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BELGIUM

The death of Xhevdet Ferri

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Amnesty International expresses concern to Belgian authorities

Amnesty International has written to the Belgian authorities expressing concern about the death of Xhevdet Ferri, an asylum-seeker of Albanian origin, in a cell at Steenokkerzeel Detention Centre 127-bis on 12 October 2000 and allegations that he was subjected to medical neglect and cruel and degrading treatment before he died.

According to statements by the Ministry of Interior in the days immediately following the death, Xhevdet Ferri was one of a group of nine people who attempted to escape from Centre 127-bis on the night of 12 October 2000. Five were recaptured and returned to the centre by the gendarmerie and personnel attached to Centre 127-bis. The Minister of Interior indicated that Xhevdet Ferri apparently fell from a perimeter wall some five metres high while trying to escape but that he displayed no outward signs of having suffered injuries when recaptured and was taken back to the centre where he was placed in an isolation cell with a fellow recaptured escapee. The Minister also indicated that he was kept under regular observation by personnel at the centre and that, as soon as it was discovered that he was ill, first aid was administered in the cell and an ambulance was called. Despite attempts to revive him, by the time the ambulance arrived Xhevdet Ferri was already dead.

Following a visit to Centre 127-bis by members of parliament on 13 October 2000, during which they spoke to both inmates and personnel, and following media inquiries, a number of allegations emerged from Centre 127-bis regarding Xhevdet Ferri's treatment following his recapture.

It was reported that when two of Xhevdet Ferri's fellow escapees were about 150 metres away from the centre they observed him lying on the ground, groaning in pain.

They turned back to alert the centre's personnel to his plight. One of them then made his escape but the other was recaptured. It is claimed that when members of the gendarmerie, called in by the centre's administration, arrived to recapture Xhevdet Ferri they found him still lying on the ground groaning, but handcuffed him and took him back to the centre in their vehicle, without any medical examination. It is alleged that on arrival the gendarmes dragged him from the entrance of the centre to the isolation cell by the foot, while he was crying out that he was ill and in pain. It is further alleged that he was locked in the isolation cell with the fellow escapee who had alerted the centre to his plight, again without any medical examination being carried out. It is also claimed that, when his condition rapidly deteriorated in the cell, it was his cell-mate who raised the alarm and called for assistance and that a member of the centre's personnel with a qualification in the administration of emergency first aid then tried to revive him. An ambulance arrived but the medical personnel were unable to resuscitate Xhevdet Ferri who died in the isolation cell.

The Minister has stated that, on the basis of the information so far available, he believes that the death of Xhevdet Ferri was a "tragic accident" and that *prima facie* there are no grounds to censure any members of the gendarmerie or of the Centre 127-bis personnel. He has declared that he intends to await the results of a judicial investigation into the death before taking a definitive view of the case and the conduct of the personnel involved in the recapture and detention of Xhevdet Ferri.

Amnesty International has welcomed the prompt opening of the judicial investigation, ordered by the Brussels Public Prosecutor's office, which was announced on 13 October 2000 and the news that an autopsy has been carried out. The organization has noted unconfirmed reports that an initial autopsy carried out on 14 October 2000 was apparently unable to shed light on the cause of Xhevdet Ferri's death, identifying no internal or external injuries, fractures or signs that he had suffered a fall. It understands that a toxicological report is awaiting examination.

Amnesty International has asked for the Belgian Government's cooperation in providing it with the findings of the autopsy, when available, and of the eventual outcome of the judicial investigation and of any criminal or disciplinary proceedings arising from it.

The Belgian Government is responsible for ensuring that detainees are treated in accordance with international standards which stipulate that every detained person should be treated in a humane manner and with respect for the inherent dignity of the human person.

Thus, Amnesty International has urged that in their judicial and administrative investigations the authorities pay special heed to the principles established in international human rights instruments regarding the use of force by law enforcement officials. These include Article 3 of the UN Code of Conduct for Law Enforcement Officials and Principles 4 and 5 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These Principles stipulate that such officials should "... as far as possible, apply non-violent means before resorting to the use of force..." and "whenever lawful use of force is unavoidable" should "... exercise restraint ... and minimize damage and injury".

Similarly, Amnesty International has urged that the authorities pay special heed to Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which provides that “medical care and treatment shall be provided whenever necessary” and Article 6 of the UN Code of Conduct for Law Enforcement Officials which states that “Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.”

Amnesty International has sought clarification from the Minister of the Interior as to whether certain procedures relating to the placing of detainees in isolation cells and monitoring by the medical services, contained in the Royal Decree (*Arrêté royal*) of 4 May 1999 are reflected in the internal regulations of Centre 127-bis and whether they were followed in the case of Xhevdet Ferri. It has also sought information about current medical staffing levels in Centre 127-bis, in view of recommendations relating to medical staffing in Centre 127-bis made by the European Committee for the Prevention of Torture following its 1997 visit to the centre.

Amnesty International has also expressed its disappointment at the failure of the Minister of Interior to respond to a letter which the organization addressed to him on 20 December 1999, seeking information and comment on a number of questions relating to the treatment of detained asylum-seekers, both during forcible deportation and in detention centres for aliens, and which expressed concern, *inter alia*, about the current system for monitoring the conditions of detention in the detention centres.¹

¹ For further information about the contents of the December 1999 letter see
- *Amnesty International Concerns in Europe, July - December 1999, Belgium* (AI Index: EUR 01/01/00)
Available in French under the title *Belgique - Résumé des préoccupations d'Amnesty International: Juillet - décembre 1999* (EUR 01/01/00 ÉFAI);
- *Amnesty International Concerns in Europe, January - June 2000: Belgium* (AI Index: EUR 01/03/00)
Available in French under the title *Belgique - Résumé des préoccupations d'Amnesty International: Janvier - juin 2000* (EUR 01/01/00 ÉFAI).