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Belgium: Semira Adamu's case an opportunity to further review expulsion procedures

As a Brussels court decides on 18 March whether to commit seven law enforcement officers for trial in connection with the death in September 1998 of Semira Adamu, a 20-year-old rejected asylum-seeker from Nigeria, within hours of an attempt to deport her forcibly from Brussels-National airport, Amnesty International urges the Belgian government to thoroughly review its expulsion procedures.

Nine officers accompanied Semira Adamu onto the plane, including three officers to act as escorts during the flight and an officer who videoed the operation. After being seated and bound hand and foot she began to sing loudly to attract the attention of fellow passengers. When officers then pushed her face into a cushion placed on the knees of one of them and pressed down on her back, she began to struggle. Her face was pressed against the cushion for over 10 minutes and she fell into a coma as her brain became starved of oxygen.

When the officers realized that she was in a state of coma, the emergency services were called in and Semira Adamu was transferred to hospital where she died later that day as a result of the restraint methods used.

"Semira Adamu's tragic death was not the first or only case of its kind. Six other deaths occurring during deportations from Western Europe between 1993 and 2001 were accompanied by the use, shortly before death, of dangerous methods of restraint impeding respiration," the organization said.

In recent years there have also been regular allegations from a number of West European states of excessive force and ill-treatment inflicted by escorting officers during forcible deportations. Allegations continue to emerge from Belgium of officers subjecting people resisting deportation to physical assault, death threats and racist abuse, depriving them of food and drink for many hours and sometimes also using dangerous restraint methods which restrict breathing, to subdue them. There are also claims of deportees receiving inadequate medical attention for injuries incurred during aborted deportation operations.

The organization believes this is an opportune moment for Belgium and other European States to re-examine thoroughly their legislation and practice and ensure that they are brought in line with recent recommendations of the Parliamentary Assembly of the Council of Europe and the Council's Commissioner for Human Rights.

"One of the most effective ways of preventing ill-treatment and excessive force also lies in the application of appropriate sanctions by the criminal justice system. Knowing that the courts are ready to inflict rigorous penalties constitutes one of the most powerful dissuasive factors," the organization said.

"Bringing offenders to justice not only deters them from repeating their crimes, it also makes clear to others that ill-treatment will not be tolerated," Amnesty International said.

Background

The so-called "cushion technique" - a dangerous method of restraint authorized by the Ministry of Interior at that time allowed escorting officers to press a cushion against the mouth, but not the nose, of a recalcitrant deportee. It was suspended after Semira Adamu's death. Guidelines issued to escorting officers in July 1999 and a Ministry

of Transport decree of April 2000 explicitly ban methods of restraint involving the full or partial obstruction of the airways of deportees, as well as the use of sedative or other drugs to subdue them against their wishes.

In January 2002 the Parliamentary Assembly of the Council of Europe stated that "All too often, persons awaiting expulsion are subjected, in breach of the European Convention on Human Rights, to discrimination, racist verbal abuse, dangerous methods of restraint, and even violence and inhuman and degrading treatment. All too often, the officials responsible for enforcing expulsion orders resort to an unjustified, improper or even dangerous use of force ... The Assembly is concerned that in all the member states of the Council of Europe expulsion procedures lack transparency ... some Council of Europe member states are looking into this area or have implemented reforms, however it is concerned that the legal frameworks for the enforcement of expulsion orders are often not adhered to in practice ... the Council of Europe's fundamental values will be threatened if nothing is done to combat the present climate of hostility towards refugees, asylum seekers and immigrants, and to encourage respect for their safety and dignity in all circumstances."

The Assembly drew up extensive and detailed recommendations for member states on "expulsion procedures in conformity with human rights and enforced with respect for safety and dignity": the Council of Europe's Commissioner for Human Rights had already issued similar recommendations in September 2001.

The recommendations included calls for:

forcible expulsions to be carried out with complete transparency in order to ensure respect for fundamental human rights. Thus deportees

awaiting expulsion should have unhindered contact with NGOs, guaranteed access to means of communication with the outside world and the guaranteed right of free access to consultation and independent legal representation;

the establishment of independent monitoring systems for expulsion procedures;

potential deportees to be informed at every stage of the procedure of what lies ahead so that they can prepare themselves psychologically for their return;

members of escorts to be adequately trained, particularly in mediation and stress management and to have relevant linguistic and cultural knowledge;

medical certificates to be drawn up systematically on the departure and arrival of the deportee;

the banning of dangerous methods of restraint impeding respiration, use of sedative drugs not in accordance with purely medical criteria and the arbitrary or disproportionate use of force;

the provision of food and drink during deportation operations;

thorough and impartial inquiries into allegations of ill-treatment.

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