

AMNESTY INTERNATIONAL

Public Statement

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Belgium: The death of Semira Adamu - Responsibilities past and present

"Whatever judgment Brussels Tribunal (*Tribunal correctionnel*) hands down on 12 December to five law enforcement officers tried in connection with the death of Semira Adamu, during an attempt to deport her forcibly by air in September 1998, it has always been clear that governments and state officers have a responsibility to ensure respect for the physical safety and inherent dignity of all people in their custody, including deportees," Amnesty International said.

"It is equally clear that such respect was not displayed by government ministers when authorizing and maintaining the guidelines on the conduct of deportation operations which were in force at the time of Semira Adamu's death, and allowed gendarmes to use an inherently dangerous restraint method -- the so-called 'cushion technique' -- which restricted a person's breathing. Nor was any such respect evident in the treatment of Semira Adamu by the gendarmes who were on board the plane during the deportation operation," the organization said.

Government and law enforcement officers have an ongoing responsibility to ensure and respect the physical safety and inherent dignity of deportees and, as underlined by the Council of Europe's Commissioner for Human Rights: "where forcible expulsion is unavoidable, it must be carried out with complete transparency in order to ensure that fundamental human rights have been observed at all times".

Amnesty International recognizes that, since the death of Semira Adamu, the Belgian authorities have taken a number of positive measures aimed at safeguarding deportees from ill-treatment and excessive force, including the welcome banning of the use of the cushion technique and any other restraint methods impeding a person's breathing.

However, as Amnesty International pointed out in a report submitted to the UN Committee against Torture earlier this year, since that death the organization has received numerous allegations that unauthorized immigrants and rejected asylum-seekers have not been treated with dignity or transparency during the deportation process. In May the Committee itself also expressed a number of concerns relating to the deportation of foreigners from Belgium.

The allegations concern people being subjected to physical as well as psychological ill-treatment at various stages of the deportation process -- from the moment of arrest to the deportation journey and arrival.

There have been reports that during police raids to search for unauthorized immigrants and rejected asylum-seekers under specific deportation orders, people -- including children -- have been

subjected to traumatizing and intimidating treatment, including deliberate deception, physical assault and detention conditions contravening relevant international standards.

Several asylum-seekers have been 'released' from formal detention but immediately transferred to the transit zone of the national airport by police officers and subjected to cruel, inhuman and degrading treatment -- unable to leave the transit zone but without the basic means of survival such as money, food, drink, hygiene products, or access to beds and forced to rely on the charity of strangers.

There have been several reports of unaccompanied minors being returned to their countries of origin, apparently without adequate arrangements made for their safety and protection during and on return.

Allegations have continued of police officers subjecting a number of foreign nationals resisting deportation to threats (including threats of meeting the same fate as Semira Adamu), racist abuse, depriving them of food and drink for many hours while awaiting deportation, physical assault and dangerous methods of restraint. These methods have included using material and objects to cover the mouth to subdue deportees, thus blocking the airway, and restraining deportees via positions which could restrict breathing and lead to death from positional asphyxia. There have also been reports of medical treatment for injuries incurred during aborted deportation operations being sometimes inadequate and delayed, and of obstacles being placed in the way of prompt access to a doctor of the detainee's own choice.

Amnesty International believes this is an opportune moment for Belgium to reflect on and review its legislation and practice on the treatment of asylum-seekers and unauthorized immigrants. The organization urges the authorities to implement the following measures as a matter of urgency in order to prevent further ill-treatment.

- Ensure implementation of the recommendation made to Belgium by the Council of Europe's Committee for the Prevention of Torture (CPT) stating that "All persons who have been the subject of an abortive deportation operation must undergo a medical examination as soon as they are returned to detention (whether in a police station, a prison or a holding facility specially designed for foreigners)." As the CPT has pointed out "In this way it will be possible to verify the state of health of the person concerned and, if necessary, establish a certificate attesting to any injuries. Such a measure could also protect escort staff against unfounded allegations."
- Ensure that an independent inspection body is mandated to make and carries out regular, unannounced and unrestricted visits to airport detention cells and airport transit zones, and the so-called INADS centre at the national airport holding people stopped at the border and refused access to Belgian territory.
- Ensure that unaccompanied children arriving in Belgium enjoy all the rights guaranteed under the UN Convention on the Rights of the Child and other international standards on the care and protection of unaccompanied children. Implement fully the recommendations the (UN) Committee on the Rights of the Child made to Belgium in 2002, including the urgent introduction, in practice, of an independent guardianship service, and of improved and adequate arrangements for the safety and protection of unaccompanied children on return to the receiving country.

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

Background

Semira Adamu, a 20-year-old Nigerian asylum-seeker, died on 22 September 2003 within hours of an attempt to deport her forcibly from Brussels-National airport: she had resisted five previous attempts to deport her following the rejection of her application for asylum. Nine gendarmes accompanied her onto the plane, including three to act as escorts during the flight bound for Togo and one videoing part of the operation (a common practice at that time). Before take-off the gendarmes employed the so-called 'cushion technique' -- a restraint method authorized by the Ministry of Interior at the time but subsequently banned which allowed gendarmes, practising caution, to press a cushion against the mouth, but not the nose, of a recalcitrant deportee to prevent biting and shouting.

Between September and November 2003 the three escorting gendarmes were committed for trial on charges of consciously, without lawful grounds, causing grievous bodily harm resulting unintentionally in death, along with two officers who had supervised the operation on board the plane who were charged with involuntarily causing the death, through failure to take precautionary measures, and to have failed to offer help to Semira Adamu when she was in great danger and when there was no danger to themselves or to others.

For further information see *Belgium before the UN Committee against Torture : Alleged police ill-treatment*, AI Index: EUR 14/001/2003, issued May 2003.