his transfer to the Ciocana suburb police station, where he was subsequently allegedly tortured, police officer P. I.<sup>3</sup> asked him: “How much money do you have?”; “Do you have access to money?”; and “Who of your close relations has money?” A senior officer of the Chi\_in\_u municipal criminal police<sup>4</sup> then visited Andrey Ro\_ca while he was undergoing alleged torture in Ciocana police station and reportedly proposed that he should personally assume “protection” of the Ro\_cas’ joint venture company. When Leonid Ro\_ca was allowed to visit his brother in detention on 17 July a police officer is reported to have told them that he had checked the joint venture company’s accounts, and had not seen much money there. He reportedly demanded to know where they kept

tactics, and by secretly changing Andrey Ro\_ca’s place of detention.

additional money. Two days after Andrey Ro\_ca’s release, when Leonid Ro\_ca attempted to recover his brother’s identity documents and his company papers from the Chi\_in\_u central police headquarters, a police officer spoke to him roughly and told him that the same senior officer of the Chi\_in\_u municipal criminal police who had visited Andrey Ro\_ca in detention wished to speak to him, implying that the discussion would be about “protection”.

Criminal complaints about the arbitrary detention and alleged torture were filed by Andrey and Leonid Ro\_ca. The investigation was delegated to the City Prosecutor’s Office of Chi\_in\_u. Reportedly, City Prosecutor Ion Diacov invited Leonid Ro\_ca to his office on 28 July. The aforementioned Chi\_in\_u police commissioner was there, and he reportedly spoke to Leonid Ro\_ca in an intimidating manner, reminding him that they lived in the same city and that sooner or later Leonid Ro\_ca would have problems and be in need of his

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<sup>2</sup> The Chi\_in\_u police commissioner’s name is known to Amnesty International

<sup>3</sup> The police officer’s name is known to

Amnesty International

<sup>4</sup> The senior officer’s name is known to Amnesty International

protection. City Prosecutor Diacov reportedly criticized Leonid Ro\_ca for independently arranging a medical examination of Andrey Ro\_ca for signs of torture, and said that this was the prerogative of a prosecutor or a court. Allegedly, subsequent intimidation and harassment of Andrey Ro\_ca and his family took the following form. From 21 September Andrey Ro\_ca and his young daughter were allegedly followed for three successive days when he took her to school in the mornings. A group of men in plainclothes was reportedly directed by a woman in a car with darkened windows. The woman was reportedly recognized as an official of the City Prosecutor's office. On the third day Leonid Ro\_ca succeeded in taking a photograph of one of the plainclothes men. Andrey Ro\_ca reportedly showed this photograph to the police investigator who was investigating him in regard to alleged car thefts. The investigator appeared to recognize the man in the photograph and later the same day the investigator reportedly told Andrey Ro\_ca that the aforementioned Chi\_in\_u police commissioner had just requested to

Although the identity of the people who detained Cevat Soysal in Moldova remains unclear Amnesty International has received reports which

personally take over the investigation of the car stealing allegations against Andrey Ro\_ca. On 25 November the same car and an enlarged group of plainclothes men reappeared twice, following Andrey Ro\_ca and his daughter on the journey to and from her school.

### **Refoulement**

Amnesty International called upon the Moldovan authorities to initiate a prompt, thorough and impartial investigation into all the circumstances in which Cevat Soysal, allegedly a high-ranking member of the Kurdistan Workers' Party (PKK), was in July forcibly removed to Turkey, where he was reportedly tortured. Cevat Soysal travelled to Chi\_in\_u from Amsterdam on 2 July. He went missing in Chi\_in\_u in the evening of 13 July, failing to return after going out to make a call from a telephone on the street. On 22 July the Turkish authorities announced the capture of Cevat Soysal, stating that he had been brought to Turkey from a European country.

According to information received by Amnesty International, Cevat Soysal was previously tortured in detention in Turkey in 1979. He was granted political asylum in Germany in 1997. After his forcible return in July from Moldova to Turkey, in August he was detained under charges of treason and separatism, which carry the death penalty. During Cevat Soysal's ongoing detention in Turkey he has reportedly been tortured with electric shocks applied to various parts of the body; hung by the arms; forced to lie naked on ice; sprayed with pressurized water; forced to take a drug, the content of which was unknown to him; beaten; and placed in a cell so tiny that he could not move or sit down, where water was dripped on his head.

suggest that the Moldovan authorities may have played a role in his detention and *refoulement*. An officer of the Ministry of National Security



reportedly stated that the Ministry's officers arrested Cevat Soysal. Independently of this report, Cevat Soysal stated that he assumed the group of plainclothes men who detained him in Chi\_in\_u were Moldovan police or national security officers. The Moldovan authorities have denied any involvement in Cevat Soysal's detention, and Turkish Prime Minister Bulent Ecevit stated in July that Turkey acted alone.

According to Cevat Soysal's account, a group of about six men apprehended him while he was making a telephone call on the street in Chi\_in\_u at 8pm on 13 July. They placed a bag over his head and put him into a minibus. They apparently tried to obscure their identity by saying little, and, when they did speak, by doing so in broken, bad English. The minibus drive lasted about one and a half hours before they arrived at a military type airport, where Cevat Soysal was able to note that helicopters were frequently landing and taking off. At this airport Cevat Soysal was handed over to men who greeted him in Turkish, took him aboard an aeroplane and flew him to Turkey.

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## POLAND

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### **UN Human Rights Committee**

The Committee met in July to consider Poland's fourth periodic report on fulfilment of its obligations under the International Covenant for Civil and Political Rights. The Committee was concerned about numerous forms of discrimination against women, including discriminatory restrictions on women's access to reproductive health care. The Committee also expressed concern at the lack of an independent system of supervision to address abuses of human rights by police officers and prison officers, and to monitor prison conditions. The Committee called upon the authorities to adopt firm measures to eradicate a practice reported to persist in the army, in which new recruits are subjected to abuse and humiliation.

### **Council of Europe**

The new law amends the length of alternative service from 24 to 21 months. It also reduces the length of military service from 18 to 12 months. Thus the length of alternative service is

In November Poland consolidated its abolition of the death penalty in September 1998 by signing Protocol No. 6 to the European Convention. The Protocol is a treaty under which states bind themselves to abolish the death penalty. By signing the treaty Poland bound itself not to do anything contrary to the treaty's object and purpose, pending ratification of the treaty.

### **Conscientious objection**

Twenty-three-year-old Marcin Petke from Kartuzy was released from prison after serving a six-month sentence, which began on 29 January, for refusing to perform military service under Article 230 of Law number 2 of 21 November 1967 on the Obligation to Defend the Republic of Poland. His application to perform alternative service was rejected on the grounds that the Roman Catholic religion does not constitute sufficient grounds for conscientious objection to military service.

Amnesty International considered Marcin Petke to be a prisoner of conscience and called on the Polish authorities not to imprison him and to allow him to perform alternative service.

### **Background:**

In May the Law Amending the Law on the Obligation to Defend the Republic of Poland and the Law on Soldiers' Wages (*Projekt ustawa o zmianie ustawy o powszechnym obowiazku obrony Rzeczypospolitej Polskiej oraz o zmianie ustawy o uposazeniu o nierzy*) came into force. This law includes provisions concerning alternative service to military service.

Amnesty International is concerned that certain provisions of the new law are at variance with internationally recognized principles on conscientious objection. The organization is also concerned that the new law did not propose amendments to the provisions of the law in force which are at variance with the international principles.

almost twice the length of military service. Amnesty International believes that the length of alternative service should not be such as to constitute a punishment for a person's

conscientiously held conviction. Recommendation No. R (87) 8 of the Committee of Ministers to Member States of the Council of Europe (hereafter referred to as the 1987 Council of Europe Recommendation) emphasizes that alternative service "shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits". The United Nations Commission on Human Rights (CHR) in its Resolution 1989/59 of 8 March 1989 (reaffirmed in its Resolution 1993/84 of 10 March 1993) also states that alternative service should not be of a punitive nature.

The provisions of Article 190 of the Law on the Obligation to Defend the Republic of Poland limit the time period for the submission of the application for alternative service to "the time of receiving a call-up order for military service". By imposing a time limit for the submission of an application for alternative service, the law effectively disqualifies from alternative service all those people who develop a conscientious objection to military service after the call-up and induction into the armed forces, or even after completing armed service, when people are obliged to carry out armed service in the reserve units. The new law has not amended these provisions. The need for national legislation to recognize that a person's conscientiously-held beliefs may change over time has been recognised in Resolution 84/93 on Conscientious Objection to Military Service, adopted by the United Nations Commission on Human Rights on 10 March 1993. This resolution calls for "minimum guarantees to ensure that...conscientious objector status can be applied for at any time...".

Jorge Simões stated in a judicial complaint that he had been arrested in May at Aguada de Baixo by two NIC officers, who suspected him of possessing drugs. He was taken to the GNR post and was allegedly pressured to sign a statement

<sup>5</sup>According to Article 23: "The police officer who witnesses acts of violence against or inhuman and degrading treatment of a detainee must put an end to them and report them immediately to his superior". IGAI

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## PORTUGAL

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### ***Police investigation unit accused of ill-treatment***

In August an infantry sergeant of the Territorial Group of Aveiro of the National Republican Guard (GNR) claimed that he had been transferred from his post and a disciplinary inquiry had been opened against him after he had reported three officers of a GNR unit for ill-treatment of detainees. The GNR sergeant, who had been stationed at the post of Anadia (Aveiro) between 1981 and July 1999, had reported three officers of the Criminal Investigation Unit (NIC) of the GNR to their superior officer for ill-treatment of detainees and various irregularities. He said he had reported the officers for failing to act in conformity with Article 23 of the new Regulations on the Material Conditions of Detention in Police Establishments, which came into force in May (AI Index: EUR 01/02/99).<sup>5</sup> He illustrated his concerns with four cases that had taken place between May and July, including those of Eduardo Gabriel Ferreira Moreira and Jorge Manuel da Conceição Simões.

According to his report, he was approached on his return to duty at the post, on the evening of 25 June, by Gabriel Moreira, who asked him why he had been arrested. The detainee claimed to have been arrested at midday and held at the post without knowing why. He said he had not been given anything to eat or drink and urgently needed access to the medication he had been prescribed for his drug dependency. As in other cases mentioned, no record had been made of his arrest and detention. The sergeant ordered that he be given some refreshment.

confessing that he had gone to obtain heroin from a Rom camp at Aguada de Baixo. He claimed that when he refused to sign the statement he was beaten on the head and chest by one of the officers and received subsequent medical treatment at Anadia

must also be told without delay.

district hospital. Later, two officers visited his workplace and told his employers that he had stolen to feed a drug habit. As a result he lost his job. Jorge Simões claimed he had not taken drugs since February 1998.

In November the General Inspectorate of Internal Administration (IGAI) informed Amnesty International that IGAI had opened an inquiry into the GNR sergeant's allegations, and that these were still pending. The inquiry would investigate not only the concrete cases mentioned by the officer but the entire functioning of the Criminal Investigation Unit, in view of reports of ill-treatment and illegal arrests. IGAI added that it had been informed that the disciplinary inquiry opened against the sergeant was not connected with the allegations he had made.

#### ***Alleged ill-treatment during illegal detention***

In October Amnesty International also asked IGAI for information about a case of alleged ill-treatment during illegal detention. Marco Fernandes claimed that between 23 and 24 September he had been approached by officers of the Public Security Police (PSP) while standing with friends in a street in a poor area of Câmara de Lobos (Madeira). The 19-year-old youth, apparently already known to local police officers for a history of petty crime and drug-dependency, tried to flee from the officers but was caught and reportedly beaten around the head with a police radio, later found broken nearby. Reports claim that he was then put into a PSP patrol car and taken to Cape Girão, a high promontory overlooking the sea. His head was covered and he was told he was going to be thrown over the cliff edge. He was then forced to crawl back to the car. Ordered to keep his head out of the window to prevent blood soiling the car seat, and to keep the

*Case of alleged torture at Sintra police station (AI Index: EUR 01/01/99):* Judicial proceedings at the Criminal Court of Sintra were continuing into allegations that a PSP officer at Sintra station had administered electric shocks to detainees in 1996. One of the alleged victims was Francisco Mendonça Torres. Disciplinary proceedings carried out by the PSP General Command concluded with the expulsion of the officer from the force and two other officers were subjected to disciplinary

car door ajar, he was next driven to Ribeira dos Socorridos and when he began to scream, claimed he was almost strangled with a piece of iron, beaten on the head with it and kicked in the mouth and stomach. He was finally left to make his way home on foot. He went with his mother to the accident and emergency department of the Cruz de Carvalho Hospital in Funchal and afterwards lodged a judicial complaint at the local PSP station.

IGAI informed Amnesty International that the Regional Command of the PSP of Madeira had immediately opened an inquiry into the conduct of the police officers and that disciplinary proceedings were still under way. It confirmed that a judicial complaint had been lodged with the Court of Funchal.

#### ***Alleged ill-treatment and use of lethal force: Case updates***

A number of cases of alleged ill-treatment by police officers, of illegal detention or of use of excessive force leading to death, had not concluded by the end of the year and some were still open after several years. They included the following:

*Olívio Almada (AI Index: EUR 01/01/97 and EUR 01/01/99):* According to IGAI, disciplinary proceedings by the General Command of the PSP were still continuing into the conduct of police officers, alleged to have illegally detained Olívio Almada on the night of his death in 1996. The trial of the officers on charges connected with illegal conduct - (the last people known to have seen him alive, they had allegedly arrested the young Cape Verdean and driven him away without registering his arrest at a police station) - was due to take place at the end of November.

measures.

*Manuel Magalães Silva (AI Index: EUR 01/02/99):* Judicial proceedings were continuing into the circumstances of the death of the above, who was shot in December 1998 while trying to escape arrest by PSP officers of the Anti-Crime Brigade (BAC) in the context of an operation against drug trafficking. Amnesty International was concerned that the shooting may not have been justified by

arguments of legitimate defence. Internal disciplinary proceedings concluded that the officer who had fired the shots at Manuel Silva had acted with excessive force and he was suspended from duty. Judicial proceedings in another police shooting case, that of Fernando Azevedo (AI Index: EUR 01/01/99), who was shot dead in Oporto in July 1998 in the course of a routine operation by the Transit Division of the PSP, were continuing by the end of the year. However, an internal disciplinary inquiry concluded that the police officer who fired the fatal shot was not at fault.

*Pedro Sousa (AI Index: EUR 01/02/99):* Pedro Sousa claimed he had been punched, kicked, kneed and insulted at a police station in Lisbon after being arrested during a "Reclaim the Streets" festival in January 1999. In September the Ombudsman for Justice asked IGAI to reopen the inquiry because he did not believe it had been sufficiently thorough. He reportedly stated that some witnesses had not been heard and therefore could not be disciplined or prosecuted. After approaching the Portuguese authorities about the case, Amnesty International was told that the IGAI inquiry had indeed concluded that Pedro Sousa's allegations were well-founded but that it had not been possible to determine the number of officers who had been involved in the incident or to positively identify the officers. IGAI had concluded that it could not do any more, but after the Ombudsman's intervention, asked the *Direcção Nacional* of the PSP to re-investigate. By the end of the year no further information was forthcoming.

IGAI added that it had established that A new case of alleged ill-treatment by police highlighted concerns expressed by the UN Human Rights Committee in July about inadequate legal and procedural safeguards against instances of the police extracting "confessions" from detainees by the use of torture. A broad package of reforms to the Penal Code, Penal Procedure Code and laws governing the police proposed by the authorities in September failed to include legislation urged by the UN Human Rights Committee to place the burden on the authorities of proving that "confessions" obtained in police custody were made voluntarily, and to invalidate "confessions" obtained by unlawful means.

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another participant in the "Reclaim the Streets" event, Pedro Azevedo e Silva, had been injured as a result of police violence. In this case the officer involved had been identified and internal disciplinary proceedings were under way.

### **Pinheiro da Cruz**

Amnesty International continued to receive allegations of ill-treatment by prisoners. António Palma, a prisoner at Pinheiro da Cruz, who was undergoing psychiatric treatment, was allegedly beaten by guards on 20 August when he refused to be locked into his cell at the end of the day. A group of between eight and 10 guards, accompanied by two dogs and armed with batons and a riot shield, reportedly beat him to the ground, leaving weals across his back. He was taken to the prison infirmary and injected with medication, apparently against his will. On 25 August he was reportedly taken to the psychiatric clinic of Caxias prison. The allegations expressed concern that the number of guards and the dogs and equipment brought in to subdue the prisoner amounted to a use of disproportionate force. The prison service, the *Direcção-Geral dos Serviços Prisionais* (DGSP) reportedly stated that, on the contrary, the use of force was proportional to the situation. However, an inquiry was opened.

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## **ROMANIA**

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### ***Alleged ill-treatment by police to extract "confessions"***

On 11 March Petrie Ilie, Gheorghe Nedelcu and Victor Gheorghe voluntarily went to Buftea police station to give statements regarding a robbery of a consignment of coffee on 4 March. They had reportedly heard that the police suspected them of involvement, yet they claimed to be innocent and intended to clear themselves of suspicion. The three men were reportedly making their statements at Buftea police station when several police officers from the Ilfov County Police Inspectorate arrived. Allegedly, these officers brutally beat Petrie Ilie, Gheorghe Nedelcu and Victor Gheorghe, injuring their heads and legs in particular, and breaking some of their teeth.

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Witnesses present in the police station, and in the street outside are reported to have heard the three men screaming, and also the sound of broken glass, when Petrie Ilie reportedly threw himself at a window in protest against the brutal treatment. The officers from the Ilfov County Police Inspectorate allegedly tore the initial written statements of Petrie Ilie, Gheorghe Nedelcu and Victor Gheorghe to pieces, forced them to write new statements which they dictated to them, and refused their request for a lawyer. Some officers of Buftea police station are reported to have eventually intervened to prevent more beatings by the Ilfov County Inspectorate officers, and they transferred Petrie Ilie, Gheorghe Nedelcu and Victor Gheorghe to the Bucharest police lock-up after cleaning them of blood.

Petrie Ilie, Gheorghe Nedelcu and Victor Gheorghe were detained in the Bucharest police lock-up for one and a half months and then released. During their detention they were visited several times by a prosecutor and by one of the police officers who had allegedly beaten them at Buftea police station. Petrie Ilie and Gheorghe Nedelcu reportedly went on a hunger strike for 11 or 12 days to protest their innocence, and submitted a complaint to the chief of the Bucharest police lock-up about their situation, including their ill-treatment at Buftea police station. It is unclear whether the complaint was forwarded to the competent authorities. Although the three men should have been medically examined within 24 hours of their arrest and detention, a doctor reportedly examined them only several days after their arrival at the Bucharest police lock-up. He did not prescribe any

On 27 October a law enforcement officer shot dead Radu Marian, a 40-year-old Romani man, and wounded two of his companions, as they fled from a detachment of police officers and Ministry of Interior special forces, who were conducting an operation to apprehend a group of suspected cigarette smugglers in the Giule\_tî district of Bucharest. Most of the group of suspects reportedly surrendered when the police and special forces detachment confronted them, but Radu Marian was one of three who attempted to run away. The law enforcement officers fired shots at the three men. Radu Marian was hit by a bullet which entered the back of his head and he died instantly.

treatment for their injuries or take any action, although Petrie Ilie in particular still had very clear signs of injury to his head and legs when interviewed on 25 May by *Asocia\_ia Pentru Ap\_rarea Drepturilor Omului - Comitetul Helsinki* (Association for the Defence of Human Rights - Helsinki Committee, APADOR-CH), over two months later.

### ***Excessive use of firearms by police***

In July the UN Human Rights Committee expressed concern about continued reports of police officers using firearms, particularly against children involved in minor criminal offences. The Committee called for the use of firearms by the police to be closely regulated to prevent violations of the right to life and personal security. The Law on the Organization and Functioning of the Police allows police officers to shoot at people suspected of committing a crime if attempting to escape, even if they are not presenting any immediate danger. This is incompatible with international standards, such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which allow the use of firearms only in self-defence or the defence of others against the imminent threat of death or serious injury. Disappointingly, a proposed reform to the law governing use of firearms by the police, presented to parliament by the authorities in September, failed to accord with international standards.

### ***UN Human Rights Committee***

In July the UN Human Rights Committee considered Romania's fourth periodic report on its fulfilment of obligations under the International Covenant on Civil and Political Rights (ICCPR). Amnesty International prepared a detailed briefing document for the Committee beforehand. At the 20 July session in Geneva the Committee members referred with concern to many cases of police ill-treatment, particularly of Roma, which had been brought to their attention by NGOs, including Amnesty International, where the response of the

Romanian authorities had ranged through failure to investigate, vilification of alleged victims, and making false charges against alleged victims. One Committee member stated that the aggregated reports from NGOs painted a picture of a serious problem of police brutality.

The Committee was concerned that under Romanian law prosecutors have the power to detain people on remand. This is incompatible with Article 9 (3) of the ICCPR, which stipulates that "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power". In response the Romanian delegation initially argued that a recent modification in Romanian law redefined prosecutors as officers exercising judicial functions for the purposes of Article 9 (3). This brought a sharp retort from a member of the Committee, who stated that compliance with this article of the ICCPR could not be achieved simply by a deft change of nomenclature, and that prosecutors do not exercise judicial functions, but prosecutorial functions. He concluded: "You had better change this law, and quickly". The Romanian delegation later concurred, elsewhere commenting that it was difficult to dismantle the institution of the prosecutor quickly, since it had multiple roles in Romania's pre-transition judicial system, in which it exercised oversight and control of pre-trial detention.

The Romanian delegation's responses to the concern raised by the Committee that the police allegedly do not inform detainees of their rights and

In its published conclusions the Committee urged, *inter alia*, greater efforts to protect and rehabilitate street children and abandoned children; steps to counter discrimination against Roma and against women; action in legislation and practice to protect women against domestic violence; the establishment of a legal framework to define the role of the security forces and to ensure effective civilian control over them. The Committee expressed concern about powers exercised by the Ministry of Justice which threaten the independence of the judiciary; the extent of pre-trial detention and lack of procedural safeguards for those deprived of their liberty; overcrowding and poor conditions in prisons; laws on defamation

that defence counsel are not appointed immediately on arrest demonstrated a worrying lack of clarity over the laws and practice governing the 24-hour period in which, under Romanian law, the police are allowed to detain a person they have arrested before he or she is either released or pre-trial detention is ordered by a prosecutor. A member of the Committee expressed disquiet that the Romanian delegation was unable to provide clear, written answers to what were straightforward technical questions. The Romanian delegation conceded that there are gaps in the legislation covering arrest and detention by the police. It was not clear whether the power of administrative detention for up to 24 hours, additionally available to the police under Article 16 b) of Law No. 26/1994 on the Organization and Functioning of the Romanian Police, effectively allows the police to deploy two contiguous 24-hour periods of detention upon a detainee. The latter law permits police to take to a police station and detain anyone they suspect of acts which endanger public order, human lives, or other social values, in order to establish their identity. The Romanian delegation nevertheless claimed that it is not a practice to take people to the police station as a preventive measure, and only people who are about to be arrested for an offence are taken to the police station under this power. The delegation further insisted that detaining anyone for even one minute without a warrant or a charge is a violation of Romanian law, and that the police have an obligation immediately to inform someone they have arrested of the reasons for the arrest.

which unduly limit freedom of expression and of the press; restrictions upon the right to conscientious objection; and Article 200, paragraph one, of the Penal Code, which restricts privacy by penalising homosexual relations between consenting adults.

### **Proposed reforms**

In September the government proposed a broad package of legal reforms to the Penal Code, the Penal Procedure Code, and other laws regulating the police and prisons, but parliament had not passed it into law by the end of the year. Although welcome, the package went only some way towards

meeting recommendations from intergovernmental and non-governmental organizations.

The proposed reforms included the complete demilitarization of the police and the abolition of a Penal Code article stipulating prison sentences for those convicted of verbal "outrage" against public officials, which has been commonly used to harass those complaining of ill-treatment in police custody. The package also included the abolition of Article 200 of the Penal Code, which prohibits homosexual relations between consenting adults "if the act was committed in public or has produced public scandal" and condemned anyone enticing or seducing a person to practise same-sex acts, or anyone who publicly promoted homosexuality or formed associations for that purpose, to a maximum prison sentence of five years.

Proposed changes to Penal Code articles 205, 206, and 238 governing freedom of expression were half-hearted. The crime of "offence to authority" would be abolished and the penalty for "insult" would be reduced from a prison sentence to a fine. The penalty of a fine or a prison sentence, albeit reduced from the previous maximum of three years, would be retained for libel offences. The UN Human Rights Committee called for the repeal or modification of all three articles.

Proposed amendments to legislation governing arrest and detention procedures would In August the Committee discussed Romania's 12th to 15th periodic reports on fulfilment of its responsibilities under the International Convention on the Elimination of all Forms of Racial Discrimination. The Committee noted the establishment of a National Office for Roma in 1997 as a positive step, but expressed concern about the continuing disadvantaged situation of Roma. It also expressed concern about the inadequate nature of legislation used to punish and prohibit racial discrimination, the act of forming or belonging to racist organizations, and continuing expressions of xenophobic attitudes and racial prejudice in the mass media, which have been directed against the Roma minority in particular.

### **European Union**

In its annual progress report on countries seeking

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bring the system of authorizing pre-trial detention into accord with the International Covenant on Civil and Political Rights (ICCPR), which stipulates that a judge or judicial officer should perform this role. The existing function of prosecutors in ordering pre-trial detention of up to 30 days would be assumed by examining magistrates.

### **UN Special Rapporteur on torture**

The Special Rapporteur published a report in November on his April visit to Romania to inspect police lock-ups and prisons. He concluded that there were "persistent, albeit sporadic, cases of police abuse", that ill-treatment by police was a more serious problem in rural communities, and that Roma were at a higher risk than others. He noted that most reported ill-treatment occurred in the first 24 hours in detention and proposed additional controls to protect detainees during this period. He called for urgent measures to reduce "gross overcrowding" in prisons and commented that "no State has the right to subject persons to these conditions".

### **UN Committee for the Elimination of Racial Discrimination**

accession to the European Union (EU), issued in October, the European Commission urged Romania to end discrimination against Roma and to establish better protection for the estimated 100,000 children in institutional care. Increased budgetary provision to meet the second aim and the establishment of a central child protection agency were set as preconditions for accession negotiations. In December Romania was invited to begin negotiations for EU accession.

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## **RUSSIAN FEDERATION**

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(See also *Women in Europe*, page 95 and *Children in Europe*, page 99)

### **Prisoners of conscience**

*AI Index: EUR 01/01/00*

**The case of Aleksandr Nikitin** (update to AI Index: EUR 01/02/99)

On 29 December the St Petersburg City Court acquitted Aleksandr Nikitin on all charges, following a trial on charges of treason and revealing state secrets. Judge Sergey Golets, referring to the final part of the text of the verdict, the Russian Constitution and the European Convention on Human Rights, announced that Aleksandr Nikitin was being acquitted of the charges against him, because his activities did not amount to a crime. The order confining him to the city of St Petersburg pending trial was lifted. It was ordered that two computers which were confiscated from Aleksandr Nikitin during a search be returned to the Bellona Foundation. The St Petersburg Office of the Procurator announced that it intended to appeal to the Supreme Court against the ruling of the City Court.

On 2 July the Federal Security Services (FSB) had issued an indictment charging Aleksandr Nikitin for the eighth successive time with high treason and revealing state secrets. The case had been sent to the FSB for additional investigation in February by the ruling of the Supreme Court of the Russian Federation. The Supreme Court confirmed the earlier ruling of the St Petersburg City Court that the indictment was vague, the expert evaluation of the "state secrets" in the Bellona Report was

Since his detention in November 1997, Amnesty International has maintained that Grigory Pasko's only "crime" was peacefully exercising his right to freedom of expression by reporting on the Russian Navy's illegal dumping of nuclear waste in the Sea of Japan. The organization continued to call for an independent review of his conviction by a higher court, and for the charges of "abuse of office" to be dropped. Withholding information about the condition of the environment or on incidents or catastrophes which endanger human life -- precisely the kind of information Grigory Pasko revealed -- violates the Russian Constitution, and is a crime under the Russian Criminal Code punishable by up to five years' imprisonment.

July's verdict followed a closed trial which began on 21 January 1999 and which raised serious questions about its fairness. The Federal Security

inconsistent, while the assessment of the damage caused by the actions of Aleksandr Nikitin to the security of the Russian Federation was incomprehensible.

**The case of Grigory Pasko** (update to AI Index: EUR 01/02/99)

On 20 July Amnesty International welcomed the release of journalist and prisoner of conscience Grigory Pasko, but stressed that justice would not be done until all remaining charges against him were dropped and he was fully acquitted. Grigory Pasko was released by the Russian Pacific Fleet military court in Vladivostok after it found that the prosecution lacked evidence to support the charges against him of espionage and revealing state secrets. The court also noted irregularities committed during the investigation and gathering of evidence. Yet instead of acquitting him, the court found Grigory Pasko guilty of "abuse of office" under Article 285, part 1, of the Russian Criminal Code, and sentenced him to the maximum term of three years' imprisonment.

Noting that this "abuse of office" had been facilitated by the negligence of Pacific Fleet officials, the court then immediately relieved Grigory Pasko of the obligation to serve the sentence, under the provisions of a recently adopted amnesty law for prisoners and detainees.

Services (FSB) classified the case a state secret, making it difficult for his lawyers to mount a proper defence. The composition of the military court also raised questions about its independence and impartiality. According to reports, the two "people's assessors" (lay judges who are not professionally trained) were officers of the coastal border guard troops. They were therefore under the command of the FSB, the body which brought charges of treason against Grigory Pasko.

He has appealed against the court's ruling and was awaiting a review at a higher court at the end of the year. The Russian military authorities had refused on several occasions to issue Grigory Pasko a passport for foreign travel and he was prevented from leaving the country.

**Allegations of torture and ill-treatment in**



**custody leading to the death penalty.**

During the period under review, Amnesty International received a reply from the authorities regarding a case of concern to the organization. The Arkhangelsk Regional Office of the Procurator wrote in a letter to Amnesty International, dated 25 October, regarding the case of Sergey Mikhailov, who was allegedly tortured and ill-treated in custody to make him confess to a crime for which he received the death penalty: "Please be informed that the investigation into the new information regarding the circumstances around the murder of Krasheninina (for which Sergey Mikhailov had been sentenced to death earlier) had been carried out by the Office of the Procurator of Vologda Region. Currently the case is with the Office of the Procurator General of the Russian Federation for a review."

There were reports that in November 1996 a similar murder occurred in Arkhangelsk Region and the police arrested Aleksandr Kozlov, who reportedly confessed to both murders. An investigation into the new circumstances was opened, which in July 1997 concluded that Sergey Mikhailov had been wrongly accused and sentenced for a crime which he had not committed. In 1998 the Office of the Procurator General initiated another investigation and appointed the Office of the Procurator of Vologda Region to carry it out. According to reports, on two occasions -- in October 1998 and in April 1999-- the Office of the Procurator General had sent back the conclusions of the investigation, reportedly classifying them as insufficient to overturn Sergey Mikhailov's conviction. Following the decision by President Yeltsin to grant clemency to all death penalty prisoners in June 1999, Sergey Mikhailov's sentence was replaced by 25 years' imprisonment. By the end of the year, Sergey Mikhailov had spent over five years in detention. He had reportedly tried to commit suicide on several occasions while in prison. Amnesty International continued to call for an investigation into the allegations that Sergey Mikhailov's confession had been obtained under torture and ill-treatment.

**Reported violations of human rights and international humanitarian law in the context**

Sergey Mikhailov was sentenced to death on 24 April 1995 by a court in Arkhangelsk Region for the rape and murder of a 10-year-old girl. He claimed that while in police custody over a period of 10 days in December 1994, he was subjected to torture and ill-treatment, including beatings, threats to be put in a "press-camera" to be raped and poorly fed, in order to force him to confess to the murder. (the "press-camera" is a method whereby prison officials use some prisoners to control and ill-treat other prisoners in the prison cell. "Press-camera" is used widely for obtaining a confession, or in cases of political prisoners, or simply "difficult" prisoners, who file complaints.) According to reports, Sergey Mikhailov was denied access to a lawyer while in police custody and he had eventually confessed to the murder. After he was granted access to a lawyer, he withdrew his confession and maintained his innocence.

**of the armed conflict in Chechnya. Persecution of ethnic Chechens by the police.**

Bombings in Moscow and two other Russian cities in September, which killed at least 292 people, were followed by a Russian military offensive in Chechnya and an intensified campaign of intimidation against Chechens in Moscow and elsewhere. Although no group claimed responsibility for the bombings, the Russian authorities blamed Islamic groups from Chechnya. The apparent disregard of international humanitarian law by Russian forces and the discriminatory manner in which Chechens were targeted by the authorities in Moscow and elsewhere, suggested that under the pretext of "fighting crime and terrorism" the government was involved in a campaign to punish an entire ethnic group.

No journalists or independent monitors were officially allowed by the Russian border guards through the only open border crossing between Chechnya and Ingushetia.

In November Amnesty International issued an Open Letter from the Secretary General of Amnesty International to the United Nations (UN), *Humanity is Indivisible*, (AI Index: EUR 46/38/99), in which the organization appealed to all members of the UN and the different UN bodies and agencies to take urgent steps to address the violations of

international humanitarian law in Chechnya and to ease the plight of the civilians who fled the conflict to neighbouring republics. This document was presented to the Secretary-General of the United Nations, Kofi Annan, by Amnesty International's Secretary General, Pierre Sané, on 2 November in New York during a meeting to discuss measures to remedy the situation for civilians in Chechnya.

In December, following a research mission to Moscow and to the border between Chechnya and Ingushetia to collect testimonies from victims and witnesses, Amnesty International published a report, *Russian Federation: Chechnya -- For the Motherland*, (AI Index: EUR 46/46/99), which outlined the organization's concern for the safety of civilians in Chechnya and about the persecution of ethnic Chechens by the police in Moscow. It also presented specific recommendations to both the Russian Government and the authorities in the Chechen Republic.

### ***Internally displaced people***

Some 200,000 people fled the fighting in Chechnya, about 168,000 of whom sought refuge in neighbouring Ingushetia. However, there were reports that a large number of the civilians attempting to seek safety outside the areas affected by the conflict were prevented from doing so, placing their lives at risk.

*According to reports on 3 December at least 40 civilians fleeing Grozny, as part of a civilian convoy, were killed by Russian special detachment*

Eyewitnesses and victims reported that Russian forces directly attacked civilians, including hospitals, medical personnel and vehicles clearly marked with the Red Cross emblem, causing high civilian casualties. Russian forces were also allegedly responsible for indiscriminate attacks. A number of incidents were reported in which civilian convoys carrying people fleeing the conflict, especially those travelling on the main road out of Chechnya towards Ingushetia, were subjected to bombing from the air or artillery shelling.

*On 21 October at around 5pm*

*("spetsnaz") troops. According to the seven survivors, interviewed in a hospital in Ingushetia, at 9am on 3 December about 50 civilians in a convoy consisting of seven cars and one bus were heading towards the border with Ingushetia. They had marked their vehicles with white flags. The convoy was stopped at a Russian checkpoint near the village of Goity, a few kilometres south of Grozny, by Russian troops wearing masks and camouflage uniforms. They checked the cars and then opened fire on the passengers at point-blank range. The bus caught fire and the passengers were burned. More than 40 civilians were killed. The seven who survived were wounded. They reached Ingushetia in one car, with shattered windows and bullet holes, as seen by journalists in front of the hospital in the village of Sleptsovskaya.*

### ***Abuses in armed conflict***

*there were a series of explosions in the central market of Grozny, a mosque and the only working maternity hospital in the city. At least 137 civilians were reported to have died and about 400 to have been wounded. The dead included 13 mothers and 15 newborn babies at the hospital and 41 people gathered for*

evening prayer in the mosque in the suburb of Grozny, Kalinina. Leila Migieva lost her left hand and leg when the bus in which she was travelling was hit by shrapnel as it passed the central market at the time of the attack. She was on her way home after buying groceries at the market. She told an Amnesty International representative who was visiting the hospital in the village of Galashki in Ingushetia on 13 November: "Many people died. Children among them. It was mostly women, children and old people, because these are the people mainly left in the town. The fighters never suffer; it's always the peaceful civilians. So many people died and so many people were like me; I am just a drop in the ocean. But even without a leg and a hand, I survived. Many didn't."

According to witnesses, there were legitimate military targets at the market - weapons being sold at several stalls in one corner of the market. However, even assuming that these weapons were indeed the target of the attack, the use by Russian forces of high explosive weapons in a market place crowded with civilians suggests that this attack was indiscriminate.

In September law enforcement officials and local authorities in Moscow and other big cities launched what appeared to be a massive intimidation campaign mainly targeting Chechens. The so-called "*propiska*" (residence permit) system, although legally abolished in 1991 in national law, continued to be enforced by the authorities in Moscow, St Petersburg and other

According to accounts collected by Amnesty International, women and men were subjected to "filtration" - they were separated from each other and their identity documents were checked at the border crossing with Ingushetia against computer data, which allegedly included information on suspected members of armed Chechen groups and their relatives. A number of men were reportedly detained following such checks. They were usually kept for some time in a detention place at the checkpoint and then taken to unidentified detention facilities, or so-called "filtration camps". Their relatives were not informed of their whereabouts.

Amnesty International did not know of any official confirmation of the existence of "filtration camps", but a number of sources alleged that at least one such camp exists in the town of Mozdok in the Republic of North Ossetia, bordering on Chechnya. Amnesty International was concerned that arbitrary detention of people in such camps, without access to their relatives, to lawyers, or to the outside world would facilitate the practice of torture and ill treatment.

There were allegations of human rights abuses by Chechen armed groups. Abuses reported included that Chechen armed groups had used civilians as "human shields", attacked villages which refused to allow them in, and had killed prisoners of war.

### ***Persecution of ethnic Chechens by the police***

Chechens and other people from the Caucasus reported that they were arbitrarily detained, ill-treated and tortured in Moscow and other parts of the Russian Federation. There were allegations that in some cases police fabricated criminal charges against them and planted drugs or weapons on them.

large cities. It enforces strict rules requiring prior official permission for residence. Migrants, internally displaced people or asylum-seekers who lacked residence permits were subjected to arbitrary detention and forcible expulsion by law enforcement officials. Verifying possession of a residence permit or registration appeared to be used by the authorities as a pretext to stop any person

who appeared to be from the Caucasus and detain them. Reports suggested that in Moscow in September alone up to 20,000 non-Muscovites were rounded up by police and some 10,000 expelled from the city. There were reports that Moscow law enforcement officials, including those working with the passport and visa department, had received verbal orders to detain and refuse registration to ethnic Chechens. There were a number of reports of torture and ill-treatment of Chechens and other people from the Caucasus by police.

Rezvan (not his real name), an ethnic Chechen and a resident of Ingushetia, had been undergoing medical treatment for two months at a Moscow hospital. In September he left the hospital to spend a weekend with relatives. Police officers arrived at the relatives' apartment and took Rezvan and a male relative to Police Department No. 38, where the two men were put into different cells. Police officers reportedly confiscated and destroyed all Rezvan's medicines and said: "You bandit, get treatment in Chechnya!" Rezvan was then handcuffed with his arms behind his back and hung from the ceiling by the handcuffs, while reportedly being beaten by two police officers. Following his release a medical examination concluded that two of Rezvan's ribs were broken, but the doctors refused to give him a medical certificate because he was not registered in Moscow.

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## SLOVAKIA

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### *Alleged ill-treatment of Roma*

Up to one hundred riot police equipped with guns and dogs arrived at the apartment blocks in which the Romani community of \_ehra settlement lives, between six and seven o'clock in the morning of Thursday 2 December. They sealed off all the apartment blocks and ordered hundreds of the inhabitants to vacate their apartments and stand outside the building under police guard. Others were compelled to remain inside their apartments. The Roma Mayor of \_ehra was among the hundreds of people whose movements were restricted by the police. During the operation police officers allegedly beat some of the Roma

In September the authorities published a paper entitled "Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority and the Set of Measures for Its Implementation". In the paper it was acknowledged that Romani communities do not enjoy the full protection of the law: "The practical application of human rights protection and protection of rights of persons belonging to national minorities in real life is not absolute, in particular with respect to the citizens from [the] Romany national minority".

Amnesty International expressed concern to the authorities that a reported police operation conducted in the Romani settlement of \_ehra on 2 December conformed to a pattern of reported instances of police officers carrying out punitive operations targeted against entire Romani communities, in response to suspected crimes committed by individual Roma. Similar reported police operations had been conducted in the Romani settlement in Rud\_ any on 4 July 1998, and in the Romani settlement of Hermanovce on 27 October 1998. The common reported pattern which has emerged from all these incidents is of a dawn raid of massed police officers using dogs; restriction by the police of the freedom of movement of the Romani inhabitants; police officers entering homes without search warrants; police officers causing material damage to the contents and structures of Romani homes, such as doors and windows; police officers uttering racist abuse; and ill-treatment or torture of members of the Romani community by the police officers. Inhabitants with batons. They also reportedly fired rubber bullets at some of the inhabitants of the settlement. One of the victims of police shooting was a 14-year-old boy, who was wounded in the leg. Some of the police officers reportedly shouted abuse which seemed to be racially motivated at the Romani inhabitants, such as "You will die" and "You are dogs". The police entered several apartments and forced male occupants to lie on the floor. The police then allegedly beat them. Apartments were searched by the police. In the course of these apartment searches the police reportedly damaged doors, windows, and contents

of the apartments.

Several of the Romani inhabitants of \_ehra who were allegedly injured by the police during the raid later turned to local doctors for treatment, and were refused. The 14-year-old boy who was shot by police was immediately taken to a hospital by the police, where he was reportedly kept in enforced isolation, although he was not charged with any offence. The hospital refused to allow his mother access to him over the course of two days. Reportedly, after two days the boy fled from the hospital, despite his injury. This behaviour by local medical professionals was understood by the Romani community of \_ehra to mean that local medical institutions were instructed in advance by the police not to accept Roma who were injured in the police operation. In addition to preventing their treatment, denial of access to medical assistance to the victims of alleged police ill-treatment also precluded them from gaining medical certificates to document their injuries.

Amnesty International urged the authorities to initiate an independent review of the policing methods used at \_ehra, Rud\_ any, and Hermanovce. This review should aim to produce recommendations on how to achieve policing of Romani communities based upon their consent, and on the creation of mechanisms for conflict prevention between Romani communities and the police.

In a separate incident, \_ubomír Šarišský, a 21-year-old Roma man, was shot in the abdomen on 12 August 1999 while he was being interrogated in the district police headquarters in Poprad, on suspicion of stealing a bicycle. He died from the wounds in hospital on 17 August. Reportedly, the case is being investigated by the police inspectorate of the Ministry of the Interior. However, Ladislav Pittner, the Minister of the Interior, reportedly prejudged the outcome of the investigation in an interview given to TV Markíza on 12 August by declaring that the victim had pulled a police officer's gun out of its holster and shot himself. According to the lawyer acting for his family, \_ubomír Šarišský is reported to have told a friend before he lost consciousness in hospital: "They shot me".

### **Conscientious objection**

Amnesty International wrote to the authorities in December about the intended prosecution of Milan Kobolka, a conscientious objector to military service. Although he has expressed his willingness to perform alternative civilian service, this has not been allowed because the Law on Civilian Service (Law No. 207/1995) restricts the period when conscripts can submit a written declaration refusing military service to within 30 days after the decision of the conscription board has come into force (Article 2, paragraph 2). Amnesty International has previously expressed its concern to the authorities that this and other provisions of this law are at variance with internationally recognized principles concerning conscientious objection to military service. This provision failed to provide "minimum guarantees to ensure that ... conscientious objector status can be applied for at any time...", which were called for in Resolution 84/93 on Conscientious Objection to Military Service, adopted by the UN Human Rights Commission in 1993 in recognition that a person's conscientiously-held beliefs may change

over time.

Milan Kobilka was declared fit to do military service by the District Military Authority in Bánovce nad Bebravou in June 1997. He was reportedly not informed of the alternative civilian service option. In Spring 1998 his fitness for military service was confirmed by a medical check-up. At this point he was apparently first informed of the civilian service option, yet he was also told that the 30-day deadline had long passed. In March 1999 he was summoned to collect his call-up documents, but refused to do so. This was repeated two weeks later. Milan Kobilka was called up again in June 1999, and again refused to collect and sign the call-up documents. On 23 July 1999 he was summoned to Bánovce nad Bebravou district police station and was interviewed on suspicion of committing a criminal offence under Article 269 of the Criminal Code in refusing his military call-up. He reportedly stated that his refusal to do military service was based on his right to do alternative civilian service, and made a declaration of his objection on grounds of conscience, which was minuted. Milan Kobilka has stated that his reason for objection is

that he does not want to be forced to learn how to use weapons, or to harm or kill anyone. On 21 September 1999 he received a letter from the Prosecutor's office, notifying him that criminal proceedings were being initiated against him, and summoning him to the Prosecutor's office for interrogation. Following an interrogation on 30 November it was confirmed that criminal proceedings would go ahead, and it is understood that, if convicted, Milan Kobilka will face a term of between one and five years in prison.

Amnesty International urged the authorities to initiate a judicial review by the Constitutional Court of the provisions of the Law on Civilian Service (Law No. 207/1995) which are inconsistent with internationally recognized principles on conscientious objection, and to allow Milan Kobilka to be allowed to perform alternative civilian service. However, the authorities declined to initiate such a review, and stated that the introduction of a new law on civilian service was being debated. The authorities confirmed that criminal proceedings have been initiated against Milan Kobilka, and that he should have known his rights and responsibilities

*under the law at the time of his call-up, it not being the responsibility of the District Military Authority in Bánovce nad Bebravou to inform him of them.*

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## SPAIN

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(See also *Women in Europe*, page 95)

### **ETA declares end of cease-fire**

On 26 August the Basque armed group *Euskadi Ta Askatasuna* (ETA) announced that it was suspending direct contact with the Spanish Government and on 28 November, over 14 months since it was declared, ETA announced the end of an indefinite cease-fire. The armed group stated that, in view, among other things, of the "clear blockage" and stagnation of the peace process in the Basque Country it had decided to "reactivate the armed struggle."

In October Amnesty International wrote to the Director General of the Civil Guard in response to a request he had made for further information about torture allegations mentioned in *Amnesty International Report 1999*. In its letter the organization also included information about further torture allegations, including those made by Nekane Txapartegi after her arrest in Tolosa (Gipúzcoa) on 9 March. The ETA suspect, who lodged a complaint with a judge of the National Court, claimed that while being held for between four and five days in incommunicado detention at Civil Guard headquarters in Madrid she was partially asphyxiated by the placing of a plastic bag on her head and subjected to sexual abuse, kickings, punchings and beatings all over her body, but especially on her head and shoulders. She was also reportedly threatened with electric shocks and death. She alleged that before being taken to Madrid she was driven to a wood in the vicinity of Etxegarate, where Civil Guards forced her to her knees and performed a mock execution. Medical reports drawn up at the moment of her entry into the *Centro Penitenciario de Madrid V* (Soto del Real) referred to a number of injuries and haematoma,

The following day Amnesty International publicly appealed to ETA to respect human rights, observing that: "Human rights are never negotiable and cannot depend on the beginning or ending of cease-fires or on the particular circumstances of a peace process". The organization stated that, while it had no position on cease-fires in general, it opposed human rights abuses such as unlawful killings, abductions and hostage-taking and that, given ETA's "long record of committing abuses" Amnesty International was "profoundly concerned at the potential threat to human rights posed by the recent declaration". The organization also urged the Spanish authorities to refrain from responding to ETA's statements or actions with any acts in violation of Spain's national and international obligations - particularly those regarding the prohibition of torture and ill-treatment.

### **Torture: Amnesty International presses for video recording of interrogations**

which appeared to corroborate some of the allegations.

Amnesty International drew to the attention of the Director General recommendations made in: "*Spain: A briefing on human rights concerns in relation to the Basque peace process*" (AI Index: EUR 41/01/99). In particular, it pointed out the recommendation urging the Spanish Government to "seriously consider the introduction of video recording of interrogations, as a means both of protecting detainees held incommunicado and of law enforcement officers who may be falsely accused of acts of torture and ill-treatment". The introduction of video recording was recommended to the Spanish Government by the UN Special Rapporteur on torture in 1998.

In October, in response to the Amnesty International briefing paper, the Interior Ministry re-affirmed the government's belief in the rule of law and expressed its satisfaction that the courts and the security forces were rigorous custodians of the constitutional rights of all detainees and defendants. It also stated that, in September, it had decided to transfer 105 ETA prisoners to prisons closer to their homes, including in the Basque Country

(*acercamiento*).

The Ministry did not, however, respond specifically to the majority of the recommendations that Amnesty International had made in its briefing paper.

### **Excessive force by police officers**

*Barcelona:* In September the High Court of Catalonia ruled that a police charge during a demonstration by 200 students against the visit to the National Institute of Microelectronics of the Autonomous University of Barcelona (UAB) by Prime Minister María José Aznar on 14 January had been “disproportionate” and had obstructed the right to freedom of expression and assembly. During the attack, which was partially televised, National Police officers charged through university buildings and were seen to resort indiscriminately to the use of truncheons, rubber bullets and tear-gas. Nineteen people were injured, including students, university staff and a lecturer as well as five officers. The High Court’s ruling, made public on 17 September, stated that, although some students had behaved “aggressively” and “anti-democratically”, the protest had not been illegal.

*Hondarribia (Guipúzcoa):* In September allegations of use of excessive force by officers of the Basque autonomous police force, the Ertzaintza,

The partial pardon granted by the Council of Ministers reduced the six-year disqualification to one of one month and a day (*inhabilitación simple*), thus allowing the officers to remain in service - despite the fact that the Supreme Court had found that they committed an act which involved a “ferocious attack on the moral integrity and fundamental rights” of the victim, amounting to torture.

### **GAL: “Lasa/Zabala” trial begins**

In December, 16 years after the abduction of two suspected ETA members, José Antonio Lasa and José Ignacio Zabala, the trial opened before the National Court of a former Civil Guard general, a former civil governor of Guipúzcoa, two former Civil Guard officers and a former secretary of state. The defendants variously face charges of murder,

were made by a number of people who had attempted to take part in a festival in the coastal town of Hondarribia in the Basque Country. (For further details see under the separate section *Women in Europe*).

### **Effective impunity for police officers**

In July three Civil Guards convicted of the illegal detention and torture of ETA member Kepa Urria Guridi were partially pardoned by the Council of Ministers of the Spanish Government (AI Index: EUR 01/01/98, 01/02/98 and 01/01/99). The partial pardon ensured that, despite a September 1998 Supreme Court ruling that the officers had indeed committed torture, they would remain in service.

The Supreme Court had reduced the three officers’ sentences from four years’ imprisonment to a non-custodial one year’s imprisonment, while maintaining the six-year disqualification from public service (*inhabilitación especial*) imposed at first instance by the Provincial Court of Vizcaya in 1997. Before delivery of the verdict one of the convicted officers was selected for a promotional course, involving promotion from sergeant to lieutenant. The Spanish Government reportedly stated that, while it acknowledged the gravity of the crime there was nothing it could do to prevent the promotion of the convicted officer while the conviction was not definitively confirmed.

abduction, belonging to an armed band (the Anti-terrorist Liberation Groups - GAL) and concealment. The bodies of José Antonio Lasa and José Ignacio Zabala were identified in 1995. They had earlier been discovered at Busot (Alicante). They had been tortured before being shot - their nails and teeth had been torn out - and had been buried in quicklime. The investigation, which lasted for four years and nine months, was complex and had met with a succession of obstacles, including attempts to intimidate witnesses, one of whom (“1964/S”), a former Naval intelligence officer, was abducted, tortured and sodomized on a beach near Cádiz in 1996. A copy of the judge’s order requesting that he be given protection had been forced into his mouth. Amnesty International has since expressed its serious concern that to date there has been no arrest and that no police investigation is under way to discover the perpetrators of the



crime (AI Index: EUR 41/01/99).

The first of the GAL trials, in connection with the abduction of Segundo Marey, concluded in July 1998 with the conviction, among 10 other defendants, of former Interior Minister José Barrionuevo and former Secretary of State Rafael Vera, who were sentenced to 10 years' imprisonment, but were released from prison after three and a half months. On the recommendation of the Supreme Court, the Council of Ministers had granted them a partial pardon of two-thirds of their sentences and the remaining parts of the sentences were subsequently suspended by the Constitutional Court pending consideration of their appeals (AI Index: EUR 01/01/99).

A number of other judicial proceedings related to the GAL are pending. These and the resulting trials are being closely monitored by Amnesty International because of its longstanding concern about effective impunity in Spain.

### ***Prisoners allege ill-treatment***

Throughout the year reports were received from prisoners claiming that they had been subjected to ill-treatment by custodial staff. There were also In September the Government Department of the Generalitat of Catalonia confirmed that a judicial complaint about the ill-treatment of Moroccan national Driss Zraidi at the Rosas police station in August 1998 was under way and that several officers of the Catalan autonomous police force, the Generalitat-Mossos d'Esquadra, had been provisionally suspended from work with concurrent suspension of pay (AI Index: EUR 01/01/99). The *Departament de Governació* also provided information about recent initiatives in the area of human rights training for officers of the Generalitat-Mossos d'Esquadra.

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## **SWITZERLAND**

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### ***Alleged police ill-treatment of criminal suspects***

There were further allegations of ill-treatment of criminal suspects by police officers.

Investigations were under way into an administrative complaint which the parents of

complaints of poor conditions and medical neglect. Several prisoners from different prisons mentioned that punishment routines included shackling them to a bed for many hours or even days at a time, during which time they could not go to the toilet or eat or drink. According to one complaint, Jesús Amador Del Val, imprisoned at La Moraleja (Dueñas-Palencia) was beaten in March by eight guards in an exercise yard after he had accidentally stumbled against a guard while passing through a metal detector. He alleged that he was shackled to a bed by his arms and feet for 18 hours before a doctor arrived and he was released from the shackles. Two other prisoners, José Quilis Iniesta and Daniel Ramirez Córdoba, claimed that, after hearing Jesús (who was suffering from AIDS), shouting for his medication, and then being beaten, they staged a protest. As a result, they were themselves beaten and shackled to their beds with their arms crossed for 18 hours, without food or water. Judicial complaints were lodged by all three prisoners and by the mother of José Quilis Iniesta.

### ***Driss Zraidi: Case update***

'Visar', a 14-year-old boy from the Kosovo province of Yugoslavia, lodged against three Geneva police officers in October. The boy had been detained for several hours following a street disturbance. He said that he was an innocent bystander, but that an officer ordered a police dog to attack him and that it bit his right thigh. He claimed that police forced him to the ground, handcuffed him, and insulted his parents and nationality. He said that at the police station he was stripped for a search, hit on the back of the neck with a bottle of water and, in violation of the law, interrogated without his parents being notified or given the opportunity to be present. It was claimed that police officers tried to coerce him into admitting participation in the street disturbance by standing on his feet and crushing them and by squeezing him so tightly around the neck that he had difficulty in breathing and feared he was going to die. The police called in a doctor to examine the dog-bite and a medical report issued by the boy's own doctor the day after his detention recorded physical injuries compatible with his allegations, as

well as psychological trauma.

The Geneva police maintained that there had been only legitimate use of a police dog to detain a person fleeing the scene and denied that officers had subjected 'Visar' to ill-treatment or verbal abuse.

Amnesty International sought the cooperation of the Geneva cantonal authorities in informing the organization of the progress and eventual outcome of the investigations opened into the complaint and of any further administrative or criminal proceedings arising from them. The organization also urged that in their investigations the authorities pay special attention to the provisions of the UN Convention on the Rights of the Child, to which Switzerland is a party and with which it is, therefore, bound to comply.

### ***Dangerous methods of restraint during forcible deportations from Zurich-Kloten airport***

At the end of October the Federal Office for Refugees stated that by then 6,449 rejected asylum-

During the first half of 1999 deportees had reported having breathing difficulties as a result of adhesive tape being placed across their mouths, to prevent them shouting or biting, and a helmet, described as being similar to a motorcycle helmet, placed over their heads, ostensibly to prevent them incurring self-inflicted injuries, while more adhesive tape was wrapped over and around the helmet, forcing closed their jaws. They said they were handcuffed and their feet shackled before being bound by belts to a wheelchair for transfer to the aircraft.

AS, a Lebanese deported in January, claimed that he was left alone in a room in this condition for several hours before his flight, unable to see because he was blindfolded and experiencing difficulties in breathing and hearing. This detainee and others also reported being deprived of food, liquid and access to a lavatory for many hours until they reached their destination: some were apparently offered the option of wearing an incontinence pad when being prepared for deportation. Once in the aircraft, they were strapped to a seat, still bound hand and foot. AS asserted he had been cooperative during the

seekers and illegal immigrants had been deported from Zurich-Kloten airport during 1999, that in 41 cases a two-man police escort and light restraints such as handcuffs were required to execute the deportation and that in 25 cases -- so-called Level 3 deportations -- heavier restraints were necessary. According to Zurich airport police, Level 3 restraints could be employed in cases where a deportation attempt had already failed because of the individual's physical resistance. However, there were claims that they were also used in some cases where the deportee had not physically resisted.

From early August onwards Amnesty International carried out an exchange of correspondence with relevant cantonal and federal authorities following reports received by the organization over the preceding months regarding the methods of restraint used by police officers during deportations from Zurich-Kloten airport. The organization was concerned that, if these reports were correct, then some of the restraint methods employed by police officers were cruel, degrading or dangerous.

deportation operation, making no attempt to physically resist or escape. He and his Swiss wife lodged a formal complaint about his treatment with Zurich's cantonal government in February, requesting the opening of disciplinary proceedings against cantonal police officers on grounds of excessive use of force.

In March Khaled Abu Zarifeh, a Palestinian, died in a lift at Zurich-Kloten airport during a deportation operation. The Zurich cantonal authorities subsequently confirmed that adhesive tape had been placed over his mouth and that he had been strapped into a wheelchair. A judicial investigation was promptly opened into the circumstances of his death.

In May, while preparing Lukombo Lombesi for forcible deportation to the Democratic Republic of the Congo (DRC), police officers noticed that he had difficulty in breathing through his nose but nevertheless taped his mouth, inserting a small breathing tube through the tape. He said he continued to suffer breathing difficulties during the flight and was not allowed food, drink or to use a lavatory for some six hours. The deportation operation to the DRC was abandoned during a

scheduled stop at Yaoundé (Cameroon), following protests by a number of other passengers, who had remained on board for the onward flight to the DRC, and discovered the condition in which Lukombo Lombesi was being transported. They demanded that he be freed from his restraints and the three escorting police officers were forced to release him after the protests became violent. The captain of the flight and local police intervened and Lukombo Lombesi was allowed to return to Zurich on a flight which left Yaoundé later that same day. In statements which the Zurich cantonal police made to the press some weeks after the deportation attempt it was alleged that Lukombo Lombesi had head-butted and injured one of the escorting officers during the affray on board the aircraft. He was put under formal investigation in connection with a possible charge of using threats and violence against the police.

In its letters to the Zurich cantonal authorities Amnesty International sought information about the methods of restraint officially

Basing its position on the expert opinion of internationally recognized forensic pathologists, Amnesty International explained its opposition to the use of any materials or methods of restraint which could block the airways of a deportee, such as covering the mouth with adhesive tape. It pointed out that such practices are highly dangerous and can result in fatalities. Amnesty International also drew attention to the view expressed in the 7<sup>th</sup> General Report of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment, published in 1997, which emphasised its view that "to gag a person is a highly dangerous measure".

Amnesty International urged that steps be taken to end the use of any such dangerous restraint methods used during deportations from Zurich- Kloten airport.

In August the Zurich cantonal authorities indicated that adhesive tape would no longer be used to cover the mouth during forcible deportations, and confirmed that a new type of open-faced helmet was in use, described as "a light rubber helmet, as used in boxing". A so-called chin-cup was attached, to force the jaws together, and a cover which could be placed across the mouth, with a small aperture for a breathing tube.

authorized for use during deportations from Zurich-Kloten airport and about the conduct of the deportation operations in the three individual cases cited above. It asked to be informed of the progress and outcome of relevant official investigations into these cases.

It requested copies of any written guidelines issued to police officers regarding the use of restraints during forcible deportations, for clarification of aspects of police training and to be informed whether detainees automatically received a medical examination before forcible deportation and the use of restraints.

Amnesty International also sought information about reports of a new type of helmet especially developed for deportation, announced by Zurich-Kloten airport police in July.

The organization underlined that any deportation should be carried out in accordance with international standards on the treatment of detainees, in a manner which respects the human rights and the inherent dignity of the individual. The authorities stated that the cover was to be removed "as soon as the person calms down or there are signs of a deterioration in his health", and that while it was in use the person should be kept under permanent observation.

Despite several requests, by the end of December 1999 the Zurich cantonal authorities had not supplied Amnesty International with copies of any written guidelines issued to police officers. They indicated that, as the instructions given to police officers were internal and were always having to be adapted to changing circumstances, they were not issued to third parties. They said that the instructions stipulated that special importance should be attached to the physical and psychological well-being of the person to be deported and that the principle of proportionality between the coercive measures used and the situation encountered should be strictly observed.

The information they supplied also indicated that up until at least May 1999, it was not the practice for police to obtain a medical certificate from a medically qualified person before carrying out the forcible deportation of the individual in question, but indicated that by the end of 1999 this had become standard practice.

Amnesty International remained

concerned about the safety of the new helmet authorized for use during forcible deportations and was seeking clarification as to whether medical personnel had been consulted to assess its safety before its introduction, and as to any training of escorting officers in the potential dangers of the restraint and in recognizing signs of deterioration, especially when an individual is agitated.

AS's February complaint of excessive force by the police during his January deportation was dismissed in December. In their decision, the cantonal government concluded that his mouth had not been taped but did not comment on his allegations of being deprived of food, drink and access to a lavatory for many hours. There was no indication as to the steps taken to investigate his allegations, other than reference to the service reports of escorting police officers. It was not clear whether evidence had been sought from the cabin crew or other passengers on board the flight.

Amnesty International also asked relevant federal authorities for information about existing guidelines on methods of restraint during forcible deportations from Zurich and other Swiss airports, as well as details of relevant police training. In October they indicated that they were not in a position to supply such information which was the responsibility of individual cantons but gave assurances that "proportionality of the methods used in relation to the situation" was the basis of the overall legislative system. They stated that the federal government and the cantons had "agreed that certain uniformity in both the planning and implementation of departure procedures should be reached" and emphasized that it was their view that it was "essential ... that escorting officers receive proper training and authority." They also stated that they believed that "methods of restraints applied to persons to be removed to another country may have the opposite effect leading in certain cases to recalcitrant or even violent behaviour."

***Alleged ill-treatment in prison*** (update to AI Index: EUR 01/02/98)

A judicial investigation into a criminal complaint of grievous bodily harm which Felipe Lourenço lodged against a Champ-Dollon prison guard in June 1998 was still under way. In September it

on which he had been deported.

Criminal investigations were apparently still under way in December 1999 into Lukombo Lombesi's allegations about his treatment during deportation and the accusations that he had assaulted and threatened one of the escorting police officers. Amnesty International sought assurances from the Zurich authorities that he would not be deported before the investigations into the allegations had been concluded. No such assurances were forthcoming.

At the beginning of January 2000 the Bülach Public Prosecutor's office, in charge of the investigation into the death of Khaled Abu Zarifeh at Zurich-Kloten airport announced that autopsy and forensic tests had confirmed that he had died of suffocation following application of adhesive tape to his mouth and that three police officers and a doctor had been put under formal investigation in connection with possible manslaughter charges.

emerged, allegedly as the result of a leak from the Geneva Public Prosecutor's office, that a report drawn up by medical experts appointed by the investigating magistrate had concluded that the injuries suffered by Felipe Lourenço, resulting in tetraplegia, were self-inflicted. Felipe Lourenço contested the report's findings and requested further investigative steps.

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## TAJIKISTAN

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

At least five people were sentenced to death during the period under review, bringing the total for 1999 to at least 15. In late December Khatlon Regional Court sentenced to death Makhmud Nadzhmiddinov, Abdumannon Kholmudminov and Yurabek Ravshanov for crimes which included terrorism, murder and smuggling of weapons. Davlatali Husenov and J. Khojayev were also sentenced to death by Khatlon Regional Court, reportedly also in December, after they were convicted of organizing an illegal armed group and other crimes which included murder, robbery and rape. They were said to be followers of former Popular Front commander and warlord Makhmud Khudoyberdiyev, and were convicted of

involvement in acts of political violence that took place in November 1998 in Qurghonteppa, the regional centre of the southern Khatlon Region, and in the northern Leninabad Region.

Reports indicate that a sixth person was sentenced to death by Khatlon Regional Court in December, and that two others were sentenced to death in the Khudzhand region on 28 December. A further report of two people sentenced to die by the Supreme Court of Tajikistan on 29 December may refer to a new case, or to the court upholding on appeal death sentences handed down earlier by a lower court of first instance.

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## TURKEY

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(See also *Women in Europe*, page 95)

In the second half of 1999 Amnesty International's concerns in Turkey focussed on the problems of

**Death sentence and the case of Abdullah Öcalan** (update to AI Index: EUR 01/01/99, EUR 01/02/99, EUR 44/40/99)

On 29 June Abdullah Öcalan, leader of the armed opposition group Kurdistan Workers' Party (PKK) was convicted of "treason and separatism" under Article 125 of the Turkish Penal Code and sentenced to death. Subsequently, Amnesty International campaigned for a continued moratorium on executions and the abolition of the death penalty. Abdullah Öcalan's death sentence was upheld by the Appeal Court on 25 November; on 30 December the chief prosecutor of the Appeal Court rejected a final attempt by the lawyers to have the verdict corrected. Domestic judicial procedure was thereby completed and the case file was sent via the Ministry of Justice to the Prime Minister's Office on 4 January 2000. According to the recognized procedure, the case file should then have been submitted to the Judicial Commission of the Parliament. However, on 30 November the European Court of Human Rights (ECHR) had requested Turkey "to take all necessary measures to ensure that the death penalty is not carried out so as to enable the Court to proceed effectively with the examination of [...] the applicant's complaints". In an extraordinary step and after a long discussion the

widespread torture, the risk of a resumption of executions after a 15 years' *de facto* moratorium, restrictions on freedom of expression and continuing pressure on human rights defenders and prisoners of conscience. On the other hand, limited legal steps towards an improvement of the human rights situation were taken by the Turkish government in the period leading to the EU summit in Helsinki. In December Turkey was accepted as a candidate for EU membership. Accession negotiations are to start once certain political criteria are met, including improved guarantees for respect of human rights. In the meantime, the human rights situation will be monitored and assessed and Turkish laws screened for compliance with EU standards.

leaders of the three parties in the Turkish government coalition decided on 12 January 2000 to abide by the ECHR request by retaining the file of Abdullah Öcalan in the Office of the Prime Minister instead of forwarding it to Parliament and the latter's Judicial Commission. The government also announced, however, that they would review this decision should there be a renewal of violence by the PKK. On 2 August, Abdullah Öcalan had appealed from prison to the PKK to end the armed struggle and withdraw their armed forces from the territory of the Republic of Turkey. His new policy proposal was accepted by the Presidential Council of the PKK, and PKK militants reportedly started withdrawing on 25 August.

### ***Alleged torture and death in custody***

Another leading PKK member was abducted by Turkish security forces from abroad. Cevat Soysal had been granted political asylum in Germany in 1995 and was reportedly abducted from Moldova to Turkey by the Turkish Secret Service (MIT) on 13 July. He was interrogated for a total of 11 days in incommunicado detention, first at the headquarters of MIT in Ankara from 13 July to 21 July, and then

at Ankara Police Headquarters Anti-Terror Branch from 21 July until 23 July. On 23 July he was brought before a judge and committed to Ankara Central Closed Prison. Cevat Soysal told his lawyer that he was tortured in detention at MIT headquarters. He described methods of torture including electro-shock torture, being suspended by the arms, being forced to lie naked on ice, being sprayed with pressurized water and not being allowed to sleep. He also reported being badly beaten and forced to swallow a drug, which made him tearful and subject to mood swings, weakened his resolve and forced him to relax. He described being made to stand in a tiny cell in which it was impossible to sit and water being dripped onto his

In the aftermath of Cevat Soysal's interrogation, mass detentions took place all over the country. Among the detainees were numerous representatives of the legal pro-Kurdish party HADEP whose names were allegedly found in Cevat Soysal's telephone book. Several of them were reportedly tortured in detention. Among them was Muzaffer Ç\_nar, candidate from the HADEP list for the office of mayor of Baykan in the province of Siirt. According to Amnesty International's information, 37-year-old Muzaffer Ç\_nar was apprehended in Baykan and detained in Siirt police headquarters between 21 and 29 July. He stated that he was beaten in detention, his testicles were squeezed with a rope, he was given electric shocks, suspended by the arms, forced to lie on ice, hosed with cold water at high pressure and subjected to sexual assaults. After his release from detention he travelled to Istanbul where he reported his torture to the Human Rights Association (HD). He was unable to make a statement in writing because he could not use his arms and reportedly had difficulty speaking because of the severe torture he had experienced. Medical reports documenting numerous areas of trauma, including to the head, limbs and genitals, appear to support his story of torture. In August he had to be hospitalized. Amnesty International called on the Turkish authorities to fully investigate the torture of Muzaffer Ç\_nar, to ensure his future security, and to provide all medical care and rehabilitation necessitated by his torture. As in other cases of alleged torture, Amnesty International also called for those responsible to be prosecuted in

head, a method known as 'Chinese torture'. Cevat Soysal's lawyer noted needle marks, bruising and other signs consistent with his client's allegations of torture, particularly recent injuries on the legs, back and arms, at his meeting with him on 26 July. Amnesty International called for a full and impartial investigation into Cevat Soysal's allegations of torture and an independent medical examination in order to establish the truth of his allegations. (AI Index: EUR 44/52/99) In November the Ankara State Prosecutor decided not to open a trial against the alleged torturers. The Office of the Prime Minister under whose responsibility MIT falls had informed him that a prosecution would not be appropriate.

accordance with Turkish law (AI Index: EUR 44/39/99).

Not only politically active people are at risk of torture. For example, Alpaslan Yelden was arrested in Izmir on suspicion of criminal action. He was held in detention and interrogated from 2 to 3 July. He was not properly registered and his detention denied when his family inquired. After some 24 hours his physical condition deteriorated so much that he had to be brought to hospital in coma. He died on 14 July. The interrogating police officers evasively stated that he fell backwards several times because he did not feel well. The autopsy indicates that he died of trauma caused by blows to his head and other torture. His father filed a complaint against the alleged torturers, and the Bar Association and the Human Rights Association in Izmir took up the case. On 30 September the State Prosecutor issued an indictment against 10 police officers charging them with causing death by torture and manslaughter. Three of them had been suspended from duty on 2 August. The superintendent indicted in this case is said to be a defendant in several torture trials. Amnesty International sent delegates to the trial opened against the 10 police officers as well as to several hearings in trials against police officers charged with having tortured Süleyman Yeter who died in custody in March. (For Süleyman Yeter see AI Index: EUR 01/02/99)

On 26 September, 10 prisoners from left-wing organizations, two of them members of the Central Committee of the Turkey Communist Workers' Party (TKIP), were killed in Ankara

Central Closed Prison and dozens were wounded by security officers. The circumstances were disputed and the lawyers and relatives of the dead were excluded from the autopsy. (AI Index: EUR 44/62/99) The lawyers filed a complaint against 49 security officers.

Amnesty International calls upon the authorities to ensure that those responsible for human rights violations are brought to justice. The organization believes that police or gendarmerie who think that being prosecuted is a remote possibility are more likely to ill-treat and torture detainees or cause them to "disappear". In this context, Amnesty International welcomes a new law for the prevention of torture, which increased. While torture continued to be widespread, those working against torture and impunity in the country were persecuted. Human rights defenders in Istanbul who protested the killing of 10 prisoners in Ankara were badly beaten, threatened and verbally abused by police and briefly detained. (AI Index: EUR 44/64/99 and AI Index: EUR 44/65/99). Dr Alp Ayan and Günseli Kaya, both working at the Izmir office of the Human Rights Foundation of Turkey (TIHV) and active in the Human Rights Association (IHD), were arrested together with others on 30 September near Izmir. They had tried to attend the funeral of one of the 10 prisoners killed in Ankara prison. The assembly which was regarded by the authorities as an illegal demonstration was dispelled. On 3 October, 14 detainees were remanded to prison. They remained imprisoned for nearly four months while two courts declared themselves not competent in the case. On 20 January 2000 they were finally released pending trial. Amnesty International was concerned that Alp Ayan and Günseli Kaya may have been detained for their human rights activism and because they peacefully made use of their right to freedom of assembly, in which case they would be considered prisoners of conscience (AI Index: EUR 44/67/99 and EUR 44/71/99). Further, the TIHV representative in Izmir Prof Dr Veli Lök was put on trial for violating the press law. He had stated that in the above case law had been strained to its limits to make the TIHV staff members pay for their work against torture. Dr Zeki Uzun, a gynaecologist working voluntarily for the TIHV in Izmir in the examination and treatment of torture victims, was

the penalties for torture and ill-treatment and penalized health personnel who conceal torture. Also, a new Law on the Prosecution of Civil Servants came into effect on 5 December. This law tightens the process of decisions whether or not to prosecute civil servants, but it still requires the permission of a senior official for a prosecution to be opened. Amnesty International recommends that the decision whether or not to prosecute security officers for human rights violations should be taken only by the judicial authorities.

### ***Pressure on Human Rights Defenders continues*** (update to AI Index: EUR 01/02/99)

arrested on 19 October from his surgery and reportedly tortured at the Anti-Terror branch of Izmir police headquarters. In spite of a medical report issued by the Medical Chamber which confirmed the torture allegation, the prosecutor decided in November not to prosecute the alleged perpetrators. However, a trial was opened against the doctor. He was charged under Article 169 of the Turkish Penal Code (TPC) with supporting the PKK, because he had treated two patients although he allegedly "knew that they were members of an illegal organization". He was released pending trial.

In October the IHD reopened its branch in Gaziantep which had been closed for three months and the branch in Van which had been closed since 1994, but the branch in Diyarbakır remained closed throughout the year, although its board members had been acquitted in the related trial opened against them. The headquarters of the Islamic oriented human rights organization *Mazlum Der* and its branches were raided on 19 June. *Mazlum Der's* branches in Urfa and Malatya remained closed pending trial.

### ***Prisoners of conscience*** (update to AI Index: EUR 01/01/99 and EUR 01/02/99)

Akın Birdal, then President of the IHD, was imprisoned on 3 June in spite of concerns about his state of health only a year after he barely survived an assassination attempt. He had been sentenced under Article 312 TPC for making speeches in which he called for a peaceful solution of the Kurdish question. Amnesty International adopted

him as a prisoner of conscience (AI Index: EUR 44/05/99). On 25 September he was released from prison for six months on medical grounds. Amnesty International considered his temporary release to be a response to international protest and related to the embarrassment the imprisonment of the leading human rights defender would have caused at the time of major international events like the OSCE summit in Istanbul in November and the EU summit in Helsinki in December. Amnesty

On 28 August parliament adopted a law which postponed for three years sentences, trials and investigations related to offences committed through the media, on condition the offence was not repeated within three years. As a result at least 22 prisoners were conditionally released in early September. Human rights defenders such as Eren Keskin, Zeynep Baran and Anar Yurdatapan, who were due to be imprisoned, also benefited from the measure. Other prisoners of conscience, who like Akın Birdal had not expressed their opinions through the media, remained imprisoned. One of them is the 54-year-old blind lawyer Eber Yağmurdereli. He faces more than 17 years' imprisonment, mostly the remainder of a life sentence he received in 1978. This sentence, imposed after an unfair trial, was suspended in 1991 on condition that he commit no more offences of a political nature. However, a speech he made in 1991 challenging the government over the status of the Kurdish population led to a sentence of 10 months' imprisonment and was understood as a breach of the terms of his conditional release. On 20 October 1997 he was imprisoned, but after public protests in Turkey and abroad his sentence was suspended for 12 months, ostensibly on health grounds. He was released on 9 November 1997, shortly before the EU summit in Luxembourg (AI Index: EUR 44/74/97). In June 1998 he was again arrested in Ankara and since then has remained in Çankırı prison. Amnesty International adopted him as a prisoner of conscience.

Amnesty International calls upon the Turkish authorities to amend the relevant legislation to ensure that no person will be imprisoned for peacefully exercising their right to freedom of expression.

### **Extrajudicial executions and political killings**

AI Index: EUR 01/01/00

International welcomed his release, but reiterated the view that Akın Birdal should not be imprisoned for peacefully exercising his right to freedom of expression. His convictions should be quashed and his right fully to participate in the activities of the IHD restored. At the turn of the century, Akın Birdal remained banned from political activities and from leaving the country. His reimprisonment was due on 23 March 2000.

A number of possible extrajudicial executions were reported. Seventeen-year-old Necmettin Kahraman was shot in Kızıltepe, in Mardin province, when the security forces fired on a non-violent demonstration on 19 February calling for independent monitoring of Abdullah Öcalan's trial. In September Amnesty International was informed that no investigation had yet been opened into his death. Thirteen-year-old Aban Çadrolu, a peddler, was reportedly beaten to death by police officers in Van on 16 August. Erdiñ Aslan, allegedly a radical leftist, was shot dead on 5 October in his home in Adana. Immediately before, police had - apparently by mistake - broken into the flat of his neighbour, Murat Bektaş, and shot him dead in front of his wife and young son. On 1 December a trial was opened against six police officers, one of whom was held in custody.

Throughout the year, but especially in November and December Amnesty International received reports that devout Kurdish men had gone missing. Mehmet Kanlıbaş telephoned his family very late on 27 December to say that he would not be home that night. The following night he called Mehmet Mehmet Avcı and asked to see him. Mehmet Avcı left at once in his car, and later called his family and office to say that he would not be back for some days. On the evening of 29 December two men called on İzzettin Yıldırım, the President of the Islamic religious Zehra Foundation for Culture and Education, and persuaded him to come with them by making him talk with Mehmet Mehmet Avcı on their mobile phone. İzzettin Yıldırım's flat was later opened, his room searched and documents taken away. Two other Kurdish businessmen went missing in similar circumstances. Cihangir Gaffari Negi went

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missing on 29 November. The next day he called his business partner Ramazan Ya\_ar to a meeting and neither of the men has been seen since. Ömer Ç\_nar, brother of Muzaffer Ç\_nar, went missing after he left his home in Istanbul on 17 November. Three other Kurdish men, Kadri Tuzer, Suayip Yeti\_ and Ahmet Atç\_ went missing between August and December. In early January it appeared that the armed organization *Hizbullah* was responsible for some if not all of these abductions and subsequent killings. Some 30 dead bodies were found in different Turkish cities, among them those

## **TURKMENISTAN**

(See also *Children in Europe*, page 99)

Parliamentary elections were held in December, but the Organization for Security and Co-operation in Europe (OSCE) decided not to deploy any election monitors on the grounds that even the minimum level of pluralism for competitive elections was absent. Virtually no political activity was allowed, and candidates for the 50-seat *Majlis* (parliament) were reportedly selected by President Sapamurad Niyazov (who was made President for Life in December).

### **Possible prisoners of conscience**

#### *Arrest of Pirimkuli Tangrykuliyeu*

Pirimkuli Tangrykuliyeu, a prominent doctor, was arrested on 29 June and detained in a facility of the Committee for National Security (KNS) in the capital, Ashgabat. Dr Tangrykuliyeu was reportedly sentenced to eight years' imprisonment in August on charges of stealing government property and misusing his government position. The real reasons for his prosecution appeared to be that he wrote a letter in May criticizing the health care system, and that he had expressed an interest in participating in the parliamentary elections.

*Death in custody of Khoshali Garayev* (update to AI Index: EUR 01/01/99)

Khoshali Garayev, a possible prisoner of conscience, died in September in the maximum

of Cihangir Gaffari Negi\_, Ramazan Ya\_ar and Ömer Ç\_nar. Turkish media and some politicians raised concerns about possible collusion between *Hizbullah* and parts of the security forces. Amnesty International called upon the Turkish authorities to instigate investigations into the killings and the fate of the missing people. The organizations also appealed publicly to those responsible for the abductions to immediately release their victims.

security prison in Turkmenbashi (formerly Krasnovodsk). He was convicted in 1995 of anti-state crimes, including "attempted terrorism", and sentenced to 12 years' imprisonment. There was compelling evidence that the case against Khoshali Garayev and his co-defendant Mukhametkuli Aymuradov was fabricated solely to punish them for their association with exiled opponents of the government. In December 1998 both men were sentenced to an additional 18 years' imprisonment in connection with an alleged prison escape attempt.

Khoshali Garayev's family were informed of his death on 10 September 1999. They received no death certificate and no official written explanation of his sudden death, and were apparently allowed neither to view the body nor to have an autopsy conducted. According to prison authorities Khoshali Garayev hanged himself after he was put in solitary confinement following a fight in his cell. In a recent letter, however, he had appeared hopeful that he would benefit from an upcoming presidential amnesty and that he would be back with his family in the year 2000.

Following Khoshali Garayev's death, Amnesty International expressed serious concern for the safety of Mukhametkuli Aymuradov, who was reportedly not receiving adequate medical attention for health concerns which included a gastric ulcer, cholecystitis, a heart attack and recurring inflammations of the kidneys and the bladder.

### **The death penalty**

On 29 December parliament voted to abolish the death penalty in Turkmenistan, and President

Sapamurad Niyazov subsequently signed a constitutional law to this effect. The maximum sentence in Turkmenistan for criminal offences is now 25 years' imprisonment. *In December 1998 Turkmenistan had announced a moratorium on the death penalty. In previous years, hundreds of death sentences had been imposed, mostly for*

On 16 December at around 11pm, for example, 15 agents of the KNB were said to have raided the home of Baptist pastor Vladimir Chernov in Ashgabad. At that time the only person present was a 17-year-old caretaker named Dmitry Melnichenko, who reports that he was beaten and threatened with a false criminal charge after he refused to open up the house, which also serves as the Baptist Church, to them. He was also threatened in an attempt to make him collaborate, passing on details of religious believers (see *Children in Europe*). Vladimir Chernov and his wife Olga, who were not in the house at the time, were arrested the following day on a train travelling from Ashgabad to Turkmenbashi. Vladimir Chernov was held for the following week in a police station and then, on 23 December, both were deported to Ukraine (Vladimir Chernov holds Ukrainian citizenship, but both he and his wife were said to have had the right to reside legally in Turkmenistan since 1993). Another Baptist couple were deported the same day to the Russian town of Saratov. Aleksandr Yefremov and his wife had been living in the eastern town of Turkmenabad (formerly Chardzhu). A third pastor named Anatoly Belayev, detained in the night of 16 to 17 December in Ashgabad by the KNB agents who had broken into Vladimir Chernov's home, was released by the end of the month. The agents had allegedly not shown any identification or arrest warrant, and stated that Anatoly Belayev would be released when they had found Vladimir Chernov. During the night of 16 to 17 December, KNB agents are also said to have raided other congregations in Turkmenabad, Mary and Turkmenbashi, and to have confiscated the identity documents of some believers.

*drug-related offences.*

### **Repression of religious minorities**

There was a wave of police raids on Protestant churches during the period under review. Adventist and Baptist services were disrupted, congregations dispersed and pastors fined, and sometimes beaten.

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## **UKRAINE**

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### **The death penalty**

On 30 December the Ukrainian Constitutional Court ruled that the death penalty was unconstitutional and stated that changes should be made to the Ukrainian Criminal Code to reflect this decision. The basis for this decision was that the death penalty violates the principle of the right to life, which is enshrined in the country's constitution, and contravenes the constitutional provision that no one should be subjected to torture or to cruel or inhuman treatment or punishment. Amnesty International was informed that the ruling is final and is not open to appeal. The Ukrainian parliament (*Verkhovna Rada*) is now charged with the task of removing the death penalty from the Ukrainian Criminal Code as soon as possible.

In the light of this ruling by the Ukrainian Constitutional Court the Parliamentary Assembly of the Council of Europe withdrew its threat to commence the procedure for annulment of the credentials of the Ukrainian delegation at the Council of Europe in January 2000. The Parliamentary Assembly had decided during its plenary session on 24 June that Ukraine should have made substantial progress towards reforms aimed at the protection of human rights by its next session in January 2000 or face having its credentials annulled (AI Index: EUR 01/02/99).

Although Ukraine introduced a *de facto* moratorium on executions in March 1997 it continued to pass the death sentence. At the time of the ruling of the Ukrainian Constitutional Court 400 prisoners were reportedly under sentences of death. On 5 August the head of the Supreme Court of Ukraine, Vitaily Bokyo, stated in a news

conference that 35 people had been sentenced to death in the first six months of 1999. However, other unconfirmed sources suggested that the real figure was nearly twice as high for the same period.

### ***Allegations of police ill-treatment***

In July a delegation of the Council of Europe Committee for the Prevention of Torture and Amnesty International learned in November of the death of a detainee in the town of Cherkassy, who allegedly died from gangrene after being tortured by police officers from the Cherkassy branch of the Directorate Against Organized Crime. Sergey Ostapenko died in the prison unit of hospital Number Three in Cherkassy on 10 May. It is reported that he was detained by police officers from the Cherkassy branch of the Directorate Against Organized Crime in early April, who allegedly tortured him during a preliminary interrogation. Relatives who visited Sergey Ostapenko in prison prior to his death have stated that he told them that police officers hung him by his handcuffed hands from an elevated point in a room so that his feet did not touch the floor. He alleged that he was left in this painful position for several hours. Sergey Ostapenko's relatives maintain that he developed gangrene after the flow of blood to his hands was stopped as a result of being suspended by his hands. The relatives of Sergey Ostapenko have also expressed concern about the apparent failure of the prison authorities to provide Sergey Ostapenko with adequate medical care. They have alleged that he was not released from detention because the investigating police officers attempted to conceal the injuries which they inflicted on Sergey Ostapenko during the preliminary interrogation. As a result he was not given necessary medical care until the gangrene was in an advanced state. Amnesty International wrote to the Ukrainian authorities requesting to be informed of the steps the prison authorities took to ensure that Sergey Ostapenko received necessary medical care while in detention.

The organization also urged the Ukrainian authorities to promptly and impartially investigate the alleged torture of Sergey Ostapenko and requested to be informed of the steps the Ukrainian authorities were intending to take to bring the

Inhuman or Degrading Treatment or Punishment (ECPT) carried out a nine-day visit to Ukraine. The visit was the second to be undertaken by the ECPT, the first having taken place in February 1998. The delegation visited a number of police stations, holding facilities and prisons in several locations across the country. The findings of the visit have not yet been made public.

offending police officers to justice if it transpired that Sergey Ostapenko had been tortured by police officers.

Amnesty International learned in December that five police officers allegedly involved in the death of 28-year-old Yury Mozola in 1996 and an investigator from the regional prosecutor's office would come to trial in January 2000 (AI Index: EUR 01/01/99). They have reportedly been charged with inflicting physical harm, committing fraud and knowingly making an illegal arrest. Yury Mozola died in custody four days after his arrest. He had been arrested in the Lviv region of Ukraine in March 1996 on suspicion of multiple murders later attributed to the serial killer Anatoly Onuprienko. It is alleged that he was tortured to death while being interrogated about the murders.

### ***Possible prisoners of conscience***

Amnesty International learned of the arrest of the scientist Sergey Piontkovski of the Institute of Biology of the Southern Seas in Sevastopol by the Ukrainian Security Service on 16 October and his subsequent interrogation by a team of officials of the Ukrainian Security Service. He is being charged with various offences under the Criminal Code of Ukraine for allegedly passing on sensitive state information to a number of Western European marine research institutes, in the course of an international collaborative research project, and receiving hard currency research grants from abroad. Three other academics of the institute, Galina Piontkovskaya, Sergey Piontkovski's former wife, the Deputy Director of the Institute of Biology of the Southern Seas Yury Tokarev and Boris Sokolov are also being investigated in relation to this case.

Officials of the Sebastopol branch of the Ukrainian Security Service reportedly raided the homes and offices of the scientists of the Institute of Biology of the Southern Seas on 16 and 18 October confiscating several computers, scientific equipment, various scientific papers, files, money and the passports of the scientists. Amnesty International expressed concern that Sergey Piontkovski and his colleagues may have been charged solely for their legitimate activities within the context of an international scientific research program, which had been sanctioned by the Ukrainian authorities. All of the research projects broadly relate to plankton ecosystems in a number of the world's seas and oceans and entailed the cooperation of foreign marine research institutes.

The case of Sergey Piontkovski and his colleagues caused a significant amount of concern among academics around the world. Amnesty International wrote to the Ukrainian authorities in December calling on them to make public the reasons for the arrest of Sergey Piontkovski and the subsequent charges brought against him and his colleagues. In the light of the fact that Sergey Piontkovski and his colleagues apparently had permission to participate in the research projects and to receive grants in hard currency for the purpose of funding the projects Amnesty International asked to be informed why Sergey Piontkovski was deprived of his liberty and why he and his colleagues face possible prison sentences.

### **Non-governmental organizations**

Amnesty International learned that the authorities officially registered *Nash Mir* (Our World) Gay and Lesbian Centre as a public organization on 30 November. *Nash Mir* had been refused official registration as an official public organization by the Lugansk Regional Department of Justice in April, rendering illegal any further activities by the organization and exposing active members to possible imprisonment (AI Index: EUR 01/02/99). Amnesty International had informed the Ukrainian authorities that it would consider as a prisoner of conscience any member of *Nash Mir* who was detained and charged for peacefully exercising their right to freedom of association.

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## **UNITED KINGDOM**

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### **Northern Ireland**

In early December, after protracted negotiations, the Executive of the Northern Ireland Assembly was put in place. At the same time the UK and Irish governments signed contracts to establish cross-border bodies. They also confirmed the establishment of other key parts of the Multi-party Agreement: the North-South Ministerial Council, the British Irish Intergovernmental Conference, the Council of The Isles and a new British-Irish agreement to replace the 1985 Anglo-Irish accord.

### **Human rights aspects of the Multi-party Agreement**

The Independent Commission on Policing for Northern Ireland completed its review and published its report in October. Amnesty International welcomed many aspects of the review, including the integration of respect for human rights in all aspects of policing, a new human rights-based oath, proposals for greater accountability and transparency. However the organization also identified several omissions which could undermine the proposed reforms. It urged the government to set up mechanisms to address and redress past abusive practices by the Royal Ulster Constabulary (RUC) and also to establish further mechanisms to ensure accountability. In particular the organization considered that those units within the RUC which were associated with patterns of human rights violations should be disbanded and their past actions should be investigated with a view to bringing those responsible to justice. The organization also urged a thorough review of covert operations and the establishment of a civilian body to oversee the operations of intelligence agencies and covert operations. (See *Northern Ireland: Response to "A New Beginning: policing in Northern Ireland"* (AI Index: EUR 45/48/99).

The Independent Commission for Policing echoed recommendations made previously by UN treaty bodies for the closure of the special interrogation centres. In December the RUC announced the imminent closure of the most

notorious centre, Castlereagh Holding Centre, and the eventual closure of the other two centres, Gough Barracks and Strand.

On 10 December, Human Rights Day, six human rights organizations joined together to urge the government to institute a thorough, independent and impartial inquiry into all the circumstances surrounding the death of Rosemary Nelson. Rosemary Nelson was the second human rights lawyer to have been killed in Northern Ireland (she was killed in a car bomb on 15 March 1999); the first was Patrick Finucane in 1989. Loyalist paramilitaries claimed responsibility for both murders. (See AI Index: EUR 01/02/99). The statement recognized that the current criminal investigation, being led by Deputy Chief Constable Colin Port, was limited to the specific circumstances of the murder and would not deal with the many questions that the circumstances of Rosemary Nelson's murder raised. The organizations believe that the remit of the inquiry should include an investigation of Rosemary Nelson's complaints about RUC harassment and intimidation; death threats received by Rosemary Nelson; the RUC's failure to initiate an impartial investigation into her allegations of threats; the RUC's failure to take Rosemary Nelson's fears seriously; and the Northern Ireland Office's failure to ensure protection of Rosemary Nelson's life.

### **Bloody Sunday**

The judicial inquiry into the killing of 14 civilians by the British army in January 1972 continued to collect and process huge volumes of evidence. In July the Appeal Court overturned a decision taken by the three judges in the inquiry, and ruled that the 17 former soldiers, who took part in the Bloody Sunday incident, would be entitled to give evidence anonymously at the inquiry. Amnesty International considered that in the interests of openness and transparency, the inquiry should receive testimony from named witnesses and that therefore the Tribunal should have been able to grant anonymity to individuals only in exceptional circumstances of risk of physical harm.

### **Diplock Courts**

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### **Killing of human rights defender, Rosemary Nelson**

In October, the Northern Ireland Appeal Court quashed the convictions of Billy Gorman and Paddy McKinney, who had been convicted for the murder of a police officer in 1974, after ESDA tests (electrostatic deposition analysis) showed that police had rewritten and significantly altered interview notes. Gorman was 14 and McKinney 17 at the time of the killing. The case was re-opened as the pair had been convicted on the basis of these notes. Although the results of the ESDA tests were available in December 1994, the two appellants waited another five years before being cleared.

### **Collusion**

In November, British Army documents were found in the possession of Loyalist groups, which renewed allegations of collusion by security forces with Loyalist groups in targeting Republicans. The documents were unearthed during a RUC operation reportedly aimed at two Loyalist groups, the Orange Volunteers and the Red Hand Defenders. Police arrested and charged a number of men. Among the material seized from the Orange Volunteers were documents believed to be British Army issue, containing the personal details of up to 400 Republicans.

### **Inquests: Update**

An inquest into the peace-wall shooting of Liam Paul Thompson five years ago was adjourned in September for the fourth time (see AI Index: EUR 01/01/95). The hearing was adjourned by the Belfast coroner after a request by the Thompson family's legal team. The lawyer told the hearing they were considering mounting a judicial review after RUC Chief Constable Ronnie Flanagan refused to release papers relating to disciplinary proceedings taken against police officers after the shooting.

### **Abuses by armed political groups**

*AI Index: EUR 01/01/00*

During 1999 there were seven "Troubles-related" killings (three were killed by Loyalists and four by Republicans). In addition, there were 47 shootings and 91 assaults by Loyalists; and 26 shootings and 42 assaults by Republicans. A significant number of children under the age of 16 were beaten; children's limbs and fingers were broken with baseball bats or hammers. Fifteen-year-old Stuart Daley received arm, leg and other body injuries after he was reportedly set upon by six men and assaulted with a hammer in Newtownabbey, Co Antrim in a Loyalist 'punishment' beating in August. Other young people, including a 15-year-old schoolboy from the Short Strand, were threatened with execution, reportedly by the IRA, if they did not leave Northern Ireland within 48 hours.

## England

### *Deaths in custody*

Sarah Thomas, a young black woman, died in August after plainclothes police officers arrested her outside her home in North London; the circumstances of her death were under investigation by Metropolitan police officers. Surrey police officers were called in to investigate the police shooting of Harry Stanley in September in north London.

After a six-week trial at the Old Bailey three police officers were acquitted in July of the manslaughter of Richard O'Brien who died in custody five years ago (see AI Index: EUR 01/02/98). The prosecution had alleged that the method of restraint used by the officers led directly to Richard O'Brien's death. The three officers denied manslaughter and accusations that they had breached their duty of care during the arrest. The jury at the Old Bailey, on the order of the judge, was not told of the inquest verdict of unlawful killing nor of the pathologist's report that the cause of death had been 'postural asphyxia following a struggle against restraint'.

A Police Complaints Authority (PCA) report on 8 July stated that a record 65 people died in custody in 1998, and a disproportionate number of them were from ethnic minorities. Only two or three deaths resulted directly from a struggle between the police and the prisoner. The increase,

the fourth in four years, led to calls for officers to have refresher training on potentially dangerous restraining techniques, including neck-holds, and for forces to set up CCTV cameras in cells.

The report of an inquiry into the prosecutorial decision-making in deaths in custody cases, carried out by a retired judge, was issued in August. The report criticized the Crown Prosecution Service for its handling of such cases and described confusion in a system that was "inefficient and fundamentally unsound". The judge made recommendations concerning procedures in future deaths in custody: including: that all police and prison deaths would be dealt with by the Casework Directorate, that decisions would be made by a senior prosecutor, and that decisions not to prosecute would be reviewed by a Senior Treasury Counsel. He also suggested that further consideration be given to the proposal that the CPS give detailed reasons on why it did not bring a prosecution in a case where an inquest jury returned a verdict of unlawful killing. The report did not consider the statutory process for prosecuting police officers, which is different to that used for other citizens.

### *Police handling of racist killings*

The Metropolitan police's race and violent crimes unit, under John Grieve, set up in the wake of the Stephen Lawrence inquiry, continued its investigations into other potential racist killings (see AI Index: EUR 01/02/99).

Michael Menson died after being set on fire in a racist attack in January 1997. The police had treated the case as suicide for almost two years, even though Michael Menson had made statements before dying about the circumstances. Following a reinvestigation by the race and violent crimes task force, three men were charged in March with his murder. Two were convicted of manslaughter and the third of murder; two were tried in London in December, and the third in Cyprus.

Ricky Reel died in October 1997 after drowning in the Thames river. The police failed to carry out a thorough and impartial investigation; and the Police Complaints Authority found three officers guilty of neglect of duty. An inquest jury in November returned an open verdict on the cause of

death; the family believe he died as a result of a racist attack. The race and violent crimes unit was reportedly re-examining the case.

The Police Complaints Authority reported on 8 July that there had been 476 complaints in 1998 about the use of CS spray, with nearly half the complainants claiming that the officers used it inappropriately, for example, by squirting the gas inside a car or to stop a suspect running away.

### ***Ill-treatment - prisons - children***

Reports of ill-treatment, racist abuse and cruel, inhuman or degrading treatment were received from prisoners in different prisons, including Wandsworth, Frankland, Swaleside, Durham.

Amnesty International was also concerned about reports of children being subjected to ill-treatment. It was reported that neckholds were being used on teenagers in Medway Secure Training Centre. In November, the Howard League for Penal Reform urged a full-scale criminal investigation into allegations that prison officers had assaulted and verbally abused prisoners as young as 15 in HMP Portland in Dorset; complaints had reportedly been ignored in some cases.

Reports appeared in October on the alleged abuse of children held in Lisnevin Juvenile Justice Centre in Northern Ireland. The centre was visited by the NI Commission for Human Rights, and an inspection of it was carried out by the Social Services Inspectorate. Children are reportedly held. The European Court of Human Rights ruled on 16 December, in the James Bulger case, that the two boys convicted of the murder of Bulger had been denied a fair trial because the Court considered that the children had been unable to participate effectively in their trial. James Bulger, a two-year-old, had been abducted and killed in 1993 by two 10-year-old boys. The boys were 11 when tried in public in an adult court, with high levels of press and public attention, the effect of which was to make the trial intimidating and distressing. The Court considered that children should be dealt with in a manner which took full account of their age, level of maturity and intellectual and emotional capacities and that steps should be taken to promote their ability to understand and participate in the

### ***CID/ill-treatment***

at the Centre in an isolation unit, known as the "Scrabo Unit", for up to seven days at a time as punishment. The Inspectorate found that one boy had spent 14 days in this Unit out of a total of 26 days, and recommended the suspension of the use of the Unit. It has also been alleged that children have been subjected to ill-treatment. Although the Inspectorate's report did not address the issue of ill-treatment directly, it was concerned about the methods of restraint used: "We were concerned both by the frequency with which physical restraint was used and by the particular method, which was demonstrated to us. It was essentially confrontational and relied on three members of staff restraining the young person by forcing the young person to the ground in a face down position with his arms locked behind him and his legs held. Not only did some of the boys complain of suffering injuries such as carpet burns, but also these methods rely on the use of wristlocks, arm lever application and pressure point control ... the inspectors were concerned that the use of such techniques on children whose bone structures are not fully mature could have long term damaging physical effects". The Children's Law Centre in Belfast urged the closure of Lisnevin Juvenile Justice Centre.

### ***Juvenile justice***

proceedings. The European Court found that there had also been a violation of the right to a fair trial because of the Home Secretary's executive decision to set an initial tariff (of 15 years) for the offenders; the Court considered this as a sentencing exercise which was not compatible with the requirement to hold a fair hearing before an independent and impartial tribunal in respect of the determination of sentence. The Court found a further violation because of the absence of any judicial review of the continuing legality of the offenders' detention. The judgment confirms international fair trial standards which require that the authorities should establish laws, procedures, authorities and institutions specifically for children. The Committee on the Rights of the Child, which

monitors compliance with the Convention on the Rights of the Child, has consistently proposed that all those who are under 18 years of age should be dealt with by a distinct system of justice.

### **Impunity: Pinochet**

On 8 October, Bow Street Magistrate's Court ruled that General Pinochet could be extradited to Spain on 35 charges, including torture after 8 December 1988 and those of conspiracy to torture which began prior to that date. He also ruled that the effect of "disappearances" on the families of victims can amount to "mental torture". General Pinochet challenged this decision by seeking a writ of *habeas corpus*; he remained in custody in the UK (see AI Index: EUR 01/01/99 and EUR 01/02/99).

### **Refugees**

In November, the government enacted the Immigration and Asylum Act 1999. Although some of the measures were welcome, the overall impact of the Act was considered as severely detrimental to refugee rights. Amnesty International had made a series of representations during the discussion of the Bill, focusing on three main issues: the extension of pre-entry controls; the need for effective judicial oversight of the detention of asylum-seekers; and the need to ensure access to good quality legal advice in the context of the dispersal of asylum-seekers to locations around the UK.

The High Court decided in July that the practice of prosecuting and imprisoning those using false travel documents to transit the UK was contrary to Article 31 of the 1951 Convention relating to the Status of Refugees.

### **Scotland**

#### **Human Rights Act**

Ismail Adylov was found guilty of attempting to overthrow the constitutional order, sabotage and possessing materials constituting a threat to public security and order (Articles 159, 161 and 244.1 of the Uzbek Criminal Code). All the charges relate to documents which Ismail Adylov states were planted during a search of his

Certain provisions of the Human Rights Act came into force in Scotland on 26 May 1999. They are those which come under the responsibility of the members of the Scottish Executive, who are charged, in the Scotland Act, with not undertaking any act which would contravene the Human Rights Act or any of the UK's international obligations, including obligations under international humanitarian law.

Two cases were brought, as a result of the introduction of the Human Rights Act, challenging the rule under which the police have six hours in which to interview a suspect before contacting a defence lawyer.

Given the operation of the Human Rights Act in Scotland, Amnesty International urged the establishment of a human rights commission for the area covered by the Scottish judiciary, education system and public authorities.

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## **UZBEKISTAN**

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(See also *Women in Europe*, page 95)

### **Human rights defenders**

#### *Prisoner of conscience Ismail Adylov*

On 29 September Ismail Adylov, an active member of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU) and the opposition movement *Birlik*, was sentenced to six years' imprisonment by Syrdarya District Court. Amnesty International believes he is a prisoner of conscience detained because of his human rights work, and is concerned in addition for his state of health as he suffers from a chronic kidney disease which makes him extremely susceptible to infection.

home (Amnesty International has frequently received allegations that incriminating material is planted by the police). According to reports, the documents consisted of a plan of Tashkent City Prison and leaflets attributed to the banned Islamic organization *Hizb-ut-Tahrir*. Ismail Adylov is one of a small group of independent human rights



defenders who have been monitoring the wave of arrests and trials which followed bomb explosions in the Uzbek capital of Tashkent in February 1999 (see AI Index: EUR 01/02/99).

On 26 October Ismail Adylov's appeal against his sentence was turned down by the Syrdarya Regional Court. A further appeal is pending with the Supreme Court. In December he was transferred to a corrective labour colony in Chirchik, some 40 kilometres from Tashkent.

Another NOPCHU member and prisoner of conscience, Makhbuba Kasymova, was sentenced to five years' imprisonment in July after a grossly unfair trial (see *Women in Europe*).

### **Possible prisoners of conscience**

*Detention of relatives and associates of the exiled leader of the banned opposition Erk party, Muhammed Salih* (update to AI Index: EUR 01/02/99).

On 18 August, after a trial which fell far short of international standards, Tashkent Regional Court sentenced Muhammad Bekzhon and Yusif Ruzimuradov to 15 years' imprisonment, Mamadali Makhmudov to 14 years' imprisonment, Rashid Bekzhon and Kobil Diyarov to 12 years' imprisonment, and Negmat Sharipov to eight years' imprisonment. All six were to serve their sentences in a strict-regime corrective labour colony and were to have their property confiscated. Muhammad Bekzhon is the brother of Muhammed Salih, the exiled leader of the banned opposition party *Erk*, and Yusif Ruzimuradov is a prominent member of the party. Both were detained and forcibly deported from Ukraine in March, together with Kobil Diyarov, a former member of the banned opposition movement *Birlik* and his nephew Negmat Sharipov. Rashid Bekzhon, another brother of Muhammed Salih, was arrested in February, as was Mamadali Makhmudov, an

There were further concerns about a third arrested brother of Muhammed Salih, Komil Bekzhon, who was reported to have "disappeared" between prison transfers around July. Komil Bekzhon had been sentenced to 10 years' imprisonment on 1 June for illegal possession of narcotics, amid credible allegations that the charge was false and brought

associate of Muhammed Salih and a well-known writer.

All six men were reportedly tortured in pre-trial detention, in order to force them to confess to fabricated charges and to incriminate Muhammad Salih. In a written statement Mamadali Makhmudov, for example, described how he had been systematically tortured by, among other things, being constantly beaten, having his hands and feet burned, being suspended by his hands tied behind his back, having a gas mask put over his face with the air supply turned off and being threatened with rape and death. In addition, he wrote, he was told that his wife and children had been taken into detention and that they would be raped in front of him if he did not confess on film. Amnesty International received another written statement signed by all six defendants on 18 August, which reiterated earlier allegations that they were tortured to extract testimony. They allege among other things that they were beaten with rubber truncheons and plastic bottles filled with water, suffocated, and given electric shocks.

The trial began on 3 August in Yangiyul district court, outside Tashkent, but was adjourned for three days after protests by the defence that their clients had not had the opportunity to acquaint themselves with the materials of the case. The trial was subsequently moved to a higher court and reopened on 9 August in Tashkent Regional Court without notice to the defence or relatives of the accused. Representatives from foreign embassies and news agencies as well as local human rights observers were denied entry to the courtroom. On 12 August, the final day of the court proceedings, six relatives were allowed into the courtroom but others were refused entry on the grounds that there were no more seats. The defence was reportedly given just 40 minutes on the last day of the trial to present their case.

instead to punish him for his relationship to Muhammed Salih. In November Komil Bekzhon's family reported that they had not seen or heard from him since 1 July, and feared for his physical safety. They had tried without success to locate him by going from prison to prison, and reported that the prison authorities as well as officials from the

Ministry of Internal Affairs and the regional procurator's office had refused to respond to their inquiries.

*Releases of religious followers* (update to AI Index: EUR 01/02/99)

In August five Christian prisoners and one Jehovah's Witness were unexpectedly released, all under presidential decrees. Among them were three members of the Full Gospel Church in the city of Nukus, Karakalpakstan Autonomous Republic. Pastor Rashid Turibayev and church members Parhad Yangibayev and Issed Tanishiyev had been sentenced to long terms of imprisonment on drugs-related charges. Rashid Turibayev had also been charged with participating in illegal religious activity. Supporters claimed the drugs had been planted in order to fabricate a criminal case against the men to punish their religious activity. In addition it was announced that a fine on a Pentecostal leader had been revoked.

The releases took place before two important events: the planned hearing on Uzbekistan by the US Commission on Security and Cooperation in Europe, at which freedom of religion was to be a major concern, and the 1 September deadline for the US State Department to present its report to Congress on religious liberty worldwide. Between August and December 1999 the government registered at least eight religious communities.

*Release of Abdurauf Gafurov* (update to AI Index: EUR 01/01/99)

Possible prisoner of conscience Abdurauf Gafurov, the elected *kazi* (Muslim judge) of the Fergana valley, was released on 10 September. Abdurauf Gafurov had been arrested in November 1993 and convicted in May 1994 of embezzlement, receiving a three-year sentence. There were allegations that On 18 August Tashkent Regional Court sentenced Batyr Khalilov, his brother Farikh Khalilov, Ashrafkhodzha Mashradkhodzhayev, Ubaydullo Rakhmatullayev and Shukhrat Sharafuddinov to prison terms ranging from 16 to 18 years on charges including forming an illegal religious organization, inciting religious hatred and attempting to

the charge was fabricated to punish him for contacts with independent Islamic activists. Since that time additional criminal charges had been brought against him three times at various stages, charges supporters claim were fabricated deliberately to exclude him from amnesties and extend Abdurauf Gafurov's period of imprisonment. The most recent was a two-year sentence for "disobeying the prison administration" - unofficial sources reported that this related to an incident when Abdurauf Gafurov, suffering from a severe bout of radiculitis, was unable to get up for inspection.

*Further charge against Murad Dzhurayev* (update to AI Index: EUR 01/01/97)

During the period under review it was reported that an additional charge had been brought against possible prisoner of conscience Murad Dzhurayev, who with five co-defendants had been sentenced to a long prison term in 1995 after being found guilty of serious anti-state crimes including calling for the violent overthrow of the state. There have been persistent allegations that the charges against the men were groundless, and that they were in fact punished solely for their involvement in distributing the banned newspaper *Erk*.

The exact nature of the new case against Murad Dzhurayev is not known, although it is believed to relate to an internal disciplinary charge at the Kyzyl-Tepe strict regime corrective labour colony where he is serving his term. Unofficial sources allege that it was fabricated to prevent Murad Dzhurayev falling under an amnesty of 1 September 1999, and that during the review period he spent several periods in the punishment cells.

### **Political prisoners**

*Allegations of torture and unfair trial* (see also *Children in Europe* page 99)

overthrow the constitutional order. The five men were members of *Hizb-ut-Tahrir*, a banned Islamic organization whose goal was reported to be establishing an independent Islamic state in Uzbekistan (see AI Index: EUR 01/02/99). All five were reportedly tortured in order to force them to "confess". The methods allegedly included

suffocation with a plastic bag, being hung upside down, having needles stuck under finger and toe nails, having their hands and feet burned and having electric shocks administered via a device fitted to the head ("electric cap").

### **UN Committee against Torture reviews Uzbekistan's first report**

Amnesty International submitted a substantial briefing on its concerns about torture and ill-treatment in Uzbekistan to the UN Committee against Torture, which met on 17, 18 and 19 November to review Uzbekistan's first report on steps the country had taken to implement the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International expressed serious concern that Uzbekistan has failed to implement its treaty obligations. Since December 1997, for example, the organization has received a growing number of reports that people perceived as members of independent Islamic congregations or followers of independent Islamic leaders have been tortured or ill-treated. Hundreds of these so-called "Wahhabists" have been sentenced to long terms of imprisonment in trials that fell far short of international standards, with defendants in the majority of cases known to Amnesty International denied access to their lawyers, family or medical assistance, and with self-incriminating evidence reportedly extracted under torture routinely admitted in trial proceedings, and even serving as the basis for a guilty verdict in many of the cases. Furthermore, authorities - from procurators to courts at all levels and the parliamentary ombudsman - have persistently failed to launch timely, full and independent investigations into the widespread allegations of torture and ill-treatment, leading to a perceived climate of impunity.

In its conclusions and recommendations during the period under review Uzbekistan continued to regard information on the application of the death penalty as a state secret. During its review of Uzbekistan's report (see above) the Committee against Torture requested, but did not receive, such information over the previous two years. Indeed the Committee's final

the Committee noted several positive aspects, and the difficulties associated with problems of transition. However, it expressed concern about a number of points including the incompleteness of the definition of torture in penal legislation, which leaves unpunished certain aspects of torture as defined in Article 1 of the Convention (particularly the impossibility of prosecuting an individual guilty of torture at the instigation of a law-enforcement officer, and the failure to make an attempt to commit torture an offence); the particularly large number of complaints of torture or ill treatment and the small number of subsequent convictions; the failure actually to apply the relevant legal provision and the Supreme Court decision which made evidence obtained by torture inadmissible (in this context the Committee noted also that in practice criminal prosecutions in Uzbekistan do not seem to respect the presumption of innocence); and the lack of a formal prohibition on the expulsion, return or extradition of a person to another state where he or she risks being subjected to torture (in violation of Article 3 of the Convention).

The Committee's recommendations included adopting a definition of torture strictly in conformity with that given under the Convention; reviewing the system for handling complaints of torture or ill-treatment, so as to minimize the risk of offences going unpunished; ensuring in practice absolute respect for the principle of the inadmissibility of evidence obtained by torture; formally prohibiting the expulsion, return or extradition of people to a state where they would be in danger of being subjected to torture; and making relevant declarations under the Convention to allow the Committee to examine complaints by individuals or other states parties.

### **The death penalty**

recommendation was for missing or incomplete responses, including those on the death penalty, to be included in Uzbekistan's next report to them which is due in October 2000.

Amnesty International remains seriously concerned that Uzbekistan continues to pass death sentences, and to execute those convicted. The fact

that a substantial number of men sentenced to death have alleged that they were tortured in pre-trial detention greatly heightens this concern. Conditions on death row have been described by former prisoners as particularly cruel. Some cells are reportedly so small that there is no room for a bed, only for a chair. This is allegedly because prisoners sentenced to death spend only a limited time in the cell -- from three days up to a maximum of three months -- before being executed. However, such allegations are very difficult to verify given that the Uzbek authorities generally do not allow independent monitoring of their prisons.

Among the death sentences which came to light in the period under review were those passed on two young men accused of murder. Arsen Arutyunyan and Danis Sirazhev were charged in April 1998 with killing a famous Uzbek singer, and sentenced to death on 3 November 1999. Although they are said to have confessed, Amnesty International is seriously concerned that their confessions were extracted under duress. Family members and one of the lawyers are also said to have been threatened.

### ***Unofficial prison camps***

Amnesty International received reports that the authorities are running prison camps in remote areas of Uzbekistan where the overwhelming majority of prisoners are reported to be members of

In contrast to the widespread relief of the Kosovo Albanian community, a new tragedy emerged as thousands of Serbs and Roma fled into Serbia or took refuge in small areas of Kosovo which were soon to become Serb-controlled enclaves. The fear of retribution from the ethnic Albanian majority, in the absence of the Serbian police, drove many of the Serbs and Roma to leave immediately. Regrettably, their fears were justified as murders, violent attacks, abductions, rapes and house burning directed against non-Albanians or Albanians accused of "collaboration" became characteristic of the new situation. The outflow of Serbs and Roma therefore continued. In most estimates, the numbers of these groups left were soon less than half those prior to June 1999. Those who remained were concentrated in enclaves and pockets, frequently guarded by soldiers of the

independent Islamic congregations accused of supporting the banned Islamic opposition. The existence of two camps has been independently confirmed, in former Soviet army barracks in the Karakalpakstan Autonomous Republic (a desert area south-west of the Aral Sea). Conditions are said to be cruel, inhuman and degrading with prisoners being denied adequate rations of drinking water while doing forced labour. There is concern that the camps are situated in chemically or biologically contaminated areas.

### **YUGOSLAVIA, FEDERAL REPUBLIC (FRY)**

The Kosovo crisis entered a new phase in July, following the Yugoslav acceptance of a peace plan involving a cessation of the bombing of the FRY by the North Atlantic Treaty Organization (NATO) and the withdrawal of all police, military and paramilitary forces by the Serbian and Yugoslav authorities. The Serbian withdrawal was officially complete before the end of June and the hundreds of thousands of ethnic Albanian refugees who had been expelled to Albania and Macedonia started to flood back into Kosovo. By the end of August the majority of them were back in Kosovo, although a significant proportion were without proper accommodation as their homes had been deliberately damaged or destroyed by Serbian forces.

NATO-led KFOR peacekeeping force.

Although some of the new wave of violence was indiscriminate and non-ethnic in motivation, it was clear that members of the minority communities - mainly Serbs, Roma and Muslim Slavs - were becoming victims because of their identity and perceptions of their collective guilt for human rights violations and war crimes perpetrated by the departed Serbian forces. The fresh memories of the previous victims or their families and the continued discovery of the bodies of victims contributed to this. On 10 December the KFOR peacekeeping force reported that they had recorded 414 murders (150 ethnic Albanians, 140 Serbs and 124 people of unknown ethnicity) between June and that date. Non-Albanians would have made up some five per cent of the population or thereabouts; the statistics thus make it clear that

minorities had been deliberately targeted. Serbian sources claimed that the KFOR statistics understated the situation. The KLA was responsible for many of the abuses against non-Albanians and some against Albanians although many armed ethnic Albanians presented themselves as KLA members because of the authority the KLA's name carries among the Kosovo Albanians.

The risk to Serbs was illustrated by the fate of 62-year-old Serb university professor Dragoslav Baši\_ from Priština who was set upon and killed in the early hours of 29 November by a crowd of ethnic Albanians who were still celebrating the preceding day's Albanian National Day. The professor had thought that his impeccable English might allow him to pass for a foreigner and had attempted to cross the town, but he was dragged from his car, beaten and shot. His wife and mother-in-law were also beaten. Such murders had been perpetrated with virtual impunity up until then. A lack of witnesses prepared to come forward and testify in such cases, probably as a result of the witnesses' fear of the perpetrators, was the biggest obstacle facing United Nations (UN) international police investigating such crimes. However, after the Baši\_ killing witnesses present themselves and for the first time the UN police were able to arrest a suspect in connection with such a killing.

Twenty-four murders were reported in the week following the Baši\_ killing, one of the worst

Concern applied similarly to the judicial system. UNMIK was charged with creating an interim judicial system in Kosovo; one which would include proper representation of the ethnic mix in Kosovo among its cadre and operate in accordance with international standards. The emotive political situation presented numerous problems which were not overcome in the initial period. Huge shortfalls in the resources to fund the courts and their staff hampered their work, but the highly politicised question of the applicable law presented even more difficulties. The first regulation of the UN Special Representative of the Secretary-General (SRSG) in Kosovo, issued in July, stated that the law in force was that applicable in March 1999, thus including the Serbian Criminal Code. All laws were in any case to be applied in

since the peace agreement. However, in the last weeks of December there was a reduction in the reported frequency of murders and a significant arrest.

### ***The international presence***

Soldiers of the KFOR peacekeeping force led by NATO provided rudimentary policing before a United Nations (UN) international police force, which was supposed to police Kosovo before a new local force could be formed and trained, started to deploy. The UN police were part of the United Nations Interim Administration Mission in Kosovo (UNMIK) which was to administer the province until final resolution of its status. However, fewer than 1,900 police officers had arrived from UN contributing countries by the end of the year. Amnesty International supported the many repeated appeals by the UN to bring the number up to not just the 4,800 promised by governments, but to the strength of 6,000 officers which had been authorized by the UN Security Council. KFOR consequently maintained a heavy involvement in day-to-day policing tasks. As the violence described above illustrates, KFOR and the UN police did indeed struggle to maintain law and order, but were strongly undermined by the obvious lack of commitment to provide the planned resources.

conjunction with the relevant international human rights standards. The newly-appointed ethnic Albanian judges, reflecting popular opinion among the ethnic Albanian community, found this unacceptable and proceeded to try criminal cases on the basis of the Kosovo provincial criminal code. The Kosovo Criminal Code had been abolished, along with Kosovo's autonomy, by the Serbian authorities in 1989. Ethnic Albanians had long challenged the legitimacy of the abolition of autonomy and the Criminal Code with it.

As a result of physical threats to their security and their objection to what they saw as arbitrary and political acts by their ethnic Albanian colleagues in applying the Kosovo Criminal Code, all the newly-appointed Serbian judges soon resigned. In December, in a new regulation which

many observers saw as “giving in” to political pressure from the majority ethnic Albanian community, the SRSG directed that the 1989 Kosovo Criminal Code would apply retroactively to cases tried since July and that more recent law, that is including the Serbian Criminal Code, could also exceptionally be applied.

The confusion over the applicable law and other inadequacies in the judicial system meant that violations of the rights to equality before the law and equal protection of the law could occur. All applicable laws were to be reviewed under UNMIK auspices for their conformance with international human rights standards and Amnesty International urged that this review should happen comprehensively and expeditiously.

### ***Kosovo Albanian prisoners held in Serbia***

As Serbian police withdrew from Kosovo in June, the authorities emptied Kosovo’s prisons and took the inmates to prisons in Serbia. Some of the prisoners had been convicted of common crimes and included non-Albanians, but the vast majority of some 2,000 men and a small number of women whom the authorities acknowledged to have transferred were ethnic Albanians whose detention was of a political nature. These included men and women who had been convicted in unfair trials of political offences prior to the 1998-1999 conflict in

Trials proceeded in the courts which had transferred from Kosovo amid reports of the same flaws which had characterized previous political trials of Kosovo Albanians. The defendants’ right to present their defence was frequently weakened by denial of free communication with their defence lawyers and not being able to choose their defence counsel freely. The situation was worsened by demands for exorbitant fees by some Serbian lawyers defending detainees and reports of money being taken by lawyers or other intermediaries to secure the release of individual prisoners - releases which did not happen after money had allegedly changed hands. In court the evidence admitted included self-incriminating statements which had been obtained through torture or ill-treatment. Sentences for those convicted ranged from one or two years’ for the majority, but up to 12 years’ imprisonment in some cases.

Kosovo and others who had been detained in Kosovo since the escalation of hostilities with the commencement of the NATO bombing campaign on 24 March. The latter group, which comprised mainly men, but also included some women and minors, had been placed under investigation for crimes connected to the conflict, most frequently “terrorism” and “association for the purposes of hostile activities”. Criminal investigations and trials which had started in Kosovo were continued by the Serbian courts from Kosovo which re-established themselves in towns throughout Serbia.

Amnesty International’s information indicated that the detainees had been subject to the same brutal torture or ill-treatment which had been meted out to Kosovo Albanian detainees in pre-trial detention for years previously. Indeed, they appear to have been treated more harshly: a report *Smrekovnica prison - a regime of torture and ill-treatment leaves hundreds unaccounted for* (AI Index: EUR 70/107/99, October 1999) described the appalling treatment of the prisoners in one prison before they were transferred to Serbia. As was the case in previous trials, the most serious torture and ill-treatment occurred in the early stages of detention, during police interrogation, but there were allegations that detainees awaiting trial were subjected to further ill-treatment and there were frequent reports of inadequate food, clothing and medical care for them.

As the Serbian courts processed the Kosovo Albanian prisoners who were under investigation they decided that they did not have evidence to support the charges against some of them. A few were also found not guilty at trial. There were thus periodic releases which totalled around 300 by the end of the year. Nevertheless, concern continued to mount for about 1,700 prisoners, who had either been convicted in unfair trials or by the end of the year had been held in custody without an indictment for longer than the six months permitted in the Yugoslav Code of Criminal Procedure.

### ***Flora Brovina - prisoner of conscience***

Ethnic Albanian relatives and activists wanted to highlight their concern for all the prisoners who had been transferred to Serbia and wanted to avoid

singling out individuals, but it was perhaps inevitable that the authorities themselves would single out some prisoners because of their identity. Paediatrician Dr Flora Brovina, who was prominent as founder of the League of Albanian Women in Priština (Prishtina), received an exemplary 12-year prison sentence, when she was convicted by a court sitting in Niš in December. Despite charges of "terrorism" against her, reports of her flawed trial indicated that the charges of using or advocating violence were not proven. Amnesty International thus considered her to be a prisoner of conscience and called for her urgent release.

### **Lawyer Teki Bokshi kidnapped**

The difficulties Kosovo Albanian prisoners experienced in exercising their rights to a free choice of defence counsel and ultimately to a fair trial were highlighted in December with the kidnapping of Kosovo Albanian defence lawyer, Teki Bokshi. Returning to Belgrade from a trial out of town on 3 December, Teki Bokshi, who was employed by the Humanitarian Law Center, a Belgrade-based human rights organization was stopped by men with a police car and police identity cards. Two other ethnic Albanian lawyers travelling with him were left with their car, but Teki Bokshi was taken away, supposedly to "check his identity".

The police denied connection with the

The fact that hundreds, at least, of Kosovo Albanians had been reported missing in the conflict in Kosovo prior to the NATO attack further complicated the situation. Indeed, scores of Serbs were also abducted prior to March 1998, many apparently by the KLA, and their numbers were added to from June 1999 by scores more in the violence outlined above. An Amnesty International document *A Broken Circle "Disappeared" and abducted in Kosovo: Case Sheets* (AI Index: EUR 70/124/99, November 1999) described examples of individuals from both sides of the ethnic divide. Neither the Serbian authorities (beyond the 2,000 or so prisoners whom they acknowledged in Serbia) nor KLA leadership were forthcoming with information to resolve these cases.

### **Yugoslavia's forgotten resisters**

incident, but 13 days later the lawyer was released after his family met a ransom demand with a payment of 100,000 German Marks. After his release Teki Bokshi stated that he believed that at least one Serbian police officer had been among those who had held him tied up in a Belgrade apartment.

### **The "disappeared" Kosovo Albanians and abductions of Serbs, Roma and others**

In the complex post-war political situation in the region relatives of detainees felt under particular strain. The anguish was perhaps even greater for the relatives of other ethnic Albanians who fell into the hands of Serbian police or paramilitary forces in Kosovo during the war, but whose fate or whereabouts are unknown. The chaotic situation in the aftermath of the war and the continuing population movements produced a confusing situation which made it impossible to ascertain precisely the number missing. Continuing discoveries, exhumations and identifications of bodies resolved some cases and will continue to do so, but at the end of the year it looked as if the number unaccounted for was up to 3,000 people. Ethnic Albanian groups claimed that the number was much higher and rumours were rife about undeclared prisoners held in Serbian prisons.

One particular group was caught up in the propaganda war between NATO, which was striving to justify and spread support for its air-strikes, and the FRY authorities - the thousands of men who evaded call-up or deserted the Yugoslav Army. Whether or not propaganda from NATO - in the form of leaflets urging them to desert - played a part in the decisions of the thousands of men who did indeed desert or evade call-up, NATO governments showed little or no interest in their fate after the conflict.

The men thus became the "forgotten resisters", having forsaken jobs, homes and family relationships by going abroad, or living in fear of arrest in the FRY. Interviews by Amnesty International with some of these men who had fled to Hungary - where, as in other countries they went unrecognized as refugees - confirmed that many had deserted because of their religious, political or

philosophical convictions. The limited information released by the authorities made it impossible to ascertain how many cases had been opened to prosecute these men, or how many had been imprisoned, but statements from the authorities did indicate that thousands of men were under investigation.

The Montenegrin authorities, who are in conflict with the Serbian and Yugoslav governments, and declared themselves neutral in the armed conflict between NATO and FRY, passed an amnesty law for draft evaders and deserters in November. Nevertheless, the law had only symbolic significance as responsibility for arrest and prosecution of deserters lay with the army and Federal authorities.

Amnesty International called on the FRY authorities to suspend all proceedings and release any men threatened with imprisonment, or who had been imprisoned, as conscientious objectors. Governments hosting refugees, particularly NATO members, were urged to offer effective and durable protection to men who risked imprisonment on these grounds if returned to the FRY.

Serbia's draconian media law, which allowed huge fines against publishers and in some circumstances, short periods of imprisonment after brief hearings in petty crimes courts, continued to be applied. The independent media in Serbia - much of which regularly reported human rights violations - had already contracted over the previous year as a result of the law and other measures applied against the electronic media and continued to be under threat. In December, as a result of a case initiated by the Yugoslav Army, a small local newspaper in Vranje, *Vranjske Novine*, and its editor were together fined 800,000 dinars (about 8,000 US dollars, even at black-market rates, or about 145 average monthly wage packets) for printing a report by the Helsinki Committee for Human Rights in Serbia. The report accused the Yugoslav Army (among others) of being largely responsible for the flight of ethnic Albanians from parts of southern Serbia adjoining Kosovo which have an Albanian majority.

### **Opposition activists and the independent media targeted in Serbia**

Political opposition in Serbia to the Serbian and FRY governments tried to refocus itself in the wake of the NATO attacks and the Serbian police and Yugoslav Army withdrawal from Kosovo in June. During the latter part of the year peaceful opposition protests calling for the resignation of President Milošević, even if often small, were a daily feature in Serbia. Most went off peacefully without intervention by the police. However, on several occasions, most notably on 29 September, when a large demonstration in Belgrade tried to head towards the district where Slobodan Milošević resides, police intervened and beat demonstrators on the streets. Some opposition activists were beaten in custody. Among them was artist and leader of the Citizens' Resistance in Valjevo. Bogoljub Arsenijević (aka Maki) was badly beaten in Belgrade in August after his arrest on charges of organizing a demonstration in Valjevo in July which ended with several demonstrators and three police officers injured.



## WOMEN IN EUROPE

### A selection of Amnesty International's concerns

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

In addition to the cases below, please see the country entries, above, on Belgium, Hungary, and the Federal Republic of Yugoslavia.

#### **AZERBAIJAN**

##### ***Optional Protocol to the Women's Convention - Georgia and Azerbaijan***

On 10 December, Human Rights Day, the United Nations opened for signature the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Under this Protocol women who claim their In June this UN committee considered Georgia's first periodic report on the steps the country had taken to implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. The committee noted positive aspects, such as the establishment within the office of the Public Defender (Ombudsperson) of a confidential hotline for women victims of violence. However, the committee expressed concern,

rights have been violated will be able to seek redress from the Committee on the Elimination of Discrimination against Women, once they have exhausted national remedies. Amnesty International urged Georgia and Azerbaijan to sign this Optional Protocol without delay, and with a view to prompt ratification, and in so doing be among the countries which have expressed their commitment to ensuring that women have a means to receive full implementation of their rights under the Convention.

#### **GEORGIA**

##### ***Allegations of ill-treatment***

##### ***Patient with AIDS reportedly denied early release under amnesty***

Amnesty International sought further information on the official policy in Georgia with regard to granting amnesties to prisoners with AIDS or who are HIV positive. This concern arose from a report in January 1999 that a female prisoner suffering from AIDS, and held at that time in the central prison hospital in Tbilisi, was denied early release under an amnesty although she had served one third of a five-year sentence. She is said to have alleged that the among other things, about the lack of a real understanding of discrimination against women as contained in the Convention, including both direct and indirect discrimination; the persistence of a patriarchal culture and the prevalence of gender stereotyping; and that the policy of not criminalizing procurement for the purpose of prostitution had created an environment in which women and young children were not protected from sexual exploitation

amnesty commission denied her amnesty on the grounds that she was considered a danger to the outside world. A further report the following month said that the amnesty commission had given priority for release to women and sick prisoners, among others, apart from those suffering from AIDS. This report mentioned that prisoners in the latter category included one woman, the mother of two children, who may be the same as the woman quoted in the previous report. In the light of these reports Amnesty International expressed concern about allegations that amnesty has been denied based on a misunderstanding that those living with AIDS would be a risk to others outside the prison system (although in normal daily life they would pose no risk to others). Amnesty International also requested further information in general about what care prisoners with AIDS are given, including any advice or counselling.

##### ***Convention on the Elimination of All Forms of Discrimination against Women***

##### ***Conclusions of the UN Women's Committee***

in sex-tourism, cross-border trafficking and pornography. The committee's recommendations included comprehensive measures to eliminate gender stereotypes; gender-sensitive training for law enforcement officials and agencies; amending the criminal code to impose severe penalties for sexual violence and abuse of women and girls; and establishing a network of crisis centres and the expansion of consultative services to render the necessary assistance to women

victims, especially girls.

*Optional Protocol to the Women's Convention - Georgia and Azerbaijan*

On 10 December, Human Rights Day, the United Nations opened for signature the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Under this Protocol women who claim their rights have been violated will be able to seek redress from the Committee on the Elimination of Discrimination against Women, once they have exhausted national remedies. Amnesty International urged Georgia and Azerbaijan to sign this Optional Protocol without delay, and with a view to prompt ratification, and in so doing be among the countries which have expressed their commitment to ensuring that women have a means to receive full implementation of their rights under the Convention.

**ITALY**

***Alleged ill-treatment - case update***

In October, almost three years after they were committed for trial, a court in Catanzaro found two police officers guilty of abusing their powers and causing Grace Patrick Akpan injuries in February 1996. They were put on probation for two months and charged with the expenses of the legal proceedings. The charges against Grace Patrick Akpan, who had been accused of refusing to identify herself to the officers and of insulting, resisting and injuring them, were dismissed. Amnesty International had repeatedly

The case was forwarded to the Supreme Court of the Republic of

expressed concern to the authorities about her allegations of ill-treatment and delays in the judicial proceedings.

Grace Patrick Akpan, a medical student at the time of the alleged incidents and now a practising hospital doctor, claimed that two police officers who stopped her for an identity check in Catanzaro in February 1996 subjected her to verbal and physical ill-treatment on the street, in their car and in the police station and that there was a "xenophobic" aspect to their behaviour. She claimed that when she informed them that she was an Italian citizen, married to a *carabiniere* officer, they told her, using the derogatory term "negra", that "a black woman cannot be an Italian citizen". She said that one of the officers announced over the police radio that they were bringing in "a coloured prostitute" and on arrival at the police station, the duty inspector asked the arresting officers if she had been caught "going with men". In her complaint Grace Patrick Akpan said that this confirmed the impression that she had already formed that, for the police, "a young coloured woman, and moreover a Nigerian, could not by definition be anything except a prostitute".

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

Kalmykia in June. A fourth suspect, the former representative

against Torture, AI Index: EUR 30/02/99)

**RUSSIAN FEDERATION:  
Republic of Kalmykia**

***Alleged politically motivated murder of Larisa Yudina*** (update to AI Index: EUR 01/02/99)

Three men were convicted in the Republic of Kalmykia in November for the death of Larisa Yudina, a journalist and editor of an opposition newspaper in Kalmykia, in June 1998. Before her death she had been repeatedly warned to stop her critical reporting on Kalmykian President Kirsan Ilyumzhinov, whom she accused of corruption. Sergey Vaskin, a former aide of President Ilyumzhinov, and Vladimir Shanukov were sentenced to 21 years in prison and Andrey Vitin was sentenced to six years in prison for concealing information about the murder. The names of those who ordered the killing remained unknown.

Larisa Yudina, editor of the *Sovetskaya Kalmykia Segodnya* newspaper, was found dead on 8 June 1998 in the capital, Elista, with multiple knife wounds and a fractured skull. Members of the liberal Yabloko party, to which Larisa Yudina belonged, and other opposition members and human rights advocates continue to maintain that the killing was politically motivated. Larisa Yudina had often criticized Kalmyk President Kirsan Ilyumzhinov, alleging in her articles his involvement in corruption.

of Kalmykia in the Volgograd Region, Tyurbya

Bashomodzhiyev, was relieved of criminal responsibility, allegedly for his confession and assistance to the investigation.

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

***Alleged politically motivated murder of member of parliament Galina Starovoitova*** (update to AI Index: EUR 01/01/99)

In October Latvian police detained a Russian former officer of the special police forces as a suspect in the assassination of Russian reform politician and member of parliament Galina Starovoitova, who was shot outside her home in St. Petersburg in November 1998, in what appeared to be a politically motivated killing. According to reports, Konstantin Nikulin, a 32-year-old former member of Soviet police special forces in Riga was detained in October in connection with another case. At his home police reportedly found the same type of unusual gun *Hondarribia (Guipúzcoa)*: In September allegations of use of excessive force by officers of the Ertzaintza, the Basque autonomous police force, were made by a number of people who had attempted to take part in a festival in the coastal town of Hondarribia in the Basque Country. The *Alarde de Hondarribia* is a festival held

used in the assassination of Galina Starovoitova. A bullet and casing shot from the gun were sent to Russia for ballistics tests, but no answer had been received by the end of the year. However, Latvian police claimed there was not sufficient evidence to link Konstantin Nikulin with the murder of Galina Starovoitova. Konstantin Nikulin was wanted in connection with his activities as a former officer in the Soviet police special forces which allegedly committed several atrocities during Latvia's drive for independence in the late 1980s and early 1990s.

Amnesty International believed that the reason for Galina Starovoitova's murder was her outspoken criticism of corruption among the political elite, and to prevent her from continuing her work as an advocate and defender of human rights. According to the police, a man and a woman intercepted Galina Starovoitova and one of her aides, Ruslan Linkov, in the stairwell of her apartment in the centre of St Petersburg on the night of 20 November 1998 and shot them with an automatic weapon and a pistol. The Russian police reported that Galina Starovoitova was shot directly in the head and killed instantly, while her aide was hospitalized with serious head wounds. An investigation into the murder had been opened and the FSB had been ordered to lead annually to commemorate a victorious 17<sup>th</sup> century battle against the French and includes a parade in which about 20 "companies" totalling 4000 "soldiers" take part. Traditionally it does not allow for the participation of women as "soldiers", but in January 1998 the High Court of the Basque country (TSJPV) ruled that

the investigation. The then Director General of the Federal Security Services (FSB), Vladimir Putin, was reported on 21 November 1998 as saying, "I do not have any elements from which I can conclude that this was a political murder".

Amnesty International continued to call on the authorities for the findings of the criminal investigation into the murder of Galina Starovoitova to be made public and anyone suspected of being responsible to be brought to justice in accordance with international law. The organization believed that the investigation of this murder should be transferred from the FSB to another independent body within the Office of the Procurator General or the Ministry of Internal Affairs. Amnesty International also urged the government of the Russian Federation to take urgent steps to ensure the safety of human rights advocates and outspoken critics by sending a clear public message that abuses against them would not be tolerated and would be punished in accordance with national law and international standards.

## SPAIN

### ***Women "soldiers" beaten by police***

women had a constitutional right to take part in the *Alarde* on an equal basis with men. The ruling was still being appealed at the time of the incidents. According to reports, between nine and 10 people belonging to a mixed company of between 100 and 150, called *Jaizkibel*, under the command of Captain Ixabel Alkain, were

injured when they staged a sit-down protest after being barred from the parade by Ertzaintza officers. (A total of 5000 were present). The demonstrators were dragged away and hit by truncheons. Among those injured were Pello Mindegia, who is visually impaired, and was taken by ambulance to a hospital clinic for treatment. José María Alberdi, named in reports as a trade union historian, who had intervened to try to prevent his daughter from being beaten by several officers, was also “violently” beaten during the confrontation.

The Department of the Interior of the Basque Government reportedly justified the action of the police on the grounds that Jaizkibel had tried to hold a “counter demonstration” and that law and order needed to be maintained after Jaizkibel had ignored the police cordon. Jaizkibel announced its intention to lodge a judicial complaint, as did the individuals who were allegedly injured by the police.

## **TURKEY**

### ***Women exposed to rape, sexual abuse and other torture in detention***

New information has emerged in the case of two young Kurdish women who were raped, sexually abused and otherwise tortured in police custody over several days. Around midnight on 5 March, 16-year-old high school student N.C.S. was arrested in Iskenderun in the province of Hatay. Fatma Deniz

## **CHILDREN IN EUROPE**

### **A selection of Amnesty International's concerns**

*AI Index: EUR 01/01/00*

Polatta\_, aged 19, was arrested on 8 March. Both were brought to the Anti-Terror Branch of Police Headquarters in Iskenderun where they were detained and tortured for seven and five days respectively. In detention, the two young women were blindfolded, made to strip naked and to stand in exhausting positions for long periods of time. They were routinely insulted and threats were made against their parents. N.C.S. was exposed to verbal and sexual harassment. Fatma Deniz Polatta\_ was anally raped. A later report by the Turkish Medical Association describes medical symptoms which match the women's testimonies of sexual torture. A formal complaint was lodged against the police officers and subsequently in November an investigation was opened. In December, the prosecutor decided not to prosecute the police officers. Amnesty International called for an independent investigation, taking also into consideration voluntary psychological reports. It urged that the young women should receive the medical treatment necessary, and that those responsible for the torture should be brought to justice.

## **UZBEKISTAN**

### ***Human rights defenders*** (update to AI Index: 01/02/99)

Prisoner of conscience Makhbuba Kasymova (previously referred to as Marbuba Kasimova) was sentenced in July to five years' imprisonment for “concealing a crime” and “misappropriation of

It is a sad fact that in Europe, as in all parts of the world, being a child is not of itself protection against gross violations of human rights. Children in Europe regularly face

“funds” after a grossly unfair three-hour trial described by human rights monitors as a “farce”. Plainclothes officers had entered her flat when she was not there and questioned her family and Ravshan Khamidov, who was staying at her home. Ravshan Khamidov was detained after a hand grenade and a small quantity of drugs were allegedly planted on him by the officers. Makhbuba Kasymova, a mother of six and a former teacher, had no prior notice that her trial was taking place, and it was conducted without defence witnesses or a lawyer of her choosing.

On 17 August Tashkent City Court turned down Makhbuba

Kasymova's appeal against her conviction and sentence after a hearing lasting 14 minutes, at which she was not present. Her lawyer intends to appeal to the Supreme Court. Both the lawyer and Makhbuba Kasymova's family have been able to visit her at Tashkent City Prison. Makhbuba Kasymova is reported to be suffering from heart problems.

violations including torture and ill-treatment, unlawful detention, and arbitrary killing. Often children and juveniles are especially vulnerable to human rights violations, and at

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the same time they are heavily dependent on adults to protect them and to enable them to find redress for human rights violations.

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

#### **RUSSIAN FEDERATION**

##### ***Russian Government before the UN Committee on the Rights of the Child***

In October Amnesty International urged the Russian Government to implement the recommendations of the UN Committee on the Rights of the Child which examined in September the extent to which the rights of children were being respected in the Russian Federation. The Committee on the Rights of the Child echoed Amnesty International's long-standing concern about the widespread practice of torture and ill-treatment of juveniles in police custody and the harsh conditions of detention for juveniles awaiting trial, sometimes for up to five years. Amnesty International urged the government to break the cycle of impunity by taking concrete steps to implement the Committee's recommendations to

The Russian Federation was also criticized for serious violations of the rights of children during the previous armed conflict in the Chechen Republic, including the involvement of children in combat, the violations of the provisions of international humanitarian law and

ensure that all allegations of torture and ill-treatment by law enforcement officials are promptly and impartially investigated, that the perpetrators are prosecuted, and that the victims are compensated.

Amnesty International briefed the members of the Committee about the organization's concerns regarding widespread and systematic human rights violations against children in the Russian Federation. The organization also met the Russian Government delegation in Geneva to discuss the measures planned by the authorities to address these concerns.

The findings of the Committee on the Rights of the Child, outlined in 11 pages (compared to only three pages during the previous examination five years ago), confirmed Amnesty International's main concerns regarding human rights violations against children, including the practice of torture and ill-treatment of children in police custody; the use of child soldiers and the alleged summary executions, involuntary disappearances, arbitrary detention, and torture and ill-treatment of juveniles during the previous conflict in the Chechen Republic and the provisions for the death penalty and corporal punishment for children in the Chechen Shari'a Criminal Code.

The Committee expressed its concern about "allegations of a widespread practice of torture and ill-treatment, and conditions the treatment of internally displaced children. Amnesty International urged the Russian Government to implement the Committee's recommendations to ensure that children and other civilians are protected during periods of conflict and in particular

amounting to inhuman or degrading treatment, of children living in institutions in general, and in places of detention or imprisonment in particular - including acts committed by law enforcement officials". The Committee further recommended that the Russian Government should "take appropriate measures to bring to an end and prevent these practices and to duly investigate allegations and punish perpetrators of such acts".

The Russian Federation was also harshly criticized for not implementing the 1993 Committee's recommendations to establish a separate juvenile justice system, with separate juvenile courts and trained and qualified judicial and other justice officials. The Committee recommended that the deprivation of liberty should be a measure of "last resort" and that the Russian Government should "take particular measures to implement, and as soon as possible, the planned reform of the system of juvenile justice, including the adoption of comprehensive legislation on juvenile justice, the introduction of special juvenile courts with trained juvenile judges, revision of the code on criminal procedure so as to transfer the power to order arrests of juveniles from the Procurator to the juvenile courts, to limit terms of pre-trial detention and to expedite courts' procedures."

in the renewed conflict in the Chechen Republic. The Russian authorities should provide all necessary protection and assistance to the thousands of internally displaced children and children living in the area of conflict in Chechnya.

The Russian Federation was criticized for the continuing use of the outlawed practice of resident permits and registration (“*propiska*”), which leaves children of non-registered parents, such as the internally displaced and refugees, without regular access to medical care, education and social services. Amnesty International called on the Russian Government to immediately implement the Committee’s recommendation to end the practice of discrimination against children without resident permits and their families. The government’s implementation of these measures was especially urgent following the rounding up of up to 20,000 non-Muscovites, mainly Chechens and other people from the Caucasus, by the police in September, more than half of whom were refused official registration and a resident permit. Officials in Moscow claimed that some 10,000 non-Muscovites who lacked resident permits and were refused registration, were deported from the city.

The Committee also recommended revision of the provisions for the death penalty and corporal punishment for children by the courts in the Chechen Republic.

Amnesty International called on the President and the Government of the Russian Federation to adopt without delay a comprehensive action plan for the implementation of all recommendations by the Committee on the Rights of the Child.

#### **TURKMENISTAN**

Seventeen-year-old Dmitry Melnichenko reported how he was beaten severely and threatened with

a false criminal charge by agents of the National Security Committee (KNB), during a crackdown on Protestant churches (see Turkmenistan entry). Dmitry Melnichenko, a caretaker at the home of Baptist pastor Vladimir Chernov in Ashgabad, described how 15 KNB agents had raided the house on 16 December and demanded the keys to the residential part. Dmitry Melnichenko refused, and was then reportedly beaten and kicked by the agents who also threatened to bring a prosecution against him, saying, “Now we’ll collect up some things, spare parts for the car and other things, and we’ll pin it on you”. The KNB men took him to a local police station and again demanded the keys, beating him severely, including by banging his head against the wall, when he refused. The KNB then took Dmitry Melnichenko back to the house, where they broke in themselves to check whether pastor Vladimir Chernov was home. On their way back to the police station at around 1am, still with Dmitry Melnichenko in custody, the KNB agents called at the home of another Baptist pastor, Anatoly Belayev, and detained him, reportedly without explanation. At the police station Dmitry Melnichenko reports that he was again beaten, and that the KNB threatened to put him into a cell with criminal prisoners who would “commit an outrage” on him. He was held overnight, and the following day was pressured through threats to collaborate by reporting on religious believers and giving their names and addresses (KNB agents were alleged to have told him that when he reached 18, the age for call up to compulsory military service, he would be “repaid for his faith in

Jesus”). Dmitry Melnichenko refused, and was released around 6.30pm that day following insistent representations by his mother.

#### **UZBEKISTAN**

##### ***Allegations of ill-treatment***

Nikolay Vinokurov, 18, his 16-year-old brother Yevgeny and a friend named Ruslan Karimov were reportedly severely beaten by Uzbek police on 16 December. The three were detained at around 10 or 11am in Kelesa, while returning home to the Uzbek capital of Tashkent. Police took them to the District Department of Internal Affairs, where all three were said to have been beaten. Police are said to have used the youths’ muscular instruments to beat Nikolay Vinokurov around the head. X-rays taken after the three were released, some 22 hours after their detention, are said to have shown that one of Yevgeny Vinokurov’s ribs on the right of his chest was cracked.