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EXTERNAL



AI Index: EUR 27/02/98

Action Ref.: EERAN 12/98

Date: 17 August 1998

HUNGARY: ALLEGED ILL-TREATMENT OF SHAKIRZHAN BABAZHANOV AND KHURJAN DAVLETOVA

Amnesty International's concerns

Amnesty International (AI) is concerned about reports of the ill-treatment of Shakirzhan Babazhanov and his mother Khurjan Davletova by law enforcement officials. The alleged ill-treatment occurred during two separate incidents in March and June 1998 in Kiskunhalas and Kecskemet, Hungary. If confirmed, these cases would represent a violation of Hungary's international treaty obligations, including 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.

Background

According to information received by Amnesty International, on 12 March 1998 in Kiskunhalas, Shakirzhan Babazhanov was summoned to the police station where he was detained on suspicion of theft. On 29 March he was visited by Khurjan Davletova, his mother, but a police officer did not allow them to speak in their mother tongue (Uzbek) and they were not able to talk freely. Shakirzhan Babazhanov was held at the police station until 15 April 1998, when he was transferred to a prison in Kecskemet. Khurjan Davletova visited her son again on 24 April and observed that he had lost 20-25 kilograms in body weight and that his left side appeared to be partially paralysed. Shakirzhan Babazhanov told her that he had been unable to eat for 25 days, was

vomiting blood and suffering from internal pains. He claimed that during his detention in the Kiskunhalas police station he was taken by special officers, "commandos wearing black masks", to an interrogation room where he was severely beaten after he refused to sign a statement confessing to the theft.

On 27 April 1998, in the prison hospital in Tököl, Shakirzhan Babazhanov was visited by Dr Miklos Erdélyi, a lawyer, and Dr Odon Hamvas, a physician. According to the medical records which they examined, Shakirzhan Babazhanov had no external injuries on admission to the prison hospital. The same records also noted that Shakirzhan Babazhanov had been examined by a doctor on 12 March 1998, following his arrest, and that the examining doctor had not objected to his detention on medical grounds. In the course of their visit Dr Miklos Erdélyi and Dr Odon Hamvas observed that Shakirzhan Babazhanov was shaking, apparently in fear of being taken back to Kiskunhalas police station. In the presence of a prison nurse and Dr Hamvas, Shakirzhan Babazhanov gave a sample of his urine. The results of laboratory tests confirmed that his urine was "bloody and purulent". Subsequently, a thorough medical examination of Shakirzhan Babazhanov was reportedly performed in the prison hospital.

Dr Erdélyi filed a complaint with the local prosecutor about the alleged ill-treatment of Shakirzhan Babazhanov in the Kiskunhalas police station. Following reports about the case in the press, the local police authorities reportedly issued a statement denying all allegations of ill-treatment.

On 20 June, at around 6.30pm Khurjan Davletova went to Kecskemet prison and spoke to her son over the prison wall. Two other women with small children were similarly communicating with relatives detained in the prison. Shortly afterwards two prison guards came towards them shouting and the three women started to run. Khurjan Davletova was apprehended by a guard who reportedly raised his hand as if to strike her with his truncheon and then sprayed her with tear-gas. The guard then reportedly kicked her from behind making her fall to the ground. Khurjan Davletova, who was temporarily blinded and in a state of shock, was then taken by a friend to the local hospital where she received treatment for her eyes. She returned to her home in Szeged on the same evening. Because she felt sick and repeatedly vomited she was taken to the New Clinic on 21 June 1998. A certificate issued at the hospital stated that she had suffered concussion.

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 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (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.

Amnesty International also urges 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 Imprisonment¹.

¹ "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."