

**EXTERNAL**

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## **HUNGARY: ALLEGED ILL-TREATMENT OF ROMA IN HAJDÚHADHÁZ**

### **Amnesty International's concerns**

Amnesty International is concerned about a reported series of police ill-treatment incidents in Hajdúhadház. Most of the victims are believed to be of Romani background and we are concerned that their ill-treatment may have been racially motivated. Furthermore, we are concerned that at least two minors, a particularly vulnerable category, were apparently not awarded the special protection that under Hungarian law is mandatory in all criminal proceedings. Amnesty International is also concerned that Hungarian authorities have apparently failed to take effective steps to ensure that some of the victims of police ill-treatment, or those who witnessed such incidents, are not subjected to police harassment as a result of their complaints.

### **Background**

According to the reports received recently by Amnesty International, on 11 January 1999, at around 8pm in Hajdúhadház, Attila Rezes, a 16-year-old Romani youth, and D.B.<sup>1</sup>, who is also a Rom and is 17 or 18 years old, were stopped by two police officers who had driven up to them in a police car. The officers reportedly hit the two youths making them fall to the ground and repeatedly kicked them and beat them with rubber truncheons. Attila Rezes was reportedly struck on the head several times. The officers then handcuffed them and took them to the Hajdúhadház police station. After they were ordered to stand facing a wall, a number of officers reportedly struck Attila Rezes.

Approximately half an hour later, the two Romani youths were taken into an office and interrogated about an incident in which a shop window had been broken. During the interrogation, officers reportedly struck Attila Rezes with their fists and with truncheons on his head, legs and shins. At around 12.30am Attila Rezes was released from the police station without being charged with any criminal offence.

On January 13, after he failed to wake up, Attila Rezes was taken to the hospital, where he was diagnosed as having suffered an intra-cranial haematoma, an effusion of blood into the brain. He

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<sup>1</sup>The names of all victims are known to Amnesty International but some are being withheld at their request.

was immediately operated on and remained in hospital for approximately 11 or 12 days.

The Hajdú-Bihar County Prosecutor's Office reportedly subsequently initiated an investigation into the incident. Attila Rezes was questioned three or four times by an official from the prosecutor's office. In late January two police officers were reportedly detained in connection with the incident - one was released shortly after, while the other was held in detention for approximately a month.

Another report of police ill-treatment in Hajdúhadház concerns three men and a boy who were interrogated on four separate occasions in the period between 6 and 10 March 1999. K.M., who is 21 years old, F.M., his 19-year-old brother, and G.D., their 15-year-old cousin, were detained on the morning of 6 March 1999, following a police search of their homes. M.P., who is 19, went to the police station shortly afterwards, having heard that the police were looking for him. In the course of successive and individual interrogations that lasted from about 15 minutes to half an hour and concerned a break-in that had taken place the previous night, all four detainees, three of whom are Roma, were reportedly beaten and racially insulted by three police officers.

K.M. told representatives of the European Roma Rights Center, a non-governmental human rights organization, that one of the officers had pushed him face first into the seat of a chair and punched him in the head. Later, another officer reportedly punched him in the mouth, causing him to bleed. K.M. then asked to go to the bathroom to wash the blood from his mouth but his request was reportedly refused. The same officer allegedly punched K.M. in the stomach and repeatedly slapped him in the face. He reportedly called K.M. a "dirty Gypsy" and made various other insulting remarks concerning his family. The same officer reportedly pressed one knee on F.M.'s thigh, while the detainee was seated, causing him pain. The officer also reportedly struck F.M.'s head against a wall, hit him on the top of his head with a set of keys and kicked him on the knees and ankles. The first officer who questioned G.D. without informing his parents about the detention, reportedly twice slapped the boy across the mouth.

The detained youths were released without being charged at around 4pm and instructed to return on 8 March. They were subsequently questioned again on 8, 9 and 10 March. On 8 March, G.D.'s father came to the police station while he was being interrogated but was not allowed to be present during questioning. G.D. reportedly signed a two-page statement which he did not read. On 10 March, K.M., F.M., G.D. and M.P. were taken into the courtyard behind the police station to be photographed. Around 10 other detained Roma were also present in the courtyard when a police officer reportedly led a dog among the detainees and encouraged the dog to snap at them. The second officer allegedly walked behind the Romani men with a pair of scissors, pretending to cut their hair and told K.M. that he should jump on the upturned prongs of a garden rake. None of the detained youths were informed whether any charges would be brought against them.

On 12 March the television channel *RTL-Klub*, in its documentary program *Fókusz*, presented the case of Attila Rezes, revealing his full identity. Three other individuals who spoke about the incident of 11 January were shown with their faces obscured. Later, some Hajdúhadház police officers reportedly attempted to establish their identities. On 14 March 1999, D.K., one of the men who appeared in the TV program, was detained by the police, allegedly in connection with a theft that took place on 5 March. D.K. was reportedly beaten by an officer who stated that he deserved "special" treatment because he had appeared on "that television program". Before he was released he was told to return on 16 March at 7am. A lawyer who accompanied D.K. to the questioning was reportedly not allowed to be present during the interrogation. Later D.K. was allowed to leave, but following the departure of his lawyer he was reportedly stopped near the police station and taken back into custody where he was threatened not to make any further statements about police ill-treatment. The two other men who appeared on the *Fókusz* program, both of whom are Roma, went into hiding because they feared similar police harassment.

On 17 March journalists from the *Fókusz* program returned to Hajdúhadház and accompanied D.K. and J.H., one of the Romani men who had gone into hiding, to a local bar known to be

frequented by police officers. While being filmed by a hidden television camera, a police officer twice struck D.K. on the face. At least two other officers who were present failed to take any measures to protect D.K.. The following day the video-film of the incident was broadcast by *RTL-Klub*. Subsequently, an investigation into this incident was reportedly initiated and a number of police officers were suspended pending its results.

Amnesty International is concerned that, if confirmed, the alleged ill-treatment of Attila Rezes, D.B., K.M., F.M., G.D., M.P., and D.K. would represent a violation of Hungary's treaty obligations. These include Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Amnesty International is also concerned that, if confirmed, the alleged ill-treatment of Attila Rezes and G.D. would represent a violation of the provisions of Article 37 of the United Nations Convention on the Rights of the Child. Under these provisions, States Parties are committed to ensure, *inter alia*, that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment; that no child shall be deprived of his or her liberty unlawfully or arbitrarily; that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age; and that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance. Furthermore, the apparently racially motivated ill-treatment of Attila Rezes and G.D., who are both Roma, would represent a violation of Article 2 (1) of this convention which commits all States Parties to respect and ensure the rights of all children "without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status".

Furthermore, Amnesty International is concerned that the conduct of police officers who interrogated D.K. on 14 and 16 March and who appeared in the film which was made by TV journalists on 17 March, is in violation of Article 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), which obliges each State Party to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his or her complaint or any evidence given.

### **Amnesty International's recommendations**

Amnesty International urges the Hungarian authorities to ensure that the investigations into these two incidents are carried out promptly and impartially, as required by Article 12 of the Convention against Torture which has been ratified by Hungary, that the findings are made public and that anyone found responsible for human rights violations is brought to justice. The organization also urges that Hungarian authorities take effective steps to ensure that the victims and witnesses of ill-treatment are protected from any further police ill-treatment or intimidation.

Amnesty International also appeals to the Hungarian authorities to ensure that detainees receive adequate medical attention for any injuries they sustain, as required by Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>2</sup>.

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<sup>2</sup>"A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge."