
amnesty international

SWEDEN

Osmo Vallo - -

Action needed to prevent more deaths in custody

INTRODUCTION

Amnesty International is concerned about a number of issues surrounding the disputed circumstances of the death in police custody of Osmo Vallo. He was reportedly subjected to torture and ill-treatment at the time of arrest in May 1995. Based on several eye-witnesses' accounts, Amnesty International believes that the conduct of the two arresting police officers violated Sweden's treaty obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention).

The organization is also concerned that the investigation conducted in the aftermath of Osmo Vallo's death fell short of requirements established in international standards concerning the thoroughness, promptness and impartiality of investigations into disputed circumstances of deaths in the custody of law enforcement officials. Such standards include the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and Article 12 of the UN Convention against Torture. The criminal proceedings against the arresting police officers held in the aftermath of Osmo Vallo's death, as well as the additional investigation conducted by the authorities in the light of the findings of the second post-mortem examination, failed to clarify fully the disputed circumstances of his death. More than two years have passed since the death of Osmo Vallo and several questions remain unanswered. His family still does not know the full truth about the circumstances that led to his death.

OSMO VALLO'S DEATH IN POLICE CUSTODY

At about 11pm on 30 May 1995, police were called to investigate a disturbance. Calls for help had been heard by inhabitants of apartment blocks on Basungatan in the area of Kronoparken, in Karlstad. According to a reconstruction of the events based on several eye-witness statements,¹ Osmo Vallo, a 41-year-old man, reportedly drunk and under the influence of drugs, was approached by two police officers. One eye-witness stated that she had heard Osmo Vallo ask the police officers, "Why are you doing this to me? Can I see your identification badge please?". At least two eye-witnesses say that Osmo Vallo was then kicked in the back by one of the police officers. Eye-witnesses stated that Osmo Vallo's behaviour prior to being kicked had not been threatening or violent in any way.

Eye-witnesses stated that, after Osmo Vallo was kicked, he started walking towards 48 Basungatan. A police dog, which up until then had been kept on a lead, was set onto Osmo Vallo by the police. The police dog bit Osmo Vallo repeatedly on his arms. Osmo Vallo managed to fend the dog off and reached the entrance of 48 Basungatan. After gaining access to the entrance hall of the apartment block, Osmo Vallo started screaming for help, knocking on doors and ringing doorbells. It would appear that the police officers, who had followed him into the entrance hall, let the dog attack Osmo Vallo again.

Up until the time Osmo Vallo reached the entrance of 48 Basungatan, 12 people had witnessed what was going on from their windows. Following the commotion in the entrance hall, some of them came out of their apartments and stood on the landing immediately above the entrance hall. From there, eight people saw Osmo Vallo lying on his stomach with his hands cuffed behind his back. Some of them also reported that Osmo Vallo seemed to be having difficulty in breathing.

An eye-witness reported that one of the police officers kept pushing his foot into Osmo Vallo's left side and shoulder while verbally abusing him and telling him to get up. Osmo Vallo, however, remained motionless on the floor. According to several eye-witnesses, the same police officer then stamped his foot onto the middle of Osmo Vallo's back. As a result, at least three eye-witnesses heard a noise as if something inside Osmo Vallo's upper body had cracked. In addition, one eye-witness reported that he saw a police officer kick Osmo Vallo in the head.

Several eye-witnesses have stated that they were asked by the police to keep quiet about what they had seen.

¹ This reconstruction was made by the current affairs program "Striptease", broadcast on Channel One in Sweden in October 1996.

Eye-witness accounts maintained that the two police officers dragged the seemingly unconscious Osmo Vallo -- still handcuffed and face down -- by lifting him by his wrists and then laid him motionless, still face down, on the grass outside the apartment block. The police officers realized that he was not breathing and called an ambulance. According to eye-witnesses, the police officers made no attempt to resuscitate him. Instead, they laid Osmo Vallo on the back seat of their car -- still handcuffed and face down -- and took him to hospital where, despite resuscitation attempts, he was officially pronounced dead at 12.20am on 31 May 1995.

Kurt Roos, the Director General of the National Board of Forensic Medicine in Stockholm, after examining the available material, stated² that "the handcuffs were not removed until Vallo had been brought to hospital in Karlstad" and that "the policemen had not proceeded to make any attempt to resuscitate him". He said that calling an ambulance was not enough: as soon as they discovered that Osmo Vallo appeared to be lifeless, the police officers should have removed the handcuffs and attempted to resuscitate him. Their conduct was, in Kurt Roos's words, "remarkable", and begged the question whether their behaviour was in compliance with their own code of conduct.³

There are great discrepancies between the account of the incident given by eye-witnesses and that of the police. According to the account of the events given by the arresting police officers,⁴ at the arrival of the police, Osmo Vallo seemed excited and violent. The police officers explained that they had decided to take the dog out of the car thinking that the sight of the dog would prevent Osmo Vallo from continuing to act violently. Both police officers stated that they had previously heard that Osmo Vallo was a violent man and that during previous encounters with the police Osmo Vallo had been threatening and violent. They also stated that at the time they confronted Osmo Vallo he appeared to be under the influence of alcohol and drugs. One of the police officers also stated that he thought that Osmo Vallo might be carrying a knife.

² In a letter dated 30 April 1997 in which Kurt Roos replied to a series of questions put to him by the Regional Public Prosecutor in the light of the findings of the second post-mortem examination.

³ Kurt Roos also stated that, in the light of these events, the National Board of Forensic Medicine would issue a formal reminder to make the relevant authorities aware of the inherent risks involved in arresting "people affected by drugs or otherwise agitated", as well as to ensure that adequate steps are taken immediately "if the person taken into custody becomes lifeless".

⁴ This is the account given by the police officers during the trial (see below in the section on Prosecutions).

A struggle ensued. According to the police officers' account, although they had warned Osmo Vallo that they were going to unleash the dog, he tried to kick both police officers and the police dog. As a result, he was bitten by the dog. Both police officers stated that Osmo Vallo had resisted arrest with a vigour that they had never experienced before. Osmo Vallo was "completely wild, hitting and kicking about". However, both officers denied kicking or hitting him. The police officers said they eventually managed to make Osmo Vallo lie on the floor and to handcuff him. He then "calmed down and began to laugh at the situation". In addition, one of the police officers stated that he had put one of his knees onto Osmo Vallo's lower back and one knee onto his neck. One of them stated that he had put his foot against Osmo Vallo's shoulder and told him to get up. However, Osmo Vallo showed no sign of movement.

The discrepancies between the account given by the eye-witnesses and that of the police officers have not been adequately explained.

FIRST POST-MORTEM EXAMINATION

The first post-mortem examination was carried out in June 1995 by Dr Erik Edston, from the Department of Forensic Medicine in Linköping. It recorded 39 signs of wounds and bruises on Osmo Vallo's face, arms and legs and dog-bite marks on various parts of his body. However, no conclusion was reached about the cause of death as a result of the first post-mortem examination. It later emerged that prior to conducting the examination Dr Erik Edston had only received a brief account of the events surrounding Osmo Vallo's death consisting of police and prosecutor's verbal descriptions of the eye-witness testimonies. It was stated that "the complete police investigation, containing the above-mentioned eye-witnesses' statements, was not sent to the Institute of Forensic Medicine in Linköping before the final report [on the findings of the initial post-mortem examination] was announced".⁵

Dr Michael Baden⁶, an independent forensic pathologist with extensive experience of investigating deaths in custody in the State of New York, made the following comment:⁷

⁵ This statement is contained in the documentation issued by the National Board of Forensic Medicine after the second post-mortem examination and in reply to the Regional Public Prosecutor.

⁶ Dr Baden is a member of the New York State Commission of Correction's Medical Review Board.

⁷ Dr Baden was interviewed on the "Striptease" program on Osmo Vallo's death.

"For every autopsy the doctor must know what the circumstances are, especially when it is a death in custody, because we know that with deaths in custody there may be conflicting reports as to what happened. Eye-witnesses may have different descriptions, the police may have different descriptions. The medical examiner, the pathologist, should know all the different issues that have been raised so that they can be addressed and specifically looked for at the time of the autopsy, and in order to interpret the autopsy findings the doctor has to know what the circumstances are."

Dr Göran Sköld and Dr Robert Grundin, from the Department of Forensic Medicine in Lund and Stockholm respectively, were asked by Osmo Vallo's family during the early part of 1996 to assess the way in which the case had been handled. However, their ability to carry out an effective review was severely limited. They were not given full access to all the relevant material from the preliminary investigation, namely eye-witnesses' reports that Osmo Vallo had been kicked and stamped upon by the police officers during the course of the arrest. Nor was any such information given orally.⁸ Dr Göran Sköld and Dr Robert Grundin concurred with Dr Erik Edston that it had not been possible to establish an exact cause of death. They stated that "the influence of amphetamines and alcohol, possibly in conjunction with physical exertion, had been of substantial importance for the death".

Following Drs Sköld's and Grundin's assessment, at the request of Osmo Vallo's mother, Dr Edston agreed to review the findings of the initial post-mortem examination. On 18 June 1996, Dr Edston stated that Osmo Vallo had died as a result of heavy exertion to which alcohol and amphetamine intoxication had contributed.

When specifically asked whether being chased could get someone so excited as to die of sudden cardiac arrest, Dr Baden stated "no, that can happen in older people who have pre-existing heart diseases....in young, healthy people who are arrested and subdued in this country [the United States], if the heart is normal, death will not occur from just getting excited. There have been some reports associated with cocaine-use that cocaine can contribute to this type of death if there is also asphyxia". Specifically asked about

⁸ In his reply to the Regional Public Prosecutor, Kurt Roos makes it clear that "since not all of the testimonies with descriptions of the policemen's actions at Vallo's arrest were available, very important parts of the necessary background material were missing when Grundin and Sköld did their review. Nor had they been informed by Edston [Dr Erik Edston, who carried out the initial post-mortem examination] about the oral descriptions given to him by the police and the prosecutor". From Kurt Roos' reply, Amnesty International understands there to be a long established practice of cooperation among the police, the office of the public prosecutor and the department of forensic medicine, according to which "all relevant material from the preliminary investigation is expected, without any particular request, to be sent to the concerned department of forensic medicine".

instances where the victim was under the influence of other drugs, such as amphetamines, as in the case of Osmo Vallo, Dr Baden further stated, "I don't know of anybody dying suddenly as in this case from amphetamines or from alcohol".

With respect to reports that one of the officers stamped his foot on Osmo Vallo's back, Dr Baden said "after someone stood on him, he lost consciousness and did not talk and was then found to be lifeless without a pulse. It's the standing on the chest, on the back, that prevented him from breathing and the cause of death was asphyxia or suffocation".⁹ Dr Baden was also asked whether asphyxia could occur even when the standing on the back had lasted for a short period of time. To this Dr Baden replied "that only has to be for a short time to prevent breathing. Yes, this can happen in a very short time. The fact that he died right after somebody stood on his back is perfectly consistent with suffocation or traumatic chest compression".¹⁰

PROSECUTIONS

In September 1995, the two arresting police officers were charged in connection with their failure to exercise control over the dog. Folke Ljungwall, the Regional Public Prosecutor in charge of this case, stated that it had not been possible to bring manslaughter charges as the police officers' conduct could not be linked to Osmo Vallo's death given that the first post-mortem examination could not establish a cause of death.¹¹ However, questions remain about the Prosecutor's reasoning for not bringing additional charges based on other reports of ill-treatment at the time of arrest.

In April 1996, both police officers were convicted of causing bodily injury to Osmo Vallo in connection with their failure to exercise control over the dog and the resulting dog-bite injuries on him. They were fined and remained on duty, although one was transferred to another post. No disciplinary proceedings were initiated against them. They appealed the convictions although one of them later withdrew his appeal. In June 1997, the Court of Appeal upheld the conviction.

⁹ From Dr Baden's interview for the current affairs program "Striptease".

¹⁰ The Medical Review Board in New York State has investigated more than 4,500 cases of deaths in custody since 1977. A Memorandum by the Chairman of the Commission of Correction, dated October 1995, stated that "Restraint of a combative person by law enforcement personnel which employs methods that interfere either with the muscular mechanics of breathing, as by kneeling or sitting on the upper back or chest, or with the supply of oxygenated blood to the brain, as by compressing the neck, can lead to a readily explainable asphyxial death, sometimes in less than 30 seconds."

¹¹ In a reply to Amnesty International in May 1997.

SECOND POST-MORTEM EXAMINATION

Following completion of the proceedings against the police officers, questions continued to be raised about Osmo Vallo's death. Osmo Vallo's mother went on hunger strike in August 1996 in order to press for an impartial investigation into his death. The case was reopened.¹² A second post-mortem examination was performed on Osmo Vallo's body on 17 January 1997 by Dr Göran Sköld in the presence of Dr Robert Grundin; Professor Jørn Simonsen from the Institute of Forensic Medicine at Copenhagen University, Denmark; and Professor Pekka Saukko from the Institute of Forensic Medicine of Turku Academy, Finland. In addition, an X-ray examination was carried out. The findings were made available to Folke Ljungwall on 24 April 1997.

As a result of the second post-mortem examination, two separate reports were produced at the request of Folke Ljungwall. The first was prepared by Drs Sköld and Grundin, the second by Professors Simonsen and Saukko. The Regional Public Prosecutor had asked a series of questions with a view to ascertaining the following: a) the cause of death; b) the time of the death; c) whether the fact that Osmo Vallo was under the influence of drugs and alcohol played any part in causing his death; and d) whether there was any connection between the external and internal injuries and the violence.

The X-ray examination detected five rib fractures on Osmo Vallo. The first post-mortem examination had not discovered these injuries, but had detected some bleeding between the ribs. Both reports, compiled on the basis of the second post-mortem examination and the additional X-ray examination, indicated that the rib fractures may have occurred as a result of Osmo Vallo's chest having been pressed against a hard surface through stamping on or pressure against his back and/or as a result of his falling or being thrown against something hard. Both reports further stated that these types of injuries are unlikely to be sustained during the course of resuscitation attempts, although this possibility could not be entirely excluded.¹³ In the light of the fact that several eye-witnesses stated that they had heard a cracking noise when Osmo Vallo was

¹² On 5 May 1997 the Swedish delegation told the UN Committee against Torture that, despite the conviction of the police officers, "there were doubts as to whether the case had been fully resolved and so it had to be reopened". This was during the examination of Sweden's third periodic report pursuant to Article 19 of the Convention. The Committee against Torture is a body of independent experts established under the Convention to monitor States Parties' compliance with and implementation of the Convention.

¹³ Given Kurt Roos's statement that "the policemen had not proceeded to make any attempt to resuscitate" Osmo Vallo, Amnesty International understands that the reference to resuscitation attempts refers to those carried out following his arrival at the hospital.

stamped upon, Amnesty International believes that it cannot be ruled out that the rib fractures were sustained when the stamping occurred. Moreover, if the rib fractures were caused before Osmo Vallo's death, then it cannot be excluded that they contributed to obstructing his breathing.

As to the exact time of death, both reports concurred that it is likely that Osmo Vallo suffered a cardiac and respiratory arrest shortly after having been handcuffed.

All of the forensic pathologists present at the second post-mortem examination agreed that it was not possible to establish with certainty an exact cause of death. However, Dr Göran Sköld and Dr Robert Grundin concluded that the findings strongly indicated that the effects of the alcohol and amphetamine in combination with the effects of severe physical exertion had been of determining relevance to the cause of death. In addition, they stated that it had not been possible to clarify whether Osmo Vallo had been treated in such a way as to impair and make his breathing insufficient, nor had it been possible to clarify when his rib fractures had occurred. Therefore, they had not been able to establish whether the difficulty in breathing had been of determining importance for the death.

On the other hand, Professor Jørn Simonsen and Professor Pekka Saukko concluded that the probable cause of death could have been postural asphyxia of a person already affected by ethanol and amphetamines or cannabis.

RECENT DEVELOPMENTS

As a result of the answers given by the pathologists present at the second post-mortem examination to his questions, Regional Public Prosecutor Folke Ljungwall proceeded to close the case in May 1997. This decision was met with widespread public criticism. The Regional Public Prosecutor stated that in the light of the fact that the first post-mortem examination had not detected the rib fractures it would be reasonable to assume that such injuries had in fact occurred either during resuscitation attempts¹⁴ or after the first post-mortem examination, namely as a result of handling the body.¹⁵ It has been reported, however, that the persons involved in the handling of Osmo Vallo's body

¹⁴ The second post-mortem report by Drs Sköld and Grundin stated: "It cannot be excluded that the rib injuries may have appeared during resuscitation attempts, even though the injuries are not typical of those sustained in heart massage."

¹⁵ Ismo Salmi, the lawyer acting on behalf of Osmo Vallo's family, has stated to Amnesty International that he made it possible for Osmo Vallo's mother to accompany the car that transported her son's body from Karlstad to Lund, where the second post-mortem examination was carried out, in order to ensure that no one could claim that injuries could have been inflicted during transport.

were not questioned to ascertain whether injuries could have been inflicted on Osmo Vallo's body as a result of the way in which it had been handled.¹⁶

Ismo Salmi, the lawyer acting on behalf of Osmo Vallo's family, lodged an appeal in August 1997 with the Prosecutor General requesting him to reconsider the Regional Public Prosecutor's decision to close the case. In addition, in June, Osmo Vallo's mother announced that she would bring civil proceedings against the National Police Board seeking damages on various grounds.

AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International is concerned about a number of issues surrounding the disputed circumstances of the death in police custody of Osmo Vallo. These issues include: the reported torture and ill-treatment of Osmo Vallo and the circumstances leading up to his death; the treatment of Osmo Vallo immediately after his collapse; the investigation into the incident; the discrepancies between different post-mortem examinations; and the decisions taken by the Regional Public Prosecutor.

Based on eye-witness accounts of the incident, Amnesty International believes that the conduct of the two arresting police officers violated Sweden's treaty obligations under international law. The investigation conducted in the aftermath of Osmo Vallo's death also fell short of requirements established in international standards concerning the thoroughness, promptness and impartiality of investigations into disputed circumstances of deaths in the custody of law enforcement officials. As a result, the criminal proceedings against the arresting police officers held in the aftermath of Osmo Vallo's death, as well as the additional investigation conducted by the authorities in the light of the findings of the second post-mortem examination, failed to clarify fully the disputed circumstances of his death.

Amnesty International is concerned about the reported torture and ill-treatment by police officers of Osmo Vallo, including kicking Osmo Vallo in the back; unleashing the dog onto him on two occasions during the course of arrest and causing multiple wounds; and kicking him and stamping on his back as he lay handcuffed on the ground. The treatment resulted in 39 wounds to his body, including his face, and fractured ribs.

¹⁶ Interviewed on a sequel to the "Striptease" program, shown in Sweden in May of this year, some of those who handled Osmo Vallo's body excluded this possibility. Furthermore, Amnesty International was informed that the "Striptease" program had interviewed every single person who had handled the body while in transport and that they had excluded the possibility of any injuries being caused as a result of the transport.

Amnesty International believes that Osmo Vallo's treatment was a flagrant violation of the absolute prohibition of torture and ill-treatment contained in international treaties which Sweden has ratified, including the ICCPR, the UN Convention against Torture and the European Convention. Article 10 (1) of the ICCPR requires that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". Article 7 of the ICCPR and Article 3 of the European Convention both state that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...". The Human Rights Committee¹⁷ in its General Comment No. 20 on Article 7 of the ICCPR stated that "...no justification or extenuating circumstances may be invoked to excuse a violation of Article 7 for any reasons...". The same comment further states that "...police officers and any other persons involved in the custody or treatment of any individual subjected to any form of arrest, detention or imprisonment must receive appropriate instructions and training. States parties should inform the Committee of the instructions and training given and the way in which the prohibition of article 7 forms an integral part of the operation rules and ethical standards to be followed by such persons".

On the basis of eye-witness statements, Amnesty International believes that the conduct of the arresting police officers also failed to conform with the requirements concerning the use of force contained in the UN Code of Conduct for Law Enforcement Officials (the Code of Conduct), an international standard on the use of force in law enforcement endorsed by the UN General Assembly in 1978. Article 3 of the Code sets forth two important principles:

- Force should be used "only when strictly necessary". The official Commentary to the Code says that the use of force should be "exceptional", that force should be used only "as it is reasonably necessary under the circumstances" and that it should be used for only two purposes: "the prevention of crime" and "effecting or assisting in the lawful arrest of offenders or suspected offenders".
- The force used should be proportional to the objectives (it should be used only "to the extent required" for the performance of law enforcement officials' duty). The Commentary notes the "principle of proportionality" laid down in national laws and says that the Code should not be taken to authorize the use of force which is "disproportionate to the legitimate objective to be achieved".

In addition, Principle 5 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles) states, amongst other

¹⁷ The Human Rights Committee is a body of independent experts established to supervise implementation of the ICCPR. Among other things, they issue General Comments which are authoritative interpretations of the provisions of the ICCPR.

things, that "[w]henver the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life"

Amnesty International is also concerned about the manner in which Osmo Vallo was treated after he was assessed as being either unconscious or lifeless. The organization believes that the lack of immediate resuscitation attempts coupled with the police officers' lying him face down, still cuffed, onto the back seat of a car, indicate not only a lack of training but also a denial of human dignity. Amnesty International believes that the police officers' conduct was not in conformity with Article 6 of the Code of Conduct 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". Principle 5(c) of the Basic Principles requires law enforcement officials to ensure that assistance and medical aid are rendered to any injured or attacked persons at the earliest possible moment, whenever lawful force is used.

Another area of concern to Amnesty International is the apparent failure on the part of the authorities to conduct an investigation which complies with a number of provisions contained in international standards including the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions¹⁸ and the UN Convention against Torture. Article 12 of the UN Convention against Torture states that "[e]ach State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction". The same requirement is also contained in General Comment No. 20 of the Human Rights Committee. The initial post-mortem examination was limited because of the failure of the authorities to provide the pathologist with the full details of eye-witness accounts of the incident. Amnesty International fails to understand the Regional Public Prosecutor's statement that the rib fractures may have occurred after the first post-mortem examination given that a) the first examination failed to include an X-ray examination; b) the first examination had detected some bleeding between the ribs; and c) those involved in the handling of Osmo Vallo's body had reportedly not been questioned about the way in which the body was moved.

¹⁸ See in particular Principles 9, 12, 16, 17 and 20 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, which are reproduced in Appendix 1.

The police officers were only charged in connection with their failure to control the dog. Amnesty International remains unclear as to why charges were not brought concerning their other actions, including reports that they kicked Osmo Vallo and stamped on his back.

The measures taken to date have not allayed Amnesty International's concerns that serious reports of torture and ill-treatment were not thoroughly, promptly and impartially investigated.

OTHER RECENT DEATHS IN CUSTODY

In the course of investigating the case of Osmo Vallo, Amnesty International received information that in Sweden in the last five years there have been a number of similar cases of deaths of people in the custody of law enforcement officials. In a reply to Amnesty International in July 1997,¹⁹ the Swedish Minister of Justice referred to "six or seven similar cases" of deaths in custody. In addition, one of the reports compiled in the light of the second post-mortem examination in the case of Osmo Vallo refers to 11 deaths involving police or guards, including those of four people who died from asphyxiation in similar circumstances to those of Osmo Vallo. The National Board of Forensic Medicine supplied Amnesty International with information on 16 deaths other than Osmo Vallo's, albeit not all of them resulting from law enforcement officers' involvement. The majority of the people were under the influence of alcohol or drugs. In one case, a man was handcuffed, his feet were bound and a police officer sat on him. In another case, a man was handcuffed, his legs placed in a leglock by one police officer while another officer held his shoulders down to the ground. This pattern of lying the person on the ground and applying some form of pressure on the chest is repeated in many of the cases. In some cases the causes of death included postural asphyxia; in others, contributory factors to the possible cause of death were given as physical exhaustion and stress.

The similarity of circumstances of some of the deaths with that of Osmo Vallo is very disturbing. As a result, serious concern arises about the authorities' compliance with the fundamental guarantee of a right to life. Part and parcel of that guarantee is to ensure that thorough investigations into controversial deaths of people in the custody of law enforcement officials take place so that measures can be taken to prevent further occurrences.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

In its letter to the Swedish Minister of Justice in April 1997, Amnesty International raised a series of questions related to the death of Osmo Vallo. In her reply of July, the Minister made it clear that she was "prohibited to give any comments on Osmo Vallo's case" due to constitutional reasons and referred Amnesty International to the Regional Public Prosecutor.

In its letter, the organization asked the Minister for a copy of the guidelines on the use of dogs for law enforcement purposes, particularly in the conduct of arrests. Amnesty International also asked the Minister for information about the training of law

¹⁹ In April 1997, Amnesty International wrote to the Swedish Minister of Justice expressing concern, and seeking clarification about a number of issues surrounding Osmo Vallo's death.

enforcement officials in the use of restraining techniques. Specifically, the organization asked whether the inherent dangers that certain techniques -- such as placing pressure on the backs of people, already under exertion, when lying face down and with their hands cuffed behind their back -- entail were emphasized, and if so, how. In addition, the organization asked for a copy of the current guidelines on the use of restraining techniques for law enforcement purposes in Sweden, particularly during arrest.

Attached to her July 1997 reply, the Minister of Justice sent a copy of The Police Act 1992, which states that if a police officer has to use force, "the form and extent shall be limited to that required to achieve the intended result". In addition, the Minister of Justice stated that the National Board of Forensic Medicine was undertaking a series of seminars with those authorities who are allowed to use force in their line of duty on how to act in situations of arrest of intoxicated people. The Minister of Justice also informed Amnesty International that the former Assistant Prosecutor General had recently concluded a report on how internal investigations are carried out by public prosecution authorities and the police, and that the evaluation of the report would be taken into consideration.

Amnesty International is calling on the Swedish authorities to:

- re-open the case of Osmo Vallo for further investigation;
- ensure that investigations of all deaths in custody and reports of torture and of ill-treatment are independent, thorough and prompt, and to make the findings of such investigations public;
- bring to justice in criminal or disciplinary proceedings those suspected of being responsible for unlawful actions or misconduct;
- initiate a comprehensive review of all recent cases of deaths of people in the custody of law enforcement officials and make the findings public. This review should:
 - ◆ examine all currently permissible restraint techniques and assess the medical risks that each of them entails;
 - ◆ make recommendations for written guidelines concerning the use of restraint techniques;
 - ◆ make recommendations for guidelines regulating law enforcement officials' conduct when dealing with possible health risks as a consequence of the use of certain restraint techniques;

- ◆ make recommendations to ensure that all investigations into reports of torture and ill-treatment are in the future carried out in accordance with international standards;
- incorporate fully the recommendations of the above-mentioned review into training programs for law enforcement officials.

Appendix 1: Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Excerpts)

(Resolution 1989/65 on the prevention of extrajudicial executions and adequate investigation of such executions was adopted by the United Nations' Economic and Social Council on 24 May 1989 and endorsed by the UN General Assembly in December 1989.)

Investigation

9. There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.

12. The body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall, if possible, be an expert in forensic pathology. Those conducting the autopsy shall have the right of access to all investigative data, to the place where the body was discovered, and to the place where the death is thought to have occurred. If the body has been buried and it later appears that an investigation is required, the body shall be promptly and competently exhumed for an autopsy. If skeletal remains are discovered, they should be carefully exhumed and studied according to systematic anthropological techniques.

16. Families of the deceased and their legal representatives shall be informed of, and have access

to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence. The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a notification of death shall be posted, and the family or relatives of the deceased immediately informed. The

body of the deceased shall be returned to them upon completion of the investigation.

17. A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail specific events that were found to have occurred, and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.

Legal Proceedings

20. The families and dependents of victims of extra-legal, arbitrary and summary executions shall be

entitled to fair and adequate compensation, within a reasonable period of time.