

Public Statement

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Switzerland: Urgent need for reform following deaths during forcible deportation

On 3 July 2001, Bulach District Court is due to issue its verdict in the trial of three police officers and a doctor employed by the Canton of Bern who are accused of the manslaughter of Khaled Abuzarifa, a Palestinian who died in March 1999, during a deportation operation via Zurich-Kloten airport.

Khaled Abuzarifa was given a sedative tablet, had his mouth sealed with adhesive tape, was bound hand and foot, and strapped into a wheelchair in preparation for deportation. He was only able to breathe through one nostril. A post-mortem report indicated that he died of asphyxia as a result of the restraining measures. It also criticized the escorting police officers for losing valuable time in removing the adhesive tape after observing he was unwell and noted that they had not received relevant training. The doctor, who had witnessed the taping of the mouth and approved it as safe, was criticized for failing to provide relevant instructions to the officers.

The use of adhesive tape to cover deportees' mouths and prevent them shouting ceased to be an officially-sanctioned method of restraint at Zurich airport in August 1999. Amnesty International has, however, expressed concern about a number of other dangerous methods of restraint which could impede the breathing of a deportee. A specially-modified rubber boxing helmet was in use at Zurich airport in 1999. A 'chin-cup' forcibly closed the jaws and a cover could be placed across the mouth, containing a small aperture for a breathing tube.

There have also been reports of restraint techniques which could lead to death from positional asphyxia.

Khaled Abuzarifa's tragic death was not the first or only case of its kind. Five other deaths occurring during deportations from Western Europe between 1993 and 2000 were accompanied by the use, shortly before death, of dangerous methods of restraint impeding respiration. These individuals died during or immediately following forcible deportations from Austria (Marcus Omofuma in 1999), Belgium (Semira Adamu in 1998), Germany (Kola Bankole in 1994 and Aamir Ageeb in 1999) and the United Kingdom (Joy Gardner in 1993).

In May 2001 Samson Chukwu, a Nigerian, died at the start of a deportation operation from the Canton of Valais, Switzerland. Forensic examinations are still trying to establish the precise cause of death but the possibility of positional asphyxia is being examined.

There have also been a number of reports that police escorts have subjected some deportees to physical assault and racist abuse, that recalcitrant deportees have on occasion been given sedatives in order to subdue them, rather than for purely medical reasons, and that a number of deportees have been deprived of food, liquid and access to a lavatory for many hours, until they reach their destination. Some have even been offered the degrading option of wearing incontinence pads -- an officially-sanctioned practice at Zurich airport, abandoned in the course of 2000 and replaced with special urine-absorbant airline seats.

In view of the deaths which have occurred during forcible deportation operations in recent years, and in view of persistent allegations of use of excessive force and degrading treatment, Amnesty International believes that it is essential for all cantonal governments to review police restraint techniques and relevant guidelines and training for

police and medical personnel involved in deportation operations in their cantons. Cantonal authorities need to ensure that:

! escorting officers have clear instructions that no more force should be used deporting a person than is reasonably necessary, in line with international standards on the use of force by law enforcement officials;

! methods of restraint impeding respiration and involving a significant risk for life are banned and appropriate guidelines are in place to minimize risk of positional asphyxia;

! any administration of sedative drugs is in accordance with purely medical criteria in line with Principle 5 of the UN Principles of Medical Ethics;

! any use of irritant sprays aimed at temporarily disabling an individual is subject to strict guidelines and limitations on its use;

! during deportation operations all deportees are provided regularly with food and drink, have ready access to toilets and are treated with respect for their human dignity.

Amnesty International welcomes the establishment of a working group, involving relevant cantonal and federal authorities, which aims to establish common guidelines on the execution of deportation operations and to establish a common pool of specifically-trained officers. The organization understands that its recommendations are being taken into account by the working group.

"Cantonal and federal authorities should press forward with the review and reform of deportation operations as an urgent priority. Unless governments enact regulations to provide safeguards which ensure

that a deportee's physical safety and inherent dignity are respected, there is no guarantee that tragic deaths like those of recent years will not recur."

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