

EXTERNAL

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**£AUSTRIA: @ALLEGED ILL-TREATMENT IN PRE-EXPULSION DETENTION -
THE CASE OF NASER PALUSHI**

The following information is based on an article which appeared in the Austrian weekly magazine *News* (edition 21/94) on 26 May 1994 and on material sent to Amnesty International by a Vienna-based non-governmental organization which advises army deserters.

Naser Palushi is a 22-year-old ethnic Albanian from the Kosovo province of southern Serbia (Federal Republic of Yugoslavia) who has been accepted to study law at the University of Vienna. In 1992 he deserted from the Yugoslav National Army - an offence which can carry a prison sentence of up to 20 years - and fled to Austria where he applied for asylum. His first asylum application was refused in January 1993 and a second application was subsequently rejected in December 1993 on the grounds that he had forgotten to register his change of address with the *Bundesasylamt*, the office which deals with asylum applications. He was arrested at his home in April 1994 for contravening the Law on Aliens (*Fremdengesetz*) and placed in pre-expulsion detention (*Schubhaft*) in East Vienna Police Detention Centre (*Wiener Polizeigefangenenhaus Ost*). Shortly afterwards he went on hunger-strike.

According to the article in *News* magazine, a journalist was able, under cover, to gain access to the Police Detention Centre and interview Naser Palushi. Amnesty International has already reported that it is very difficult for detainees in pre-expulsion detention to receive visits; even relatives or legal representatives may be refused permission to see them. The journalist was able, however, to take a photograph of Naser Palushi with a hidden camera. It shows him looking very thin having reportedly lost more than 11 kilograms in weight. He told the journalist that he had fainted in the toilets, injuring his head as he fell. A fellow detainee had then called police officers for help. Naser Palushi - who speaks good German - was in a visible state of fear as he gave the journalist the following account: "I was totally dazed and unable to stand up. Four officers dragged me by the feet into the cell and kicked me. They also stabbed me behind the ears with ball-point pens. I can't understand why. Then one of them hit me repeatedly in the face and kept saying 'good morning' in Yugoslavian". ("Ich war total benommen und konnte nicht aufstehen. Vier Justizbeamte haben mich an den Füßen in die Zelle geschleift und dabei getreten. Außerdem haben sie mir Kugelschreiber hinter die Ohren gestochen. Ich versteh' nicht, warum. Dann hat mich einer mehrmals ins Gesicht geschlagen und immer wieder auf jugoslawisch 'guten Morgen' gesagt.") He showed the journalist abrasion marks on his back and hip and small round bruises behind his ears. According to the report Naser Palushi was refused access to a doctor after the assault and merely had his head bandaged by a first-aid attendant. After the incident he was moved from a six-person cell to a two square metre isolation cell with no daylight.

Amnesty International has been informed that Naser Palushi has since been released from pre-expulsion detention. On 7 July 1994 his lawyer described

his alleged ill-treatment in a complaint to the Vienna Independent Administrative Tribunal¹ (Unabhängiger Verwaltungssenat Wien). Amnesty International is asking the Austrian authorities whether any judicial investigation has been launched into Naser Palushi's allegations of ill-treatment.

During the past 12 months Amnesty International has received a number of allegations that foreigners - some of them asylum-seekers - have been subjected to cruel, inhuman or degrading treatment or punishment by police or prison officers. In some cases the detainees allege that they were ill-treated while in administrative detention awaiting deportation (Schubhaft). For further information on these allegations and on Amnesty International's concerns regarding Schubhaft please see the June 1994 paper Austria - The alleged ill-treatment of foreigners: a summary of concerns (AI Index: 13/02/94).

¹Independent Administrative Tribunals exist in each of the nine Austrian provinces. Their function is to "ensure the lawfulness of all public administration".