

AMNESTY INTERNATIONAL @CONCERNS IN EUROPE

January - June 1995

INTRODUCTION

This bulletin contains information about Amnesty International's main concerns in Europe during the period January - June 1995. The bulletin, produced by the Europe Regional Program of Amnesty International's International Secretariat, is published every six months.

The five Central Asian republics of Kazhakstan, Kyrgyzstan, Tadzhikistan, Turkmenistan and Uzbekistan are included in the Europe Regional Program and in this bulletin because of their membership of the Commonwealth of Independent States (CIS) and the Organization for Security and Cooperation in Europe (OSCE).

A number of individual country reports have been issued during the period covered by the bulletin and references to these are made - in italics - under the relevant country entry. More detailed information about particular incidents or concerns may be found in Urgent Actions and news service items. Copies of these and further information on any of the issues contained in this bulletin are available from the International Secretariat in London.

References to previous bulletins in the text are as follows:

AI Index: EUR 01/01/95	Concerns in Europe: May 1994 - December 1994
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 01/01/93	Concerns in Europe: November 1992 - April 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

New legislation

On 1 June a new Criminal Code and Code of Criminal Procedure came into force. The criminal code retained an optional death penalty for offences of murder; kidnapping a child under 14 years; theft of property, when accompanied by violence or resulting in a death; surrendering territory to a foreign state; surrendering armed forces or defence materials to a foreign state; murdering, kidnapping or torturing high state officials; participation as organizer or leader of mass acts of violence, with the aim of overthrowing the constitutional order; and terrorist acts. Amnesty International has learned of no death sentences or executions so far this year.

Although the new codes represent a major step in terms of legislative reform, Amnesty International is concerned that the Criminal Code contains provisions which could be, and indeed already have been used to imprison people for the non-violent exercise of their right to freedom of expression.

Prisoners of conscience

On 17 April Ilir Hoxha, the son of Enver Hoxha, Albania's former communist ruler, was arrested after a local newspaper published an interview with him in which he praised his father and criticized Albania's present leaders. On 8 June a court in Tirana sentenced him to one year's imprisonment on charges of "endangering public peace by inciting hatred against parts of the population" under Article 266 of the (new) Criminal Code. On 3 July his sentence was confirmed on appeal.

In March a presidential pardon reduced the 12-year prison sentence being served by Fatos Nano, leader of the Socialist Party, by two years. In April 1994 he was convicted on charges of "misappropriation of state property" and "falsification of documents". Amnesty International, on the basis of detailed documentation concerning the trial, concluded that the charges against him were unfounded and politically motivated and that, accordingly, he should be considered a prisoner of conscience.

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

In June Amnesty International issued a report: *Albania - Failure to end police ill-treatment and deaths in custody* (AI Index: EUR 11/04/95). The report documented police ill-treatment, which it said was often directed against members of the Socialist Party, the main opposition party, or others critical of the government. There were also frequent reports of police ill-treating people detained in the course of routine law enforcement duties. In 1994 at least five people died apparently as a result of ill-treatment in custody. Amnesty International expressed concern that police appeared to enjoy a high degree of impunity.

In 1995 Amnesty International has learned of further such incidents. In January three young members of the Socialist Party were arrested and ill-treated in Kavaja after returning from a party meeting in Tirana. In May Gentian Gjoleka was allegedly beaten and injured by three police officers in Elbasan who, he claims, arrested him without any reason. He has reported the officers. In June three men were killed and two wounded in four separate incidents in which police officers appear to have resorted to firearms without due cause. Also in June, Gezim Nezini, a police officer, was sentenced to a year's imprisonment for beating Ylli Osmani in February 1994 in Tirana.

ARMENIA

Release of prisoners

In May, to mark the first anniversary of a cease-fire in the disputed region of Karabakh (see AI Index: EUR 01/01/95), a number of hostages and other prisoners detained in the conflict were released by Armenia, Azerbaijan and the self-proclaimed Nagorno-Karabakh Republic. Those handed over by the Armenian authorities included Bakhtiar Khanali oghly Shabiyev and Garay Muzafar oghly Nagiyev (see *Amnesty International Report 1995*), who had been sentenced to death in April 1994 by the Armenian Supreme Court. The authorities informed Amnesty International that on 10 May President Ter-Petrosyan had decreed the return to Azerbaijan of all Azerbaijani prisoners and civilians held in Armenia. However, unofficial sources in Azerbaijan allege that a number of prisoners and hostages, including some said to be in private hands, remain unaccounted for.

Attacks on minority religious groups

Amnesty International called on the authorities to initiate comprehensive investigations after minority religious groups were targeted in a wave of attacks in various parts of the country in April. Groups of unidentified men are said to have attacked meetings and premises, beaten sect members and destroyed property. The attackers reportedly accused religious leaders of preaching against the conscription of young men into the military (Armenia has no civilian alternative to compulsory military service) and of discouraging their members from fighting in Karabakh. Some sect leaders were also said to have been detained briefly by police and border guards seeking to enforce conscription. Amnesty International is concerned about allegations that the attackers acted with impunity in many cases, especially in the light of previous reports that police refused to respond to attacks against Hare Krishna devotees in August 1994 (see AI Index: EUR 01/01/95). The organization has yet to receive a response to the concerns it raised over this incident.

The violent attacks are reported to have begun on 18 April when around 20 men in military uniforms armed with iron rods entered the Hari Krishna temple in Yerevan, the capital, and began beating the devotees and destroying property. Devotees claim the police again refused to attend when called, although five of their members needed stitches for head wounds and the attackers stole electrical equipment and a large sum of cash. Other incidents reported included serious damage to a Seventh Day Adventist church in Ararat after a firebomb was thrown through the window on 22 April, and attacks at around the same time on the offices of the Bahai and Charismatic churches in Yerevan during which documents and equipment were stolen or destroyed. Leaders of Pentecostal, Evangelical Baptist and Jehovah's Witness congregations were also detained briefly by the authorities in connection with allegations of draft evasion.

Amnesty International urged the authorities to ensure all such incidents were investigated comprehensively - with perpetrators of the attacks brought to justice - and to take all necessary steps to ensure that religious groups are able to exercise their right to freedom of conscience in safety. The organization also expressed its concern over the continuing lack of a civilian alternative to compulsory military service. Conscientious objection to military service is recognized by the United Nations Commission on Human Rights as a legitimate exercise of the right to freedom of thought, religion and conscience, a right guaranteed under Article 18 of the International Covenant on Civil and Political Rights (to which Armenia acceded in 1993). In the light of this, the organization urged the authorities to ensure that no one is imprisoned solely for refusing to perform military service on grounds of conscience, and that no conscientious objectors are forcibly conscripted into the armed forces in the absence of an alternative civilian service.

Allegations of ill-treatment and fair trial concern in the "Dro" case

Amnesty International approached the authorities about a number of issues of concern in connection with the prosecution of 20 members of the opposition Armenian Revolutionary Federation (ARF) party arrested in December 1994. The men had been charged with various criminal offences, from withholding information to premeditated murder, and accused of participating in a secret terrorist group within the ARF known as "Dro". The ARF was temporarily banned for six months in connection with these allegations and thereby unable to participate in parliamentary elections on 5 July.

Amnesty International expressed concern about reports that defendants had been denied access to a defence lawyer of their own choice. In the first months after their arrest several men are said to have been refused prompt and regular contact with their lawyer, and on 13 March the Procurator-General is said to have reaffirmed a provision under Soviet legislation whereby defence lawyers are not permitted access to their clients until the prosecution has completed its investigation and indictment. The rights to have adequate time and facilities for the preparation of one's defence and to communicate with a defence lawyer of one's own choosing are guaranteed under Article 14 of the International Covenant on Civil and Political Rights, to which Armenia is party. They are also key elements of a fair trial and of especial importance to those defendants who, as in this case, face a possible death sentence if convicted.

Also of concern were allegations that at least three of the defendants were beaten while in the custody of the State Directorate for National Security in Yerevan, as a result of which one is said to have sustained a broken wrist and another a broken jaw. This concern was heightened by the death in custody on 16 May of another defendant, Ardavast Manukian, reportedly from extensive blood loss. He died in a Yerevan hospital 10 days after being transferred from the prison infirmary, amid allegations that for several weeks prior to his death adequate medical care was denied to him for a range of health problems.

Amnesty International urged the authorities to ensure that the defendants received a fair trial in line with international standards; to carry out prompt and impartial investigations into allegations of ill-treatment in detention; and to clarify the circumstances of Ardavast Manukian's death.

AUSTRIA

The alleged torture of Wolfgang Purtscheller

In April Amnesty International expressed concern to the Austrian authorities about the alleged torture and ill-treatment of Wolfgang Purtscheller by Vienna police officers.

According to written complaints he has submitted to the Vienna Independent Administrative Tribunal (*Unabhängiger Verwaltungssenat Wien*) and to the Vienna prosecuting authorities (*Staatsanwaltschaft Wien*), Wolfgang Purtscheller, a freelance journalist, had arrived at the Ernst-Kirchweger House on the evening of 22 September 1994 to attend an opera performance. In the foyer of the building he observed a group of people engaged in a heated argument. Apparently two plainclothes police officers were attempting to arrest a black African asylum-seeker. Wolfgang Purtscheller intervened and asked one of the officers for his service number. His request was ignored. He then asked whether the officers had an arrest warrant, to which the officers replied that they did not need one. The arguments continued until suddenly around 10 uniformed officers stormed into the building. According to witnesses, one police officer recognized the journalist, who has reported extensively on right-wing extremism in Austria, and pointed him out to his colleagues. Wolfgang Purtscheller was aggressively pushed into a corner by one officer, struck in the face and told he was arrested. He was then hit again, at which point he lost consciousness. When he came to he found himself lying on his stomach on the pavement outside, in his own vomit, with his hands secured behind his back. The journalist states that he was surrounded by several police officers, one of whom stood on his head and another on his bottom. He then felt a third person take hold of his right foot and twist it violently. After an enormous surge of pain in his leg he lost consciousness. When he regained consciousness he found himself in a police car.

Wolfgang Purtscheller alleges that on arrival at the police station he was pulled out of the car and hit in the face. He was then dragged into the station and thrown onto the floor. After approximately half an hour he was placed in a cell. The journalist states that while in detention he was refused permission to see a lawyer and that the doctor who was called to attend him failed to examine him properly. He also alleges that after being interviewed at 2am the next morning he was not allowed to take the lift back to his cell, two floors lower down, but was made to walk. Wolfgang Purtscheller was released at approximately 3am. He returned home by taxi and a few hours later was taken by ambulance to the Lorenz Böhler Hospital where it was established that he had suffered bruising to the face, abrasions to both wrists, and damaged knee ligaments.

According to press reports, Wolfgang Purtscheller was one of four people arrested by the police on the evening of the 22 September 1994. In one news magazine the author of an article reports that he and a number of people witnessed the police ill-treat Wolfgang Purtscheller and two of the other three people arrested - a student and the black African asylum-seeker. Five police officers also reportedly suffered injuries. In his complaint to the Vienna Independent Administrative Tribunal, Wolfgang Purtscheller accuses police officers of assaulting him and of refusing to let him consult a lawyer while at the police station. In two criminal complaints he has submitted to the Vienna prosecuting authorities he accuses police officers of assault, and officers and the police doctor of failing to render him medical assistance. Wolfgang Purtscheller is himself accused of assaulting officers and of resisting state authority.

In May Amnesty International was informed by the Austrian authorities that a criminal investigation had been opened into Wolfgang Purtscheller's allegations.

Conscientious objection to military service

In May Amnesty International expressed its concern to the Austrian Minister of Internal Affairs, Dr Caspar Einem, that the new Alternative Civilian Service Law (*Zivildienstgesetz-Novelle 1995*) due to be discussed by the Austrian Government and to be presented to the Austrian parliament (*Nationalrat*) for approval retained the restriction, first introduced at the beginning of 1994, on the time limits within which conscientious objectors to military service must submit their applications for alternative civilian service.

Amnesty International had first raised this issue with the Austrian authorities when the restrictions were discussed by the Austrian parliament in January 1994. They were adopted a month later in legislation which runs out at the end of this year. The organization received no substantive replies to its letters to the Austrian authorities.

According to the new legislative proposal, the requirement that conscientious objectors to military service must submit their applications for alternative civilian service within one month of receiving notification of fitness to serve remains unchanged. Young men eligible for military service will not get another chance to register their conscientious objection until five years have elapsed, by which time they may have been issued with call-up papers. Indeed, another legislative proposal to restrict the possibilities for draftees to apply for a postponement of military service while they undertake education or training makes it even more likely that people who develop a conscientious objection to military service after the one month period has elapsed will be called up before they are again eligible to apply for alternative service. Refusal to report for military service or to obey military orders is punishable by up to two years' imprisonment.

In its letter to the Minister of Internal Affairs, Amnesty International stated that conscientious objectors to military service are exercising their right to freedom of conscience, a most fundamental human right which international standards provide may never be derogated from, even in time of war or public emergency. They should therefore have the right to claim conscientious objector status *at any time*. The organization stressed that it would regard conscientious objectors who are denied the right to do so, and who are imprisoned as a consequence, as prisoners of conscience.

In June Amnesty International was informed by the Minister for Internal Affairs that during the forthcoming parliamentary debate on the new law his ministry would be seeking to obtain a relaxation of the proposed time limits within which conscientious objectors were required to submit applications for alternative service.

AZERBAIJAN

Journalists imprisoned for "insulting the President"

Amnesty International called for the immediate release of four journalists due to stand trial for "insulting the President" (see AI Index: EUR 55/06/95). The four, together with three others not currently detained, faced up to six years' imprisonment on a charge of producing and distributing issues of a satirical newspaper which "insulted the honour and dignity of the President of Azerbaijan" under Article 188-6 of the Criminal Code.

Amnesty International recognizes that elected officials, including the President, may wish to seek legal redress for written or oral statements they consider defamatory. The organization believes, however, that it is sufficient that they already enjoy this right under the legal provisions which protect all residents of Azerbaijan from defamation. Fearing that the additional legislation introduced in 1990 to protect the honour and dignity of the President may place unwarranted restrictions on the right to freedom of expression, and concerned that it may be invoked to punish people for their political opposition to the President, Amnesty International also called on the authorities to repeal Article 188-6.

The four detained journalists are held in an investigation prison of the Ministry of Security in the capital of Baku, where unofficial sources allege that they have been beaten. They are Ayaz Ahmedov and Asgar Ahmed, arrested at the beginning of March, and Yadigar Mammedli and Malik Bayramov, who were arrested later that month. All have associations with opposition political parties. The trial, set to begin on 22 June, was postponed after two of the defendants at liberty failed to appear.

Release of hostages

Negotiated exchanges of prisoners and hostages continued between January and June 1995, including an exchange involving Azerbaijan, Armenia and the self-proclaimed Nagorno-Karabakh Republic in May, to mark the first anniversary of a cease-fire in the disputed Karabakh region (see AI Index: EUR 55/12/94). Among the 35 detained Armenians reported released from Azerbaijan was Armen Anirbekyan (see AI Index: EUR 01/01/95), whom Amnesty International feared had been held hostage solely on grounds of his ethnic origin. He had been detained on a train in early 1994 while in transit through Azerbaijan, and later transferred to a holding camp in Gobustan.

Death in custody of Shamardan Jafarov

Amnesty International urged the authorities to conduct a thorough and impartial investigation into circumstances surrounding the death of Shamardan Jafarov, who died in a prison hospital during the night of 29 to 30 June.

Shamardan Jafarov, a member of parliament of the opposition Popular Front of Azerbaijan (PFA) party, sustained serious gunshot wounds in a clash with police in the Julfa district of the Nakhichevan Autonomous Republic on 17 June. He was operated on, then transferred to Shuvelian investigation prison No. 3 in the capital, Baku. He was moved to an Interior Ministry hospital in the city when his condition worsened, and died there.

The circumstances of the clash with police are disputed. The Ministry of Internal Affairs reported that Shamardan Jafarov and four companions opened fire on police officers after ignoring an order to stop the car in which they were travelling. According to the PFA, however, a police patrol opened fire first in an ambush. Shamardan Jafarov had earlier been charged with offences including illegal possession of arms and setting up an illegal armed group, and had been stripped of his parliamentary immunity on 30 May.

Amnesty International also urged that the findings of the investigation be made public, and that if these reveal an illegal use of firearms by police then those responsible should be brought to justice.

The death penalty

Figures released to Amnesty International by the authorities show a rise in the number of death sentences passed in recent years. Although standing at only three in 1990, this figure rose to 18 in 1991, 27 in 1992, 22 in 1993 and 23 in 1994. No judicial executions have been reported during this period. At the time of writing no official figures were believed to have been made public for the first half of 1995, but at least six death sentences came to light during that period from unofficial sources.

Amnesty International continued to urge the authorities to commute all pending death sentences, and to take further concrete steps to limit the scope and application of the death penalty in line with worldwide trends towards abolition.

BELARUS

The death penalty

Amnesty International learned with regret that Sergey Kutyavin was executed on 21 January. Sergey Kutyavin, aged 32, had been sentenced to death for premeditated, aggravated murder on 19 July 1993

(see AI Index: EUR 01/01/95). The Supreme Court rejected his appeal on 11 March 1994, and President Alyaksandr Lukashenka subsequently turned down a request for clemency.

In Belarus the date of execution is not announced publicly, nor are relatives notified in advance, and Sergey Kutyavin's parents were not informed of his death until some time after the execution had taken place. They are not entitled to his body, which is buried in an unmarked grave in a location not made known to them.

Amnesty International continued to urge the authorities to commute all pending death sentences and to make public full statistics on the use of the death penalty in line with international recommendations. To Amnesty International's knowledge no such figures have been released for 1994 or the first half of 1995.

Allegations of ill-treatment

Amnesty International is urging the authorities to conduct thorough and impartial investigations, with the results made public, into reports of ill-treatment received in the first half of 1995.

The first incident took place on 12 April when, according to press reports, armed members of the special forces ill-treated a group of opposition parliamentary deputies who had refused to leave the parliamentary building. The deputies were reported to have been forcibly evicted by special forces armed with submachine guns and wearing black masks (the deputies had refused to go voluntarily after an anonymous telephone caller claimed a bomb had been planted in the building). Deputy Golubets alleges that he and the others were pushed along a line of men and hit with truncheons. Deputy Shut showed reporters a large bruise on his back and several others obtained medical certificates for injuries said to have resulted from ill-treatment.

The second incident took place on 1 May in the town of Gomel, when eight people were detained and allegedly subjected to ill-treatment by police officers. Six of the eight, who were among those holding an apparently peaceful and non-provocative anarchist demonstration, were detained on a charge of petty hooliganism during the course of a discussion with war veterans which attracted the attention of the police. The six claim they were beaten and kicked many times by officers of the special police unit OMON, both while being detained and while being transferred to Gomel Central Police Station. Valery Loginov, said to have suffered the worst beating, was sent for a medical examination by the Gomel Central District Prosecutor's Office. All were released within three hours, after being fined.

Shortly after their detention two other people, who had not taken an active part in the demonstration but who were friends of one of the demonstrators, were detained by police and taken to another police station in Gomel where they were also reportedly ill-treated. One of those detained, a 17-year-old schoolgirl, claims to have been threatened with rape and to have been beaten on her buttocks. A flag confiscated from the two was also said to have been held across her friend's face causing him difficulty in breathing.

Repeal of the law on sodomy

During the period under review the Ministry of Justice confirmed to Amnesty International that consenting homosexual acts between adult males had been decriminalized. Such acts had previously been punishable under Article 119, part one, of the Criminal Code, which the Ministry stated had been repealed on 1 March 1994 (see AI Index: EUR 01/01/94).

BOSNIA-HERZEGOVINA

Abuses in Bosnian Serb-controlled areas of northwest Bosnia

Abuses continued against the remaining Muslim and Croat populations in the Bosnian Serb-controlled area centring on Banja Luka. Many of the abuses were similar to those previously documented by Amnesty International (see *Bosnia-Herzegovina: "You have no place here": Abuses in Bosnian Serb-controlled areas*, AI Index: EUR 63/11/94, June 1994 and the update, AI Index: EUR 63/15/94, July 1994.) However, the recent abuses were carried out with a new intensity and maintained the pressure on the remaining non-Serbs. Although there appears to be a clear policy aimed at expelling or causing the remaining non-Serbs to leave, the Bosnian Serb military appeared to have placed new restrictions on the departures, particularly or exclusively affecting men of military age.

Attacks on people in their homes, mostly at night, were carried out by soldiers or armed men in civilian clothing. Effective measures by the authorities to prevent such abuses or apprehend perpetrators appear to have been taken only on rare occasions. Non-Serbs are still being made to perform forced labour, often working in dangerous situations close to front lines. Men are sometimes taken off to work-brigades from the streets and without their families being informed of their whereabouts. In one recent case, 30 or 40 men who had paid money to the civilian authorities for permission to leave Bosnian Serb-controlled territory were separated from their wives and children at the crossing point and were believed to have been taken to forced labour brigades. Other similar cases have occurred.

In June 1995 the Bosnian Serb authorities announced new measures against individuals who had deserted or evaded mobilization and repeated threats of prosecutions. Although it is difficult to obtain details of individual cases, Amnesty International believes it probable that conscientious objectors may be among those prosecuted.

Arbitrary detention of aid-workers

Past patterns of abuses in Bosnian Serb-controlled areas have frequently featured the targeting of prominent members of the community, apparently in order to reinforce the feeling of insecurity and fear felt by non-Serbs and encourage them to leave the area. Many prominent non-Serbs were targeted early in the Bosnian Serb takeover of these areas. Many were forcibly expelled, killed or have "disappeared". The vast majority were dismissed from their jobs, which has the effect of limiting their access to free medical care and other benefits. Some highly skilled individuals have reportedly been deliberately given menial tasks such as street cleaning as forced labour obligations. The recent attacks on Croatian Roman Catholic clergy (described below) indicate that the few non-Serbs remaining in prominent positions make particular targets for abuses aimed at causing insecurity in and among the non-Serb communities.

More recently, in February, a group of Muslims who had been allowed to operate a branch of "Merhamet", a Muslim humanitarian organization involved in the distribution of aid and the provision of medical services, were arrested and detained by the Bosnian Serb *de facto* authorities. They were first taken to the Tunjice prison just outside Banja Luka and later transferred to a barracks now used as a prison inside the town itself. They are believed to face charges of espionage, which carries with it the risk of the death penalty. It has been reported that court-appointed defence lawyers, who are obliged to act free of charge, have been asking large sums of money from the detainees for their services. There is serious concern for the health of several of those detained, three of whom are above the age of 60. There have also been reports that members of their families have been physically ill-treated. Amnesty International considers them to be prisoners of conscience imprisoned solely because of their ethnic origin/religious affiliation and their humanitarian activities.

Abuses against Croats and Roman Catholic religious officials

Although pressure on Croats appeared originally to have been less than on Muslims, abuses against Croats increased at the end of 1994 and in May 1995. The latest increase followed the arrival of several thousand Croatian Serb refugees and retreating soldiers as a consequence of Croatian military action in Western Slavonia (see entry on Croatia). The most recent abuses appeared to have been perpetrated mainly by Croatian Serb soldiers and were aimed at creating empty housing into which the new Croatian Serb refugees could move.

The incidents include attempts at forcible expulsions and others of which the aim appeared to be to create feelings of fear and insecurity. On 27 May a group of 50 or more Croats of all ages were taken from the village of Šargovac. Members of a number of households were given about 15 minutes to pack and then board a bus which had been brought by a group of Croatian Serb soldiers and civilians. Some of the villagers refused and were allegedly beaten or otherwise ill-treated to make them board the bus. Their houses were taken over by Croatian Serb refugees. The bus took the Croats to the bridge at Bosanska Gradiška which links the territory with Croatia. Military police of the Bosnian Serb army controlling the bridge reportedly refused them permission to cross, and they were taken to temporary accommodation and later left to fend for themselves. Earlier in the month a number of nuns were taken from their convent by what they believed to be Croatian Serb soldiers and expelled across the same bridge. Their convents are reported to have been taken over for housing Croatian Serb refugees.

On the night of 6/7 May 1995 a Franciscan monastery in Petri_evac, near Banja Luka, was blown up. Several monks and nuns had allegedly been ill-treated and expelled from the buildings earlier. In the early hours of 12 May explosives were placed in a Roman Catholic church in the village of Presna_e near Banja Luka. A nun, Cecilija Grgi_, and the parish priest, Father Filip Lukenda, were reportedly burned to death in the resulting fire. On 17 May armed men in civilian dress reportedly ill-treated a Roman Catholic priest and two nuns in their house in the village of Trn near Banja Luka. The following night the parish church was blown up and the nuns' house was set alight. Amnesty International called for urgent action on the part of the Bosnian Serb *de facto* authorities to ensure that Croats in northwest Bosnia were not subject to physical attack, arbitrary detention or forcible expulsion.

Cruel, inhuman or degrading treatment of detainees

In May members of the United Nations (UN) protection force (UNPROFOR) and military observers (UNMOS) were detained by Bosnian Serb troops. The detentions followed air strikes on a military target requested by the UN in response to the Bosnian Serb authorities' refusal to comply with a demand to cease using and hand back heavy weapons taken from UN storage depots inside the weapons exclusion zone around Sarajevo. Before their eventual release, several of the detainees were subjected to cruel, inhuman or degrading treatment by being chained to posts or railings near military targets.

Deliberate and indiscriminate targeting of civilians

The expiry of a four-month ceasefire between the Bosnian Government and the Bosnian Serb *de facto* authorities on 1 May was followed by an upsurge of shelling and sniping attacks. Civilians in Sarajevo, including children and elderly people, have been the victims of snipers, shells or mortar bombs, in many cases probably as the result of deliberate targeting of civilians or firing indiscriminately and without regard to military targets. The launch of a Bosnian Government military offensive around Sarajevo on 15 June was answered by increased shelling of the city by Bosnian Serbs. On 18 June seven civilians queuing at a communal tap for water were killed by a shell and 12 were wounded.

A single artillery shell that exploded in the centre of the UN "safe area" of Tuzla on the evening of 25 May killed 71 civilians, the majority of whom were young people. The area was a centre of social life and normally crowded at this time. A UN investigation was able to confirm that the shell had been fired

from Bosnian Serb positions, and suggested the strong possibility that the area had been deliberately targeted.

BULGARIA

Death of a Rom in suspicious circumstances

Amnesty International continued to receive reports of human rights violations perpetrated by law-enforcement officers against the Roma in Bulgaria. In March, in Nova Zagora, a police officer reportedly shot and killed one Rom and wounded another. Dozens of Roma were reportedly ill-treated during a police action which followed the incident.

On 20 March, at about 2pm, three police officers came to the Roma neighbourhood in Nova Zagora, Sliven district, to arrest Ivan Serbezov. In front of his home they presented his brother, Ilia Serbezov, with the arrest warrant. Ilia Serbezov explained to the police that they had mistaken his identity. This was then confirmed to the police by 18-year-old Atanas Angelov, another Rom, who happened to be present in front of Serbezov's home. One police officer, whose identity is known to Amnesty International, then reportedly started to beat and kick Atanas Angelov. His 22-year-old brother, Angel Angelov, approached the police officer, pleading that he should stop the beating. The officer then reportedly drew his gun and fired shots at the two brothers killing Angel Angelov on the spot and injuring Atanas Angelov.

An hour after this incident 20 officers came to the same neighbourhood and conducted an indiscriminate search of Roma homes. They broke down doors and windows searching for farming tools and other objects which had allegedly been used to attack the police during the earlier incident. Many Roma reported to the Human Rights Project, a local non-governmental organization, that they had been beaten by the police but were afraid to file complaints about the ill-treatment. Alexander Angelov, father of Atanas and Angel, was beaten all over the head and body by police officers during the search and later at the police station.

On 27 March Amnesty International wrote to the Bulgarian Prime Minister, Zhan Videnov, urging a full and impartial investigation of the incident in Nova Zagora. No reply had been received at the time of writing. Amnesty International has repeatedly brought to the attention of the Bulgarian authorities cases of death in detention in suspicious circumstances and ill-treatment of Roma by police officers as well as incidents of racist violence where the authorities failed adequately to protect Roma lives and property. Amnesty International, however, is not aware that any judicial or disciplinary procedures have been initiated against the officers involved.

Police ill-treatment in Sapareva Banya and Sofia

On 9 February, units of the Bulgarian special police forces (reports indicate that some 120 policemen were involved) dispersed a crowd of about 150 protesters who were blocking the road leading to a water diversion project just outside the small town of Sapareva Banya which lies some 80 kilometres south of Sofia. Most of the people in the crowd were local elderly inhabitants, joined by some ecologist groups and parliamentary deputies. Police forces in riot gear kicked and beat many of the protestors, resulting in injuries to 15 people, two having to undergo medical treatment for broken limbs and one man having a heart attack after he was taken into a police car.

On 2 March, during a police operation against organized crime in a cocktail bar in Sofia, the police severely ill-treated a number of people, of whom three had to undergo emergency hospital treatment. Some people who allege they were ill-treated had been incidentally present in the bar or in the vicinity. Around 40 police officers sealed off the area and arrested 10 people, beating them in the process.

One person (who asked to remain anonymous) was in a nearby children's shop when he was attacked by two or three masked policemen who poked him in the chest with their automatic rifles and kicked him out of the shop. One police officer then ordered him to lie down on the pavement, while another officer twisted his arm behind his back. Then they started to kick him and hit him with their rifles. At one point an elderly man in a wheelchair asked the officers to stop the beating. He was thrown out of the wheelchair and beaten as well.

Amnesty International urged the Bulgarian authorities to investigate these incidents fully and impartially, to make the results public and to bring to justice those found responsible, as well as to ensure that police officers are informed of and required to implement international standards for law enforcement.

CROATIA

Concerns arising from the Croatian military action in Western Slavonia

On 1 May Croatian armed forces launched a military operation to take control of the southern part of the former United Nations Protected Area (UNPA), Sector West, in Western Slavonia, which forms part of the rebel Croatian Serb self-proclaimed "Republic of Serbian Krajina" (RSK). The area had been placed under United Nations (UN) supervision in early 1992 with the deployment of UN peacekeeping troops and civilian police monitors, but the Croatian Government was dissatisfied with the lack of progress towards returning the territory to Croatian Government control.

Large numbers of Serbian refugees fled into the Bosnian Serb-controlled area of northern Bosnia from the southernmost part of the territory. Several thousand Serbs in the northern part of the area were surrounded by Croatian forces and eventually surrendered. A large-scale round-up of men was then carried out in which most men were taken into detention, some 1,500 in all. Most were of military age, although some younger and older men were also detained at first. The Croatian authorities claimed that the detentions were to establish the identity of the individuals and to establish whether any were suspected of having committed war crimes. Most of the men were released over a period of 36 days, but some 200 were kept in custody while they were investigated for alleged crimes in connection with the war.

Some of those released were accused of participating in armed rebellion against Croatia but criminal proceedings were not pursued because the law on amnesties was applied.

Amnesty International was concerned at reports of the beatings of the detainees. Many, although not all, of the detainees were beaten by Croatian police who were guarding them. International observers from the UN, the International Committee of the Red Cross and the European Union Monitoring Mission were able to visit the detainees. However, one former detainee interviewed by Amnesty International stated that when police beat him they were careful not to leave marks on his face or hands so that any visible injuries would be hidden by his clothing. In some cases family members have had difficulty in establishing the whereabouts of detainees. The organization raised the case of one specific individual, who was later released, with the Croatian authorities. Amnesty International is also investigating allegations that a number of civilians killed by the Croatian Army as they fled towards Serb-controlled Bosnia-Herzegovina with Croatian Serb army forces were deliberately targeted.

Concerns in the Croatian Serb-controlled areas

In March Mirko Buzuk, an aid-worker of Bosnian-Croat origin, was detained by Croatian Serb police as he travelled on UN transport towards the town of Knin, "capital" of the RSK. Although he was travelling on a British passport, Croatian Serb military police became suspicious of his origins and took him into detention. He was held for 31 days and was subjected to torture during an initial period of interrogation.

He was severely beaten about the body and given electric shocks to the hands, feet and genitals with a field-telephone.

CYPRUS

Conscientious objection to military service

Fifteen Jehovah's Witnesses who expressed conscientious objections to military service on the grounds of their religious beliefs were sentenced by military courts to up to 15 months' imprisonment for refusing to perform military service or reservist exercises in the period from January. Among them was Iosif Kourides who was sentenced on 3 May by Nicosia Military Court to 15 months' imprisonment. This was his second term of imprisonment, having already served 10 months of a 15-months prison sentence in 1992 for the same offence. After his release he will probably be called up again and is 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 recommendations.

CZECH REPUBLIC

The case of Martin _erve_ák

In September 1994 Amnesty International wrote to the Minister of Justice seeking information about the investigation into the circumstances surrounding the death of Martin _erve_ák, a 20-year-old Rom, who was shot by a police officer while in detention in Horšovský Týn (see AI Index: EUR 01/01/95).

In January the Ministry of Justice replied that the incident had been investigated by the Plzen regional bureau under the supervision of the Plzen Regional State Prosecutor. This investigation established that Martin _erve_ák tried to grab the gun of an officer who was interrogating him. During a mutual scuffle an "incidental shot had been fired which hit him in the head point blank." He received immediate medical help but died on 10 June 1994 as a result of injuries. According to the findings of the investigation neither a crime nor a breach of duty had been committed and the matter was closed.

Amnesty International wrote again to the Ministry of Justice in March asking for the full report of the investigation, including the statements of witnesses who were questioned by the investigation bureau, and the conclusions of the ballistic and the autopsy reports. According to a report received by Amnesty International, Martin _erve_ák was arrested in Jeníkovice on 8 June 1994 at around 9am. He was immediately taken to the police station in Horšovský Týn for questioning on suspicion of stealing car radios. During this interrogation two people who were present in the police station at the time reportedly heard sounds of beating and the detainee crying for help.

The shooting reportedly took place at around 10.30am. However, Martin _erve_ák was taken to hospital by helicopter only at around 1.30pm. One person who saw him at the station after the shooting stated that Martin _erve_ák had been sitting on a chair, leaning to one side, with his clothes torn and one shoe missing.

Martin _erve_ák's parents, who saw him in Plzen hospital on 9 June 1994, said that his feet, except for his toes, had been bandaged and that there were big, dark spots, visible under the bandages. Martin _erve_ák's clothes, which were returned to them, had been torn. His watch, chain, ear-ring and shoes, however, were not returned to the family.

Amnesty International is concerned that the investigation into the death in suspicious circumstances of Martin _erve_ák may not have been thorough and impartial. No reply from the Ministry of Justice had been received by the end of June.

DENMARK

Developments on Amnesty International's concerns

There were significant developments on the issues and cases of alleged ill-treatment raised in Amnesty International's June 1994 report *Denmark: Police Ill-Treatment* (AI Index: EUR 18/01/94).

Controversy still surrounds the proceedings and investigations relating to the violent demonstration in Nørrebro on 18/19 May 1993, during which police officers were injured and at least 11 people - most of whom were reportedly by-standers - were wounded by shots fired in disputed circumstances by plainclothes and riot-gearred police (see AI Index: EUR 01/02/94). In February the court hearing the appeals of the convictions and acquittals of 27 civilians charged in connection with the demonstration gave its judgment. The sentences of those who had been convicted in the lower court in connection with throwing stones or bottles were significantly increased (for example, four sentences were increased from three months to one year), although one half of each of these sentences was suspended. Nine people arrested in a playground some streets away from the centre of the violence about an hour after the

disturbance had been quelled were convicted of participation in gross disturbance of peace and order. The nine, who had been acquitted in the lower court, were sentenced to serve 20 days of "ordinary imprisonment". Their convictions were apparently based on their presence in the area: the appeal judgment stated that the court could not rule out the possibility that some among the group in the playground had not actually participated in the disturbance.

In all, nine people were acquitted and 18 were convicted on appeal. The Minister of Justice granted the request of 17 of the 18 people convicted on appeal, to appeal further to the highest court (*Højesteret*). This appeal is still pending. In protest against the convictions of those found to have participated in the unrest based on their presence in the area, it is reported that about 50 people, who had not been charged, admitted to the authorities that they too had been present and sought to be charged. They have sought review of the decision of the Copenhagen Police not to charge them.

In March the conviction was overturned of a police officer who had hit a demonstrator over the ear with a truncheon as he was being dragged by his legs up the street by two other officers on 18/19 May. Among the reasons given for the acquittal by the court were the officer's state of mind as a result of the intense and brutal character of the attacks against police and his observations of the alleged victim's participation in these attacks.

In April the acting Director of Public Prosecutions (DPP) overturned the decision of the Regional State Prosecutor not to charge three police officers who had fired six bullets which hit and wounded six people in the course of the demonstration. The Minister of Justice subsequently denied a request to review the decision to bring charges. The Danish Police Union (*Dansk Politiforbund*) has asked the Parliamentary Ombudsman to investigate.

In May former DPP, Asbjørn Jensen, published the report of his supplementary investigation into the events of 18/19 May 1993. This supplementary investigation was started after an independent sound analysis of a video of the demonstration indicated that an order to shoot at demonstrator's legs might have been given. In his report the DPP concluded, following three separate sound analyses of the video tapes, that it could not be proved that it was the police who yelled "shoot at their legs". Rather, he found it most likely that these shouts came from demonstrators, who he believed were encouraging each other to throw stones at the legs of the police, which were not covered by their shields. The DPP also maintained his previous conclusion that no police gave direct orders to shoot. Both Asbjørn Jensen's conclusions and the methods of the investigations have been subject to strong public and media criticism.

The criticism has focused on the fact that Asbjørn Jensen had initially ordered the national police who assisted in his investigation not to interview members of the Copenhagen police about the shooting episodes. In June the Parliamentary Ombudsman was considering requests that he investigate the conduct of the former DPPs' and the Copenhagen police's investigations.

Following the events of 18/19 May 1993, the police regulation on the use of firearms has been revised and the Copenhagen police radio system - the weakness of which may have contributed to the shooting incident - will be upgraded. The authorities have announced that, following a review of crowd control methods, the Copenhagen police will not add water cannons or rubber bullets to their equipment. Furthermore, according to the authorities, the plainclothes *Uro-patrol* have not been called to take part in subsequent crowd control situations.

In March the report of the Prosecutor who led the in-court investigation into the allegations that a 50-year-old woman (known as "Mrs Andersen" in Amnesty International's June 1994 report) had been ill-treated during her more than 14-hour detention in a police station on a minor non-criminal charge, was published. The Prosecutor found that no satisfactory explanation had been given as to why it had been necessary to detain "Mrs Andersen" overnight in the police station. He criticized the police for not giving her any food during her detention and for taking her glasses away. The Prosecutor did not criticize the fact that she had not been given access to a doctor, despite her requests, as the regulations then in force did not require unconditionally that a doctor be called to examine a detainee in a police station. The Prosecutor found that it could not be proved that she had been punched in the face or

thrown into a cell, but concluded that she should be paid compensation for the "unnecessary humiliation and additional discomfort" suffered. "Mrs Andersen" donated the 5,000 Danish Kroner (approximately £625) paid to her by Glostrup police as compensation to Amnesty International's Danish Section. Following this investigation, the Ministry of Justice informed Amnesty International that it was preparing revised guidelines relating to an arrested person's rights to examination by a doctor, to medical treatment when required, to access to a lawyer, to have their families informed about their arrest, and to be given food and drink and access to toilets.

In June the Ministry of Justice paid Babading Fatty the sum of 60,000 Danish Kroner (approximately £7,000) as initial compensation for the physical and mental injuries he suffered as a result of his detention and ill-treatment when arrested while a tourist in Denmark in 1990 (see AI Index: EUR 01/04/92). This sum was paid without prejudice to any additional compensation he may receive for permanent injury in his pending civil case.

Also still pending were the civil case brought on behalf of Benjamin Schou, who suffered permanent severe brain damage after being arrested and restrained by Copenhagen police on 1 January 1992, and the in-court investigations of 11 people alleged to have been ill-treated during a 15-month anti-drugs operation in Christiania (eight of these cases were highlighted in Amnesty International's June 1994 report).

The results of the authorities' wide-ranging review of methods of restraint used by police have not been completed. Furthermore, no legislation has yet been passed to create a new system for the investigation and handling of complaints against the police.

In a meeting with the Minister of Justice in May, Amnesty International delegates welcomed the initiatives taken to date by the Danish authorities. These included the permanent suspension of the leg-lock, a potentially life-threatening form of restraint which Amnesty International considered to constitute cruel, inhuman or degrading treatment or punishment; the initiation of the wide-ranging review of other forms of restraint used by law enforcement officials; and the initiation of investigations into individual allegations of ill-treatment. The delegation expressed concern that, two years after the events in Nørrebro and despite the completion of a series of official investigations, the exact circumstances in which police fired and wounded people during the violent demonstration had not been made public.

ESTONIA

Following parliamentary elections in March, the Coalition Party/Rural Peoples' Union alliance emerged as the biggest political grouping, winning 41 of the 101 seats in the new parliament (*Riigikogu*). The party signed a coalition agreement with the Centrist Party, which gained 16 seats. In April the new government was sworn in at the *Riigikogu* with Tiit Vähi as Prime Minister, Edgar Savisaar as Interior Minister and Deputy Prime Minister, Riivo Sinijarv as Foreign Minister and Paul Varul as Justice Minister.

The detention of asylum-seekers

A total of 88 asylum-seekers who had been held in detention or under lesser forms of restriction throughout 1994 were allowed to enter Finland where they were granted political asylum (see AI Index: EUR 01/01/95).

Conscientious objection to military service

In January the Estonian Minister of Defence confirmed that according to Government Decree No. 148 of 16 April 1994, alternative civil service lasted 15 months (compared to 12 months for military service). Because there was no separate legislation on alternative service, it was regulated by the Law on Military Service and therefore came under military control. In previous correspondence with the Estonian authorities, Amnesty International had drawn the authorities' attention 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" (see AI Index: EUR 01/01/95). In its letter to Amnesty International, the Minister of Defence expressed the hope that the current arrangements whereby alternative service was under military control would soon be changed. The Minister also said that equalizing and shortening the length of both alternative and military services was "a realistic goal for us in the future". Finally, the Minister confirmed that refusal to perform military or alternative service was currently not a criminal offence.

FRANCE

Police officers sentenced for using illegal violence

In March two officers were found guilty by the Correctional Court in Versailles of using illegal violence and causing injuries to Lucien Djossouvi, a Benin national resident in Paris, on whose behalf Amnesty International had campaigned vigorously. The two officers were given suspended sentences of 18 months' imprisonment each and ordered to pay damages of nearly 50,000 francs. A third officer was acquitted.

In a formal complaint of 11 September 1989 Lucien Djossouvi stated that he had been knocked off his motorcycle by an unmarked car on 5 September 1989. He complained to the driver who called him a "dirty nigger". The driver said that he was a plainclothes officer and ordered him to produce his identity papers. When the officer refused to show him proof of his identity Lucien Djossouvi drove off.

The officer, who was supposedly engaged with two others in separate, unmarked, cars in the surveillance of a suspected drugs dealer, abandoned his operation and gave chase. He forced Lucien Djossouvi against the side of a van, again knocking him off his motorcycle. The original officer was then joined by the two others. Lucien Djossouvi was handcuffed, taken to the entrance of a building and repeatedly punched, beaten with a truncheon and kicked in the testicles. He was later released after withdrawing his earlier stated intention to press charges. Later that evening he was admitted to hospital and received emergency treatment for serious injuries to his head, face, stomach and testicles. Separate parts of the assault were observed by witnesses and were supported by medical and photographic evidence.

After nearly five years of inquiries a date was fixed for a trial hearing. The hearings, which ended in January, were observed by an Amnesty International delegate. The organization was particularly concerned by the length of the inquiry into Lucien Djossouvi's complaint. The observer said that he did not consider the explanations by the Public Prosecutor justifying the length to be convincing. He also felt that, in view of the evidence and in particular the serious injuries suffered by Lucien Djossouvi, the officers' version of events was questionable. He noted that the witnesses had confirmed Lucien Djossouvi's account on many points and had exposed the contradictions in the police evidence on others.

He also referred to the fact that the court had questioned the reasons for the officers' action in abandoning what they had claimed was an important drugs operation in order to deal with a simple refusal to obey an identity check. The subsequent sentence of the court strongly called into question the police claims offered in explanation of their actions. The observer considered that Lucien Djossouvi's rights at the trial hearing had been fully respected, but noted that his lawyer had alleged that the investigating judge had had an unfavourable attitude towards his client. He also claimed that the judge in charge of the investigation had asked his client to describe and act out the incident with the police on 16 occasions.

Police officer sent for trial on charges of murder

In April 1993 a police inspector fatally shot Makomé M'Bowole, a 17-year-old youth born in Zaire. This shooting was one of three separate incidents where officers shot and killed three unarmed youths in their custody, two of them minors, in the space of four days. Civil disturbances in Paris and other large cities followed the announcement of these deaths.

Makomé M'Bowole and two other youths were arrested on suspicion of burglary and taken to the Grandes-Carrières police station in Paris for questioning. He and one other were minors. After two hours Makomé M'Bowole was placed in custody (*garde à vue*) and the Public Prosecutor was informed according to standard procedure. The Prosecutor ordered the lifting of the custody on the two minors

and for their parents to be notified. Makomé M'Bowole's parents apparently could not be contacted so he was not released and the inspector continued with his interrogation.

According to statements made to the subsequent internal police inquiry the officers claimed that the detainee had verbally threatened the interrogating officer who then took out his handgun and shot Makomé M'Bowole at point blank range in the temple. The officer was reported as saying "I wanted to frighten him" and claimed that the gun went off accidentally when Makomé M'Bowole had tried to grab his hand. The officer was committed to prison and an investigation on a charge of murder (*homicide volontaire*) was opened. Following the investigation, the Public Prosecutor requested that the officer be tried for murder by the Assize Court while the defence maintained that the officer be charged with the lesser crime of assault and battery leading to death unintentionally (*coups et blessures volontaires ayant entraîné la mort sans l'intention de la donner*). However, on 23 April the Court of Appeal sent the officer for trial by jury in the Assize Court on the former charge.

Conscientious objection to the national service laws

Amnesty International remained concerned about the punitive length of civilian service which, at 20 months, is twice the length of ordinary military service, and the lack of any provision for conscripts to claim conscientious objector status after joining the armed forces. The vast majority of conscientious objectors entering prison in recent years have been Jehovah's Witnesses who base their objection to military and civilian service on religious grounds. However, few are expected to be imprisoned following a Ministry of Defence directive which came into force "on an experimental basis" in February. Jehovah's Witnesses will not apply for conscientious objector status and civilian service but, on written request to the national service office, they will be referred directly to regional health and social authorities who will assign them to 20 months' civilian work, comparable with that carried out by recognized conscientious objectors.

Pierre Serres, a conscientious objector to military service who rejects civilian service because of its punitive length, was refused a presidential pardon (see AI Index: EUR 01/01/95). He remains liable to arrest and imprisonment for up to six months' at any time. On 12 January an appeal court reduced a sentence of 12 months' imprisonment being served by Alain Cazaux to 10 months' imprisonment (see AI Index: EUR 01/01/95). He was released on 9 June. Christophe Lascaray's obligation to perform military service remained following his release into provisional liberty in June 1993 (see *Amnesty International Report 1993*) and on 6 January 1995 he was sentenced to 12 months' imprisonment for failing to respond to a new call-up order issued in 1994. He entered an appeal but was arrested on 15 April, before the appeal hearing, and escorted to military barracks where he refused an order to put on army uniform and was detained. However, the Public Prosecutor declined to bring charges against him and on 26 April Christophe Lascaray was released and declared unfit for further military service. His appeal against the sentence of 12 months' imprisonment issued in January was still awaiting a hearing at the time of writing.

GEORGIA

The trial of case No. 7493810

A major political trial - case No. 7493810 - ended in Georgia's Supreme Court on 6 March. Two of the defendants, Irakli Dokvadze and Petre Gelbakhiani, were sentenced to death without right of appeal. Others received prison sentences of up to 14 years. The defendants in case No. 7493810 (see AI Index: EUR 01/01/95) were accused of involvement in violent crimes. However, all allege that they were tortured or ill-treated during interrogation and that their statements were extracted under duress. They were in pre-trial detention for up to 17 months and on trial for a further 17 months, and throughout the judicial proceedings they reported numerous violations of due legal process. They were held in overcrowded and insanitary conditions in a detention facility where tuberculosis was rife, and the provision of medical attention described as arbitrary and inadequate.

Amnesty International continued to call on the Georgian authorities to commute the death sentences passed on two of the defendants; to investigate promptly, comprehensively and impartially the allegations of ill-treatment, with the results made public and those responsible brought to justice; and to order a judicial review of the case against the convicted defendants.

Further details are given in an Amnesty International report released in May: *Georgia: Death penalty, torture and fair trial concerns in case 7493810* (AI Index: EUR 56/04/95).

The death penalty

The above report also reiterated Amnesty International's concern at the resumption of executions in Georgia, after a two-year moratorium was lifted in March 1994, and at the lack of an automatic right of appeal. In addition to the two death sentences passed in case 7493810, Amnesty International learned of one death sentence and of a reported seven executions from unofficial sources. The organization continued to call for all pending death sentences to be commuted.

Alleged extrajudicial executions in Abkhazia

The situation continued to be tense in the disputed region of Abkhazia (see AI Index: EUR 56/01/94), especially in the southern district of Gali. Small numbers of Georgians have returned there, out of the estimated hundreds of thousands who fled the region during bitter fighting, and both they and the Abkhazian population have faced increasing attacks from armed bands. Of particular concern to Amnesty International were reports that Abkhazian militia forces were responsible for the torture and murder of at least 13 ethnic Georgians during the period under review.

In late January three members of the same family are reported to have been deliberately and arbitrarily killed by Abkhazian police based in Tagiloni, Gali district, in what was said to be a revenge attack after several of their men had been killed by unknown assailants. Neighbours are said to have discovered the bodies of Ivan Antilava, his wife and son-in-law (names not known) after seeing police enter, then leave, the family home. All died from gunshot wounds.

Fears for the safety of ethnic Georgians were heightened after reports that at least 10 were killed and dozens of others tortured or ill-treated when Abkhazian militia swept through the Gali district from 11 to 16 March. A spokesman for the United Nations High Commissioner for Refugees reported that UN doctors had seen at least 10 bodies, most of which bore signs of torture including pulled fingernails, bad burns and wounds apparently caused by red-hot bayonets and knives. UN doctors had also treated at least 35 people who had suffered similar types of torture or who had been severely beaten. The attacks took place as some 400 to 600 militiamen participated in what was described by the *de facto* Abkhazian authorities as an operation to register Georgian refugees and locate "partisans" who had infiltrated the territory with them.

Amnesty International urged the Abkhazian authorities to carry out immediate, comprehensive and impartial investigations into all such reports of killings, torture and other ill-treatment, to make the results public, and to bring any persons found responsible to justice within the bounds of international law. The organization also urged that all appropriate steps be taken to ensure the security of all residents, regardless of ethnic origin.

GERMANY

The alleged torture or ill-treatment of detainees

In May Amnesty International published a 60-page document *Federal Republic of Germany: Failed by the system - police ill-treatment of foreigners* (AI Index: EUR 23/06/95), in which it detailed allegations it had received over the period January 1992 - March 1995 that German police officers had used excessive or unwarranted force in restraining or arresting people, or had deliberately subjected detainees in their custody to cruel, inhuman or degrading treatment or punishment.

According to the report, medical evidence showed that victims had suffered broken teeth, sprains and bruises, and in several cases broken bones: injuries consistent with the victims' allegations that they had been subjected to excessive force or deliberate ill-treatment in the form of punches, kicks or blows from a police baton. In at least two cases the extent of the injuries suffered by victims was so severe, and the evidence that they were inflicted deliberately or repeatedly or intended to cause intense suffering so overwhelming, that Amnesty International had referred to them as cases of ill-treatment amounting to torture. In some cases there was evidence that officers had sought to justify the injuries they had inflicted on detainees by bringing formal complaints against them for "resisting police authority".

In all but a handful of the cases brought to the attention of Amnesty International the victims were foreign nationals - including asylum-seekers and refugees who had fled to Germany from their home countries in order to seek refuge from persecution - or members of ethnic minorities. In many instances the alleged ill-treatment appeared to have been racially motivated. Over half of all cases involved officers of the Berlin police force.

In numerous cases the victims of ill-treatment also alleged that while in police custody they were denied basic rights guaranteed in German and in international law, including the right to be informed of the reason for their arrest, the right to contact a relative from their place of detention, the right to medical assistance and the right to complain about their treatment.

Although criminal investigations were opened into all the cases of alleged ill-treatment reported to Amnesty International, many of the officers allegedly responsible escaped prosecution and few, if any, faced disciplinary sanctions. None of the foreign or ethnic minority victims had been compensated for the injuries suffered.

In its report, Amnesty International examined in detail the procedures which exist for investigating victims' complaints, concluding that these have not been effective in preventing the use of ill-treatment. In particular the organization criticized the failure of the German authorities to investigate every complaint of alleged ill-treatment promptly, impartially and thoroughly.

Amnesty International made a series of recommendations in its report which it urged the German authorities at both national and regional level to implement in order to carry out effectively the obligations imposed on them in international human rights treaties, namely the obligations to ensure that the rights of all persons in police custody are respected, to conduct in all cases prompt and impartial investigations into allegations of ill-treatment, to bring to justice those responsible, to compensate and rehabilitate the victims and to prevent such ill-treatment from occurring in the future.

Response of the German Government

In June the Federal Interior Minister wrote to Amnesty International rejecting the conclusions of the organization's report and criticizing the allegations it had raised as "unjustified, unchecked...extremely one-sided [and] sweeping". In his letter, the Minister informed Amnesty International that police officers in Germany received two and a half years' basic training, which included an emphasis on the principles of law and in particular on the use of force, and that for several years police officers had received in-service training on the problems of ethnic minorities and on the need to combat racism. The Minister stated that apart from a few exceptions, police officers in Germany "fulfil their difficult and sometimes dangerous duties in accordance with the law and without reproach". Where it was alleged that officers had committed criminal acts these were "investigated rigorously and the appropriate legal and disciplinary

steps taken". According to the Minister, many of the cases Amnesty International had detailed in its report were "old" or had been rejected by the prosecuting authorities, while its recommendations were already covered by laws, orders and regulations of the police forces of the federation and of the *Länder*.

In a reply to the Federal Minister of the Interior the same month, Amnesty International rejected the criticisms about its research. The organization stated that in its report it had described in detail more than 20 cases of alleged ill-treatment, out of a total of more than 70 reports it had received. It had quoted from the testimony of victims, from medical records and from the records of investigations or courts. It had also quoted evidence presented by accused police officers, where this had been available. In many cases, however, this had not been possible because the authorities concerned - particularly the Berlin Ministry of Internal Affairs - had consistently failed to provide Amnesty International with information. Amnesty International further stated that it stood by its report and that, on the basis of the evidence available to it, it did not believe that the problem of police ill-treatment in Germany was limited to a few isolated incidents. On the contrary, after drawing together the information it had collected on individual cases over the past three years, Amnesty International believed that a clear pattern of police ill-treatment of foreigners and members of ethnic minorities emerged in Germany, particularly in Berlin. Failure to recognize and acknowledge this and to introduce the appropriate safeguards could, Amnesty International stressed, only increase the risk of similar cases occurring in the future.

With regard to training, Amnesty International stated that it was aware that such training exists, and indeed had referred to this in its report. The organization's concern, however, was that training programs had not proven adequate to prevent police officers, particularly in Berlin, from ill-treating detainees in their custody. Amnesty International believed, therefore, that the training programs and service instructions of police officers need to be reviewed, in order to ensure that they are consistent with Germany's obligations as laid down in international human rights instruments. The importance of such reviews was, Amnesty International said, made clear only recently by the Hamburg authorities who had concluded, after examining allegations of police ill-treatment, that their own training programs and service instructions needed to be modified.

Amnesty International disputed the Minister's assertion that all allegations of ill-treatment had been investigated rigorously, drawing his attention to the conclusions of a study by the Hamburg authorities which had shown that large numbers of criminal investigations against police officers conducted by the prosecuting and police authorities had been seriously deficient. Amnesty International also stated that the fact that some cases were "old" yet still in progress precisely illustrated one of the organization's criticisms - that investigations into alleged police ill-treatment took too long to conclude. Where Amnesty International had described cases which had been rejected, the organization's purpose had been to demonstrate the difficulties which complainants face in bringing complaints and the resultant lack of confidence which they, their legal representatives and non-governmental organizations in Germany have in the system for dealing with allegations of police ill-treatment.

Finally, in response to the Minister's criticism that many of the recommendations Amnesty International had proposed were already covered by laws, orders and regulations of the police forces of the federation and of the *Länder*, the organization replied that it was aware of the existence of these and had quoted them at great length in its report. Its major criticism, however, was that police officers had not always adhered to them. Furthermore, in some areas legal provisions in Germany were not adequate. The organization had therefore recommended improvements - for example the need for people taken into police custody to be given a form, in a language they can understand, outlining their legal rights. Amnesty International urged the German authorities to reconsider this and the other detailed recommendations it had made in its report.

GREECE

Conscientious objection to military service

There was still no provision for an alternative civilian service to compulsory military service and about 350 conscientious objectors to military service were serving sentences of up to four years and eight months' imprisonment. Fifty-four new conscientious objectors were imprisoned for their refusal to serve compulsory military service during the period between 1 January and 31 March 1995 alone.

The conscientious objectors who last year had received a second call-up for military service reported to their local enrolment offices in May (see AI Index: EUR 01/01/95). They were not immediately required to perform military service and remained free at the end of June.

Further allegations of ill-treatment

Amnesty International continued to receive allegations of ill-treatment of Greek and foreign citizens by police. In May the organization wrote to the Greek authorities expressing its concern about allegations of ill-treatment of a conscientious objector by soldiers in the military camp of Nafplio.

ITALY

Torture and ill-treatment by law enforcement and prison officers

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

The Italian Government authorized the publication, in January, of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) on its first periodic visit to Italy in March 1992, together with its own response to the report.

The ECPT concluded that people held by law enforcement officers "and particularly those belonging to certain specific categories (such as foreigners, people arrested in connection with drugs-related offences etc), run a not inconsiderable risk of being ill-treated." The Committee's main

findings and recommendations concerning detention by law enforcement officers were summarized in an Amnesty International Report published in April (see below).

The ECPT visited prisons in Rome and Milan and expressed particular concern about overcrowding, finding Regina Coeli Prison (Rome) "seriously" overcrowded and San Vittore prison (Milan) "outrageously" so. It stated that when combined with poor sanitary conditions and a very limited range of activities, the conditions of detention could amount to "inhuman and degrading treatment".

Amnesty International report on allegations of ill-treatment and torture

In April Amnesty International published a report entitled *Italy - Alleged torture and ill-treatment by law enforcement and prison officers* (AI Index: EUR 30/01/95) and drew it to the attention of the United Nations (UN) Committee against Torture.

Amnesty International's report pointed out that during the 1990s there had been a noticeable increase in the number of allegations that people held in the custody of law enforcement and prison officers had been subjected to gratuitous and deliberate physical violence. The organization said it was concerned that elements within some law enforcement agencies might be subjecting detainees to ill-treatment on a regular basis and that, although Italy had adopted certain legislative and administrative measures designed to combat the use of ill-treatment against detainees, in practice these were not being fully implemented. The report cited numerous instances of alleged ill-treatment by officers attached to the state police, *carabinieri* and municipal police in the 20 months up to December 1994.

Allegations of ill-treatment have come from across the country, including the cities of Bologna, Florence, Genoa, Milan, Naples, Padua, Palermo, Rome and Turin. In some of these places there have been multiple complaints of ill-treatment. A high proportion of allegations concern immigrants from outside Western Europe - most of them from Africa - and an increasing number of Roma. Some cases have involved minors.

The most common forms of ill-treatment alleged are repeated slaps, kicks and punches, and beatings with truncheons, frequently accompanied by general verbal abuse and, in the case of immigrants and Roma, racial abuse. There have been isolated reports of sexual assault and of law enforcement officers threatening detainees with guns. There are also reports of detainees being deprived of food for up to 24 hours. Officers attached to one city police force are said to have chained some immigrants to hot water radiators and transported others outside the city, removed their shoes and forced them to walk back barefoot.

Many of the allegations received by Amnesty International have been supported by medical and eye-witness evidence. Detainees frequently claim that if they indicate their intention of lodging a complaint they are threatened with further ill-treatment or criminal counter-charges such as resisting or insulting a public officer, calumny or defamation. When formal complaints are lodged, judicial investigations are routinely opened. However, a number of these appear to lack thoroughness. In cases where officers have been found guilty of ill-treating detainees, the sentences passed by the courts have frequently been nominal.

Allegations of ill-treatment by prison officers, sometimes concerning large numbers of inmates, have been reported from over a dozen prisons during the 1990s. Frequently they have been accompanied by complaints of severe overcrowding, poor sanitation and inadequate medical assistance.

Amnesty International pointed out in its report that, although Italy has ratified the principal international instruments prohibiting torture and cruel, inhuman or degrading treatment or punishment, both the UN Human Rights Committee (see AI Index: EUR 01/01/95) and the ECPT had recently expressed concern over the ill-treatment of detainees in Italy and had recommended that the authorities take more effective steps to safeguard them from such treatment. Amnesty International stated that, in its view, such reforms were urgently needed.

UN Committee against Torture highlights "dangerous trend towards racism"

The UN Committee against Torture met in Geneva on 27 April to examine the Italian Government's Second Periodic Report on its implementation of the UN Convention against Torture. In its formal conclusions, following its examination of the government's report, the Committee emphasized its concern over the persistence of ill-treatment by prison and law enforcement officers and over "a dangerous trend towards racism", noting that the majority of victims of ill-treatment belong "either to certain foreign countries or to minorities". It pointed out that this concern was shared by the UN Human Rights Committee.

The Committee against Torture also drew particular attention to its concern over information it had received from non-governmental organizations, such as Amnesty International, about a series of serious acts of torture, and about the deaths of several detainees. It stated that, in its view, the punishments imposed on public officers in cases where trials had taken place did not appear proportionate to the severity of the acts committed.

In addition the Committee expressed alarm about the level of prison overcrowding, the high number of inmates awaiting a definitive sentence and temporary legislation allowing the suspension of certain humanitarian standards relating to the treatment of prisoners.

The Committee recommended that Italy again consider including a specific offence of torture, as defined by the Convention, in its penal legislation and that it closely monitor the implementation of safeguards against ill-treatment during initial detention, with special reference to access to a lawyer and to a doctor. It also recommended that the government ensure that complaints of torture and ill-treatment be speedily and effectively investigated and that the punishments imposed on those responsible be adequate and effective; that it improve the rights of torture victims to state compensation; that it offer them a rehabilitation program; and that it establish further relevant training programs for law enforcement officers and medical personnel.

KAZAKHSTAN

The death penalty

Statistics on the application of the death penalty in 1994 were disclosed in statements in March 1995 by President Nursultan Nazarbayev and in April by the First Deputy Chairman of the Supreme Court. One hundred people had been sentenced to death in 1994, compared to 65 the previous year. Of these, seven had subsequently had their punishment changed on appeal during the year to 15 years' imprisonment, as had 19 other people sentenced to death in previous years. One death sentence passed in 1994 had been commuted. The First Deputy Chairman of the Supreme Court reported that, in cases where sentence had been passed towards the end of 1994, appeals and clemency petitions were still pending.

Amnesty International learned of four individual cases of people facing the death penalty, two of whom had been sentenced in 1994 and two in the first quarter of 1995. All four people had been sentenced to death for premeditated aggravated murder, and one of them additionally for banditry.

President Nazarbayev's disclosure of death penalty statistics came in a speech about crime in which he stated: "Although I am not a supporter of repressive measures, I would like to say that at present calls which are sometimes heard for the abolition of the death penalty are absolutely groundless, irrespective of whatever humanistic reasoning accompanies them. Possibly in future our society will reach the necessity of abolishing it and replacing it with life imprisonment as is accepted in states with a high level of a sense of justice, but so far it is too early to talk about it."

Amnesty International continued to urge commutation of all individual death sentences, and total abolition of the death penalty in Kazakhstan. It continued to point out to the authorities that there was no evidence that the death penalty prevents serious crime any more than other punishments, and that the wrong message is given when a government itself violates human rights in the process of seeking to enforce law and order. Amnesty International stated the hope that the people of Kazakhstan and their leaders would decide that a commitment to human rights and to finding genuine solutions to crime would be furthered by an end to the death penalty.

KYRGYZSTAN

The death penalty

In May President Askar Akayev refused clemency petitions from 30 prisoners under sentence of death. The President was reportedly acting on a recommendation submitted by the Clemency Commission the previous week. Kyrgyzstani press sources, commenting on the Clemency Commission's decision, noted that "our society is saturated with crime to such an extent that excessive leniency could further corrupt the criminal world".

Immediately upon learning of the President's decision, and believing that at that time the prisoners concerned might still be alive, Amnesty International appealed to the President to reverse his decision in all 30 cases and to commute these death sentences. It stressed to the authorities in Kyrgyzstan that there was no evidence that the death penalty prevented serious crime any more than other punishments. At the time of writing the response of the Kyrgyzstani authorities to Amnesty International's appeal was unknown.

According to unofficial sources, the prisoners whose clemency petitions were turned down included Vasily Skvortsov, aged 21, who had been sentenced to death for murder in 1994 and about whom Amnesty International had learned in January.

LATVIA

The detention of asylum-seekers

In April Amnesty International expressed its concern to the Latvian Minister of the Interior about the situation of 104 asylum-seekers from Iraq, Iran and Afghanistan who had been detained the previous month on board a train at Karsava on the Latvian/Russian border and later moved to an 'open' prison in the Latvian town of Olaine. According to information received by Amnesty International, some of the asylum-seekers had been subjected to ill-treatment by Latvian law enforcement officials.

The group of asylum-seekers, which at one stage had numbered 128 people, was first detected aboard two buses in Riga on 21 March. Two days later 105 people from the same group who were on board a train to St. Petersburg were refused entry to Russia by Russian border control officials and sent back to Latvia. Subsequently there were numerous unsuccessful attempts by the Latvian authorities to deport the group to Russia and Lithuania. Eventually the carriages containing them were parked in the border town of Karsava. On 6 April the asylum-seekers were taken to Olaine where they were detained in an "open" prison in a special area within the prison complex in the town. They remained in detention at the end of June.

In its letter to the Latvian authorities, Amnesty International expressed its concern that none of the asylum-seekers should be sent back to their countries of origin unless it had been established in a fair and satisfactory procedure that they would not be at risk of human rights violations if returned. Although Latvia has not ratified the 1951 Convention, it is bound by the principle of *non-refoulement*, which is widely recognized as a norm of customary international law.

Amnesty International also stated in its letter that it 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. Any asylum-seeker who is detained should be given a prompt, fair, individual hearing before a judicial or similar authority to determine whether his or her detention is lawful and in accordance with international standards.

In its letter, Amnesty International urged the Latvian Government to ratify the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and to establish an adequate protection system for refugees and asylum-seekers. The organization also expressed concern at reports it had received that at least two asylum-seekers belonging to the original group of 128 people detained by Riga officials on 21 March had been ill-treated by Latvian law-enforcement officials at the Latvian/Belarus border. According to these reports the two men - both Iraqi Kurds - were beaten and deprived of their belongings by the officials before being sent into a forest with guns pointed at their heads. Amnesty International urged the Latvian authorities to conduct a prompt and impartial investigation into these allegations, to make public the findings, and to bring to justice any officials found responsible for ill-treating people in their custody. Finally, the organization asked for information on the identity and current whereabouts of the other members of the original group of 128 asylum-seekers detained on 21 March who had been separated from the group later detained in Olaine. No reply to Amnesty International's letter had been received by the end of June.

The death penalty

In June Amnesty International wrote to the President of the Republic of Latvia, Guntis Ulmanis, welcoming the admission of Latvia to the Council of Europe on 10 February and its signature to the European Convention on Human Rights. In its letter the organization noted that the Parliamentary Assembly had recommended to the Committee of Ministers that Latvia be invited to become a member

of the Council of Europe on the understanding that Latvia would ratify the European Convention on Human Rights and Protocols Nos. 1, 2, 4, 6, 7 and 11 within a period which, by the terms of Assembly Resolution 1031 (1994), should not normally exceed one year from the time of admission to the Council of Europe. Amnesty International urged the Latvian authorities to proceed as soon as possible to ratify Protocol 6 of the European Convention on Human Rights concerning the abolition of the death penalty and, pending this, to impose an immediate moratorium on all executions.

During the period under review Amnesty International appealed for commutation of the sentences passed by the Latvian Supreme Court on Michael Abramkin and Uldis Lujans in February and May 1994 respectively (see AI Index: EUR 01/01/95). The organization also asked the Latvian authorities whether appeals were heard in their cases. Amnesty International's concern in this area arises from the fact that in Latvia the Supreme Court - the highest court in the land - continues to hear capital cases as the court of first instance. The organization received no official response from the Latvian authorities about their cases. Nor did Amnesty International receive any response from the office of the Procurator General of Latvia to whom it wrote in December 1994 seeking clarification of the number of people currently under sentence of death.

In its letter to the Latvian authorities in June, Amnesty International again asked for information on the number of people currently under sentence of death and on the stage that had been reached in any appeals or petitions for clemency on their behalf. The organization also asked whether appeals had been heard in the cases of Michael Abramkin and Uldis Lujans and if so, which court had heard the appeals and what reasoning it had used in issuing its judgment.

MOLDOVA

The death penalty

On 15 June the Moldovan parliament abolished the death penalty as a possible punishment for 14 military crimes committed in wartime or during combat operations. Amnesty International welcomed these further moves to limit the application of the death penalty, and continued to press for full abolition.

At least 15 people were believed still to be on death row and Amnesty International repeated calls for all pending death sentences to be commuted. No executions have been carried out in recent years, reportedly because of a lack of necessary facilities (see AI Index: EUR 01/01/93).

Death in custody in the self-proclaimed Dnestr Moldavian Republic

Amnesty International approached the authorities in the self-proclaimed Dnestr Moldavian Republic (DMR) regarding the death of Aleksandr Pavlovich Kalashnikov who, according to his relatives, died in the custody of officers of the Organized Crime Prevention Department (OBOP) in the town of Rybnitsa on 27 March.

According to Aleksandr Kalashnikov's mother, four men in civilian clothes who identified themselves as members of OBOP called at her son's home in Rybnitsa at 8.30am on 27 March. They arrested him on the grounds that his car had been used in a crime, although Aleksandr Kalashnikov maintained that the vehicle had not been in use since August 1994. At around 11.30am that day an acquaintance is said to have seen Aleksandr Kalashnikov's dead body lying on the floor of an office in the OBOP building. His relatives were informed by the Prosecutor's Office that the cause of death was the result of severe trauma causing fractures to most of the ribs and damage to the lining on the lung (*pleura*).

Criminal proceedings are said to have been instituted in connection with the death.

Amnesty International has urged the DMR authorities to ensure that the circumstances of Aleksandr Kalashnikov's death are the subject of a thorough and impartial investigation, with the results made public and the person or persons responsible brought to justice. No response had been received at the time of writing. The authorities have also not replied to the organization's previous communications over earlier reports of ill-treatment in detention (see AI Index: EUR 01/01/95).

NETHERLANDS, KINGDOM OF THE

Netherlands Antilles: United Nations Committee against Torture calls for prompt and full investigations into allegations of ill-treatment

On 25 April the United Nations (UN) Committee against Torture examined the Kingdom of the Netherlands' Second Periodic Report on the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

A report, *Netherlands Antilles: Comments by Amnesty International on the Second Periodic Report submitted to the United Nations Committee against Torture* (AI Index: AMR 12/01/95), published in April, was submitted to the Committee for its information. It described various reports of torture and ill-treatment which Amnesty International had received during the period covered by the Netherlands Antillean report of 1 January 1990 to 1 January 1994, which was to be examined by the Committee. These reports alleged ill-treatment of detainees by police and prison officers, resulting in some cases in deaths in custody. The contents of the reports had previously been brought to the attention of the Netherlands Antillean authorities and the Minister for Netherlands Antillean and Aruban Affairs in the Hague. Amnesty International also commented on the conclusions of the "Commission of Inquiry into the alleged unlawful behaviour of the police" established by the Netherlands Antillean Government in 1991.

The Committee Rapporteur announced the draft conclusions and recommendations at the April session. He expressed the Committee's concern about the severity and the relatively high number of cases described in information received by the Committee from the government and other sources. He further stated that it was concerned by the apparent failure of the authorities to investigate such cases fully.

The Committee recommended the government take strong measures to bring to an end the reported ill-treatment by police, and ensure the prompt and full investigation of alleged ill-treatment and the prosecution of officers where appropriate. It also requested further information as to the number and results of investigations into allegations of ill-treatment.

New allegations of ill-treatment in Bonaire and Curaçao

In June Amnesty International requested the Netherlands Antillean authorities for their comments regarding 49 allegations of ill-treatment received by the organization. Nine allegations concerned ill-treatment reported to have taken place in Bonaire in 1995. The detainees claimed that officers slapped and punched them. In certain individual cases detainees alleged that they had been beaten with truncheons and, in others, that they had been partially asphyxiated with hands and plastic and paper bags.

In one case three men alleged that they had received electric shocks. A further 40 cases of alleged ill-treatment in 1993 and 1994 were received from Curaçao.

Amnesty International is still awaiting the reply of the authorities regarding the reports into complaints of ill-treatment of prisoners in Pointe Blanche prison in St Maarten in 1993 which were the subject of an official investigation (see AI Index: EUR 01/02/94).

PORTUGAL

Republican National Guards sentenced for violence against detainees

In May the Second Military Tribunal of Lisbon sentenced five officers of the *Guarda Nacional Republicana* (GNR), a paramilitary law enforcement body, to prison sentences for using unnecessary violence against two youths, Francisco Carretas and Arnaldo Brandao, detained in Charneca da Caparica in February 1992. The senior officer, a corporal, was sentenced to 14 months' imprisonment and four other soldiers to one year's imprisonment. Two soldiers were acquitted for lack of evidence. One of the soldiers found guilty had a previous conviction from November 1992 for assault.

In a written complaint to the court in Almada and to the Commanding General of the GNR, Francisco Carretas stated that he and his friend had been beaten in the Almada GNR post and in a wood near where they were detained. He alleged that they were kicked, punched and hit with truncheons. He further claimed that they were ordered to strip naked in the wood and that he had been threatened with sexual assault. He was treated in hospital where multiple injuries to his body were reported, including a fracture of the coccyx, injuries to his neck and right ear, scalp, buttocks, chest, ribs, pelvis and spine. His friend suffered from injuries to his ribcage and back. The case was referred by the Prosecutor to the Military Judicial authorities who opened an inquiry. After two years no result has been forthcoming.

Amnesty International published details of this case in its October 1993 report *Portugal: Torture and ill-treatment: summary of Amnesty International's concerns* (AI Index: EUR 38/01/93) which it submitted to the United Nations (UN) Committee against Torture. The Committee was engaged in examining Portugal's Initial Report on implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In its conclusions it criticized the "relative impunity" for perpetrators of torture and ill-treatment and the frequent delays and length of investigations into such allegations (see AI Index: EUR 01/01/94).

The trial of the seven GNR officers opened in November 1994 but was suspended because one of the accused failed to attend. It reopened in March and was postponed twice more owing to the failure of officers to attend. On 23 May sentence was pronounced. However, in June the officers were still at liberty pending an appeal.

The case of Paulo Portugal

Delays were also experienced in cases before civilian courts. Paulo Portugal was arrested in August 1991 by a GNR unit in Almada. He claimed he was beaten and forced to excrete in his clothes. He suffered injuries to his head, chest, stomach, ribs and face. Six officers were charged (see AI Index: EUR 01/02/94). The trial hearing was due to open in April but was postponed until November.

ROMANIA

Continuing violations of human rights

Human rights violations persisted in Romania in spite of its assurances to the international community that it is committed to upholding its international human rights obligations. Romania made a further

commitment to protect human rights in October 1993 when it became member of the Council of Europe. However, Amnesty International continued to receive reports of violations, including the imprisonment of prisoners of conscience, the torture and ill-treatment of detainees, deaths in detention in suspicious circumstances and a nationwide pattern of police failure to protect the Roma minority from racist violence. Amnesty International's concerns were described in a report published in May, *Romania - Broken commitments to human rights* (AI Index: EUR 39/01/95). In this report, the organization made extensive recommendations regarding legislative and judicial reforms, investigation of allegations of torture and other ill-treatment by law enforcement officers, as well as the effective protection of Roma from racist violence. Amnesty International also addressed recommendations to the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) concerning how these institutions could help protect and promote human rights in Romania.

The consistency and regularity of the reports of torture, beating and other ill-treatment of detainees by law enforcement officers in Romania indicate that the problem is widespread. Evidence points to a pattern of casual violence and illegal acts by police officers, with little redress for the victims. Investigations into human rights violations by law enforcement officials are seldom thorough and impartial. In its report Amnesty International examined in detail the circumstances and police practices which lead to violations of detainees' fundamental rights. The lack of regulations concerning individuals' rights in pre-trial detention is also criticized. The following are some of the recently reported cases of ill-treatment of detainees.

On 14 January Ilie Cojoc was beaten by police officers in the Suceava County Police Station where he was detained for nearly four days apparently without any charges. After refusing to sign a statement that would implicate him in a theft he was brutally beaten all over his body with legs of chairs, truncheons, fists and feet. The beating continued intermittently until he could no longer walk or move his arms. As a result of this treatment he had lesions all over his body, blood in his urine and was hospitalized from 19 to 26 January.

Another report concerns the ill-treatment of Viorel Constantin by police officers and civil guards outside a bar in __nd_rei (Ialomi_a County). On 2 April at around 11pm, on leaving the Astoria bar, Viorel Constantin asked civil guard, I.T., why he had kicked his 14-year-old son, Catalin Constantin, several days earlier. Without replying I.T. allegedly punched him. The guard and two police officers then surrounded Viorel Constantin and started to punch and kick him. People in the bar tried unsuccessfully to stop the beating. The beating continued outside the bar, where Viorel Constantin tried unsuccessfully to hide under a car. Another police officer, in plain clothes, came and also started to beat Viorel Constantin. The officers then took Viorel Constantin to the police station where he was released without charges shortly afterwards by the chief of the police station. According to a medical certificate issued the next day Viorel Constantin had suffered multiple bruising and scratches on the chest and the back, a fissure of the right collar-bone, a traumatic rupture of the left eardrum and a broken acrylic crown of one of his teeth.

Amnesty International also received reports of ill-treatment apparently motivated by the victims' ethnic background. On 21 March between 6 and 7am, around 40 to 50 police officers allegedly carried out a raid on the Roma neighbourhood of Sectorul Agricol Ilfov (SAI) near Bucharest. On the morning of the incident Emilian Niculae, a Rom, woke up to see a police officer standing next to his bed. When he asked the policeman why he had come and whether he had a search warrant he was punched in the head, the stomach and the back. He was then taken away half dressed and barefoot (he has one leg shorter than the other and requires the use of an orthopaedic shoe). His brother, Stefan T_nase, was treated similarly. They were both put into a police van and taken to the Jilava police station. There they were put into a police car and taken to police headquarters in SAI-S_ftica. After several hours Emilian Niculae and Stefan T_nase were released without any charges or explanation. Later Emilian Niculae was examined by a forensic medical expert who noted bruising on his face and the back of his head.

RUSSIA

Human rights violations linked with conflict in the Chechen Republic

Since Russian troops entered the Chechen Republic in December 1994 over 1,500 Russian soldiers and an unknown number of Chechen fighters have died, and estimates of civilians killed range from the thousands to the tens of thousands. These tragic statistics have been accompanied by numerous reports of human rights violations within Amnesty International's mandate - violations which have arisen from the armed conflict but which have their seeds, and counterparts, in unresolved issues in peacetime. They

include allegations of widespread beating and torture in detention; reports of deliberate and arbitrary killings of civilians; the lack of a civilian alternative to military service for conscientious objectors; and parliamentary attempts to widen the scope of the death penalty. For detailed information on these concerns during the first four months of the conflict see *Russia - Armed conflict in the Chechen Republic: Seeds of human rights violations sown in peacetime* (AI Index: EUR 46/10/95, April 1995).

In June the conflict area widened when around 1,000 civilians were taken hostage by a group of armed Chechens in the southern Russian town of Budennovsk. The forces were led by Shamil Basayev, one of Chechen President Dzhokhar Dudayev's field commanders, who stated that he was acting without the knowledge or consent of the President.

Around 40 people were reported killed when the Chechen forces entered the town on 14 June. They rounded up hostages and took them to the local hospital, where they were held along with staff, patients and visitors. At a press conference in the hospital, Shamil Basayev was quoted as saying that he and his men would fight to the death, and shoot the hostages if necessary, to achieve their demands that Russian forces declare a cease-fire and disengage from the Chechen Republic. Other threats were also reported against the lives of the hostages, and when Russian forces attempted to storm the building on 17 June hostages reported that some were forced to stand at windows as shields for Chechen fighters during the assault.

Most hostages were released when the Chechen forces left Budennovsk on 19 June, although over 100 accompanied the departing group as volunteer human shields and were not finally released until the convoy reached the Chechen Republic the following day. At least 123 people are reported to have died between 14 and 20 June, as a result of actions by both Chechen and Russian forces.

Amnesty International opposes hostage-taking and the deliberate and arbitrary killing of civilians. The organization called on President Dudayev, as formal commander, to take all necessary steps to ensure that no forces under his control commit such acts in future. Amnesty International also urged him to conduct a rigorous investigation of responsibility for the abuses by Chechen forces reported in Budennovsk, with the findings made public.

Amnesty International also approached the Russian authorities about the death of journalist Natalya Alyakina, who was shot dead in Budennovsk by Russian forces on 17 June. Soldiers opened fire on the car in which she was travelling shortly after it had passed through a military checkpoint. An investigation is reportedly under way, and one soldier is said to have been detained after legal proceedings were instituted for "violating regulations on the use of firearms" (Article 251-1 of the Criminal Code).

Amnesty International sought assurances that the investigation into Natalya Alyakina's death would be comprehensive and impartial, with the results made public; anyone identified as responsible for the deliberate and arbitrary killing of an unarmed civilian should be brought to justice.

The detention of Khamad Kurbanov and Ramzan Muzayev

Amnesty International urged the Russian authorities to release or charge with a recognizably criminal offence two Chechens detained in Moscow in June. Khamad Kurbanov, President Dudayev's representative in Moscow, was detained on 17 June and Ramzan Muzayev, secretary of the Chechen-Press information agency, was picked up two days later. Both men were held under a 1994 presidential decree on "Urgent measures to defend the population from banditry and other manifestations of organized crime", which allows suspects to be detained for up to 30 days without charge.

This provision of the decree contravenes both the Russian Constitution, which stipulates that a person may not be held for more than 48 hours before a court rules on the legality of their detention, and international legal standards which state that those arrested or detained should be brought promptly before a judge. Both men are said to have seen a lawyer, although the presidential decree itself makes

no mention of the suspects' right to a defence counsel during the period spent under the 30-day detention.

Allegations of ill-treatment

During the period under review Amnesty International received a response from the Central Military Prosecutor's Office (CMPO) about the deaths of three naval cadets and a sailor from the Pacific Fleet in January 1993 (see *Amnesty International Report 1994*). Reports at the time suggested that the four suffered from malnutrition and died after being forced to perform heavy manual tasks. Two were said to have been beaten shortly before their deaths. Press and other sources have long reported that conscripts faced beatings, sometimes fatal, and other ill-treatment by longer-serving recruits, and that this practice was frequently condoned by those in authority.

According to the CMPO reply, an investigation established that Cadet A. Danilov died from pneumonia aggravated by alimentary dystrophy, Cadet A.N. Ivanov from alimentary dystrophy, Cadet A.G. Trofimenko from cachexia (malnutrition) and Seaman Statsenko from alimentary dystrophy. Cadet Danilov also had light bodily injuries judged unrelated to the cause of death, and Seaman Statsenko had facial injuries. The investigation concluded that the deaths resulted from negligence by medical and training officials, official abuse of power and exceeding of authority, deficiencies in organizing food and billeting of troops, and theft of supplies by officers. By May 1995 three officers of the medical service, a warrant officer, five petty officers, two sailors and a civilian had been convicted, although their sentences were not given in the CMPO response. One criminal case against a senior officer was closed as a result of an amnesty. An investigation was said to be continuing into a number of areas, including the death of Seaman Statsenko.

SPAIN

Law enforcement officers sentenced for ill-treating tourists in Ibiza

In March five officers - two Civil Guards and three local policemen - were found guilty of ill-treatment and causing physical and mental injuries to two tourists from Denmark. Amnesty International had vigorously campaigned on their behalf since the original assault in September 1991. Mohamed Hegazy, a taxi driver from Copenhagen, and his friend, Raed Shibli, were stopped in the town of San Antonio Abad in Ibiza by a patrol car belonging to the paramilitary Civil Guard, who were supported by municipal police. The officers later claimed that the two tourists had reacted violently when they were stopped and had to be subdued by force. They were taken to the local police station and detained in handcuffs. The Civil Guard officers, who were later found guilty by the court to be chiefly responsible for the injuries to the two detainees, admitted that these injuries had been caused by them, but said that they were

attempting to subdue the two men. One officer, who was given the heaviest sentence of 30 days' imprisonment, said that he had been obliged to beat Mohamed Hegazy, because of his defiant attitude, with a truncheon for approximately 15 minutes "in order to calm him down". Most of the injuries were to his arms, back, buttocks and the back of his legs. The medical expert, who had seen the photographs of the injuries to Mohamed Hegazy, said that it looked to him as if they had been caused by blows from a plank rather than a truncheon. However, the parties all said that they were caused by truncheons.

Both tourists registered a complaint with the court but the judge in charge of the inquiry into the complaints ordered it to be halted after one and a half months, even though the investigators had not interviewed the two complainants and despite extensive medical and photographic evidence to support their case.

As a result of the publicity this case received in Spain, in 1993 the Attorney General personally intervened and requested the reopening of the inquiry by the court. A French penal lawyer observed the trial in Majorca on behalf of Amnesty International. All the officers were found guilty and sentenced to terms of imprisonment, which the officers customarily will not serve, of up to 30 days. Damages and costs were also awarded to the plaintiffs.

Amnesty International considered that there was a major failure of the judicial system regarding the investigation of the complaints in this case. This was only rectified following media publicity and the personal intervention of the Attorney General. The delays in the judicial process were unacceptable and the sentences finally imposed for acknowledged serious offences were nominal.

New pardons for officers convicted of torture and ill-treatment

Officers convicted of serious crimes of torture and ill-treatment continued to receive pardons and to be employed by the government. This happened even in cases where the offences were repeated.

In April 1993 the United Nations Committee against Torture expressed its concern over the long delays in investigating such crimes and the apparent impunity enjoyed by officers convicted of them.

In October 1992 five Civil Guard officers stood trial for torturing a Basque prisoner held in incommunicado detention in July and August 1983. The San Sebastian court found that Joaquín Olano was punched, kicked, hit with a telephone directory, hooded, partially asphyxiated with a plastic bag, submerged in water and given electric shocks. He was shown his wife in a room in the police station through a spy hole and the officers said they would rape her. The five officers were sentenced to prison terms of between two and five months each and varying terms of disqualification of up to six years and one day from holding public office. Their appeals failed (see AI Index: EUR 01/04/92).

In March two of the five officers, José Domínguez Tuda and Manuel Barroso Caballero, were given pardons for torturing Joaquín Olano and will continue to serve in the Civil Guard. Both officers had been promoted since their conviction was confirmed in September 1994 (José Domínguez Tuda and another officer, Manuel Macías Ramos, had previously received pardons in 1991 after being convicted of torturing a local politician, José María Olarra, in 1983). The sentence was, however, enforced against another of the convicted officers, Enrique Dorado Villalobos, because he already had previous convictions in separate trials for robbery with violence, illegal possession of weapons and bribery. This officer was finally forced to leave the Civil Guard in June 1995 following the withdrawal of his military status. The fifth officer, Felipe Bayo Leal, also had previous convictions for illegal use of vehicles, licence offences to commit robbery and attempted robbery with violence and is no longer a serving officer.

In another case of torture there was a delay of 16 months before the authorities acted to enforce the sentences confirmed by the Supreme Court. In May six out of nine officers, convicted in 1990 of torturing the 57-year-old father of a suspected member of the armed Basque group, *Euskadi Ta Askatasuna* (ETA), were expelled from the Civil Guard. In 1981 Tomás Linaza had been arrested and held incommunicado for nine days, during which he was repeatedly punched and beaten all over his

body and on the soles of his feet, handcuffed and suspended from a bar upside down and hooded and threatened with shooting. He was then released without charge. One of the officers had been promoted from captain to lieutenant-colonel between the committal of the crime and the final sentence, another had already been convicted in 1987 and then pardoned on another charge of torture, and the most senior officer had already been pardoned and released from prison the previous year (see AI Index: EUR 01/01/95).

Conscientious objection to military service

The military section of the Supreme Court heard appeals lodged by José Antonio Escalada and Manuel Blázquez Solís, naval conscripts arrested after leaving their posts at the outbreak of the Gulf conflict in 1991 and sentenced to prison terms on two separate counts of desertion from the armed forces. 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*). In March the Supreme Court confirmed the sentences of 17 months' imprisonment imposed on both defendants on the first count of desertion but in April annulled the prison sentences imposed on the second charge of desertion, which had been brought against them following their refusal to return to military service after their release into provisional liberty, pending trial, in 1991. Both remain at liberty while awaiting the outcome of appeals to the Constitutional Court.

SWITZERLAND

Parliament votes in favour of bill introducing a civilian alternative to military service

In March and June the National Council and the Council of States voted in favour of the major provisions of a government bill introducing, for the first time, a civilian alternative to compulsory military service. Conscripts demonstrating their inability to reconcile military service with their consciences will qualify for a civilian service, in the public interest, of one and a half times the length of ordinary military service. The bill, which will undergo further parliamentary examination in order to harmonize amendments to the separate texts adopted by the two chambers, is not expected to become law until late 1996.

Alleged ill-treatment by law enforcement officers

Further allegations of police ill-treatment were received, a number concerning officers attached to the Zurich city police. On 2 February 1995 a criminal complaint was lodged in the name of Hassan L, a

Libyan national, against several unnamed Zurich police officers whom he accused of subjecting him to physical ill-treatment on the night of 1 - 2 February.

Hassan L, by his own admission, was drunk when he was approached by several men in the Letten area of Zurich on the night in question. He claimed that he did not at first realize they were police officers because they were dressed in plain clothes and that when the men began to hit him he picked up a stone to defend himself. However, he also claimed that, before he could use it, a bystander warned him that the men were police officers. He alleged that, thereupon, one of the officers hit him in the face, knocking him to the ground and that after he had been handcuffed an officer seized him by the feet and dragged him along the ground towards a police vehicle. He stated that, while this was happening, other officers kicked his ribs, chest and neck and that, while he was lying on the ground, one of the officers jumped on his chest. He claimed that, in all, four or five officers assaulted him and that he eventually lost consciousness.

Hassan L also reported that after transfer to a police station an officer entered his cell and struck him in the face causing him to lose consciousness for a second time. He stated that, after regaining consciousness, he asked for water and an officer accompanied him to the washroom and that, on the way back to his cell an officer struck him several times on the left shoulder. When he began to suffer severe pains he asked for a doctor who, on arrival, diagnosed that a fractured rib and ordered his transfer to hospital where he was admitted to an intensive care unit. A hospital doctor issued a medical certificate on 2 February recording, *inter alia*, pneumothorax, apparently caused by trauma, two fractured ribs, contusions to his left knee, lower right leg and right cheekbone. The doctor apparently also indicated that the injuries found on his body were consistent with his allegations of ill-treatment. As a result of pneumothorax and consequent breathing difficulties, Hassan L's life was in danger for several days but his condition improved and he was discharged from hospital some 10 days after admission.

Amnesty International wrote to the authorities asking to be informed of the eventual outcome of the investigation into Hassan L's complaint and of any criminal or disciplinary proceedings arising from it. The organization expressed concern about the reported refusal to allow Hassan L's lawyer to be present at police interviews conducted with his client while he was in hospital. In March the authorities informed Amnesty International that investigations into the alleged incidents were still under way.

TADZHIKISTAN

Detention of opposition journalist Mirzo Salimov

Mirzo Salimov, a former journalist for the opposition newspaper *Charogi Ruz* (Light of the Day) who had recently returned from self-imposed exile in Russia, was detained at the beginning of May in the town of Gissar by men in uniforms who forced him into a car at gunpoint. Eye-witnesses reported that Mirzo Salimov's abductors shouted at him: "You are an enemy of the people! We have been looking for you for a long time!" He was initially feared to have "disappeared", since inquiries by his family to the police and the Ministry of Security failed to provide any information. However, just over three weeks later he was released from the custody of state law enforcement organs after being charged with "war propaganda", "organizational activity towards commission of especially dangerous state crimes and participation in an anti-government organization", and "violating the equal rights of nationalities and races".

Fearing that he had "disappeared", Amnesty International called on the authorities for clarification of Mirzo Salimov's whereabouts and for guarantees of his physical safety and well-being.

The death penalty (update to information given in AI Index: EUR 01/01/95)

At the beginning of June, at the close of the latest round of peace talks between the government and the armed opposition, government representatives announced a moratorium on the carrying out of death sentences passed on opposition supporters for crimes connected with the civil war, pending the final outcome of peace negotiations. Amnesty International was unable to confirm whether this affected eight people known by the organization to have been sentenced to death for civil war-related crimes, about whom there had been no information since 1994.

TURKEY

International scrutiny intensifies

Turkey came under strong pressure from the European Parliament and the Council of Europe urgently to carry out reforms. In April a resolution of the parliamentary assembly of the Council of Europe went so far as to pass a resolution calling for Turkey's suspension from the Council unless it managed to meet certain conditions - including progress on human rights.

The Turkish Government responded with assurances that a "renaissance of human rights" was imminent in the form of their democracy package consisting of revision of Article 8 of the Anti-Terror Law (under which most prisoners of conscience are held) and a number of constitutional changes. Unfortunately, the package contained no measures to address the increasing numbers of deaths in custody, "disappearance" and extrajudicial executions. However, by mid-July even this most modest of programs was proving impossible to get through parliament. A group of deputies from the True Path Party (senior party in the governing coalition) were determinedly resisting the change, encouraged by comments made by the President and even by the military. On 30 June Deputy Chief of Staff General Ahmet Çörekçi told reporters, "We'll finish terrorism soon but we're being held back by democracy and human rights. We want Article 8 to stay as it is while the fight against terrorism continues".

The Culture Minister, Fikri Sa_lar, resigned because of the lack of progress on reform and said on 27 June: "There is complete lack of political will for this. Never mind the thoroughgoing democratic reform this country really needs, we cannot make even a few feeble improvements".

In May a delegation from the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) visited Turkey and commented on the high degree of access they were afforded during their visit, but foreign scrutiny of the human rights situation in Turkey was not always welcome. A group of three female MEPs visiting the country to examine progress in the human rights renaissance were described in a public speech by State Minister, Ayvaz Gökdemir, on 3 June as "prostitutes coming from Europe". On 6 June an Amnesty International delegate, Helmut Oberdiek, was taken into detention by Adana police while carrying out research, on the grounds that he had previously been declared *persona non grata*. Helmut Oberdiek had entered the country openly and legally and, indeed, in September 1994 the then Foreign Minister, Mümtaz Soysal, had specifically confirmed (when questioned about a ban on entry on another Amnesty International researcher) that there was no block on Helmut Oberdiek's entry to the country. He was held incommunicado for 44 hours before being deported to Germany.

Prosecutions of Turkey's foremost writer brings law into disrepute

The first hearing of a trial against Turkey's leading novelist, Ya_ar Kemal, under Article 8 of the Anti-Terror Law, had its first hearing at Istanbul State Security Court on 5 May in a blaze of publicity. In protest at Ya_ar Kemal's prosecution, a group of 1,080 intellectuals, writers, publishers and artists put their names to a book entitled *Freedom of Thought*, comprising of articles written by people imprisoned or on trial for their writings. If their intention was to provoke a prosecution with the intention of bringing Article 8 into disrepute, they were successful. A trial in Ankara State Security Court has been launched under Article 8 against 99 of the 1,080, including the prominent novelist Orhan Pamuk, the musician _anar Yurdatapan, as well as the humorous writer Aziz Nesin who died on 5 July.

On 1 June, the lawyer and former secretary of Istanbul Human Rights Association (HRA) Eren Keskin was arrested to serve a two-year sentence under Article 8 for a letter to the Belgian parliament which was published in *Özgür Gündem* in 1993. She is currently held in Istanbul's Sa_malcilar Prison.

"Disappearances" - mothers of the "disappeared" take action

There were further "disappearances" in southeast Turkey, scene of a conflict between the Kurdish Workers' Party (PKK) and Turkish security forces. But after a series of abductions and "disappearances" in Istanbul, the relatives of the "disappeared" from throughout the country came together to campaign on the issue.

Hasan Ocak "disappeared" after he was detained by police in the Gedikpa_a district of Istanbul on 21 March at the time of the disturbances in Gaziosmanpasa. A number of witnesses claimed to have seen Hasan Ocak in custody at Istanbul Police Headquarters. Examination of photographs in the archives of the Forensic Medicine Institute eventually revealed that his body had been found in vacant ground in Beykoz and later buried in a cemetery for unidentified people.

Hasan Ocak's mother Emine Ocak, who made a number of very public appeals for information about the fate of her son, became the focus for a protest group of relatives of "disappeared" people. Their activities have met with constant police harassment, including brutality and arbitrary detention. On 30 June 42 people were detained from a memorial service at the grave of Hasan Ocak and taken to Küçükköy police station where some of the detainees were beaten, dragged along the ground and insulted. Twenty victims of beating, including Hasan Ocak's sister and mother, held a press conference showing the severe bruises caused by the ill-treatment. Hatice Toraman, wife of Hüseyin Toraman who

disappeared in 1991, and 35 other relatives of "disappearance" victims were detained on 9 July while travelling to Ankara to take part in a public meeting.

Armed opposition groups continue to kill civilians and prisoners

Although the PKK publicly declared in 1994 that it intended to abide by international humanitarian law, armed members of the organization continued deliberately to kill civilians and prisoners. In some cases, the PKK has publicly taken responsibility for such outrages in official statements and press releases.

Kemal Tekin, mayor of Nazimiye, Tunceli province, was shot dead on 7 April. His assailants were unidentified but the PKK took responsibility for the murder on the pretext that he had been collaborating with the state. PKK guerrillas, who blocked the road between Agri and Patnos on 25 May, shot dead Cumhuriyet Bahadır, a civilian.

PKK guerrillas raiding the village of Kuyuluk, near Erzin in Hatay on 24 June reportedly captured and shot civilians Abdullah Yanar, Siyabey Yanar and Ali Kupeli.

DHKP-C (Revolutionary People's Liberation Party - Front, formerly known as Devrimci Sol) has also carried out "punishment" killings of unarmed civilians. On 16 June, DHKP-C shot dead Hasan Levent, a shopkeeper, for allegedly giving information to police concerning the whereabouts of an armed DHKP-C member who was later cornered and shot dead by police.

TURKMENISTAN

Possible prisoners of conscience (update to information given in All Index: EUR 01/01/95)

After a 10-day trial in June, Mukhametkuli (previously given as Mukhammad) Aymuradov and Khoshali Garayev were convicted by the Supreme Court of crimes including activities aimed at overthrowing the constitutional order and preparing terrorist acts. They were sentenced to 15 and 12 years' imprisonment respectively, to be served in a strict regime corrective labour colony.

Amnesty International remained concerned about allegations that the charges against these two men had been fabricated to punish them for being sympathizers with Turkmenistan's political opposition, and that evidence against them might have been obtained under torture. Amnesty International called on the authorities to hold a judicial review of the case against Mukhametkuli Aymuradov and Khoshali Garayev.

Possible "disappearance"

Durdymurad Khodzha-Mukhammad, a leader of the unregistered opposition Democratic Party of Turkmenistan (not to be confused with Turkmenistan's ruling party, which has the same name) was feared to have "disappeared" since reportedly being placed in a psychiatric hospital in December 1994. Several months later supporters of Durdymurad Khodzha-Mukhammad in Russia who made inquiries as to his whereabouts with the Turkmen Embassy in Moscow were reportedly told that an official investigation had found no evidence that Durdymurad Khodzha-Mukhammad was in Turkmenistan.

Amnesty International called on the authorities to establish the whereabouts of Durdymurad Khodzha-Mukhammedov. If he was found to be in the custody of the authorities the organization called for him to be released immediately unless he was to be charged with a recognizably criminal offence, or was confined in a psychiatric hospital for legitimate medical reasons.

There was no news of another opposition Democratic Party activist, possible prisoner of conscience, Valentin Kopysov (wrongly given in AI Index: EUR 01/01/95 as Kopysev), who was reportedly confined to a psychiatric hospital in early 1994. Amnesty International continued to call on the authorities to confirm and to explain the reasons for his incarceration in a psychiatric hospital.

The death penalty

Amnesty International learned of seven more death sentences passed in Turkmenistan. Khamidilla Islamov, an Uzbek national, was sentenced to death for murder in November 1994 and an appeal against his death sentence was rejected by the Supreme Court in March. Amnesty International called for commutation of this death sentence and of all other pending death sentences.

The official media reported in January the sentencing to death of six other men in November 1994. Unofficial sources suggested that the sentences had already been carried out by the time of the report.

UKRAINE

The death penalty

Ukraine retains the death penalty and has an execution rate that is among the highest in the world. Official statistics issued by the Ministry of Justice in May show that, during the previous year, 143 people were sentenced to death and 60 people were executed, while only two people had their death sentences commuted. In a July report, *Ukraine - The death penalty: a cruel, inhuman and degrading punishment* (AI Index: EUR 50/07/95), Amnesty International examined the current state of legislation and practice concerning the death penalty, and detailed several individual cases.

One of the cases highlighted in the report was that of 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 was said to have learning difficulties and psychiatric problems. He was executed in January, although his mother was only informed of his death at the end of March. Relatives of those on death row in Ukraine are not informed in advance of the date of execution and are not entitled to the body of the executed prisoner, which is buried in an unmarked grave in a location not revealed to them.

Death in custody of Miko_aj Szpakowicz

During the period under review Amnesty International received a response from the Ukrainian authorities about the death of Miko_aj Szpakowicz, a Polish citizen who died on 17 September 1994 of a ruptured bladder after alleged ill-treatment by Ukrainian police 10 days earlier.

Amnesty International had expressed concern over the conflicting reports regarding the circumstances under which Miko_aj Szpakowicz sustained his injuries. According to an account said to have been given by the victim to his wife before he died, Miko_aj Szpakowicz was detained on 7 September 1994 by three policemen while leaving a bar in the town of Pochayev (Ternopil Region).

They drove him to a nearby forest and demanded money, then started to kick him when they found he had no hard currency on him. He was subsequently taken to a local hospital, but according to another report he did not receive immediate treatment on the grounds that he was drunk. He was eventually operated on there and twice more in Ternopil hospital, but subsequently died. Other sources claimed the Ukrainian authorities had informed the Polish Embassy that Miko_aj Szpakowicz injured himself while drunk and was taken to hospital by police officers who found him groaning.

In April the Ternopol Regional Prosecutor's Office informed Amnesty International of the results of a criminal investigation into the death. According to this investigation, on 7 September 1994 Miko_aj Szpakowicz left a bar in Pochayev at around 6pm after drinking heavily, fell over and was unable to walk. He was detained by police for public drunkenness but did not wish to get in their vehicle, whereupon one officer (whom they named) struck him in the abdomen with his knee. Miko_aj Szpakowicz sustained a ruptured bladder, as a result of which he died in hospital 10 days later. The police officer stood trial on 14 March 1995 in Ternopil, and was sentenced to eight years' imprisonment for exceeding his authority (Article 166 part two of the Criminal Code) and intentionally inflicting serious bodily injury (Article 101 part three). No other police officer was found to be involved, and a forensic-medical commission found no evidence of criminal negligence by medical staff.

Alleged cruel, inhuman and degrading treatment of HIV-positive prisoners

In April 1994 Amnesty International approached the Ukrainian authorities about allegations that medical and dental care had been withheld from a group of prisoners held in the regional hospital unit of Donetsk prison (institution YuYe 312/196) because they were HIV-positive. Responding in June the Ministry of Internal Affairs reported that a specialized 10-bed section had been set up at the prison hospital and that medical assistance, including dental care, would be afforded.

However, Amnesty International again approached the authorities on this issue following press reports in December 1994 which repeated claims of inadequate medical care. HIV-positive prisoners were said to be held in individual wards or cells, and only rarely taken out for exercise. They were not allowed to use the bathhouse facilities, having to wash in their cells, and the medical treatment was alleged to consist only of analgesic tablets and vitamin injections.

Replying in May, the Interior Minister wrote that he shared the organization's concern over conditions of detention and medical care for HIV-positive prisoners, and regretted that these conditions were in many respects dictated by the country's current economic situation. He reported that there was currently a therapeutic ward in the Donetsk prison which contained five HIV-positive prisoners, whose condition was relatively satisfactory. Medical services are provided by specially assigned doctors, nurses and junior medical personnel, and there is a daily medical round of the patients. Specialized medical care is provided when necessary by two outside specialists - a doctor specializing in AIDS from the Donetsk Regional Centre for Fighting AIDS and a dentist, and prisoners in the unit had been seen by the dentist on 28 April. The Minister explained that HIV-positive prisoners bathe separately from others in line with a Ukrainian law of 12 December 1991, "On prevention of AIDS and the social defence of the population", in accordance with which infection with HIV is regarded as belonging to the category of especially dangerous infections. The Minister also stated that HIV-positive prisoners are granted short meetings with relatives, and a daily exercise period of up to two hours.

UNITED KINGDOM

Ill-treatment/deaths in custody

The trial of three police officers charged with manslaughter in connection with the death of Joy Gardner took place between 15 May and 14 June. The officers were all acquitted. The court heard that the flat of Joy Gardner, who faced deportation along with her five-year-old son, was raided on 28 July 1993 by three police officers from a special deportation squad, two local police officers and an immigration officer. When she was prevented from ringing her lawyer, a struggle ensued. She was placed in a body belt with her hands cuffed to the belt and her thighs and ankles bound in leather straps. Thirteen feet of adhesive tape was then placed around her mouth and chin seven times. She collapsed soon afterwards and, after lying in a coma in hospital for four days, died on 2 August 1993. The trial raised questions about the authorization and use of, and training in, various methods of restraint. Disciplinary charges have been brought against a senior supervisory officer of the deportation squad for neglect of duty.

Amnesty International investigated the deaths in police custody of two members of the black community in London. Shiji Lapite was arrested by north London police on 16 December 1994 for "acting suspiciously". He collapsed and died within about 20 minutes, allegedly from the "chokehold" method of restraint used by police officers. Brian Douglas and Stafford Soloman were arrested on 3 May 1995 in south London for allegedly possessing a knife, CS gas and some cannabis. Stafford Soloman, who sustained a broken wrist, alleged that they were beaten with newly-issued American-style batons. Brian Douglas died five days later in hospital from haemorrhages and a fractured skull. Amnesty International urged the authorities to carry out full, prompt and impartial investigations into the incidents.

Cruel, inhuman or degrading treatment or punishment

Amnesty International has been investigating the arrests and detention of six Palestinians charged with possession of explosives or in connection with the bombing of the Israeli Embassy and a Jewish centre in July 1994. In particular, the organization has been concerned about the conditions of detention of three women - Nadia Zekra, Samar Alami and Reem Abdelhadi. As Category A prisoners, they have been

denied access to regular exercise facilities, to free association with other prisoners and to adequate educational facilities (given that two of them are post-graduate students). Their access to legal visits has been restricted. Moreover, they have been subjected to routine strip-searching before and after every visit, including "closed" visits. (In closed visits a glass screen separates the visitor from the detainee, no physical contact is possible and a prison officer is within sight and hearing distance.) Amnesty International is concerned that such strip-searching is being carried out not for the purposes of security but in order to humiliate and degrade the prisoners.

"National security" deportation

In March Raghbir Singh was arrested and detained, without charge or trial, pending deportation for "national security" reasons. If forcibly returned to India, he would face possible persecution as a result of his active promotion of demands for a separate Sikh state in Punjab. Raghbir Singh has lived in the UK since 1980 and is the editor of the *Awaze Quam Punjabi Weekly* and General Secretary of the International Sikh Youth Foundation. He applied for political asylum on 3 April.

Political killings in Northern Ireland

In January the House of Lords dismissed the appeal of British soldier Lee Clegg against his conviction for the murder of Karen Reilly (see AI Index: EUR 01/01/94). On 3 July Lee Clegg was released after serving four years of his life sentence and has been reinstated in the army.

In February two soldiers were convicted to life sentences for the murder of Peter McBride in September 1992 (see AI Index: EUR 01/04/92).

In March the Director of Public Prosecutions announced that there would be no prosecutions as a result of the second Stevens inquiry. Chief Constable John Stevens had been asked to carry out a further inquiry into alleged collusion between the security forces and Loyalist paramilitaries. He submitted three reports: in February and October 1994 and January 1995. The findings of the inquiry remain secret: no report has been published nor has any statement been issued. The *Sunday Times* of 14 May indicated that the Stevens inquiry had presented detailed evidence against four members of the security forces and that some officers involved in the inquiry expressed surprise that no charges had been brought.

Although "punishment" shootings have stopped since the cease-fires by Republican and Loyalist armed groups, "punishment" beatings have increased. Between September 1994 and May 1995 there were 118 punishment beatings: 49 carried out by Loyalists and 69 by Republicans. Large groups of masked men have beaten defenceless men, women and children using baseball bats, hammers, sticks with protruding nails, causing severe injuries and maimings.

Right of silence

In April measures in the Criminal Justice and Public Order Act came into force which curtailed the right of silence of a suspect during interrogation and at trial. In the same month, Amnesty International submitted written comments to the European Court of Human Rights on the case of *Murray v. UK* (see AI Index: EUR 01/01/95). Amnesty International believes that the right of silence is an essential safeguard of the presumption of innocence and the right not to testify against oneself. In addition, the submission expressed concern about the denial to suspects, arrested under emergency legislation, of their rights concerning legal assistance.

UZBEKISTAN

Possible prisoners of conscience

Mukhtabar Akhmedova

Mukhtabar Akhmedova, a 59-year-old female pensioner, was tried in June in the City Court in Tashkent, the capital, on charges of defaming the Governor of Tashkent and President Islam Karimov. She had been arrested in January and had been in police custody since that time. The charges reportedly related to her having publicly criticized the city governor over plans for the demolition of houses in Tashkent, and to unpublished personal writings found in her possession during a police search of her home. Amnesty International called on the authorities to provide clarification of the basis for the charges against Mukhtabar Akhmedova.

Mukhtabar Akhmedova's trial lasted seven days, at the end of which she was found guilty and sentenced to four years' imprisonment. However, she was immediately released in accordance with a presidential amnesty decree issued in May.

Mamadali Makhmudov (update to information given in AI Index: EUR 01/01/95)

Mamadali Makhmudov was tried in January by Tashkent City Court and convicted of embezzlement and abuse of official position. He was sentenced to four years' imprisonment. Amnesty International continued to call for clarification of the basis for the charges against him.

Releases (update to information given in AI Index: EUR 01/01/95)

Akhmatkhan Turakhanov was released in May after serving his full 18-month prison sentence for illegal possession of a weapon. Sherali Ruzimuradov was also reportedly released, although it is not known when or in what circumstances.

Torture and ill-treatment

Fair trial concern - prosecution of *Erk* party activists

After a trial lasting more than five months, the Supreme Court at the end of March found seven people identified as activists in the outlawed *Erk* (Freedom) party guilty of charges including conspiracy to seize power and calling for the violent overthrow of the state. Six male defendants - Murad Dzhurayev, Nemat Akhmedov, Khoshim Suvanov, Shavkat Mamatov, Shavkat Khalbayev and Erkin Ashurov - were sentenced to prison terms of up to 12 years. The one female defendant, Dilarom Iskhakova, was sentenced to six years' imprisonment suspended for three years.

The male defendants had already been in detention for up to 11 months. Five of them had reportedly incriminated themselves and others in statements made during interrogation. Supporters of the defendants claimed that these confessions had been made under duress, and a visitor who had seen four of the men in prison in August 1994 had reported seeing bruising which might have come from beatings. Furthermore, one of the defendants had reportedly spent six months in pre-trial detention without once seeing a defence lawyer.

Amnesty International believed that this might not have been a fair trial and called for a judicial review. The organization was specifically concerned that confessions made under torture might have been used in the prosecution.

Torture in police custody - Iosif Koinov

Iosif Koinov, aged 76, who had been arrested in Tashkent at the beginning of October 1994 and charged the following month with killing a lodger in his home, went on trial in January. In court he repeated allegations previously made to his lawyer that he had been beaten and tortured with electric shocks to make him confess. In February Iosif Koinov was released from custody after his trial was halted and further investigation was ordered into the case against him.

Assaults on opposition activists

Two further incidents were reported of assault on opposition activists by suspected government agents (for previous reports see AI Index: EUR 62/09/93 and EUR 01/02/94):

In March Mikhail Ardzinov, Deputy Chairman of the unregistered Human Rights Society of Uzbekistan, was attacked by two men, whom he identified as police officers, while walking at midday near his Tashkent home. He was not seriously physically assaulted, but the men took his briefcase and stole papers including notes of the trial of the *Erk* activists, which Mikhail Ardzinov had been observing.

In April Shakrullo Mirsaidov, the former Vice-President of Uzbekistan and a prominent government opponent, was kidnapped in Tashkent along with his son Khusan in what appeared to be a crude attempt to provide grounds to blackmail or otherwise discredit him. Shakrullo and Khusan Mirsaidov testified that they were intercepted by unknown men after a car chase, dragged from their vehicle, placed in separate cars and driven off in different directions. Shakrullo Mirsaidov was taken to a room where he was stripped naked, given an injection to make him drowsy, and then photographed and videoed lying on a sofa with a naked woman. He was later dumped, dressed only in his underpants and wrapped in a blanket, in a field some 50 kilometres from Tashkent. Meanwhile, Khusan Mirsaidov, who had been beaten up and had had gas sprayed in his face while being abducted, was dumped in another location.

In all these cases of alleged torture or assault Amnesty International called for a full and impartial investigation, with the findings made public and the perpetrators brought to justice.

The death penalty

Amnesty International learned of four more death sentences. Rinat Nazipov was sentenced to death for murder by Tashkent City Court in June 1994 and an appeal against the sentence was rejected by the

Supreme Court in September 1994. Elbur Babakulov, Zarif Sharipov and Barno Akhmedova, a woman, were sentenced to death for murder by Kashkadarya Regional Court in January.

YUGOSLAVIA, FEDERAL REPUBLIC OF

Ethnic Albanians in Kosovo province: torture and ill-treatment, fair trial concerns, prisoners of conscience

In Kosovo province there have been daily reports of police beating and ill-treating ethnic Albanians held in custody or during arms searches. In many cases they have inflicted serious injuries, necessitating medical treatment. Some 160 former police employees who were arrested at the end of 1994 have been put on trial on charges of seeking to undermine Yugoslavia's integrity by force. They are accused of setting up a "parallel" or clandestine ethnic Albanian police force in Kosovo. In April 16 of them were convicted in two separate trials in Pe_ and sentenced to between one and six years' imprisonment. A further 16 were convicted in June in Gnjilane and received prison sentences of up to three years (they were released pending appeal). In June 44 former police employees went on trial in Prizren and the trial of 72 others started in Priština. Some of the defendants were charged with possessing or distributing firearms. The defendants have repeatedly denied the charges against them and alleged that they were forced, by torture and other ill-treatment, to make self-incriminating statements. Amnesty International is concerned about these allegations of torture which despite supporting medical evidence have not been investigated, and about breaches of procedure which denied defendants a fair trial.

At least 10 ethnic Albanians were sentenced to up to one year's imprisonment for draft evasion or desertion. At least 14 others were sentenced to up to 60 days' imprisonment for holding classes for ethnic Albanian school-children in private houses or for organizing football matches, which the courts considered to be unauthorized meetings.

Refoulement of refugees and forcible mobilization of refugees and others into Bosnian Serb armed forces

In June Yugoslav police and the Army of Yugoslavia carried out arrests in Serbia of men of military age, the majority of them refugees, and sent them back to Serb-held areas of Croatia and Bosnia-Herzegovina for forcible mobilization into Serbian armed forces. Those arrested included not only registered refugees, but also a number of residents and even citizens of the Federal Republic of Yugoslavia who had in the past lived or worked for some time in Croatia or Bosnia-Herzegovina. Amnesty International called on the authorities to end these expulsions which violated national and international law and to ensure the return of those expelled at the earliest possible opportunity. The arrests and expulsions appeared to have ended by early July.

Death penalty, deaths following ill-treatment in custody or police shootings

In February Nova Stoši_ was sentenced to death in Montenegro for the murder of a couple and their two children. In April two Serbs were sentenced to death by a court in Prizren for the murder of a man of Turkish origin. At least three ethnic Albanians and one Serb died, apparently as a result of ill-treatment in police custody. Four ethnic Albanians died and at least five others, including two Serbs, were wounded after being shot by police or military, sometimes in disputed circumstances.

RATIFICATIONS

BOSNIA-HERZEGOVINA

In March Bosnia-Herzegovina ratified the Optional Protocol to the International Covenant on Civil and Political Rights.

CYPRUS

In June Cyprus ratified the Eleventh Protocol to the European Convention on Human Rights and Fundamental Freedoms.

CZECH REPUBLIC

In April the Czech Republic signed the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Punishment and ratified the Eleventh Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

HUNGARY

In April Hungary ratified the Eleventh Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

ICELAND

In June Iceland ratified the Eleventh Protocol to the European Convention on Human Rights and Fundamental Freedoms.

ITALY

In February Italy ratified the Second Optional Protocol to the International Covenant for Civil and Political Rights.

LATVIA

In February Latvia signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Eleventh Protocol.

LITHUANIA

In June Lithuania ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Fourth, Seventh and Eleventh Protocols.

MACEDONIA

In January Macedonia acceded to the Second Optional Protocol to the International Covenant of Civil and Political Rights.

MALTA

In May Malta ratified the Eleventh Protocol to the European Convention for Protection of Human Rights and Fundamental Freedoms.

NETHERLANDS

In February Netherlands ratified the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman Treatment or Punishment.

POLAND

In March Poland ratified the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Punishment.

SAN MARINO

In June San Marino ratified the Ninth and Tenth Protocols to the European Convention on Human Rights and Fundamental Freedoms.

SLOVENIA

In February Slovenia ratified the First and Second Protocols to the European Convention for the Prevention of Torture and Inhuman or Degrading Punishment.

SPAIN

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

SWEDEN

In April Sweden ratified the Ninth and Eleventh Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

SWITZERLAND

In April Switzerland ratified the Ninth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

TADZHIKISTAN

In January Tadjikistan acceded to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

TURKEY

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