

CONCERNS IN EUROPE

OSCE HUMAN DIMENSION SPECIAL EDITION

JULY - OCTOBER 1997 SUPPLEMENT

FOREWORD

This document contains updated information covering the period July - October 1997 on a number of countries featured in Amnesty International's *Concerns in Europe January - June 1997: OSCE Human Dimension Special Edition* (AI Index: EUR 01/06/97), published in September 1997. Please refer to that document for the full preceding entries on individual countries.

This update is being produced for distribution at the Organisation for Security and Co-operation in Europe's (OSCE) third Human Dimension Implementation Meeting in Warsaw in November 1997.

Not every country in Europe is reported on, only those where there were significant developments in the period covered by the update. For completeness, entries on the United States of America and Canada are included because of their membership in the OSCE, although these countries are not included in the regular *Concerns in Europe* bulletin produced every six months by Amnesty International.

The five Central Asian republics of Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are included in the Europe Region because of their membership of the Commonwealth of Independent States (CIS) and the OSCE.

A number of individual country reports have been issued on the concerns featured in this bulletin. References to these are made under the relevant country entry. In addition, more detailed information about particular incidents or concerns may be found in Urgent Actions and News Service Items issued by Amnesty International. References in the text to previous *Concerns in Europe* bulletins are:

AI Index: EUR 01/06/97	Concerns in Europe: January - June 1997
AI Index: EUR 01/01/97	Concerns in Europe: July - December 1996
AI Index: EUR 01/02/96	Concerns in Europe: January - June 1996
AI Index: EUR 01/01/96	Concerns in Europe: July - December 1995

ARMENIA

Imprisonment of conscientious objectors

Amnesty International approached various officials about the continued absence in Armenia of any provisions for a civilian alternative to compulsory military service, amid reports from unofficial sources that several Jehovah's Witnesses had been imprisoned for refusing their call-up papers on grounds of conscience. The organization urged the authorities to release any young men detained solely on such grounds, and to take all appropriate steps to introduce a civilian alternative service of a non-punitive nature, and a fair procedure in law for applying it, for all those whose beliefs precluded them from carrying out compulsory military service.

Allegations of unfair trials of political prisoners - result of the Dro case appeal

On 4 July the Supreme Court announced the result of appeals lodged in the so-called Dro case, in which 11 men said to be members of or affiliated to the (now suspended) opposition Armenian Revolutionary Federation had stood trial charged with a variety of offences including murder. In December 1996, amid allegations that the proceedings had been unfair (see AI Index: EUR 54/03/97), all had been convicted and three - Armen Grigorian, Arsen Artsruni and Armenak Mnjoyan - sentenced to death.

The Supreme Court reduced the death sentence passed on Armen Grigorian to 15 years' imprisonment and cut the prison sentences of two other defendants,

but left the rest of the sentences without change.

Attack on human rights library

Amnesty International raised with the authorities an incident which occurred on 29 July at the premises of the Human Rights Library in the city of Vanadzor. Unofficial sources had alleged that the building was broken into by members of the Vanadzor branch of the "Yerkrapah" paramilitary volunteer defence organization, dressed in military uniforms. The head of the local Military Police was also said to have been present. It is claimed that the intruders gained entry by breaking glass in the office door and that they then threw out books and furniture as well as tearing maps from the walls. It is further alleged that the incident was reported to the authorities at various levels but that no steps were taken to identify and bring to account those responsible.

Amnesty International has in the past expressed concern at other alleged attacks by "Yerkrapah" members, for example assaults reported on members of religious communities in 1995 (see AI Index: EUR 01/01/96). The organization asked for further information on any investigation which had been initiated into the incident in Vanadzor and its progress. It stressed that a prompt, comprehensive and impartial investigation into the alleged attack, with the results made public and anyone identified as responsible brought to justice, would be a major step in ensuring that human rights defenders in Armenia could carry out their work without fear of harassment or harm to their physical security.

The death penalty

By the end of October parliament had yet to pass in its second reading a new draft criminal code in which there would be no capital crimes. The draft, passed in its first reading in April (see AI Index: EUR 01/06/97), would replace the death penalty by the maximum punishment of life imprisonment. Although there is a *de facto* moratorium on executions, courts have continued to pass death sentences while the new legislation is being reviewed. Most recently, two men were sentenced to death in the middle of October by the Supreme Court: Arakel Gabrielian and Artur Kirakosian were convicted of the premeditated murder of two people.

Prospects for repeal of legislation on homosexuality

The new draft criminal code is also said to abolish the criminalization of consenting homosexual acts between adult males. Under legislation inherited from the Soviet era, Article 116 punishes "sodomy", defined as "sexual relations of a man with another man". Part 1 of the article punishes consenting sex between adult males by up to five years' imprisonment. Amnesty International sought further information on the progress of the new legislation. Pending its adoption, the organization urged officials to initiate moves to repeal Article 116 part 1, and not to pursue criminal prosecutions of men for consenting same-sex relations between adults in private.

AZERBAIJAN

Further allegations of ill-treatment in detention, including a death in custody

Allegations of ill-treatment in detention continued, with one person said to have died as a result of such treatment. He was Samir Zulfugarov, arrested in July on a charge of possessing drugs. His father was reportedly contacted by the head of the Department to combat drugs and drug trafficking at the Yasamalsky District Police Department, who demanded money for the release of Samir Zulfugarov. After seeing his son in a police cell bearing injuries allegedly inflicted after a severe beating by law enforcement officials, the father handed over a considerable sum of money, but Samir Zulfugarov died three days after his arrest at Semashko hospital.

A criminal case was instituted against the police officer concerned but the outcome was not known by the end of October. In some other cases of alleged ill-treatment unofficial sources reported that such proceedings rarely resulted in prosecution or imprisonment. No developments had been reported by the end of October, for example, in the criminal case which had been opened into the beating of journalist Taptig Farhadoglu, who reported that a man he subsequently recognized as a senior police officer had been among a group of men who beat him on the street in the capital city, Baku, in November 1996 (see AI Index: EUR 01/06/97). The case had reportedly been closed in January by the Baku city procurator for lack of evidence concerning those responsible, but reopened in April following widespread protests.

Two other journalists reportedly beaten by police officers in September also alleged official reluctance to investigate. Zakir Jabbarly and Dilgram Bairamov were said to have been assaulted by the head and three employees of the Passport Department of Narimov District Police Station in Baku after they had gone to the department seeking further information on the alleged illegal registration of citizens at a hostel. Zakir Jabbarly was hospitalized and reported that he lost consciousness and suffered from severe headaches and signs of blood in the urine as a result of the attack. Dilgram Bairamov claimed that the district deputy procurator initially refused to open an investigation into the alleged beating.

In the light of Azerbaijan's commitments under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Amnesty International has urged the authorities to conduct a prompt, impartial and comprehensive investigation into all allegations of ill-treatment; to make the results public; and to bring anyone identified as responsible to justice in the courts.

The death penalty

In August the Chairman of the Supreme Court publicly expressed his support for abolition of the death penalty, and in September the Speaker of Parliament announced that a moratorium on executions, in place since 1993, would be given legal force by the end of the year and would continue until the year 2010.

Death sentences continued to be passed, however. In the period from July to October at least death six sentences were reported. They were passed on Elman

Hasanov, Islam Mamedov, Karen Barashev and Shakir Yadigarov, in separate trials, and on Nizami Aleskerov and Bakihan Aliyev who stood trial together. All had been convicted of premeditated, aggravated murder, among other crimes, except Karen Barashev, who was sentenced to death for sabotage. A Russian citizen with an Armenian mother, Karen Barashev was said to have infiltrated the Azerbaijani army under an assumed name and to have carried out acts of sabotage between 1993 and 1996.

Over 100 men remained on death row in the capital, Baku, in conditions said to be very difficult owing to severe overcrowding: in some cells prisoners had to take it in turns to sleep.

Prospects for repeal of legislation on homosexuality

Under the Soviet-era criminal code still in force, although with numerous amendments, Article 113 punishes "sodomy", defined as "sexual relations of a man with another man". Part 1 of the article punishes consenting sex between adult males by up to three years' imprisonment. Revision of the criminal code is said to be under discussion, and Amnesty International sought further information on its progress. Pending such a complete review, the organization urged officials to initiate moves to repeal Article 113 part 1, and not to pursue criminal prosecutions of men for consenting same-sex relations between adults in private.

BELARUS

Belarus in front of the UN Human Rights Committee

On 30 October in Geneva the UN Human Rights Committee reviewed the Fourth Periodic Report of the Belarus Government on the implementation of the International Covenant on Civil and Political Rights. Amnesty International briefed the members in advance about the organization's concerns. The findings of the Committee confirmed Amnesty International's concerns

Prisoners of conscience

Amnesty International was appalled to learn about the detention of Tatyana Protko, head of the Belarusian Helsinki Committee, by police in Belarus on 23 October, and called on the authorities to release her immediately. Tatyana Protko was detained solely for researching a case of an alleged victim of human rights violations. Amnesty International also believed she was detained to prevent her from participating in the Belarusian non-governmental delegation to Geneva the following week. (Tatyana Protko was planning to travel to Geneva together with two other human rights defenders from Belarus to attend the review of the Fourth Periodic Report of the Government of Belarus at the UN Human Rights Committee.) Amnesty International considered her to be a prisoner of conscience and called for her immediate release.

Tatyana Protko was researching a case of a director of a cooperative farm, who has been recently laid off on the orders of President Alyaksandr Lukashenka. Reportedly, on 23 October in the village of Myshkovichy, Mogilyovsk Region, in the home of the director of the collective farm, several law enforcement officials from the

about the worsening human rights situation in Belarus. The organization urged the Government of Belarus to implement the recommendations of the Human Rights Committee.

Ministry of the Interior appeared who claimed they wanted to carry out some special measurements of the premises. Tatyana Protko asked them to identify themselves and to produce an official order for their activities. After they refused, Tatyana Protko reportedly stated that she would report in Geneva to the Human Rights Committee about this incident. She was then immediately detained and delivered to the local police station. She was detained and charged under Article 166 of the Administrative Code of Belarus for "*obstructing the performance of official duties by law enforcement officials*". Under these charges she faced up to 15 days' imprisonment.

Amnesty International called on the Government of Belarus to allow free and unimpeded travel for the Belarusian non-governmental delegation to Geneva. Members of the Human Rights Committee requested a special meeting with the Belarusian permanent representative to the UN in Geneva and raised their concerns about Tatyana Protko's arrest. They also requested guarantees by the authorities that she would be released and allowed to travel to Geneva. On 24 October 1997 Tatyana Protko stood trial and received a "warning" by the judge. The charges under Article 166

were dropped during the trial for lack of evidence and she was subsequently released. According to the Belarusian law, after three warnings under the Administrative Code, a criminal case could be opened against a suspect.

In October 1997 Vladimir Samusev, head of the clemency department at the presidential administration (his position is wrongly identified in AI Index: EUR 01/06/97), told a representative of Amnesty International during an official visit to Belarus that to date in 1997 24 petitions for clemency had been turned down by the President and six more people were awaiting the decision of the President on their petitions for clemency. Amnesty International feared that all of the 24 people whose petitions had been turned down might have been executed, but no official information on the number of executions in Belarus became available. Any information regarding executions of death penalty prisoners, including the time and place where the execution took place and the place where the body of the prisoner has been buried, remains a state secret and is not revealed even to the relatives of the executed prisoners.

The Belarusian government delegation to the review of Belarus' Fourth Periodic Report at the Human Rights Committee in October 1997 provided the following official statistics on the use of the death penalty: Between 1990 and 1997, 192 people were sentenced to death and 182 prisoners were executed. For the same period five people were granted clemency, four in 1992 and one in 1990. In the first six months of 1997 17 people were sentenced to death and 12 executions were carried out; in 1996, 29 people were

Later Tatyana Protko travelled to Geneva and briefed the members of the Human Rights Committee about violations of human rights in Belarus.

The death penalty

sentenced to death and 38 were executed; in 1995, 37 received the death penalty and 35 were executed; 24 were sentenced to death and 19 were executed in 1994; 20 death penalties were passed and 20 executions were carried out in 1993.

Allegations of torture in death penalty cases

In addition, there were allegations that confessions extracted under duress have been used as evidence in court leading to the death penalty. One recent example is the case of two Moldovan citizens sentenced to death in Belarus, who claimed that their confession was extracted under ill-treatment.

Ill-treatment of human rights defender

Nadezhda Zhukova, a human rights defender, aged 21, was assaulted and threatened by unknown persons in Minsk on 13 October 1997. Amnesty International fears for her safety. Nadezhda Zhukova works as an observer for the human rights organization, the Belarusian Helsinki Committee (BHC). She was assaulted as she left the building of the Leninsky District Court where she had attempted to obtain information about the trial of Pavel Sivirinets and Yevgeny Skochka - two

demonstrators arrested during a peaceful protest "against hunger and cold" held on 12 October in Minsk (see below). Nadezhda Zhukova was reportedly approached by two men in plain clothes, who told her that the two arrested demonstrators were in police cars in a nearby street. Two white Opel cars, one bearing police numberplates, were parked in Lenin street. According to reports, two men got out of one of the cars, grabbed Nadezhda Zhukova, hit her in the stomach, held a knife at her throat and took her to a nearby courtyard.

Once there, they reportedly searched her bag, took her BHC identity card and threatened to come after her if she continued dealing in "*unwomanly affairs*". They also allegedly told her, in reference to

This organization claims to be independent, although there are allegations that it was established and is financed by President Lukashenka. It is also alleged that members of the Belarus Patriotic Youth Union participate in demonstrations by groups opposing President Lukashenka, and act violently or provocatively.

Pavel Sivirinets and Yevgeny Skochka are leading members of the youth organization of the Belarus Popular Front (BNF), known as the "Young Front". They were among 20 people reportedly arrested during the authorized demonstration on 12 October, which was held to protest about economic difficulties in Belarus. Most were released after a short time, but Pavel Sivirinets and Yevgeny Skochka were fined for breaking sanitation and fire rules. A third leader of the movement, Vadim Kabanchyuk, is also believed to have been detained, but his present whereabouts are not known.

During the review of Belarus' Fourth Periodic Report at the UN Human

the other people working for the BHC that "*everyone in your office has got it coming to them*". They also reportedly told her that her face was on all the militia videotapes of demonstrations and that they could easily track her down in the future. (Officials of the Ministry of Internal Affairs told a representative of Amnesty International in October 1997 that all demonstrations were recorded on video by law enforcement officers.)

Nadezhda Zhukova's attackers introduced themselves as "young Belarusian patriots" and it is believed by some unofficial sources that they may be members of the organization "Belarus Patriotic Youth Union".

Rights Committee on 30 October 1997, the government delegation of Belarus claimed that a criminal investigation has been opened into the case of ill-treatment of Nadezhda Zhukova. In a meeting with Amnesty International's representative, members of the delegation from the Ministry of Foreign Affairs of Belarus pledged their commitment to follow-up this case and to make sure that anyone found guilty of ill-treatment is brought to justice.

BOSNIA-HERZEGOVINA

Detention of war crimes suspects

In Prijedor, Republika Srpska, in July soldiers of the NATO-led Stabilization Force (SFOR) detained Milan Kova_evi_ who had been secretly indicted by the International Criminal Tribunal for the Former Yugoslavia. The soldiers also attempted to detain Simo Drlja_a, who had also been secretly indicted, but shot him

dead in an exchange of fire. In October, following considerable international pressure on the Croatian authorities (and in effect the Bosnian Croat authorities), nine Bosnian Croats who had been indicted by the Tribunal surrendered themselves to the Tribunal. A tenth man who was already in detention in Croatia was also transferred to the Tribunal.

Amnesty International remained concerned that 57 of the 77 men who had been publicly indicted by the Tribunal are still at large. In October it issued a document, *Bosnia-Herzegovina: How can they sleep at night? Arrest Now!* (AI Index: EUR 63/22/97) in which it restated the obligations of SFOR troops to search for and detain war crimes suspects.

More minority returnees harassed and expelled

BULGARIA

Growing incidence of unlawful use of firearms by police

Amnesty International is concerned about the rising number of reported police shootings in Bulgaria. In October the organization published a report, *Bulgaria: Growing incidence of unlawful use of firearms by law enforcement officials* (AI Index: EUR 15/12/97), which documents 10 cases reported in the period from May 1996 to September 1997. In these incidents four people were killed and nine injured. So far the Bulgarian authorities have not taken appropriate measures to deal with the problem.

Amnesty International urged the authorities to ensure that impartial and

The authorities in various areas continued to prevent refugees or displaced persons from returning to their homes, either by their own actions or by encouraging civilians to attack or harass minorities. For example, in August Bosnian Croats attacked Bosniacs (Muslims) who had returned to villages near Jajce in the Bosniac-Croat Federation. Hundreds were forced again to flee and many of their homes were burned. During the attacks one Bosniac man was shot dead in his house before it was burned to the ground. Some Bosniacs who fled but later returned to Jajce found that fresh mines had been placed around their homes in their absence.

thorough investigations are conducted immediately into all shootings by law enforcement officials. The organization has also appealed to the Bulgarian authorities to bring their legislation on the use of firearms by police officers into line with relevant international standards.

CANADA

Fear for refoulement of asylum-seeker detained under unfair legislation

Manickavasagam Suresh, a Tamil refugee from Sri Lanka, has been in detention in Canada on national security grounds since October 1995 under section 40(1) of the Immigration Act, the provisions of which

fall short of international standards for fair trial. Under this legislation detainees are not provided with full information on the reasons for their detention and are therefore deprived of an effective opportunity to defend themselves. On 29 August 1997, the Federal Court of Canada found that there was sufficient evidence to conclude that the issuance of a security certificate against him by the Canadian authorities was reasonable; and that therefore Manickavasagam Suresh is a person "inadmissible to Canada" under Section 19 of the Immigration Act. As a result, Amnesty International fears that Manickavasagam Suresh could be returned to Sri Lanka at any time, where he would be at risk of serious human rights violations, in particular torture.

Police shooting in dispute over Native Canadian land rights

The disturbance that followed the occupation of Ipperwash Park, Ontario, in

CROATIA

Restrictions on freedom of expression

In August the public prosecutor submitted motions for the opening of investigations which might lead to the prosecution on charges of "spreading false information" of Ivan Zvonimir *i*ak, President of the Croatian Helsinki Committee, and Dobroslav Paraga, President of the Croatian Party of Rights 1861. Both men had made public statements about Croatia's involvement in the armed conflict in

September 1995 has still not been subject to a full public investigation. Protesters were claiming the land was Indian. Dudley George, a member of the Chippewa Indian tribe who was unarmed, was killed by a police marksman during the disturbance. Earlier in the day Dudley George had been threatened by police officers, after having made statements critical of them.

Amnesty International wrote to the Minister of Justice, the Attorney General and the Premier of Ontario seeking further information about the shooting of Dudley George in circumstances suggesting he may have been extrajudicially executed. No detailed reply was received.

The trial of an officer of the Ontario Provincial police began in April 1997 and led to his conviction in September 1997 on a charge of criminal negligence causing death, a charge that Amnesty International deemed inappropriate considering the gravity and circumstances surrounding the officer's actions.

Bosnia-Herzegovina and raised allegations of war crimes or human rights abuses perpetrated by Croatian or Bosnian Croat forces in Croatia and Bosnia-Herzegovina.

Amnesty International considers the use of the law on "spreading false information" in such cases as a restriction on freedom of expression in contravention of Croatia's obligations under international instruments such as the International Covenant on Civil and Political Rights (ICCPR), and may consider the men to be prisoners of conscience if imprisoned as a result of these motions and any prosecutions which may follow.

GEORGIA

Appointment of a human rights ombudsman

On 29 October the Georgian parliament finally appointed a human rights ombudsman in the form of a Public Defender, a post first introduced under the new Constitution adopted in 1995. Under a bill passed the following year the Public Defender is charged with supervising the observance of human rights in Georgia, making violations of these rights known, and furthering the restoration of rights that have been violated (see AI Index: EUR 01/02/96 and EUR 56/05/96). Amnesty International had repeatedly urged moves to place someone in the post, so that the constitutional provisions for supervising the protection of human rights could be implemented without delay. Filling the post was also one of the recommendations made by the UN Human Rights Committee when it reviewed Georgia's first periodic report under the International Covenant on Civil and Political Rights in April this year.

Amnesty International will be writing to the new Public Defender, David In July President Eduard Shevardnadze commuted the death sentence on all 54 prisoners on death row at that time, replacing it with 20 years' imprisonment. The move followed the first reading in parliament in May of a bill setting out a new criminal code which, when finally adopted, would abolish the death penalty as a possible punishment. By the end of October, however, the bill had still not become law and at least one man had been sentenced to death since the July commutations.

Salaridze, to set out its concerns in Georgia and to seek ways of cooperating in the promotion and protection of human rights.

Death in custody of David Amashukeli

Further information became available on the death of David Amashukeli, who died of head injuries in December 1996 (see AI Index: EUR 01/06/97). Responding to Amnesty International in October, the Tbilisi City Procuracy reported that an Interior Ministry official had been sentenced to four years' imprisonment in connection with the death. P. Bezhanishvili was found guilty of striking David Amashukeli several times around the head with a truncheon after an altercation in the street, and was convicted of deliberately inflicting serious bodily injuries and of exceeding his authority (Articles 110 and 187 of the Georgian Criminal Code).

The death penalty

Concerns in the disputed region of Abkhazia

In September Amnesty International delegates travelled to the disputed region of Abkhazia, and held talks with various officials on the human rights situation there.

Speaking about the various allegations of alleged arbitrary detentions and deliberate and arbitrary killings of Georgian civilians (see AI Index: EUR 01/06/97), the Minister of Internal Affairs said that criminal proceedings were instituted in all such cases but that it was often difficult to identify the

perpetrators owing to the security situation. Speaking on the death penalty, the Minister reported that there were currently 14 men on death row at that time, mostly convicted of premeditated, aggravated murder, but that there had been a *de facto* moratorium on executions since 1993.

GERMANY

The alleged ill-treatment of detainees

The report of the Committee for the Prevention of Torture

In July the German Government published the report of the Council of Europe's Committee for the Prevention of Torture (CPT) on its visit to Germany in April 1996, together with the interim report drawn up by the German authorities in response to the Committee's report. The CPT - a body of experts set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment - reported hearing during its In October Vasilis Romas, Costas Tasopoulos, Petros Vasiliadis and Pavlos Voskopoulos, members of the ethnic Macedonian minority party "Rainbow", faced trial in Florina on charges of violating Article 192 of the Greek Penal Code. They were accused of "causing and inciting mutual hatred among the citizens" by hanging up a sign, containing the words "Florina Committee" in both Greek and Macedonian, outside the Florina office of the Rainbow Party in September 1995. The indictment against them stated that the use of the Macedonian words "*Lerinski*

visit "...a certain number of allegations ...of the use of excessive force by police officers at the time of apprehension. The most common forms of ill-treatment alleged by detained persons were blows and kicks received after they had been restrained and placed on the ground at the time of their apprehension". The delegation also reported meeting during its visit of police establishments numerous detainees who "apparently had not been informed of their rights...or of the basic rules applicable in the place of detention in which they were held".

The delegation also reported receiving allegations of disproportionate use of force against foreigners in pre-expulsion detention on occasions when staff had to resort to control and restraint techniques, and emphasized the importance of appropriate training in techniques for dealing with agitated and/or violent detainees, including verbal communication skills and behavioural management techniques.

GREECE

Possible prisoners of conscience

Komitet" "provoked and incited discord among the area's citizens [who] justifiably...identify these words with an old terrorist organization of Slavic-speaking alien nationals which was active in the area". In a letter to the Greek authorities in October, Amnesty International stated that in its view the prosecution of the four men represented a violation of Article 10 (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms and that if any of them was imprisoned, the organization would adopt them as prisoners of conscience and call for

their immediate and unconditional release. The trial was postponed for a year.

Conscientious objection to military service

In October it was reported that a new draft law on Universal Defence would shortly be presented to parliament. According to reports, the new law would make it compulsory for all women aged between 18 and 50, and for all men aged between 18 and 65 who are not currently serving in the armed forces or in the National Guard, to complete a period of training in universal defence units. The exact duration of the compulsory training was unclear. Certain groups of women, such as those who are pregnant or who have children under the age of 12, would be exempt. The units would reportedly come under the administration of the General Staff of the Ministry of Defence, and members of units would perform a range of functions, such as responding to natural disasters, guarding vital installations and providing first aid. It was also reported that members of the units, particularly those based in border areas, would be given training in the use of arms. The new draft legislation reportedly contained no provisions for allowing those people who object to military service on grounds of conscience to register their objection. Failure to report for service would, according to the draft law, be punishable by a period of imprisonment of between six and 12 months, increasing to a maximum of three years in prison in periods. The new Criminal Code reduces the death penalty to three peace-time offences: premeditated aggravated murder, genocide and sabotage. Treason is punishable by death only in times of war. Eight military

of general mobilization, such as has existed in Greece since 1974.

In October Amnesty International urged the Greek authorities to review the provisions of the draft law on Universal Defence with a view to bringing it into line with international standards and recommendations on the right to conscientious objection.

KAZAKSTAN

Lobbying for decriminalization of homosexuality

In July President Nursultan Nazarbayev signed into law a new Criminal Code to take effect in 1998. The new Criminal Code decriminalized homosexual acts between consenting adult men.

Alleged torture and ill-treatment in pre-trial detention and penitentiaries

The Supreme Court of Kazakstan upheld the sentence of Yevgeny Tarasov in April 1997.

No investigation was known to have taken place into his allegations of torture by police officers in Pavlodar.

The death penalty

crimes are punishable by death. The code specifies that an execution can only be carried out one year after a death sentence was passed and that a death sentence can be

commuted to life imprisonment or to 25 years' imprisonment.

KYRGYZSTAN

Prisoners of conscience: prosecutions of journalists for criminal libel

At a retrial in a Bishkek district court in September journalist Yrysbek Omurzakov was sentenced to a total of 30 months' imprisonment for criminal libel. A two-year suspended sentence passed on him in July 1996 for slandering the President became active as a result of his latest conviction and formed part of his current 30-month sentence. (The latest sentence was for six months.) He remained, however, at liberty pending an appeal to Bishkek City Court. His co-defendants, Damira Akmatova and Gulya Ibraimova, were sentenced to six months' imprisonment but were released from the court room under the terms of an amnesty decree of August 1997. On 5 November Bishkek City Court upheld Yrysbek Omurzakov's sentence, but applied the terms of the amnesty decree and released him from the court room.

The death penalty

In October President Akayev signed the new criminal code into law. It retains the death penalty for six criminal offences. A proposed extension in the scope of the death penalty to cover large-scale drug possession. The central government was in dispute with the local authorities in the west of the

as put forward by the Supreme Court was not included in the new criminal code.

Amnesty International learned that three of 10 men sentenced to death in 1996 were executed in May 1997. The remaining seven were reported to be still alive in August 1997, according to information from the Ministry of Internal Affairs.

LATVIA

Asylum-seekers

In October the Latvian Parliament voted to amend the law of ratification of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. Under the original law, passed in June 1997, Parliament opted for a "geographical limitation", meaning that Latvia would accept international responsibility under the 1951 Convention only for refugees from within Europe. The new amendment removes this limitation.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Gostivar and Tetovo: Ill-treatment and torture of ethnic Albanians and Turks, causing the death of one man; unfair trials of political prisoners

country controlled by the Democratic Party of Albanians (DPSH) over the use for

official purposes of the flags of the national minorities. The dispute resulted in the passing by parliament of a new law on 8 July regulating the use of flags, which was followed in the early hours of 9 July by the removal of the flags in Gostivar and the detention of the Mayor, Rupi Osmani, and other ethnic Albanian officials. A large crowd of ethnic Albanians and Turks gathered to demonstrate during the day. A large force of several thousand police with riot equipment was already deployed. After some minor clashes in the morning violent disorder erupted in the afternoon.

Although many of the demonstrators were violent, using petrol bombs, iron bars and some carrying firearms, the reaction of the police included the beating of demonstrators who did not offer or who had ceased to offer resistance to arrest. Many people who had no connection with the demonstration were also beaten or otherwise ill-treated. Evidence for this came from video tapes showing men being kicked and beaten by police as they lay on the ground or in other prone positions, and testimony gathered by Amnesty International. Police entered homes and businesses in the centre of the town, beating people in their homes, on the street and in the police station to where at least 300 people were taken. The victims were predominantly males; some as young as 13 years or as old as 72. There were also some women victims; one elderly woman described being hit on the head while her husband was beaten and taken away.

One man died as a result of being beaten. The authorities appeared not to have opened an investigation into the criminal responsibility for his death, nor that of two other ethnic Albanians who died of bullet wounds and who may also have been unlawfully killed. More than 200 people

received medical treatment, mostly as a result of having been beaten by police. Nine police officers were also treated in hospital for injuries which they received during the clashes.

A small number of local officials and activists in the DPSH were detained in Gostivar and Tetovo. Three of them stated to Amnesty International that they were taken by police to Skopje or Kumanovo where they were interrogated for hours on end during which they were tortured by systematic beatings.

Four men - the Mayor and Chairmen of the local councils in Gostivar and Tetovo - were convicted of "failing to carry out judicial decisions" and sentenced to up to three years' imprisonment in trials in September and October. Gostivar Mayor Rupi Osmani was also charged with organizing resistance to the authorities and was sentenced to 13 years and eight months' imprisonment. His trial was unfair: defence lawyers were restricted in their opportunities to prepare the defence, for example, by being denied copies of documents cited by the prosecution. All four men remain free pending appeal.

Restrictions on freedom of expression

On 20 August I_o Gavrilov was convicted and sentenced to three years' imprisonment for "Damaging the reputation of the Republic of Macedonia", according to Article 178 of the Criminal Law after he deliberately trod on the national flag at the National Day celebrations near Kruševo on 2 August. Amnesty International considers that the use of Article 178 represents a restriction on freedom of expression which

violates Article 19 of the International Covenant on Civil and Political Rights to which Macedonia is a party, and will adopt I_o Gavrilov as a prisoner of conscience if he is sent to serve his sentence. Several other people who were also at the

PORTUGAL

In November Amnesty International issued a document entitled *Portugal - A brief summary of Amnesty International's Concerns: January - October 1997* (AI Index: EUR 38/09/97) and submitted it to the UN Committee against Torture, which is scheduled to examine Portugal's second periodic report on its implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 13 November 1997.

ROMANIA

Continuing allegations of ill-treatment by police

Amnesty International continues to receive reports of police torture and ill-treatment (see AI Index: EUR 01/06/97). In one incident in June, a 10-year-old boy was reportedly severely beaten by three police officers in a small town in eastern Romania. Investigations into such incidents continued to be prolonged and often appeared not to be impartial.

In October the Military Prosecutor informed Amnesty International that an investigation into the ill-treatment of three Roma minors (see *Romania: Ill-treatment of minors: Gheroghe Notar Jr, Ioan Otvos and Rupi Stoica*, AI Index: EUR 39/18/96

celebrations have been prosecuted for "insulting" President Kiro Gligorov and may also become prisoners of conscience.

published in October 1996) was suspended for lack of evidence, although the organization had received testimonies from witnesses who, prior to their release from police custody, had observed injuries which the minors had suffered as a result of ill-treatment.

RUSSIAN FEDERATION

Failure to protect asylum-seekers

Amnesty International has serious concerns about the treatment of asylum-seekers which are set out in detail in the report *Russian Federation: Failure to protect asylum seekers* (AI Index: EUR 46/03/97).

A new law "On amendments and additions to the law of the Russian Federation 'on refugees'", came into force on 3 July 1997. Amnesty International is gravely concerned about certain aspects of the new law, and believes that they fail to live up to Russia's obligations under international law. For example, the new law requires asylum-seekers who have been forced to enter the country illegally to apply for asylum within 24 hours, with a maximum extension of this limit to 48 hours. Those who are not able to comply with this limit are to be excluded from consideration automatically. The law

states that asylum-seekers who have passed through a third country where they could have been recognized as a refugee are also to be excluded from substantive consideration – a worrying incorporation of the “safe third country” concept which has become so common in Western Europe. Amnesty International is also concerned that asylum-seekers at the border are not given the right to appeal a negative decision. On 20 August 1997 President Boris Yeltsin submitted legislation to parliament proposing an amnesty for nearly half a million prisoners to help alleviate conditions in Russia’s overcrowded jails. Under the plan 35,000 people would be released from prison or labour camp, and a further 60,000 would have their sentences shortened. Amnesty International welcomes any moves to alleviate the difficult conditions in Russian prisons caused partly by overcrowding.

On 6 October President Yeltsin signed a decree entitled “On reforming the penitentiary system of the Interior Ministry of the Russian Federation”. In accordance with recommendations of the Council of Europe, the decree envisages stage-by-stage reform of the penitentiary system now under the control of the Ministry of Interior and moving it to the jurisdiction of the Ministry of Justice. President Yeltsin also instructed the government to create within a month a commission for reforming the penitentiary system, which should draw up proposals before 1 December 1997 for the solution of problems that may occur during the transfer of the penitentiary system to the

decision. The organization is concerned that asylum-seekers will continue to be rejected summarily at the Russian border without any substantive consideration of their claims.

Prison conditions

jurisdiction of the Ministry of Justice. The government was also instructed to submit to the Duma corresponding federal draft laws before the end of 1997 and to draft other normative legal documents on the basis of the new decree.

The death penalty

On 14 October the head of the Russian Interior Ministry’s Department on Execution of Punishments (GUIN), General Vyacheslav Ovchinnikov, claimed that no executions have been carried out this year. He said also that currently 846 people sentenced to death are held in Russian prisons. People continued to be sentenced to death in the Russian Federation.

Freedom of conscience and religion

President Yeltsin signed a law on freedom of conscience and religion at the end of September 1997, which was passed by the Duma on 19 September and approved by the Federation Council on 24 September. Although the law enshrines religious freedom, it bans all religions which have

not formally existed in Russia for 15 years from actively seeking converts. Religions that fail to meet the requirement will be banned from opening schools, distributing religious material, and owning printing works or media outlets. Amnesty International is concerned that the restrictions imposed by this law on the practising of certain confessions may lead to persecution of their members by law enforcement officials and possibly to future prisoners of conscience. The organization also fears that under the provisions of this law young men who claim conscientious objection to military service based on their religious beliefs and participation in certain religious confessions whose activities have been restricted, may not be granted alternative service and their right

Rasul Doshukayev and Said Khasiyev were also publicly executed on 18 September 1997 in Grozny, after having been found guilty of murder. According to reports, three of the victims relatives were among the six executioners. Although filming of these executions had been officially banned, it was reported that journalists present at the executions were allowed to do so.

Amnesty International fears that other people in the Chechen Republic may also face imminent execution, among them 30 people who are currently awaiting the Shari'a courts' verdicts on charges of kidnapping, after President Maskhadov issued a decree in June 1997 allowing courts to sentence kidnappers to death.

On 29 October 1997 President Maskhadov issued a decree dismissing

to conscientious objection may not be recognized by the authorities.

Public executions under the Shari'a law in the Chechen Republic

On 3 September, a man and a woman were publicly executed by firing squad in the Chechen Republic after being found guilty of murder by the Chechen Supreme Shari'a Court. A third woman, also found guilty of murder, had her execution postponed when doctors established at the last moment that she was pregnant. As far as Amnesty International is aware, she is still on death row awaiting execution once her child is born.

the Supreme Court panel of judges responsible for applying Islamic law, reportedly because of the four public executions. The decree also dismissed the head of the Supreme Court who was reported to be a staunch supporter of death sentences and public executions.

Regardless of its current legal status, the Chechen Republic still remains bound by the international human rights obligations of the Russian Federation, including the International Covenant on Civil and Political Rights and the Convention against Torture. Amnesty International does not promote or oppose any particular system of justice, urging only that it confirms to internationally accepted standards.

Amnesty International called on the Chechen President to grant clemency immediately to all prisoners currently on death row in the Chechen Republic. The organization also called for the revision of the provisions of the Chechen Criminal Code which provide for the death penalty and corporal punishments with a view to abolish the death penalty and all acts which constitute torture and ill-treatment.

SLOVENIA

The ending of temporary protection affected refugees from entities of Bosnia-Herzegovina where their nationality now constitutes a majority, for example Bosnian Serbs from Republika Srpska or Bosniacs (Bosnian Muslims) and Bosnian Croats from the Federation of Bosnia-Herzegovina (Federation). Some exceptions had been made for particularly vulnerable groups, for example the so-called Bosniac "Abdi_ supporters" from Biha_ and Bosniacs from Mostar in the Federation and those who were the victims of extreme violence or torture, but there was no procedure for extending protection on the merits of an individual case. Refugees were able individually to seek permission to remain in Slovenia under the Law on Foreigners, which contains provisions which would allow foreigners to apply for temporary residence for humanitarian reasons. However, in order to remain in the country under the provisions of that law, applicants have to fulfil strict criteria such as economic self-sufficiency during the time the application is processed. As of July 1997 there were at least 6,000 refugees from Bosnia-Herzegovina in Slovenia. Although those refugees for whom protection was to be ended would have been able to apply for asylum in Slovenia and to remain in

Asylum-seekers: Refugees from Bosnia-Herzegovina at risk of refoulement

In July 1997 Amnesty International raised concerns that approximately 2,000 refugees from Bosnia-Herzegovina were at risk of refoulement because of the imminent ending of the temporary protection status they had been granted by the Slovenian Government.

Slovenia while their applications were processed, governmental authorities told Amnesty International's Slovenian Section that all such applications would be rejected. This was because Slovenian law specifies that refugees wishing to apply for refugee status in Slovenia have only three days to do so following their arrival. This restrictive measure effectively denied those fleeing human rights violations the right to seek asylum within the meaning of the UN Refugee Convention.

Amnesty International argued that it was not safe for many refugees to return to Bosnia-Herzegovina, including those from entities where their nationality now constituted a majority. In addition to the obstacles facing returnees in gaining accommodation, Amnesty International receives daily reports of human rights violations in areas of Bosnia-Herzegovina where some of these people are expected to return, including forcible eviction, ill-treatment by the police, unfair trials, as well as the failure of the police to adequately protect vulnerable groups from attacks by local citizens. On 2 July, the Human Rights Ombudsperson for Bosnia-Herzegovina issued a report which concluded "the forcible repatriation of refugees to areas to which the individuals

concerned do not voluntarily return may lead to systematic and severe violations of human rights”, and recommended that when authorities in Bosnia-Herzegovina negotiate with governments hosting refugees from Bosnia-Herzegovina, consideration should be given to whether political or other circumstances permit individual refugees to return to their pre-war homes, and whether such returns are in conformity with applicable human rights standards.

Amnesty International urged the Slovenian authorities to take urgent measures to rescind the three-day rule measure for those who have received temporary protection in Slovenia and other asylum-seekers. It called upon the authorities to rectify any other legal obstacles so that all refugees have the opportunity to have their individual asylum claims assessed in a fair and satisfactory procedure to determine if they are at risk of serious human rights violations if returned.

SPAIN

In November Amnesty International issued a document entitled *Spain - A brief*

In July the Minister of Justice informed the organization of "six or seven other similar cases" of deaths in custody. A report issued in connection with the second post-mortem examination of Osmo Vallo referred to 11 people who died while in police custody or in prison, including four people who died of asphyxiation in circumstances similar to the case of Osmo Vallo. (The National Board of Forensic Medicine informed Amnesty International about 16 cases of similar deaths, although not all of the 16 people concerned had been in the custody of law enforcement officials.)

summary of Amnesty International's Concerns: January - October 1997 (AI Index: EUR 41/07/97) and submitted it to the attention of the UN Committee against Torture, which is scheduled to examine Spain's third periodic report on its implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 18 November 1997.

SWEDEN

Concern about death of Osmo Vallo leads to re-examination of other deaths in police custody

During the course of Amnesty International's investigation of the circumstances of the death in custody of Osmo Vallo, the organization received information about a number of other instances over the past five years in which people had died in circumstances similar to Osmo Vallo while in custody of Swedish law enforcement officials.

A common factor in several of these cases was that, like Osmo Vallo, the persons concerned had been restrained lying face down and some form of pressure had been put on their chests. In some cases the causes of death included positional asphyxia (which has been defined as "death as a result of body position that interferes with one's ability to breathe"). In others, contributory factors to the possible cause of death were given as physical exhaustion and stress.

In October, Amnesty International published a document *Sweden: Osmo*

Vallo-- Action needed to prevent more deaths in custody (AI Index: EUR 42/01/97). This document set out Amnesty International's concerns about the circumstances relating to the death of Osmo Vallo, deficiencies in the investigations and prosecution decisions following his death and, based on other similar cases of deaths in custody in Sweden over the last five years, the emergence of a possible pattern in which the use of similar restraint techniques may have contributed to death.

The organization called on the Swedish Government to re-open the case of Osmo Vallo for further investigation and to initiate a comprehensive review of all recent cases in which people died in the custody of law enforcement officials. The organization recommended that such review include a medical risk assessment of all restraint techniques currently used in Sweden and make recommendations for written guidelines for law enforcement officials on the use of restraint techniques and their conduct when dealing with possible health risks as a result of the use of restraint. The organization also urged the government to ensure that prompt, thorough, independent and impartial investigations were carried out on each case of death in custody and reports of torture and ill-treatment, and that a report of the findings of each such investigation is made public. In view of the examination of Switzerland's third periodic report on its implementation of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment by the UN Committee against Torture on 14 November 1997, Amnesty International took the opportunity to comment on some of its concerns relating to alleged ill-treatment by police officers in Switzerland.

In November the organization issued a report entitled

made public. In addition, the government was urged to ensure that those law enforcement officials suspected of being responsible for unlawful actions or misconduct are brought to justice.

There have been several significant developments since the publication of Amnesty International's report. The Minister of Justice requested the Chancellor of Justice to examine how the circumstances of Osmo Vallo's death were investigated and dealt with, as well as to examine the other deaths in custody, with a view to making recommendations for necessary changes. The Prosecutor General announced that he is reviewing the prosecution's decisions in the case of Osmo Vallo and 18 other deaths, of which some 12 were in the custody of law enforcement officials. The Head of the Police Service issued a warning about restraint techniques and announced that if an arrested person is laid face down on the ground to be handcuffed, immediately afterwards the person should be lifted to a sitting or standing position in order not to further impede the person from breathing.

SWITZERLAND

Switzerland - Comments relating to the submission of the Third Periodic Report to the UN Committee against Torture (EUR 43/01/97) which it brought to the attention of the Committee.

TAJIKISTAN

"Disappearances": the Ojiyev brothers

In September the Tajik authorities informed Amnesty International that a criminal investigation had been opened into the "disappearance" of Rizoali Ojyev under Article 135 of the Tajik Criminal Code (hostage taking).

TURKEY

State of emergency legislation was lifted from three provinces in October but remained in force in six southeastern provinces.

Prisoners of conscience: prosecutions for freedom of expression

The trial, under Article 8 of the Anti-Terror Law outlawing any advocacy of "separatism", of 184 members of Turkey's literary and cultural elite for publishing *Freedom of Thought* was suspended in October.

In June, the writer Ahmet Zeki Okçuoğlu was imprisoned under Article 159 of the Turkish Penal Code for "insulting the institutions of the state", after the Supreme Court upheld a 10-month sentence given to him by Istanbul Heavy Penal Court No.2 for his article published in the newspaper *Azadi* (Freedom) in 1993.

Prisoners of conscience Hatip Dicle, Orhan Doğan, Selim Sadak and Leyla Zana,

Eber Yağmurdereli is one of a group of Turkish intellectuals who, by confronting the State publicly on the issue of freedom of expression, are putting their own liberty at risk. He believes that his predicament will help to bring about reform

former parliamentary deputies for DEP (Democracy Party), continued to serve their 15 year sentences for alleged membership of the Kurdish Workers' Party (PKK) at Ankara Closed Prison. Since, during the course of a blatantly unfair trial, no conclusive evidence was ever presented to support the charges against them, Amnesty International considers that the parliamentary deputies are held because of their criticism of state policy in the predominantly Kurdish southeast provinces.

In August, a measure suspending sentences on newspaper editors resulted in the release of a small number of prisoners, including İlik Yurtçu, former editor of *Özgür Gündem* (Free Agenda).

In Istanbul on 20 October 1997 lawyer Eber Yağmurdereli was arrested by police acting on a court order and now faces 17 years in prison. In 1991 Eber Yağmurdereli had made a speech criticizing the State's treatment of the Kurdish minority in the southeast provinces. As a consequence Eber Yağmurdereli was sentenced to 10 months' imprisonment under Article 8 of the Anti-Terror Law.

However the Turkish courts have ruled that his speech breached the terms of conditional release from a life sentence he received in 1985 - a sentence imposed as a result of a trial which Amnesty International condemned at the time as being clearly in breach of international standards for a fair trial.

of those elements of the Turkish law which restrict the right to freedom of speech. He has refused a pardon before and says he will do so again, believing that legal reform is the only proper and lasting solution.

Eber Ya_murdereli is being held in Çank_r_ Central Closed Prison. Amnesty International has adopted him as a prisoner of conscience and is appealing for his immediate and unconditional release.

*Prisoner of conscience:
conscientious objector Osman
Murat Ülke*

In October, conscientious objector Osman Murat Ülke was rearrested at Eski_ehir Military Court. He had just been convicted and sentenced for "persistent insubordination", for which he received a five-month sentence, and "desertion", for which he received a further five-month sentence, to be served consecutively. Counting remission, he has already served these terms, but was remanded in custody pending trial for having "deserted" a second time after he had been released on 29 May 1997.

TURKMENISTAN

*Fear for safety of journalist
Yovshan Annakurbanov*

Amnesty International is concerned for the safety of independent journalist Yovshan Annakurbanov, arrested by officers of the Turkmen Committee of National Security (KNB) at the international airport in Ashgabat on 30 October 1997. Yovshan Annakurbanov was due to attend a training seminar with *Radio Liberty* in Prague, but was reportedly detained as he was about to board the plane. KNB officers claimed to have found in Yovshan Annakurbanov's

luggage a computer diskette containing material by the political opposition in Turkmenistan. However, according to information available to Amnesty International, when his bags were first checked at the airport passport and customs control, law enforcement officials did not find anything suspicious. He is detained in the investigation prison of the KNB. At the time of writing no charges have reportedly been brought against him and it is believed that he has not been given access to a lawyer. His wife has not been allowed to visit him in detention and according to unofficial sources her telephone has been cut off.

Yovshan Annakurbanov worked as a freelance journalist for *Radio Liberty*. On 26 June 1997 he reportedly received death threats from officers of the KNB. Two officers reportedly visited his home to warn him that "*Something could happen*" to him or his children if he did not stop contributing to the radio station's "provocations". He was reportedly told "*It would be a shame if something should happen to you*".

Since 1993, Yovshan Annakurbanov has been prevented from publishing his writings in the country. On 25 July 1995, Yovshan Annakurbanov was arrested for participating in a peaceful demonstration in protest at economic hardships and convicted of "malicious hooliganism". He was released on 11 January 1996. He maintains his work for *Radio Liberty* has not been of a political nature.

UKRAINE

The death penalty

The Ukrainian parliament ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms on 18 July 1997. However, a vote was not taken on Protocol 6, which provides for the abolition of the death penalty. Local media reported that there were currently 135 prisoners in Ukraine who have been sentenced to death.

Amnesty International remained concerned at conflicting reports as to whether executions in Ukraine have continued to take place in 1997.

During the consideration of the Third Periodic Report of Ukraine by the UN Committee against Torture in April 1997 representatives of the Ministry of Justice reported that no executions had taken place since the beginning of 1997. However, on 28 August the Ukrainian Ministry of Justice confirmed in writing that 13 executions have taken place in Ukraine in 1997. Official sources in the Ministry of Justice also confirmed that 73 people have been sentenced to death so far in 1997.

According to press reports, on 8 October Ukraine's former Minister of Justice, Sergey Holovaty, restated that the Ukrainian authorities secretly executed 13 people in 1997 and accused the government of lying to the Council of Europe. The Council of Europe plans to send a special delegation to investigate these allegations. Sergey Holovaty was quoted as saying: "*Even the Justice Minister cannot get all the information [on the use of the death penalty], neither the*

names nor the exact dates of the executions. We are the only member of the Council of Europe which still considers such matters as a state secret". Reportedly, Sergey Holovaty showed a document which stated that five people were shot in Crimea (including one in Sevastopol), two each in Odessa and Luhansk regions, and one each in the Kiev, Mykolayiv, Ivano-Frankivsk and Kherson regions.

Amnesty International is concerned about these conflicting reports on execution statistics, and has urged the Ukrainian authorities to provide a complete explanation as to when and where executions have taken place in 1997. Amnesty International believes that the authorities of Ukraine must immediately take the political decision not to sign any more execution orders, and secondly that this decision must be formalized by the central government issuing an order to all prison governors and relevant officials that no further executions are to be carried out.

UNITED KINGDOM

Proposed incorporation of the European Convention into UK national law

In October the government published a white paper, *Human Rights Brought Home*, and the Human Rights Bill, setting out provisions for the incorporation of the

European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention) into the law of the United Kingdom. Amnesty International

The organization called on the government to establish safeguards to ensure that human rights protection is effective and extends to include people in some of the most vulnerable situations, including asylum-seekers. To these ends, the organization urged the government to establish an independent Human Rights Commission to monitor respect for human rights and investigate allegations of human rights violations, and to ensure a prompt and effective remedy for violations of the rights which are incorporated into national law.

The organization welcomed the statement in the white paper of the government's intention to become a party to Protocol 7 of the European Convention in the future, but regrets that the current bill does not incorporate rights safeguarded under Protocols 4 and 7 of the European Convention, which, *inter alia*, contain essential rights for asylum-seekers and fair trial.

The organization is hopeful that the government's decision, in October, to sign the Strasbourg declaration, which calls for a universal ban on the death penalty, will lead swiftly to the introduction of legislation to fully abolish the death penalty in the United Kingdom and to the government's ratification of Protocol 6 of the European Convention and the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aimed at abolishing the death penalty world-wide.

Amnesty International continued to urge the government to ensure that national laws and practice are consistent with the full range of international and regional human rights law and standards and to ratify other

welcomed this move to enshrine many human rights into national law as an important first step towards implementing the government's international obligations.

treaties including the Optional Protocol to the ICCPR, and the two Additional Protocols to the 1949 Geneva Conventions, which the previous government promised to ratify by October 1995. The organization also continued to urge the government to make declarations under Articles 21 and 22 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to withdraw its reservations to human rights and humanitarian law treaties.

Deaths in police custody

In the face of two High Court challenges to the decisions of the Director of Public Prosecutions (DPP) not to prosecute police officers involved in the deaths in custody of Shiji Lepite and Richard O'Brien, in July the DPP admitted flaws in the process of making decisions not to prosecute the police officers involved. She agreed to review the decisions in these cases. In addition, an independent inquiry was initiated to examine the handling by the Crown Prosecution Service of serious complaints against the police, including cases of death in custody. The inquiry, which is being carried out by a retired judge, will make recommendations for change; its findings will be made public.

In October, an inquest jury ruled that Ibrahima Sey had been unlawfully killed while in police custody. The case was referred back to the Crown Prosecution Service for reconsideration of its decision in July not to bring prosecutions against any of the police involved in restraining Ibrahima

Sey. Following the announcement of the inquest jury's verdict, the Coroner recommended the initiation of an urgent review of police use of CS gas and announced his intention to write to chief constables to warn them of the "grave public concerns" about methods of restraint, asking them to remind officers about the dangers of positional asphyxia.

UNITED STATES OF AMERICA

The death penalty continues to be used extensively, and Amnesty International continues to call for clemency for prisoners facing execution. Concern remains about racial disparity in the application of the death penalty; inadequate legal representation at trials for defendants facing the death penalty; and cruel, inhuman or degrading treatment in the administration of the execution.

Cases such as that of Harold McQueen, who was the first person to be executed in Kentucky for 35 years, highlight Amnesty International's concerns. His execution went ahead in July 1997 despite concerns about serious deficiencies in the conduct of his defence during his trial: the jury which sentenced him to death was unaware of crucial mitigating factors, including medical evidence of brain damage.

Pedro Medina, a Cuban national with a history of mental illness, was executed in March 1997 in Florida. The Governor of Florida appointed an independent medical examiner to evaluate the method of execution in the state after a malfunction in the 74-year-old electric chair caused the black leather face mask to burst into flames during the execution.

Amnesty International's main concerns in the USA continue to be the death penalty, police brutality, ill-treatment of prisoners, and conditions under which inmates are kept.

The death penalty

Death in custody and alleged ill-treatment by police

There were reports of deaths in custody, torture and ill-treatment, and shootings in disputed circumstances by police. Victims included Eli Montesinos, a Mexican national, who died in January after an officer with the San Antonio Police Department placed him in a choke hold which provoked a heart attack and broke two neck bones. The police officer was exonerated following an internal enquiry by the Police Department. A Federal Bureau of Investigation (FBI) enquiry has not yet been completed.

In August Abner Louima, a Haitian, was allegedly assaulted and physically and sexually abused by New York Police Department officers from the 70th Precinct police station. Two officers were charged with aggravated sexual abuse and another two faced charges of beating Abner Louima.

Investigations are continuing and the trials of the police officers are pending.

Prison conditions amounting to cruel, inhuman or degrading treatment; alleged ill-treatment of inmates by prison officials

Cruel, inhuman or degrading treatment in prisons and jails included the abusive use of restraints such as the four-point restraint chairs, in which prisoners may be held completely immobile with their arms and

In June 1997 Amnesty International delegates visited Maricopa County, Arizona, toured three jails and met with senior jail and other officials and lawyers representing inmates. Among the issues raised in a subsequent letter to the Sheriff and County authorities was the death of Scott Norberg in Madison Street Jail in June 1996 after a struggle with guards in which Norberg sustained numerous contusions, was repeatedly hit with a stun gun and strapped into a restraint chair; allegations that other inmates in the same jail had been ill-treated; the deprived conditions under which several female juvenile detainees were held in one jail; and poor conditions in a facility in which jail inmates were housed in tents.

In March the US Justice Department filed lawsuits against the Departments of Corrections in Arizona and Michigan for failing to protect female inmates from sexual misconduct and invasion of privacy. The lawsuit followed a series of complaints by women inmates about abuses by prison guards, including rape and sexual assault.

In July 1997, pre-trial hearings were held in the federal lawsuit brought by inmates at Hays State Prison, Atlanta, Georgia against the Commissioner of Prisons and others. The Commissioner was alleged to have supervised the mass beating of inmates during a "shakedown" (search) at

legs shackled. In Utah mentally ill inmates in Utah State Prison were reportedly held in such chairs for periods ranging from several hours to several days. In March, Michael Valent died after being held in a four-point restraint chair for 16 hours. He was reported to have died of a blood clot caused by prolonged immobilization. The department afterwards amended its restraint policy and stopped using the restraint chair.

the prison in July 1996; eight prison employees have testified in support of the inmates' complaints.

An FBI investigation is taking place into allegations of ill-treatment in a privately-run section of the Brazoria County Detention Centre, Texas, following a video showing serious abuses of inmates by guards, which included kicking and beating of prisoners, coaxing dogs to bite them and using stun guns against them.

In October the federal authorities announced that there would be no criminal charges brought following their investigation into the death of Kenneth Michael Trentadue, who allegedly committed suicide in a federal prison in Oklahoma in August 1995. Following the results of the federal investigation, the District Attorney of Oklahoma County announced he would pursue an investigation, saying that questions remained about whether Trentadue's death was a homicide or a suicide. Prisoners who supplied information about the ill-treatment of inmates and queried his alleged "suicide" were reportedly subjected to physical abuse and threats by prison personnel and others.

YUGOSLAVIA, FEDERAL REPUBLIC OF

Unfair trials of political prisoners in Kosovo province

In July a second group of ethnic Albanians were tried on charges related to violent attacks upon Serbian police and civilians. Besim Rama and 14 other men were convicted, 12 of them *in absentia*, on charges of having formed a terrorist organization, the "Liberation Army of Kosova", and having carried out or prepared attacks between 1993 and 1996 on police and civilians resulting in the death of four people. Twelve of the accused including Besim Rama received the maximum sentence of 20 years' imprisonment. The trial was unfair: statements from the three detained defendants were extracted by means of torture and unacknowledged. On 1 October students led other ethnic Albanians in peaceful demonstrations in Priština and other towns in which they demanded access to facilities in the University of Priština. Since 1990, when the Serbian authorities restricted higher education in the Albanian language, ethnic Albanians have studied largely at an unofficial Albanian language university in which lectures are conducted in private buildings. Police broke up the demonstrations using truncheons. Some 350 students and other demonstrators including elderly people were reportedly injured. Similar demonstrations on 29 October broke up before police intervened, although a small number of people were reportedly beaten in Prizren and Pe_.

detention. One of the defendants told the court that he was denied access to his defence lawyer for six months and was then only allowed a brief private consultation with his lawyer three days before the trial.

The trial of another group comprised of Nait Hasani, who was reportedly tortured during incommunicado detention for a month in February (see AI Index: EUR 01/06/97), and 18 others, two *in absentia*, was due to open in October but was postponed. Jonuz Zeneli, who was due to be tried with them, died in custody in October, possibly as a result of ill-treatment by police. Amnesty International expressed fears that this further trial may also be grossly unfair.

Beatings of demonstrators demanding access to university facilities