

AMNESTY INTERNATIONAL @CONCERNS IN EUROPE November 1992 - April 1993

INTRODUCTION

This bulletin contains information about Amnesty International's main concerns in Europe during the period November 1992 - April 1993. Not every country in Europe is reported on: only those where there were significant developments in the period covered by the bulletin.

The five Central Asian republics, Kazakhstan, Kyrgyzstan, Tadjikistan, Turkmenistan and Uzbekistan continue to be dealt with by the Europe region and to be included in this bulletin because of their membership of the Commonwealth of Independent States (CIS) and the Conference on Security and Cooperation in Europe (CSCE).

For reasons of cost we have had to reduce the size of the bulletin, with the result that many country entries are considerably shorter than in the past, although the level of Amnesty International's concerns may not have changed.

A number of individual country reports have been issued during the period covered by the bulletin and references are made to these under the relevant country entry. In addition, more detailed information about particular incidents or concerns may be found in Urgent Actions and Weekly Updates.

References to previous bulletins in the text are as follows:

AI Index: EUR 01/04/92	Concerns in Europe: May 1992 - October 1992
AI Index: EUR 01/03/92	Concerns in Europe: November 1991 - April 1992
AI Index: EUR 01/02/91	Concerns in Europe: May 1991 - October 1991
AI Index: EUR 03/02/90	Concerns in Europe: May 1990 - October 1990

ALBANIA

Constitutional human rights guarantees

On 31 March the People's Assembly adopted a supplement consisting of 42 Articles to constitutional provisions which were introduced in April 1991. The supplement defines citizens' basic rights and freedoms and guarantees, among other rights, the right to freedom of expression and of religion, organization and assembly, freedom of movement, personal freedom and security. It also includes a ban on torture, the right to presumption of innocence, the right to appeal and the right to rehabilitation and compensation. Although the right to life is guaranteed, the death penalty is not abolished. Article 1 states that the death penalty continues to be provided for exceptionally serious offences.

Death sentences

In January Amnesty International learned of three men who had been sentenced to death in the period from June 1992 to November 1992. Two were convicted of murder; the third, Fejzi Gora was convicted of the rape and murder of his teenage daughter. In all three cases the sentences were confirmed on appeal to the Court of Cassation, and the men had appealed to the President of Albania for clemency. Amnesty International called on the President to commute their sentences, but by the end of April Amnesty International had received no further information about these cases. It appears that the Albania media, after a brief period of openness, have reverted to the practice of the communist period, during which information about death sentences was not made public. In March the chairman of the People's Assembly publicly expressed his opposition to the death penalty.

Freedom of expression

Aleksandër Frangaj, editor-in-chief of an opposition newspaper, *Koha Jone*, was placed under house arrest on 27 March after the paper on 24 March carried a short article reporting the transport of army tanks towards the country's northern border (with Yugoslavia). He was charged under Article 214 of the criminal code with "spreading false information liable to cause panic", an offence punishable by up to five years' imprisonment. He refused to publish a retraction of the report, and insisted that many people had seen the tanks, despite army denials that any significant movement of troops had taken place. His trial before the district court of Tirana reportedly started on 1 May, but the public prosecutor withdrew charges and he was released. *Koha Jone* has frequently criticized the government of President Sali Berisha and claims that it has as a consequence become the target of official persecution. The director and another journalist had earlier been investigated on various charges and had restrictions placed on their movements. A press law is reportedly being drafted.

ARMENIA

Hostage-taking in the Karabakh conflict

Armed conflict continued in Karabakh, an area of Azerbaydzhan populated mainly by ethnic Armenians.

One of Amnesty International's concerns there remains the taking of hostages, expressly forbidden by the 1949 Geneva Conventions, by both ethnic Armenians and ethnic Azeris (for further details see the report *Azerbaydzhan - Hostages in the Karabakh conflict: civilians continue to pay the price* (AI Index: EUR 55/08/93).

Amnesty International recognizes that the Government of Armenia has no jurisdiction over the territory concerned, but nevertheless in the period under review continued to urge the Armenian authorities to exert all influence possible to ensure that international humanitarian and human rights principles are observed by all those associated with the conflict.

The death penalty

The situation of three men known to have been under sentence of death in April 1992 had not been clarified by the end of the period under review. Sevak Yedigaryan, Vagarsh Ovanyan and Zaven Sargsyan had all been sentenced to death for premeditated, aggravated murder by the Supreme Court of Armenia in separate trials in 1990. Amnesty International repeated calls for their death sentences to be commuted.

AUSTRIA

Allegations of ill-treatment in police custody

The case of Qani Halimi-Nedzibi (see *Amnesty International Report 1992*)

In December the Austrian authorities informed Amnesty International that criminal proceedings against two officers accused of ill-treating Qani Halimi-Nedzibi had been dropped because the investigations into the alleged ill-treatment had "resulted in insufficient indication for the truth of the allegations". Qani Halimi-Nedzibi had stated in a written complaint in July 1990 that he had been beaten around the head, punched in the stomach and that his head had been forced into a bucket of water in order to force him to sign a confession.

The case of Rudolf Reumann

In March Amnesty International asked the Austrian authorities whether a judicial investigation had been launched into allegations by Rudolf Reumann that he had been ill-treated by police officers in August 1992. The 53-year-old Swiss bank employee had alleged that he had been beaten in the street and struck with batons at a Salzburg police station following his arrest for riding a bicycle while under the influence of alcohol. According to the officers involved, Rudolf Reumann had attacked them after attempting to escape their custody and had injured himself when he fell in the street. Several participants at the summer academy he had been attending witnessed Rudolf Reumann's ill-treatment in the street. According to medical evidence, Rudolf Reumann's injuries included a perforated right eardrum, facial bruising and a broken finger. Salzburg hospital reported the alleged ill-treatment to the police authorities who have lodged a complaint with the Salzburg Public Procurator accusing Rudolf Reumann of resisting state authority (*Widerstand gegen die Staatsgewalt*) and of causing aggravated bodily harm (*schwere Körperverletzung*) to two officers.

Conscientious objection to military service

In January Amnesty International adopted Helmut Hejzmanek as a prisoner of conscience. Helmut Hejzmanek was arrested on 16 January and sentenced to six months' imprisonment by a Vienna court on 1 February for refusing to obey military orders following his call-up in 1986 and for failing to report for military duties following another call-up in 1989.

Helmut Hejzmanek's original application for conscientious objector status was rejected by the Austrian authorities in 1985, after which time he refused to perform both military and alternative service. Amnesty International does not normally adopt total objectors as prisoners of conscience. However, in cases where people have applied to perform alternative service on sincere grounds of conscience it will adopt them if their applications are turned down, even, if subsequently, and often precisely because of this rejection, they decide to become total objectors. Helmut Hejzmanek was released from prison after serving two-thirds of his sentence.

AZERBAYDZHAN

Hostage-taking in the Karabakh conflict

Amnesty International reiterated its concern over the widespread practice of detaining non-combatant civilians as hostages (see AI Index: EUR 01/04/92), and issued a paper focusing on this issue. For further details see *Azerbaijan - Hostages in the Karabakh conflict: civilians continue to pay the price* (AI Index: EUR 55/08/93).

The death penalty

At least two further death sentences were reported in the period under review. Sergey Aleksandrovich Grebenkov, born 1964 and of Armenian and Russian descent, was sentenced to death by the Military Collegium of the Azerbaijani Supreme Court on 29 January after being convicted of murder, theft, illegal possession of arms and forging official documents. He was found dead in his cell in the city of Gyandzha on 5 February, the official cause of death being suicide by hanging. Private Yemin Ramiz ogly Salimov of the Azerbaijani Army was sentenced to death by a military tribunal in Fizuli, possibly sometime at the beginning of the year, after being convicted of battlefield desertion. It is not known if he has submitted an appeal or a petition for clemency.

Reported beating of journalist Zardusht Alizade

Amnesty International expressed its concern to the authorities over recent allegations that journalist Zardusht Alizade was beaten and arbitrarily detained by, among others, the then Azerbaijani Interior Minister, Iskandr Gamidov, on 27 March in Baku. According to these reports, on that day at approximately 11am the Interior Minister entered the offices of the *Istiqal* newspaper, of which Zardusht Alizade is editor, together with five police officers, and asked to speak with the authors of two articles published anonymously. It is alleged that when Zardusht Alizade said that he himself assumed responsibility the Minister threw an ashtray at the editor's head; that Zardusht Alizade was kicked after he had fallen to the floor; beaten by the police officers with their rifle butts; and pistol whipped by Minister Gamidov. Zardusht Alizade was then taken to the Interior Ministry's Department to Combat Terrorism and Banditism, where he says he was again beaten by employees there and held in a darkened cell for three hours before being released.

After release Zardusht Alizade went to a police station to report the incident. The officers there, however, reportedly refused to make a report or order a medical examination. Zardusht Alizade subsequently obtained a hospital medical certificate detailing his injuries.

Amnesty International has urged an immediate, thorough and impartial investigation into the incident; that the findings be made public; and that the perpetrators be brought to justice within the norms of international law.

BELARUS

The death penalty

During a research mission in February Amnesty International delegates were provided with death penalty statistics for 1992. According to a Deputy Procurator-General, 24 people were sentenced to death that year, and 28 people were executed. At the time of the Amnesty International visit there were 21 people on death row.

This official explained further that execution is carried out by one person, and that a doctor and an official from the procuracy must attend. Clothing and other personal belongings are returned to relatives who are told that the sentence has been carried out, but are not informed where the execution took place or where the body was buried.

Allegations of ill-treatment in prison

During the visit various unofficial sources told delegates of numerous allegations of ill-treatment in detention, particularly of prisoners at Grodno prison. Unfortunately delegates were not able to confirm or refute the reports directly as the Ministry of Internal Affairs refused permission to visit Grodno, citing fears that this would aggravate an allegedly tense situation there.

BOSNIA-HERZEGOVINA

Deliberate and arbitrary killings, torture and ill-treatment in northwest Bosnia-Herzegovina

An Amnesty International research mission which visited Bosnia-Herzegovina in November 1992 concluded in a report published in January that international initiatives between August and October 1992 had failed to make an impact on the scale and nature of human rights abuses committed mainly by Bosnian Serb forces against Muslim civilians in northwest Bosnia-Herzegovina in the course of forcible expulsions. Deliberate and arbitrary killings, torture and ill-treatment continued on a horrifying scale and largely by Bosnian Serb forces. For further details see *Rana u dušu - A wound to the soul* (AI Index: EUR 63/03/93).

Rape and sexual abuse by armed forces

In November an Amnesty International delegate interviewed in Croatia Bosnian Muslim refugees who alleged that they had been raped by members of the Serbian armed forces. She also interviewed a Croatian woman who had been raped by Serbian paramilitaries in 1991 during the conflict in Croatia. From these interviews and other information received by the organization Amnesty International concluded in a report published in January that abuses against women, including rape, had been widespread in the conflict in Bosnia-Herzegovina, that all sides had committed these abuses but that Muslim women had been the chief victims and the main perpetrators had been members of Serbian armed forces. The available evidence indicated that in some cases the rape of women had been carried out in an organized or systematic way. Incidents involving the sexual abuse of women appeared to be part of a wider pattern of warfare, characterized by intimidation and abuses against Muslims and Croats which led thousands to flee their home areas out of fear of further violations. For further details see *Rape and sexual abuse by armed forces* (AI Index: EUR 63/01/93).

Continued human rights abuses by all parties to the conflict

Amnesty International was also concerned about severe human rights abuses committed by Croatian forces in areas of Bosnia-Herzegovina under Bosnian Croat control, including the deliberate and arbitrary killing of two Serb women in February who were being expelled together with other Serbs from an apartment block in Mostar and the detention, as hostages, of some 200 Serbs in the village of Rašani.

In April there was severe fighting in central Bosnia-Herzegovina between local Croat and Muslim Bosnian Government forces in areas around Vitez and Zenica and further south, around the towns of Jablanica and Konjic. There were reports of deliberate and arbitrary killings, arbitrary detentions, ill-treatment, rape and other abuses against Muslim and Croat civilians.

In April Amnesty International published a paper *From Nuremberg to the Balkans: Seeking justice and fairness in the international war crimes tribunal for the former Yugoslavia* (AI Index: EUR 48/01/93).

BULGARIA

Allegations of torture and ill-treatment of Roma

Amnesty International is concerned about reports that members of the Roma community in Bulgaria have been increasingly subjected to torture and otherwise ill-treated by police officers. The organization believes that in many cases such treatment might have been motivated by the victims' ethnic background.

The political changes initiated in Bulgaria in 1989 were not followed by an improvement in the social conditions of the Roma community. The Roma community has been traditionally the lowest strata of the society. After 1989, Roma were able freely to organize themselves and a number of organizations have been established. On the other hand, the lifting of previous restrictions on freedom of expression has transformed more subtle forms of discrimination into open racial hatred and violence against Roma.

In September 1992, April and May 1993, Amnesty International wrote to the Bulgarian Government expressing concern about the allegations of torture and other ill-treatment of Roma in the cases which were described in a report published in May 1993 (see *Bulgaria - Torture and Ill-treatment of Roma*, AI Index: EUR 15/03/93). The organization received only one reply, from the Minister of Justice in October 1992, stating that an investigation had been initiated by the Ministry of Interior into the allegations of torture of Roma in Pazardjik. However, no findings of this investigation have yet been made public.

CROATIA

Extrajudicial executions; deaths in custody alleged to result from torture and ill-treatment; fair trial concerns

In February Amnesty International wrote to President Tudjman setting out various concerns, including reports of extrajudicial executions by members of the Croatian army in Osijek, who according to the local military prosecutor were responsible for 72 killings in 1992. Fourteen accused were reported to have been convicted. Amnesty International asked for information about the grounds for the acquittals in two cases in which Croatian soldiers had been charged with killing Serbs: in one case 13 captured Serbian reservists and officers were killed at Karlovac in September 1991, and in the other a family of three were killed in Zagreb. Amnesty International also asked for the reasons for the apparent delay in concluding proceedings against four Croatian soldiers accused of the murder in December 1991 of a Serbian director of an oil refinery in Sisak. Amnesty International expressed concern about reports of the deaths of three men (two Serbs and a Croat) following detention and alleged torture and ill-treatment by military police in Split during 1992, and said that as far as the organization was aware those responsible had not been brought to justice. Amnesty International also raised the cases of two groups of Serbs and Montenegrins from Dubrovnik (among them Velimir Zecevic, a retired judge), charged under Article 236 of the Croatian criminal code with having "by the use of force and other unconstitutional means" sought the secession of part of Croatia and its annexation to Serbia and Montenegro. Amnesty International noted that an examination of the charges revealed that none of the defendants was accused of having used force, and it was not clear whether some or all were accused of having advocated force.

In April, a deputy prime minister replied to Amnesty International's letter. He denied that the killings in Osijek were extrajudicial executions and said that the majority of victims were Croats. With reference to court cases raised by Amnesty International he stated that in the first the accused had been acquitted on the grounds that he had acted in self-defence; in the second, that the accused had been acquitted for lack of evidence; however, the state attorney had filed an appeal against these judgments. In the third case, the accused had been pardoned under an amnesty law. In the case of the three men alleged to have died as a result of ill-treatment by military police in Split, he stated that proceedings had been started against four military police officers in connection with the death of one and that preliminary investigations had been started in the other two cases. With regard to the two groups of Serbs and Montenegrins from Dubrovnik, he claimed that they were charged with the advocacy, organization and realization of force.

Velimir Zecevic (see above) was acquitted by a military court in Dubrovnik on 13 April and released. His 12 co-defendants were tried *in absentia*. One was acquitted, the rest were sentenced to imprisonment. An Amnesty International observer attended part of the trial proceedings.

CYPRUS

Conscientious objection to military service

Despite the government's assurances to Amnesty International during 1992 that it intended to implement a fully civilian service for conscientious objectors following the passing of relevant legislation in January 1992, by the end of the year the position of conscientious objectors had actually deteriorated. Nicosia Military Court continued to impose sentences against conscientious objectors both to military service and reservist exercises which were harsher than those imposed in recent years. A number of men jailed had already served one or more prison sentences for their conscientious objection and are likely to face further imprisonment once they are released. In December Athinakis Zinonos was sentenced to one year in prison for refusing to perform military service. He had already spent six months in prison during 1990 for the same reason. There were several other long sentences: for example, Iosif Kourides was sentenced to 15 months' imprisonment in December for refusing to perform military service and in March, Marios Kounides was given a nine-month prison term for his refusal to perform reservist exercises.

Elections in February were won by Glafcos Clerides who replaced George Vassiliou as President. It is not yet clear what his government's policy on conscientious objection will be. Amnesty International repeatedly called for the release of all imprisoned conscientious objectors in Cyprus and for alternative civilian service of non-punitive length to be introduced immediately. It also requested information from the new administration on its position on conscientious objection but had received no reply by the end of April. At the end of April there were some 10 conscientious objectors in prison, all of them Jehovah's Witnesses (see AI Index: EUR 01/04/92).

Allegations of torture and ill-treatment

The trial of police officers charged with the alleged torture of Dimos Dimosthenous which began in January had not concluded by the end of April. Dimos Dimosthenous had made serious allegations that he was tortured by Limassol police officers in July 1992 after being mistakenly detained in connection with a bank robbery (see AI Index: EUR 01/04/92). Two men who were subsequently arrested and charged in connection with the robbery also alleged they were tortured by police officers from the same branch of the Limassol police and their allegations are being examined by the court at the same time as those of Dimos Dimosthenous.

In January the Permanent Secretary of the Ministry of the Interior informed Amnesty International that Andreas Zinonos, who alleged he was tortured by members of the Limassol anti-narcotics branch in May 1991, had accepted an out-of-court settlement of C£2,500 and that the case had been closed with the consent of the Attorney-General. In addition, the Permanent Secretary stated that the police officers concerned had apologized to Mr Zinonos (see AI Index: EUR 01/02/91 and EUR 01/03/92).

ESTONIA

The death penalty

In December Amnesty International urged the Minister of Internal Affairs to order a thorough investigation into the circumstances surrounding the execution of Rein Oruste (see AI Index: EUR 01/02/91 and EUR 01/04/92). The organization had continued to receive reports that the prisoner had been shot by guards in the prison washroom or sauna, allegedly in retaliation for an earlier altercation. In its letter the organization also called for a review of the regulations regarding procedures for executions and for these to be made available in full to the public. No reply had been received by the end of April.

In January Amnesty International learned that Vladimir Botchko had been sentenced to death by the Harju county court on 16 December. The 34-year-old man had been convicted of the rape and murder of a five-year-old girl in the town of Paldiski. It is believed that the Supreme (now State) Court rejected Vladimir Botchko's appeal against the sentence. The prisoner is now awaiting the outcome of a petition for clemency submitted to President Lennart Meri.

Also in January Amnesty International issued a seven-page document entitled *The Baltic states: Time to abolish the death penalty* (AI Index: EUR 06/01/93) in which it summarized its concerns regarding the application of the death penalty in the Republic of Estonia.

In March President Lennart Meri commuted the death sentences passed on Mihail Talyschanov and Oleg Pyatnicky (see AI Index: EUR 01/04/92). Both men had been sentenced to death for the crime of premeditated murder under aggravated circumstances. In explaining his reasons for recommending the granting of clemency, Rait Maruste, Chairman of the State Court, was reported to have expressed his personal opposition to the death penalty. Amnesty International had appealed for the commutation of both death sentences.

Also in March Amnesty International appealed for the commutation of the death sentence passed on Ruben Melkonja

n. The 20-year-old ethnic Armenian had been sentenced to death by Tallinn City Court on 4 March. He had been convicted of the murder of a 17-year-old Azerbaydzhani and his 19-year-old Russian girlfriend near Tallinn in August 1991.

Amnesty International calls for investigation into prison deaths

In its letter to the Minister of Internal Affairs in December (see above), Amnesty International welcomed the Minister's decision to set up of a task force on prisons. The organization urged that one of the priorities of the task force be to investigate the high number of deaths in Rummu 2 prison camp near Tallinn. According to reports received by Amnesty International, 17 murders of prisoners by fellow inmates occurred in the prison in the first 10 months of 1992. Amnesty International called on the Minister to ensure that the prison authorities were taking all possible measures in order to prevent such deaths from occurring in the future.

FRANCE

Allegations of ill-treatment, police shootings and deaths in custody

Amnesty International sought information from the authorities on the investigation of numerous such incidents. Damien Lanoé and Athmane and Magda Kharouni, a brother and sister of Algerian origin, were arrested in Paris in October 1992 following a disagreement with the police. They claimed they were punched and kicked and that two of them were sprayed with tear gas and subjected to racial insults. Medical certificates recorded injuries to all three. In January Nzungu Nkanza, a Zairian national living in Paris, was arrested after an identity check. He claimed he was handcuffed, thrown to the ground and beaten unconscious by the police and that when in custody officers repeatedly beat him, stamped and spat on him and subjected him to racial insults. He was released without charge and medical examinations showed injuries consistent with his allegations.

The internal inquiry into Jacques Cherigui's complaint of physical ill-treatment and racial abuse by the police in June 1992 (see AI Index: EUR 01/04/92) was still unfinished. No policemen appeared in court in March to give evidence on the charges against him of insulting the police and resisting arrest. The hearing was postponed until 17 May 1993.

In April there was a spate of fatal incidents involving the police. Internal police investigations and, in some cases, judicial proceedings were opened into them. On 4 April Eric Simonté, a teenager, was shot near Chambéry by a police officer who was attempting to handcuff him during a struggle. On 7 April Rachid Ardjouni, a teenager of Arab origin, was shot through the head by an arresting officer in Wattrelos. The officer was reportedly drunk and kneeling over the suspect who was face downwards on the ground. That same night Mako M'bowole, a teenager of Zairian origin, was shot during an interrogation in a Paris police station. The officer said it was an accident; he had only wished to intimidate Mako M'bowole. On 8 April, Pascal Tais, a drug-addict of Arab origin, was found dead in a police cell in Arcachon. He had died from a ruptured spleen, with two broken ribs and a punctured lung inflicted in disputed circumstances. On 14 April a joy-riding teenager, Fabrice Omont, was shot and wounded in the back by a motorcycle policeman who was chasing him in Cherbourg. Amnesty International also received detailed accounts of the physical ill-treatment, sometimes accompanied by racist insults, of people arrested during violent incidents between public and police which took place on the streets of Paris in April.

Conscientious objection to the national service laws

Amnesty International was concerned about the punitive length of alternative civilian service and the lack of any provision for conscripts to claim conscientious objector status after joining the armed forces. It adopted a number of conscientious objectors as prisoners of conscience, including Michel Lucia, whose application for conscientious objector status was rejected because it was made outside the stipulated time limits, and who was imprisoned between 19 January and 24 March.

The vast majority of conscientious objectors who entered prison were Jehovah's Witnesses who based their objection to military and alternative service on religious grounds. However, Christophe "Kittu" Lascaray from the Basque region, based his objection to both services on his anti-militarist and political beliefs. At the end of April he was serving a 13-month prison sentence for insubordination. Jean-François Lefort (see AI Index: EUR 01/04/92) was released on 16 April after serving approximately 11 months of a 13-month sentence for insubordination. Erik Lechardoy (see AI Index: EUR 01/04/92) was acquitted of a new charge of desertion in April and is now released from further military obligations.

GEORGIA

Allegations of human rights abuses in Abkhazia

Recent tensions between the local and republican administrations in Abkhazia, a region in north-west Georgia, came to a head in August 1992 when Georgian forces entered the area and took control of the capital, Sukhumi. Since then Amnesty International has received numerous reports that Georgian armed forces have been involved in the arbitrary detention of non-combatants, some in the condition of hostages, on the grounds of their ethnic origin; in beatings and rape of detainees; and in extrajudicial executions.

For example on 7 September 1992 L.I. Topuridze, a sanitary inspector with the Abkhazian home guard, was reportedly captured in an ambush by Georgian troops who ill-treated and raped her. She died on 8 September 1992 in Sukhumi hospital No. 1. A forensic medical report is said to have found bullet wounds; injuries to the spinal cord, vagina, nose and the bones of the extremities, contusions to the head; and a ruptured hymen.

Amnesty International has urged the Georgian Government to take immediate steps to initiate a full and prompt inquiry into this and all similar allegations; to make the findings public; and to bring to justice the perpetrators within the norms of international law.

Allegations of human rights violations have also been made against forces under Abkhazian control, and Amnesty International is seeking further information on those that fall within its remit.

The judicial death penalty

The current status and scope of the death penalty remains unclear. Although it was abolished totally when the 1921 Constitution was restored in February 1992, violation of the law on mercenaries adopted by parliament on 17 March carries a possible death sentence, and a number of executions have been reported during the Abkhazian conflict. According to press reports ethnic Russian Vitaly Gladkikh was sentenced to death on 10 November by a Georgian military tribunal in Sukhumi, accused of aiding the Abkhazians, and was executed five days later. Ethnic Georgian Gia Khachirashvili was also reportedly sentenced by a similar tribunal around that time, and subsequently executed, for treason. Most recently, on 19 April, three members of the Georgian paramilitary organization "Mkhedrioni" - N. Galshvili, D. Maisuradze and V. Nikodaishvili - together with Georgian Air Force Major D. Dartsmelidze, were said to have been executed in Dranda prison for attempting to seize an aircraft at Sukhumi airport.

Amnesty International has sought clarification on when the death penalty was reintroduced, and for what offences. The organization has also expressed regret at the reported executions and urged that, in line with internationally agreed standards, all those sentenced to death be granted the right to seek pardon or commutation of sentence, and the right to appeal to a court of higher jurisdiction.

In addition Amnesty International has written to the Abkhazian authorities about reports that at least 12 people accused of looting were shot in Gagra in early October 1992 by units under the control of the Abkhazian military commandant.

GERMANY

Allegations of ill-treatment in police custody

Alleged ill-treatment by the Hamburg police

In March Amnesty International expressed its concern to the Hamburg authorities about reports it had received that officers belonging to a special operations unit (the so-called "E-Schicht") based at Police Station 16 in the St Pauli district of Hamburg had ill-treated people in their custody.

In its letters Amnesty International referred to three cases in which judicial investigations into alleged ill-treatment had failed to result in charges against the officers concerned, but where the victims were later awarded compensation for their injuries. One victim had been awarded substantial compensation by the Hamburg Ministry of the Interior in January 1991 for injuries he had received following a blow to the back of his head from a police baton the previous year. A second victim had alleged that in August 1989 officers at Station 16 had struck his face against the edge of a table with such force that he suffered a broken nose. In a third case the victim alleged that in July 1991 officers had punched, kicked and struck him with batons, as a result of which he was hospitalized for a week. The victims in these last two incidents were both awarded compensation by the Hamburg Regional Court in February this year.

Amnesty International also noted in its letters that officers from Station 16 in St Pauli had been the subject of 80 investigations by the Hamburg judicial authorities over the period January 1988 - September 1991. The organization asked how many of these judicial investigations had been the result of complaints of ill-treatment and whether charges had been brought against any of the officers concerned. Amnesty International also asked for information on the number of complaints of ill-treatment that had been made against officers from Station 16 since September 1991 and whether any of these had resulted in charges against any of the officers concerned.

In May 1993, following a decision by the Ministry of the Interior not to appeal against the recent decisions of the Hamburg Regional Court, Amnesty International asked the Hamburg authorities whether charges would now be brought against the police officers found to have ill-treated people in their custody.

Alleged ill-treatment of foreigners

In June Amnesty International issued an eight-page document entitled *The Federal Republic of Germany - The alleged ill-treatment of foreigners: a summary of recent concerns* (AI Index: EUR 23/03/93).

GREECE

Conscientious objection to military service

The imprisonment of some 400 conscientious objectors (COs) and the lack of any alternative civilian service continued to be a source of grave concern. Amnesty International considered all imprisoned COs to be prisoners of conscience and called repeatedly for their immediate release. In March the European Parliament (EP) in a resolution passed on human rights in the European Community (EC) condemned "the practice in Greece which treats conscientious objectors as criminals and condemns them to long periods of imprisonment in military prisons". The government continued to maintain that in view of the Legal State Council's decision that alternative civilian service would be unconstitutional, it was unable to introduce alternative civilian service. The Legal State Council's decision, however, is not binding on the courts or the government, nor was the government under any procedural obligation to seek its opinion. Amnesty International considers that the Greek Government should take all necessary measures to pave the way for the introduction of alternative civilian service, either by introducing draft legislation into the parliament forthwith or, if needs be, by reviewing and reforming the Constitution (see *5,000 years of prison: conscientious objectors in Greece*, AI Index: EUR 25/07/93).

Religious discrimination

In March Amnesty International feared that a further Jehovah's Witness minister, Charalambos Andreopoulos, would be imprisoned as a result of the discriminatory policy applied by the military authorities against Jehovah's Witnesses. In the event, Charalambos Andreopoulos was spared imprisonment, at least for the time being, after his lawyers managed to obtain an emergency provisional ruling by the Council of State, which held that he was entitled to the exemption from military service enjoyed by religious ministers of other religions. Had Charalambos Andreopoulos been imprisoned for refusing to perform military service Amnesty International would have considered him to be a prisoner of conscience (see AI Index: EUR 01/04/92, EUR 01/03/92, EUR 01/01/91 and EUR 03/02/90).

Violations of the right to freedom of expression

A 17-year-old, Michail Papadakis, received a one-year prison sentence in December for distributing leaflets during a demonstration. On 26 April Christos Sideropoulos and Anastasios Boulis were each sentenced to five months in prison and a fine for comments they made to a magazine about their ethnicity. All these sentences were suspended pending appeal. Amnesty International has called for these and other convictions against people who have peacefully expressed their views to be quashed immediately. If any of these people are jailed Amnesty International will consider them as prisoners of conscience.

On 7 May 1993 five members of the Organization for Socialist Revolution (OSE), on trial for their involvement in compiling and distributing a book on the Macedonian question, were acquitted. Amnesty International welcomed the verdict but was concerned that the prosecution was considering taking steps to appeal against this decision (see AI Index: EUR 01/04/92).

HUNGARY

Allegations of torture and ill-treatment of foreigners

In April, Amnesty International published a report (see *Hungary - Torture and Ill-treatment of Foreigners* AI Index: EUR 27/02/93) documenting a number of cases in Hungary where race appeared to be a motive in reports of torture and ill-treatment by police officers. The organization noted that this was particularly dangerous when racist attacks by nationalist youth groups on foreigners and members of the Hungarian Roma community were increasing throughout the country. Amnesty International has received more reports of torture and ill-treatment of foreign nationals in the Kerepestarcsa detention camp near Budapest where they are held pending deportation or while their asylum applications are processed (see AI Index: EUR 01/03/92).

Amnesty International was also concerned about reports that foreigners have been detained, tortured and otherwise ill-treated in the 5th District Police Station in Budapest and that such treatment may have been motivated by the victims' ethnic origin.

Alleged Torture and ill-treatment in custody of four young Roma from Tamazsadásny

On 30 September 1992 at 11.45am, after an incident in which an old man was attacked and robbed, police officers from Heves detained for questioning István Németh, a 19-year-old Rom from the village of Tamazsadásny. He was released the same day at 9pm. An hour later, he was again taken to Heves district police station where he was reportedly continuously beaten until 1am the next morning. As a result of the alleged beating, István Németh fell to the floor several times and was kicked by the police officers to make him stand up again. The police told him that he was suspected of committing the assault and robbery of the old man, since the victim had recognized him. Later the victim identified another person as the suspected attacker and István Németh was allowed to leave. A medical examination verified that he had incurred lesions from handcuffs on his wrists, bruises on his chest, abdomen and back, as well as on his head, beneath his ears.

On the same day three other young Roma, all of them minors, were questioned by the police, who reportedly wanted the boys to identify István Németh as the person guilty of the assault and robbery. József Lóli refused to make such a statement and was allegedly told by police officers that he would be shot in the head and was then hit in the stomach several times. István Botos was allegedly slapped on his ears and hit several times. József Németh was also beaten by police officers during interrogation. The bruises on his back were witnessed by the commission sent by the Roma Parliament, a non-governmental organization, to investigate this incident.

During a search of István Németh's house earlier on 30 September 1992, police officers reportedly told other members of the family, "If the old man who was attacked by the Gypsies should die, all the Gypsies will die with him. Your lives will not be worth more than dogs' lives."

Amnesty International called on the Hungarian authorities to initiate an independent, impartial inquiry into these allegations, to make its findings public and to bring to justice all those responsible. No reply has been received to date.

IRELAND, REPUBLIC OF

Allegations of ill-treatment of asylum-seekers

Amnesty International is concerned about the alleged ill-treatment by police and immigration officers of a number of Turkish Kurds at Shannon Airport on 16 November 1992.

In February 1993 Amnesty International wrote to the authorities in Ireland concerning allegations of ill-treatment and use of excessive force at Shannon Airport and asked whether an investigation had been opened into these incidents. However, so far the government has only acknowledged receipt of the letters. In March the Office of the President wrote that the President was unable to intervene in a matter of this nature and that it had passed it on to the appropriate authorities for their attention. As far as Amnesty International is aware no investigation has been set up. According to signed statements and witness reports, including claims by airport workers, a group of 27 Turkish Kurds, who arrived at Shannon Airport on 16 November 1992 allegedly seeking political asylum, was physically and verbally assaulted by immigration officers and police. The incidents occurred when Irish immigration authorities refused them permission to apply for asylum and informed them that instead they would be sent to Moscow, maybe even returned to Turkey. The asylum-seekers were also denied access to a lawyer, an interpreter or a representative of the United Nations High Commissioner for Refugees. When the Kurds refused to return to the plane destined for Moscow approximately 70 to 80 plainclothed and uniformed police, together with immigration officers, tried to force them onto the aeroplane. During the struggle excessive force was allegedly applied whereby a large number of the Kurds were injured. According to statements from 16 of the 27 Kurds in question and witness reports from airport workers and relatives who had come from London to receive the asylum-seekers at Shannon, police carried out both physical and verbal abuse. People were dragged by their hair with their heads banging on the floor, slapped on their faces and kicked from behind. Many were injured and bleeding but no doctor was called.

Airport workers claimed that they had seen an immigration officer dragging one of the Kurds by the hair, with the help of an Aeroflot official. His head was repeatedly banged on the floor while abuse was being screamed at him. Then he was left lying there. Another airport worker saw an immigration officer who, with the aid of the Gardai, was dragging the Kurds from the seats to which they were clinging - "there were boots, fists and blood flying", he said.

In their signed statements the Turkish Kurds, now in Canada in a refugee camp, claim that when they refused to return to the plane which they believed was going to Moscow and then Turkey, many of them were thrown on tables, chairs and the ground. They were beaten and dragged, usually by four to five policemen per person. Some of the men fainted, many were crying in desperation.

ITALY

Further allegations of ill-treatment in prisons (update to information given in AI Index: EUR 01/04/92)

Amnesty International wrote to the authorities concerning allegations that prison guards had ill-treated inmates of the prisons of Asinara Island, Buoncammino (Cagliari), Padua and Secondigliano (Naples). In its letters Amnesty International sought further information about the allegations themselves and the progress and outcome of any official inquiries opened into them. No reply had been received by the end of April.

In January the Minister of Justice informed Amnesty International that, following its inquiries about alleged ill-treatment in Poggioreale Prison (Naples) during July 1992, he had ordered a special assistant to carry out a thorough investigation. Although this investigation had apparently found no indication that ill-treatment had occurred, the Minister had requested the Naples Public Prosecutor to open an official inquiry into the allegations. In February there were further reports of alleged ill-treatment in the prison.

For further information see the report *Italy: an increase in alleged ill-treatment by prison guards* (AI Index: EUR 30/04/93).

Draft legislation on conscientious objection to military service suffers further delays (update to information given in AI Index: EUR 01/04/92)

Draft legislation reforming the existing system of conscientious objection to compulsory military service suffered repeated delays and had still not received final approval by the end of April. Parliament had approved a text in January 1992 but this had been rejected and returned for further discussion by the President of the Republic. The original text proposed - *inter alia* - widening the grounds on which conscientious objector status might be granted and reducing the length of alternative civilian service. However, it made no provision for conscientious objection developed after joining the armed forces. One of a number of proposed amendments to the current bill would limit still further the period during which conscripts might apply for conscientious objector status. In February Amnesty International publicly expressed the hope that there would be no further delays in approving new legislation and reiterated its belief that conscientious objectors to military service are exercising their fundamental human right to freedom of conscience and should, therefore, have the right to claim conscientious objector status *at any time*.

Progress towards total abolition of the death penalty

In February 334 members of the Chamber of Deputies (a majority of the Chamber) put forward a bill drawn up in collaboration with Amnesty International, proposing the abolition of the death penalty from the Wartime Military Penal Code. The Code retains the death penalty for a wide range of offences. By the beginning of March 114 Senators had also registered their support for the proposal. At the end of April the text was under examination by the Justice Committee of the Chamber of Deputies.

KAZAKHSTAN

Prisoner of conscience: Karishal Asanov (update to information given in AI Index: EUR 01/04/92)

The trial of Karishal Asanov on a charge of "infringement upon the honour and dignity of the President" (Article 170-3 of the Kazakhstan Criminal Code) began on 11 November in the city court in Almaty (formerly Alma-Ata), the capital. At the opening session the court released him from detention subject to his giving a written undertaking not to leave Kazakhstan. At the beginning of December he was acquitted.

However, a protest against this verdict was lodged by the procurator in the case, as a result of which the case was referred to the Supreme Court, which in a hearing on 12 April decided that it should retry the case, although no date was set. Shortly before the Supreme Court hearing Amnesty International wrote to the authorities in Kazakhstan restating its concerns about the legislation under which Karishal Asanov had been charged. The organization stressed that Karishal Asanov had been considered a prisoner of conscience while he had been held in detention before his first trial, and that should he be convicted by the Supreme Court and imprisoned he would again be regarded as a prisoner of conscience.

Conscientious objection to military service

President Nursultan Nazarbayev issued a decree on 4 December "on raising the responsibility of officials in state management bodies for discipline, public order and security". This included an order for government bodies by 1 February to "prepare and submit for consideration [by] the bodies of the Procurator's Office materials on all the facts of desertion of servicemen from the armed forces, Internal and Border Troops [and] evasion of active military service by citizens of call-up age to bring them to the responsibility specified by law". In response, Amnesty International wrote to the President at the beginning of January reiterating its concerns about the rights of conscientious objectors.

Amnesty International received in early March a reply from the head of the department of law enforcement organs at the President's office. This stated that under Article 16 of the Law of the Republic of Kazakhstan "on general military duty and military service", young men would be exempt from call-up to military service if they had taken holy orders or had "work duties" in one of the registered religious faiths.

The death penalty

Amnesty International learned of one more person under sentence of death. Garifulla Kenzhibayev was convicted in 1992 of aggravated murder by the regional court in Mangystau (formerly Mangyshlyak) Region, western Kazakhstan, the sentence being upheld subsequently by the Supreme Court. Amnesty International appealed to the authorities for commutation of this and all other death sentences. It continued to call for complete abolition of the death penalty.

KYRGYZSTAN

Refoulement concerns

In March Amnesty International wrote to the government expressing concern that on 8 January three citizens of Tadjikistan, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov, had been arrested in Osh, Kyrgyzstan, and had been forcibly returned to Tadjikistan, where they were reported to have been tortured in detention.

Amnesty International called on the government to clarify why these three men were arrested, reportedly by Kyrgyz law-enforcement officials, and handed over to the Tadjik authorities. The organization asked whether the men were given an adequate opportunity to state their reasons for fearing to return to Tadjikistan and to have their cases thoroughly considered in the light of international standards dealing with human rights and the protection of refugees, particularly the principle of *non-refoulement*, which prohibits the forcible return of any persons to a country where they may be at risk of serious human rights violations. Amnesty International also asked what assurances the government sought or obtained from the Tadjik authorities that Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov would not be subjected to human rights violations in Tadjikistan.

In December the Kyrgyz authorities reportedly approved the arrest in Bishkek, the capital, by Uzbek state security officials of Uzbek human rights activist Abdumannob Pulatov. He was forcibly returned to Uzbekistan and spent seven weeks in detention pending trial on a charge of insulting the President of Uzbekistan, an offence for which he was sentenced in January to three years' imprisonment but immediately amnestied.

The death penalty

In February Amnesty International learned that three men sentenced to death at the beginning of 1991 had had their sentences commuted to 15 years' imprisonment. The three, Batyrbek Kyyazov, Taalaibek Kalmatov and Kadyrzhan Nazarmatov, had been convicted of aggravated murder committed during intercommunal violence between Kyrgyz and Uzbeks in Osh Region in June 1990. Amnesty International had called for commutation of their death sentences (see AI Index: EUR 01/03/92).

Amnesty International learned of one new death sentence, passed in December on Grigory Abramov. He was convicted under Article 199-1 of the criminal code for "infringement upon the life of a police officer or people's guard" and sentenced initially to 15 years' imprisonment, but the sentence was amended to the death penalty on appeal. Amnesty International called for commutation of this sentence.

LATVIA

The death penalty

In January Amnesty International issued a seven-page document entitled *The Baltic states: Time to abolish the death penalty* (AI Index: EUR 06/01/93) in which it summarized its concerns regarding the application of the death penalty in the Republic of Latvia.

In February Amnesty International wrote to the Minister of the Interior welcoming the decision of the Presidium of the Supreme Council in January to commute the death sentences passed on Imants Pūnenovs and Andris Alksars (see AI Index: EUR 01/04/92). The organization asked whether the outcome of the petition for clemency submitted by Andres Sergunts (see AI Index: EUR 01/04/92) was now known. (Amnesty International had continued to appeal for commutation of this death sentence during the period under review.) In its letter to the Minister of the Interior, Amnesty International also sought clarification of a statement, attributed by the Swedish newspaper *Aftonbladet* on 11 February to the director of prison OC78/21, that there were "six or seven prisoners on death row". According to Amnesty International's information the only execution still pending was that of Andres Sergunts.

LITHUANIA

In November the second round of voting in Lithuania's first parliamentary elections since restoration of independence took place. The Democratic Labour Party led by Algirdas Brazauskas emerged as the biggest party, capturing a total of 73 seats in the 141-member parliament (*Seimas*). Algirdas Brazauskas was chosen by the Seimas to be its new chairman (thus replacing Vytautas Landsbergis) and acting President of the Republic of Lithuania pending presidential elections in February. Bronislovas Lubys was confirmed as Prime Minister.

In February Algirdas Brazauskas won Lithuania's first direct presidential elections, polling 60 per cent of the vote. His candidate for the post of prime minister, Adolfas Slezevicius, was approved by parliament in March.

The death penalty

In January Amnesty International issued a seven-page document entitled *The Baltic states - Time to abolish the death penalty* (AI Index: EUR 06/01/93) in which it summarized its concerns regarding the application of the death penalty in the Republic of Lithuania.

Homosexuality

In December Amnesty International wrote to the Minister of Justice and asked for clarification of the number of persons convicted under Article 122 of the Lithuanian criminal code since the restoration of Lithuanian independence in March 1990 (see AI Index: EUR 01/04/92). According to Article 122 (part one) homosexual acts between males are punishable by up to three years' imprisonment. Similar acts with respect to minors or involving violence or the threat of violence or exploiting the dependent situation or helplessness of the victim, are punishable, under part two of Article 122, by three to eight years' imprisonment. Persons imprisoned solely because of their practice of consensual homosexual acts with other adults in private are considered prisoners of conscience by Amnesty International.

LUXEMBOURG

Prolonged solitary confinement of prisoners

In March Amnesty International wrote to the Minister of Justice regarding the prolonged isolation of two prisoners in Schrassig Prison (*Centre pénitentiaire de Schrassig*). Satko Adrovic and Lazlo Osko were both placed in isolation on 16 November 1992 as a punishment for attempting to escape. Satko Adrovic is not due to be released from solitary confinement until 15 November 1993; Lazlo Osko received a sentence of eight months' solitary confinement, two months of which were suspended.

Solitary confinement in Schrassig Prison is imposed either for disciplinary reasons or in cases where prisoners are classed as dangerous. Prisoners in isolation spend 23 hours per day in their cells. For one hour per day they are transferred into another cell, open to the outside but covered by a wire mesh, where they are allowed to exercise alone.

Amnesty International is concerned that prolonged isolation may have serious effects on the physical and mental health of prisoners and may constitute cruel, inhuman or degrading treatment. In its letter to the Minister of Justice the organization asked for information concerning the measures the prison authorities had taken to alleviate the physical and psychological effects of prolonged isolation on Satko Adrovic and Lazlo Osko. No reply had been received by the end of April.

MACEDONIA, THE FORMER YUGOSLAV REPUBLIC OF

Allegations of torture and ill-treatment

In March Amnesty International wrote to the Prime Minister expressing concern about allegations that some 20 ethnic Albanian prisoners had been subjected to torture and ill-treatment in Skopje Prison at the end of December.

After a letter from these prisoners was published in a local newspaper in February, a group of ethnic Albanians, members of a local human rights group from Gostivar, obtained permission from the Ministry of Justice to visit Idrizovo and Skopje Prisons, where they talked to some 15 prisoners. These said that on 26 December they had been transferred from Idrizovo Prison to Skopje Prison after a text had been found in Idrizovo Prison which gave rise to the suspicion that ethnic Albanian prisoners were engaged in clandestine political activity. The prisoners stated that on arrival in Skopje Prison they were interrogated by state security officers who punched them, kicked them and beat them with rubber truncheons. Some of them reportedly sought medical care but apparently did not receive it until several days later.

Amnesty International asked to be informed if investigation proceedings had been opened into this incident and of any criminal proceedings arising from it.

The organization had not received a reply by the end of April.

MOLDOVA

The death penalty

According to an article which appeared in the Ukrainian newspaper *Golos Ukrainy* on 20 February, there were at that time 15 people on death row in Moldova. It said that the sentences, passed by the Moldovan Supreme Court, could not be carried out as the republic lacked its own executioner and facilities.

The report quoted a Deputy Chairperson of the Moldovan Supreme Court as saying that before the breakup of the Soviet Union sentences passed in Moldova were carried out in the cities of Lvov and Sochi. As these are now in different countries (Ukraine and Russia respectively) this is longer possible.

According to the report the Moldovan Procurator General, Dumitru Postovan, has described the situation as "extremely inhumane". Some prisoners are said to have been waiting almost two years on death row.

Amnesty International has called for the commutation of all such pending death sentences, and for the authorities to refrain from imposing any new ones, in line with the general world-wide trend towards total abolition of the death penalty.

Allegations of deliberate and arbitrary killings

Such allegations were made against both sides to the conflict over the self-proclaimed Dnestr Moldovan Republic last year (see AI Index: EUR 01/04/92). In response to a letter from Amnesty International raising several individual cases, the Moldovan Procuracy replied in January that it had opened criminal proceedings into all such instances that occurred during the armed conflict. At least three people have been arrested and charged with premeditated, aggravated murder and hooliganism. A fourth suspect is said to have died in subsequent fighting.

NETHERLANDS, KINGDOM OF THE

Netherlands Antilles: Commission of Inquiry confirmed unlawful use of police violence

In 1991 the Government of the Netherlands Antilles established a "Commission of Inquiry into the alleged unlawful behaviour of the police". The report covered all five islands of the Netherlands Antilles. The Commission, assisted by the Centre for Scientific Research and Documentation (WODC) of the Dutch Ministry of Justice, concluded its report in August 1992.

The Commission said there were "instances of unlawful use of violence by the police on every island" except Saba. The inquiry by WODC showed that "...approximately three per cent of those questioned [a relatively high figure] had direct personal experience of police violence". One per cent of the representative cross-section of the population claimed to have been ill-treated. Fifteen per cent of a representative cross-section of the population as a whole claimed to know of people in their family, or circle of friends or acquaintances, who had been ill-treated by the police. Eight per cent knew of such incidents occurring between 1 January 1990 and 31 March 1992. The Commission examined the cases relating to this period. Almost all claims were of beatings with truncheons or, more rarely, with bare fists. Only in exceptional cases were firearms mentioned.

Regarding the police, the Commission criticized the lack of policy and management: "...in the opinion of the former head of the police training college, the Force may be characterized as an organization in which mismanagement is rampant, in all departments and at every level". It also criticized in the strongest terms both the system of disciplinary action to deal with complaints and the judicial system. It saw it as a "serious failure of the police, the Commanding Officer, the Public Prosecutor and the Minister, that in obvious cases of serious offences neither disciplinary nor criminal action is taken". The Commission also noted a strong tendency within the police to "cover up" for colleagues in that "...insufficient action is taken against police officers who resort to unlawful violent behaviour towards civilians, even where it concerns repeated instances". The report also said that "...the Commission wishes to explicitly state as its opinion that the established failures of the Force can be traced to years of neglect of the Force by the Government, and the failure to exercise their powers, particularly of control and supervision, by Senior Police Authorities, the Department of Public Prosecution, the Commanding Officer and the Minister of the Government".

In December Amnesty International wrote to the Minister of Justice welcoming the report and urging the government to make public the complete text, including the conclusions and the recommendations. The organization also requested details of the implementation of the preventive measures called for by the United Nations Human Rights Committee and additional safeguards which had been recommended by Amnesty International.

In December Amnesty International urged the Attorney General to investigate further three cases which occurred between January 1990 and March 1992. Henry K. Every and Leroy Neil died in custody. In the case of Henry K. Every the organization believed that the responsibility for his injury and death lay with the police. It considered that the treatment of Leroy Neil constituted cruel and inhuman treatment to an extreme extent. Moreno Fabias had alleged ill-treatment and injury by arresting officers: the organization considered his complaint had been dismissed for inadequate reasons (see AI Index: EUR 01/04/92). The authorities were also asked for information about the alleged suicide by hanging in July 1992 of Chereon Fluonia in a police station in Curaçao. Witnesses reported extensive injuries to his head and face indicating that he may have been ill-treated.

At the end of April Amnesty International had not received replies to its letters from either the Minister of Justice or the Attorney General.

POLAND

Conscientious objection to military service

Two conscientious objectors began serving their prison sentences in February in Wroc_aw Prison. In separate trials, Piotr Krzy_anowski and Piotr Dawidziak were convicted in August 1992 by the Military Court of Silesia each to a six months' prison sentence with a two years' suspension. In January, the military Chamber of the Supreme Court in Warsaw sentenced both men to one years' imprisonment following extraordinary appeals by the General Prosecutor of the Polish Army who demanded harsher punishment. Piotr Krzy_anowski began serving his sentence on 3 February while Piotr Dawidziak entered prison on 11 February.

Both men had been members of the Wroc_aw branch of *Objektor*, a Polish organization that works for conscientious objectors. At its January General Assembly, as a symbolic gesture, Piotr Krzy_anowski was appointed as chairman and Piotr Dawidziak as vice-chairman of the organization. Amnesty International considers them prisoners of conscience and has called for their release.

On 22 April, Roman Ga_uszka, another conscientious objector, who began serving his 18-month prison sentence in July 1992 (see AI Index: EUR 01/04/92) obtained conditional release from the Cracow garrison military court.

A major Polish daily newspaper *Gazeta Wyborcza* reported on 13 January that 6,000 conscripts applied for alternative service in 1992. The Drafting Commissions granted 3,500 of these requests. Of the remaining cases, 140 were taken to court. In most cases the accused were given suspended prison sentences. According to *Objektor*, in some cases where conscripts apply for alternative service, especially in small towns, attempts are made to intimidate them or their applications are turned down without much justification.

PORTUGAL

Police officers sentenced in Alexandre Gravanita case (see AI Index: EUR 01/04/92)

In December 1991 Alexandre Luis Gravanita, a 19-year-old Portuguese student born in Angola, was severely beaten and subjected to racial insults by an officer of the Public Security Police (PSP) in a Setúbal police station. He was arrested in the street and once in the station assaulted, punched and kicked. Alexandre Gravanita said that the officer shouted "You worthless piece of Angolan shit", "You are nothing", "You are a nigger". Alexandre Gravanita was released without charge and taken by his parents to hospital for treatment. He later made a formal complaint against the PSP.

In February, following an Amnesty International news release on *Racism: Torture and Ill-treatment by Police in Western Europe*, the case of Alexandre Gravanita received widespread media coverage in Portugal. On 30 March a Setúbal court found a PSP officer guilty of abusing his authority and causing bodily injury. He was sentenced to one year's imprisonment and a fine of 150,000 escudos. A second officer was found guilty of giving false testimony and was sentenced to eight months' imprisonment. The court suspended both sentences for three years. The defence lawyer entered an appeal against the sentences.

Trial of former governor and guards of Linhó Prison opened in March in Cascais

Adolfo Tassis Teixeira, the former governor, and two guards were charged with committing serious bodily injuries on prisoners. The Director General of Prison Services initiated internal inquiries into events in the prison following a series of allegations of ill-treatment. In June 1989 there were allegations of systematic beatings in punishment cells following the death of Mário Manuel da Luz. The Director General acknowledged that acts had been committed that constituted "serious breaches of discipline and probably criminal offences". At the time the governor, the prison doctor and several guards were suspended regarding previous allegations of ill-treatment of four prisoners (for further information see AI Index: EUR 01/02/91). The governor was retired compulsorily by disciplinary order and the doctor and two guards were suspended. At the end of April the result of the trial was not known.

Investigation of Judiciary Police by Ombudsman

In December, the Ombudsman, Dr José Manuel Menéres Pimentel, announced his intention of conducting an inquiry into the functioning of the *Polícia Judiciária* (PJ). He had selected 32 individual complaints of acts of violence against people, false arrests and abuse of powers by officers in a 23-month period which, with one exception, came from the Lisbon area.

In February Amnesty International wrote to the Ombudsman requesting him to examine two serious complaints of ill-treatment of prisoners by the PJ in Setúbal and Guarda which led to the hospitalization of the complainants. In June 1990 Isidro Albuquerque Rodrigues was arrested by the PJ and alleged that he had been tortured and ill-treated for two nights in Setúbal after his arrest. He stated that he had been stripped naked, kicked, punched, whipped with a metal shower hose and had a bottle forced up his anus (see AI Index: EUR 01/03/92). In September 1992 Orlando Correia was taken from Guarda Prison to the PJ offices. He claimed he was assaulted in the prison and later in the PJ offices insulted, beaten and threatened with a pistol in his mouth and tied spreadeagled to some railings (see AI Index: EUR 01/04/92).

Complaints were made to the courts in both cases but by the end of April Amnesty International was not aware of any results.

ROMANIA

Continuing violations of human rights

Amnesty International continues to receive information on serious human rights violations in Romania which are described in a report published by the organization in May 1993 (see *Romania - Continuing Violations of Human Rights*, AI Index: EUR 39/07/93). Members of ethnic minorities, apparently because of their ethnic background, have been subjected to torture and other ill-treatment by police officers and soldiers of the armed forces. In one such incident in July 1992, soldiers of the military police allegedly tortured and otherwise ill-treated members of the Roma community in Pia_a Rahova, in Bucharest. According to one report, 13 people were injured in this apparently unprovoked attack.

Amnesty International has also received reports alleging that police officers resort to torture and ill-treatment of detainees, often in order to force them to confess. In other instances their use of firearms is frequently not in accordance with appropriate international standards, but relatively few cases have been fully investigated and brought to trial.

In cases reported to Amnesty International, courts in Romania have used as evidence confessions of the accused, although they were later retracted as having been induced by torture. Court rulings, even at the highest level often reflect practices incompatible with international standards for fair trial. The organization has recently addressed the Romanian authorities regarding one such case where a person has been condemned to a long prison sentence on the basis of a confession reportedly obtained under torture.

Although some articles of the Romanian Penal Code have been abolished since December 1989, Article 200 paragraph 1 still punishes anyone "who has sexual relations with a person of the same sex" with one to five years' imprisonment. In April, Amnesty International urged the Romanian authorities to release from prison Milorad Muta_cu who had been imprisoned and charged solely because of his homosexuality. The organization also called on the authorities to investigate allegations that homosexual men or persons suspected of being homosexual have been tortured and ill-treated in Romanian police stations and prisons.

The Romanian Government has still not clarified some of the cases brought to its attention by Amnesty International. The organization is still concerned about the fate of Viorel Horia, a 15-year-old schoolboy whose whereabouts remain unknown following his reported arrest on 13 June 1990 in Bucharest (see AI Index: EUR 01/01/91 and EUR 01/04/92). Amnesty International also continues to appeal to the Romanian authorities to fully investigate the shooting of Andrei Frumu_anu and Aurica Cr_iniceanu during the demonstrations in Bucharest in September 1991 (see AI Index: EUR 01/04/92).

RUSSIAN FEDERATION

The death penalty

On 3 April the parliamentary newspaper *Rossiyskaya gazeta* published an article on the death penalty, which gave figures for the number of death sentences and executions in Russia since 1990. According to these statistics the number of death sentences passed rose from 100 in 1990 to 223 in 1991, and stood at 95 for the first half of 1992. However, the paper reports a progressive fall in executions over the same period, down from 76 in 1990 to 59 in 1991, and 16 in the first half of 1992. To Amnesty International's knowledge comprehensive statistics for the whole of 1992 have not been published, although in March 1993 a member of the Clemency Commission reported that sixty death sentences had been commuted during that year.

A law passed on 17 December 1992 replaced the previous 20-year term for a commuted death sentence with "life imprisonment". Abolitionists in Russia hope that the prospect of longer prison terms will make commutations of death sentences more acceptable publicly.

Conscientious objection to military service

In April 1992 the Russian Constitution was amended to include provision for conscientious objectors. Article 45 now states that "Each citizen of the Russian Federation whose convictions preclude carrying out military service has the right to replace it with alternative civilian duties according to the procedure laid down by law". However, the necessary enabling legislation has yet to be passed, and conscription remains obligatory for every able-bodied male aged between 18 and 27. In the period under review at least one case came to light of a conscientious objector being imprisoned for refusing his call-up papers.

Aleksandr Sergeyevich Chizhikov, aged 20, is a member of an informal group known as the "Movement against Violence", which supports the right to conscientious objection. As a pacifist, he first quoted Article 45 of the Constitution in support of his refusal to respond to his call-up papers to the military enlistment authorities, then to the procuracy after a criminal charge was brought against him, and finally to the judge at his trial. All, however, refused to recognize the article's validity in the absence of a law on alternative service. Aleksandr Chizhikov was sentenced to one year's imprisonment in an ordinary regime corrective labour colony by Kuybyshev District Court, Moscow, on 21 April. He was convicted under Article 80 of the Criminal Code ("evasion of regular call-up to active military service") and at the end of April was awaiting the outcome of his appeal in Matrosskaya Tishina investigation-isolation prison in Moscow. He has expressed his willingness to perform a civilian alternative service.

Conscientious objection to military service is recognized by the United Nations as a legitimate exercise of the right to freedom of thought, conscience and religion. Amnesty International regards Aleksandr Chizhikov as a prisoner of conscience, and is calling for his immediate and unconditional release.

SPAIN

Spain criticized by the United Nations Committee against Torture

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires every State Party to submit periodic reports to the Committee against Torture describing the steps taken to implement the Convention. On 23 April the Committee examined Spain's supplementary report.

After receiving the Spanish Government's replies to questions by the Committee, the Rapporteur stated his concern that all criminal behaviour defined by the Convention should be repressed and, in particular, his anxiety over the increase in torture, the long delays in investigating such cases and the apparent impunity enjoyed by officers found guilty of such crimes. He expressed the wish that Spain adopt measures to improve its compliance with the Convention. In his closing statement the Committee Chairman made clear the anxiety of the Committee on these points.

In March Amnesty International published a report, *Spain: Torture and Ill-treatment: Summary of Amnesty International's Concerns* (AI Index: EUR 41/01/93), describing its concerns regarding allegations of torture and ill-treatment by members of the security forces in Spain. It contains a brief outline of the system of preventive detention and legal representation under the Law of Criminal Procedure, including details of amendments to this law introduced as part of the "anti-terrorist" legislation. It gives a few illustrative cases of torture and ill-treatment and explains Amnesty International's concern over the functioning of the criminal justice system in investigating complaints of ill-treatment and bringing those responsible to justice. The report is available in English, French and Spanish.

Allegations of torture and ill-treatment (update to information given in AI Index: EUR 01/04/92)

The judicial inquiry into the complaint of Kepa Urrea, a member of the Basque armed group, ETA, that he was tortured by the Civil Guards in January 1992, was still in progress at the end of April. In January 1993 the court interviewed Kepa Urrea and the medical personnel who treated him in the police station and hospital. There was no news of any other judicial inquiry into allegations of ill-treatment made by his co-detainees.

The judicial inquiry into the allegations of ill-treatment made by Mohamed Hegazy and Raed Shibli, who visited Ibiza in September 1991, was reopened at the request of the Attorney General. Mohamed Hegazy had been featured in an Amnesty International Newsletter *Focus* article "Racism: Torture and Ill-treatment by Police in Western Europe" in February. His complaint of ill-treatment had been filed without a full investigation by the court in Ibiza one month after it was made in 1991.

The courts had still to complete their inquiries into the complaints of ill-treatment by the security forces made by a rugby team in Benidorm (May 1992) and a trade union leader, Antonio Copete, in Mallorca (May 1992).

Torture trial in San Sebastian

The trial of five Civil Guards charged with torturing Juan Carlos Garmendia Irazusta in 1982 opened at the end of April. One of the defendants is currently an advisor on terrorism to the Secretary of State on Security; in 1987 he was convicted of torturing a female prisoner in 1982. He was promoted and later pardoned that part of his sentence banning him from public office for four years. He has still not served his period of four months' imprisonment.

SWITZERLAND

Conscientious objection to military service (update to information given in AI Index: EUR 01/04/92)

Although a national referendum in May 1992 voted to introduce a civilian alternative to military service, this was still not available to conscientious objectors because legislation establishing the nature and length of the new service had not been introduced. Meanwhile, conscientious objectors to military service continued to be subject to the Military Penal Code.

The official statistics on refusal to perform military service during the year ending 31 December 1992 were published in February. These showed that the military tribunals prosecuted a total of 433 people for refusing military service. According to the classification scheme used by the Federal Military Department, 236 refused because of "fundamental ethical values", 57 because of "political" reasons, a further 140 were said to have refused because of "aversion to discipline" (25), "fear of exertion or danger" (8) or other (unspecified) reasons (107). Sentences of imprisonment were pronounced in 197 cases; 221 people were sentenced to "compulsory work" (a sentence available to those considered to have refused service because of "fundamental ethical values") while 15 people agreed to be assigned to unarmed military service.

Report of the Council of Europe's Committee for the Prevention of Torture

In January the Swiss Federal Council made public the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its first periodic visit to Switzerland in July 1991, together with its own response to the report.

The Committee found no evidence of torture and stated that almost no allegations of physical ill-treatment in Swiss prisons had come to its attention. However, the report concluded that the prolonged isolation of some inmates of one prison visited carried "a major risk of inhuman and degrading treatment". The Committee recommended a series of safeguards for prisoners held in isolation and the Federal Council's response indicated that a number of these were being implemented.

The Committee stated that "numerous" allegations of ill-treatment in initial police custody (*garde à vue*) had been brought to its attention. After taking into account the number of allegations, the variety of sources from which they had been collected, the existence of medical certificates corroborating some of the allegations and the fact that a judicial inquiry into such allegations was under way in Geneva, together with what the Committee considered to be gaps in some of the fundamental guarantees against ill-treatment for people in police custody, the report concluded that "the risk of being ill-treated in police custody could not be dismissed". The Federal Council expressed agreement with some of the recommendations put forward by the Committee aimed at increasing the safeguards against ill-treatment in police custody but stated that it was unable to endorse others such as the right of detainees in all cantons to have access to a lawyer from the start of the custody period or to be examined by a doctor of their own choice.

TADZHIKISTAN

Extrajudicial executions, "disappearances" and torture

At the beginning of May Amnesty International published a 14-page report entitled *Tadzhikistan - Hidden terror: Political killings, "disappearances" and torture since December 1992* (AI Index: EUR 60/04/93).

The report focused on grave human rights violations which had taken place mostly in the capital, Dushanbe, since the city fell to government forces in December. It described how hundreds of people, mostly unarmed civilians, were reported to have been extrajudicially executed by law enforcement officials since the entry into Dushanbe of forces subordinate to the government, or had "disappeared" since being detained by law enforcement bodies. The victims were said to be mainly people originating from the Garm region east of Dushanbe, and from the Pamir mountains in the far east of the country, areas apparently believed by government supporters to be centres of opposition. The killings and "disappearances" were reported to have followed checks of identity papers on the streets or at the airport, or during house-to-house searches. People were reportedly executed on the spot, or placed under arrest and their bodies found later in the street or in the city morgue. The fate of other people who were detained was unknown. The report also featured statements by officials indicating that law-enforcement bodies had been authorized to operate a shoot-to-kill policy in situations where less extreme measures might be sufficient for the fulfilment of their duties, and reports that in certain circumstances illegal possession of a firearm has been made punishable by death.

The report described how prisoners had allegedly been subjected to torture in detention. It featured the cases of political prisoners Mirbobo Mirrahimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov, all former broadcasting executives or journalists, who were arrested in January in neighbouring states after fleeing Tadzhikistan, and were since reported to have been tortured while in detention on charges of "conspiracy to overthrow the government using the mass information media" (for Amnesty International's concerns about their *refoulement* from neighbouring states see the entries on Kyrgyzstan and Turkmenistan).

Probable prisoner of conscience: Dzhumaboy Niyazov

Dzhumaboy Niyazov, a 46-year-old university lecturer and activist in the opposition Democratic Party, was arrested in January, and on 5 March was sentenced to seven years' imprisonment by a court in the city of Khudzhand for illegal possession of a carton of 30 cartridges for an automatic weapon. Amnesty International was concerned about allegations that the cartridges were planted by law enforcement officials in a house where Dzhumaboy Niyazov was staying in order to fabricate a criminal case against him because of his political activities.

Amnesty International believed that Dzhumaboy Niyazov might be a prisoner of conscience, and called on the authorities to conduct a review of the case against him.

TURKEY

Cease-fire brings hopeful signs but deaths in custody continue

Amnesty International was deeply disappointed at the "judicial reform package" passed by the Turkish Parliament in November. The new legislation gives common criminal detainees the right to consult a lawyer during police detention, and reduces the maximum detention period for this group to eight days. However, people detained for political crimes (which are tried in State Security Courts) will continue to be held in incommunicado detention for up to 15 days, or 30 days in provinces under emergency legislation - in clear breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Torture continued to be a serious concern. Four people died in police custody apparently as a result of torture - all of them in the southeastern provinces which are under emergency rule. On 20 March the village of Bar__tepe in Mardin province was raided by security forces and Hac__brahim Dilek and his son Selahattin Dilek were detained. The son was released after three days, but on 30 March Hac__brahim Dilek's body was found two kilometres from Yola__z_ where there is a military post. The prosecutor's report stated: "There were marks of beating covering almost the entire body. There were also rope marks on the wrists consistent with being dragged behind a vehicle, and the body showed marks from dragging. Injuries to the anus suggest that a hard object had been inserted as a method of torture".

In December the European Committee for the Prevention of Torture (ECPT - established by the Council of Europe of which Turkey is a member) announced that it had found extensive proof that "torture and other forms of severe ill-treatment of persons in police custody remains widespread in Turkey and that such methods are applied to both ordinary criminal suspects and persons held under anti-terrorism provisions" - findings which corroborate those published by Amnesty International over many years. During impromptu visits to interrogation centres committee members discovered equipment apparently used to torture suspects.

The introduction of a stricter regime for political prisoners resulted in a rash of hunger strikes and sit-ins which met with a violent response from prison authorities on a number of occasions. In February soldiers and police entered wards in Diyarbak__r E-type Prison and beat hunger-striking prisoners with sticks and truncheons. Two hundred prisoners were injured, of whom 70 were treated in hospital for such injuries as broken limbs and concussion.

Political killings in the southeast, many of them in 1992 attributed to a shadowy local organization called *Hizbullah*, claimed nearly 200 lives. It is Amnesty International's view that security forces may be colluding in, or even instigating, many of killings attributed to *Hizbullah*. In February, the President of the Elaz__ branch of the Turkish Human Rights Association Metin Can, and his friend Dr Hasan Kaya, were abducted, tortured and killed. Their bodies were found 120 km from Elaz__ along a road on which there are eight security checkpoints.

On 20 March the Kurdish Workers' Party (PKK), which has been engaged in a fierce conflict with government forces since 1984, declared a unilateral cease-fire. Government forces have continued their operations in the mountains, but since the cease-fire political killings (previously running at an average of eight each week) dropped to one a week - a significant improvement.

TURKMENISTAN

Renewed house arrest of opposition activists

Prisoners of conscience Ak-Mukhammed Velsapar, Khudayberdi Khalli, Nurberdi Nurmamedov, Aman Goshayev, and Akbabek Atayeva, all of whom had been placed under house arrest for up to a week in late October 1992 (see AI Index: EUR 01/04/92), were again placed under house arrest on 2 December at their homes in the capital, Ashgabat, along with at least four others.

Sources indicated that they were placed under house arrest to prevent them attending a conference in Kyrgyzstan on the human rights situation in Central Asia. They were released on 8 December, the day after the conference ended.

Refoulement concern

In March Amnesty International wrote to the government expressing concern that in January a citizen of Tadjikistan, Mirbobob Mirrakhimov, had been arrested in Ashgabat reportedly by Turkmen law-enforcement officials and forcibly returned to Tadjikistan, where he was reported to have been tortured in detention.

Amnesty International called on the government to clarify why Mirbobob Mirrakhimov had been arrested and handed over to the Tadjik authorities. The organization asked whether Mirbobob Mirrakhimov was given an adequate opportunity to state his reasons for fearing to return to Tadjikistan and to have his case thoroughly considered in the light of international standards dealing with human rights and the protection of refugees, particularly the principle of *non-refoulement*, which prohibits the forcible return of any persons to a country where they may be at risk of serious human rights violations. Amnesty International also asked what assurances the government sought or obtained from the Tadjik authorities that Mirbobob Mirrakhimov would not be subjected to human rights violations in Tadjikistan.

The death penalty

Amnesty International learned of death sentences passed on four men. In the cases of three of them, Aymurad Nuryyev, Mikhail Chirkunov and Saporbay Garakhanov, who were tried together in the Supreme Court for aggravated murder and were sentenced in November, the process of appealing for commutation and petitioning for clemency was exhausted in less than four weeks, and they were executed on 17 December. The case was given unprecedented publicity, with the convicted men being portrayed in court and in the official media as organizers of a criminal gang involved in a range of activities including extortion and drug trafficking. Film of their corpses taken moments after execution was reportedly shown on national television. Also in November, Yury Ayriyev was sentenced to death for aggravated murder by the Balkansky Regional Court.

Amnesty International campaigned for commutation of these death sentences and continued to press for abolition of the death penalty in Turkmenistan.

UKRAINE

The death penalty

Following various amendments to the Criminal Code during 1992, the scope of the death penalty in Ukraine has been reduced to five peacetime offences: "attempt on the life of a state official" (Article 58), "attempt on the life of a representative of a foreign state" (Article 59), "sabotage" (Article 60), "premeditated, aggravated murder" (Article 93) and "attempt on the life of a militiaman" (Article 190-1). Previously, before the break-up of the USSR, 18 offences, some not involving the use of violence, had carried a possible death sentence.

During a research mission in February Amnesty International welcomed these reductions, and expressed the hope that these moves were a step towards total abolition in line with the world-wide trend.

However, the delegates expressed great concern that Ukraine still refuses to publish statistics on the use of the death penalty. United Nations Economic and Social Council Resolution 1989/64 urges those governments which still retain the death penalty to publish yearly figures on the way they have used capital punishment, broken down into categories. This was echoed at the second Conference on the Human Dimension of the Conference on Security and Cooperation in Europe held in Copenhagen in June 1990 when participating states agreed to make available to the public information regarding the use of the death penalty (point 17/8). The Procurator General, Viktor Shishkin, told the Amnesty International delegates that such statistics were made a state secret by a normative act of the former USSR. As Ukraine has no corresponding act, he explained, the USSR act remains in force and statistics cannot be published. This is in spite of the fact that the USSR itself published death penalty statistics, for the first time since 1934, in 1991.

Amnesty International's delegates also expressed concern that persons sentenced to death by the Supreme Court as the court of first instance do not have the right to appeal against the sentence. The Procurator-General may lodge a protest against the sentence to the Plenum of the Supreme Court, although this is not automatic. Although all death sentences are automatically referred to the Presidential Clemency Commission, it is reported that few pardons are granted.

UNITED KINGDOM

Fair trial issues: the right of silence

In February Amnesty International published a paper entitled *Northern Ireland: the Right of Silence* (AI Index: EUR 45/01/93). The paper outlined the organization's concerns regarding the Criminal Evidence (Northern Ireland) Order 1988, a law which went into effect in December 1988.

Killings by the security forces in Northern Ireland/Inquests

The Royal Ulster Constabulary (RUC) shot dead Pearse Jordan, who was later confirmed to be an unarmed IRA member, on 25 November. Eyewitnesses stated that he was fired at without warning, after two unmarked police vehicles forced his car off the road.

During the first part of 1993 a number of inquests took place into the deaths of people killed by the security forces.

In January an inquest examined the circumstances of the killing of Seamus McElwaine, an IRA member and escaper from the Maze Prison. He was shot dead in April 1986 by soldiers from the Special Air Services (SAS) regiment, as he was walking across a field to inspect a bomb. He was armed at the time. The jury ruled that undercover soldiers had opened fire without giving Seamus McElwaine a chance to surrender. The jury also decided that he had been shot dead five minutes after being wounded in an initial burst of gunfire. After the inquest ended, the Director of Public Prosecutions called for a full police report.

In March an inquest heard evidence about the killing of three IRA members, Gerard and Martin Harte and Brian Mullin, by the SAS in August 1988. None of the SAS members directly involved in the shootings were present at the inquest; their written statements were read out as evidence. Other evidence was withheld by the government which issued Public Interest Immunity Certificates to prevent disclosure. The jury was told that more than 200 bullets were fired by the SAS, who admitted that no warnings had been given before firing. The SAS claim that the three had opened fire first was not accepted by the jury who found that the evidence was inconclusive on who had fired first.

Another inquest in March examined evidence concerning the killing of Aidan McAnespie in February 1988. He was shot dead by a British soldier while walking through a border checkpoint. The soldier claimed that his hands were wet and accidentally slipped onto the trigger of a machine gun he was holding. The jury returned a finding that the soldiers in charge of the checkpoint were guilty of contravening standing orders in relation to the handling of weapons because the fatal shot had come from a machine gun which was cocked and ready to fire.

The inquest into the deaths of John McNeill, Edward Hale and Peter Thompson began in April, but was adjourned after legal challenges by the Crown to the Coroner's decision not to accept the Crown's claim that Public Interest Immunity Certificates would apply to oral evidence. The three were killed by undercover soldiers in January 1990.

The trial of six British Army soldiers, charged in connection with the killings of Karen Reilly and Martin Peake, began in March. Karen Reilly and Martin Peake were shot dead in September 1990 while in a stolen car. One soldier was charged with the murder of Karen Reilly, two with attempting to murder Martin Peake, and all six with attempting to pervert the course of justice and obstructing the police investigation into the shooting. The trial had not finished by the end of April.

UZBEKISTAN

Prisoners of conscience

The Milli Mejlis case: Babur Shakirov (update to information given in AI Index: EUR 01/04/92) and others

Amnesty International continued to call for the release of Babur Shakirov, the organizer of the *Milli Mejlis* organization who had been arrested in August 1992.

Amnesty International also called for the release of three other members of the *Milli Mejlis* organizing committee who were arrested and charged with "organizational activity directed towards commission of especially dangerous crimes against the state", Article 62 of the criminal code (Babur Shakirov was also charged under this article, and not under Article 60 as previously reported). This charge carries a possible death sentence. They were Khazratkul Khudayberdy of the opposition *Birlik* ("Unity") movement, who was arrested on 9 December; Odanazar Arifov, executive secretary of the registered opposition party *Erk* ("Freedom"), who was arrested on 20 December; and Olim Karimov, a member of the presidium of *Birlik* and deputy chairman of the unregistered Free Peasants' Party, who was arrested on 19 January. Olim Karimov was released from prison in February after suffering a stroke, and Odanazar Arifov was released from prison in March, but the charges against them have not been dropped. Babur Shakirov and Khazratkul Khudayberdy remained in prison. As of the end of April no trial date had been set.

Prosecutions for slandering the President: Abdumannob Pulatov and Vasiliya Inayatova

Abdumannob Pulatov, a *Birlik* activist and chairman of the Human Rights Society of Uzbekistan, was abducted on 8 December in Bishkek, Kyrgyzstan, by members of the Uzbek security services immediately after an international human rights conference. He was bundled into a van and driven to Tashkent, Uzbekistan's capital, where he was charged with "infringement upon the honour and dignity of the President" (Article 191-4 of the criminal code). He was accused of having distributed to student demonstrators in Tashkent in January 1992 posters bearing a photograph of President Islam Karimov and the slogan "The beast who eats his own children", and of having subsequently published a photograph of the demonstrators in the *Birlik* newspaper *Mustakil Haftalik* (Independent Weekly). Amnesty International called for Abdumannob Pulatov's immediate and unconditional release. He was put on trial in the Supreme Court on 20 January, and on 28 January he was convicted and sentenced to three years' imprisonment, but was immediately amnestied and released.

Poet Vasiliya Inayatova went on trial in the Tashkent City Court on 8 February also charged under Article 191-4 of the criminal code. The charge related to a poem about an unnamed leader who used guns against students. She was found guilty on 26 February and sentenced to two years imprisonment, but was also immediately amnestied.

These and other cases were featured in a report entitled *Uzbekistan: Clampdown on dissent* (AI Index: EUR 62/09/93), published in June 1993.

YUGOSLAVIA, THE FEDERAL REPUBLIC OF

Kosovo province (Serbia)

Amnesty International continued to receive almost daily reports of the torture or ill-treatment of ethnic Albanians by the largely Serbian police force. The organization was also very concerned about cases in which ethnic Albanians had died after being shot by police or military forces in disputed circumstances. Ethnic Albanians continued to be sentenced to up to 60 days' imprisonment for the peaceful exercise of their right to freedom of expression or assembly.

Sand_ak (regions of Serbia and Montenegro bordering Bosnia-Herzegovina)

Amnesty International continues to receive reports of the persecution of Muslims, including physical attacks, and Muslim leaders have pointed to the presence of armed paramilitaries from Serbia, Montenegro and Serbian-held territories of Bosnia-Herzegovina in the the area. In February, some 25 men, almost all of them local Sand_ak Muslims, were abducted from a train on the Belgrade to Bar (a port in Montenegro) line, when it briefly crossed into Bosnia-Herzegovina. The abductors were armed men who are alleged to have worn uniforms of the police (or possibly military police) of the self-proclaimed "Serbian Republic" [of Bosnia-Herzegovina]. This incident follows a pattern similar to a previous abduction of 17 Muslims from the Sand_ak area in October 1992. The governments of Serbia and Montenegro have condemned these abductions and announced that measures had been taken to find the men, but so far their fate remains unknown. Amnesty International notes, however, that following the first incident a Serbian paramilitary leader was arrested in Serbia but was rapidly released. The Serbian authorities stated that there were no legal grounds for his detention as it had been established that "he happened to be in possession of arms on the territory of Serbia because he is in charge of arming the army of another state."

In February some 20 Muslims were reported to have been abducted from a group of hamlets in Montenegro by Serbian forces from Bosnia-Herzegovina. On 10 March, six of them, women aged between 60 and 80 years, were returned to Montenegro. The Montenegrin Minister of Internal Affairs reportedly stated in March that those who had not been released were being prosecuted on criminal charges in Serbian-held territory in Bosnia-Herzegovina. Amnesty International notes that those who remained detained reportedly include two children under five and a 16-year-old boy.

RATIFICATIONS

AUSTRIA

On 2 March Austria ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

AZERBAIJAZHAN

Azerbaijan acceded to the Convention relating to the Status of Refugees and its Protocol on 12 February.

BELARUS

Belarus acceded to the first Optional Protocol to the International Covenant on Civil and Political Rights on 30 September 1992.

CZECH REPUBLIC

On 22 February the Czech Republic ratified the International Covenant on Civil and Political Rights and its first Optional Protocol, the International Covenant on Economic, Social and Cultural Rights and signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

MOLDOVA

On 26 January Moldova acceded to the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

POLAND

On 19 January Poland ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms.

RUSSIAN FEDERATION

Russia acceded to the Convention relating to the Status of Refugees and its Protocol on 2 February.

SLOVAK REPUBLIC

On 4 February the Slovak Republic signed the Convention relating to the Status of Refugees and its Protocol.