

# AMNESTY INTERNATIONAL @CONCERNS IN EUROPE

## November 1993 - April 1994

### INTRODUCTION

This bulletin contains information about Amnesty International's main concerns in Europe during the period November 1993 - April 1994. However, sometimes there will be references to developments outside this period, if they have not been reported previously, or if new information has been received before the bulletin is printed. 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, Kazakhstan, Kyrgyzstan, Tadjikistan, Turkmenistan and Uzbekistan continue to be dealt with by the Europe region and to be included in this bulletin because of their membership of the Commonwealth of Independent States (CIS) and the Conference on Security and Cooperation in Europe (CSCE).

A number of individual country reports have been issued during the period covered by the bulletin and references are made to these 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.

References to previous bulletins in the text are as follows:

AI Index: EUR 01/01/94 Concerns in Europe: May 1993 - October 1993

AI Index: EUR 01/04/92 Concerns in Europe: May 1992 - October 1992

## ALBANIA

### *Arrest or prosecution of journalists followed by presidential pardon*

On 4 May President Sali Berisha pardoned five journalists who had been convicted in connection with articles published in the press. In March a court of appeal had confirmed an 18-month prison sentence imposed on Martin Leka, a journalist writing for the independent newspaper *Koha Jonë*, and imposed a five-month prison sentence on Aleksandër Frangaj, the paper's editor, on charges of "revealing military secrets". The paper had published a military order that officers should not carry arms off duty; Martin Leka had written a comment critical of this order. Luftar Matohiti was sentenced to two months' imprisonment for a letter he wrote which was published in the Socialist Party's newspaper, *Zëri i Popullit*, which the court considered insulting to President Berisha, while the newspaper's deputy editor, Shyqyri Meka, was punished with a heavy fine for publishing the letter. Ilirian Zhupa, editor of *Populli*, was given a two-month suspended sentence on 6 April for an article criticizing the country's secret service. It appears that of the five, Martin Leka was the only one who was in prison when the pardons were granted (Luftar Matohiti had already served his sentence).

A press law passed in November has been much criticized by the opposition press. A number of journalists for the opposition press have also complained of harassment by the authorities and of being attacked in the street by "unknown persons" whom they suspect of being linked to the authorities.

### *Arrest of members of Albania's Greek minority*

Relations between Albania and Greece sharply deteriorated after an attack on 10 April on an Albanian barracks near the border in which two Albanian soldiers were killed. Albania has blamed a "Greek terrorist commando" unit. On 21 April 11 members of the Greek minority in Albania were arrested. Police who carried out searches at their homes claimed that they had seized arms and documents revealing "Greek expansionist designs and plans to annex parts of Albania". The 11 included leading members of the Greek minority organization *Omonia*. So far there are no details of the charges against them.

### *Former Communist Party officials on trial for killing border-crossers*

In November, Engjel Toma, a former commander of a border point, was sentenced to 10 years' imprisonment for having killed six people in 1990 who were trying to flee the country. At the time, crossing the border illegally was classified as "treason" and was punishable by up to 25 years' imprisonment or death. This was the first conviction of an official for killing illegal border-crossers.

Other former officials who are to be tried in connection with human rights abuses include former President Ramiz Alia and nine co-defendants who are due to go on trial on 21 May, also on charges of responsibility for the killing of border-crossers; in addition they are charged with abuse of office and misappropriation of state property.

### *Death penalty*

Two men, Luan Isufi and Laver Goga, were sentenced to death for murder in January and April respectively. According to a press report, seven men were executed in 1993.

## ARMENIA

### *Hostage-taking*

Further reports emerged of Azerbaijani civilians said to be held hostage in Armenia in connection with the conflict over Karabakh (see AI Index: EUR 01/01/94). In one report that emerged during the period under review it is said that Azerbaijani citizen Maarif Ali ogly Aliyev was detained on 21 September 1991 by ethnic Armenian forces from Karabakh while driving in or around his home town of Yevlakh, Azerbaijan. By November 1993, the report continued, he had been taken to the Noyemberyansky district of Armenia where he was being held as a hostage by a private individual and with the complicity of the authorities.

Amnesty International is continuing to urge the Armenian authorities to investigate all such cases of alleged hostage-taking, to identify any individuals who may be so held, to ensure their immediate and safe release and to bring to account anyone found responsible.

### *The death penalty*

Two Azerbaijani prisoners were sentenced to death at a trial in the capital, Yerevan, which ended in April. Bakhtiar Khanali ogly Shabiev and Garai Muzafar ogly Nagiev were reportedly convicted of murdering three Armenian civilians in the Kelbajar region of Azerbaijan (now occupied by ethnic Armenian forces), and of attempting to poison a reservoir in Armenia. Six other defendants received long terms of imprisonment. All were said to be members of the Azerbaijani armed forces.

Amnesty International opposes the death penalty in all cases without reservation and appealed to the Armenian authorities to commute the sentences.

### *Deaths of Azerbaijani prisoners*

Conflicting reports surrounded the deaths of eight Azerbaijani prisoners said to have died on 29 January while trying to escape from the custody of the Armenian Ministry of Defence in Yerevan. According to autopsies performed in Azerbaijan by medical authorities there and by Professor Pounder of Dundee University, Scotland, one man died of gunshot wounds to the chest, one of incised wounds to the throat and six of gunshot wounds to the head (including three cases in which the muzzle of the gun was in contact with the head at the time the shot was fired).

Professor Pounder dismissed an early claim that the six with head wounds were shot while trying to escape, saying that the pattern of their injuries instead suggested "execution-type shootings". However, he did not absolutely exclude the possibility of mass suicide, an explanation given by the Armenian Military Procurator who said seven of the men shot themselves with one pistol in several minutes after their escape bid failed. In the case of the eighth man, Professor Pounder found the pattern of throat wounds typical of suicide.

Amnesty International has expressed its concern over the circumstances of the men's deaths and is calling on the Armenian authorities to conduct a thorough, prompt and impartial investigation with the results made public.

## AUSTRIA

### *The alleged ill-treatment of detainees*

#### **The alleged ill-treatment of foreigners**

In June Amnesty International reported on a number of allegations it had received that foreigners, some of them asylum-seekers, had been subjected to cruel, inhuman or degrading treatment or punishment by police or prison officers (see *Austria: The alleged ill-treatment of foreigners: a summary of concerns*, AI Index: EUR 13/02/94). In some of the cases the organization documented, the detainees alleged that they had been ill-treated while in administrative detention awaiting deportation (*Schubhaft*).

#### **The case of Werner Hirtmayr (see AI Index: EUR 01/01/94).**

In December Amnesty International was informed by the Austrian authorities that the Vienna Public Procurator (*Staatsanwaltschaft Wien*) had decided not to reopen the investigation into Werner Hirtmayr's allegations that he had been ill-treated by two police officers in February 1992, despite a ruling by the Vienna Independent Administrative Tribunal (*Unabhängiger Verwaltungssenat Wien*) in June 1993 that excessive force had been used by the officers who arrested him. According to the authorities, the evidence given by police officers, by the complainant and by the complainant's wife had been contradictory, and as a result of this "the circumstances in which the injury to the complainant's knee occurred could not be clearly established". Neither criminal nor disciplinary proceedings could therefore be brought against the officers.

### *Conscientious objection to military service*

At the end of 1993 an amendment to the Law on Alternative Military Service (*Zivildienstgesetz*), which had been introduced for a two-year period only, ceased to be valid. (The legislative amendment had abolished the need for applicants for conscientious objector status to appear before an Alternative Service Commission (*Zivildienstkommission*) and to submit to an oral objection, on grounds of conscience, to military service. At the same time the length of alternative service had been increased from eight to 10 months.)

After a vacuum of several weeks during which discussions took place on the new legislation which would replace the old provisions, a new amendment (*Zivildienstgesetz-Novelle 1994*) was finally passed by the Austrian Parliament at the beginning of February, applicable retroactively from 1 January and valid for two years.

Under the new amendment the length of alternative service has been increased from 10 to 11 months. (Military service is of eight months' duration.) A further increase to 12 months will follow on 1 January 1995 if more than 3,000 applications for alternative service are made between 1 May and 31 October 1994. In a second important change, new restrictions have been introduced to the time limits within which conscientious objectors are able to submit applications for alternative service. Before 1 January objectors to military service had to apply for alternative service within two weeks after they received their call-up papers. Under the new arrangements conscientious objectors are required to submit their applications for alternative service within one month of receiving notification of their fitness to perform military service. In practice several months or even years can elapse

between a person being notified that he is fit to serve and his actually being called up. Anyone who therefore develops an objection to military service four weeks after he has been declared medically fit (and boys as young as 17 can take the medical examination to establish this) is now therefore disqualified from applying for alternative service and could face imprisonment of up to two years for refusing to report for military service or refusing to obey military orders.

In January and in March Amnesty International wrote to Robert Elmecker, Chairman of the Internal Affairs Committee of the Austrian Parliament (*Nationalrat* or National Council), Dr Heinz Fischer, President of the National Council and Dr Nikolaus Scherk, Director of the Human Rights Division of the Federal Ministry for Foreign Affairs. In its letters Amnesty International said that restricting the time period within which an application could be made took no account of the fact that a person's conscientiously-held beliefs may change over time. The organization pointed out that both the United Nations Commission on Human Rights and the Committee of Ministers of the Council of Europe have recognized the principle that it should be possible for conscientious objectors to compulsory military service to apply for alternative service at any time. Amnesty International stressed that it would regard as a prisoner of conscience any person imprisoned as a result of submitting, after the new time-limits proposed, a well-founded application for alternative service based on his conscientiously-held beliefs. The organization also asked to be informed of the reasons for the continued divergence in the length of military and alternative service. (Amnesty International believes that the length of any alternative service should not be such as could be considered punishment for a person's conscientious objection. Both the United Nations Commission on Human Rights and the Council of Europe Committee of Ministers have called on governments to introduce alternative service of a non-punitive nature.) Except for an acknowledgement of its letter to the Austrian Parliament, Amnesty International had received no replies to its letters on the subject by the end of April.

## AZERBAIJAN

### *Hostage-taking*

During the period under review hostage-taking by both parties to the conflict over the disputed region of Karabakh continued (see AI Index: EUR 01/01/94). One such case that came to light was that of Georgy Sergeyevich Tumanyan, a 17-year-old student of Armenian origin who was detained on 12 November while travelling through Azerbaijan on a train from Kiev in Ukraine to the Georgian capital of Tbilisi. From this route it appears Georgy Tumanyan may be a member of the ethnic Armenian community living in Georgia. He is reported to have been taken first to the Azerbaijani capital of Baku, then to a prisoner camp in Gobustan. It is alleged he has been held since as a hostage, solely on grounds of his ethnic origin.

Two other Georgian Armenians detained while in transit were released in August 1993, it emerged. Vilik Oganegov and Artavaz Mirzoyan had been arrested at Baku airport in April 1992 (see *Azerbaydzhan - Hostages in the Karabakh conflict: civilians continue to pay the price*, AI Index: EUR 55/08/93). In September the United Nations Working Group on Arbitrary Detention had declared their detention to be arbitrary and in contravention of international human rights standards.

Further information also emerged on two of the six members of an Azerbaijani family said to have been taken hostage by ethnic Armenian forces in February 1992 in Khodzhal, Azerbaijan (see AI Index: EUR 55/08/93). In December it was reported that Saltanat Zulal gyzy Mamedova (born 1931) and her daughter Lyatifa Ibad gyzy Mamedova (born 1958) had been sighted in August that year on a cattle farm in the Shushinsky district of Karabakh, where they were being made to work. The fate of the rest of the family remains unclear.

Amnesty International is continuing to urge the parties to the conflict over Karabakh to investigate all such cases of alleged hostage-taking, to identify any individuals who may be so held and ensure their immediate and safe release, and to bring to account anyone found responsible.

### *The death penalty*

Unofficial sources reported in December that there were 48 people on death row, and since then two further death sentences came to light. E. Allakhverdiyev and F. Gadzhiyev (first names not known) were sentenced to death on 3 March by a court in Gyandzha for the double murder of a Russian officer based in Azerbaijan and his wife. It is believed that they have lodged an appeal with the Supreme Court.

No executions were reported during the period under review, although in April another ethnic Armenian under sentence of death died in custody. He was Arkady Ayriyan, the sixth Armenian on death row to die since June 1992. One of the six is said to have committed suicide and the other five to have died of various illnesses, but there have been allegations that beatings and medical neglect contributed to their deaths.

Amnesty International opposes the death penalty in all cases without reservation, and is appealing to the authorities to commute all pending death sentences. The organization is also seeking clarification on the circumstances of the deaths in custody of the six Armenians.

## **BELARUS**

### *The death penalty*

At the beginning of 1994 the Department for Applications for Clemency and Citizenship at the Secretariat of the Supreme Soviet (parliament) of the Republic of Belarus released statistics on the application of the death penalty for 1993. In 1993 the Presidium of the Supreme Soviet received 21 petitions for clemency from prisoners on death row in Belarus. The department had forwarded 17 of these petitions to the parliamentary Clemency Commission. One petition for clemency was upheld by the commission and the death sentence was commuted to 20 years' imprisonment. The other 16 petitions for clemency were turned down and the prisoners were subsequently executed. All were men and all had been sentenced to death for premeditated aggravated murder.

After two years of debates parliament finally adopted a new constitution on 15 March. Article 24 retains the death penalty, until its final abolition, as an exceptional measure of punishment for particularly serious crimes, as specified in the Belarus Criminal Code.

In January the Minister of Justice explained that the draft new criminal code proposed to reduce the number of peacetime offences carrying a possible death sentence to nine. Amnesty International wrote to the Minister to clarify whether men under the age of 18 and women are already exempt from the death penalty or whether it is stipulated in the draft new criminal code which is awaiting final parliamentary approval.

### *Homosexuality*

In January the Minister of Justice confirmed that Article 119 of the criminal code was still in force, but that the draft new criminal code proposed to abolish Article 119, part one, so decriminalizing consenting homosexual acts between adult males. The Minister also stated that 12 men had been sentenced under Article 119 in 1992 and 15 men in the first half of 1993. Amnesty International wrote to the Minister of Justice to clarify how many of these men, if any, had been convicted under the first part of Article 119. To date no reply has been received.

### *Conscientious objection*

On 12 February 1994 parliament rejected the draft law on a civilian alternative to compulsory military service. The new constitution does not enshrine the right to conscientious objection, but Article 57 states that the grounds and conditions for exemption from military service or its replacement by alternative service shall be determined by law. Amnesty International wrote to the Minister of Defence to express regret at the decision by parliament not to approve a law on a civilian alternative to compulsory military service.



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## **BOSNIA-HERZEGOVINA**

### *Concerns in the Croat-Muslim conflict*

In January a report *Central and southwest Bosnia-Herzegovina: civilian population trapped in a cycle of violence* (AI Index: EUR 63/01/94) was published, detailing abuses which had occurred in the context of the Croat-Muslim conflict between April and December 1993.

On 1 March 1994 an accord was signed in Washington between the Croatian Government, the Bosnian Government and representatives of the Bosnian Croats. In connection with this agreement an effective ceasefire was implemented between the mainly Muslim Bosnian army and the Bosnian Croat forces. Tension reduced dramatically and relatively few possible human rights abuses were reported in the areas concerned after the ceasefire came into effect. No confirmed reports of large-scale deliberate and arbitrary killings have been received since those reported in *Concerns in Europe: May - October 1993* (AI Index: EUR 01/01/94). Most civilian detainees held in the context of the Muslim-Croat conflict have been released.

### *Remaining Minorities in Bosnian Serb-controlled areas*

Testimony gathered by Amnesty International in March and April from newly-arrived Muslim, Croat and Roma refugees from Bosnian Serb-controlled areas of northwest Bosnia reinforced concerns for the safety of the remaining minorities in the area. The refugees spoke of frequent cases of armed attacks on civilians, deliberate and arbitrary killings, torture, ill-treatment or rape perpetrated against them. Some of the abuses could be directly associated with the eviction of people from their homes. Others involved violent robbery. Taken together the incidents formed part of a pattern aimed at causing the remaining minorities to seek to leave.

These violations were frequently seen to be perpetrated by uniformed Bosnian soldiers. When alerted, civilian or military police were reportedly reluctant to take decisive action to investigate or prevent them. Several of the victims interviewed were told that it would be better for them to leave when they appealed to police or civilian officials for protection.

### *Indiscriminate attacks or deliberate targeting of civilians*

On 4 February two mortar bombs fell in quick succession on a queue of civilians waiting for humanitarian aid in the government-controlled Dobrinje suburb of Sarajevo. Eight people were killed and 18 were injured, many of the victims being women and children. United Nations (UN) officials later stated that they had confirmed that the mortar bombs were fired from Bosnian Serb positions. The following day around 68 people were killed and about 200 injured when a mortar bomb fell on a crowded market in the centre of the town. The UN was unable to confirm that the mortar had been fired from Bosnian Serb positions, but there was no evidence to suggest that it had been fired by the mainly Muslim-Bosnian Army. Bosnian Serb representatives denied responsibility in both cases and, as they have done before, claimed that the incidents had been staged by the Bosnian Army in order to attract sympathy for their cause. Amnesty International noted both that the Bosnian Serb authorities have not been consistent in their denials and that, having had control of most of the high ground around the town for two years, they were in a position to direct fire accurately.

These massacres were in addition to frequent incidents in which civilians have been killed in Sarajevo by shells, mortar bombs or sniper fire, in many cases probably as a result of either deliberate targeting of civilians or firing indiscriminately without selecting military targets. Koševo hospital, for example, has reportedly been hit 267 times since April 1992.

The international outcry which followed the recent massacres contributed to pressure which resulted in a local ceasefire agreement in the Sarajevo area, which has largely been effective, and a UN-North Atlantic Treaty Organization (NATO) ultimatum demanding the withdrawal of heavy weapons from the Sarajevo area by both sides.

In April heavy fighting occurred around the Bosnian Government enclave of Gora\_de which had been declared a UN "safe area". A heavy Bosnian Serb offensive followed reports that Bosnian Army units had tried to break out of the enclave. Bosnian Serb units almost overran the town before withdrawing after NATO air attacks against Serbian positions. The civilian casualty figures which were reported while the attack was at its heaviest and international access minimal were subsequently disputed. Amnesty International was nevertheless concerned that the hospital and refugee shelters were deliberately targeted by Bosnian Serb tanks and artillery and that deliberate and arbitrary killings were reported to have occurred as villages around the town were taken early in the Bosnian Serb offensive.

### *Prisoners of conscience, hostage-taking*

The current extent of detentions of civilians solely on the basis of nationality or for other reasons which might make them prisoners of conscience is not clear. However, Amnesty International has details about a number of individuals.

In January a group of five doctors and three nurses (six Serbs, one Croat and one Jew) who had been working in the Koševo hospital in Sarajevo were reportedly arrested after trying to cross from Bosnian Government to Bosnian Serb-controlled territory. At least one was reportedly tried for "evading military service" and sentenced to two years' imprisonment. Amnesty International sought to confirm the details of the charges, believing that they may be prisoners of conscience.

Amnesty International also knows of other possible prisoners of conscience: Serbs reportedly detained in Sarajevo by the Bosnian authorities either for trying to cross to Bosnian Serb-held territory or for deserting, refusing to serve or bear arms in the Bosnian Army. The Bosnian Serb Army reportedly tried and sentenced large numbers of men in 1993 for evading or deserting military service and almost certainly continued to do so. Reports indicate that some of these prisoners may have had conscientious reasons for refusing to bear arms.

In April 1994 the *de facto* Bosnian Serb authorities detained 11 French aid workers near Sarajevo, alleging that they had tried to smuggle arms to the Bosnian Government forces. Amnesty International had serious doubts about the evidence to support these allegations. The Bosnian Serb authorities offered to exchange them for the medical staff mentioned above. Amnesty International considered them to be hostages, detained solely for the purpose of obtaining the release of prisoners held by the Bosnian Government. They have been released following "bail" payments and allowed to return to France, although charges are still pending. The medical staff were not released.

## **BULGARIA**

### *Torture and ill-treatment of Roma continues*

Amnesty International continued to receive reports that members of the Roma community had been subjected to ill-treatment by police officers, as well as to acts of racial violence from which police apparently failed adequately to protect the victims. In January, March and April 1994 Amnesty International urged Bulgarian authorities to carry out full and impartial investigations into the following incidents.

#### **Public beatings in Glushnik**

During the night of 3 November, 20 Roma from the village of Topolchane, in the Sliven region, while illegally picking grapes in the vineyard of the neighbouring village of Glushnik, were apprehended by a police officer and three armed men and locked up in a pigsty. The following morning they were taken out of the pigsty one by one and tied to a metal fence with their hands held behind their backs and beaten by a police sergeant and a crowd of gathered villagers.

Two of the Roma who were reportedly beaten were children, Kolyo Petrov Iliev, aged 11, and Petar Yordanov Khristov, aged 14. At around noon a police patrol arrived in Glushnik and took the detained Roma to a police station. They were released shortly afterwards.

#### **Racial attacks in Dolno Belotintsi**

Racially motivated attacks and harassment of the Roma community of Dolno Belotintsi began on 25 February after a Rom robbed and murdered a 70-year-old resident of the village.

That evening attacks by villagers against Roma homes took place in order to force the Roma community, numbering around 20 families, to leave the village. Roma homes were broken into, the windows were smashed and furniture and other household belongings were deliberately destroyed. Later in the night a group of armed men from the village forced around 30 Roma to march to Nikolovo, a village some three kilometres away, and back. During the march they were insulted, threatened that they would be thrown off a bridge and some of the women were threatened with sexual assaults.

The attacks continued with the same intensity for the next two days. During the night of 26 February the house of Miron Simeonov Metodiev was burned down. The victims of the forced march and the attacks filed complaints against the villagers who had attacked them; they also complained that they had reportedly failed to receive protection from the Regional Police Department and the County Prosecutor.

#### **"Skinheads" attacks on Roma in Pleven**

On 26 and 28 March and 1 April a group of around 50 "skinheads", armed with Molotov cocktails, firecrackers, knives and sticks, attacked Roma homes in the Storgozia quarter of Pleven. When the police arrived, according to some witnesses, they did not intervene to stop the attack and, in some cases, police officers beat the Roma with truncheons to prevent them from leaving their homes. Some police officers also allegedly shouted racist insults.

## CROATIA

### *Conscientious objection*

The laws on military service in Croatia allow conscientious objectors to perform an alternative, unarmed, service instead of military service. To Amnesty International's knowledge most requests for alternative service have been granted. One man, who was refused conscientious objector status and then prosecuted for failing to answer call-up, will reportedly have his request reconsidered.

Amnesty International's main concerns about the legislation are that the alternative is not purely civilian and that time limits exist for applying to perform alternative service for those who have already served in or been registered for service in the former Yugoslav National Army. The laws also preclude those who develop conscientiously-held objections after having commenced or completed their first period of military service from performing alternative service. The organization was particularly concerned about mobilizations which were carried out in Croatia in late December 1993 and January 1994 in which men were conscripted by the Croatian Army, but were then reportedly sent to fight in Bosnia-Herzegovina in unmarked uniforms or with markings of the Bosnian Croat forces - the *Hrvatsko Vijeće Obrane* (HVO). Several thousand men were reportedly involved. They were largely men who had been born in Bosnia-Herzegovina but had Croatian citizenship. Some of these men were reportedly prepared to perform normal military service in the Croatian Army, but objected on conscientious grounds to being sent to fight in Bosnia. A number of the men refused to go and were allegedly beaten. Some were reportedly imprisoned for up to 30 days. Amnesty International was concerned about the allegations of ill-treatment and that the manner in which the men were mobilized precluded the possibility of raising objections to being sent to serve to fight in Bosnia-Herzegovina with the HVO.

Human rights groups in Croatia have reported that Serbs or Croats born in Bosnia-Herzegovina or Serbs born in Croatia have been given call-up papers while still waiting confirmation that they have been granted Croatian citizenship, that is before they were liable to perform military service. In at least one case reported to Amnesty International, a possible conscientious objector was summoned six times while waiting to resolve his citizenship and has refused call-up. Amnesty International is seeking more details of his case.

## **CYPRUS**

### *Conscientious objection to military service*

There has been no improvement in the situation of Cypriot conscientious objectors (see *Amnesty International Concerns in Europe May-October 1993*).

Sotiris Christou Anastasiadis and Omiros Andreou Constantinou were sentenced to two and six months' imprisonment in March and April respectively for refusing to perform reservist military exercises on the grounds of their beliefs as Jehovah's Witnesses. They have both served similar terms of imprisonment in the past for the same offence. After their release they will probably be called up again. If they refuse again to perform military service, they are likely to face yet another term of imprisonment. Amnesty International considered them to be prisoners of conscience and urged their immediate release.

In April, another Jehovah's Witness, 53-year-old Theocharis Theokli Theocharidis was due to appear in Court for refusing to perform reservist military exercises. He has extremely poor eye-sight and suffers from high blood pressure and enlargement of the heart. His applications for exemption from military obligation on health grounds have not been accepted so far. He has already been imprisoned for the same offence in the past and faces a possible term of imprisonment of one to five months. His trial has been postponed.

## THE CZECH REPUBLIC

### *Ill-treatment and death in custody*

Amnesty International was concerned about reports that Jaroslav Jonáš, a 17-year-old Rom, had been beaten and otherwise ill-treated by the police on 17 September 1993 in Frýdek-Místek and that he subsequently was alleged to have committed suicide on 19 September while in detention in Ostrava.

Jaroslav Jonáš was arrested in the early morning hours of 17 September, together with another minor and a 20-year-old man, while attempting a burglary of a restaurant in Frýdek-Místek. During the first interrogation at the police station, in the absence of a lawyer or a parent, Janko Jonáš was reportedly beaten and forced to sign a confession. He was subsequently released but summoned back to the police station on the same day for further questioning. In the presence of his father, a lawyer and a social worker, Jaroslav Jonáš denied his previous statement, claiming that the police had beaten him, and complained of pain behind the neck and a nosebleed. He was taken to the hospital in Frýdek-Místek and examined by a doctor who recommended seven days treatment for the contusions on the left cheek, nose and the back of the neck.

On 18 September Jaroslav Jonáš appeared before a magistrate who ordered that he be kept in pre-trial detention. He was then taken to a detention centre in Ostrava. On 20 September Janko Jonáš was notified that his son had committed suicide on 19 September at around 8pm. He was told that Jaroslav Jonáš had asked the shift commander to move him to a cell where he would be alone, where he was later found hanged. The death certificate stated as cause of death strangulation by hanging, that it was suicide, and described the same injuries as the medical certificate of 17 September.

In April 1994 Amnesty International wrote to the Minister of Justice asking for the results of the investigation into the circumstances surrounding the death of Jaroslav Jonáš which was reportedly being conducted by Ostrava Prosecutor's Office.

### *Defamation law amended by the Constitutional Court*

On 13 April 1993 the Constitutional Court decided to annul parts of Article 102 of the Criminal Code pertaining to the defamation of the government, parliament and the constitutional court. Amnesty International had been concerned about the provisions of this law (see AI Index: EUR 01/01/94) and wrote to President Vaclav Havel again in April urging him to initiate further legislative reform of Article 102 which, after the decision of the Constitutional Court, still retains as a criminal offence defamation of the Czech Republic; and of Article 103, which penalizes defamation of the president of the republic.

Amnesty International considers that these provisions contravene the right to freedom of expression set out in Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights, both of which the Czech Republic has ratified and is legally bound to observe.

## DENMARK

### *Death penalty*

In February the Danish Government ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Amnesty International welcomed this initiative and invited the government to join the organization in urging other states to sign and ratify this instrument and work towards the eradication of the death penalty worldwide.

### *Shootings at a Demonstration*

Amnesty International continued its investigation into the incident on 18-19 May 1993 in which riot gear and plainclothes police officers shot directly into a crowd during a violent demonstration in Copenhagen following the second Danish referendum on the Maastricht Treaty. Police reports made public have failed to clarify the circumstances in which each of the at least 11 people were shot. According to these reports, the only orders given by leaders of a plainclothes and uniformed police unit, were to fire "warning shots". According to Danish police regulations, warning shots are to be fired "directly into the air". Those wounded were hit by bullets in the stomach, face, back, shoulders, legs and hand. The circumstances in which the police resorted to the use of lethal force remain disputed. A report about the incident by the Director of Public Prosecutions, based on investigations conducted by the Copenhagen and National police, is expected to be completed in June.

### *Allegations of Ill-Treatment*

Amnesty International continued its investigations into several reports of ill-treatment by police. The civil cases seeking compensation for the injuries suffered by Babading Fatty, an African tourist who was ill-treated by prison guards after being detained in 1990, and Benjamin Schou, a youth who suffered cardiac arrest and severe brain damage after being restrained and while in police custody in January 1992, remained pending. In December a special police patrol, which was engaged in a 15-month operation aimed at decreasing the open trade in hashish in Christiania, was disbanded. Several people reported that they had been ill-treated by police during this operation in or around Christiania, an abandoned military barracks which was taken over by squatters in 1971. Allegations of ill-treatment included police restraining people in a "leg-lock", which involves lying the detainee on their stomach, handcuffing them behind the back, wedging one foot against the opposite knee and placing the other foot up under the handcuffs. Several people have reported that they suffered pain, numbness and tingling in their arms, wrists, hands or fingers months after being restrained in the "leg-lock".

In March the Minister of Justice responded to Amnesty International's concerns about the indefinite imprisonment in Denmark of Greenlanders, convicted of committing serious offences in Greenland. The Danish Government and Greenland Home Rule Government have appointed a commission which will, among other things, examine Amnesty International's concerns.

## ESTONIA

### *The death penalty*

In March Amnesty International learned that Sergei Krylov had been sentenced to death by Laane-Viru County Court on 18 May 1993. According to the Ministry of Justice, Sergei Krylov, who had a previous conviction for murder, was found guilty of stabbing to death a pensioner. The sentence was confirmed by the State Court on 19 August 1993. Sergei Krylov has submitted an appeal for clemency to President Lennart Meri. According to Amnesty International's information, two other prisoners, Ruben Melkonjan and Vassili Otshalenko, are also currently awaiting the outcome of petitions for clemency. Amnesty International has appealed for commutation of all three death sentences but has received no replies from the Estonian authorities on any of the three cases.

Just prior to learning about the death sentence passed on Sergei Krylov, Amnesty International had written to the Minister of Justice in order to obtain clarification concerning the number of persons currently under sentence of death. Its inquiry was prompted by an article in the Swedish newspaper *Dagens Nyheter* on 28 January in which the governor of Patarei prison was reported as saying that there were five prisoners currently on death row.



## FRANCE

### *Allegations of ill-treatment, police shootings and deaths in police custody*

In August 1993 Amnesty International wrote to the Ministers of the Interior and Justice seeking information regarding inquiries into allegations of ill-treatment by police, shootings of unarmed people and deaths in custody (see AI Index: EUR 01/01/94). By the end of April no replies had been received from the Ministers; however, the French Embassy in London had replied giving information on the continuing inquiries into two of the fatal shootings.

The organization continued to receive allegations of ill-treatment. On the evening of 10 December Rachid Harfouche, a 20-year-old French national of Algerian descent, saw three policemen running towards him; he turned and ran up to the flat in which he lived with his parents in Noisy-le-Sec. Rachid Harfouche was allegedly stopped by the police at a neighbour's door for what the police claimed was an identity check. He was handcuffed behind his back and members of his family and neighbours saw two officers violently beat him with truncheons. Rachid Harfouche was taken down the stairs followed by members of his family and neighbours. The police continued to beat him and he started to vomit following a severe blow to the thorax. Various attempts were made to stop this assault and the police cleared the hallway with tear gas. His mother was later taken to hospital suffering from the effects of tear gas. Rachid Harfouche was dragged outside and, according to his father, was beaten and kicked while lying handcuffed face downward on the ground. He was taken to the Noisy-le-Sec police station where he was accused of assault and was examined by a doctor. A medical certificate, issued the next day after treatment in hospital, described a fracture to his nose and multiple injuries to his throat, chest, back, buttocks and wrists. When his brother, Idris Harfouche, and a friend went to the station they were searched and had their identity papers checked. Idris Harfouche was then taken into custody as he refused to leave without seeing his brother. On 21 December the two brothers made a judicial complaint against the police in the Bobigny court.

On 9 March a serious disturbance took place in Varcès prison, near Grenoble. News of this incident was largely suppressed for three weeks. According to local lawyers and prisoners the disturbance began when officers of the "riot police" (*Compagnie Républicaine de Sécurité, CRS*) were called to support the prison staff in clearing two exercise yards of prisoners who were reportedly peacefully protesting against restrictions in the administration of sentences, association time and family visits. The operation was reportedly carried out with an excessive use of physical force, in particular regarding the allegations of prisoners being beaten with truncheons. The prison guards, armed with riot guns firing rubber bullets, wore hoods to conceal their identity. Once prisoners had left the yard they were obliged to climb the stairs where waiting prison officers allegedly beat them. Approximately 15 prisoners were treated for injuries in the prison infirmary and many other prisoners were immediately transferred to other prisons. Amnesty International sought further information as to why an administrative inquiry had only begun three weeks after the incident and why the gendarmerie officer, who had commanded the operation, was in charge of the inquiry. No judicial action had apparently been taken but in April 30 lawyers from Grenoble sent an open letter denouncing police violence in Varcès prison to the Prosecutor General of the Court of Appeal.

## GEORGIA

### *Alleged ill-treatment in detention*

During the period under review Amnesty International continued to receive allegations of ill-treatment in detention. Two such reports are given below.

Irakli Gotsiridze, a newspaper editor aged over 70, was arrested on 3 October after he had gone to a police station in Tbilisi to complain about the detention of two colleagues. He reported that he was beaten severely by members of the paramilitary or armed forces, suffering fractures to his ribs, and that he was subsequently denied appropriate medical care. It is also alleged that he was arrested without a proper warrant. Irakli Gotsiridze was released after 36 days.

Tamaz Kaladze was detained on 13 October by members of the paramilitary or armed forces. The exact charge or charges against him are not known to Amnesty International, but he is said to have earlier organized a petition calling for the resignation of Eduard Shevardnadze, Chairman of the Georgian Parliament. It is alleged that Tamaz Kaladze was beaten, including around the head and on the balls of his feet, given electric shocks, and had a plastic bag held over his head. He was released after 38 days.

Amnesty International continued to express its concern about these and other such allegations. The organization called for a thorough and impartial investigation into all such cases, with the results made public and any perpetrators identified brought to justice within the bounds of international law.

### *Detention of political opponents*

Irakli Gotsiridze and Tamaz Kaladze were among at least 10 supporters of former President Zviad Gamsakhurdia detained for short periods in October after the outbreak of a brief civil war. Amnesty International has expressed its concern about allegations that many of them were detained in connection with the peaceful exercise of their right to freedom of expression, and has asked the authorities for further information on the exact charge or charges against them, and whether or not their cases were reviewed by an independent judge.

### *The death penalty*

In January the Procurator of Abkhazia, a region which currently does not recognize the jurisdiction of the Georgian authorities, reported to Amnesty International that there were five or six people on death row in Abkhazia at that time and that there is at present no specific body to review petitions for clemency. For further information, and for a review on the death penalty in general in Georgia, see *Georgia: The death penalty - an update* (AI Index : EUR 56/01/94).

## GERMANY

### *The ill-treatment of detainees by the Hamburg police*

In January Amnesty International published a report (*Federal Republic of Germany: Police ill-treatment of detainees in Hamburg*, AI Index: EUR 23/01/94) in which it criticized the Hamburg authorities for failing to prosecute or discipline police officers responsible for ill-treating detainees in their custody. The officers - members of a special police unit (the *E-Schicht*) based at police station 16 in Hamburg - had been the subject of 32 complaints of ill-treatment during the period 1989 to 1993. None of these complaints had resulted in officers being charged or disciplined. In at least two cases, both of which were documented in the report, the victims had subsequently been awarded compensation by a Hamburg court for the injuries they had suffered at the hands of the *E-Schicht*.

In February Amnesty International wrote to the Hamburg authorities, saying that it believed that the failure to charge or discipline those officers responsible for ill-treating detainees would encourage other officers to believe that they could commit similar acts with impunity. The organization urged the Hamburg Ministers of Justice and of Internal Affairs to carry out a thorough review of all complaints of ill-treatment by officers of the *E-Schicht* based at station 16. The organization also called upon the Hamburg authorities to examine existing guidelines on the use of force by police officers and the way in which these are interpreted by officers and by prosecuting authorities, in order to ensure that they conform with international standards.

By the end of April Amnesty International had received no response from the Hamburg authorities, either to its report or to its letters. However, the organization did learn that the Hamburg prosecuting authorities had reopened the investigation into one of the cases of alleged ill-treatment. At the end of April the Hamburg Minister of the Interior was reported to have announced that the *E-Schicht* was to be dissolved as part of a programme of economy measures.

### *The virtual isolation of Birgit Hogefeld*

Birgit Hogefeld was arrested in June 1993 in Bad Kleinen in northern Germany during a police operation in which suspected RAF (*Rote Armee Fraktion/Red Army Faction*) member Wolfgang Grams and a police officer died (see below). She is detained under anti-terrorist legislation in Bielefeld-Brackwede I prison where until the end of 1993 she had no contact whatsoever with her fellow prisoners.

Amnesty International is concerned that the prolonged isolation of prisoners may have serious physical and psychological effects and may constitute cruel, inhuman or degrading treatment. In December the organization asked the Federal Minister of Justice and the Minister of Justice of North Rhine-Westphalia whether the Federal Public Procurator (*Generalbundesanwalt*) and the Federal High Court (*Bundesgerichtshof*) had taken into account the possible harmful effects that prolonged isolation can have on the physical and mental health of prisoners when they ordered that Birgit Hogefeld should be kept in strict isolation. Amnesty International also asked what steps the Bielefeld prison authorities had taken to alleviate the effects of isolation on Birgit Hogefeld and whether a review of her prison conditions was planned.

In January the German authorities informed Amnesty International that in laying down the conditions for Birgit Hogefeld's imprisonment, the Federal High Court and the Federal Public Procurator had made allowance for the fact that strict solitary confinement places a particular burden

on the individual prisoner. They had therefore sought to alleviate the effects of solitary confinement by granting Birgit Hogefeld additional visiting rights and by allowing her generous access to television, radio, newspapers, etc. In addition, she was granted permission in December to take part in a one-hour exercise period each day.

In a letter to the German authorities in April, Amnesty International welcomed the steps taken to lessen Birgit Hogefeld's isolation but expressed continued concern that her opportunities for meaningful social interaction with other prisoners remained extremely limited. (According to Amnesty International's information, the number of prisoners who are able to participate in the one-hour exercise period Birgit Hogefeld has been granted is very small - between two and seven in number. Furthermore it appears that many of these prisoners do not actually take advantage of the opportunity to exercise, or else for various reasons do so only a handful of times, for example because they are released after a short time in investigative detention.) The organization therefore urged the authorities to explore further possibilities in order to increase her social contact with other prisoners.

*The shooting of Wolfgang Grams (see AI Index: EUR 01/01/94).*

In January the Schwerin Public Prosecutor's Office (*Staatsanwaltschaft Schwerin*) closed its investigation into the death of Wolfgang Grams after rejecting as groundless reports that the suspected RAF member had been deliberately killed by a member of the GSG-9 anti-terrorist unit. The Public Procurator concluded in its investigation that Wolfgang Grams had committed suicide.

## GREECE

### *Death Penalty*

On 16 December 1993 the Greek Parliament passed a new law abolishing the death penalty without restriction, in wartime as well as in peacetime. The Greek Government is also considering ratification of the Sixth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms which Greece signed in 1983.

### *Freedom of Expression trials*

Prosecutions continued of people who had exercised their right to freely express non-violent opinions in criticizing the Greek Government's policy regarding its neighbour, the Former Yugoslav Republic of Macedonia (FYROM), and in asserting that there is a Macedonian ethnic minority in Greece. All charges brought against 11 of them were dropped at three different trials in January and February. However, seven people still faced trial on similar charges.

On 14 April, former Deputy Ahmet Sadik was on trial in Agrinio for having published an article alleging discrimination against and repression of the Turkish minority in *Güven* on 17 November 1989 and for having distributed a tract with the same content on 22 November 1989. The charges against him were dropped.

### *Conscientious objection*

Since October, about another 150 young men, all of them Jehovah's Witnesses, have been imprisoned for refusing to perform military service. They are facing a four-year sentence in conditions described in July 1993 by the then Minister of National Defence himself as "objectionable and inadmissible". About 10 conscientious objectors were released after serving approximately half of their four-year sentence.

In January, after Greece was once again criticized by the European Parliament for its refusal to introduce an alternative civilian service, the Minister of Defence, Gerasimos Arsenis, confirmed that the Greek Government is planning - for the third time - to present a law for the introduction of such a service.

### *Further allegations of ill-treatment*

In December, Amnesty International wrote to the Greek authorities expressing its concerns about cases of alleged ill-treatment and torture received during the year, involving different branches of the police and security forces. No response has yet been received. Since then Amnesty International received further allegations of ill-treatment from foreign detainees, Albanian nationals and Greek citizens.

On 2 February, policemen carried out a search for narcotics at the pub of Charalambos Kabiotis and his girlfriend, Barbara Mega. They reportedly insulted the couple, beating up the girl. They handcuffed, punched, kicked and threatened Charalambos Kabiotis with death before transferring the couple to the police station, where they allegedly received similar treatment.

## HUNGARY

### *Ill-treatment and violation of the right to freedom of expression - the case of Hermán Péter and Pálincás József*

Amnesty International wrote to Minister of Interior Kónya Imre on 15 March urging him to investigate promptly and impartially reports that Pálincás József and Hermán Péter were beaten and otherwise ill-treated by police officers in Szarvasgede on 19 January 1994. Amnesty International was also concerned that Hermán Péter, an activist of the Green Alternative, who was campaigning against the decision of the Szarvasgede Council to approve the construction of a medical waste incinerator, was subsequently held in detention until 28 January, apparently for exercising non-violently his right to freedom of expression. Amnesty International's concern was described in a report published in April, *Hungary - Ill-treatment and violation of the right to freedom of expression* (AI Index: EUR 27/01/94).

### *Defamation law contravenes the right to freedom of expression*

Amnesty International wrote to President Göncz Árpád on 15 April expressing concern about the prosecution of Eörsi Mátyás and Lengyel László for defamation of public authority or officials under the provisions of Article 232 of the Hungarian Penal Code. Paragraph 1 of this article states that: "Any person who by stating or spreading a fact or using any expression referring to a fact which is likely to violate the honour of a public official or through the violation of a public official's honour likely to damage the honour of a public authority, commits a criminal offence and shall be liable to imprisonment not exceeding two years or community service order or fine."

Amnesty International considers that Article 232 contravenes the right to freedom of expression set out in Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights, both of which Hungary has ratified and is legally bound to observe. Amnesty International is concerned that the enforcement of Article 232 has resulted in the prosecution of people who have exercised their right to the free expression of political or other beliefs without resorting to or advocating the use of violence. If imprisoned they would be considered by Amnesty International as prisoners of conscience.

Eörsi Mátyás was charged under Article 232 paragraphs 1 and 3 in October 1992 for a statement made in a television program which the Hungarian Government considered as defamatory to Horvath Balazs, then Minister of Interior. The court of first instance acquitted Eörsi Mátyás of the charge. Following the judgment of the Court of Appeal which revoked the acquittal and reprimanded the defendant, the Supreme Court ruled in September 1993 for a retrial on the grounds that the statement under examination was a factual statement and that Eörsi Mátyás should be allowed to prove the truth of his statement.

Lengyel László was charged under Article 232 paragraphs 1 and 3 following a lecture given on 10 June 1993, on the state of the Hungarian economy, which was considered as defamatory to the Hungarian Government. The Court of Appeal sentenced the defendant in December 1993 to a fine of 75,000 forints suspended for one year. Lengyel László has filed an extraordinary appeal to the Supreme Court.

## ITALY

### *Deaths in custody and alleged ill-treatment by law enforcement officers*

Amnesty International was concerned about further reports of ill-treatment by law enforcement officers. It sought information on the steps taken to investigate the ill-treatment to which Arsenie Cretu, a Romanian national, alleged he was subjected by police officers in Milan following his arrest on 27 May 1993 for an alleged sexual assault and robbery. When he appeared before the judge of preliminary investigation on 29 May the court recorded his allegations that police had beaten him and urinated on his head and noted bruises and other signs of injury on his thorax, abdomen and back. Amnesty International also sought information on the progress of a judicial investigation into the alleged ill-treatment and death of Antonio Morabito while in the custody of Turin police on 18 December, following his arrest for robbery. Numerous eye-witnesses claimed that, after handcuffing him, police officers kicked and punched him, hit him with the butt of a gun and fired a shot close to his head. He was taken to a central police station but died a few hours later during his transfer to hospital. The police rejected the allegations of ill-treatment and suggested they were maliciously motivated. Autopsy and forensic reports established that the detainee had suffered severe injuries to the peritoneum resulting in an intestinal haemorrhage which caused his death. On 4 May the Public Prosecutor's office apparently requested the committal for trial of two police officers on manslaughter charges.

Five people, including one minor, were arrested by Bologna police on 14 January following a drugs raid on a street-market and taken to a central police station. All five were reportedly released within 48 hours and sought medical assistance at a local hospital, claiming they had been beaten at the police station. On 22 February two of the detainees, Marco Lobos and Franco Vienibene, lodged formal complaints against the police, supported by medical reports recording injuries.

Vicky Tschminga, a Zairean medical student, reportedly lodged a formal complaint alleging that he was kicked and punched by two police officers on the street and in a police station following his arrest in Rome on 27 January. He said he was released after a police inspector explained that a mistake had occurred. The police later stated that they had stopped Vicky Tschminga in an area where they had been told an African drug-dealer was operating and had arrested him after he refused to show his identity papers.

Fifteen-year-old Salvatore Messina lodged a complaint alleging that two *vigili urbani* (local police) nearly ran him over in their car as he crossed a road in Palermo on 11 March, then asked for his documents, dragged him into the car and slapped him repeatedly until he agreed to say he was "a piece of shit". He was then released. His complaint was accompanied by a medical certificate apparently recording various facial injuries which was issued by a local hospital within hours of his release. The *vigili urbani* stated that when they stopped their car the boy had been drunk, obstructing the traffic and shouting abuse. They had placed him in their car to drive him home but he had started to punch and slap himself, claiming that if his father were to find out he had been stopped by the police he would be beaten; he then suddenly jumped out of the car. Filippo Campanella stated that on 15 March, when he asked a female member of the *vigili urbani* if he could remain double-parked on a Palermo street, she asked a number of male colleagues to move him on by force and that they then punched and kicked him repeatedly until he lost consciousness and the *carabinieri* intervened. There were reportedly numerous eye-witnesses to the incident. Filippo Campanella was admitted to hospital suffering from injuries which resulted in a partial paralysis of his right leg. The *vigili urbani* claimed he

had thrown himself to the ground, pretending to be hit; they apparently lodged a complaint accusing him of various offences including insulting a public officer and resisting arrest. A judicial inquiry was opened into the incidents and in April some 15 officers were under investigation in connection with the alleged ill-treatment.

In February the Public Prosecutor attached to Rome's Juvenile Court informed Amnesty International that preliminary judicial proceedings had been opened against a police officer in connection with the alleged ill-treatment of 13-year-old M.C. in September 1993. The results of forensic tests ordered by the Public Prosecutor conducting the judicial investigation into the alleged ill-treatment and shooting of two Roma children, Tarzan Sulic and Mira Djuric, in a *carabinieri* barracks near Padua in September 1993 (see AI Index: EUR 01/01/94) concluded that Tarzan Sulic was seated when the shot which killed him was fired and that his hands were not touching the gun at that moment. They were unable to establish whether any struggle had immediately preceded the firing of the gun, as claimed by the *carabinieri*. The Prosecutor's office reportedly concluded that Mira Djuric's complaint that both children were beaten during their detention was unfounded.

*Alleged ill-treatment by prison guards (update to information given in AI Index EUR 01/01/93 and EUR 30/01/93)*

In January the Ministry of Justice informed Amnesty International that the Sassari Public Prosecutor had asked for Giordano Otello Galati's 1992 complaint of ill-treatment against Asinara prison guards to be filed and had passed the dossier to the Public Prosecutor in Palmi for investigation of Giordano Otello Galati on a possible charge of calumny.

Inmates of Sulmona Prison claimed that prison guards had threatened and beaten prisoners in reprisal for a protest carried out on 16 December following an alleged delay in providing medical assistance to a fellow prisoner. In February it was reported that prisoners had lodged 13 formal complaints accusing prison staff of inflicting savage beatings, issuing death threats, abusing their authority, and committing acts of deliberate humiliation and extortion.

In an open letter published by the press on 8 February inmates of Secondigliano Prison expressed concern about the isolation of a fellow prisoner, Giacomo De Simone, since a court appearance on 12 January when he had complained of ill-treatment by prison guards. They claimed he had been repeatedly beaten by prison guards over a two-day period immediately preceding the court hearing and threatened with further ill-treatment if he reported his treatment to the judges. In February it was also reported that five prison guards and their commandant had been committed for trial on various charges including abuse of authority, aggravated fraud, calumny, perjury and instigation of others to commit offences as a result of the judicial investigations opened in early 1993 into the alleged systematic ill-treatment of some 300 inmates of Secondigliano prison. In April 108 guards were apparently still under judicial investigation in connection with the alleged ill-treatment.



## KAZAKHSTAN

### *Prisoners of conscience*

#### **Prosecutions for defamation: Karishal Asanov (update to information given in AI Index: EUR 01/01/94) and Ruslan Chukurov**

Karishal Asanov, who had been expecting to face a second retrial on a charge of "infringement upon the honour and dignity of the President" (Article 170-3 of the Criminal Code), was informed on 27 December that the case against him had been dropped. The reason for this was the abolition of Article 170-3 on 15 October.

In December Amnesty International wrote to President Nursultan Nazarbayev concerning Ruslan Chukurov, who had been sentenced on 22 November to three year's imprisonment by the Lenin district people's court in Almaty, the capital, for "infringement upon the honour and dignity of a people's deputy" (Article 170-4 part 2 of the Criminal Code) and "making a report known to be false" (Article 186). The charges were in connection with allegations of corruption and malfeasance made by Ruslan Chukurov against the director of a medical research institute where he had worked as a cardiologist until March 1992. Ruslan Chukurov was freed following his trial pending the hearing of an appeal against his sentence. Amnesty International wrote that if his appeal was rejected and he was sent to serve his sentence Ruslan Chukurov would be considered a prisoner of conscience. At the appeal hearing in Almaty city court on 20 December Ruslan Chukurov was acquitted.

In reply to an inquiry from Amnesty International, Minister of Justice Nagambay Shaykenov confirmed in February that Article 170-3 had been abolished, but noted that Article 170-4 remained in force.

#### **Conscientious objector Roman Grechko**

Roman Grechko was sentenced on 30 March to one year's imprisonment by the October district people's court in Almaty for "evasion of active military service" (Article 66 of the Criminal Code). His refusal to perform military service stemmed from his religious beliefs as a Jehovah's Witness. Since the law in Kazakhstan did not offer an alternative to compulsory military service for all people who declare a conscientious objection to it, Amnesty International regarded Roman Grechko as a prisoner of conscience and called for his immediate and unconditional release.

### *The death penalty*

Amnesty International learned of nine death sentences, all passed for premeditated, aggravated murder. Five men were sentenced to death by the regional court in Pavlodar, north Kazakhstan, in three separate trials on dates not known to Amnesty International, and appeals against the sentences were rejected by the Supreme Court early in 1994. The other death sentences were passed in April by the Supreme Court's military collegium on four soldiers convicted of killing a family. These men had no right of appeal against their sentences.

Amnesty International campaigned for commutation of these death sentences and continued to press for abolition of the death penalty in Kazakhstan.

## KYRGYZSTAN

### *Torture and ill-treatment in custody*

Amnesty International learned of three cases in which people alleged that they had been tortured and otherwise ill-treated in police custody.

Valery Fyodorov, Vitaly Rakitin and Dmitry Frolov, all minors, were detained in March by police in Bishkek, the capital, on suspicion of threatening the life of a police officer. They subsequently claimed that they were tortured until they confessed to the crime. Vitaly Rakitin and Dmitry Frolov reported that during questioning over two days at the Sverdlovsk district police station they were beaten about the head, punched in the chest and in the area of the kidneys, and thrown against walls. Vitaly Rakitin also claimed that at one point a gas mask was placed over his face with the air supply shut off to prevent him breathing freely. All three young men were charged five days after their arrest. Vitaly Rakitin and Dmitry Frolov, who subsequently withdrew their confessions, were conditionally released pending trial, but at the end of April Valery Fyodorov was still in detention.

The Ministry of Internal Affairs was reported to be investigating the allegations concerning the treatment of these three young men.

Daniil Murzak, Albert Girfanov, Sandzhar Tutashev and Vladimir Metchikov, all minors, were detained by police in the city of Dzhahalal-Abad also in March. It was alleged that while in custody they were beaten by four police officers, as a result of which two of the young men needed hospital treatment.

Andrei Arazov, Sultan Karibzhanov, Rustam Karibzhanov and Nurkan Ospanov were arrested in February 1993 and were convicted of murder in February 1994 by Chuy regional court. Andrei Arazov and Sultan Karibzhanov were sentenced to death [see below], and Rustam Karibzhanov and Nurkan Ospanov to prison terms of, respectively, five and 10 years. These sentences were upheld by the Supreme Court on 5 April. It was alleged that they were convicted solely on the basis of confessions which they were beaten and intimidated into making.

Amnesty International wrote in May to President Askar Akayev asking to be kept informed about the progress of the investigation into the treatment of Valery Fyodorov, Vitaly Rakitin and Dmitry Frolov. It called for an inquiry into the allegations made in the other two cases mentioned above.

### *The death penalty*

Amnesty International called for commutation of the death sentences passed on Andrei Arazov and Sultan Karibzhanov, pointing out in particular that the death penalty is an irrevocable punishment, and miscarriages of justice which result in capital punishment can never be put right.

Amnesty International learned of one other death sentence, passed by Osh regional court in 1993 (the exact date is not known) on Bakir Tanikulov. He was convicted of murder. From the information available it appeared that an appeal had been rejected by the Supreme Court. Amnesty International called for the sentence to be commuted.

Amnesty International continued to press for abolition of the death penalty in Kyrgyzstan.

## **LATVIA**

### *The death penalty*

In January Amnesty International received confirmation from the Ministry of Justice that no death sentences had been passed in 1993. The last execution took place in April 1993 (see AI Index: EUR 01/01/94).

## LITHUANIA

### *The death penalty*

Three executions were carried out within a period of only several weeks during the period under review. (Only one other execution had been carried out since March 1990 - that of Aleksandras Novadkis in August 1992.)

In January Amnesty International learned of the execution of Vladimir Ivanov and Valentinas Laskys on 22 December following rejection of their petitions for clemency by President Algirdas Brazauskas. Vladimir Ivanov had been sentenced to death by the Supreme Court in July 1993 for the murder of a woman and her four-year-old daughter. Valentinas Laskys was convicted by the same court a month later on three counts of murder (see AI Index: EUR 01/01/94). Also in January Amnesty International was informed by an official of the Supreme Court that a total of nine prisoners sentenced to death in 1993 had had their sentences commuted to life imprisonment during the year.

In February Amnesty International was informed by the Lithuanian Association for the Protection of Human Rights, a non-governmental organization, that on 21 January President Brazauskas had rejected the petition for clemency submitted by Vidmantas Zibaitis. It is believed that the prisoner was executed the same day or very soon afterwards. The 22-year-old man had been sentenced to death by the Supreme Court in September 1993 for the murder of three people (see AI Index: EUR 01/01/94).

Two death sentences were pending at the end of April. Jozas Maksimavicius was sentenced to death by the Supreme Court on 20 December. According to a report by *ITAR-TASS* news agency, he was convicted of the murder of the director of a metal works in Kazakhstan in December 1992. On 2 February Lithuanian Radio announced that Antanas Varnelis had been sentenced to death by the Supreme Court of Lithuania for the murder of six people. Amnesty International appealed for commutation of both these death sentences.

In all of the cases described above, Amnesty International asked the authorities whether appeals had been heard against the death sentences passed by the Supreme Court (which in Lithuania continues to act as the court of first instance in capital cases). In a reply which Amnesty International received in March, the Deputy Prosecutor General said, with reference to the case of Jozas Maksimavicius, that "the Constitution of the Republic of Lithuania...grants a person sentenced to death the right to appeal to the President of Lithuania who can commute the death sentence to a lighter sentence including life imprisonment". A petition for clemency does not, however, constitute an appeal under Article 14 (5) of the International Covenant on Civil and Political Rights, to which the Republic of Lithuania is a party and bound to comply. (Article 14 (5) states that: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law".)

### *Allegations of ill-treatment (see AI Index: EUR 01/01/94)*

In February Amnesty International was informed by the Ministry of the Interior that the police department of the Ministry had carried out an investigation into allegations that police officers had failed to intervene when a group of Poles was attacked with wooden sticks by a group of Lithuanian citizens at a Lithuanian-Polish border crossing in April 1993. According to the Ministry the officers who failed in their duty were subjected to summary punishments.

*New legislation on preventive detention (see AI Index: EUR 01/01/94)*

In December the Lithuanian Parliament (*Seimas*) replaced the special decree on preventive detention passed in July with new legislation amending the Code of Criminal Procedure. The decree, which allowed for the arrest of individuals suspected of being involved in organized criminal groups and for their detention for up to 60 days without charges being brought or evidence being presented, had been due to expire at the end of 1993.

In a letter to the authorities in October, Amnesty International had expressed concern that application of the decree could result in the arbitrary detention of persons on the basis of their political activities or beliefs. The organization had urged the Lithuanian authorities to repeal the decree or amend it in order to bring it into line with its treaty obligations under the International Covenant on Civil and Political Rights and other international standards. No reply had been received to its letter by the end of April.

The new legislation, which took effect on 1 January and is valid for one year, stipulates that suspects detained under it must be brought before a court within 48 hours.

## LUXEMBOURG

### *Prolonged isolation of prisoners*

In December Jean-Marie Sauber was released from solitary confinement (*régime cellulaire strict*) in Schrassig prison (*Centre pénitentiaire de Schrassig*) where he had spent over eight months. At least five other prisoners were kept in isolation for prolonged periods. One, Satko Adrovic, was placed in solitary confinement in December for a period of six months as a punishment for attempting to escape. He had only recently spent eight and a half months in isolation (between November 1992 and August 1993) as the result of a previous escape attempt.

Solitary confinement in Schrassig prison is imposed either for disciplinary reasons or in cases where prisoners are classed as dangerous. Prisoners in isolation spend 23 hours per day in their cells.

For one hour per day they are transferred into another cell, approximately 10m<sup>2</sup> in size with a roof made of wire mesh, where they exercise alone. Amnesty International is concerned that prolonged isolation may have serious effects on the physical and mental health of prisoners and may constitute cruel, inhuman or degrading treatment.

In March Amnesty International asked the Luxembourg authorities what measures the prison authorities had taken to alleviate the physical and psychological effects of prolonged isolation on Satko Adrovic.

In November the Luxembourg Government published the report drawn up by the Committee for the Prevention of Torture (CPT), a body of experts set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In its report of its nine-day visit in January 1993 to places of detention in Luxembourg, the CPT criticized the use of prolonged solitary confinement in Schrassig prison and put forward a number of recommendations for consideration by the Luxembourg authorities. These recommendations included: the immediate introduction of changes to the solitary confinement régime, in order to ensure that prisoners are able to enjoy greater mental stimulation and appropriate human contact; the complete reorganization of the exercise facilities so that prisoners have sufficient space in which to exercise properly; a reassessment of the use of solitary confinement as a punishment, a practice which the CPT describes as "unacceptable" (*"inacceptable"*); the introduction of the right for prisoners to be informed, in writing, of the reasons for their being placed in solitary confinement and for prisoners to be able to challenge such a decision; and the periodic re-examination of the decision to place a prisoner in solitary confinement, based on a medical and social assessment of the prisoner in question.

In its response to the CPT's report, published in April, the Luxembourg authorities announced a number of changes to the practice of solitary confinement. These included the employment of a number of teachers in Schrassig prison, whose function will be to increase the amount of mental stimulation which prisoners in isolation enjoy, and the reorganization of the exercise period so that prisoners are allowed access to a large courtyard. The CPT's recommendation that the authorities should reconsider using solitary confinement as a punishment was rejected for "reasons connected with order and security" (*"pour des raisons liées à l'ordre et à la sécurité"*). The CPT's other recommendations were still being looked at.

## MOLDOVA

### *The trial of the "Tiraspol Six"*

On 10 December Moldovan President Mircea Snegur issued a decree annulling the verdicts passed on the "Tiraspol Six" (see AI Index: EUR 01/01/94) by the self-proclaimed Dnestr Moldavian Republic (DMR). However, with the DMR in control of the area it lays claim to, the Moldovan authorities are currently unable to enforce any such decrees and the "Tiraspol Six" remain imprisoned.

In February Ilie Ila\_cu, who has been sentenced to death, declared a hunger strike in protest at his conditions of imprisonment but it is currently unclear to Amnesty International how long this lasted. He was elected a member of the Moldovan parliament at the end of that month. Three other defendants are reported to be in ill health.

Amnesty International is continuing to urge the DMR authorities not to carry out the death sentence passed on Ilie Ila\_cu. It is also concerned that the six men may not have received a fair trial in line with international standards and is therefore urging a thorough and impartial review of the case.

The organization is also calling on the DMR authorities to ensure that the men receive all appropriate medical care.

Amnesty International is approaching the DMR officials solely in their position of *de facto* authority over the area of Moldova under their control, and not as a mark of recognition *de jure*. For further information please see *Moldova: Update on the trial of the "Tiraspol Six"* (AI Index: EUR 59/02/94).

### *The death penalty*

During a visit to Moldova in February Amnesty International's delegates were provided with a comprehensive table of information regarding death penalty statistics covering the years 1980 to 1993.

According to these figures, 67 people were sentenced to death during this time. Only one of these was a woman, and all but one of the death sentences were for premeditated, aggravated murder. Eight death sentences were commuted to imprisonment, most recently two in 1990. Forty-three people were executed in the period from 1980 to 1989. No executions have been recorded since then, although the main reason for this is said to be practical obstacles rather than official policy: Moldova lacks the necessary facilities to carry out executions.

During the visit the organization's delegates expressed concern at the lack of an automatic right to appeal against a death sentence when passed by the Supreme Court of Moldova as court of first instance. The Minister of Justice indicated that a planned review envisages that the Supreme Court will no longer hear such cases, but will act as an appeal court for them.

Amnesty International welcomes the willingness of the Moldovan authorities to provide information on the application of the death penalty, and the steps that have been taken since independence to reduce the scope of this punishment. The organization hopes that the new parliament will take further steps towards total abolition. For further information please see *Moldova: Developments on the death penalty* (AI Index: EUR 59/01/94).

## NETHERLANDS, KINGDOM OF THE

### *Netherlands Antilles: alleged ill-treatment by prison guards and police*

In December the Netherlands Antillean Minister of Justice replied to Amnesty International's requests for information regarding the implementation of recommendations made by the "Commission of Inquiry into the alleged unlawful behaviour of the police" (see AI Index: EUR 01/01/94).

The Minister informed the organization that a bill had been introduced to investigate on a permanent basis complaints against police officers. The proposed Complaints Commission would have the power to *subpoena* witnesses, including the police, and to interrogate them under oath. It would draw up recommendations for further legal action and provide quarterly reports of its investigations to the Minister to submit to Parliament. A major training programme for the police would also be instituted in 1994. The Minister for Netherlands Antillean and Aruban Affairs in the Hague stated in a letter to Amnesty International that he believed that this course of training would "...drastically improve police officers' relations with the public, and thus also with the prisoners. At the same time the more professional approach to management should ensure that any lapses within the force are corrected".

Amnesty International sought information from the Netherlands Antillean Attorney General about the announced investigation into complaints of ill-treatment in Pointe Blanche prison, St Maarten. Former prisoners alleged that they had been beaten with clubs and fists and kicked by prison guards wearing steel-capped boots. Former prisoners showed scars which they claimed had resulted from ill-treatment; one prisoner stated that he had been shot through the neck. At least three guards had been named as being responsible. According to reports, the increasing number of allegations made by former prisoners prompted the Attorney General to visit the prison in late November. By the end of April no reply had been received from the Attorney General regarding the progress of the investigation or whether any judicial action had been undertaken.

In December Cuthbert Athanaze, a coach driver for a St Maarten tour company, stated that he had been physically ill-treated and threatened by police officers. He had gone to pick up passengers when two police officers said that he was illegally parked and asked to see his driving licence. The officers followed him as he parked elsewhere; one officer climbed on board to arrest him and seized him around the throat. The second officer punched him in the stomach, handcuffed him and dragged him off the bus and into a police jeep. Police reinforcements arrived and, according to a witness, three of the officers participated in the assault on the handcuffed prisoner. He alleged that he was further ill-treated en route to the police station and on his arrival there. While in police custody he received treatment for his injuries, including three stitches above his left eye. The public prosecutor concluded that the officers had for the most part acted correctly but one officer, who admitted punching Cuthbert Athanaze in the left eye, had been "severely reprimanded". He also said that the detainee could not have presented a serious threat in the station as he was a small man and in handcuffs. The organization sought information from the authorities regarding the conduct of the investigation but no reply had been received by the end of April. The organization noted that the Commission of Inquiry's report (see above) had stressed that the St Maarten police had the habit of violent behaviour and noted a strong tendency within the police to "cover up" for colleagues.



## PORTUGAL

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

Most of the inquiries into torture and ill-treatment previously cited by Amnesty International were still incomplete after several years. On 6 February 1992 Francisco Carretas and a friend were arrested by officers of the National Republican Guard (GNR) in the friend's house in Charneca da Caparica. Francisco Carretas made a statement to the Almada Prosecutor and the Commanding General of the GNR alleging that he and his friend were beaten by officers before being taken to the GNR post in Almada where they were beaten again and verbally threatened. Officers took them to a wood where they were kicked and punched; before releasing them an officer threatened to assault Francisco Carretas sexually. Later that day he was treated in hospital for a fractured coccyx and multiple injuries to his back, buttocks and legs. The Prosecutor subsequently referred the complaint of ill-treatment to the Military Judicial authorities but by the end of April the inquiry into the charge of illegal use of violence had not been completed.

Lengthy delays occurred in cases where inquiries had been completed. In August 1991 Paulo Portugal was arrested by a GNR unit in Almada. He claimed he was beaten, forced to excrete in his clothes and suffered injuries to his head, chest, stomach, ribs and face (see AI Index: EUR 01/04/92). In May 1993 six officers were charged with causing him physical injury but by the end of April 1994 no trial had apparently taken place and no disciplinary proceedings had been taken against the officers charged by the court.

New allegations of ill-treatment were received. Carlos Rebelo, arrested on 3 March 1993 by the Judiciary Police (PJ) on suspicion of involvement in bank raids, stated that the PJ severely beat him in the station in Lisbon. When he appeared in court the judge ordered him to be taken to hospital for treatment. However, he was taken back to the station where the duty doctor noted slight injuries and apparently failed to note major injuries and bone fractures. After his committal to prison to await trial the Prison Services sent him to be x-rayed by a private doctor who recorded five fractured ribs; the cuts and bruises which he had allegedly received had by then healed. He made a formal complaint to the Almada court which passed the papers to another office in Lisbon for investigation. Reportedly no inquiry was ever carried out, Carlos Rebelo was never interviewed regarding his statement and the court papers were lost. A new investigation was opened.

On 3 January José Pedro Tavares Teles Rocha, a 27-year-old mentally disabled man, was stopped by two men near his house. According to witnesses the two men, later identified as plain clothes Public Security Police (PSP) officers, looked like "delinquents" ("*marginais*") and were acting extremely "suspiciously". They asked him to identify himself and claimed that he reacted violently. Witnesses, however, stated that he made a facetious reply whereupon the two men attacked him. A neighbour saw José Pedro lying on the ground with two men kicking him and called the police. He was arrested, taken to the police station and then treated in hospital for multiple injuries. Despite his psychiatric condition the police prevented his parents from seeing him and he was detained overnight in the station. The next day he appeared in court on a charge of assaulting the police. Observers noted that his face was swollen and purple, with injuries to his neck and his clothes were torn. The judge suspended the hearing and released him pending examination.

## ROMANIA

### *Criminal law reform on the wrong track*

The process of legislative reforms in Romania, following the major political changes in December 1989, has not significantly affected the Romanian Penal Code.

Some of the provisions of the Romanian Penal Code impose arbitrary and excessive restrictions on the rights to freedom of expression, assembly and association with others, which are contrary to international treaties ratified or signed by Romania. These include certain provisions of Articles 238 and 239 which criminalize defamation of state officials. On 14 February Nicolae Andrei, a journalist in Craiova, was charged under Article 238 and imprisoned for an article published in *Conflict*, a local magazine. He was released on bail on 18 February pending trial. Amnesty International urged the Romanian authorities to stop all criminal proceedings against Nicolae Andrei and to initiate legislative revision of Articles 238 and 239.

Another provision of the Penal Code, which is of concern to Amnesty International, is Article 200 paragraph 1 which allows for the arrest, prosecution and imprisonment of consenting adults engaging in homosexual acts in private. In December Amnesty International wrote to President Ion Iliescu calling for the release of three men who were imprisoned solely for practising homosexual acts in private. In February Amnesty International expressed its concern about Article 200 to the Constitutional Court, which is reviewing the cases of four men from Sibiu who were charged under this law.

On 2 February 1994 the Romanian Senate adopted the Draft Law for the Revision of the Penal Code which has been forwarded for adoption to the Chamber of Deputies. This proposal includes amendments to Articles 200, 238 and 239.

Amnesty International is concerned, however, that proposed provisions of the Draft Law will still contravene international human rights treaties ratified or signed by Romania. On 16 February Amnesty International wrote to Adrian Nastase, President of the Chamber of Deputies, urging members of the Chamber of Deputies to reject the proposed Draft Law. Amnesty International's concerns were described in a report published in March, *Romania - Criminal law reform on the wrong track* (AI Index: EUR 39/01/94).

## RUSSIA

### *Allegations of ill-treatment in detention*

In the period under review Amnesty International continued to receive allegations of ill-treatment in detention. Frequently the alleged victims were said to be too frightened of adverse consequences to lodge a complaint, or else felt that such complaints were not dealt with seriously. In April the State Duma established a parliamentary committee to investigate conditions in investigation prisons, and Amnesty International raised with them one case in which a man is reported to have died after being severely beaten by police officers in Moscow.

According to these reports, on 16 October Anatoly Aleksandrovich Rassadkin had an argument at around 10am with a neighbour whose son was a sergeant at police station no. 48. The neighbour called the police to their communal flat, and it is alleged that eight police officers - six in uniform and two in plain clothes - assaulted both Anatoly Rassadkin and another man present, kicking them and beating them with truncheons and the butts of their automatic weapons. The two men were then taken at around 11am to police station no. 48, where it is alleged they were subjected to further beatings. They were released at around 6pm and took a taxi to the house of a friend, who called an ambulance. By that time Anatoly Rassadkin was said to be partially paralysed and unable to walk. He was taken to the Botkin City Clinical hospital where he underwent an operation for head injuries on 19 October, but he died the following day.

Amnesty International wrote to the authorities in November urging a full and comprehensive inquiry into these allegations, with the findings made public and any perpetrators identified by the investigation brought to justice. No response has been received.

### *The death penalty*

In February Amnesty International wrote to the authorities in the self-proclaimed Chechen Republic-Ichkeriya expressing concern at reports that President Dzhokhar Dudayev had called for drug dealers in the republic to be executed publicly, and that the republic's procurator general had been instructed to draft a law applying the death penalty to drug dealers. There is no provision for the death penalty for this offence in the Russian Criminal Code. While recognizing the seriousness of the offence, Amnesty International urged the authorities to reconsider this move and, in line with current worldwide trends and the recommendations of international human rights standards, to seek to limit rather than expand the application of the death penalty.

In April the republic's Minister of Foreign Affairs replied that the decision had taken into account the Islamic sensibilities of the majority of the population, and that the death penalty would not be mandatory.

### *The case of Vil Sultanovich Mirzayanov*

The trial *in camera* of scientist Vil Mirzayanov, charged with divulging state secrets under Article 75 of the Criminal Code, began on 24 January in Moscow. Among other things the accusation related to several articles and statements in which Vil Mirzayanov alleged that Russia had continued to research and develop binary chemical weapons up until at least 1992, in spite of official statements to the

contrary. Vil Mirzayanov contended that he disclosed only general information intended to illustrate that the practice was continuing, not specific formulae.

On 27 January Vil Mirzayanov, who had been on bail, was taken into custody after refusing to attend further court sessions. On 14 February the case was adjourned and sent to the procuracy for further investigation. Vil Mirzayanov was released on 22 February, and on 11 March the criminal case was dropped owing to the lack of a *corpus delicti*.

While acknowledging that every state has the right to ensure the protection of its national security, and of information legitimately viewed as secret in this regard, Amnesty International had urged the authorities to ensure that Vil Mirzayanov did not face prosecution and imprisonment for exercising his legitimate right to freedom of expression.

### *Conscientious objection to military service*

In the period under review parliament had still not passed a law on a civilian alternative for conscientious objectors to compulsory military service, although the right to such a provision had been enshrined in both the new constitution adopted in December 1993 and its immediate predecessor. However, at least three conscientious objectors who received suspended sentences in 1993 for refusing their call-up papers had these sentences annulled under an amnesty passed by parliament on 23 February. Furthermore in April, for the first time to Amnesty International's knowledge, a court upheld the legal right of a conscientious objector to perform an alternative service.

Pavel Zverev cited pacifist convictions when he refused his call-up papers in November 1993 and asked to perform a civilian alternative service in line with his constitutional right. He brought a civil action against the conscription board after it rejected his appeal and ordered him to report for compulsory military service. On 8 April Kuntsevsky District Court in Moscow ruled that he should be granted the right to perform a civilian alternative to military service, although it is unclear how this right can be exercised in the absence of any enabling legislation.

Amnesty International is continuing to urge the Russian authorities to introduce a civilian alternative service of non-punitive length for conscientious objectors, and to refrain from imprisoning conscientious objectors in the absence of such an alternative. For further details on this issue see the report *Russian Federation: Overview of recent legal changes* (AI Index: EUR 46/21/93).

### *Appointment of a parliamentary commissioner for human rights*

In January the recently-elected State Duma appointed former prisoner of conscience Sergey Kovalyov to the new post of parliamentary commissioner for human rights. Amnesty International welcomed the move so early in the business of the new parliament, and hoped that legislation defining the work of the commissioner would provide the office with sufficient independence, impartiality and authority to enable it to play a constructive role in the safeguarding of human rights.

## THE SLOVAK REPUBLIC

### *Enforcement of the defamation law leads to prosecutions*

On 7 December 1993 Ivan Lexa, State Secretary at the Ministry of Privatization, was charged by the Bratislava Municipal Prosecutor under Article 103, reportedly for statements published in *Sme* and *Republika* which were considered defamatory to the President of the Republic.

On 14 January 1994 Andrej Hrico, Editor-in-Chief of *Domino efekt*, was charged under the same law for a reader's letter published in his weekly magazine, which was also considered to be defamatory to the President of the Republic.

Articles 102 and 103 of the Slovak Criminal Code penalize defamation of the republic, the national council, the government, the constitutional court and the president of the republic. Amnesty International considers that the provisions of these articles contravene the right to freedom of expression set out in Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights, both of which the Slovak Republic has ratified and is legally bound to observe.

In February Amnesty International urged President Michal Kováč to suspend all prosecutions under Articles 102 and 103 and to initiate a process for their judicial revision by the Slovak Constitutional Court.

On 4 March Ivan Lexa was reportedly notified that the Investigation Bureau of the Slovak Police Corps had dropped the charges against him. However, the prosecution of Andrej Hrico continued. He was interrogated by the Investigation Bureau of the Slovak Police Corps in Košice on five different occasions, when, among other questions, he was asked: whether he had ever been in psychiatric treatment; whether he liked alcoholic drinks; and where his 77-year-old mother lived. The case was subsequently forwarded to the District Prosecutor for further consideration.

## SPAIN

### *Allegations of torture and ill-treatment: cases and trials*

New allegations were received but judicial proceedings continued to be very slow; investigations and trials in most cases previously cited by Amnesty International were incomplete even after several years.

The organization sought information from the authorities following the suicide on 28 February of José Luis Iglesias Amaro who hanged himself with his shoe laces in an isolation cell in Picassent II prison. He had recently been released from La Fe Hospital after treatment for swallowing various objects. Fellow prisoners alleged that he had been repeatedly beaten by guards in the days preceding his death and they described groups of guards, armed with truncheons, entering his cell on various occasions and beating him. The autopsy report noted - *inter alia* - blood clots the size of "pigeon's eggs" on the cranium and bruising to the face and other parts of the body. Photographs of the deceased showed the severity of injuries to the face. An independent forensic pathologist stated that the injuries described in the report were consistent with blows from truncheons. An inquiry was opened in the Picassent court.

In August 1993 Carlos Viña Pena, an officer of the Civil Guard reserve, stated that he had been ill-treated by police inquiring into an alleged motor accident in La Coruña (see AI Index: EUR 01/01/94). The Tribunal in La Coruña, investigating his complaint, summonsed four policemen and a civilian to appear.

In August 1991 Mohamed Hegazy and Raed Shibli alleged they had been severely beaten in a Civil Guard station in Ibiza. Forensic and photographic evidence supported their allegations (see AI Index: EUR 01/04/92). The court filed their complaint without investigation but was subsequently forced to re-open the case. In September 1993 the complainants were fined and sentenced to one month and one day's imprisonment for resisting arrest. The court acknowledged that it had not considered their allegations of ill-treatment in the station stating that this would be the subject of a separate investigation. It rejected the prosecutor's argument that both men had received their injuries whilst resisting arrest in the street. Despite this judgment, by the end of April the supposed investigation into their complaints was still unfinished and no-one had been brought to justice.

Trials took place of law enforcement officers accused of torture and ill-treatment. In December the Supreme Court rejected the appeals of five Civil Guards against the sentences imposed in 1990 of imprisonment, fines and disqualification from duty on charges relating to the torture of Tomás Linaza in 1981. The officers had not served any part of their sentences and had all applied for pardons. In February the Provincial Court in Bilbao ordered that the sentences be served.

### *Basque industrialist hostage released by armed Basque group*

On 29 October 1993 Julio Iglesias Zamora, an electronic's engineer, was released by the armed Basque group, *Euskadi Ta Askatasuna* (ETA), after 117 days in captivity. After his kidnapping in August 1993 the organization publicly urged his immediate and unconditional release. It condemned unreservedly abuses by armed groups such as hostage-taking and deliberate and arbitrary killings as a contravention of international humanitarian standards.

## **SWEDEN**

### *Ill-Treatment in custody*

#### **Death in custody of Tony Mutka (update to information given in AI Index: EUR 01/01/94)**

The Prosecution filed an appeal against the conviction and sentences of the three prison guards who were tried in November in connection with the death in custody of Tony Mutka. Tony Mutka died in custody on 20 July 1993, during transfer from Hall prison, near Stockholm, to a distant hospital psychiatric unit. At the time of his death he was lying face down on the floor of a transport van, between the front and back seats. His hands were restrained in handcuffs behind his back; his legs were chained together and bent at the knee due to lack of space on the floor of the vehicle. Prison guards who were seated in the back seat above him placed their feet on his body. One of the guards allegedly stood on his neck or head and shoulders during the transport. Tony Mutka died of suffocation. The Prosecutor's appeal is based on the argument that the fines which the prison guards received as punishment after conviction for misconduct, were not proportional to the harm inflicted on Tony Mutka. The appeal is scheduled for hearing in May.

#### **Allegation of ill-treatment in Kumla Prison**

Amnesty International wrote to the government requesting that it initiate an independent and impartial investigation into allegations that Sergio Nigretti, an Italian national serving a prison sentence at Kumla prison in Stockholm, was ill-treated on at least two occasions in 1993 while held in isolation. Among other things, it is alleged that Sergio Nigretti was beaten with wooden truncheons by guards while his arms and legs were tied to a bed and that he was thereafter denied food for one or two days and access to a toilet. Following reports that Sergio Nigretti's mental and physical health was still adversely affected as a result of the ill-treatment he allegedly suffered, the organization urged the government to ensure that Sergio Nigretti was afforded immediate access to medical and psychological examinations and treatment by independent medical experts of his own choosing. The Swedish Minister of Justice informed Amnesty International that the Regional Public Prosecution Authority in Karlstad was conducting an investigation. Sergio Nigretti is due to be transferred to a prison in Italy in June to serve the remainder of his sentence.

## SWITZERLAND

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

In April Amnesty International issued a 26-page document entitled *Switzerland - Allegations of ill-treatment in police custody* (AI Index: EUR 43/02/94) describing the organization's concern about reports received over several years that police officers have used deliberate and unwarranted physical violence against detainees. It drew the document to the attention of the United Nations (UN) Committee against Torture which met in Geneva on 20 April to examine a report submitted by the Swiss Government on its implementation of the UN Convention against Torture.

The most common forms of ill-treatment reported are repeated slaps, kicks and punches, heavy pressure on the windpipe causing near-asphyxiation and enforced stripping for no apparent reason except to cause humiliation. Many of the allegations concern foreigners and Swiss citizens of non-European descent and verbal racial abuse has been frequently reported in such cases. The police have commonly responded to medical evidence of injuries on detainees by stating that the injuries were sustained while resisting arrest. It is claimed that detainees are often threatened with counter-charges of defamation or resisting state officers when they indicate their intention of lodging a formal complaint of ill-treatment and that some detainees are, therefore, reluctant to identify themselves or to report their treatment to the prosecuting authorities. Judicial and administrative investigations into formal complaints of ill-treatment frequently appear to lack thoroughness; they very rarely result in disciplinary or criminal sanctions against law enforcement officers. It is also reported that because of these circumstances, lawyers often advise clients against lodging criminal complaints.

The allegations have emanated from several of the 26 cantons and demi-cantons which make up the Swiss Confederation; a high proportion have concerned the Canton of Geneva. They originate from a variety of sources and their nature and content are largely consistent. The Council of Europe's Committee for the Prevention of Torture and other, non-governmental, organizations such as the Geneva-based Association for the Prevention of Torture and the Swiss Human Rights League, have also reported receiving numerous such allegations. Amnesty International concluded that the number of allegations of ill-treatment it had received, taken together with the findings of other reputable international governmental and non-governmental organizations, indicated a substantial cause for concern.

After examining the Swiss Government's report, the UN Committee against Torture stated that it was aware of ill-treatment suffered by people arrested by police. It therefore recommended reforms in the legislation and procedures governing initial police custody (*garde à vue*) and preventive detention (*détention provisoire*). In particular, it recommended the introduction of the right for detainees to contact their families, to have immediate access to a lawyer and to a medical visit by a doctor of their own choice or chosen from a standing list. The Committee also sought information from the federal authorities on the allegations of ill-treatment described in Amnesty International's report. The Swiss Government's representatives stated that they considered the allegations to be "a source of deep concern". They announced that the Federal Department of Justice and Police would be contacting the relevant cantonal authorities for further details on all the cases of alleged ill-treatment raised in Amnesty International's report.



## TADZHIKISTAN

### *Prisoners of conscience (update to information given in AI Index: EUR 60/17/93)*

#### **Bozor Sobir**

Bozor Sobir's trial opened in the Supreme Court on 20 September 1993. It ended on 29 December when he was found guilty of three charges: agitation and propaganda for the violent overthrow of the constitutional order, inflaming inter-ethnic discord, and participation in unsanctioned demonstrations.

Bozor Sobir was given a two-year suspended prison sentence and was released immediately. He was acquitted of two other charges: terrorism and inciting illegal deprivation of freedom.

#### **Dzhumaboy Niyazov and Nuriddin Sadidinov**

The Procurator General, Mamadnazar Salikhov, sent in April a reply to Amnesty International's October 1993 report *Tadzhikistan: Human rights violations against opposition activists* (AI Index: EUR 60/17/93). He rejected Amnesty International's calls for judicial review of the cases of probable prisoners of conscience Dzhumaboy Niyazov and Nuriddin Sadidinov (given wrongly in previous reports as Sadiriddinov), stating that their prosecution under Article 234 of the criminal code ("illegal carrying, keeping, acquiring, making or marketing of a firearm, ammunition or explosives") had been conducted correctly and their guilt fully established.

Responding to a request from Amnesty International for clarification of the length of the sentences passed on these men, the Chairman of the National Security Committee, Saydamir Zukhurov, stated in a letter sent in November that the punishment for Article 234 had been increased from a maximum five years' to between seven and 10 years' imprisonment in November 1992, when the so-called "opposition" coalition government had been in power.

### *Extrajudicial executions and "disappearances"*

#### **Allegations of unofficial detention centres**

Amnesty International called in February for the Government of Tadzhikistan to investigate persistent allegations of the existence of unofficial prison camps in which people who had "disappeared" since late 1992 were detained. According to allegations made to the organization at least three such camps were located in central and southern Tadzhikistan, and were run by pro-government paramilitary forces acting with the knowledge of the government. It was further alleged that recently these forces had begun systematically emptying the camps by executing detainees. Amnesty International had received information about two cases in which people who had "disappeared" were feared to have been killed after possibly being held in one of the camps.

Reacting to Amnesty International's appeal, Tadzhikistan's head of state Imamali Rakhmonov denied the existence of unofficial prison camps and stated that his government would protest about Amnesty International "in international courts". He subsequently announced that United Nations observers in Tadzhikistan had been invited to investigate the allegations. At the end of April it was still unclear to what extent these allegations had been investigated by the government or by United Nations observers, since no findings had been communicated to Amnesty International.

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**Official investigation of individual cases (update to information given in AI Index: EUR 60/04/93, EUR 60/17/93 and EUR 01/01/94)**

Government representatives informed Amnesty International that official investigations had been initiated into some of the cases of extrajudicial execution and "disappearance" raised by the organization, including those of Muso Isoyev, Shogunbek Davlatmirov, Ayniddin Sadykov and the Shoyev brothers. Amnesty International requested to be kept informed of the results of all investigations into cases of alleged extrajudicial execution and "disappearance".

***The death penalty***

Amnesty International learned of five more judicial death sentences.

Takhir Pirov, Umakhon Ibodov and Ikhron Baglonov were tried together and sentenced to death in June 1993 by the Supreme Court. They were convicted of murder. No details of the crime were available to Amnesty International.

Rakhimbek Nurullobekov and Davlatbek Makhmudov were tried together and sentenced to death in November by the Supreme Court. They were convicted of the murder in August 1992 of Nurullo Khuvaydullayev, Tadjikistan's Procurator General, and his driver. Unofficial sources cast doubt on the evidence of Rakhimbek Nurullobekov's involvement in the murder.

Amnesty International called for commutation of these death sentences, and continued to urge the abolition of the death penalty in Tadjikistan.

**Fair trial concern: death penalty prisoner Adzhik Aliyev (update to information given in AI Index: EUR 60/17/93)**

Amnesty International continued to call for commutation of the death sentence passed in August on political prisoner Adzhik Aliyev. The organization was also concerned about allegations that Adzhik Aliyev had not received a fair trial. Consequently, Amnesty International called on the authorities to order a judicial review of the case.

It was reported that the main evidence against Adzhik Aliyev had been a confession which his lawyers alleged he had made under duress following his arrest in January 1993. It was also reported that witnesses at the trial had failed to place Adzhik Aliyev at the scene of crimes for which he was eventually convicted. Furthermore, Amnesty International remained concerned that for around four months of his pre-trial detention Adzhik Aliyev had not been represented by a lawyer.

Unofficial sources also pointed to pressure placed on the judge by people attending Adzhik Aliyev's trial, including relatives of people who died in the civil war allegedly at the hands of Islamic forces. Sources reported that during trial proceedings threats had been shouted out to burn down the Supreme Court building unless a death sentence was passed on Adzhik Aliyev.

## TURKEY

### *Disturbing increase in "disappearances"*

"Disappearances", which were almost unknown in Turkey at the beginning of the 1990s, showed a marked increase - particularly in the mainly Kurdish southeastern provinces which are under emergency rule. Twenty-seven people "disappeared" between October 1993 and April 1994 - most of them villagers. Eleven inhabitants of the village of Alaca, near Kulp in Diyarbakır province, were held by gendarmerie under armed guard in the village for ten days before being taken away. Relatives have received no news of them, and all official bodies deny holding them.

### *Torture "systematic" - UN Committee against Torture*

Amnesty International's longstanding concerns over the widespread and systematic practice of torture in Turkey were corroborated by a report published by the UN Committee against Torture which concluded that "the existence of systematic torture in Turkey cannot be denied". None of the recommendations made by the UN Committee against Torture was enacted, nor those made by the European Committee for the Prevention of Torture in December 1992.

During the period covered, nine people died in custody. There were many reports of torture from throughout Turkey.

17-year-old student Feride Yıldız who was detained from her school on 15 April reported that she had been stripped naked at Bahçelievler Police Headquarters, tortured with high pressure water, and anally raped with an object which she thought was a hose or a truncheon, and that three of her friends had been made to watch the rape. She was later subjected to falaka (beating on the soles of the feet). An independent medical examination supported her allegation.

Allegations of torture were also made by 16 lawyers detained in Diyarbakır. The lawyer Meral Danış Beştaşı, secretary of the Diyarbakır Branch of the Turkish Human Rights Association (HRA), reported that during her interrogation she was slapped, kicked, subjected to crude sexual insults, stripped of her clothes and hosed with freezing cold water in Diyarbakır Gendarmerie Headquarters. The lawyers' trial on charges of assisting the Kurdish Workers' Party (PKK) continues.

### *Death sentence approved*

On 17 December the parliamentary Judicial Commission approved the death sentence of Seyfettin Uzundiz, convicted in 1992 of murder and armed robbery. This was the first such approval since the last execution in Turkey in 1984. After a full vote of the Turkish Grand National Assembly (TBMM), the execution can be carried out immediately.

### *Assault on freedom of expression intensifies*

Prosecutions for separatist propaganda under Article 8 of the Anti-Terror Law increased. In October the writer Günay Aslan began an 18-month sentence for his book "History in mourning - 33 bullets". Lawyer and publisher Ahmet Zeki Okçuoğlu and journalist Ömer Ağan began 20-month sentences for having used the word "Kurdistan" during a political discussion, while economist Fikret Başkaya

began a 20-month sentence for statements made in his examination of the history of the Turkish republic.

The TBMM voted to lift the immunity of six Kurdish deputies - Leyla Zana, Ahmet Türk, S\_rr\_ Sak\_k, Orhan Do\_an and Mahmut Al\_nak, whom the Ankara State Security Court Prosecutor has said he intends to indict for "attempting to separate a part of the territory from the administration of the state", punishable by the death penalty under Article 125 of the Turkish Penal Code. The deputies are currently remanded in custody in Ankara Closed Prison, awaiting trial.

## **TURKMENISTAN**

### *Probable prisoner of conscience Karadzha Karadzhayev (update to information given in AI Index: EUR 01/01/94)*

Karadzha Karadzhayev, who had been arrested in August 1993 on criminal charges which Amnesty International feared had been fabricated to punish him for opposition activities, was convicted of three offences by a court in Ashgabat, the capital, at the end of December. He was sentenced to two years' imprisonment for slander, two years' for abuse of official position, and three years' for embezzlement; the sentences were to run concurrently. However, it was immediately announced that Karadzha Karadzhayev would benefit from an amnesty decreed by the President in October, and he was released directly from the courtroom.

### *Government reaction to Amnesty International report*

Minister of Foreign Affairs Khalykberdy Atayev sent in February a detailed reply to Amnesty International's November report *Turkmenistan: A summary of concerns about prisoners of conscience, ill-treatment and the death penalty* (AI Index: EUR 61/06/93). He rejected the report's conclusions and recommendations on the grounds that they were based not on "real facts" but on "free interpretations and emotions".

### **Prisoners of conscience**

The Minister criticized Amnesty International's report for drawing on "negative statements by five of six people who, disgruntled or discontented with the progress they have made professionally, or from other motives, attempt because of their personal sense of grievance to destabilize the socio-political situation or to incite inter-ethnic discord, in violation of the law". He continued: "Considering the need to consolidate the forces of society, we give such people the opportunity to change their minds. Usually, we try to avoid measures of persuasion." He denied that people described in the report as prisoners of conscience had ever been arrested or detained for political reasons.

### **The death penalty**

The Minister stated that the Criminal Code of Turkmenistan currently carried the death penalty for 13 offences, not 18 as reported by Amnesty International. The death penalty was abolished in 1991 for aggravated hijacking of an aircraft, and in 1993 for gross embezzlement of state or social property and for taking a bribe. According to the Minister the offences of organizing especially dangerous crimes against the state and especially dangerous crimes committed against another Working People's State were only punishable by death if committed in conjunction with another capital offence, and should not therefore be listed separately as capital offences.

## UKRAINE

### *The death penalty*

In the period under review Ukraine released an official figure on the use of the death penalty. This is the first time, to Amnesty International's knowledge, that such information has been made public. In February 1993 the organization's delegates were told by the Procurator General that Ukraine could not publish statistics on the application of the death penalty as, in the absence of its own law in this area, the USSR act making such figures a state secret remained in force. This was in spite of the fact that the USSR itself published death penalty figures in 1991, for the first time since 1934.

In December the Interior Ministry announced that 78 people had been sentenced to death by the Supreme Court during the year for premeditated, aggravated murder. However, no figures were given for the four other crimes, all involving violence, which currently carry a possible death sentence, and no details were provided on the number of executions or commutations for 1993. At least eight executions came to light from other sources in the period under review, but Amnesty International believes the true figure is much higher. One commutation was also reported.

Two executions followed death sentences passed by Donetsk Regional Court for premeditated, aggravated murder. Vladimir Yepikov, sentenced in January 1993, was reported executed in late November that year. In January 1994 a local newspaper reported that the death sentence passed on Georgian M.N. Lomidze had been carried out, but did not give a date for either the trial or execution.

The commutation reported was of the death sentence passed on Viktor Soy by Chernigov Regional Court on 15 December 1993. The Ukrainian Supreme Court requalified the charge of premeditated murder to a less serious one, and changed the sentence to 12 years' imprisonment.

One death sentence that came to light in the period under review was that passed on Vasily Mikhaylovich Krivonos, currently aged 19, who had just turned 18 at the time the crime for which he had been sentenced to death was committed. Vasily Krivonos, who is said to have learning difficulties and to have a history of nervous and psychiatric problems, was convicted of murder by Vinnitsa Regional Court on 18 November. His appeal was turned down by the Supreme Court on 24 February, and his only hope of avoiding execution is a petition for clemency currently pending before President Leonid Kravchuk. Under Ukrainian law minors under 18 may not be sentenced to death.

Amnesty International recognizes the steps already taken by Ukraine to reduce the number of offences carrying a possible death sentence, and welcomes the provision in the current draft of a new constitution which would limit this punishment to premeditated murder only. The organization is continuing to urge that the death penalty be abolished for all crimes and that all pending death sentences be commuted. Amnesty International is also continuing to urge the publication of comprehensive statistics on the application of the death penalty, in line with international recommendations.

## UNITED KINGDOM

### *Political Killings in Northern Ireland*

In February Amnesty International published a 48-page report entitled *Political Killings in Northern Ireland* (AI Index: EUR 45/01/94) which examined patterns of killings which fall within AI's mandate. These included killings by members of the security forces, killings by paramilitary forces carried out with the acquiescence, collusion or complicity of the security forces, and deliberate and arbitrary killings by armed political groups.

In December two soldiers were acquitted of the murder of Fergal Caraher and the attempted murder of his brother, Míceál. The two were shot in 1990 while driving away from an army checkpoint.

In January the RUC officer charged with the murder of Kevin McGovern in 1991 was acquitted. Kevin McGovern, a 19-year-old student, was on his way to a disco with friends when he was shot dead while running away from police officers. The judge stated that although the officer "acted honestly and mistakenly in self-defence, he did not act reasonably".

The acquittals in both incidents highlighted the need for a review of the law governing the use of lethal force by the security forces.

The inquests into the killings of six people, shot dead in 1982 by a special anti-terrorist squad of the RUC, were further postponed because of the RUC Chief Constable's refusal to submit evidence, collected by senior British police officers John Stalker and Colin Sampson in 1984-7, to the inquest.

### *Allegations of ill-treatment and death in custody*

On 27 April the Crown Prosecution Service brought charges of manslaughter against three police officers from the SO1(3) deportation squad of the Metropolitan Police (London police) in connection with the death of Joy Gardner in August 1993. The charges were brought after a lengthy police investigation, supervised by the Police Complaints Authority; the report of the inquiry has not been published. AI continues to be concerned about other allegations that had been made about ill-treatment during forcible deportation. Those deportations were carried out by immigration officers in conjunction with private security firms. Such firms are not bound by the same regulations and accountability mechanisms as are the police force; nor is there any evidence that they receive the same level of training.

In consequence of Joy Gardner's death an internal inquiry was carried out by the Home Office and the police into removal procedures in immigration cases involving the police. The results of this review were released in January 1994 and procedures for deportations were outlined. The most significant outcome of the review was the announcement that in future mouth gags would be banned as a form of restraint.

### *The Right of Silence*

The government introduced in December new legislation which would curtail the right of silence during police questioning and at trial in England and Wales (see AI Index: EUR 45/15/93). Similar legislation already exists in Northern Ireland, and has been opposed by AI on the grounds that the right of silence is an essential safeguard of two rights guaranteed by international standards: the

presumption of innocence and the right not to be compelled to testify against oneself or to confess guilt.

In January the European Commission on Human Rights declared admissible an application by John Murray that his rights to a fair trial and presumption of innocence had been violated by the curtailment of the right of silence and by the denial of access to his lawyer during the first 48 hours of detention (*Murray v UK*).

### *Threat of Refoulement*

Karamjit Singh Chahal's petition to seek leave to appeal to the House of Lords was rejected by the Appeal Committee of the House of Lords in March 1994 (see *AI Concerns in Europe: May -October 1992*). However, his case has also been forwarded to the European Commission on Human Rights. The government has stated that he will not be deported, pending the outcome of the decision by the European Commission and Court. In the meantime, the government has continued to keep Karamjit Singh Chahal in detention. AI is concerned that this decision to continue to detain him has not been taken through any judicial procedure, but is based on a government minister's decision.

### *Appeal Hearing of Paul Hill*

In April Amnesty International welcomed the decision of the Northern Ireland Court of Appeal to quash the conviction of Paul Hill for the murder of a police officer in Belfast in 1974. The organization sent a legal observer to the appeal hearing, which began in February, because it was concerned that the conviction had been based solely on a contested and uncorroborated confession. Paul Hill had also been convicted in 1975, as one of the "Guildford Four", for the IRA pub bombings in Guildford and Woolwich. This conviction was quashed in 1989.



## UZBEKISTAN

### *Prisoners of conscience*

#### **The Milli Mejlis case (update to information given in AI Index: EUR 01/01/94)**

Salavat Umurzakov and Otanazar Aripov, two of the six defendants in the so-called *Milli Mejlis* case, were tried again separately in March and April and ordered to begin serving the previously-suspended prison sentences of, respectively, three and five years passed on them in August 1993. They were considered to have violated a condition under which their sentences had been suspended by continuing their active involvement in the now-outlawed opposition party *Erk* (Freedom).

For further information see the Amnesty International report *Uzbekistan: Further prosecutions in the "Milli Mejlis" case: prisoners of conscience Otanazar Aripov and Salavat Umurzakov* (AI Index: EUR 62/12/94), published in June.

#### **Pulat Akhunov (update to information given in AI Index: EUR 01/01/94)**

Amnesty International continued to appeal for a judicial review of the criminal convictions of probable prisoner of conscience Pulat Akhunov, currently serving a total of four and a half years in a reinforced regime labour colony at Kyzylteppa, Navoi Region (central Uzbekistan), after prosecution on allegedly falsified criminal charges. The organization also continued to express concern for Pulat Akhunov's physical well-being.

#### **Inamzhan Tursunov (update to information given in AI Index: EUR 62/09/93)**

In March Amnesty International received allegations that probable prisoner of conscience Inamzhan Tursunov was being held in isolation at a prison in Tashkent, the capital. Amnesty International wrote to the authorities seeking clarification of the conditions of Inamzhan Tursunov's detention, noting that prolonged isolation of prisoners could have serious effects on their physical and mental health and might constitute cruel, inhuman or degrading treatment.

#### **New arrests on possibly fabricated charges**

Probable prisoners of conscience Nosyr Zokhir and Akhmadkhon Turakhonboy-ugly, activists in the outlawed *Birlik* (Unity) movement from Namangan in east Uzbekistan, were arrested in November after police discovered a single hand grenade at each of their homes during searches. Sources alleged that the grenades had been planted by police in order to fabricate criminal charges of illegal possession of a weapon to punish these men for their opposition political activities. Amnesty International sought further information from the authorities about the charges against Nosyr Zokhir and Akhmadkhon Turakhonboy-ugly.

Nasrullo Saidov, an *Erk* activist, was arrested in February after police found a hand grenade during a search of his home in Vabkent, Bukhara Region (central Uzbekistan). Sources alleged that police themselves planted the grenade. It was reported that Nasrullo Saidov had been charged with illegal possession of a weapon. However, Amnesty International learned in early May that Nasrullo Saidov had been released, and that the charge against him had apparently been dropped.

Mamadali Makhmudov, a well-known writer, was arrested at the beginning of March at his home in Tashkent. Initial reports suggested that a pistol had been found at his home during a police search, and that this had allegedly been planted on him by police. However, sources subsequently suggested that he was being investigated for embezzlement. Sources alleged that the authorities were trying to fabricate a criminal charge against Mamadali Makhmudov to punish him for his association with Muhammad Salih, the exiled *Erk* leader. Amnesty International sought information from the authorities about the charge against Mamadali Makhmudov.

### *Beatings*

In November Albert Musin, Abdurashid Sharif and Yadgar Obid, political exiles from Uzbekistan, were attacked by six men who forced entry into their apartment in Moscow, the Russian capital. The circumstances of the attack suggested that it was the work of agents of the Uzbekistan Government. The attackers assaulted Albert Musin, Abdurashid Sharif and Yadgar Obid, tied them up, and threatened them with a pistol and knives. After searching the apartment they took away documents relating to the activities of the Moscow-based Society for Promoting the Observance of Human Rights in Central Asia, of which Albert Musin and Abdurashid Sharif were leading members. They also took away the passports and other personal papers of Albert Musin, Abdurashid Sharif and Yadgar Obid, but left money and valuables untouched.

Amnesty International wrote to the Russian authorities calling on them to ensure that these men be protected from further attacks and calling for the men to be issued with documentation recognizing their status as political refugees and allowing them to live legally in Moscow.

### *The death penalty*

Amnesty International continued to campaign for commutation of all death sentences which came to its attention and for abolition of the death penalty in Uzbekistan. The organization learned of five more death sentences. Shukhrat Yuldashev and Vadim Sazonov, both from Tashkent, had been on death row since 1991 and 1992 respectively, having been convicted of murder. Abdurakhmon Akhatov, Abdukhamid Khakimov and Alisher Obidov, all from Samarkand, were sentenced to death in January by the Supreme Court for murder and banditry.

#### **Further information on death penalty cases mentioned in AI Index: EUR 01/01/94**

In addition to continuing to call for commutation of the death sentence passed on Dmitry Rassokhin, Amnesty International expressed concern about allegations that while on death row he had developed a stomach ulcer and sores on his feet, and that he was not receiving proper medical treatment.

As of the end of April Dmitry Rassokhin and Venera Kasymova were believed still to be alive. The fate of Yashar Khasanov was unknown.

## **YUGOSLAVIA, FEDERAL REPUBLIC OF**

### *Kosovo province: increasing police violence, fair trial concerns, prisoners of conscience*

Police violence has escalated in Kosovo province since the beginning of the year, directly affecting thousands of ethnic Albanians. Officers of the largely Serbian police force have carried out arms searches in homes throughout the province, often arresting and severely beating male members of the family, even when no weapons have been found. Other members of the family and relatives, including minors, women and the elderly - have also sometimes been beaten. Police have also frequently detained and beaten ethnic Albanians known for their political activity or other involvement in the life of Kosovo's ethnic Albanians, among them members of ethnic Albanian political parties, teachers and academics, trade unionists, former police officers and military. In April Amnesty International issued a report, *Yugoslavia: Police violence against ethnic Albanians in Kosovo province* (AI Index: EUR 70/06/94) documenting its concerns.

Between July and September 1993 over 90 ethnic Albanians from Kosovo province were arrested on charges of making preparation for armed uprising. They were charged with planning, by force of arms, the secession of Kosovo from the Federal Republic of Yugoslavia (FRY); they were not, however, accused of having used violence.

By the end of February 1994, some 60 had been convicted and sentenced to up to 10 years' imprisonment. Since then there have been further convictions and further arrests on these charges. Amnesty International believes that at least some of those imprisoned are prisoners of conscience and that charges against them of seeking to change Kosovo's status by force were not convincingly substantiated in court. Amnesty International is also deeply concerned about allegations that many of the accused were severely beaten by police following arrest with the aim of forcing them to make self-incriminating statements. In February Amnesty International issued a report, *Yugoslavia: Ethnic Albanians - Trial by truncheon* (AI Index: EUR 70/01/94).

### *Conscientious objection and the forcible return of asylum seekers*

Court cases have continued against men who evaded the draft or deserted the armed forces. In September 1993 Vilmos Almási, a 32-year-old ethnic Hungarian from the village of Trešnjevac was sentenced to four months' imprisonment by the Military Court in Belgrade for "Failing to answer call-up and evading military service". He was among a group of men who organized protests against mobilizations in Trešnjevac in the summer of 1992. At his trial he expressed conscientious objections to performing military service. An appeal failed and his sentence was confirmed in January 1994. He was imprisoned in May.

In early 1994 Yugoslav authorities reportedly cooperated in the mobilization of men from Bosnia-Herzegovina who were present in Serbia and Montenegro as refugees; some had come specifically to avoid mobilization into the Bosnian Serb Army. The men were mainly rounded-up in refugee centres and handed over to Bosnian Serb forces at the border.

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## RATIFICATIONS

### *DENMARK*

In February Denmark ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

### *HUNGARY*

In February Hungary ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

### *MACEDONIA, FORMER YUGOSLAV REPUBLIC OF*

In January 1994 the Government of the former Yugoslav Republic of Macedonia acceded to:

- . the International Covenant on Economic, Social and Cultural Rights;
- . the International Covenant on Civil and Political Rights;
- . the Convention relating to the Status of Refugees and its 1967 Protocol.

### *SLOVENIA*

In March Slovenia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

### *TADZHIKISTAN*

In December Tadjikistan acceded to the Convention relating to the Status of Refugees and its Protocol.

### *UZBEKISTAN*

Uzbekistan acceded to the four Geneva Conventions and their Additional Protocols in October. Uzbekistan was already bound by the provisions of these instruments by virtue of their ratification by the Soviet Union. The declaration took effect from 8 April 1994.