
AMNESTY INTERNATIONAL @CONCERNS IN EUROPE May - December 1994

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INTRODUCTION

This bulletin contains information about Amnesty International's main concerns in Europe during the period May - December 1994. Future bulletins will cover six-monthly periods January - June and July - December. Sometimes there will be references to developments outside the period covered by the bulletin, if they have not been reported previously, or if new information has been received before the bulletin is printed.

The five Central Asian republics, Kazakhstan, Kyrgyzstan, Tadzhikistan, Turkmenistan and Uzbekistan continue to be dealt with by the Europe Regional Program and to be included in this bulletin because of their membership of the Commonwealth of Independent States (CIS) and the Organisation for Security and Co-operation in Europe (OSCE).

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 News Service Items.

References to previous bulletins in the text are as follows:

AI Index: EUR 01/02/94 Concerns in Europe: November 1993 - April 1994

AI Index: EUR 01/01/94 Concerns in Europe: May - October 1993

AI Index: EUR 01/04/92 Concerns in Europe: May - 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 - October 1991

ALBANIA

Prisoners of conscience and political prisoners

In August some 2,500 former political prisoners went on hunger-strike protesting that the government had failed to meet pledges to provide economic compensation for their detention under communist rule prior to 1991. After they refused to comply with a court order (based on legislation dealing with industrial strikes) to end their hunger-strike, the authorities ordered police to end it and a number of local leaders were arrested and detained, among them the president of the Association of Former Political Prisoners, Kurt Kola. He was held under house arrest until November when he was released and charges against him dropped after he declared a hunger-strike.

In September five members of the Greek minority were sentenced by a court in Tirana to between six and eight years' imprisonment on charges of treason and espionage. There was little evidence to substantiate these charges and the trial did not conform with international standards for fair trial. Three of the defendants were convicted of illegal possession of arms. One of the five was pardoned and released in December and the others had their sentences reduced by a third in an amnesty in November.

In July former President Ramiz Alia and nine former leading communist party officials were convicted of misappropriation of state property and abuse of office. By the end of the year their sentences had been reduced to between two and five years' imprisonment.

Ill-treatment; deaths following ill-treatment in custody or police shootings

There were reports of over 100 incidents during the year in which police beat people, often political opponents of the government, during or following arrest. In August, former political prisoners on hunger-strike in Tirana were evicted from their headquarters and beaten by police in the streets as they dispersed to their homes. Police also beat their fellow hunger-strikers in a number of other towns. In October three homosexual activists, members of Albania's first and only homosexual organization, were arrested and beaten by police in Tirana. One of them had his leg fractured. In November supporters of the Socialist Party in a number of towns were beaten by police in connection with a national referendum on a new constitution which they opposed. (The constitution was rejected in the referendum.)

At least five people died apparently as a result of ill-treatment in custody. Among them was Enrik Islami who died in November as a result of injuries inflicted on him by police officers during pre-trial custody in Vlora. At least three others died after being shot by police in suspicious circumstances. A number of police officers were arrested following these deaths but apparently none had been brought to trial by the end of the year. A local human rights organization in October condemned police violence and said that the response by the authorities had been inadequate and absolutely disproportionate to the scale of the problem.

Death penalty

At least eight men were sentenced to death for murder and four were executed.

AUSTRIA

The alleged ill-treatment of detainees

The case of Naser Palushi

In August Amnesty International expressed concern to the Austrian authorities about the alleged ill-treatment of Naser Palushi in East Vienna Police Detention Centre (*Wiener Polizeigefangenhaus Ost*) in May.

Naser Palushi, a 22-year-old ethnic Albanian from Kosovo province, Yugoslavia, deserted from the Yugoslav National Army in 1992 and fled to Austria where he applied for asylum. His first asylum application was refused in January 1993 and a second application was rejected in December 1993. He was arrested at his home in April 1994 for contravening the Law on Aliens (*Fremdengesetz*) and placed in pre-expulsion detention (*Schubhaft*) in East Vienna Police Detention Centre. Shortly afterwards he went on hunger-strike.

A news magazine journalist was able to interview Naser Palushi in May. The detainee told the journalist that on 22 May he had fainted in the toilets, injuring his head as he fell. He continued: "I was totally dazed and unable to stand up. Four officers dragged me by the feet into the cell and kicked me. They also stabbed me behind the ears with ball-point pens. I can't understand why. Then one of them hit me repeatedly in the face and kept saying 'good morning' in Yugoslavian". Naser Palushi showed the journalist abrasion marks on his back and hip and small round bruises behind his ears. According to the report, Naser Palushi was refused access to a doctor after the assault and merely had his head bandaged by a first-aid attendant. Naser Palushi, who has since been released from pre-expulsion detention, has made a criminal complaint about his ill-treatment.

Amnesty International asked the Austrian authorities for information about the steps taken to investigate Naser Palushi's allegations of ill-treatment. No substantive reply had been received by the end of the year.

The case of Ronald Ribitsch: an update (see *Austria: Torture and ill-treatment, AI Index: EUR 13/04/91*)

In July the European Commission of Human Rights concluded that Ronald Ribitsch was ill-treated in police custody between 31 May and 2 June 1988. His ill-treatment amounted to a violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, according to which "No one shall be subjected to torture or to inhuman or degrading treatment or punishment".

Ronald Ribitsch had alleged that he was severely beaten by police officers in an attempt to coerce him into making a confession. Medical reports were consistent with his allegations. In October 1989 one police officer was given a two months' prison sentence suspended for three years for causing the detainee bodily harm. The officer was acquitted on appeal in September 1990. Ronald Ribitsch also made a complaint to the Constitutional Court. The Constitutional Court declined to investigate the part of his complaint which concerned his alleged ill-treatment because it did not believe that further investigation would add anything to the information obtained as a result of the trials of the police officers.

Amnesty International raised the case of Ronald Ribitsch with the Austrian authorities in 1989 and featured it in its report *Austria: Torture and ill-treatment*, published in January 1990 (AI Index: EUR 13/01/89).

In delivering its decision on the case, the European Commission of Human Rights stated that it was "satisfied beyond reasonable doubt that [Ronald Ribitsch] was subjected to physical violence which, in the circumstances, amounted to inhuman and degrading treatment".

The case of Rudolph Reumann: an update (see AI Index: EUR 01/01/93)

In July two police officers were found guilty of striking detainee Rudolph Reumann several times in the face at a Salzburg police station in August 1992. Both officers were fined.

The cases of Amor Jelliti and Salim Y.: an update (see *Austria: The alleged ill-treatment of foreigners: a summary of concerns, AI Index: EUR 13/02/94*)

In December Amnesty International once again expressed its concern to the Austrian authorities about the alleged ill-treatment of Amor Jelliti and Salim Y.

Amor Jelliti had alleged that police officers of the Wels Police Detention Centre (*Polizeiliches Gefangenenehaus Wels*) had ill-treated him during an attempt to deport him to Tunisia in August 1992.

In June 1993 two delegates attending the World Conference on Human Rights in Vienna saw police officers kick and hit Algerian Salim Y. at Vienna Schwechat airport during an attempt to deport him following rejection of his asylum application. Although the delegates made a formal complaint to the Federal Ministry of the Interior, the government replied that no ill-treatment had occurred.

In March 1994 Amnesty International had raised questions with the Austrian authorities about the nature and conduct of the investigations that had been conducted into the alleged ill-treatment of Amor Jelliti and Salim Y. By the end of December the organization had received no response to its questions.

AZERBAIJAN

Hostage-taking

Allegations of hostage-taking continued in the disputed region of Karabakh, and were detailed in an Amnesty International paper issued in July (see *Azerbaijan: Hostages in the Karabakh conflict - an update*, AI Index: EUR 55/12/94). Armen Amirkhyan, for example, an ethnic Armenian, was detained on a train at the beginning of 1994 while in transit through Azerbaijan. He was taken first to the Security Ministry prison in Baku, the Azerbaijani capital, then to a special holding camp for Armenian detainees in Gobustan. Officially, ethnic Armenians held under such circumstances are detained only as a security precaution, to allow an identity check, and released if shown to be *bona fide* travellers. However, Armen Amirkhyan's relatives allegedly received a telegram from Security Ministry officials offering to exchange him for two Azerbaijani prisoners. He was still in Gobustan camp at the beginning of December.

Among dozens of hostages released in negotiated exchanges during the period under review was ethnic Azeri Sevda Nukhiyeva, aged 13, who had been detained by ethnic Armenian forces in July 1993 with 18 other members of her extended family. She and five female relatives were released in September, and all family members were free by the end of the year.

The death penalty

In October the death penalty was abolished for women. At least 10 death sentences came to light, although in the absence of official statistics the real total, which may well have been higher, was not known. Unofficial sources reported that 60 to 70 men were awaiting execution on death row at the end of 1994, in grossly overcrowded conditions. No executions were reported, and death sentences passed on two men in connection with the Karabakh conflict were commuted. One sentence commuted was that passed by the Azerbaijani authorities on Private Yemin Salimov, for battlefield desertion. The other was a death sentence passed by the self-proclaimed Nagorno-Karabakh Republic on pilot Captain Yury Belichenko for mercenary activity on behalf of Azerbaijan. For further details see *Azerbaijan: Hostages in the Karabakh conflict - an update*, AI Index: EUR 55/12/94.

Amnesty International continued to urge the commutation of all pending death sentences, and the publication of comprehensive statistics on the application of the death penalty.

Azerbaijan's first periodic report to the United Nations Human Rights Committee

In July the United Nations Human Rights Committee examined Azerbaijan's first periodic report regarding implementation of the International Covenant on Civil and Political Rights. It was concerned that allegations of hostage-taking and torture had not been properly addressed. The Committee was also disturbed at the number of death sentences pronounced, and recommended that the use of the death penalty be reduced and provision made for the right to appeal against a death sentence in all cases.

Allegations of unfair trial

In April the trial by military tribunal began of seven former government officials arrested after a successful mutiny by a military unit in Ganja in June 1993 (see AI Index: EUR 01/01/94). Three defendants, Ikhtiyar Shirinov, Gabil Mamedov and Sulkhedin Akperov, had been in custody since then until the trial opened. The charges included exceeding authority and using armed force against the Azerbaijani people. Sulkhedin Akperov was taken back into custody in September, allegedly as a punishment for delaying the trial when he changed his lawyer, but escaped the following month. Other

defendants reported problems in calling witnesses they thought were pertinent. The trial continued at the end of the year.

Amnesty International urged the authorities to ensure that all political prisoners received a fair trial in line with international standards.

Allegations of ill-treatment in detention

Reports of ill-treatment in pre-trial detention continued, but restricted access made verification difficult. Many of the over 100 known or suspected supporters of the former Prime Minister arrested after a failed coup attempt in October were said to be kept in very cramped conditions in investigation prisons in Ganja and Baku. They allegedly had to take it in turns to sleep while others in the cell stood. It was also alleged that many were denied parcels, and food and medical provision in the prisons were inadequate.

Amnesty International sought further information on allegations that some of those arrested in October, and others held during the period under review, were imprisoned solely for their political beliefs. Official sources stated they were held in connection with criminal offences, often involving loss of life.

BELARUS

The death penalty

In July Amnesty International learned that Sergey Kutyavin had been sentenced to death by Mogilev Regional Court on 19 July 1993 for premeditated aggravated murder under Article 100 of the Belarus Criminal Code. His appeal against his death sentence was rejected by the Supreme Court on 11 March 1994. Sergey Kutyavin has submitted a petition for clemency to the new President of Belarus, Alyaksandr Lukashenka.

In August Amnesty International appealed to Alyaksandr Lukashenka to use his constitutional authority and commute the death sentence of Sergey Kutyavin as well as any other pending death sentences. Sergey Kutyavin's petition for clemency is believed to be still pending.

BOSNIA-HERZEGOVINA

Forcible expulsions from Bosnian Serb-controlled areas

A report, *You have no place here - Abuses in Bosnian Serb-controlled areas* (AI Index: EUR 63/11/94), was published in June and an update (AI Index: EUR 63/15/94) in July. The reports focused mainly on Amnesty International's concerns about serious human rights abuses being perpetrated in towns in western Bosnia-Herzegovina (mainly Banja Luka) under the control of Bosnian Serb forces away from the immediate areas of conflict (see AI Index: EUR 01/02/94).

A further report on a similar theme, *"Living for the day" - Forcible expulsions from Bijeljina and Janja* (AI Index: EUR 63/22/94), was issued in December. The report, which was based on testimony gathered from displaced persons in Bosnia-Herzegovina, documented continuing human rights abuses by Bosnian Serb forces aimed at expelling the remaining Muslims or other non-Serbs from the two towns in northeast Bosnia. In July 1994 a systematic program began which was aimed at expelling the remaining Muslims and extorting their money from them. The expulsions and many events surrounding them were organized by an official or semi-official "exchange commission" operating from Bijeljina. On 14 July some 70 men of military age were rounded up by soldiers or paramilitaries and taken to detention camps in the area where they were made to perform forced labour. This included digging trenches close to front lines where they were clearly at risk. Some of the men were severely beaten. The relatives of some of the men were not given prompt acknowledgement of their detention. The following day mass expulsions of Muslims began. Several hundred people were rounded up during the night, given a few minutes to pack and then forced to cross the lines, sometimes while fighting was taking place. The first round-ups targeted wealthy or prominent members of the remaining Muslim community. The "exchange commission" spread the word that other Muslims would be able to leave in a more dignified manner if they registered and paid to leave. As a result of the round-ups, detentions and other pressures, including beatings by police, large numbers of people signed up to leave. In the circumstances their departures could not be considered voluntary. By late September, when the expulsions peaked, around 6,000 people had been expelled. Smaller numbers left in the following weeks.

However, those who paid to leave as well as those who were picked up in the first and later round-ups were subject to further abuses. Men of military age were routinely taken into detention before the others were allowed to cross the lines into Bosnian Government-controlled territory. Up to 600 had been detained by September and few had been released by the end of December. Men, women and children were frequently systematically robbed and subjected to threats before and during their passage across the front lines.

Hostage taking; detention of civilians

Besides the detentions referred to above, civilians were detained in many other parts of Bosnia. The full extent and nature of the detentions was difficult to confirm but it was clear that many people were detained solely on the basis of their national, religious or ethnic background. In parallel with the expulsions from Bijeljina and Janja, Bosnian Serb forces were also reportedly responsible for the detention of scores of civilians in the course of expelling non-Serbs from Rogatica near Sarajevo. Often these people were detained as hostages, who were held for possible exchange with another side or as protection against military attacks. Croats from the Banja Luka area were allegedly taken and detained in locations close to the front lines around Grahovo in December as "human shields" against attacks by the Croatian Army which was fighting alongside the Bosnian Croat forces. Foreign aid workers were among those detained by Bosnian Serb forces. Despite new detentions many detainees were released. The doctors and nurses detained in Sarajevo by the government authorities in January (see AI Index EUR 01/02/94) were released in an exchange in June.

There were many other new detainees in other situations. In July about 100 men and 50 women, mainly Muslims and reportedly including disabled and injured people, were detained in Velika Kladuša by forces of the rebel Muslim leader, Fikret Abdi_. The men and women were apparently detained because they were suspected of having sympathy with the central Bosnian authorities or army. They were believed to have been released when the rebel forces were pushed out of the town by the Bosnian Army in August. The Bosnian Army also reportedly held civilian detainees in the same area; some were reportedly made to perform forced labour close to the front lines.

Other concerns

The ceasefires which had been introduced on many fronts early in the year meant that there were fewer incidents of deliberate targeting of civilians in Sarajevo or other towns. However, sniper attacks on civilians in Sarajevo never ceased completely and increased later in the year. There were reports of threats against or ill-treatment of members of the Serb, Croat or Muslim minorities in various parts of the Bosniac-Muslim Federation. Muslim or Croat police were reportedly reluctant to offer adequate protection for members of the minorities in some areas.

In November a Bosnian Serb military court imposed a "death sentence" on Vojislav Dimitrijevi_, a Bosnian Serb soldier, after convicting him of several murders. Another Bosnian Serb soldier was allegedly shot for desertion in November.

International War Crimes Tribunal issues first indictment

The International Criminal Tribunal for the former Yugoslavia issued its first indictment in November. The charges against Dragan Nikoli_, a Serb from Bosnia, included grave breaches of the Fourth Geneva Convention of 1949. As a detention camp commander in the Šušica camp in Bosnia in June and July 1992, he is accused of participating in the detention of 500 civilians as part of a widespread and systematic attack directed against the civilian population. He was specifically charged with participating in the torture and killing of several named prisoners. He was, however, not in custody and was believed to be in Bosnian Serb-controlled areas. There was little immediate chance of him being taken into custody.

BULGARIA

Allegations of torture and ill-treatment of Roma

Cases of Roma, who have been subjected to beatings and other ill-treatment by law-enforcement officers throughout Bulgaria, were described in a report published in September, *Bulgaria - Turning a blind eye to racism* (AI Index: EUR 15/04/94). Amnesty International believes that in most instances such treatment was racially motivated and that the ill-treatment of Roma is one of the major human rights problems in Bulgaria. The Roma have also been subjected to acts of racial violence from which the authorities failed adequately to protect them. The Bulgarian Government's apparent lack of will to investigate these human rights abuses was an indication of a discriminatory policy towards its citizens of Roma origin.

The number or the regional distribution of such human rights abuses against Roma in Bulgaria is difficult to estimate but the consistency, regularity and credibility of the allegations received by Amnesty International causes the organization to believe that the problem is large-scale and widespread. The report describes cases of alleged torture and other ill-treatment and deaths in suspicious circumstances in custody, as well as acts of racial violence against Roma, in Dubovo, Stara Zagora, Dolno Belotintsi, Glushnik, Pleven, Pazardjik and Kazanluk. Amnesty International is not aware that investigations have been undertaken into any of these incidents or that any of the perpetrators have been brought to justice. To date no reply has been received from the Bulgarian authorities concerning any of the incidents described in the report.

Amnesty International has urged the Bulgarian Government to establish an independent commission to conduct a full and impartial inquiry into all allegations of ill-treatment of Roma in Bulgaria. Amnesty International also made a series of recommendations to the Bulgarian authorities, to ensure that all allegations of torture or ill-treatment would be investigated promptly, impartially, openly and thoroughly.

CROATIA

Beating of demonstrators during evictions from former Yugoslav Army apartments

A large number of apartments which were formerly the property of the Yugoslav National Army (*Jugoslovenska Narodna Armija*, JNA) have been transferred to the ownership of the Croatian Ministry of Defence. In the last three years many of the tenants, who were usually military officers or civilian staff or pensioners formerly employed by the Yugoslav Federal Ministry of Defence, have been evicted. Amnesty International was concerned that civilian or military police failed to intervene when soldiers or civilians reportedly beat protestors during evictions from ex-JNA apartments. In some cases police also reportedly beat protestors or those being evicted. In Zagreb on September 11 people were arrested and briefly detained while peacefully protesting against an eviction of a woman from a former JNA apartment. Police reportedly beat several of those arrested.

CYPRUS

Conscientious objection to military service

Sixteen Jehovah's Witnesses who expressed conscientious objections to military service on the grounds of their beliefs were sentenced by military courts to up to one year's imprisonment for refusing to perform military service or reservist exercises. Among them two brothers, Charalambos Iosia, aged 22, and Avelinos Iosia, aged 19, were sentenced in October by the Nicosia Military Court to eight and five months' imprisonment respectively for refusing to perform military service. After their release they will probably be called up again and are likely to face yet another term of imprisonment upon refusal to perform military obligations. Amnesty International repeatedly appealed to the Cypriot Government to release all imprisoned conscientious objectors and to introduce a completely civilian alternative service of non-punitive length in line with international standards.

In May Amnesty International was informed again by the Ministry of Defence that the authorities did not consider the length of the alternative service to be punitive and that members of the armed forces who developed conscientious objections during periods of emergency or general mobilization would not be permitted to transfer to alternative service.

THE CZECH REPUBLIC

Death in custody

Amnesty International was concerned about reports that Martin _ernovek, a 20-year-old Rom, was shot dead by a police officer in June while in detention in Horšovský Týn.

According to newspaper reports Martin _ernovek was arrested on suspicion of stealing a car. On 8 June, during interrogation in the police station of Horšovský Týn, he was shot in the head by an officer with a 7.65mm gun. He later died in a Pilsen hospital from injuries sustained in the shooting. The local police reportedly claimed that Martin _ernovek tried to grab an officer's gun and that the weapon went off during the ensuing struggle. Some reports claimed that Martin _ernovek's hands were handcuffed at the time of the shooting.

In September Amnesty International wrote to the Minister of Justice asking for the results of the investigation into the circumstances surrounding the death of Martin _ernovek which was reportedly being conducted by the Pilsen District Police. No reply had been received by the end of December.

DENMARK

Concerns regarding alleged ill-treatment

In May Amnesty International delegates discussed the organization's concerns in Denmark with the Minister of Justice. In June Amnesty International published a report entitled, *Denmark: Police Ill-Treatment* (AI Index: EUR 18/01/94). The report highlighted cases of alleged police ill-treatment which had been reported to Amnesty International in recent years and expressed concern over the failure of the authorities to adequately address ill-treatment complaints.

The report described a pattern of ill-treatment by police during demonstrations, particularly those which turned into violent clashes between demonstrators and police. It included a description of the events of a violent demonstration in Copenhagen on 18-19 May 1993, during which several police officers were injured and at least 11 people, most of whom were reportedly by-standers, were wounded by some of the 113 shots fired by police (see AI Index: EUR 01/02/94). The report also detailed cases of alleged ill-treatment during the course of a 15-month police operation against hashish dealing in Christiania, an alternative community in Copenhagen, and other individual instances of alleged police ill-treatment.

In eight of the illustrative cases cited by Amnesty International (six of which arose in or around Christiania), people alleged that they were laid face-down on the ground, handcuffed behind their backs, and that their legs were bent, with one of their feet wedged against the opposite knee, and the other foot wedged up under the handcuffs (see AI Index: EUR 01/02/94). Supported by the opinions of police and forensic experts, Amnesty International concluded that this painful and potentially life-threatening form of restraint, called the "fixed leg-lock", constituted cruel, inhuman and degrading treatment or punishment and called on the Danish Government to immediately ban its use.

Amnesty International urged the government to initiate independent and impartial investigations into allegations of ill-treatment by police and, where appropriate, to pay the victims compensation for the injuries and ill-treatment suffered and to bring criminal or disciplinary proceedings against alleged perpetrators. The organization also recommended the establishment of an independent commission of inquiry to examine the use of force and restraint by police; the establishment of an independent and impartial body to investigate and act on complaints against police; and review and revision of police training and equipment.

Within a week of publication of Amnesty International's report, the Minister of Justice suspended the use of the fixed leg-lock. Following assessments, the suspension was made permanent in December. A wide-ranging review of other restraint methods and in-court investigations led by Regional Public Prosecutors into some of the cases cited in Amnesty International's report were pending at the time of writing.

Also pending is the case brought on behalf of Benjamin Schou, who is in a vegetative state after suffering cardiac arrest and permanent brain damage following his arrest and restraint by police in 1992; the lawyers resubmitted the case to the Medical-Legal Council for further assessment, after Amnesty International's June report highlighted that he too had been held in the leg-lock. The case brought by Babading Fatty, a Gambian national who was ill-treated in 1990 in a Copenhagen prison, remained unresolved at the end of the year (see AI Index: EUR 01/02/94).

In August the Director of Public Prosecutions (DPP) published a report of the investigation into the events of 18-19 May 1993. This report, which was substantially based on police investigations, concluded, among other things that: faced with violent bombardments of stone-throwing demonstrators, diminution of their numbers due to injuries, believing that retreat of the police chain would place injured officers in further jeopardy, and having run out of tear-gas, there were no grounds to criticize the police judgment that it was necessary to draw their weapons, fire "warning shots" and, in some instances, aimed shots. The DPP's supplementary investigation, started after an independent analysis of a video recording

indicated that an order to shoot at demonstrators' legs might have been given, had not been completed by the end of the year. Charges against one police officer who participated in the arrest of a demonstrator, out-of-court criminal investigations against three other officers who fired shots during the demonstration and the appeal of the convictions and acquittals of 26 people charged in connection with the demonstration were pending at the end of the year.

In October a governmental commission on the handling of complaints against police published its report recommending that regional public prosecutors take over this task. Critics of this recommendation have expressed concern that police would still be involved in the investigation of these complaints and that the proposed model was not sufficiently independent. Following a period of comment, new legislation is expected in 1995.

Amnesty International welcomed the initiatives taken by the Danish Government. Noting that many of the cases highlighted in its June report were illustrative only, the organization continued to urge the government to adopt its broader recommendations.

ESTONIA

In October Mart Laar was replaced as prime minister by Andres Tarand after the former lost a parliamentary vote of confidence the previous month.

Death in custody

In September Amnesty International expressed concern to the Estonian authorities about the death in Harku prison of Riina Vallikivi. The 17-year-old girl had been convicted of stealing a car in March 1994 and sentenced to eight months' imprisonment. On 19 August she was found hanged in a punishment cell where she had been placed on 26 July for a period of one month. According to reports, Riina Vallikivi had attempted suicide on a number of previous occasions and had been diagnosed by prison medical staff as "mentally unbalanced".

In its letter to Estonian Minister of Justice Amnesty International said that Riina Vallikivi's confinement in a punishment cell was in clear contravention of a number of international instruments which lay down minimum standards for the protection of prisoners and that it constituted cruel, inhuman and degrading treatment or punishment. These international instruments include the UN Rules for the Protection of Juveniles Deprived of Their Liberty, Article 67 of which establishes that: "All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned". Amnesty International called for a full inquiry into the death of Riina Vallikivi and for the results of it to be made public. Such an inquiry should take full account of all the circumstances of her imprisonment, including the order to place her in a punishment cell, and the medical supervision of her during her period of imprisonment.

In November the Estonian authorities informed Amnesty International that Riina Vallikivi had been placed in a punishment cell after attempting to escape. The placing of juveniles in "closed cells" for a period of up to one month was sanctioned by the Executive Code of Estonia. According to the authorities Riina Vallikivi had been examined by the medical chief of Harku prison who found her to be "mentally unbalanced" but within normal limits. An inquiry into her death was currently being conducted by the Public Prosecutor. In a letter to the Estonian authorities in December Amnesty International repeated the concerns it had expressed in its previous letter and asked for further information on, or clarification of, a number of specific points, including the nature of the "closed cell" regime and the meaning and origin of the medical diagnosis 'mentally unbalanced within normal limits'.

The detention of asylum-seekers

During the period under review up to 100 asylum-seekers, including women and children, were held in detention or under lesser forms of restriction. Amnesty International opposes the detention of asylum-seekers unless they have been charged with a recognizably criminal offence, or unless the authorities can demonstrate in each individual case that the detention is necessary, that it is on grounds prescribed by law, and that it is for one of the specified reasons which international standards recognize may be legitimate grounds for detaining asylum-seekers. Estonia currently has no law on asylum.

In June and September Amnesty International expressed its concern to the Estonian Minister of the Interior that the detained asylum-seekers had neither had their need for protection properly considered by the Estonian authorities, nor had they been treated fully in accordance with the relevant international standards for the protection of asylum-seekers. The organization called on the Estonian authorities to provide all the asylum-seekers with the necessary protection against *refoulement*, including protection against return to third countries where they would not have effective and durable protection against *refoulement*.

In October the Minister of Internal Affairs stated in a letter to Amnesty International that 85 people were currently detained under the Code of Administrative Offences as a result of illegally entering Estonia. The Minister added that the Estonian authorities understood Amnesty International's concerns and were "hopeful that a viable solution can be found, keeping in mind our current economic, demographic and political problem". The situation of the asylum-seekers remained unresolved at the end of December.

Conscientious objection to military service

In April Amnesty International expressed concern to the Estonian Minister of Defence about the Law on Military Service introduced the previous month. According to reports the new legislation provides for active military service of between eight and 12 months and for alternative service of between nine and 15 months. The new legislation also stipulates that alternative service is to be arranged by the Minister of Defence in agreement with the Chief-in-Command of the Defence Forces and the Minister of Internal Affairs.

In its letter to the Minister of Defence Amnesty International referred to Point 6 of Resolution 84/93 on Conscientious Objection to Military Service, adopted by the United Nations Commission on Human Rights on 10 March 1993, which calls upon governments to introduce alternative service "of a non-combatant or civilian character in the public interest and not of a punitive nature". The organization asked for further details about the new legislation, in particular about how the length of military service and alternative service was to be determined in individual cases and about the precise nature of the alternative service to be offered to conscientious objectors. In May Amnesty International was informed by the Estonian Ministry of Defence that "the Government has decided the length of the military service to be 12 months and for the alternative service 15 months". In a letter in October Amnesty International repeated the concerns it had previously expressed and asked for further clarification of the new legislation.

FRANCE

Amnesty International condemns continuation of pattern of human rights violations by law enforcement officers

In October Amnesty International published a report entitled *France: Shootings, killings and alleged ill-treatment by law enforcement officers* (AI Index: EUR 21/02/94) which analyzed the circumstances of 11 cases of death or wounding with firearms and 18 cases of physical, including sexual, ill-treatment by officers. All the cases occurred between January 1993 and June 1994. None of the victims carried firearms. A high proportion were of non-European ethnic origin, people whose ethnic origin lay in the Maghreb, the Middle East and Central and West Africa. Alleged physical and sexual abuse was often accompanied by specifically racist insults as well as general verbal abuse. Some of the victims were minors.

Amnesty International concluded that, in a significant number of cases, officers had used force recklessly and without due respect for the law. In cases where they had used firearms, the officers had repeatedly ignored their own guidelines on the use of arms. Lengthy delays in the conduct of the judicial inquiries were common. It was concerned by the incidence of cases where the prosecutors responsible had shown inertia or indifference in applying the law and investigating possible offences by law enforcement officers. In a significant number of cases examined by Amnesty International prosecutors failed to use their initiative thereby obliging victims or their families to make a complaint as a civil party in order to ensure that there was a thorough investigation, that they had access to its result and that their right to be heard was respected. Amnesty International was also concerned by the deficiencies in the training of officers and in particular the need to improve the professional competence of officers in neutralizing assailants using minimum force.

Amnesty International concluded its report with seven specific recommendations directed at the Ministers of the Interior and Defence, responsible for the police and the *gendarmerie* respectively, and the Minister of Justice, responsible for prosecutors. By the end of the year none of the ministers had replied to the report or its recommendations. However, the national and international press featured the reported statements made by two officers representing police unions that Amnesty International's allegations were "almost malicious" and "very immoderate". It appeared that neither officer had read the report before making these statements. Certain French embassies, who had received copies of these statements from the Ministry of the Interior, circulated them to journalists in the absence of any official public reaction.

On 13 December the Director General of the National Police wrote to Amnesty International explaining that the Minister of the Interior was unable to comment on the specific cases raised in the report because of the independence of the judiciary and out of respect for the constitutional separation of powers. However, the Minister equally failed to provide a detailed response to the recommendations contained in the report where these factors did not arise and which fell within the area of his responsibility. This was the second occasion that the French Government had failed to provide any substantial reply to inquiries regarding law enforcement. In August 1993 the organization had written to the Ministers of the Interior and Justice regarding its concerns over reports of ill-treatment, shootings, killings and deaths in custody (see AI Index: EUR 01/02/94).

Conscientious objection to the national service laws

Amnesty International takes no position on conscription as such and does not oppose the right of a state to request a citizen to undertake alternative civilian service. However, the organization believes that an essential component of the right to conscientious objection to armed service is that alternative service should not be imposed as a punishment for such objection. As the length of civilian service in France is,

at 20 months, twice that of ordinary military service, Amnesty International considers that it does not provide an acceptable alternative to military service and that those imprisoned for rejecting both services are prisoners of conscience.

Alain Cazaux, from the Basque region, was adopted as a prisoner of conscience following his arrest in November. He bases his objection to both military and civilian service on his anti-militarist and political beliefs. When he did not obey a call-up order to commence military service in October 1993 an arrest warrant was issued in his name. He was arrested in June and, following his transfer to an army centre, escorted to a railway station and ordered to report to his designated barracks for military service. He instead returned home, thus becoming liable for a charge of desertion from the armed forces. He was rearrested on 11 October and escorted to barracks. On arrival he repeatedly refused orders to put on army uniform, thus becoming liable for a charge of insubordination (*refus d'obéissance*). He was placed under arrest and held in isolation until his transfer to prison on 17 October. On 15 November a court in Toulouse sentenced him to 12 months' imprisonment for desertion and insubordination. The result of an appeal hearing in January was not known at the time of writing.

Amnesty International also appealed for Pierre Serres not to be imprisoned as a result of his refusal, on grounds of conscience, to perform national service. He was granted conscientious objector status when first called up for national service in 1986. However, he then refused, on political and anti-militarist grounds, to perform civilian service; he also considered its length to be punitive. Following his refusal of a call-up order to begin civilian service in November 1986 he was charged with *insoumission* (failure to comply with call-up orders). He was acquitted on technical grounds in February 1989 but an appeal court subsequently sentenced him to 12 months' imprisonment. Pierre Serres appealed to the Court of Cassation (supreme court) but in July 1989, before the appeal could be examined, he benefited from a presidential amnesty promulgated to mark the bicentenary of the French Revolution. However, his obligation to perform national service remained and in January 1991 he was issued with a new call-up order to civilian service. In December 1991, following his refusal to obey this order, he was sentenced to six months' suspended imprisonment for *insoumission* and deprived of his conscientious objector status, thus making him liable for call-up to *military* service. In May 1992 an appeal court confirmed the removal of his conscientious objector status but also directed him to serve the six months' imprisonment. A further appeal to the Court of Cassation was rejected in October 1994 making Pierre Serres liable to arrest and imprisonment for up to six months, at any moment. He has requested a presidential pardon.

GEORGIA

Resumption of executions

Georgia lifted a two-year moratorium on executions in March, and by August at least eight men had been executed. They included Suliko Chikhladze, who had been sentenced to death for murder in February.

He and five others of the eight executed had been tried by the Supreme Court, and had no possibility of appeal. Six of those executed had been convicted of murder, one for the rape of a minor and one for an attack on a police officer. At least 11 death sentences were passed in the first half of the year. Thirteen death sentences were commuted in August. The statistics were provided to Amnesty International in September by the state Committee on Human Rights and Ethnic Relations, which also recorded a total of 33 death sentences passed between 1991 and July 1994.

Amnesty International expressed great regret at Georgia's decision to resume executions, and continued to urge that all pending death sentences be commuted. The organization also urged immediate moves to ensure that all persons sentenced to death have the right to appeal to a court of higher jurisdiction, in line with internationally agreed standards.

Allegations of unfair trial and ill-treatment in detention

Nineteen men, many of them supporters of former president Zviad Gamsakhurdia, were on trial amid allegations that the proceedings fell short of international standards. The men faced charges ranging from illegal arms possession to murder and terrorism. Many reported that they were not informed of the charges against them at the time of their arrest in 1992 and that access to a lawyer of their own choice had been periodically denied. The trial judge was reported to have excluded some defendants and their lawyers, sometimes simultaneously, for short periods from the proceedings and to have denied defendants (and in at least one case a defence lawyer also) access to materials of the case. No confessions were excluded, despite allegations that they had been obtained under duress in the pre-trial period. Forms of torture described by defendants from that time included hanging upside down, scalding with boiling water and systematic beatings resulting in fractured bones.

Most allegations of ill-treatment dated from before the trial opened in October 1993, although one defendant, Viktor Domukhovsky, reported that he had been beaten on 13 August by special police officers who entered his cell demanding notes he had made of the trial. Many of the defendants suffered illness as a result of their conditions of detention; they were held in overcrowded, pest-ridden and insanitary cells. Medical attention was reportedly arbitrary and inadequate.

Sixteen of the defendants face a possible death sentence if convicted. As their trial is conducted by the Supreme Court, they are not able to lodge an appeal.

In an unrelated incident one man died after reportedly being beaten by the police. In July Roin Kochishvili from the village of Kurta, Tskhinvali district, was said to have died after being beaten by police officers who had detained him and several friends on suspicion of driving a stolen car.

Amnesty International continued to urge the authorities to ensure that the 19 defendants mentioned above received a fair trial in line with international standards. The organization also urged a comprehensive, prompt and impartial investigation into all allegations of ill-treatment, with the results made public and any perpetrators identified brought to justice.

Possible prisoner of conscience in Abkhazia

At least one person was reported to have been arbitrarily detained on ethnic grounds in the disputed region of Abkhazia (for a brief background to the conflict there between Georgians and Abkhazians see *Georgia: The death penalty - an update*, AI Index: EUR 56/01/94).

Madlena Japaridze, aged 67 and an ethnic Georgian, was said to have been visited on 8 July by an Abkhazian soldier who accused her of associating with other Georgians. The next day he and four other soldiers reportedly returned and took her away. Another family had moved into her apartment by that evening. Her whereabouts were still unclear at the end of 1994.

Amnesty International is seeking further information on the situation of Madlena Japaridze. If it emerges that she continues to be detained, and solely on grounds of her ethnic origin, the organization will regard her as a prisoner of conscience who should be released immediately and unconditionally.

The fate of others said to have "disappeared" in previous years during the conflict over Abkhazia also remained unresolved during the period under review. They included at least seven non-Georgians said to have been detained on ethnic grounds in Sukhumi by Georgian forces in late 1992, and dozens of Georgians reportedly detained by Abkhazian forces after they recaptured Sukhumi in September 1993. Amnesty International sought further information on these people, and urged both sides to account for the whereabouts of those said to have "disappeared".

GERMANY

The alleged torture and ill-treatment of detainees by police officers

In the period under review Amnesty International received a number of fresh allegations that police officers had subjected detainees in their custody to torture or ill-treatment. The majority of the victims were foreigners. In November the organization published a report (*Federal Republic of Germany - A summary of concerns in the period May - October 1994*, AI Index: EUR 23/08/94) documenting its concerns.

In a letter to Amnesty International in December, the Chairman of the Permanent Conference of Interior Ministers (of the *Länder*) rejected Amnesty International's report as "one more futile attempt to portray the German police in the eyes of the public as fundamentally hostile to foreigners". The Chairman also stated that "cases of police abuse towards foreigners in which the race of the victims is alleged to have been a factor are isolated and should not be generalized". Amnesty International replied that the organization had never stated or implied that the German police was fundamentally hostile towards foreigners, nor had it generalized its concerns regarding alleged police ill-treatment. For a period of over two years Amnesty International had received a large number of allegations, many of which it had documented. The consistency and regularity of these allegations was such that the organization believed that the problem was not one of isolated incidents, but rather of a wider pattern of police ill-treatment. The vast majority of the alleged victims had been foreigners, including asylum-seekers, or members of ethnic minorities. Where there appeared to be strong evidence that the ill-treatment was racially motivated Amnesty International had clearly stated this.

Deaths in custody

During the period under review Amnesty International expressed its concern to the German authorities about two separate cases in which detainees died while in police custody (see: *Federal Republic of Germany - A summary of concerns in the period May - October 1994*, AI Index: EUR 23/08/94).

The virtual isolation of Birgit Hogefeld (see: AI Index: EUR 01/02/94)

In May the Federal Ministry of Justice informed Amnesty International that in February 1994 the Federal High Court relaxed restrictions which prohibited Birgit Hogefeld from participating in communal activities with other remand prisoners in Bielefeld-Brackwede I prison. (Amnesty International had previously expressed concern to the German authorities that the conditions under which Birgit Hogefeld was imprisoned amounted to virtual isolation.) However, the prisoner herself continued to maintain that apart from a one hour exercise period per day, she remained totally isolated from other prisoners. Amnesty International believes that the isolation or virtual isolation of prisoners can have serious physical and psychological effects and may constitute cruel, inhuman or degrading treatment.

In September Birgit Hogefeld was transferred to Frankfurt prison where she was held under the same conditions as all other remand prisoners.

GREECE

Freedom of expression trials

The trials of eight people, prosecuted for having criticized the Greek Government's policies towards the Former Yugoslav Republic of Macedonia (FYROM) and its assertion that there is no ethnic Macedonian minority in Greece, were postponed until the end of 1995. In May Archimandrite Nicodimos Tsarknias, an Eastern Orthodox priest of the Macedonian Orthodox Church who has been outspoken in defending the rights of the Macedonian minority in Greece, was reportedly beaten by Greek border guards when crossing the border checkpoint of Nikki between Greece and FYROM. He was later charged with resisting arrest but his trial was postponed until January 1995. In December he was sentenced by the court in Edessa to six months' imprisonment for wearing the cassock of a priest despite being excommunicated by the Holy Synod of the Greek Orthodox Church. However, instead of serving the sentence he was allowed to pay a sum of money (approximately £1,450).

Conscientious objection to military service

There was still no provision for an alternative civilian service to compulsory military service and in December 338 conscientious objectors to military service were serving sentences of up to four years and eight months' imprisonment.

Following the passing of a new law aimed at reducing prison overcrowding in April, 86 conscientious objectors were released in June and July from the agricultural prisons. However, in August 76 of them received a second call-up for military service due to start in April 1995. This was the first time for 17 years that conscientious objectors had been called up again after having served prison sentences.

Further allegations of ill-treatment

In November Amnesty International wrote to the Greek authorities expressing its concern about cases of ill-treatment of Greek and foreign citizens, including allegations made by Albanian nationals of their treatment during the course of mass expulsions which followed the trial of five members of the Greek minority in Albania in August and September. No response from the Greek authorities had been received by the end of December.

In November the Greek Government authorized the publication of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Based on visits to prisons and police establishments in March 1993, the report raised cases of ill-treatment and torture, including the alleged use of electric shocks, corroborating information on cases published by Amnesty International in 1992. The report also made specific recommendations for safeguards to protect detainees and for the improvement of conditions of detention.

ITALY

Abolition of the death penalty

In October parliament gave its final approval to a bill eliminating the death penalty from the Wartime Military Penal Code, thereby abolishing the death penalty for all offences and bringing the number of totally abolitionist countries in the world to 54.

Deaths in custody and alleged ill-treatment of detainees and prisoners

In July the United Nations Human Rights Committee considered Italy's third periodic report on its compliance with the International Covenant on Civil and Political Rights. Amongst its principal concerns it listed cases of ill-treatment "by police and security forces in public places and police stations" and the "increasing number of cases of ill-treatment in prisons", noting that they were not always investigated "thoroughly", that "torture as such is not punishable in domestic law and that, consequently, appropriate sanctions are not always imposed on those found guilty". The Committee recommended that torture be made a criminal offence and that effective steps be taken to protect detainees from ill-treatment.

Amnesty International continued to receive a number of reports of ill-treatment by law enforcement officers; many concerned foreigners. Some of these allegations are summarized below.

In June Naser Hasani, a Rom from former Yugoslavia, lodged a complaint after being stopped by three police officers while driving a car with two companions in Florence. He said they checked his identity documents and accused him of using a hammer they found in his car to carry out robberies. They asked him to follow their police car to the police station but instead led him to a park on the outskirts of the city, where he alleged they kicked him, struck him with the hammer and racially insulted him. After the police left the scene his companions took him to a local hospital which issued a medical certificate recording multiple cuts and bruises.

In August doctors in a Milan hospital drew the attention of police and judicial authorities to the allegations made by a Moroccan immigrant who claimed that the injuries which had necessitated an emergency operation to remove his spleen had been inflicted by a *carabiniere* officer some hours earlier. Khaled Kablouti, a drug addict, said that he had been on the point of injecting himself in a city underpass when the officer ordered him to throw away his needle. He said that he complied but that the officer then kicked him in the stomach, knocking him down, and kicked him again in the same place when he tried to stand. The officer then left the scene. A judicial investigation was apparently opened.

In August doctors at a casualty department in Savona informed local police that Bouzedr El Mautrofi, a Tunisian immigrant, had cuts to a hand and various bruises to his legs requiring some 30 days to heal and that he claimed they had been inflicted by officers attached to Spotorno Municipal Police. Bouzedr El Mautrofi alleged that, as he waited at a bus-stop, police officers requested his identity papers, took away a bag containing towels for sale and ordered him to make his own way to the police station where the officers checked his identity and formally confiscated his bag and merchandise. He claimed that when he protested officers beat him with truncheons. In statements to the press the officers confirmed the identity check and the confiscation of goods, but said they had been obliged to remove the man from their offices by force. They claimed that once outside he had hit his fist against the wall thus incurring the injuries to his hand.

In October a *carabiniere* was charged with the manslaughter (*omicidio colposo*) of Tarzan Sulic, an 11-year-old Rom shot through the head while detained in a *carabinieri* barracks near Padua in September 1993 (see AI Index: EUR 01/01/94 and EUR 01/02/94). His 13-year-old female cousin, wounded by the same shot, had alleged that both were ill-treated by *carabinieri* during their detention and that the accused officer had threatened the boy with a gun just before it fired. The trial is due to open

before Padua's criminal court in March. The officer, as a member of a paramilitary force, also faces a court martial in May for illegal use of a regulation firearm. The trial of two Turin police officers accused of inflicting injuries leading to the death (*omicidio preterintenzionale*) of Antonio Morabito following his street arrest for robbery in December 1993 (see AI Index: EUR 01/02/94) opened in October and had not concluded at the time of writing. Palermo Public Prosecutor's office informed Amnesty International that 13 officers of the Palermo Municipal Police will be tried in April 1996 in connection with the alleged ill-treatment of Filippo Campanella in March 1994 (see AI Index: EUR 01/02/94). The officers are accused of forcing him out of his car and kicking and punching him until he lost consciousness, after he asked to remain briefly double-parked on a Palermo street. He suffered a spinal injury resulting in neurological damage to his right leg. During the investigation the officers apparently claimed he had thrown himself to the ground, pretending to be hit. The officers are also accused of using threats and violence to take film from the camera of a bystander who had photographed their assault. Filippo Campanella is charged with refusing to give the officers details of his identity.

A mass demonstration held in Milan in September against the closure of a social centre led to violent clashes between demonstrators and law enforcement officers. In a subsequent complaint to the Milan Chief of Police and the Minister of the Interior, journalists and press photographers claimed they were kicked and beaten by police while reporting on the demonstration and that officers assaulted some photographers while they were taking pictures of police armed with truncheons beating demonstrators. The Chief of Police apologized to the injured journalists and photographers but no disciplinary inquiry was apparently announced. Journalists claimed that they also saw bystanders, including passengers on a stationary bus, being beaten by the police; some members of the public lodged complaints of ill-treatment. Judicial and administrative inquiries were opened in connection with clashes between police and student demonstrators in Naples on 14 November and subsequent complaints of police ill-treatment. Particular concern was expressed about the treatment of Salvatore Franco who, according to the eye-witness testimony of two parliamentary deputies, among others, was thrown into the air by a police car driven at high speed into a crowd of demonstrators. Police later claimed that the driver lost control after Salvatore Franco threw a stone, shattering the car windscreen. The deputies said that officers dragged him into the car and took him to a nearby police station. Salvatore Franco later claimed that officers subjected him to blows, particularly to an injured leg, during the transfer. The deputies witnessed his arrival at the station and reported that, although he was moaning with pain and unable to stand, he was put on the floor of the lobby and several police officers began kicking him. When they protested, they too were kicked. On his subsequent transfer to hospital doctors recorded a triple fracture of Salvatore Franco's left leg, multiple bruising to the abdomen and suspected internal injuries.

KAZAKHSTAN

Prisoner of conscience: further information on conscientious objector Roman Grechko (update to AI Index: EUR 01/02/94)

In October the Chairman of the city court in Almaty, the capital, informed Amnesty International that in May the court's criminal cases collegium had upheld Roman Grechko's appeal against his one-year prison sentence for "evasion of active military service". The collegium substituted a non-custodial sentence and Roman Grechko was released.

Death in custody

Amnesty International wrote in July to the chairman of a newly created parliamentary commission set up to reinvestigate demonstrations in 1986 in Almaty. Amnesty International urged the commission to include in its activities a reinvestigation of the death in suspicious circumstances of Kairat Ryskulbekov, a participant in the 1986 demonstrations who was subsequently subject to criminal prosecution and was found hanged in his prison cell in 1988.

Kairat Ryskulbekov had been sentenced to death by the Supreme Court of Kazakhstan in June 1987 for provoking hatred between nationalities, inciting others to disorder, damaging property, and actions which had resulted in the death of a member of the voluntary police force on 18 December 1986.

In August 1988 it had been announced that the death sentence had been commuted to a term of imprisonment. It was reported to Amnesty International that while he was en route to begin serving his prison sentence in a corrective labour colony, Kairat Ryskulbekov was found dead in his cell in a transit prison in Semipalatinsk.

Authorities announced that Kairat Ryskulbekov had committed suicide by hanging, using a T-shirt belonging to his cell-mate. However, Amnesty International was concerned about allegations that this verdict of suicide was incorrect, and that officials at the Semipalatinsk transit prison were responsible for the death of Kairat Ryskulbekov.

Amnesty International called on the new parliamentary commission to conduct a thorough reinvestigation of the death of Kairat Ryskulbekov, and to make its findings public. Amnesty International stated that if it were found that officials bore criminal responsibility for the death of Kairat Ryskulbekov, they should be brought to justice.

KYRGYZSTAN

Torture and ill-treatment in custody (update to information given in All Index: EUR 01/02/94)

In June it was reported that torture and ill-treatment had been officially admitted in the cases of Valery Fyodorov, Vitaly Rakitin and Dmitry Frolov from Bishkek, the capital, and Daniil Murzak, Albert Girfanov, Sandzhar Tutashev and Vladimir Metchikov from Dzhalal-Abad. Police officers involved reportedly were reprimanded or dismissed, and some were the subject of criminal investigation. Amnesty International learned in June that Valery Fyodorov had been released from detention.

Amnesty International received no direct official response, however, to its expression of concern about torture and ill-treatment in these cases and in the case of Andrei Arazov, Sultan Karibzhanov, Rustam Karibzhanov and Nurkan Ospanov (for developments concerning the death sentences passed on Andrei Arazov and Sultan Karibzhanov, see below).

The death penalty (update to information given in All Index: EUR 01/02/94)

Amnesty International learned in July from a letter sent by the Chairman of the Clemency Commission that Bakir Tanikulov had been executed in December 1993.

In September 1994 Amnesty International was informed by the clemency commission that it had granted Andrei Arazov's petition for clemency and had commuted his death sentence to 20 years' imprisonment. However, the commission refused Sultan Karibzhanov's petition for clemency, and he was executed in October. Death sentences were passed in May on Rustam Abdullin and Aleksandr Shirokov, who were convicted of murder by the Bishkek city court. The sentences were upheld on appeal by the Supreme Court in June. Rustam Abdullin and Aleksandr Shirokov alleged that they had been beaten and threatened during interrogation to make them sign confessions of guilt which reportedly formed the main evidence against them at their trial. They were only 18 years old when the crime for which they were convicted was committed in 1993. In December their death sentences were commuted by presidential decree, Rustam Abdullin receiving instead a sentence of 20 years' imprisonment and Aleksandr Shirokov 15 years'.

Amnesty International also learned of the commutation in September and October of death sentences passed on two women in 1992 and 1993.

Amnesty International continued to urge commutation of all individual death sentences, and total abolition of the death penalty in Kyrgyzstan.

LATVIA

In July the government, headed by Prime Minister Valdis Birkavs, resigned following the withdrawal of the Farmers' Union from the parliamentary coalition with Latvia's Way. In August the Latvian parliament (*Saeima*) rejected an attempt by Andrejs Krastins of the National Conservative Party to form a new government. In the same month President Guntis Ulmanis confirmed Maris Gailis of Latvia's Way, the largest parliamentary group, as candidate for prime minister. In September, following two months of political deadlock, the Latvian parliament approved a new coalition government headed by Prime Minister Maris Gailis.

The death penalty

In September information came to light of two death sentences passed earlier in the year. Michael Abramkin was sentenced to death in February 1994 by the Latvian Supreme Court. He had been convicted on three counts of murder. Uldis Lujans was sentenced to death in May by the same court on one count of aggravated murder. In neither case was it clear whether an appeal against the sentence passed had been heard. At the end of the year both men were believed to be waiting to hear the outcome of petitions for clemency submitted to President Guntis Ulmanis. This is the final stage of the judicial process in capital cases.

In October the organization appealed to the authorities for commutation of the death sentences passed on Michael Abramkin and Uldis Lujans. The organization also urged the total abolition of the death penalty.

In December Amnesty International asked the Latvian Procurator General for clarification of the number of people currently under sentence of death. This followed reports that a total of four death sentences had been passed during the year. No replies had been received to any of the organization's letters by the end of the year.

LITHUANIA

The death penalty

In October Amnesty International learned of the execution of Antanas Varnelis on 28 September after rejection of his petition for clemency by President Algirdas Brazauskas (see AI Index: EUR 01/02/94).

Two death sentences were passed during the period under review. Aleksandras Gladkovas was sentenced to death by the Supreme Court of Lithuania in June; he was convicted of the murder of two people and had a previous conviction for attempted murder. In November the same court sentenced Boris Dekanidze to death. The 32-year-old stateless man of Georgian origin was convicted of ordering the murder of Vitas Lingys, a journalist with the popular daily *Respublika*, reportedly as retaliation for the journalist's refusal to withdraw articles he had written exposing the activities of a mafia gang known as the "Vilnius Brigade". Boris Dekanidze was convicted largely on the basis of statements made by Igor Akhremov, who pleaded guilty to carrying out the actual murder. Igor Akhremov was sentenced to life imprisonment; two other accomplices received shorter prison terms.

In November it was reported that Boris Dekanidze's case was to be re-examined by the Supreme Court following the introduction of new legislation on appeals procedures in death penalty cases. Amnesty International has repeatedly raised the issue of the lack of an adequate appeals procedure with the Lithuanian authorities. In December the organization asked the Lithuanian Minister of Justice for information on how the new appeals procedure, due to enter into force on 1 January 1995, would operate in practice. The same month Amnesty International was informed by the Lithuanian Ministry of Justice that after 1 January 1995 capital cases would be tried at first instance by regional courts presided over by three judges. Appeals would be heard at the next highest level by the Court of Appeal of the Republic of Lithuania.

During the period under review Amnesty International appealed to the authorities for commutation of all pending death sentences. The organization also urged the total abolition of the death penalty. In June Amnesty International was informed by the Office of the President that President Brazauskas "shares the opinion that [the] death penalty should be prohibited" but that the "criminal situation in Lithuania is complex and abolition of the death penalty might not be acceptable to the population".

MACEDONIA (THE FORMER YUGOSLAV REPUBLIC OF)

Alleged ill-treatment of political prisoners

Ten ethnic Albanians, members of the main ethnic Albanian party, the Party of Democratic Prosperity (*Partia për Prosperitet Demokratik*, PPD), were sentenced to between five and eight years' imprisonment in July. They had been found guilty of "association for the purposes of hostile activity". Some or all were allegedly ill-treated during their interrogation and detention.

Deportation of possible asylum seekers

There were continuing reports of the deportation from the Former Yugoslav Republic of Macedonia (FYROM) of individuals to the Federal Republic of Yugoslavia (FRY) without any judicial or administrative examination of the risks which the individuals might face if returned. This included individuals who might not be provided with effective and durable protection against return to their country of origin. In one case, on 28 May two young Muslim women from Bosnia-Herzegovina were arbitrarily deported. They had been in the FYROM since 1992 after fleeing their village near Banja Luka which came under Bosnian Serb control. The two girls, sisters Ilda and D_eneta Paši_, aged 17 and 15 years respectively, had their identity papers checked by policemen near Kumanovo, close to the border with the FRY. They were taken to a police station during which one policeman reportedly terrified one of the girls by talking of the abuses being perpetrated against Muslims in Bosnian Serb-controlled areas of Bosnia-Herzegovina. After being questioned and held in the police station for some hours, they were put on a train bound for Belgrade at the border. Apparently out of fear of what their fate might be in the FRY, the two girls jumped from the train as it crossed the border. Ilda hit a power pylon as she jumped and was killed. Amnesty International wrote to the authorities reiterating concerns it had previously stated about the lack of procedures to prevent deportations such as that of the Paši_ sisters.

On 23 December a group of 18 ethnic Albanians from Kosovo province of the FRY who were members of the Kosovo Albanians' parallel "Parliament" were deported from Skopje without notice. They may be at risk of torture or ill-treatment in Kosovo province. They were apparently not given opportunities to raise objections to their deportation.

MOLDOVA

The death penalty

A new constitution adopted by Moldova in July retained the death penalty as "an exceptional measure of punishment". As in recent years no executions were reported during 1994, but at least 15 people were believed still to be on death row at the end of the year.

The trial of the "Tiraspol Six"

During the period under review there were several developments in the case of the so-called "Tiraspol Six", who had been convicted in December 1993 by a court in the self-proclaimed Dnestr Moldavian Republic (DMR) (see AI Index: EUR 01/02/94).

Two of the six prisoners were released. Petru Godiac was set free in June, after serving his sentence in full. The following month Vladimir Garbuz, who had received less than the minimum sentence in view of his cooperation with the investigation, was pardoned and released early from his six-year prison term. The only defendant to plead guilty and whose testimony implicated the others, Vladimir Garbuz subsequently alleged publicly in October that his confession had been extracted under duress, including by beatings.

In September it was reported that the Presidium of the Supreme Soviet (parliament) of the DMR had commuted the death sentence passed on Ilie Ilia_cu to 15 years' imprisonment. In a letter, dated 25 September and smuggled out of his prison in Hlinaia, Ilie Ilia_cu wrote that his cell had no natural light or ventilation and was unheated in winter. He added that he had not been outside his cell since 27 February, that he felt constantly in ill-health, and that he was often hungry as the economic situation in the DMR made it difficult for the prison authorities to provide basic foodstuffs. He relied on parcels brought by his wife.

Amnesty International continued to call for a review of the case, and for the four remaining prisoners to receive all appropriate medical care.

Allegations of short-term detention for political reasons

In the period under review at least three men in the DMR were said to have been detained repeatedly for short periods solely because of their peaceful political opposition to the authorities. For example Alexei Mocreac, leader of a movement advocating the territorial integrity of Moldova, was placed under administrative arrest in Grigoropol in August for the full 30 days allowed under state of emergency legislation. The charge, denied by him, was petty hooliganism. He had previously been detained for three days in March. Amnesty International urged the DMR authorities to ensure that no one was imprisoned for the non-violent exercise of basic human rights.

Allegations of ill-treatment in detention

Allegations of ill-treatment by law enforcement officers in the DMR continued. Alexei Mocreac reported that he was beaten on the first day of his detention in August by police officers who also threatened him with execution. Journalist Anatoly Hololyuk was said to have been beaten by a major in the DMR Security Service on 10 October. He had reportedly been threatened by uniformed security agents two days earlier for reporting on protests against the DMR's ban on using the latin alphabet when writing in the Moldovan language. Amnesty International urged a full and impartial investigation into all allegations of ill-treatment in detention, with the results made public and any perpetrators of such actions brought to justice.

PORtUGAL

Allegations of torture and ill-treatment

In July the European Committee for the Prevention of Torture (ECPT), a committee of experts set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, published a report on its January 1992 visit to Portugal, together with the government's response dated October 1993.

The ECPT concluded that, on the basis of all the information it had received, the ill-treatment of detainees was a "relatively common phenomenon". The Committee reported that it had heard "numerous detailed allegations of ill-treatment" inflicted on detainees by officers of all three law enforcement agencies: the Judicial Police (PJ), the Public Security Police (PSP) and the paramilitary gendarmerie force, the Republican National Guard (GNR). The most common form of ill-treatment alleged was physical assault, including kicks, punches and blows with pistol-butts. The delegation's medical expert examined several alleged victims of ill-treatment and confirmed the existence of physical injuries consistent with their allegations.

The findings of Amnesty International's research into ill-treatment in Portugal in recent years is in agreement with the conclusions of the ECPT report. The Minister of the Interior, responsible for the PSP and the GNR, commented in the government's October 1993 response that the Committee's conclusions appeared "manifestly excessive". He claimed that when officers who ill-treated people were identified they were "invariably severely punished". In Amnesty International's experience, officers convicted of even serious offences of ill-treatment are usually only given nominal sentences and in many cases amnesties or pardons are offered to the convicted officers (see below). In November 1993 the United Nations Committee against Torture criticized the "relative impunity" enjoyed by offenders guilty of torture and ill-treatment (see AI Index: EUR 01/01/94). The Minister of Justice, responsible for the PJ, said in the government's response to the ECPT that he had no knowledge of complaints of acts of aggression or torture brought against officers over the previous two years. However, at the end of the year the Ombudsman was still conducting an investigation which he had announced in December 1992 into 32 complaints against the PJ. Many of them were complaints of the use of violence by the PJ received by the Ombudsman in the proceeding 23 months (see *Amnesty International Report 1994*).

Further allegations of ill-treatment were received by Amnesty International and long delays were reported in inquiries into such allegations.

In April four PSP officers in Faro were charged with insulting and physically injuring a PJ officer. The officers had reportedly stopped the PJ officer from entering a party wearing a motorcycle helmet. When he persisted, claiming official status, it was reported that the officers kicked and punched him before taking him and a witness in handcuffs to the police station. The men alleged they were further ill-treated on the way to and inside the station.

In November three trials of 12 GNR officers accused of various assaults on civilians opened in the Second Military Tribunal in Lisbon. Seven officers were charged with severely assaulting Francisco Carretas and a friend in February 1992 (see AI Index: EUR 01/02/94). The hearing was suspended until March 1995 because one of the accused failed to attend. Five other officers were tried in separate cases of assault. Two of the accused were sentenced to seven and nine months' imprisonment respectively but the sentences were not served as the officers had already been amnestied in 1991. The three other officers were acquitted.

ROMANIA

Criminal law reform continues

During its autumn session the Chamber of Deputies of the Romanian Parliament discussed and voted on each proposed amendment to the Penal Code (see AI Index: EUR 01/02/94). The adopted revisions to Article 168 - dissemination of false news, Article 236 - offences against insignia, Article 236¹ - defamation of the state or nation, Article 238 - offences against the authorities and Article 239 - "outrage", imposed even greater restrictions on the right to freedom of expression than those already in force.

On 25 October the Chamber of Deputies decided not to amend Article 200, paragraph 1, which allows for the prosecution and imprisonment of consenting adults engaging in homosexual acts in private. The rejected revision was then returned for a second vote on 1 November when the deputies decided to penalize sexual relations between persons of the same sex if such acts were committed in public or "in conditions which disturbed public order".

In December, having voted on all the individual amendments, the Chamber of Deputies rejected the draft law as a whole. It was then returned to the Senate for a second debate.

The Constitutional Court ruled in July that Article 200, paragraph 1, was unconstitutional "to the extent to which it applies to sexual relations between adults of the same sex, freely consummated, not committed in public or not causing public scandal". To date this decision has not come into force.

Allegations of arbitrary political detention and ill-treatment of Roma

In several incidents from December 1993 to April 1994 the Lac_ family, who are Roma, were allegedly beaten and otherwise ill-treated by police officers in Valea Larg_, Mure_ County. Amnesty International is concerned that their ill-treatment may have been motivated by their ethnic background. In one such incident on 22 April Valentin Lac_ went to the police station to inquire about the grounds for a fine which he had received. On leaving the station Valentin Lac_ was reportedly beaten and kicked by the vice-mayor, officer M. and another police officer. When Valentin Lac_ got up and tried to run away, officer M. drew his gun and fired after him. Officer M. was previously posted in H_d_reni, also in Mure_ County, where on 20 September 1993 three Roma were killed and 170 Roma were forced to abandon their homes during a night of racial violence (see AI Index: EUR 01/01/94). Amnesty International believes that one of the reasons for the harassment of the Lac_ family is that they provided shelter to the widow of one of the victims of H_d_reni violence, who was not allowed to return to the village.

Maria Moldovan, another victim of H_d_reni, had been fined on 27 November 1993 under Law 61/91 for disturbing the public peace "by shouting that her son had been beaten by police". She appealed against the fine to the Tîrgu Mure_ Court, but before a hearing took place an arrest warrant was issued converting the fine into 33 days' imprisonment. Maria Moldovan was arrested on 15 June and imprisoned in the Tîrgu Mure_ Penitentiary. She was released two days later, apparently after the authorities recognized that a judicial error had been committed. In October, however, the court rejected her appeal.

No one has been charged to date for the deaths of the three Roma, the destruction of property or the subsequent alleged ill-treatment of Roma by the police in H_d_reni. In November the Romanian Intelligence Service in its annual report claimed that certain Roma who had contacts with international organizations and foreign journalists following the events in H_d_reni undermined national security.

Imprisonment for defaming state authority

Ionel Buzoianu, who had been arrested on 1 March 1993 and charged under Article 238, paragraph 1 of the Penal Code for offending public authority, was released on 1 September after being held for more

than half of the maximum penalty prescribed under this article. On 27 February 1993 he had left his car on the *Pia_ia Presei Libere* (Square of the Free Press) in Bucharest with the following inscription painted on the car's left-hand side: "The commander of the traffic police instigates his officers to take bribes so that he can buy a villa on Bulevardul Primaverii". Explaining his decision to charge Ionel Buzoianu for an offence against authority the prosecutor had cited the testimony of two witnesses who stated that "small groups of citizens had gathered around the abandoned car and engaged in discussions leaving the site astonished". Amnesty International considers Ionel Buzoianu to have been a prisoner of conscience. His trial is under way.

In March and December Amnesty International expressed concern to Ion Iliescu, President of Romania, that the provisions of Article 238, paragraph 1, and Article 239, paragraph 1, criminalizing "outrage", impose unnecessary and excessive restrictions on the right to freedom of expression. Amnesty International considers that the rights or reputations of public officials who consider themselves defamed are sufficiently protected by other criminal or civil actions, which anyone, regardless of status or function can resort to in order to protect his or her reputation.

Other allegations of torture and ill-treatment

In November and December Amnesty International urged the General Prosecutor of Romania to initiate full and independent investigations into reported cases of torture and ill-treatment by law enforcement officials.

One such case concerns Gheorghe and Dorin Anghel from the village of Dobra, in _ugag commune. On the morning of 3 August a police officer came to serve Gheorghe Angel with a civil suit court decision. Gheorghe Angel explained that the ruling was not final and that an appeal was pending. The officer then allegedly grabbed Gheorghe Angel by the chest and struck him, breaking his spectacles. Hearing his cries for help, Dorin Anghel, his 22-year-old son, came to the courtyard and the police officer threw him on the ground and kicked him several times.

Dorin Angel was later examined by a forensic doctor in Alba Iulia who issued a medical certificate describing multiple body lesions caused by blows with a hard object and requiring eight to nine days of medical treatment.

RUSSIA

Prisoner of conscience Lev Nikolayevich Sobolyev

Parliament again failed to introduce a civilian alternative to compulsory military service, although the right to such a provision is guaranteed in the constitution (see AI Index: EUR 01/02/94). One young man imprisoned for seeking to exercise this right on religious grounds was Lev Sobolyev, a Jehovah's Witness who was given a one-year sentence for "evading regular call-up to active military service" (Article 80 of the Russian Criminal Code). He had been found medically fit for service in 1992, but had refused to appear at the conscription point and was subsequently given an 18-month sentence, suspended for one year, under Article 80. The sentence was lifted on 13 May 1994 under the terms of an amnesty, but Lev Sobolyev was prosecuted again after he was sent further call-up papers and once more refused them. He was sentenced by Vologda City Court, possibly in November 1994, and sent to serve his sentence in an ordinary-regime corrective labour colony.

Amnesty International is urging the immediate and unconditional release of Lev Sobolyev. The organization is also continuing to call on the authorities to introduce a civilian alternative service of non-punitive length for conscientious objectors to military service, and to refrain from imprisoning conscientious objectors in the absence of such an alternative.

Armed conflict in the self-proclaimed Chechen Republic-Ichkeriya

On 11 December Russian troops entered the self-proclaimed Chechen Republic-Ichkeriya, which had declared itself independent in 1991, after increasing tension between the two sides. As armed conflict broke out Amnesty International urged all parties to the conflict to protect non-combatants in accordance with international humanitarian standards, including by ensuring that civilians were not deliberately targeted and that non-combatants were not subject to acts of reprisal and violence. The organization also urged both sides to facilitate appropriate access to detainees by the International Committee of the Red Cross.

On 17 December 10 people, including four women, were said to have been shot dead by Russian troops while trying to flee fighting in the Chechen Republic. According to one account seven vehicles from a convoy of 10 passed through a checkpoint near the village of Nesterovskoye, but then troops opened fire on the last three cars. Survivors alleged that troops opened fire without warning on the cars, and continued firing on those seeking to escape. Official Russian sources confirmed that a number of deaths took place but said troops opened fire in self-defence. An investigation was announced. Amnesty International urged the authorities to ensure that this investigation is comprehensive and impartial; that the results are made public; and that any persons found responsible for violations are brought to justice within the bounds of international law.

Ill-treatment in detention

Reports of ill-treatment in detention continued. In a July report on human rights observance, the Chairman of the presidential Human Rights Committee condemned the penitentiary system for allowing regular and gross violations, and said beatings were widespread. Lack of effective supervision, he reported, meant that many violations were not investigated and that the guilty were not brought to justice.

In one instance that came to light, prisoner Sergey Osintsev alleged that he and other prisoners in solitary confinement cells at corrective labour colony YaP 17/1 in Stavropol Territory were assaulted on 12 April by special troops brought in to search the premises. Prisoners were forced to take off their clothes, he reported, and then were severely beaten and kicked by the troops, who were said to have wound elastic bandages round their hands in order not to leave visible marks. Sergey Osintsev further

alleged that the troops threatened to return and kill him if he lodged an official complaint (as he had done following a similar incident in September 1993).

Conditions for those detained in many of the country's pre-trial prisons remained appalling. Gross overcrowding meant that thousands of prisoners on remand were held in filthy, malodorous, pest-ridden cells with inadequate light and ventilation. Tens of thousands had no individual beds, having to sleep in two or three shifts, often without bedding. Insanitary conditions facilitated the spread of parasitic and infectious illnesses, and prisoners' health was further undermined by frequently inadequate food and medical supplies. Some prisoners had waited years in such conditions for their cases to come to court. Speaking of two such prisons in Moscow the United Nations Special Rapporteur on Torture, who visited in July, said: "The senses of smell, touch, taste and sight are repulsively assailed. The conditions are cruel, inhuman and degrading; they are torturous".

Amnesty International called for all allegations of ill-treatment to be the subject of thorough and impartial investigation, and for immediate improvements to conditions in pre-trial detention.

The death penalty

In July the death penalty was abolished for four offences: terrorist acts, terrorist acts against a representative of a foreign state, sabotage and counterfeiting.

Statistics became available on the application of the death penalty in 1993 and the first half of 1994. In 1993, 225 people were sentenced to death, 123 death sentences were commuted and three people were executed. From January to June 1994, 125 people were sentenced to death, 143 sentences were commuted and three people were executed. All executions were for premeditated, aggravated murder.

Amnesty International welcomed the reduction in the scope of the death penalty, and President Yeltsin's wide exercise of his right to pardon, but continued to urge the commutation of all death sentences and further steps towards total abolition.

Reports of inadequate protection for asylum-seekers

Reports were received that some asylum-seekers were not granted effective protection against forcible return to countries where they risked falling victim to human rights violations. For example, 20 Afghans who were said to have links with the former communist government of Afghanistan, and were therefore justifiably afraid of returning, were arrested on 8 August in the Krasnodar Territory and forcibly expelled via Uzbekistan to Afghanistan. Other asylum-seekers reported being subjected by the police to harassment, threats of deportation, extortion and confiscation of identity documents issued to them by the UN High Commissioner for Refugees.

Amnesty International called on the authorities to ensure that no asylum-seekers were returned to countries where they could face human rights violations, and to ensure the effective protection of asylum-seekers by establishing fair and satisfactory asylum procedures which meet international standards. In October the Foreign Ministry replied that the establishment of procedures on determining refugee status had begun, although they were progressing slowly. The Ministry also reported that President Yeltsin had ordered a review of instructions to officials governing the return of asylum-seekers.

THE SLOVAK REPUBLIC

The alleged ill-treatment of Cyril Dunka

Information came to light during the period under review of alleged ill-treatment by police in 1993. On 22 June 1993, in Krompahy, Cyril Dunka, accompanied by his wife Kvétislava, her mother and Jozef Horváth, her brother, was fined by the police for parking his car illegally. After Jozef Horváth failed to present his identification card a police officer reportedly hit him in the face and also tried to hit Cyril Dunka. According to an eye-witness, three other police officers then grabbed Cyril Dunka and started to beat him. He managed to escape and started to run away, but a police officer fired a warning shot which stopped him. Having apprehended Cyril Dunka a police officer hit him on the neck, as a result of which he fell to the ground. He was then kicked several times. Cyril Dunka was first taken to the local police station, where allegedly the beating continued, and was later transferred to another police station. He was not charged with any offence at this time and was released the same day after his wife paid the fine for illegal parking.

On 6 July 1993 Cyril Dunka filed a complaint about his ill-treatment with the investigator in Spišská Nová Ves. This complaint was rejected in November 1993. However, on 21 September 1993, two months after the incident, the investigator filed criminal charges against Cyril Dunka for assaulting a police officer. By the end of December the trial had still not taken place.

Amnesty International wrote to the Minister of Justice in October 1994 urging him to initiate a full and impartial investigation into the alleged ill-treatment of Cyril Dunka. Amnesty International believes that Cyril Dunka, a Rom, might have been subjected to ill-treatment because of his ethnic background and is concerned that his prosecution for assaulting a police officer might be solely for the purpose of intimidating him, to prevent him from exercising his right to a remedy for his alleged ill-treatment.

SPAIN

Allegations of torture and ill-treatment: cases and trials

There were further allegations of torture and ill-treatment by law enforcement and prison officers. Some of these resulted in trials. However, judicial procedures continued to be very slow with many cases still under investigation even after several years. In October a major national human rights organization, the Association against Torture (ACT), published its report for 1993. It recorded 267 complaints of torture by law enforcement and prison officers. This was a significant increase over the previous year's total. ACT believed that its examination of judicial action on torture allegations revealed "the continuation of the policy of reward and pardon" which effectively provided impunity to officers convicted of crimes of torture.

In September the Supreme Court rejected the appeal of a Valencian policeman against his conviction for assaulting and seriously injuring a Moroccan national, Hamid Raaji. After the assault one of his testicles had to be surgically removed. The officer, however, was not imprisoned since he had received less than the minimum custodial sentence. The court hearing of a police officer from La Coruña due to stand trial in December on charges of ill-treating and injuring Carlos Viña Pena, a Civil Guard reservist (see AI Index: EUR 01/02/94), was postponed on procedural grounds at the plaintiff's request. In October two Civil Guards and three police officers were charged with beating, ill-treating and threatening two tourists, Mohamed Hegazy and Raed Shibli, in Ibiza in 1991 (see AI Index: EUR 01/02/94). At the end of 1994 the trial hearing still had not been held.

In November five Civil Guards were retried in San Sebastian on charges of torturing Juan Carlos Garmendia Irazusta in 1982. The Supreme Court had ordered their retrial after an earlier acquittal. Three officers were found guilty and given minimum sentences; two others were acquitted. In another case the senior officer of nine officers found guilty in 1990 of torturing Tomás Linaza in 1981 (see AI Index: EUR 01/02/94) was pardoned in June. At the end of the year the government was also considering the appeal for pardons of five Civil Guards sentenced in October 1992 for torturing Joaquín Olano in 1983.

On 16 November 12 officers from Modelo prison in Barcelona were found guilty of using "unnecessary severity" under Article 187.5 of the Penal Code and of causing injuries to 17 prisoners. Two officers were suspended for four years and 10 for three years. Four other officers were acquitted. The 12 convicted officers appealed to the Supreme Court (see *Amnesty International Report 1993*).

Conscientious objection to military service

José Antonio Escalada and Manuel Blázquez Solis, naval conscripts who left their posts at the outbreak of the Gulf conflict, were tried by a military court in Cartagena in June. There is no right to claim conscientious objector status after incorporation into the armed forces in Spain and Amnesty International, considering both conscripts to be genuine conscientious objectors to military service, adopted them as prisoners of conscience during periods of pre-trial imprisonment in 1991 and 1992 (see *Amnesty International Reports 1992 and 1993*). The court sentenced both José Antonio Escalada and Manuel Blázquez to 17 months' imprisonment for desertion from the armed forces and to three months' and five months' imprisonment respectively for failing to obey orders to report back for duty. Both remain at liberty pending the outcome of appeals to the Supreme Court.

SWEDEN

Ill-treatment in custody

Death in custody of Tony Mutka (update to information in AI Index: EUR 01/02/94)

In June the Appeals Court confirmed the suspended sentences and fines levied against three prison guards who were found guilty of breach of duty in connection with the death in custody in July 1993 of Tony Mutka. Tony Mutka died in custody while being transported from a prison to a distant hospital, wearing only underpants, lying face-down between the front and back seats of a van. He was handcuffed behind the back, his legs were bent due to lack of space and his feet were chained. During the journey, guards sitting on the seat above him placed their feet on him, and before he died, a guard stood on him. The Appeals Court did not consider the guards' conduct to be a gross breach of duty. In November the Supreme Court denied the family's and the prison guards' requests for further review. Revised procedures for transporting prisoners came into force in January 1994.

Alleged ill-treatment in Kumla prison (update to information in AI Index: EUR 01/02/94)

Sergio Nigretti, an Italian national, alleged that he was ill-treated while held in isolation in Kumla prison in 1993. Following an investigation, the Regional Public Prosecution Authority in Karlstad concluded that there was no reason to initiate a preliminary hearing in connection with these allegations. Sergio Nigretti has also alleged that he was ill-treated by Swedish authorities in August 1994 in the course of his transfer, in custody, back to Italy.

SWITZERLAND

*Progress towards the introduction of a civilian alternative to military service (Update to information given in *All Index: EUR 01/01/94*)*

In June the government approved the text of a bill introducing a civilian alternative to military service. Under its provisions conscripts demonstrating their inability to reconcile military service with their consciences would qualify for the right to perform a civilian service one and a half times the length of ordinary military service. In November a parliamentary committee examining the bill proposed restricting access to civilian service to those objecting to military service on specifically ethical grounds. Parliament will continue its examination of the bill during 1995.

Alleged ill-treatment by police officers

Amnesty International received a number of further allegations of police ill-treatment, several of them concerning foreign nationals. Two such reports are summarized here. Emmanuel John and George James both claimed Sudanese nationality on applying for political asylum, but their nationality was disputed by the Swiss refugee authorities. They lodged a complaint claiming that two police officers had subjected them to an unprovoked physical assault and racial abuse following an identity check outside Sissach railway station (Canton of Basel-Land) on 3 July. They alleged that one officer punched George James in the stomach, knocking him to the ground, and that a police dog was set on them. George James apparently suffered a dog-bite to his thigh and Emmanuel John was bitten so severely on his buttocks and stomach that he lost consciousness. The officers then left the scene, but returned after George James sought assistance at a local police post. They called an ambulance which transferred both injured men to Liestal cantonal hospital where they were kept overnight for treatment. The officers accused them of obstructing the police by refusing to identify themselves. A judicial investigation was opened into the alleged incidents but Emmanuel John and George James were not questioned about their allegations for over three months. As their asylum applications had by then been rejected definitively they were obliged to leave the country shortly after being questioned. Amnesty International wrote to the authorities expressing concern about their allegations of ill-treatment and the delay in questioning them and asked to be informed of the eventual outcome of the judicial investigation.

The organization also asked to be informed of the outcome of an investigation into the alleged ill-treatment of an Albanian national by two officers of the Zurich City Police Force. In statements to the press and a written complaint two eye-witnesses to the alleged assault claimed that they had observed a man being chased by police officers in the city centre on 11 July. They said that, after the man had stopped and raised his hands in surrender, an officer jumped at him, knocking him to the ground, then seized his hair with both hands, banged his head several times against the asphalt and kneed him in the stomach, causing him to double up and cry out in pain. They alleged the second officer then joined in the assault. A police spokesman informed the press that the man had been resisting arrest and had tried to escape. He had been detained on suspicion of drug-dealing but was apparently released without charge a few hours later when no drugs were found on his person.

TADZHIKISTAN

*Release of probable prisoners of conscience and other political prisoners (update to information given in *All Index: EUR 60/17/93* and *All Index: EUR 01/02/94*)*

Probable prisoners of conscience Dzhumaboy Niyazov and Nuriddin Sadridinnov, who had been convicted in 1993 of illegal firearms possession, were released in November in an exchange of prisoners between the government and the armed opposition. Also released by the government in the exchange were political prisoners Mirbobo Mirrakhimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov, all senior broadcasting executives or television journalists who had been in detention since the beginning of 1993 charged with anti-state crimes. The prisoners released by the opposition were captured government soldiers. Each side released 27 prisoners.

Other prisoners of conscience

Journalists Maksud Khusaynov and Mukhammadrakhim Saydar were detained in August after state security agents searched their homes and discovered copies of the opposition newspaper *Charogi Ruz* (Light of the Day), which was published in Moscow and circulated clandestinely inside Tadzhikistan. They were released within days of being taken into detention.

*The death penalty (update to information given in *All Index: EUR 01/02/94*)*

Political prisoner Adzhik Aliyev was executed in September. He had been sentenced to death in 1993 after a possibly unfair trial.

Amnesty International learned of six more judicial death sentences, all passed by the Supreme Court. Rakhim Rakhmatollayev, Hassan Rakhmatollayev, Buri Baiminov and Avazshah Dzhononov were tried together and sentenced to death in February for banditry. In July Sobir Safoyev was sentenced to death for banditry and Ibrahim Amrollah Nurulloyevich for conspiracy to overthrow the government, treason and banditry. At the end of 1994 the fate of these men and of five others sentenced to death in 1993 could not be confirmed.

Amnesty International called for commutation of all pending death sentences.

Killing of captured government soldiers by opposition forces

Opposition forces reportedly killed some of a group of more than 50 government soldiers they captured in July near Tavildara, close to the Afghanistan border. It was not clear in what circumstances these killings occurred. Amnesty International expressed concern for the fate of the captured government soldiers and called on the self-proclaimed opposition "government-in-exile" to ensure that its armed forces, or those acting with its approval, fully respected human rights and the basic humanitarian standards set out in the Geneva Conventions and other relevant international standards.

TURKEY

Alarming increase in "disappearances"

While gross human rights violations against civilians in southeast Turkey continue, the situation throughout the rest of the country is also deteriorating.

"Disappearances", a relatively new phenomenon in Turkey, continued to multiply alarmingly. By the end of December the number of confirmed reports of "disappearance" for the year had reached 55 - nearly double the figure for 1993. Most "disappearances" occur in southeast Turkey in the context of the 10-year-old conflict between government forces and guerrillas of the Kurdish Workers' Party (PKK), but they have also happened in Istanbul and Ankara. Kenan Bilgin "disappeared" in unacknowledged detention in Ankara in September. Nine people detained at Ankara Police Headquarters claim to have seen a person answering Kenan Bilgin's description apparently being interrogated under torture. Another detainee who already knew Kenan Bilgin, spoke to him. Kenan Bilgin has not reappeared. The police deny that he was ever arrested.

The number of prisoners of conscience is rising. In May Mehdi Zana, the former mayor of Diyarbak_r, began serving a four-year prison sentence under Article 8 of the Anti-Terror Law for testifying to the Human Rights Sub-Committee of the European Parliament in Brussels in December 1992. In the last months of 1994 several human rights defenders were sentenced to terms of imprisonment, and others were arrested pending trial. Five officials of the Diyarbak_r branch of the Turkish Human Rights Association, including four lawyers, were arrested in December. They were purportedly arrested for "separatist propaganda", but Amnesty International believes that the arrests reveal an official campaign to stifle sources of information on human rights abuses in the provinces of southeast Turkey.

In September the Turkish Government refused to admit an Amnesty International researcher into Turkey on the grounds that he had links with the PKK. Amnesty International denied the allegations and asked the authorities for specific information which was not provided.

Kurdish villagers were victims of abuses committed by both sides to the conflict. In intense military operations against the PKK in the Tunceli area in the autumn of 1994, dozens of villages were forcibly evacuated and burned, and many villagers "disappeared" or were later found dead. Faced with a stream of witnesses to the fact, the Turkish Government claimed that the violations were committed by guerrillas wearing captured soldiers' uniforms, or that the villagers were burning their own homes in the hope of winning compensation. PKK guerrillas were responsible for more than a hundred killings of prisoners and civilians during the months in question. They killed a woman and five children while attacking the house of an alleged informer in Yeniköprü, Kurtalan, Siirt province on 19 June. In an attack on a settlement of nomads at Balu_a__ Ovas_, near Kahramanmara_, on 3 August PKK guerrillas reportedly "executed" a woman and her two children.

Six Kurdish deputies were sentenced to long terms of imprisonment (five of them to 15 years), under Article 169 of the Turkish Penal Code for "sheltering or assisting" members of the illegal PKK. All had been members of the mainly Kurdish parties, People's Labour Party (HEP) and Democracy Party (DEP), which were shut down by the Constitutional Court for "separatism". Amnesty International believes that most, if not all, of the convicted parliamentary deputies are prisoners of conscience.

Deaths in custody, apparently as a result of torture, reached their highest level (31 reports) since 1982. Most deaths occurred in southeast Turkey, but many cases of torture were reported elsewhere which were quite unconnected with the conflict. A 13-year-old boy Abdullah Salman, wrongly accused of stealing a handbag, reported that he had been blindfolded, beaten, and given electric shocks through his toes while being interrogated at _i_li Police Headquarters in Istanbul. Bruising on his shoulders, arms and neck was confirmed by a medical report.

TURKMENISTAN

Prisoners of conscience

Detention of possible prisoner of conscience in psychiatric hospital

Reports were received from unofficial sources that Valentin Kopysev, an ethnic Russian member of the unregistered opposition Democratic Party of Turkmenistan (not to be confused with Turkmenistan's ruling party of the same name), had been confined against his will to a psychiatric hospital since February 1994 not for medical reasons, but solely in order to punish him for his non-violent opposition to the Government of Turkmenistan. His detention came reportedly after he wrote a letter to President Saparmurad Niyazov complaining about the lack of democracy, human rights and fundamental freedoms, such as freedom of the press, in Turkmenistan.

Amnesty International sought further information about Valentin Kopysev's detention. The organization considered that if the reasons for his confinement proved to be political rather than medical he would be a prisoner of conscience.

Detentions in connection with alleged plot to assassinate the President

Yusup Kulihev, a journalist, was taken into custody in October by agents of the Committee for State Security (KGB) in the capital, Ashgabat. He was released around two weeks later, reportedly on grounds of ill-health which unofficial sources claimed was the consequence of his having been tortured during detention. Allegedly he had been severely beaten, and on two occasions forcibly injected with pain-inducing drugs.

Sources claimed that during his detention Yusup Kulihev was questioned about an alleged plot to assassinate President Saparmurad Niyazov. A week after Yusup Kulihev was taken into custody Khoshali Garayev and Mukhammad Aymuradov, Russian citizens of Turkmen origin, were arrested by Turkmen KGB agents in Tashkent, the capital of Uzbekistan. They were taken to Ashgabat and charged with participating in preparations for an attempt to assassinate the President.

To Amnesty International's knowledge no attempt had been made on the President's life, and unofficial sources claimed that the charge against Khoshali Garayev and Mukhammad Aymuradov was a fabrication intended to punish them for being sympathizers with Turkmenistan's political opposition. Amnesty International believed that Khoshali Garayev and Mukhammad Aymuradov were possible prisoners of conscience, and sought further information about the charges against them.

Furthermore, in the light of reports about the treatment of Yusup Kulihev while in detention, Amnesty International was gravely concerned that Khoshali Garayev and Mukhammad Aymuradov might also be at risk of torture. At the time of writing Khoshali Garayev and Mukhammad Aymuradov were still in detention.

Short-term detention

At least eight known or suspected government opponents were taken into police custody in Ashgabat prior to Turkmenistan's independence day celebrations in October. They were all released after two or three days. They were prisoners of conscience.

UKRAINE

The death penalty

Detailed statistics on the application of the death penalty for 1992 and 1993 were made public for the first time, to Amnesty International's knowledge. According to these, 79 people were sentenced to death in 1992, and 103 executed. In 1993, 117 death sentences were passed, all for premeditated, aggravated murder, and 78 people were executed. The same year, 11 death sentences were quashed on appeal and one was commuted.

At least 200 people had been sentenced to death between January and October 1994, but no officials figures on executions were available. Among those known to have been executed during the period under review was Anatoly Lyubarsky, who had been sentenced to death for murder in October 1993. His appeal was turned down in January and he was executed after President Leonid Kravchuk rejected his petition for clemency in July.

Following presidential elections in July Leonid Kuchma succeeded Leonid Kravchuk as President, and sessions of the presidential clemency commission were said subsequently to have been delayed. One of those awaiting the outcome of a petition for clemency was Vasily Krivonos (see AI Index: EUR 01/02/94), who had just turned 18 when the crime of which he was convicted was committed and who is said to have learning difficulties and psychiatric problems. During the period under review it was reported that he had been beaten and taunted by guards at the prison in Vinnitsa.

Amnesty International urged both President Kravchuk and President Kuchma to exercise their constitutional authority and commute all pending death sentences. The organization also called for a full investigation into allegations that Vasily Krivonos had been beaten while on death row.

Reports of inadequate protection for asylum-seekers

In July reports were received of inadequate protection of at least eight Iraqi asylum-seekers who, if forcibly returned to their country of origin, could have risked falling victim to human rights violations. The authorities were said to have intended expelling the asylum-seekers without examining their reasons for seeking protection or the risks they faced in Iraq. They were believed still to be in Ukraine at the end of 1994.

Amnesty International urged the authorities to ensure that no asylum-seeker, including the eight Iraqis, was expelled without a thorough examination of his or her case, and that asylum-seekers at risk of human rights violations were granted effective and durable protection against forcible return.

UNITED KINGDOM

Political killings in Northern Ireland

On 1 September the Irish Republican Army (IRA) declared a cessation of its "military operations". On 14 October the Combined Loyalist Military Command declared a cessation of "all operation hostilities" by the Ulster Defence Association (UDA) and the Ulster Volunteer Force (UVF). Amnesty International urged that the protection of human rights be placed centrally on the agenda in the search for a political settlement.

Chief Constable John Stevens submitted his report to the Royal Ulster Constabulary (RUC) Chief Constable in February; it was forwarded to the Northern Ireland Director of Public Prosecutions in October. He had carried out a further investigation into alleged collusion between the security forces and Loyalist paramilitaries, including allegations about the killing of the lawyer Patrick Finucane in 1989 (see AI Index: EUR 01/01/94). The findings and the report of the inquiry had not been made public by the end of December.

Allegations about the lack of equal protection by the RUC of the Catholic community were highlighted by the killing of Paul Thompson on 27 April. He was shot dead by UDA gunmen who had climbed through a hole in the "peaceline fence" in West Belfast. Eight hours earlier a resident had informed both police and government authorities that the fence had been broken.

The trial of two soldiers charged with the murder of Peter McBride in 1992 took place in June; no verdict had been given by the end of the year.

The inquests into the killings of six people, shot dead in 1982 by a special anti-terrorist squad of the RUC, were closed in September by the coroner who stated that his aim in holding the inquests to examine further evidence collected by the Stalker/Sampson inquiry was "no longer achievable". The RUC and the government, through the issuing of Public Interest Immunity certificates, blocked the disclosure of the report of the Stalker/Sampson inquiry to the inquest (see previous bulletins).

The inquest in October into the deaths of John McNeill, Edward Hale and Peter Thompson was unable to examine the full circumstances of the killings by undercover soldiers in 1990 because of legal and government restrictions on inquest procedures. An Amnesty International delegate observed the proceedings.

The European Commission of Human Rights issued its decision in March in the case of *McCann, Farrell, and Savage v. UK* (the three people killed by undercover soldiers in Gibraltar in 1988). The Commission concluded, by 11 votes to six, that "the deprivation of life resulted from the use of force that was no more than 'absolutely necessary'", and referred the case to the European Court of Human Rights. Amnesty International submitted written comments to the Court.

Fair trial concerns

The Criminal Justice and Public Order Act became law in November. Under it, courts can draw adverse inferences against defendants remaining silent during interrogation and at trial in England and Wales, similar to Northern Ireland. The Act also gave police new powers to stop and search and created criminal sanctions against protestors, travellers, hunt saboteurs, "ravers" and squatters.

In June in the *Murray v. UK* case the European Commission of Human Rights concluded that the applicant's rights to a fair trial and to legal assistance had been violated by restrictions on his access to a lawyer (suspects interrogated under emergency legislation in Northern Ireland can have access to their lawyers deferred and lawyers are not allowed to attend interrogations). It rejected the argument that adverse inferences drawn against the accused for remaining silent during interrogation and at trial violated his right to a fair trial. The Commission referred the case to the European Court of Human Rights.

The trial, which began in November 1993 of the "Ballymurphy Seven" charged with a bomb attack, finished in November 1994. Four of the defendants were acquitted during the proceedings after the judge ruled that their confessions were inadmissible. The judgment on three defendants had not been delivered by the end of the year. An Amnesty International delegate attended part of the proceedings.

Four police officers, charged with attempting to pervert the course of justice in connection with the conviction in 1986 of four Ulster Defence Regiment (UDR) soldiers for murder, were acquitted in September. The judge ruled that although interview notes had been rewritten, this did not necessarily mean any crime had been committed. Scientific tests showed that the rewritten notes omitted the word "solicitor" which appeared three times in the original draft. James Hegan, one of the four originally convicted of the murder, claimed that his repeated request for a solicitor had been refused.

In a report published in June Sir John May concluded that the wrongful convictions of the "Guildford Four" were due to individual failings by police officers, prosecutors and lawyers and "not due to any specific weakness or inherent fault in the criminal justice system". The inquiry was carried out after the "Guildford Four" were released in 1989, having served 15 years' imprisonment. Two senior police officers, charged in connection with the prosecutions of the "Tottenham Three", were acquitted in July. They had been charged with conspiracy to pervert the course of justice after scientific analysis showed that interview notes had been altered (see AI Index: EUR 01/03/92).

Allegations of ill-treatment

The report of an *ad-hoc* visit to Northern Ireland in July 1993 of the European Committee for the Prevention of Torture (ECPT), and the government's reply, were published in November. The ECPT report concluded that detainees held under emergency legislation ran a significant risk of psychological forms of ill-treatment and on occasion, of physical ill-treatment. It emphasized the need for the introduction of further safeguards including immediate access to a solicitor; legal assistance during interrogation; and the possible electronic recording of interrogations.

In January the Independent Commissioner for the Holding Centres, Sir Louis Blom-Cooper, published his first annual report on the police interrogation centres in Northern Ireland. The report was critical of some conditions at Castlereagh; it concluded that "public confidence can be secured only if there is in place a form of surveillance over, and a method of accountability for" the conduct of detectives carrying out interrogations.

In July Amnesty International published a report entitled *Cruel, inhuman or degrading treatment during forcible deportation* (AI Index: EUR 45/05/94) which detailed allegations made by four deportees of ill-treatment by police officers and private security guards. Unauthorized equipment was used to restrain deportees, including mouth gags, adhesive tape and plastic straps. The organization urged the government to investigate impartially the allegations made. It also urged the government to set up an independent inquiry into the accountability of all agencies involved in the deportation process and to create a statutory authority to regulate the Immigration Service and private security firms. The Prime Minister, John Major, wrote to Amnesty International in August rejecting the need for an independent statutory authority, or an independent inquiry.

UZBEKISTAN

Prisoners of conscience

Release of five prisoners of conscience by presidential amnesty (update to information given in AI Index: EUR 01/02/94)

Prisoners of conscience Salavat Umurzakov and Otanazar Aripov were released from detention in November by a special presidential clemency decree.

Also freed by the November decree were probable prisoners of conscience Pulat Akhunov, Inamzhon Tursunov and Nosyr Zokhir. Nosyr Zokhir had been sentenced in August to two and a half years' imprisonment for illegal possession of a firearm and narcotics; sources suggested that the case against him had been fabricated. Probable prisoner of conscience Akhmatkhan Turakhanov (given in AI Index: EUR 01/02/94 as Akhmadkhon Turakhonboy-ugly), who had been arrested on the same day and in similar circumstances to Nosyr Zokhir, did not benefit from the November amnesty. He had been sentenced in September to 18 months in prison for illegal possession of a weapon. Amnesty International continued to call for a judicial review of Akhmatkhan Turakhanov's case.

Administrative arrest

Opposition activists Mikhail Ardzinov, Vasiliya Inayatova and Talib Yakubov were placed under "administrative arrest" for between three and 10 days in May to prevent them travelling to Almaty in Kazakhstan to attend a human rights conference. They were prisoners of conscience. Vasiliya Inayatova's arrest by Uzbek police took place after she had already crossed by car into Kazakhstan.

New arrests on possibly fabricated charges

In May student Sherli Ruzimuradov was arrested in Karshi, Kashkadarya region, and reportedly charged with illegal possession of a weapon. Sources claimed that Sherli Ruzimuradov was being detained on a fabricated criminal charge to force disclosure of the whereabouts of his brother Yusuf Ruzimuradov, an activist in the outlawed opposition *Erk* (Freedom) party who had escaped from police custody in April. In June Gaipnazar Koshchanov, an *Erk* organizer in Urgench, was sentenced to two years' imprisonment for illegal firearms and narcotics possession, but sources alleged that the charge had been fabricated to punish him for possessing copies of the *Erk* party newspaper.

The trial of Mamadali Makhmudov (see AI Index: EUR 01/02/94) was still awaited at the end of the year, and he remained in detention.

Amnesty called for clarification of the charges against Sherli Ruzimuradov and Mamadali Makhmudov and for judicial review of the case against Gaipnazar Koshchanov.

Torture and ill-treatment

Two Israeli citizens, Grigory Zalkind and Anna Korol, alleged that they suffered torture and ill-treatment while in the custody of police in Tashkent, the capital, in February. Both reported that they had been severely beaten by police officers and Anna Korol reported that she had been repeatedly raped by two officers. They received no response to complaints to authorities. Amnesty International sought information from the authorities about investigations into these complaints.

The death penalty

Amnesty International learned of three more death sentences.

Avaz Gafurov was sentenced to death for murder by Tashkent Regional Court in late 1993 or early 1994 and an appeal against the sentence was subsequently rejected by the Supreme Court. He maintained his innocence and alleged that he had been ill-treated by investigators to force a confession.

Validzhon Akhmedzhanov was sentenced to death for murder by Tashkent Regional Court in February and an appeal against his sentence was rejected by the Supreme Court in October.

Akhmat Azimov was sentenced to death by Andizhan Regional Court in August for multiple murders.

Further information on death penalty cases mentioned in AI Index: EUR 01/02/94

Amnesty International learned that Abdurakhmon Akhatov, Abdulkhamid Khakimov and Alisher Obidov had been executed in March, and that Shukhrat Yuldashev had been executed in July. The fate of the other prisoners known by Amnesty International to be on death row could not be confirmed.

Amnesty International learned that in some cases procedures for informing the family of a prisoner facing the death penalty about decisions made at clemency hearings were no longer being strictly followed, leaving the family uncertain of the fate of the prisoner and in some cases unaware for long periods that execution had taken place. In November the organization wrote to the clemency commission calling for stricter adherence to procedures for informing families of people under sentence of death about the outcome of clemency petitions.

EUROPEAN UNION: ASYLUM-SEEKERS

The need for essential safeguards in asylum procedures

Amnesty International has identified a number of basic principles, based on international standards, which form an essential minimum for a fair and satisfactory asylum procedure. It calls on all states to ensure that their asylum procedures comply with them. The most fundamental of these principles are that the asylum-seeker is granted access to asylum procedures, has a fair hearing, has an effective right to appeal, and is allowed to await the decision on that appeal before being expelled. Amnesty International urges that these essential principles be used as a basis to develop some kind of international agreement on minimum procedural standards for dealing with asylum requests.

In June Amnesty International's European sections reported on asylum procedures in several European states¹. The report identified several aspects of these states' asylum procedures which fell below the requirements of international standards and called on European Union (EU) member states to establish basic common standards for fair and satisfactory asylum procedures in Europe complying with the requirements of international standards. But far from taking steps to redress the existing deficiencies, proposals under discussion by the EU member states in the context of "harmonization" of their asylum laws and practice² allow for a further erosion of existing standards. The proposals were not, as originally planned, adopted by the meeting of EU Justice and Home Affairs Ministers at the end of November 1994, but are now expected to be adopted during 1995.

In recent years, individual EU member states have adopted measures restricting asylum-seekers' access to their territory and asylum procedures, and categorizing certain asylum claims as inadmissible or otherwise not deserving substantive examination. The current proposals are for a common policy whereby such measures will apply throughout all member states. While the proposed policy sets out general procedural safeguards which are meant to be in line with international standards, it includes also a number of exceptions, apparently meant to cover elements of existing procedures in certain member states, some of which clearly fall short of international standards.

For example, the proposals would allow EU governments to expel an asylum-seeker, without examining his or her claim, to a third country without being obliged to ensure that the third country would provide a proper examination of the asylum claim. All they would be required to do - and even then not in all cases - would be to inform the third country that the application had not been given substantive examination. Amnesty International has called on the EU governments to include in the proposals a provision to ensure that asylum claims are properly examined in an identified state - otherwise, there is a risk that asylum-seekers may be returned successively from one country to another without a proper examination of their claim, with the danger that ultimately they end up in a country where they risk persecution. Amnesty International's concern on this point is heightened because in November the EU member states adopted a model agreement as a recommended basis for bilateral agreements between individual EU member states and other countries for readmission of non-nationals - including asylum-seekers whose applications have been refused a proper examination by the EU member state in question. Amnesty International called on the EU governments to include in this model agreement a provision setting out the responsibility of the receiving state to make a substantive

¹ *EUROPE: The need for minimum standards in asylum procedures*, issued by Amnesty International EU Association, June 1994

² For summaries of the organization's concerns in earlier papers in this series see AI Index: EUR 01/02/91 and EUR 01/04/92

examination of an asylum application. No such provision was included in the model agreement, but Amnesty International calls on individual EU member states to include such a provision in bilateral readmission agreements with third countries.

The proposed policy allows for border officials to rule that claims are inadmissible on the grounds that the asylum-seeker could have sought protection in another country. This is contrary to one of the essential principles for asylum procedures, that decisions on all asylum claims, including decisions on rejection of asylum-seekers at the border, should be made by a central and specialized authority whose officials have the necessary training, expertise and information for making decisions on asylum claims, and not by border officials.

As well, under the proposed common policy, states would not be obliged in all cases to guarantee an appeal against refusal of asylum, nor to postpone expulsion while an appeal is considered. This is not in line with international standards, such as Conclusion 30 of the intergovernmental Executive Committee of the Program of the United Nations High Commissioner for Refugees (UNHCR), which require that in all cases there should be an appeal which should have a suspensive effect on expulsion.

Amnesty International is concerned that these proposals, if adopted, will allow for a further lowering of the general standard of protection for asylum-seekers through all member states of the EU, down to the lowest common level, beneath that required by international standards.

RATIFICATIONS

ALBANIA

In May Albania acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

ANDORRA

In November Andorra signed the European Convention for the Protection of Human Rights and Fundamental Freedoms.

BELGIUM

In May Belgium acceded to the Optional Protocol to the International Covenant on Civil and Political Rights.

BULGARIA

In May Bulgaria ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

GEORGIA

In May Georgia acceded to:

- the International Covenant on Civil and Political Rights and its Optional Protocol
- the International Covenant on Economic, Social and Cultural Rights

and in October to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

GREECE

In June Greece ratified the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

ICELAND

In September Iceland signed the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

IRELAND

In June Ireland signed and ratified the Sixth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

NETHERLANDS

In May Netherlands signed the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

POLAND

In October Poland ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

PORUGAL

In June Portugal signed the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

ROMANIA

In June Romania ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, with a reservation and declarations under Articles 25 and 46, and its Sixth Protocol.

In October Romania ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its First and Second Protocols.

SLOVAK REPUBLIC

In May the Slovak Republic ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its First and Second Protocols.

SLOVENIA

In June Slovenia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, with declarations under Articles 25 and 46, and its Sixth Protocol.