

# CONCERNS IN EUROPE

January - June 1996

## INTRODUCTION

This bulletin contains information about Amnesty International's main concerns in Europe between January and June 1996. Not every country in Europe is reported on: only those where there were significant developments in the period covered by the bulletin.

The five Central Asian republics of Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are included in the Europe Region because of their membership of the Commonwealth of Independent States (CIS) and the Organisation for Security and Co-operation in Europe (OSCE).

A number of individual country reports have been issued on the concerns featured in this bulletin. References to these are made under the relevant country entry. In addition, more detailed information about particular incidents or concerns may be found in Urgent Actions and News Service Items issued by Amnesty International.

This bulletin is published by Amnesty International every six months. References to previous bulletins in the text are:

AI Index: EUR 01/01/96	Concerns in Europe: July - December 1995
AI Index: EUR 01/02/95	Concerns in Europe: January - June 1995
AI Index: EUR 01/01/95	Concerns in Europe: May - December 1994
AI Index: EUR 01/02/94	Concerns in Europe: November 1993 - April 1994

## ALBANIA

### *Prisoners of conscience*

Fatos Nano, leader of the main opposition party, the Socialist Party (SP), remained in prison (see *Amnesty International Reports 1995 and 1996*). In February, Lambi Mile, a Jehovah's Witness, was sentenced by a court in Berat to six months' imprisonment for refusing military service on religious grounds. In March Sulejman Mekollari and three other men were sentenced to up to four years' imprisonment by a court in Saranda. They had distributed pamphlets bearing the slogan: "Berisha [the President of Albania] is a spy. America out of Albania". Sulejman Mekollari was also convicted of trying to recreate the former Albanian communist party (officially banned in 1992). The convictions and sentences were confirmed on appeal. In March Timoshenko Pekmezi and three other men were arrested in Tirana on similar charges and in May an ethnic Albanian from Yugoslavia, Nusret Reçica, was reportedly arrested for distributing the writings of Albania's former communist ruler, Enver Hoxha.

### *Political prisoners*

Over 40 people, almost all of them formerly senior communist officials, were under investigation, on trial or convicted on charges of "genocide" and "crimes against humanity" in connection with grave human rights violations committed under communist rule. By the end of June at least 14 had been convicted of bearing responsibility for the long-term "internment" (internal exile) of political dissidents and their families. Three were sentenced to death; five to life imprisonment and the rest to between 16 and 25 years' imprisonment. In January Idajet Beqiri, leader of an opposition party, *Unikomb*, was arrested on similar charges, although he had not held any senior official position. Reports received by Amnesty International indicated that he was being denied a fair trial.

### *Detention or ill-treatment of journalists*

Official persecution of the opposition and independent press increased. At least a dozen

journalists were briefly detained, or charged or threatened with charges, or ill-treated in police custody. They included Fatos Veliu who was beaten by police in Saranda. On 28 May Bardhok Lala, a journalist for the independent newspaper *Dita Informacion*, was arrested by plainclothes police while observing opposition demonstrations in Tirana. He was driven out to a lake near Tirana, beaten, stripped and subjected to a mock execution. He suffered severe bruising to his back and eyes and doctors reportedly said he had a fracture of the skull and injuries to the genital area.

### *Bardhok Lala*

### *National elections in May - arbitrary detention and ill-treatment of political opponents*

Several hundred members or supporters of opposition parties were detained for up to 48 hours and sometimes ill-treated by police in the months leading up to national elections. The majority appear to have been arrested for exercising, non-violently, their right to freedom of expression, association or assembly. On 28 May, two days after the elections, opposition parties held a demonstration in Tirana to protest against election fraud. The authorities refused permission to hold the demonstration which was violently broken up by police who arrested and beat over 100

protesters, among them opposition leaders, women and the elderly. Seven police officers were reportedly subsequently dismissed for "incompetence".

### ***Death penalty***

According to the President of Tirana district court, the court sentenced nine people to death in the first six months of the year. Three former communist officials were sentenced to death (see above) and six other men were convicted of murder. No executions were carried out.

In June Amnesty International wrote to President Berisha to call for the release of prisoners of conscience. The organization also called for former officials charged with "genocide" and "crimes against humanity" to be granted fair trials. It said that it believed that Idajet Beqiri might be a prisoner of conscience and called for an urgent review of his case and that he be released if it were found that he was imprisoned solely on account of his non-violent political beliefs, or that he be granted a prompt and fair trial in accordance with international standards. Amnesty International expressed concern about reports of the arrest and ill-treatment of opposition supporters in connection with the May elections and called for police officers responsible for human rights violations to be brought to justice. The organization urged that all death penalties be commuted and the death penalty abolished.

## **ARMENIA**

### ***Allegations of ill-treatment in detention***

In April the United Nations Committee against Torture reviewed Armenia's first report to them under the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee noted positive aspects, such as the integration of prohibitions against torture into the new Constitution adopted last year, but recommended among other things that torture be mentioned in penal law as a crime in itself,

and that it be clearly defined; that measures should be taken to guarantee that persons could not be expelled or extradited to other states where they were in danger of being subjected to torture; and that the authorities should investigate and report back on allegations of ill-treatment of detainees. Members of the Committee raised Amnesty International's reports of such allegations (see AI Index: EUR 54/04/95 and EUR 54/05/95) and, although these were denied by the Armenian delegation, the Committee recommended that they should receive a report back after a due investigation of the claims.

The allegations that Amnesty International has continued to receive include reports that army conscripts have been beaten by, at the instigation, or with the knowledge of, superior officers. Usually such allegations, including claims that conscripts have died from beatings or subsequent lack of basic medical facilities, have been generalized. Many alleged victims apparently fear reprisals, or have no faith in the authorities to conduct an impartial, or any, investigation.

One more detailed incident which was publicized during the period under review, however, concerned a young man named Amagak Oganegyan who was called up into the army on 1 May 1995. According to his father, Vardazdat Oganegyan, the ill-treatment began after the new recruits had taken the military oath (following 45 days initial training) and had been assigned to a unit. There a sergeant, whom he named, is said to have mocked him, inflicted a knife wound to the arca of his ribs and hit him around the head with a spade. Amagak Oganegyan, according to the account, was not taken to the medical unit and instead the threat was made that "if you complain we'll blow you up on a mine". A group of soldiers is said to have beaten Amagak Oganegyan at the instigation of the sergeant at least twice over the next days, to the point where he lost consciousness. Eventually he was removed when the company commander, a former neighbour, became aware of events and he was transferred to

hospital. There a medical attendant is said to have beaten Armagak Oganetsyan when the latter was too weak to perform cleaning tasks required of him in the ward. Two days later Armagak Oganetsyan was reportedly further beaten with sticks and an iron when he refused another soldier's demand for his clothes. He was eventually transferred to a civilian hospital in Yerevan, the capital, where he was diagnosed as suffering from lymphosarcoma and eventually discharged from the army.

Vardazdat Oganetsyan reports that he made his first complaint regarding his son's ill-treatment to the Chief Military Prosecutor of Armenia on 18 August 1995 and was informed that the complaint had been passed to the military prosecutor of the Zangezur district. No response from them was forthcoming; Vardazdat Oganetsyan was told by the central authorities that they had no communications with Zangezur and that he would have to travel there himself for a reply. On 30 October 1995 Vardazdat Oganetsyan approached the Minister of Defence, but subsequently received only a verbal response from the director of the ministry's medical department that there was no documentation available on the case. Still lacking any substantive response, on 4 March 1996 Vardazdat Oganetsyan appealed to the Procurator General to intervene, but no further significant developments are known by the time of writing.

Amnesty International has written to the authorities asking for a swift, thorough and comprehensive investigation into the allegations, with the results made public and that any alleged perpetrators identified be brought to justice.

During the period under review the Defence Minister of Armenia responded to Amnesty International's concerns over the reported role of the paramilitary group *Yekrapah* in attacks on religious minorities (see AI Index: EUR 01/01/96). In a letter to Amnesty International received on 16 May the Minister categorically denied that any military serviceman could have taken part in the attacks, or that *Yekrapah* was part of his ministry, but did not indicate what substantive

investigations, if any, had taken place into the allegations.

In a separate development, two police officers were each sentenced to six years' imprisonment following the death in custody of Rudik Vartanian, who died aged 21 on 21 January 1995 (see AI Index: EUR 54/05/95). Unofficial sources had alleged that he was beaten by seven police officers and died of his injuries, including three fractures to the skull said to have been inflicted with a blunt instrument. Two of the seven officers, Samvel Dzaghinian and Artur Atabekian, were initially charged with premeditated murder, although at their trial in late 1995 the judge sent the case back for further investigation on the grounds of insufficient evidence. A different charge of negligence was then brought: it was alleged that the officers had not taken sufficient care to ensure that Rudik Vartanian was properly guarded, and that he sustained his injuries after falling during a resulting escape attempt. After various developments the two officers finally stood trial beginning on 30 January 1996, charged once more with murder (Article 99 part 6) and exceeding their authority (Article 183 part 2). On 29 March the court once again sent back the case under the first charge for further investigation, but convicted the two of the latter charge.

### ***Fair trial concerns***

On 5 March the trial opened in the case of a senior member of the opposition Armenian Revolutionary Party (ARF), Vahan Hovanesian, and 30 others accused of attempting to stage an armed coup. Charges range from illegal possession of firearms to treason, which carries a possible death sentence. As in the "Dro" case below, it has emerged that defendants allege they were beaten or otherwise placed under physical and mental duress to sign confessions, and that they have been denied full and proper access to a defence lawyer of their own choice, especially in pre-trial detention. Manvel Yeghiazarian, for example, alleges that he was assaulted during his arrest on the night of 29 to 30 July 1995, and was interrogated immediately after he had been taken to a prison hospital suffering

from concussion, bruising, and fractured ribs. Others allege that pressure was exerted on them via threats to their family, and have retracted their previous testimony. In Vahan Hovanesian's case his lawyer reported that between August and October last year she had only been able to meet her client three times, and never in private.

Amnesty International has urged the authorities to ensure that the defendants receive a fair trial in line with international standards, and that all allegations of ill-treatment are subject to prompt, comprehensive and impartial investigation.

### *Prosecutor calls for the death penalty in the "Dro" case*

In another major political trial marked by allegations of procedural violations and ill-treatment, on 9 April the prosecution completed its case by calling for the death penalty on four of 11 men said to be members of a clandestine terrorist organization within the ARF known as "Dro" (see AI Index EUR: 01/02/95, EUR 01/01/96 and EUR 54/05/95). The four - Arsen Artsruni, Armenak Mnjoyan, Armenak Zakarian and Armen Grigorian - have been charged with a variety of offences including murder. Trial proceedings had not been completed at the end of the period under review.

## AUSTRIA

### *The alleged ill-treatment of detainees*

In the period under review Amnesty International received several allegations that Austrian police officers had used excessive or unwarranted force in arresting or restraining people, or had deliberately subjected detainees in their custody to cruel, inhuman or degrading treatment or punishment. One such case is described below, two others are included in the section of the report "Women in Europe". In the same period police officers were charged, tried and acquitted of ill-treating Emad Faltas, whose case Amnesty International had previously documented.

### *The case of Peter Rosenauer*

In March Peter Rosenauer alleged that he was ill-treated by police officers following his arrest at a demonstration against the building of a dam near the town of Lambach. In a complaint to the Wels Public Prosecutor's Office three days after his arrest, Peter Rosenauer stated that two officers deliberately banged his head against a wall three times as they were taking him into Lambach police station, with his hands secured behind his back. Once in the station he was taken into a room and made to sit down on a stool. One of the several officers present allegedly kned him in the testicles and pulled his hair, while another commented to him: "If you dare make a complaint you won't know what's hit you". All the officers left the room, except one who proceeded to hit Peter Rosenauer on both shoulders with his baton.

Peter Rosenauer also alleged that he received no medical attention either at Lambach station, or at Wels Detention Centre (*Gefangenenhaus Wels*) where he was transferred later that day. The next day he was questioned by an investigating judge about police allegations that he had resisted arrest and assaulted a police officer. He was then released and went directly to a doctor who certified that he was experiencing pain in both shoulders and wrists and in the right testicle, and that he had a bruise on his right eye and a swelling on the back of his head. That same day he was charged with resisting arrest and assault.

In June Amnesty International expressed concern to the Austrian authorities that while the complaint against Peter Rosenauer had been dealt with very speedily, his complaint of police assault appeared to have made little progress. In the same month a court acquitted Peter Rosenauer of charges of resisting arrest and assaulting a police officer. At the end of June the investigation into his allegations of ill-treatment had still not been concluded.

### *The case of Emad Faltas* (see AI Index: EUR 01/01/96)

In February three officers were charged with assaulting Egyptian Emad Faltas at a Vienna railway station. The officers had moved in to arrest Emad Faltas after they saw him share his umbrella with a female drugs suspect. Emad

Faltas, who had never seen the woman before and had acted out of chivalry, thought he was being attacked by racists and cried out for police help. Following his arrest the Egyptian spent a week in hospital with three broken ribs, and with cuts and bruises on his arms, stomach and face. Senior officers later apologized to Emad Faltas for the case of "mistaken identity".

In April a court acquitted the three officers of the charges of ill-treating Emad Faltas. According to press reports, the trial judge, sitting alone, ruled that: "Even schoolchildren have to be sometimes kept in check by their teachers". The Public Prosecutor's Office has appealed against the judgment.

*See also Women in Europe, page 57.*

## AZERBAIJAN

### *Possible prisoner of conscience Tofiq Masim oglu Qasimov*

During the period under review Amnesty International continued to express concerns about the case of Tofiq Qasimov, a prominent opposition figure who was arrested in September last year on charges of complicity in a failed coup attempt (see AI Index: EUR 55/05/96 and EUR 55/07/96).

On his arrest Tofiq Qasimov had been taken first to a police station and then to the investigation prison of the Ministry of National Security in the capital, Baku. He was kept by himself in a cell which was said to be very damp. At the beginning of February reports began to emerge that his health was deteriorating. He was examined by a doctor who diagnosed him as suffering from reactive psychosis, a serious mental health problem induced by environmental circumstances, and Amnesty International urged the authorities to afford him all appropriate medical care.

### *Tofiq Qasimov*

*Tofiq Qasimov was transferred to a central prison hospital, and finally released on 22 February. The charges against him were not dropped, however, and his trial opened on 7 May. Amnesty International expressed concern that Tofiq Qasimov was unfit to stand trial at that time - he was continuing to receive medical treatment at home and there were fears that the stress of the trial would aggravate his mental problems. Similar concerns were voiced by the organization about a co-defendant named Adil Hanbaba oglu Hajiyev, an aide of fugitive former president Ayaz Mutalibov who was forcibly returned from Russia to Azerbaijan in February 1996. He is said to suffer from diabetes mellitus and unspecified heart trouble, and to have attempted suicide on several occasions while awaiting trial. He had been transferred to the prison hospital on 2 April.*

*When the trial continued after adjournments on 20 May, the presiding judge turned down a defence request for an independent psychiatric examination to be carried out and the results presented to the court. Finally the court ordered Tofiq Qasimov to undergo an in-patient medical examination at the Psychiatric Hospital No. 1 in Baku, which he entered on 26 June. Amnesty International continued to urge that any decision to continue trial proceedings be based on a thorough and*

*independent assessment of Tofiq Qasimov's state of health. The organization is also concerned about allegations that the charges against him are false.*

#### *Allegations of ill-treatment in detention*

During the period under review the organization continued to receive allegations that detainees were ill-treated (see AI Index: EUR 55/01/96). Among the cases raised by Amnesty International with the Azerbaijani authorities was that of a Turkish journalist named Isa Yasar Tezel, who was allegedly beaten by police officers while held on the premises of the Main Police Directorate in Baku.

Isa Yasar Tezel, a correspondent with Turkish public radio, had arrived in Azerbaijan on 12 April to cover the visit of the Turkish Prime Minister. He was detained during the night of 16 to 17 April, together with former Azerbaijani Prime Minister Panah Huseynov. According to one source Isa Tezel was first placed under administrative arrest for 15 days and held in the Main Police Directorate, where the alleged beatings took place. He was subsequently transferred to Bailovsky prison, after reportedly being charged with "concealing a crime against the state" (Article 82-1 of the Criminal Code), "concealing a crime involving embezzlement of public funds" (Article 187-1) and "resisting arrest" (Article 189-1).

In addition to the allegation that Isa Tezel was beaten by police officers, Amnesty International also expressed concern about his general state of health. He is said to have suffered two heart attacks while in detention, and to have been transferred to a prison hospital owing to problems with his blood pressure. Amnesty International asked that the allegations of ill-treatment be investigated, and urged that Isa Tezel received all appropriate medical treatment. He was eventually released on 22 June after a Turkish delegation raised his case with President Heydar Aliyev. One charge against him was dropped for lack of evidence, and the other two fell under an amnesty.

In March Amnesty International received a response regarding its concerns over the death in

custody of Rafiq Shaban oglu Ismayilov (see AI Index: EUR 01/01/96). The republican prosecutor's office stated that the public prosecutor's office in Massali district, where Rafiq Ismayilov died, had opened a criminal case under Article 168, part two, of the Criminal Code - "exceeding authority or official powers". On 15 December 1995 the criminal investigation department of that office was instructed to conduct an investigation. Its outcome, if any, is not known to Amnesty International at the time of writing.

Rafiq Ismayilov, a barber from Digah, died on 8 December 1995 while in custody at the Massali district Police Department. According to an Interior Ministry statement at the time, Rafiq Ismayilov suffered from heart disease and died of heart failure. Unofficial sources, however, alleged that he had been severely beaten by some three police officers in order to force a confession, and that he died from resulting injuries. These are said to have included fractures to his neck, arms and ribs, and damage to his kidneys.

#### *The death penalty*

At the time of writing Amnesty International had learned of at least 13 death sentences passed in the first six months of 1996. Around half these sentences were passed in cases with a political element. Alakram Alakbar oglu Hummatov and Nariman Shamo oglu Imranov, for example, were sentenced to death on 12 February by the Supreme Court, reportedly without right of appeal. Alakram Hummatov faced a range of charges including treason: in June 1993, amid general political unrest in Azerbaijan, he had announced the creation of the short-lived and self-proclaimed "Talish-Mugan Autonomous Republic", taking control of the southern city of Lenkaran and surrounding areas (see AI Index: EUR 55/01/96). He was detained in December 1993, escaped with three other prisoners from the Ministry of National Security's prison in September 1994, and was eventually recaptured in August 1995. Nariman Imranov, the Minister of National Security at the time of the break-out, was accused of organizing the escape and sentenced to death for treason. In a related development one of the prisoners who also escaped at that time, former Defence Minister

Rahim Hasan oglu Qaziyev, was forcibly returned from Russia to Azerbaijan on 16 April. Among other things he had been accused of neglecting his duty in a combat situation, in connection with the fall of two towns to ethnic Armenian forces in 1992 (see AI Index: EUR 55/01/96). He was sentenced to death *in absentia* and without right of appeal in May 1995. Relatives of both Rahim Qaziyev and Alakram Hummatov are said to have been beaten, arbitrarily detained and otherwise harassed while the two men were in hiding, in an attempt by the authorities to obtain information on their whereabouts. Alakram Hummatov is also said to have been beaten himself while in detention.

No executions were reported, however, and at least five people had their death sentences lifted. The sentence on an ethnic Russian named Vasily Logovoy was commuted to 15 years' imprisonment on 19 April. The other four, all ethnic Armenians, were among those released in May as part of a prisoner exchange to mark the second anniversary of the cease-fire in the conflict over the disputed Karabakh region (see, for example, AI Index: EUR 01/01/95). They were Kamo Saakov, sentenced in 1995, and three of a total of five defendants sentenced in 1992 for the killing of an Azeri journalist in Karabakh: Garnik Arustamyan, Gagik Arutyunian and Arvid Mangasaryan. The two other co-defendants had died earlier in detention. Thirty nine prisoners in all were released by Azerbaijan, while 67 were handed over by Armenia and Karabakh.

On a further positive note parliament on 29 May approved a bill initiated by President Heydar Aliyev to limit the scope of the death penalty. The number of crimes currently carrying a possible death sentence will be reduced from 33 to 12, and men aged over 65 will be exempt from the death penalty (women were exempted in October 1994). Amnesty International welcomed these moves, but urged President Aliyev to consider total abolition of the death penalty in Azerbaijan as a matter of priority. The organization suggested commuting all pending death sentences, and declaring a moratorium on all further death sentences, pending a full review of the issue. It also called for the publication of

detailed statistics on the application of the death penalty, to further inform public debate.

## BELARUS

### **Human rights violations following anti-government protest**

#### **Ill-treatment of demonstrators by police**

Regular police and special police forces reportedly used tear-gas against participants in a rally on 26 April in Minsk, the capital, and beat and otherwise ill-treated a number of them. The rally had been organized to commemorate the 10th anniversary of the Chernobyl nuclear power station disaster, but participants also denounced President Alyaksandr Lukashenka's policy of closer ties with Russia and a crackdown on trade unions and the opposition press. In reaction to the police actions, it was reported that demonstrators turned over police cars. In all, 204 persons were arrested during the rally and most were kept in detention for between five and 15 days on charges of hooliganism. Most of the demonstrators were later released.

On May 30 police again clashed with nearly 3,000 demonstrators who picketed the presidential administration building in Minsk. According to witnesses, police beat protesters who were demanding among other things that legal proceedings against opposition leaders Yury Khadyka and Vyacheslav Sivchyk be dropped (see below). Reports stated that up to 84 protesters were detained for periods of up to 15 days. About 50 of the demonstrators were hospitalized for injuries allegedly inflicted by the police during the clash.

#### **Prisoners of conscience**

Vyacheslav Sivchyk, the secretary of the opposition Belorussian Popular Front (BNF), was arrested on the night of 26 April, together with 11 other BNF activists, when police raided the organization's headquarters. Yury Khadyka, another prominent BNF member, was arrested on the following day near his home. While the rest

of the BNF leaders and activists were released from detention after a few days, Yury Khadyka and Vyacheslav Sivchyk were charged on 29 April with "instigating mass disorder" (Article 186 part 3 of the Criminal Code) for having organized the 26 April rally. The two men each faced imprisonment of up to three years.

The circumstances of their detention, and the length of their possible sentences, suggested that the two BNF leaders were targeted by the authorities solely because of their political beliefs and opposition activities. The fact that the majority of the arrested demonstrators, leaders of the BNF and members of other opposition organizations which had participated in the 26 April rally were released after a few days suggested that Yury Khadyka and Vyacheslav Sivchyk were singled out by the authorities. According to Amnesty International's information, the authorities did not appear to have produced any evidence directly linking Yury Khadyka and Vyacheslav Sivchyk to committing or instigating acts of violence during the rally. For these reasons, Amnesty International considered Yury Khadyka and Vyacheslav Sivchyk to be prisoners of conscience. It called for their immediate and unconditional release, and for them to be given all necessary medical care to alleviate the consequences of a hunger-strike that they had declared soon after their arrest.

Both Vyacheslav Sivchyk and Yury Khadyka were released from custody on separate dates in the second half of May after serious deterioration in their state of health. However, the charges against them were not dropped.

## BELGIUM

### *Total abolition of the death penalty*

On 13 June a bill abolishing the death penalty for all crimes was passed by the Chamber of Representatives (one of the two houses of the federal parliament), by 129 votes to 13. The Senate did not exercise its option to review the bill, which had been approved by the Council of Ministers in November 1995, and it was expected

to receive royal assent and become law by the end of July. The last execution took place in 1950.

The Penal Code of 1867 provided the death penalty for serious crimes against the person and specified crimes against state security. During the 1970s mandatory death sentences were introduced for kidnapping and for hijacking an aircraft, in both cases when accompanied by aggravating circumstances. The Military Penal Code also provided the death penalty for certain crimes committed by members of the armed forces. Execution for common criminal offences was by guillotine, but by firing squad for crimes against state security and crimes under the Military Penal Code.

Although the courts have regularly pronounced death sentences for common criminal offences, since 1863 death sentences for such offences have, with one exception, always been commuted. In March 1918 a frontline military officer was executed after being convicted of the murder of a pregnant civilian. Some 15 people were, however, executed in the course of World War I for crimes against external state security, and about 242 people were executed by firing-squad between November 1944 and August 1950 after being convicted of war-related crimes against the external security of the state.

In 1983 Belgium signed Protocol N° 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty and in 1990 signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Neither protocol has been ratified.

## BOSNIA-HERZEGOVINA

### *The Dayton peace agreement and its implementation; call for arrest of war crimes suspects*

An effective comprehensive cease-fire which was introduced in October 1995 meant that massive human rights abuses in the context of armed conflict largely ceased. There was also a reduction in the abuses away from the conflict zones. Under the General Framework Agreement on

Peace in Bosnia and Herzegovina (the peace agreement), which was initialled in Dayton in November 1995, the country was divided into two Entities, the Bosniac- or Muslim-Croat Federation of Bosnia and Herzegovina (the Federation) and the Serb-dominated Republika Srpska (RS). From the end of 1995 the North Atlantic Treaty Organization (NATO)-led multinational implementation force (IFOR), mandated under the peace agreement, was deployed throughout the two Entities. From early 1996 human rights monitors were deployed by the Organization for Security and Co-operation in Europe (OSCE) and civilian police monitors by the United Nations (UN) in the International Police Task Force (IPTF).

In March Amnesty International sent an open letter (AI Index: EUR 63/08/96) to the commanders of IFOR and governments of states contributing forces to it laying out the organization's concerns about the failure of IFOR to actively seek out and detain persons suspected of war crimes, in particular, those indicted by the International Criminal Tribunal for the former Yugoslavia (the Tribunal). The organization highlighted the obligations of all state parties to the Geneva Conventions of 1949; the explicit and implicit obligations contained in the peace agreement and the lack of full cooperation with the Tribunal by the parties to the peace agreement, particularly the Federal Republic of Yugoslavia, Bosnian Serb authorities, the Republic of Croatia and the Bosnian Croat authorities. Amnesty International also called upon IFOR to ensure adequate security for sites of suspected mass graves.

In June Amnesty International issued a report, *Bosnia-Herzegovina: The international community's responsibility to ensure human rights* (AI Index: EUR 63/14/96) in which it outlined its concerns about the weaknesses of the human rights provisions of the peace agreement; the mandates created under it; the slowness of the deployment and logistical weaknesses of the international bodies involved in human rights monitoring and the lack of adequate public reporting of their activities and findings. The report also highlighted the organization's concerns about the reluctance of the parties to fully

implement the human rights provisions of the peace agreement.

*Attacks on would-be returnee displaced persons and refugees; few returns*

Freedom of movement for all throughout Bosnia-Herzegovina and the return of refugees and displaced persons were key objectives of the peace agreement. However, a proportionately small number of refugees were able to return during the first six months of the implementation, almost exclusively to areas where their nationality was in the majority. Their numbers were cancelled out by a similar number of newly displaced persons, particularly Serbs from Sarajevo (see below). Although IFOR was effective in removing most military and police checkpoints, the freedom of movement envisaged in the peace agreement was not realized. Despite thousands of daily crossings of the Inter-Entity Boundary Line (IEBL), most of the crossings were confined to transit routes through the RS or were of small numbers of people, exceptionally men of military age, visiting another entity rather than moving long-term. Moreover, the same problems applied to some extent to the Muslim- and Croat-dominated areas of the Federation. Fear of arbitrary detention was the cause of the reluctance of men to travel or return as was the fear of being forcibly expelled. Examples of these are given below.

Although many individuals and small groups were able to cross the IEBL without incident, many attempts to cross the IEBL in larger groups resulted in confrontations which were sometimes violent. These problems occurred most frequently in cases of Muslims trying to cross into the RS, but there were also incidents when Serbs tried to visit Bosnian Croat-controlled areas or when Muslims tried to visit their former homes in Bosnian Croat areas without leaving the official Federation territory. In one particularly serious incident, Muslims who were marching to visit their grave sites in the Doboje area of the RS in April were met by a counter-demonstration by Bosnian Serbs and two Muslims were shot dead and others injured when they fled into a minefield. Authorities on all sides were accused of

deliberately raising tension in such incidents and in some cases IFOR troops appeared not to provide adequate security.

*Harassment of minorities and political opponents; forcible expulsions*

Under the peace agreement, large areas of Sarajevo which had been under the control of Bosnian Serb forces were transferred to the Federation between February and April. Despite official announcements that they should stay from both the Federation and RS authorities, prior to the transfer there were reports of the harassment of Serbs who wished to remain and of Muslims and Croats living in the areas. Houses and apartments were deliberately set on fire and/or their occupants intimidated. More than 60,000 Serbs were estimated to have left Sarajevo for the RS by the time the transfers were complete. Subsequent to the transfers there have been mounting complaints from the Serbs and, in some cases, Croats who remained of further incidents of harassment perpetrated mainly by Muslim displaced persons who were moving into the area. Federation police reportedly failed to provide adequate protection for the victims and in some cases were responsible for ill-treatment. The complaints were most frequently of verbal threats and of houses being looted while the occupants were absent, but beatings were also reported. The atmosphere of insecurity was reinforced by cases of houses being set on fire and graves of Serbs being desecrated.

In May and June there was concern about abuses against Muslims remaining in the Tesli\_ area of the RS. The abuses, which included instances of armed men breaking into houses and threatening the occupants, grenades being exploded outside houses and the beating and kicking of an elderly woman, resembled those used to forcibly expel thousands of non-Serbs from northwest Bosnia between 1992 and 1995. The authorities acknowledged that around 90 people left for Federation territory (for which they each had to pay 10 German Marks for permission). International organizations assessed the number who left to be several times greater. In June about 30 Muslims were violently evicted from their homes in the Vrbanja suburb of Banja

Luka and another 20 left their homes in fear of being targeted. The local police promised to reinstate those evicted and eight Bosnian Serb displaced persons suspected of perpetrating the violence were arrested a few days later. However, the suspects were quickly released.

*Arbitrary detention of civilians; "disappeared" and "missing" persons*

According to the peace agreement all those detained as a result of the armed conflict were to be released by 19 January. Although this deadline was not met, most arbitrarily detained civilians and prisoners of war had been released by March. However, not all individuals believed to be arbitrarily detained were released and more civilians were detained arbitrarily by all sides. In most cases those detained were individuals or groups who were travelling in an area controlled by another nationality. These abuses occurred despite the requirement to ensure freedom of movement which the parties agreed to in the peace agreement. Among the cases known to Amnesty International was that of four men of mixed Bosnian Muslim (Bosniac)/ middle-Eastern origin travelling near Kiseljak who were detained by Bosnian Croat forces in February. Although one was released quickly, three others remained in detention as at the end of June. No formal charges had been brought against them by that time and the Bosnian Croat authorities had reportedly made their release conditional on the release of several Bosnian Croats detained in Muslim-controlled areas of the Federation who had been convicted of war crimes or other charges. In another example, on 1 June Bosnian Croat police near Glamo\_ detained four Bosnian Serb civilians who had travelled from Banja Luka. The men were concealed by the Bosnian Croat police from officers of the IPTF who sought to visit them in the police station in Livno. Later they were transferred to Mostar where the Bosnian Croat authorities have reportedly made their release conditional on the release of three Bosnian Croats detained by the RS authorities.

Bosnian Serb forces detained three young Muslim men, one of whom suffers from epilepsy, near the village of Zlatište in the Sarajevo area on

22 March. The three were reportedly looking at former Bosnian Serb Army trenches in the area and were accused of having perpetrated war crimes and then of having placed explosives. However, formal charges had reportedly not been made by June and their detention may well have been arbitrary.

The Bosnian Serb authorities acknowledged that the Roman Catholic priest, Father Tomislav Matanovi\_, and his parents (see AI Index: EUR 01/01/96) were in detention, but details of the place and justification for their detention were not revealed, nor were international organizations able to visit them. Although exchanges of corpses and exhumations of a small number of mass graves by the authorities and by international organizations revealed the fate of a small number of missing persons, the authorities on all sides still failed to provide much information on others. Further processing of tracing requests by the International Committee of the Red Cross (ICRC) confirmed that around 6,000 people were still missing after the fall of the Srebrenica enclave in 1995. New cases of "disappeared" persons also came to light. For example, several Bosnian Serb prisoners of war held by the Muslim-dominated authorities in Zenica prison who were seen there in January were not released and the authorities have given no confirmation of their whereabouts or any reasons for their continued detention. There was also concern about the ill-treatment of detainees. For example, seven Bosnian Muslim soldiers who surrendered to an IFOR patrol near Zvornik in RS territory and were then handed over to the local police were later reported by the United Nations to have been beaten during interrogations, in which they were made to confess to previously reported abuses against Bosnian Serb civilians in the area.

## BULGARIA

### *Shootings, deaths in custody, torture and ill-treatment*

Amnesty International is concerned about the increasing incidents of shootings by law enforcement officers, torture, beating and other forms of ill-treatment of detainees, sometimes

resulting in death. Daily accounts of such cases reveal a pattern of casual violence and illegal acts by police officers throughout the country.

In June Amnesty International published a report *Bulgaria: Shootings, deaths in custody, torture and ill-treatment* (AI Index: EUR 15/07/96) describing the deteriorating human rights situation. The report's two appendices document seven deaths in custody in suspicious circumstances, three incidents in which six people were shot and 17 cases of torture and ill-treatment of dozens of victims.

Many of the victims who were subjected to torture and beatings in police stations were suspected of a criminal offence. An increasing number of victims of ill-treatment are people who are incidentally present at the scene, or in the vicinity, of a police action to apprehend suspected criminals. In a few cases police officers ill-treated participants in non-violent assemblies and demonstrations. Many of the victims of beatings and other ill-treatment by police officers are Roma.

On 30 January, in Razgrad, 17-year-old Angel Zubchikov was brought from the police lock-up to the hospital where he died. An autopsy reportedly established that his death had resulted from a brain haemorrhage following a blow to the head.

On 29 March at around 10pm Anton Mitkov Dimitrov, a 14-year-old technical school student, was walking home through the countryside just outside Sliven. When a car drove up to him from behind he became scared and hid in the bushes along the road. He came out after seeing that three police officers<sup>1</sup> got out of the car and walked towards them. The police officers started interrogating him and one of them allegedly beat Anton Mitkov Dimitrov with his truncheon and kicked him with his boots in the knees and groin. He was then handcuffed, put in the car and taken to the police station. At around 11pm the police rang his parents who came to collect him. They immediately took him to hospital where he was examined by a forensic

<sup>1</sup>The identity of all three officers is known to Amnesty International

specialist. A medical certificate states that Anton Mitkov Dimitrov suffered bruising on the nape of the neck and on his left wrist.

On 8 April at approximately 11am around 40 masked officers of the Specialized Unit for Combatting Terrorism, commonly known as the Red Berets, and special officers of the Sofia Directorate of Internal Affairs came to the office of a private firm "VAI Invest Holding". Fifteen of the employees were severely beaten and later arrested. Two *Standart* journalists who tried to enter the building were held for half an hour facing the wall with their hands up. They allege that the officers threw the employees on the ground and beat them severely, until some of them lost consciousness. The injured were taken away in two ambulances. The officers searched the premises, destroying furniture, windows and office appliances during the four-hour raid and detained everyone who entered the premises. They also entered the neighbouring flat and beat Todor Angelov Gochkov and his son Angel, who was treated by a doctor on the same day for bruising to his left eye and cheekbone.

Amnesty International urged the Bulgarian authorities to fully and impartially investigate all these cases, to make public the findings and to bring to justice those responsible for human rights violations.

*See also Women in Europe, page 58.*

## CROATIA

### *Prosecution of journalists*

During and prior to the period under review there was increasing concern about freedom of expression in Croatia. The Criminal Law contains a provision by which the prosecution of persons who might be accused of harming the honour or reputation of specific state functionaries, including the President and Speaker of the Parliament, may be carried out by the State Prosecutor rather than as a private prosecution. In April this law, Article 77, paragraph 2, of the Criminal Law, was

amended so that the onus is placed on the State Prosecutor to initiate the criminal proceedings rather than wait for a complaint from the state official as was previously the case.

The amended law resulted in the issuing of an indictment on 7 May against Viktor Ivan\_i\_, the editor-in-chief and Marinko \_uli\_, a journalist, of the satirical weekly *Feral Tribune* for "slandering" and/or "insulting" the Croatian President, Franjo Tudjman. They face possible imprisonment of up to one year and six months respectively.

Viktor Ivan\_i\_ was accused in connection with the 29 April edition of the paper in which a

photo-montage showed the President receiving a trophy from the leader of the Second World War quisling *Ustaša* state in Croatia, Ante Paveli\_. Marinko \_uli\_ was accused for his statement in the same edition that the President was a follower of the Spanish dictator, Franco. The trial opened on 14 June, but was adjourned after the first day's hearing.

Another law, Article 191 of the Criminal Law, which had not been affected by the legislative changes in April and which relates to "spreading false information" with the intention of causing upset to a large number of citizens, was used to raise an indictment against Ivo Pukani\_, editor-in-chief of the weekly *Nacional*. He is at liberty, but could be imprisoned for up to six months if found guilty. The indictment related to an article in the 12 April edition of the paper in which a headline suggested that poor equipment was the cause of the crash of a US military plane near Dubrovnik airport in March in which the US Trade Secretary was killed. The indictment was contradictory, acknowledging that the official inquiry into the crash had not been completed and therefore that the cause of the crash was unknown, but still claiming that the assertion in the headline was incorrect. Moreover, the indictment introduced factors not covered by this law, such as a claim that a ban on flights to Dubrovnik airport by the United Kingdom aviation authorities was a direct consequence of the newspaper's headline.

Serious concerns were raised by these prosecutions and the legislation used to bring them. Articles of important international instruments, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the European Convention on the Protection of Fundamental Human Rights and Freedoms (ECHR), which Croatia will be bound to sign upon its proposed accession to the Council of Europe, protect the right to freedom of expression. Both articles acknowledge that the right carries "special duties and responsibilities" and may consequently be subject to restrictions including those imposed on grounds of national security or public order and for protecting the rights or reputations of others. However, both the ICCPR and ECHR recognize a wide latitude for robust criticism of government officials. Amnesty

International considers that recourse to a private action for defamation would be more appropriate for public officials or authorities who consider themselves defamed. For these reasons, Amnesty International will consider Viktor Ivan\_i\_, Marinko \_uli\_ or Ivo Pukani\_ prisoners of conscience if imprisoned as a result of the above indictments.

### *Human rights abuses in the Krajina; few refugees return*

Although there has been an improvement in the situation in the areas which were retaken from rebel Serb forces in August 1995 (see AI Index: EUR 01/01/96), there were continuing reports of human rights abuses in the Krajina area in the first half of 1996.

International observers and local human rights organizations reported continuing incidents of violent attacks and threats against the small population of Serbs remaining in the area which numbers only around 7,000 people, most of them elderly. There were also complaints that Croats who had remained in the area or had returned after its recapture were also being subjected to harassment. Although a substantial number of the approximately 200,000 ethnic Serbs who fled to Serbia and Bosnia-Herzegovina in the summer of 1995 have reportedly registered a desire to return, bureaucratic obstacles imposed mainly by the Croatian authorities, concerns about their security, possible unfair trials and other concerns have meant that only 7,000 have reportedly been given permission to return by the authorities and only a very small number have actually returned to the area.

Although looting constituted the majority of the incidents which caused Krajina residents to fear for their safety, there were many cases involving direct violence or threats to civilians by Croatian soldiers. For example in March in a village near Vrginmost, one elderly man was reportedly threatened and tied to a fence near his home by two men in camouflage uniforms. Having made threats that all Croatian Serbs should be killed, the men kicked, beat and robbed him before hitting him about the head with a pistol. The

victim was apparently saved from further beating by a neighbour who came on the scene.

Between 13 and 15 May there was a series of incidents in the village of Donji Lapac in which a group of four men wearing military uniforms reportedly terrorized the Serbian residents. On one day the group beat two men and forced another to start to dig his own grave. Although in this case further violence was reportedly prevented by the intervention of a police patrol, there was general criticism by local and international observers about the lack of proper security provided by the police. Local police chiefs are reported to have complained that they have too few officers assigned to them to provide proper security.

There were frequent complaints of ineffective investigations by the police, or lack of any action, and few arrests appear to have been made despite the identification of perpetrators by some victims and the reporting of licence plate numbers of vehicles involved.

Further incidents of violence were used deliberately as a means of discouraging the return of refugees or displaced Serbs. For example, explosives were placed in houses owned by Serbs who had been living with relatives in other areas of Croatia and who had been revisiting their houses to repair them in advance of their return. According to one report, a booby-trap was left outside the house of a couple which exploded when they disturbed it during a visit. The husband reportedly lost both legs in the explosion. In one incident, those who set fire to two houses in the village of Dunjak were reported to be Croatian military police officers. There were also allegations that some perpetrators were Bosnian Croat soldiers crossing the nearby border.

#### *Violent acts in other areas of Croatia*

Military personnel were responsible for intimidation of and violence against civilians in connection with housing issues, and little or no effort has been made to discipline the perpetrators.

On 17 June the Gugo family was forcibly evicted from their apartment in Split by a group of three men dressed in civilian clothing and reportedly presenting themselves as members of

the military housing committee in Split. The men threatened human rights observers who were present in the apartment at the time and eventually forced them to leave. Semina Lonar, president of the Split branch of the Committee for Human Rights, states that one of the men, with a motion of an axe he was carrying, threatened to strike her on the head. After the human rights observers had left, Frane Gugo was reportedly hit about the head and his wife was dragged along the floor by her hands causing bruising (See AI Index: EUR 64/08/96 and EUR 64/11/96).

Military police were responsible for the detention and ill-treatment of a 19-year-old conscientious objector, Nikša Violi, a Jehovah's Witness. Nikša Violi received call-up papers for the Croatian Army telling him to report for duty at the barracks in Sinj on 14 May. He reported to the base but refused to carry arms because of his religious convictions. He was detained by military police of the 72nd Battalion and taken to the Lora military compound in Split. On 16 and 17 May he was allegedly beaten so severely by military police officers that at 11pm on 17 May he was transferred to hospital by ambulance. Military police later *visited the hospital and further ill-treated and threatened Nikša Violi there* (See AI Index: EUR 64/10/96).

*Nikša Violi being ill-treated by a military policeman in the hospital in Split.*

#### *CZECH REPUBLIC*

*Alleged ill-treatment in a Prague rock club*

On 4 May at around 10pm, in the "Propast" club on Lipanské street in Prague, some 60 police officers wearing balaclavas and armed with guns and truncheons indiscriminately beat dozens of young people who were attending a rock concert. The police forced many of the people outside, where the beating continued. Many of the club visitors were then lined up, facing the wall with their hands held up, for an identity check. Six people were taken to the local police station for a further identity check and were released shortly afterwards without being charged. At least 10 people reportedly filed criminal complaints about the beating. Among those injured as a result of the beating were Markéta Weigová, who suffered concussion, multiple haematoma on her thighs and severe back pain, and Bertrand Boisvert, who suffered a rib fracture, concussion and lesions and bruising of both arms and knees. It was reported that a police inquiry into the incident has taken place and that a criminal investigation into those responsible for ill-treatment has also been initiated. In June Amnesty International asked the Minister of Justice for the results of the investigation.

*The case of Martin \_erve\_ák*

In June, following the publication of the *Amnesty International Report 1996*, which described the results of the investigation into the death in custody of Martin \_erve\_ák (see also AI Index: EUR 01/01/95, EUR 01/02/95 and EUR 01/01/96) the Ministry of the Interior informed Amnesty International that there are no special instructions for the police while conducting searches of Roma houses. Amnesty International replied that the information about such an instruction or briefing came from an official document, the Plze\_ Prosecutor's report of the investigation into the death of Martin \_erve\_ák. In November 1995 Amnesty International urged the Minister of Justice to initiate a governmental review to repeal these instructions. No response was received to this letter.

## FRANCE

*Meetings with government authorities*

A delegation from the International Secretariat of Amnesty International held talks on 2 and 3 April with the Minister of Justice and leading government officials from the Ministries of Defence and Interior.

The object of these talks was to follow up the recommendations of the organization's 1994 report, *France: Shootings, killings and alleged ill-treatment by law enforcement officers* (AI Index: EUR 21/02/94). The report contained seven detailed recommendations directed to the Ministries responsible for the administration of justice, the conduct and training of the police and the paramilitary *Gendarmerie nationale*. Since the publication of the report there has been a continuation of the pattern of shootings and killings of unarmed people by officers using firearms in a reckless and, more often than not, illegal manner and a disturbing incidence of ill-treatment. This sometimes takes the form of deliberate beatings and insults to punish or intimidate or on other occasions, badly trained and led officers using a wholly disproportionate degree of force. The preferred targets for this treatment are, as stated in the European Committee for the Prevention of Torture's report, published in 1993, young people or members of the non-European ethnic communities. A recent United Nations (UN) report condemned "a rising tide of xenophobia and racism" in France.

Amnesty International felt that there had not been an appropriate response from the government to its 1994 report and sought to establish a serious dialogue with the aim of dealing with the organization's concerns over a long period of time.

At the same time as the organization noted the persistence of the same type of human rights violations, highlighted in the 1994 report, it also noted the willingness of the French authorities to engage in a dialogue. At a news conference held after the government talks Amnesty International noted that "There is a desire for dialogue. The door to the Justice

Ministry is open, but that to the Interior and Defence Ministries is ajar”.

The delegation raised its concerns regarding the continuing incidence of cases where officers had used force recklessly and without due respect for the law. It cited specific cases of killings and alleged ill-treatment which had occurred in the 18 months since the publication of the report. These included the fatal shooting of eight-year-old Todor Bogdanovic, the alleged ill-treatment of Sid Ahmed Amiri, and of 16 trade unionists in French Polynesia (see AI Index: EUR 01/01/96). Amnesty International raised its concerns over the excessive length of investigation and prosecution procedures relating to human rights abuses. It noted that the Ministry of Justice, in a letter of January 1995, had considered that excessive delays in procedures were inadmissible, and that the Minister told the delegates that plans to deal with this problem had been designated as a priority for his Ministry. The need for urgent measures was evident considering that, immediately prior to the meetings, important bar associations, such as Bordeaux, had called a strike in protest at the delays in courts and the absence of measures to deal with them.

Amnesty International also expressed its extreme concern over the continued use by military officers of the *gendarmarie* of special powers regarding the use of firearms. These powers, granted by a decree of 1903, modified by a decree and law of 1943 under the Vichy Government, enable the *gendarmarie* legally to use their firearms in a far greater number of circumstances than the civilian police forces. The difference in powers between the civil and military applies even when both bodies are fulfilling a similar law enforcement function.

It is clear that international law considers that, even though officers of the *gendarmarie* are military, when they are fulfilling a law enforcement function they should conform to the same UN standards as other civilian law enforcement bodies. This is not the case in France.

The delegation stressed that current French law was not in accordance with international standards and that it was essential for France to abrogate the special legislation

governing the use of firearms by the *gendarmarie*. The Minister of Justice described this legislation as “null and void”. However, it continued to be cited by the French authorities (see below).

Amnesty International is not aware that the Minister of Justice has taken any steps to abrogate the legislation covering the special powers of the *gendarmarie* and to thereby conform to UN law enforcement standards.

In talks with senior figures within the Ministry of the Interior the delegation stressed the need to improve training, especially in deontology and the use of firearms and techniques of control of suspects. Both of these areas had been the subject of specific criticisms from different quarters, including some of the police unions. The government gave assurances that police training would be improved.

Amnesty International’s 1994 report contained some 30 illustrative cases of shootings, killings and allegations of ill-treatment, including incidents of sexual assault and racial abuse. The delegation sought precise information as to the situation of officers involved in the cases and what, if any, administrative or disciplinary sanctions were taken against officers found guilty of such offences in court. It further requested statistics as to the application of sanctions. The Ministry said that no such information existed. It should be noted that over half of the cases cited in the 1994 report were still under investigation three years later (see below).

#### *Law enforcement officers sentenced in cases of killings and ill-treatment*

On 15 February Paris Court of Assizes sentenced an officer found guilty of killing a 17-year-old Zairian while he was in custody in a police station.

Makomé M’Bowole had been arrested in April 1993 in connection with an inquiry into the petty theft of cigarettes. He was taken to Grandes-Carières police station for questioning with two others. The prosecutor’s office ordered Makomé M’Bowole’s release to his parents because he was a minor. The officer, however, continued the interrogation because the parents reportedly could not be found. At a point in the interrogation the officer produced his gun in order

to intimidate the teenager who allegedly was shouting and the officer claimed he had been insulted. In a police statement the officer was reported as saying "I wanted to frighten him". He claimed that the gun went off accidentally when Makomé M'Bowole tried to grab his hand. Two police witnesses, who had been in a neighbouring room, did not report a struggle but testified to having seen the officer brandishing his gun.

Makomé M'Bowole was killed by a shot at point blank range from the gun pressed against his temple. Forensic evidence stated that a pressure of six kilograms on the trigger would be necessary for the gun to fire.

The prosecution requested a conviction on a charge of murder. However, the jury found the officer guilty of the lesser charge of assault and battery leading to death unintentionally and he was sentenced to eight years' imprisonment. In view of the period of nearly three years that the officer had spent in pre-trial detention this will probably mean that he will be released from prison within one year.

The length of pre-trial detention and the sentence were quite exceptional in judicial cases relating to killings by officers.

On 22 May the Court of Appeal in Douai reduced the sentence of a police officer who had been found guilty of involuntary homicide. In October 1995 a Correctional Court had sentenced the officer to 24 months' imprisonment with 16 months suspended for killing Rachid Ardjouni, a 17-year-old of Algerian origin, in Wattrelos in April 1993, and fined and banned him from carrying a firearm for five years. The officer shot him in the back of the head when he was reportedly face downwards on the ground. The officer, who was drunk, had ignored regulations by pursuing him with a gun in his hand. Rachid Ardjouni was unarmed and the officer was not in danger.

The Court of Appeal reduced the original sentence to a confirmed period of six months' imprisonment which will probably be served in semi-liberty. It also reduced the damages and financial compensation awarded to the family of the deceased. In a final, surprising and exceptional decision, it overturned the Correctional Court's sentence that the convictions

for killing Rachid Ardjouni should be entered on the officer's criminal record (*casier judiciaire No 2*). This will, therefore, allow the officer to continue to serve as a police officer carrying arms.

The final sentences in these two trials concluded the judicial action in a group of cases which had been the focus of public concern over the excessive use of force and firearms. The police shot and killed in separate incidents three unarmed youths in their custody, two of them minors, in the space of four days in April 1993.<sup>2</sup> Widespread public disorder followed these deaths.

The Minister of the Interior sought to allay public concern by declaring "I will be merciless with those [officers] who make mistakes".

Amnesty International's 1994 report (see above) examined 11 cases of killings, including those named above. Over half of these cases, which occurred between June 1993 and June 1994, have still not been concluded even after a delay of two to three years.

The judicial inquiry into the repeated shooting and killing by a *gendarme* of a young motorist, Franck Moret, in the Drôme region, was completed in February. However, the prosecutor in Valence then requested advice from the Ministry of Justice regarding prosecution of the officer responsible for the killing. This is still awaited. Amnesty International sought information in April from the Ministry of Justice as to the progress of the case and expressed concern at this additional delay in the inquiry. The Ministry confirmed in May that the prosecutor had made no decision as yet regarding the pursuit of the inquiry but assured Amnesty

<sup>2</sup>The third case was that of 18-year-old Eric Simonté in Chambéry. In April 1993 officers discovered three youths stealing car tyres. Two of the youths were taken into custody by one officer and another went to handcuff Eric Simonté. The officer was unable to explain why he had already drawn his weapon and had his finger on the trigger. He shot Eric Simonté through the head while putting on the handcuffs. He died in hospital a few days later. Following a hearing at which the prosecutor described the events as "serious misconduct" the officer was given a one year suspended sentence for manslaughter.

International that they would observe especially closely that the matter was handled correctly.

The judicial inquiry into the shooting and killing of a 19-year-old youth of Algerian descent by a police officer in the area of Saint-Fons near Lyons in December 1993 is still unfinished. Mourad Tchier was shot in the back while reportedly attempting to escape. Amnesty International criticized the use by the prosecutor of certain procedures used to investigate the killing, which it considered were clearly in violation of international standards, which stipulate that the family of the deceased and their legal counsel should have access to all information relevant to the investigation (see AI Index: EUR 21/03/95). It expressed its concern at the continued delays in the investigation. The reconstruction of the facts by the investigating magistrate conducting the inquiry was only held two years after Mourad Tchier was killed. The 1996 Report of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (UN Doc. E/CN.4/1996/4) described his concern over the increasing use of excessive force by law enforcement officers in France in the case of *inter alia* Mourad Tchier and regretted that France had failed so far to reply to his inquiries.

The Ministry of Defence confirmed in April that the judicial inquiry into the shooting and subsequent death of an 18-year-old youth near Rouen was still unfinished. Ibrahim Sy was shot in a car by a *gendarme* in January 1994 (see AI Index: EUR 21/05/95). Amnesty International sought information on the progress of the inquiry

in view of the continued delays. The organization noted that the *gendarmes* claimed the legal authority of their special powers in the 1903 law, amended in 1943 (see above) to justify using their weapons to fire on the car.

On 5 January an officer of the "intervention squad" of the *Brigade anticriminalité* was given a four-month suspended prison sentence and fined for the assault and battery of Didier Laroche in March 1994. He had been punched, kicked and hit with a truncheon, resulting in a fractured nose and various injuries to his eyes, face, chest, knees and thighs. The sentence has been appealed (see AI Index: EUR 21/02/94).

## GEORGIA

### *The death penalty and alleged ill-treatment in detention*

During the period under review at least one death sentence came to light. On 17 June political prisoner Badri Zarandia was sentenced to death by the Supreme Court, reportedly without right of appeal. Badri Zarandia is a supporter of Georgia's former President Zviad Gamsakhurdia, who was ousted in 1992 but staged an abortive attempt to regain power in 1993. The former president's supporters briefly took control of large areas in the west of the country at that time, before fleeing or surrendering. A former commander of the western town of Zugdidi when it was controlled by pro-Gamsakhurdia troops, Badri Zarandia was arrested on 20 October 1994 and sentenced to death for treason and banditry in connection with the 1993 uprising. His five co-defendants received prison sentences of between 13 and 15 years. As has been alleged previously in other trials (see for example AI Index: EUR 01/02/95), the defendants claim that they were ill-treated in order to force a confession.

Badri Zarandia, for example, says he was beaten with gun butts several hours after he had undergone an operation to amputate his leg. Zviad Sherozia reports that he was suspended by the legs and beaten repeatedly, and that an investigator forced a grenade into his mouth and threatened to remove the pin. Amnesty International is urging that the death sentence passed on Badri Zarandia be commuted, along with all other pending death sentences, and that all reports of ill-treatment are investigated promptly and impartially, with the results made public and any persons found responsible brought to justice.

In a separate political case, Amnesty International approached the authorities with its concerns about the health of prisoner Irakli Surguladze. He is reported to have suffered a heart attack while in detention, but claims that he has been denied the possibility of a transfer to hospital. Irakli Surguladze was arrested on 13 January 1995 together with former Defence

Minister Tengiz Kitovani, and both have been charged with creating an illegal armed formation in connection with the activities of the opposition National Liberation Front (now disbanded). The trial began on 25 December 1995.

According to Irakli Surguladze, he had an attack of pain in his chest and left hand on 17 May 1996 at around 6pm, lasting for 18 hours, in investigation-isolation prison No. 1 in the capital, Tbilisi, where he is detained. The prison doctor visited him three times, but was said not to have available any means of treatment. The following day the prison director paid a private external service, ARDI, to take a cardiogram. They did so again on 19 and 22 May, and recommended that Irakli Surguladze be taken to hospital. This did not happen, however, and on 23 May he was taken to a session of the trial at Didube district court where he fainted.

Irakli Surguladze reports that as a result he was diagnosed as suffering from arterial hypertension and a subendocardial infarction, but was still not taken to hospital. The deputy head of the Interior Ministry administration of prison services is said to have confirmed that Irakli Surguladze suffered a heart attack, but has insisted that any treatment can be conducted within the prison. Irakli Surguladze wishes to be transferred to a hospital, rather than the medical department within the prison, as he believes the latter lacks the necessary facilities.

Amnesty International is concerned that Irakli Surguladze may not be receiving the medical care said to be necessary and appropriate to his state of health, and believes that a refusal to grant him such treatment would constitute cruel, inhuman or degrading treatment or punishment, and violate Article 22 (2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners. This states *inter alia* that "Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals". Amnesty International is urging that Irakli Surguladze be transferred to a hospital or other relevant institution where he may be afforded specialist treatment.

Concerns about persistent allegations of ill-treatment in detention in Georgia prompted

Amnesty International to oppose the repatriation of Elguzhda Meskhia, a political opponent of the current government who had been seeking asylum in Russia. He had been detained on 25 December 1995 in Moscow, on the basis of a warrant for his arrest issued by the procurator of the town of Tsalendzhikha in Georgia. Under this warrant the charge was given as participation in an anti-state organization aimed at overthrowing the constitutional order in Georgia, a crime under Article 73-1 of the Georgian Criminal Code. Elguzhda Meskhia was forcibly returned to Georgia on 19 March 1996.

While Amnesty International does not oppose the right of states to extradite known or suspected criminals, it was concerned that Elguzhda Meskhia might fall victim to torture or ill-treatment in Georgia, bearing in mind many such allegations reported to the organization in recent years in relation to detained opposition supporters. Amnesty International asked the Georgian authorities for further information on Elguzhda Meskhia following his return, including whether he had access to appropriate medical care and whether he has been able to meet with a defence lawyer of his own choice.

### *The new law on a Public Defender*

On 16 May President Eduard Shevardnaze signed into law a bill on the Public Defender, a new post instituted under the Constitution adopted last year to monitor the defence of individual rights and freedoms (see AI Index: EUR 01/01/96). According to the law the Public Defender is independent and subordinate only to the Constitution and the law, with interference in his or her work punishable by law. The Public Defender is charged with supervising the observance of human rights in Georgia, making known violations of these rights, and furthering the restoration of violated rights. To this end the Public Defender is entitled, among other things, to unhindered access, including to military areas and all places of detention; to demand any necessary material and receive an explanation from officials at any level; and to recommend institution of criminal or other disciplinary procedures. Parliament had not yet appointed

anyone to the post of Public Defender, however, by the end of the period under review.

### *Concerns in the disputed region of Abkhazia*

The situation in many parts of the disputed region of Abkhazia (see AI Index: EUR 01/02/95) remained tense, especially in the southern district of Gali to which small numbers of ethnic Georgians have returned. Both the Georgian and Abkhazian sides allege that the other sponsors, or at least tolerates, the activity of armed gangs said to be responsible for numerous acts of robbery, looting and murder against the civilian population.

For example, both sides accused the other of responsibility for the murder of eight ethnic Georgians in Shesheleti, Gali District, in January this year. According to reports, the incident occurred at around 1pm on 5 January when three unidentified armed men are said to have burst into the home of Iona Sanaya and tortured to death six members of the family living there. The dead were a husband and wife and four others, said to include children and grandchildren. The family were said to have recently returned to their home in the Gali region, having previously fled the hostilities there. Two other people are also said to have died in the incident - neighbours named as Mimoza Sanaya and Vakhtang Khurtsilava - who were reportedly shot dead by machine-gun fire as they went to the aid of the Sanaya family. Amnesty International sought further information from the Abkhazian authorities on the progress of any investigation into these deaths, and urged that all appropriate steps be taken to ensure the security of all residents, regardless of ethnic origin.

Amnesty International also sought further information on the situation of a group of Georgians detained on 15 June while travelling on a bus in Abkhazia. The bus was reportedly travelling from the Zugdidi district to the Gali district when it was stopped in the village of Zemo Barghebi, Gali district, by officials from the Okumi village branch of the District Department of Internal Affairs. Three automatic weapons, a grenade and a knife were said to have been found on board the bus. All passengers, said to number

at least 17 and including women and children, were taken to the District Department of Internal Affairs in Ochamchire.

The women and children are said to have been released the same day, followed on 16 June by several others of those initially held. Ten passengers are said still to be detained, however. All are said to be ethnic Georgian males who had previously resided in Abkhazia. According to press reports they are accused of being members of a bandit group allegedly formed to carry out terrorist acts in the Gali District and elsewhere in Abkhazia; three are also accused of fighting on the Georgian side during the armed conflict prior to September 1994. The 10 are said to be held at present in the investigation-isolation prison in Ochamchire, and their names have been given by a Georgian news agency as Paata Zukhbaya, Gela Nadaraya, Zhora Lukava, Manuchar Nadaraya, Robert Sordia, Tamaz Kvekveskiri, Tamaz Zakaraya, Demur Kavshbaya, Lasha Kardava and Pridon Basaria.

Amnesty International has requested to be informed of the exact charge or charges against these 10 men; their state of health and conditions of detention; and whether they have access to their family and a defence lawyer of their own choice in line with international standards.

#### *The death penalty*

During the period under review Amnesty International received no further information on the situation of Ruzgen Gogokhiya, a Georgian citizen sentenced to death in Abkhazia (see AI Index: EUR 01/01/96) or on the application of the death penalty in general in Abkhazia as requested from the *de facto* authorities there last year. Three further death sentences may have been passed, however. According to a press report the Abkhazian prosecutor had called for the death penalty to be passed on three Abkhazians accused of murder in a trial that began in Sukhumi on 30 April. The three men (named only as Tarba, Tania and Ketsba) are said to have been accused of murdering five people in a shooting spree on Peace Avenue in Sukhumi at the end of January, killing the owner of a Turkish cafe who refused to serve them free of charge, and four passers-by.

Amnesty International has again urged the Abkhazian authorities to commute any pending death sentences, and asked for assurances that all those sentenced to death are afforded the right to appeal to a court of higher jurisdiction, and the right to seek pardon or commutation of the sentence, in accordance with internationally agreed human rights standards.

## GERMANY

### *The alleged ill-treatment of detainees*

#### *The case of Ahmet Delibas*

In October 1995 Ahmet Delibas, who is of Turkish nationality, alleged that police officers from the town of Hamm, in North-Rhine/Westphalia, assaulted him following his arrest outside a discotheque.

Ahmet Delibas stated that following a fight outside the discotheque, which he witnessed but had no part in, he was handcuffed and placed in a police car. Inside the vehicle a plainclothes officer sat on one side of him and a uniformed officer on the other. According to Ahmet Delibas, the plainclothes officer took hold of him by the throat with one hand and started to strangle him. Both officers then allegedly punched him repeatedly in the face.

Ahmet Delibas was reportedly so dazed by the blows that when the car arrived at the police station he had to be dragged inside. He was later taken to hospital where it was confirmed that he had suffered serious injuries to his face, including a fracture of the left cheekbone, two separate fractures of the left eye-socket and two separate fractures of the right eye-socket. His injuries have necessitated two operations.

On the same day the alleged ill-treatment took place, the Hamm police authority issued a press statement in which it said that two police officers had been attacked and injured when they tried to break up a fight near the "Max" discotheque. The officers recognized one of their attackers and arrested him. The person in question physically resisted their efforts to take him to the police car.

In April Amnesty International called upon the North-Rhine/Westphalia authorities to conduct a prompt and impartial investigation into the alleged ill-treatment of Ahmet Delibas, in accordance with Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). In June the organization was informed by the Interior Ministry that investigations were under way into the allegations made by Ahmet Delibas and into police allegations that Ahmet Delibas had assaulted officers and resisted arrest.

#### **The case of Mohamed Z.**

In January Moroccan Mohamed Z. alleged that a police officer punched him on the head and body after he and two friends were stopped by the police in Frankfurt city centre. When he sought to escape the blows, the officer handcuffed his hands behind his back. The same officer then allegedly hit him on the head with a torch he was carrying, and while he was on the ground, kicked him in the face and on the body. Mohamed Z. stated that he was put into a police car and taken to a police station where he was placed in a cell. There, he alleged, he was made to undress and punched and kicked again by the same officer who had ill-treated him in the street. Two other officers were reportedly present. After he was released from police custody, Mohamed Z. went straight to hospital where he was treated for multiple bruising and abrasions, and for cuts to his head which required stitching. According to an article in the *Frankfurter Rundschau* of 17 February, a police spokesperson was able to confirm only that the officer whom Mohamed Z. has accused of ill-treating him had made a criminal complaint against the Moroccan for resisting state authority.

In April Amnesty International called upon the Hesse authorities to conduct a prompt and impartial investigation into the alleged ill-treatment of Mohamed Z. In May the Ministry of Justice informed the organization that a senior police officer was currently under investigation.

**The case of Muhamad A.** (see *Federal Republic of Germany: The alleged ill-treatment of foreigners - An update to the May 1995 report*, AI Index: EUR 03/02/96).

In March the Director of Public Prosecutions in Cologne informed Amnesty International that he had ordered the investigation into allegations that police officers had ill-treated Muhamed A. to be reopened. Amnesty International had previously expressed concern to the North-Rhine/Westphalia Minister of Justice that the original investigation into Muhamed A.'s allegations had not been "prompt and impartial", as required by Article 12 of the Convention against Torture.

**The case of Hidayet Secil** (see *Federal Republic of Germany: The alleged ill-treatment of foreigners - An update to the May 1995 report*, AI Index: EUR 03/02/96).

In February Amnesty International was informed by the authorities of Baden-Württemberg that the criminal complaint of police ill-treatment brought by Turk Hidayet Secil had been rejected. The authorities also criticized Amnesty International for being one-sided in its research of the case.

Hidayet Secil had alleged that one officer punched him four times in the face and another repeatedly struck him with his baton while he was being held by three of the officer's colleagues. Hidayet Secil's injuries included a suspected broken nose, bruising to the upper lip and upper jaw, seven weals on his back and a suspected fracture of the rib.

According to the results of an investigation, the officers involved, one of whom suffered a broken finger in the incident, had acted in "self-defence" when Hidayet Secil assaulted them while resisting their attempts to arrest him in his flat.

In March Amnesty International expressed concern to the Baden-Württemberg authorities that the investigation into Hidayet Secil's allegations may not have been impartial, as required by Article 12 of the Convention against Torture. Amnesty International urged the authorities to reopen the investigation and to ensure that this time the prosecuting authorities

question personally all those people present during the arrest of Hidayet Secil, including all the officers involved; visit the scene of the alleged ill-treatment personally; obtain an expert medical report on the possible origins of the injury to the thumb of one of the officers and of other injuries suffered by both the complainant and the accused officers; in their investigation pay special heed to the principles established in international human rights instruments regarding the use of force by law enforcement officials; treat all witness testimony impartially; and hand the case over to a court if they are unable to resolve all the conflicting and contradictory elements of the testimony given by the complainant, the accused officers and other witnesses.

Amnesty International also rejected the authorities' criticisms about its work. The allegations of police ill-treatment made by Hidayet Secil were supported by strong *prima facie* evidence, including medical evidence consistent with his allegations. Amnesty International had also included in its description of the case the police authorities' immediate response to the allegations. Inquiries made by Amnesty International to the relevant authorities had failed to elicit further information: the prosecuting authorities declined to inform the organization of the outcome of the investigation; the Interior Ministry replied that it was not responsible "for decisions according to the law on foreigners" and the investigating police authority replied that it did not know any "Hidayet Secil".

In March Amnesty International was informed by the prosecuting authorities that Hidayet Secil's appeal against the decision not to bring charges against any of the officers he alleged had ill-treated him had been rejected. Hidayet Secil has applied for a judicial review of the prosecuting authorities' decision.

*Possible prisoners of conscience Mathias B. and Jan L.*

In February Amnesty International expressed concern to the Bremen authorities about the forthcoming trials of Mathias B. and Jan L., both of whom had been charged with "offering for sale writings which...attack the human dignity of others

by...defaming a certain part of the population", an offence under section 130 ("Incitement of the people") of the German Criminal Code which carries a maximum penalty of three years' imprisonment. According to the indictment against them, the two men had, during a public meeting in a Bremen courthouse in May 1995, offered for sale copies of a document containing "numerous passages in which the Bremen police are defamed". The indictment quoted a number of passages from the document - written by the Bremen-based non-governmental organization "Anti-Racism Office" - in which the Bremen police were accused of racist practices, including the physical ill-treatment and arbitrary arrest of blacks.

In its letter to the Bremen authorities Amnesty International said that it believed that in offering for sale copies of the document in question, Mathias B. and Jan L. had exercised their right to freedom of expression, guaranteed by Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and by Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), both of which instruments the Federal Republic of Germany has ratified and is legally bound to observe. If either man were imprisoned for offering the document, "*Police officers who make you vomit*", for sale, Amnesty International would adopt them as prisoners of conscience and would call for their immediate and unconditional release.

In a reply to Amnesty International in March, the Bremen Ministry of Justice described the organization's action as "outrageous" and stated that both Article 19 of the ICCPR and Article 10 of the ECHR, which protect the right to freedom of expression, acknowledge that the exercise of that right may be subjected to restrictions. The Ministry of Justice also accused Amnesty International of basing its concerns on incomplete and one-sided information from the Anti-Racism Office.

In a reply to the Bremen Ministry of Justice in May, Amnesty International stated that its position that the imprisonment of Mathias B. and Jan L. under Section 130 of the German Criminal Code would violate the right to freedom

of expression as guaranteed by Article 10 of the ECHR and other international laws and standards was fully consistent with the jurisprudence of the European Court of Human Rights and the European Commission of Human Rights. Decisions of both bodies are binding on the German authorities. (In *Thorgeirson v. Iceland*, Vol. 239, Series A, Judgment (1992), the European Court of Human Rights held that conviction of a person for criticism of police brutality by the Reykjavik police force “in particularly strong terms”, based largely on reports of others, violated Article 10 of the ECHR. The Court declared that the conviction and sentence “were capable of discouraging open discussion of matters of public concern” (para. 68). It emphasized that “freedom of expression constitutes one of the essential foundations of a democratic society; subject to paragraph 2 of Article 10, it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb” (para. 27).)

In its letter to the Bremen Ministry of Justice, Amnesty International also rejected allegations that its research work had been incomplete or one-sided. The organization’s information on the cases of alleged ill-treatment it had taken up had been obtained from written complaints made by victims, from medical reports and from press articles. A representative of the organization had also travelled to Bremen and interviewed victims and lawyers. Amnesty International’s information regarding the cases of Mathias B. and Jan L. was based on court documents and on the report which they were accused of distributing.

In February the case against Jan L. was dropped in accordance with section 153 of the Code of Criminal Procedure (which provides for court proceedings to be terminated if the guilt of the accused would be insignificant if he were to be found guilty). The following month Mathias B. was found guilty by a Bremen court of “Incitement of the people”. He was fined DM 750 (approximately £250). Mathias B. has appealed against his conviction.

## GREECE

### *Freedom of expression trials*

On 8 May, in Edessa, Archimandrite Nicodimos Tsarknias was acquitted of three charges of “impersonating a priest”. He had been indicted for wearing the cassock of a priest despite being excommunicated by the Holy Synod of the Greek Orthodox Church. (See AI Index: EUR 01/01/96.)

On 27 March in Thessaloniki Hara Kalomiri was sentenced to three months’ imprisonment for “founding and operating a place of private worship for a Buddhist community in Chalkidiki without government permission”. Hara Kalomiri is free pending an appeal hearing. (*See Women in Europe, page 63 for further information.*)

### *Conscientious objection to military service*

There was still no provision for an alternative civilian service to compulsory military service. In June about 350 conscientious objectors to military service, all of them Jehovah’s Witnesses, were serving sentences of up to four years’ imprisonment for their refusal to perform military service on religious grounds. Despite declarations from the Greek authorities that a draft bill which would include a proviso for an alternative civilian service would be presented to the parliament in the spring, no progress was made. At the end of May the Ministry of Defence referred the issue to the Parliamentary Committee for the Renewal of the Constitution for final advice, on the grounds that constitutionality problems prevented it from being presented to the parliament. On 27 June Amnesty International appealed to the members of the Committee urging them to ensure that their proposals for the reform of the Constitution include a provision for an alternative civilian service for conscientious objectors, in line with international standards, in order to allow for its introduction into Greek law without further delay.

### *Fair trial concerns*

In March two delegates from Amnesty International observed two trials in Athens. In November 1995, as a result of clashes during demonstrations at the Polytechnic University, more than 500 people were detained by the police. They were kept in custody for up to 48 hours before being brought to the Prosecutor's office and charged. The defendants were then divided into groups of up to 40 people. The defendants in each group were charged with the same offences, including disrupting public order and destruction of a symbol of the State. The verdicts and sentences passed range from acquittal to 40 months' imprisonment, sometimes suspended. The first trial attended by Amnesty International on 19 March was postponed. Sentences for the second group of defendants ranged from 21 to 32 months' imprisonment. A report about these trials will be published in due course. In April and May at least four other groups of defendants were tried for the same offences. Sentences ranged from four to 17 months' imprisonment.

#### *Further allegations of ill-treatment*

On 21 May Amnesty International was told by the Ministry of Justice that its request for information about the case of a youth who had been beaten by police officers in front of the Polytechnic University in November 1995 (see AI Index: EUR 01/01/96) had been referred to the Minister of Public Order, which was to respond shortly.

Amnesty International raised with the Greek authorities its concern about some allegations of police brutality it had received since January and called for these to be impartially and thoroughly investigated.

The organization has yet to receive an answer from the Greek authorities to its request for information about the ill-treatment of Giorgos Chiotellis who, in the early hours of 2 January, was thrown out of a bar in Chios by two police officers and was repeatedly pushed over on the way to the police station where he was so badly beaten that he had to undergo surgery to treat his dislocated left elbow.

At about 1am on 14 January police officers from Vyrona police station, Athens, detained 40-year-old Lütfi Osmançe who was

reportedly drunk, vomiting and suffering from stomach pains. At 8am the same day Lütfi Osmançe was taken to hospital, but was discharged by the doctor who examined him. At midday he was taken before the prosecutor of Athens Criminal Court who ordered that he should be remanded in custody. The same evening at 10pm Lütfi Osmançe was found dead in a cell of Vyrona police station. According to the autopsy report Lütfi Osmançe's head and face bore marks of beatings. He had ruptured blood vessels and bruises around his right eye and an open wound on his right eyebrow. However, these injuries had not been observed by the doctor who had examined Lütfi Osmançe during his visit to the hospital in the morning. Amnesty International called on the Greek authorities to open an investigation into the exact circumstances of Lütfi Osmançe's death in police custody.

On 20 February police raided a Roma camp in Aspropyrgos, near Athens, on the grounds that five men were wanted for criminal offences. Armed with automatic weapons and knives, wearing balaclavas and flak jackets, members of the Special Anti-Terrorist Forces stormed into the camp, slashing open tents and pointing pistols at people's heads. They swore at, kicked and beat Roma who had been ordered to lie on the ground.

At about 6pm on 21 May, police officers transferred seven Albanians from Athens Tribunal to the prison of Korydallos and handed them over to the prison guards. The guards reportedly allowed at least three police officers to enter the prison and helped them to beat savagely the seven men. As a result of the beatings, two of the victims were transferred to the prison hospital for medical treatment. On 4 June a Greek detainee who had reported the ill-treatment of the seven men to the Prosecution in the Piraeus was in turn beaten by one of the policemen involved in the previous incident. Guards informed the Director of Korydallos Prison, who tried to prevent further beatings. He was insulted and beaten by the police officer.

## ITALY

### *Alleged ill-treatment by law enforcement officers*

A high proportion of allegations of ill-treatment by law enforcement officers continued to concern people of non-European ethnic origin. Edward Adjei Loundens, a Ghanaian citizen and musician, normally resident in Denmark with his family, alleged he was beaten by police officers at Leonardo Da Vinci international airport at Fiumicino, near Rome, while in transit between Denmark and Ghana, and suffered injuries resulting in a loss of hearing in his right ear, seriously affecting his career, and facial disfigurement. In a written account of his journey which he deposited at the Italian Embassy in Denmark in March, he explained that he had obtained a one-day transit visa for Italy, a country he had never visited, before flying to Leonardo da Vinci airport on 30 December 1995, with four friends. They arrived at the airport in the evening and were booked on a flight to Accra, Ghana, the next day. Edward Adjei Loundens said that after landing an immigration officer checked his travel documents and then accused him, or another person using his name, of having already used his passport to enter Italy. He was then questioned further by police officers, mainly in Italian, a language he does not understand.

He was escorted to a waiting room, guarded by two armed police officers, containing some 10 other people who claimed they had been detained at the airport for over a week. He said one of officers threatened him with the same fate. After spending some four hours without food, drink or anywhere to sit or lie down he was allowed to leave the room and walk out to the airfield, the transit zone and an airport restaurant. He said that while he was walking about some officers harassed him and threatened physical violence. Later, at around 2.30am on 31 December, about seven officers approached and one of them stepped on his foot. Edward Adjei Loundens said that he simply protested verbally but that the officer suddenly head-butted him and other officers started to beat him, some of them using their guns to hit him in the stomach and on his side. He claimed that other travellers witnessed the incident but were threatened with a gun when they tried to intervene.

The next morning his documents were returned and, on inquiry, he and his friends were informed that he had not been allowed to enter the country because he did not have a transit visa or sufficient money. They protested that this was untrue and drew attention to the visa stamped in his passport. Edward Adjei Loundens was then taken to an airport bus carrying a number of people being repatriated to Africa and put on his flight to Ghana.

Photographs of Edward Adjei Loundens taken at the airport by a Polish traveller show a marked facial swelling above his right eye. He said that, as his face remained badly swollen and extremely painful after his arrival in Ghana, he sought medical treatment. A certificate issued by a doctor at a Medical Dental Clinic in Accra confirmed that Edward Adjei Loundens had been examined on 29 January and had complained of being butted in the face by a police officer on 31 December. The certificate recorded that Edward Adjei Loundens had sustained "a swelling on the upper medial aspect of the right eye" and that there was "at the junction of the right frontal and nasal bones a spur, about 1cm in diameter and hard consistency". Edward Adjei Loundens said that the doctor had explained that a facial bone had shifted but that he could not guarantee successful treatment in Ghana. Edward Adjei Loundens is currently receiving medical treatment for his injuries in Denmark.

*Edward Adjei Loundens, from a photograph taken at Leonardo Da Vinci international airport. A marked swelling is apparent above his right eye.*

*Amnesty International's concern about his allegations of ill-treatment was exacerbated by the apparent failure of the Italian authorities to investigate fully a formal complaint which Abdel H, a 17-year-old Iraqi asylum-seeker lodged with Rome carabinieri on 26 August 1994, claiming that he had been kicked and beaten by police officers while in transit at Leonardo Da Vinci airport on 21 August. He had been detained while travelling on a forged passport between Jordan and the United Kingdom. Amnesty International is seeking the cooperation of the authorities in informing the organization of the steps taken to investigate both complaints of ill-treatment.*

In his complaint, Abdel H stated that, as a minor, he could not leave Iraq without being accompanied by a parent or guardian and that he had been forced to obtain false documents. He explained that his family had suffered political persecution in Iraq and that his mother and father had suffered torture and ill-treatment while imprisoned there: his father had died as a result. He said that he was travelling to the United Kingdom to rejoin his mother and two sisters who had been living there for the previous two years, receiving medical treatment at a centre specializing in the care of victims of torture.

On 23 August 1994, he went to the casualty department attached to Rome's Gemelli Hospital, accompanied by an employee of a charity which had given him temporary shelter after his release from police custody, and received a medical examination, including x-rays, to check for fractures. No fractures were detected but the medical certificate attached to his formal complaint recorded bruising to his right shoulder and to his thorax.

In his complaint Abdel H asked to be notified in the event of a decision being taken to archive it. He was granted official refugee status in October 1994 and subsequently allowed to rejoin his family in the United Kingdom. There has been no further news regarding the progress and outcome of his complaint of ill-treatment.

Amnesty International also asked to be informed of the eventual outcome of a formal complaint of ill-treatment lodged by Grace Patrick Akpan, an Italian citizen of Nigerian origin, who was admitted to hospital for urgent treatment immediately after her release from police custody in Catanzaro on 20 February. She claimed that two officers who stopped her for an identity check verbally abused and physically ill-treated her on the street, in their car and in a police station. She also claimed that there was a "xenophobic" aspect to their behaviour. The Public Prosecutor's request that two police officers be committed for trial on charges of abusing their authority, causing injuries and using threats and insults is due to be examined by a judge of preliminary investigation in October 1996, together with his request that Grace Patrick Akpan be tried on charges of insulting and resisting a public officer, causing injuries and refusing to supply details of her identity. (*For further information see Women in Europe, page 58.*)

#### *Fatal shooting of Francesco Mazzeo by Guardia di Finanza*

In view of contradictory accounts of the circumstances surrounding the fatal shooting of Francesco Mazzeo by an officer of the *Guardia di Finanza* (a paramilitary force carrying out a wide

range of law enforcement duties) on the night of 9 October 1995, Amnesty International asked to be informed of the progress and eventual outcome of a judicial investigation opened into the incident.

Francesco Mazzeo was shot at a road block outside the town of Brenno Useria (Varese), as he was riding on the back of scooter driven by his friend Luca Caversazi: both were known to the authorities in connection with drugs-related activities. According to a statement reportedly issued by the *Guardia di Finanza*, an officer stationed in the middle of the road saw the scooter accelerate, as if intending to drive straight at him. He fired two warning shots in the air but was then knocked to the ground by the scooter as it passed and, in falling, accidentally shot Francesco Mazzeo in the back. It was apparently stated that the officer had been justified in resorting to his gun because he feared a packet carried by Francesco Mazzeo contained weapons. It was also claimed that the road was poorly lit.

This version of events was challenged in a written question addressed to the Ministers of Interior and Justice on 12 October 1995 by a parliamentary deputy who stated that later on the night of 9 October Luca Caversazi had taken law enforcement officers to the spot where the packet had been thrown. It contained 300 grams of hashish and was located some distance *before* the roadblock. The deputy also claimed that Francesco Mazzeo had been shot in the back not once but twice. This suggested that the officer had fired his gun after the scooter had already passed him and, therefore, no longer constituted a danger to his personal safety and raised questions about his assertion that the fatal shot had been fired accidentally. The deputy also questioned whether the officer had been knocked over by the scooter, claiming that some hours after the shooting he had been observed still on duty at the roadblock and walking normally. He also denied that the street had been poorly illuminated.

Varese Public Prosecutor's office opened a judicial inquiry immediately after the death and within days an autopsy had been carried out and the officer who shot Francesco Mazzeo was notified that he was under investigation in connection with a possible charge of murder with intent.

## KAZAKHSTAN

### *Alleged ill-treatment in police custody and in the penitentiary system*

#### The case of Valery Zippa

In February Amnesty International wrote to the authorities to raise concerns about the case, recently brought to the organization's attention, of Valery Zippa, born in 1971. He is serving a 10-year prison sentence after having been convicted in April 1995 of charges including assault. It was alleged that Valery Zippa had been severely beaten in August 1994 in the course of interrogation by officers of the city directorate of internal affairs in Almaty, the capital. Allegedly as a result of this beating he required surgery to remove his spleen.

Amnesty International was informed by unofficial sources that an investigation had been opened by the office of the procurator of Sovetsky district in Almaty into the cause of the injuries sustained by Valery Zippa. The organization asked to be kept informed by the responsible authorities of the results of the investigation, in particular whether anyone had been brought to justice for Valery Zippa's injuries and whether Valery Zippa had received compensation. Amnesty International also sought official assurances that Valery Zippa continued to receive appropriate medical care in his place of confinement.

#### Political prisoner Nikolai Gunkin (update to information given in AI Index: EUR 01/01/96)

Nikolai Gunkin was released at the end of January, having completed his three-month prison sentence (the time he had spent in pre-trial detention had been taken into account). Amnesty International received no reply to its November 1995 statement of concerns in this case.

#### Appalling prison conditions amounting to ill-treatment

At a news conference in April 1996 a Deputy Minister of Internal Affairs, Nikolai Vlasov, publicly admitted that Kazakhstan's prisons were overcrowded, disease-ridden and chronically under-funded.

An investigation into prison conditions was among the subjects of an Amnesty International research mission to Kazakhstan in February and March. At that time Amnesty International obtained information about poor conditions in a prison for male juveniles near Almaty. Amnesty International was particularly concerned by allegations that four inmates, three 17-year-olds called Shakmatov, Makamedov and Raigert and a 16-year-old called Ershev (their first names were unknown to Amnesty International) had died in recent months possibly as a consequence of their treatment in the prison. The organization called for a full and impartial investigation into the deaths of these four young men, with the findings made public, and with anyone found guilty of a criminal offence related to their deaths being brought to justice.

At the end of June, because of constraints on the state budget for prisons, the upper house of Kazakhstan's parliament declared an amnesty for nearly 20,000 prisoners, about one-quarter of the entire prison population.

### *The death penalty*

In March Amnesty International issued a statement condemning the use of the death penalty in Kazakhstan. Information recently received by the organization from official and unofficial sources indicated that 110 death sentences had been passed during 1995, and 101 executions carried out. Among the countries in the world for which execution figures were known for 1995, only three countries (China, Nigeria and Saudi Arabia) had executed more people than Kazakhstan. Considering the size of Kazakhstan's population - just 17 million people - the figure of 101 executions in just one year was shockingly high.

In response, the Kazakhstani authorities publicly stated that Amnesty International's statistics were incorrect, and that the number of executions carried out in 1995 was 63. However,

they offered no explanation about how this figure of 63 executions related to other limited statistical information they had provided at other times, notably the figure of 16 executions carried out in 1995 on people who had had clemency petitions refused in 1994, and the figure of 85 people who had had clemency petitions turned down in 1995.

Amnesty International has consistently pointed out to the Kazakhstani authorities that United Nations Economic and Social Council resolution 1989/64, point 5, urges member states "to publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information about the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted".

Until Kazakhstan is prepared to publish detailed statistics on its use of the death penalty, Amnesty International stands by its original statement.

From unofficial sources, Amnesty International learned that in the first five months of 1996 the Clemency Commission refused 25 petitions for clemency and upheld only two. At least 12 executions were reported to have taken place.

Further details on the cases and issues summarized above can be found in the Amnesty International report *Kazakhstan - Ill-treatment and the death penalty: a summary of concerns*, AI Index: EUR 57/10/96, published in July 1996.

## KYRGYZSTAN

### *Appeal by Amnesty International for respect of fundamental human rights*

In March Amnesty International wrote to President Askar Akayev to raise a number of matters relating to the observance of international human rights standards in Kyrgyzstan. On the basis of that letter, an Amnesty International report, *Kyrgyzstan: A tarnished human rights*

*record* (AI Index: EUR 58/01/96) was issued in May. No reply to either document was received from the President or from any other official.

#### **Prosecutions for insulting the President**

In its letter and subsequent report, Amnesty International stated its concern about recent cases where people had been subject to criminal prosecution for defamation of state officials. Recognizing that all persons who believe themselves to have been the victims of defamation have a right to seek redress through the courts, Amnesty International nevertheless asserted that it was widely recognized that public officials should expect to be subjected to a greater degree of public criticism than other individuals, and that the degree of restriction permitted to protect an individual's reputation should be more limited in the case of a public official than a private person. Amnesty International stated the belief that public officials or authorities who consider themselves defamed should be able to seek redress through civil laws in order to protect their reputation. Criminal legislation should not be used in such a way as to stifle criticism of public officials, or to intimidate those who voice legitimate concerns about the actions or practices of public officials.

Individuals held in custody in connection with criminal prosecution for insulting the President were prisoners of conscience. They included Topchubek Turgunaliyev and Dzhumagazy Usupov, political activists, who were arrested in late December 1995 and stood trial in April on charges of "defamation" and "insult". Amnesty International assessed that an additional charge of "inflaming national discord or hatred" was without foundation. Both men were found guilty but received one-year suspended prison sentences and were released.

Rysbek Omurzakov, a journalist, was arrested in April and charged with "defamation". At the time of writing he was still in pre-trial detention.

#### **Punishment by "elders' courts" and unofficial militias**

Amnesty International raised with President Akayev allegations concerning activities authorized by so-called "elders' (*aksakal*) courts", which since January 1995 had been given responsibility for examining cases of administrative violations; property, family and other disputes; and minor crimes passed to them by state procurators. Noting that such courts do not satisfy the requirements of Article 14(1) of the International Covenant on Civil and Political Rights, which guarantees all persons the right "to a fair and public hearing by a competent, independent and impartial tribunal established by law", Amnesty International was also concerned about allegations that extra-legal militias operating under the authority of *aksakal* courts had subjected people to illegal detention and ill-treatment and have administered punishments handed down by *aksakal* courts, including whipping and stoning.

#### *The death penalty*

Amnesty International learned of two new death sentences, both passed for premeditated, aggravated murder. Lyubov Sirotkina was sentenced in January but had her death sentence later changed on appeal to 15 years in prison (*see the section Women in Europe, page 61*). Nikolai Sokolov was sentenced in April and had his sentence upheld by the Supreme Court in May. At the time of writing he was believed to be awaiting the outcome of a clemency petition.

For further information on the cases and issues outlined above and other Amnesty International concerns in Kyrgyzstan see AI Index: EUR 58/01/96.

#### **MOLDOVA**

*Abolition of the death penalty* (update to information in AI Index: EUR 01/01/96)

Following the December 1995 vote by the Moldovan Parliament to abolish the death penalty from the country's Criminal Code, in February death sentences on 19 prisoners were commuted to

life imprisonment by presidential decree. At the beginning of May Moldova signed Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

***Death in custody in the self-proclaimed Dnestr Moldavian Republic*** (update to information given in AI Index: EUR 01/01/96)

In March new information became available regarding the investigation into criminal charges, including premeditated murder, brought earlier against two officials from the Rybnitsa City Department of Internal Affairs in connection with the death in custody in March 1995 of Aleksandr Kalashnikov. According to this information, initially four officials from the Rybnitsa City Department of Internal Affairs had been detained and charged in connection with the case. Later, three of them had been released under a special amnesty of persons who had previously served in the army and had fought on the side of the Dnestr Moldavian Republic. Only one, Vladimir Luchinets, who reportedly had confessed to killing Aleksandr Kalashnikov, remained charged and was awaiting trial. It was reported that Vladimir Luchinets had claimed that immediately after the death in custody he had been instructed by an official at the City Department for fighting organized crime to take upon himself the whole responsibility for Aleksandr Kalashnikov's death and in this way to cover up for his colleagues. The official had reportedly encouraged Vladimir Luchinets to believe that even if sentenced to imprisonment he also would benefit from an amnesty. He reportedly agreed to this and was arrested in April 1995.

Also according to reports quoting Vladimir Luchinets, one of the officials investigating the charges against him, from the Office of the Procurator of the Dnestr Moldavian Republic, coerced him into making further false claims that the acting head of the criminal investigative unit in Rybnitsa, Igor Semashko, had ordered the killing of Aleksandr Kalashnikov. In exchange for making these claims the investigator allegedly promised Vladimir Luchinets that his wife could visit him in prison.

The same reports stated that in December 1995 Vladimir Luchinets accidentally injured his leg while in pre-trial detention and was hospitalized. In February he escaped from the hospital and returned home to Rybnitsa. He has not been rearrested, but since then he and his wife have been reportedly receiving anonymous phone calls threatening their lives. Reportedly fearing for his life, in early March Vladimir Luchinets submitted a letter to the Minister of State Security of the Dnestr Moldavian Republic asking for protection.

## PORTUGAL

Amnesty International sought information from the authorities in numerous new cases of physical and verbal abuse by law enforcement officers (including a killing and a shooting). Judicial complaints were brought by persons from a wide spectrum of Portuguese society, including a magistrate with the Ministry of the Interior, a soldier, and citizens of former Portuguese colonies, such as Angola. The organization has been following the progress of judicial inquiries into human rights violations by law enforcement officers in such cases as those of the killing and beheading of a former drug addict, Carlos Rosa, by an officer of the paramilitary National Republican Guard (GNR), and the assault by officers of the Public Security Police (PSP) on workers occupying a textile factory in Santo Tirso.

***New judicial complaints of ill-treatment by law enforcement officers***

In the early hours of 21 April Francisco Monteiro, a 25-year-old black African, was standing in the doorway of a Lisbon bar when he was beaten up by two men who got out of a car. One of the men then shot him in the stomach. Francisco Monteiro was taken to the Hospital de Santa Marta in Lisbon for an emergency operation. Eye-witnesses claimed the assailants were plainclothes PSP officers, and it was later confirmed that the car at the scene of the accident belonged to a PSP officer who, with colleagues, had been in the car at the time. The PSP opened an internal inquiry into the

affair and the Ombudsman of Portugal, Dr José Manuel Menéres Pimentel, announced that he had opened a judicial inquiry. (See AI Index: EUR 38/10/96).

A 20-year-old soldier, known only as "Coelho", was arrested by PSP officers on the night of 4/5 December 1995 after an altercation with a train ticket inspector. "Soldier Coelho" was taken to the police post on the railway station at Oeiras. His father, Serafim David Coelho, claimed that at the station his son was subjected to a "brutal beating" and a manager of the civilian hospital of S. Francisco Xavier in Lisbon, confirmed that Coelho had suffered injuries to the face and cranium. He was subsequently transferred to the Hospital de Santa Marta and from there, to the Hospital Militar Principal where, following fresh medical tests, it was recommended that he be kept under observation for another eight days. A few days after the incident Coelho's family lodged a judicial complaint against one PSP officer. The young soldier has also been charged by the PSP with insulting and disobedient behaviour and attempted assault. (See AI Index: EUR 38/02/96).

Nelson De Cesar Morais Pires alleged that he had been ill-treated at a police station in Alfragide, near Lisbon, on the night of 21/22 April 1995. Nelson Pires had been to a discotheque with two friends. He was later charged, *inter alia*, with disorderly conduct. He claimed that after leaving the premises and being detained and taken to the police station by PSP officers, he was hit about the face by one officer with the help of two others. Although he asked for medical help, he was held all night at the police station and not taken before the court until several hours later. The Hospital de S. Francisco Xavier later confirmed that he had swelling round the right eye and oedema in the area of the left jaw. An x-ray examination revealed that the left part of the jaw was fractured and a metal plate had to be inserted in the jaw by surgery. Nelson Pires was then referred to another hospital for plastic surgery. (See AI Index: EUR 38/04/96).

António Guerreiro, a magistrate in the government's public prosecution office, claimed that he was physically assaulted and verbally abused by four officers of the transport division of

the GNR. He alleged that on 30 December 1995 he was driving into the centre of Cascais when he was stopped by four GNR officers who suggested that he was involved in drugs dealing. He stated that he was punched, handcuffed, pulled out of the car, searched, called the "son of a whore", and taken to the GNR post, where officers threatened to cause him permanent physical injury. Before appearing in court he was taken to hospital by the officers. Doctors reported that he had sustained no fractures, but noted bruising and areas of pain. (See AI Index: EUR 38/08/96).

Two Angolans, Fernando Coxe, a waiter, and Adalberto Miti da Costa, an assistant chef, who were walking home from a bar on 11 October 1995, claimed they were approached and insulted by two PSP officers who, without apparent explanation, began to hit Fernando Coxe. His friend, on intervening, was also beaten. The two Angolans alleged that they were taken to the police station of Mercês in Lisbon and that, while waiting there, a number of officers passed by, taking turns to kick, slap or punch them. The Angolans claimed they were also hit by baseball bats and truncheons and with gun-butts. According to Adalberto da Costa, a plainclothes officer told him: "All you deserve is a pistol shot in the head!" His head was then split open with a truncheon which the plainclothes officer borrowed from a uniformed colleague. José Falcão, director of an anti-racist organization called *SOS-Racismo*, who went to the station to ask for information, claimed he was also beaten. While still in custody, Fernando Coxe and Adalberto da Costa were taken for treatment to the Hospital de S. José where they received treatment for head injuries, a cut ear and various abrasions. After being taken to court, the judge was reported to have dismissed the case against the two defendants for lack of evidence and to have requested that the police criminal investigation department open an inquiry into the Angolans' allegations. (See AI Index: EUR 38/06/96).

### *The killing and beheading of Carlos Rosa*

Amnesty International has been following the judicial investigation into the case of Carlos Manuel Lopes Rosa, a 25-year-old former drug

addict who, on 7 May, was shot dead at the GNR (Territorial Brigade 2) post of Sacavém. Incidents of ill-treatment at this post have been the subject of previous judicial inquiries. Carlos Rosa had been called into the post for questioning about drugs-related offences in the area. His decapitated body was reportedly thrown into the Rio Trancão and later found by a shepherd. The head was found in a cane plantation in Chelas. An inquiry into the murder is being conducted by the Judicial Police. The deputy sergeant in command of the post, who is currently being held in military detention in Tomar, confessed to the killing. Five other soldiers are also being investigated. The sergeant claimed that he accidentally fired his gun at Carlos Rosa, and that in his panic he then severed the head with a machete. Reports of an autopsy carried out by the *Instituto de Medicina Legal* in Lisbon had not revealed by the end of June whether the cause of death had been a gun shot or decapitation and reports that Carlos Rosa was tortured before being killed have not, to date, been confirmed by the investigating authorities.

### *Police assault at Santo Tirso*

On 22 February PSP officers were ordered to expel workers occupying a textile factory at Santo Tirso, in protest at loss of jobs. In the course of the eviction three workers and a fourth retired worker were injured, the latter seriously, after being hit on the head with a truncheon. An inquiry into the incident by the Ombudsman, Dr Menéres Pimentel, which was released in March, concluded that some police officers had exceeded the rules. However, while questioning the "strict need for the use of force in a situation in which three workers were isolated and had not taken up an aggressive attitude to the police", the Minister of the Interior, Dr Alberto Costa, decided no individual prosecutions should be taken out against the police officers responsible because they had not received adequate training.

### *Developments in previous cases*

The GNR informed Amnesty International that an officer has been formally charged with causing

unnecessary violence to Rogério Camoesas, whose case was under investigation by the organization towards the end of 1995. Rogério Camoesas claimed to have been beaten up and verbally

abused by a GNR officer in a park in Penafiel on 30 August 1995 and to have received injuries to his back and left arm (see AI Index: EUR 38/03/95). The trial of Joaquim Teixeira is meanwhile scheduled to take place on 26 September 1996 before the court of Vila Real (see AI Index: EUR 01/01/96).

## ROMANIA

### *Shootings by police officers*

Amnesty International is concerned about the increasing number of incidents in which police shoot people in circumstances which are prohibited by principles 4 and 9 of the United Nations (UN) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In all of these incidents the victims were unarmed and did not endanger the lives of the police officers involved or anyone else.

On 2 May at around 5am in Bucharest, two police officers were shot by an armed soldier who had left his unit without permission. Shortly afterwards, an extensive police action involving hundreds of police officers was organized to apprehend the suspect. At around 10am on *Serg.Tache Gheorghe* Street in front of number 13, two police officers observed Marius Cristian Palcu, an unarmed soldier who was returning home from a dental appointment, called on him to stop and reportedly fired a warning shot. When Marius Cristian Palcu started to run away he was shot in the back and he died shortly afterwards from injuries sustained in the shooting.

On 1 June in Mangalia on *\_oseaua Constan\_ei*, at around 4.30pm, a police officer, whose identity is known to Amnesty International, reportedly shot six times at Isai Ia\_ar, who was suspected of pick-pocketing. One of the bullets hit in the head 13-year-old Ionu\_ Vlase who was playing with some other children in front of the apartment block where he lives. The police officer then reportedly left the scene of the shooting without assisting the injured boy who was later taken to Constan\_a county hospital by his parents. The Constan\_a Military Prosecutor has reportedly opened an investigation into the shooting. According to the chief of police in Mangalia, the

officer involved in the shooting acted in self-defence when Isai Ia\_ar threatened to throw a stone at him.

On 2 June in Medgidia, at around 3am, a police officer and a gendarme detained Kerim A\_im and Dervi\_ Givan, both Roma, on suspicion of theft of a television set and some clothes. In front of the police station Kerim A\_im and Dervi\_ Givan started to run away. According to the chief of police in Medgidia, the arresting officer then pursued the two men in a taxi. When he caught up with them the two Roma started to run in different directions. The police officer then reportedly called after Kerim A\_im to stop and fired four shots, hitting him in the leg. After he was examined by a doctor in Medgidia, Kerim A\_im was taken to the Poarta Alb\_ penitentiary pending an investigation.

In another incident on 2 June at around 10pm in Coltau, four public guardians, who were approaching the bus station in the Roma part of the village, were stopped by a group of people protesting about the beating of a young man who had been caught stealing cherries the previous day. The public guardians reportedly later claimed that the group threatened to attack them. They therefore pointed their guns at the group and shot several times, injuring Alexandru Rezmives in the neck and injuring Zoltan Rezmives in the leg. Seventeen-year-old Nelu Craitar was slightly injured in the face by stones chipped by a ricocheted bullet. All three men were taken to the Baia Mare hospital where Zoltan Rezmives' leg had to be amputated. The local police department is reportedly investigating the shootings.

In November 1995 Amnesty International expressed concern to the General Prosecutor of Romania about the increasing number of incidents of inappropriate use of firearms by police officers in Romania (see AI Index: EUR 01/01/96). In April 1996 the General Prosecutor informed Amnesty International about the results of the investigation into the shooting of Marcel Ghinea. The investigation established that Marcel Ghinea, after breaking into a parked vehicle, refused to obey an officer's order to remain in place and then attempted to run away. "The officers took steps to apprehend the suspect by firing in the air after which they used the firearm and immobilized him,

by injuring him in the right leg.” The General Prosecutor considered such police actions to be legal and “in accordance with Article 19, letter d, of Law no. 26/1994, which permits the use of firearms to apprehend suspects caught in the criminal act who try to run away and do not obey the order to stay in place”. However, the investigation did not establish that Marcel Ghinea had been armed or that he had threatened in other ways the lives of police officers or others at the time of the shooting. Therefore, Amnesty International expressed its concern that the conduct of police officers involved in the shooting, as well as any provision of Romanian law which would allow for such police action, are clearly at variance with internationally recognized principles.

In May and June Amnesty International urged the Romanian authorities to fully and impartially investigate these incidents, and to make public the statistics on the number of cases of shootings by police officers which have been investigated in 1994 and 1995 and on the results of these investigations.

#### *Alleged ill-treatment of Iulian Vlad*

On 17 January at around 6am a group of police officers came to the Vlad family house on Oltului street number 3, in Trgovite, and took Maria Vlad and her sons Georgian, Cristian, Iulian and 16-year-old Lauren\_iu, who are Roma, to the police station. They were confronted there with two farm guards who had reported a theft of hay. Maria Vlad and her sons were released after the guards confirmed that they had not seen them before. Both at the Vlads' home and at the police station police officers made racist remarks, such as that all Roma are thieves.

On 24 January the Vlad family were again summoned to the police station. Officers who questioned Iulian Vlad separately, reportedly beat him, demanding that he should confess to the theft of hay. Maria Vlad heard Iulian's cries and went to engage a lawyer. Georgian Vlad claimed that he saw through an open door his brother Iulian crouching by the wall, pale in the face from the beating. When the lawyer arrived, he was not allowed to speak to Iulian Vlad and was able to

see only Georgian, Cristian and Lauren\_iu who were also interrogated by the police. At 10pm the lawyer told Maria Vlad that the police would release all except Iulian Vlad. However, only Cristian and Georgian Vlad were released that evening. Lauren\_iu Vlad was taken to a detention centre for minors. He and Iulian Vlad, who remained in detention in the police station, were released on 26 January without being charged. Iulian Vlad was reportedly suspected of stealing the hay because he had an old arm injury. One of the farm guards had reportedly hit one of the thieves on the arm.

In May Amnesty International urged the General Prosecutor of Romania to initiate a thorough and impartial inquiry into the alleged ill-treatment of Iulian Vlad, to make public the findings and to bring to justice anyone found responsible for human rights violations.

#### *Anti-Roma violence in Bucharest*

Amnesty International is concerned about yet another incident of anti-Roma violence in which law enforcement forces apparently failed adequately to protect Roma lives and property (see *Romania: Broken commitments to human rights*, AI Index: EUR 39/01/95). The police authorities in Curtea de Arges, in Bucharest, on 14 June, although in a position to identify instigators and prevent incidents of anti-Roma violence, apparently failed to take adequate measures to prevent actions which resulted in placing at risk human lives and in arson and destruction of property. Around 50 Roma live in a small community in Curtea de Arges, a suburb of Bucharest. Some of them have settled in the community after racist violence in Bolentin Deal, in Giurgiu county, in April 1991, when police failed to prevent the mob from attacking the Roma, setting fire to 21 Roma houses and otherwise destroying another five. Five more houses were burned when some of the Roma tried to return to the village a month later.

A conflict between the majority population and the Roma in Curtea de Arges escalated on 12 June following a fight in the local bar, which reportedly provoked the bar proprietor to call for the expulsion of all Roma. The

following day, between 11pm and midnight, a large group of people approached Roma houses threatening to destroy them and calling on the Roma to leave. Some of the Roma, in self-defence, armed themselves with pitchforks and axes. The attack on the Roma was reportedly called off after a 16-year-old boy injured his leg. The Roma claimed that he had injured himself while jumping a fence. The others, however, claimed that the boy had been injured by a Rom. In the meantime, several police officers from Section 19 came to intervene. Soon afterwards all adult Roma men left the community, fearing a subsequent police action.

On 14 June at around 5am, six police vehicles came to Curtea de Arges to raid the Roma community. They took three women and two minors, one of whom is deaf and mute, to the police station to be questioned about the events of the previous evening and the whereabouts of the Roma men. They were released at 1pm and on the way home saw a group of people in the bar shouting that they were preparing for another attack that evening. At 8pm Emilian Nicolae, a human rights activist, called on Captain Motoc, chief of Section 19, warning him about the preparations for the attack. Together with 10 to 15 officers Captain Motoc was in the community that evening when at 11.30pm a large group of people started to break windows and doors on Roma houses forcing the Roma to abandon their homes. One house was set on fire and another five were damaged or destroyed. According to the statement of one Roma whose identity is known to Amnesty International, Captain Motoc incited the crowd to enter Roma homes and his officers took no steps to prevent the violence. At midnight police reinforcements arrived dispersing the crowd and re-establishing order in the community.

Amnesty International urged the Romanian authorities to promptly and thoroughly investigate the incident in which Roma lives and property were placed at risk, to investigate the conduct of law enforcement officers in failing adequately to protect them, to make public the findings of these investigations and to bring to justice all those responsible for human rights abuses.

*See also Women in Europe, page 59.*

## RUSSIAN FEDERATION

### *Open letter to presidential candidates*

In June Amnesty International sent an open letter to all candidates in the Russian presidential elections, urging them to commit themselves publicly to strengthening human rights protection and to promoting respect for the rights of all in the Russian Federation.

In the open letter Amnesty International called on the candidates to commit themselves to respecting a moratorium on executions announced in connection with Russia's accession in February to the Council of Europe (see below) and fully abolish the death penalty within three years; end torture and ill-treatment in prisons, police custody and the army, including conditions of detention amounting to cruel, inhuman or degrading treatment; reform the legal and justice system to ensure respect for human rights; protect national minorities; adopt a law on a civilian alternative to military service; respect freedom of assembly and religion; release all prisoners of conscience and ensure fair and prompt trials for political prisoners; and investigate as a matter of urgency and in a thorough and impartial manner all human rights violations and abuses, specifically those committed during the conflict in the Chechen Republic. Amnesty International stressed that anyone found guilty of perpetrating human rights violations, regardless of their post and position, should be brought to justice promptly. (For detailed information on these concerns see *Russian Federation - Open letter from Amnesty International to the presidential candidates on the occasion of the 16 June 1996 Presidential Elections*, AI Index: EUR 46/29/96.)

### *Armed conflict in the Chechen Republic*

In a report issued in April, Amnesty International highlighted concerns about the indiscriminate killing and extrajudicial execution in March of hundreds of civilians in the village of Samashki and the town of Sernovodsk after they came under Russian bombardment. The report also featured new reports of torture at "filtration" camps, rape and hostage-taking (see *Russian Federation - Brief summary of concerns about human rights violations in the Chechen Republic*, AI Index: EUR 46/20/96).

In May Amnesty International approached Russian and Chechen rebel authorities urging prompt, thorough and impartial investigations into the deaths in the Chechen Republic of journalists Nadezhda Chaykova and Nina Yefimova, and the latter's mother. Amnesty International believed that the three women may have been victims of extrajudicial executions or deliberate and arbitrary killings, and called for any perpetrators identified by investigations to be brought to justice within the norms of international law. In addition there were new developments relating to the death of journalist Natalya Alyakina, who had been shot dead in Budennovsk by Russian forces in June 1995 (see *Women in Europe, page 61, for further details*).

### *Torture and ill-treatment by law enforcement officials*

In June Amnesty International called on the President to rescind Presidential Decree No. 1226 of 14 June 1994 - "Urgent measures to defend the population from banditry and other manifestations of organized crime" - on the grounds that it conflicts with international human rights standards and the Russian Constitution. Law enforcement authorities have employed the decree extensively, especially towards ethnic minorities from the Caucasus. Criminal suspects detained under the provisions of the decree for up to 30 days without charge and without access to a lawyer are often subjected to torture and ill-treatment by law enforcement officials. Amnesty International called on the President to

order, as a matter of urgency, a thorough and impartial investigation into all allegations of torture and ill-treatment by law enforcement officials while conducting investigations, arrests and interrogations, and specifically those which occurred under the provisions of this decree.

### *Alleged ill-treatment of two Chechen families in Moscow*

In May Amnesty International approached the authorities about two incidents of alleged ill-treatment of ethnic Chechens in Moscow and the subsequent detention of two of them.

In the first incident, in March, it had been reported that between 10 and 13 armed masked men in camouflage uniforms led by a police officer without a mask entered an apartment which was home to two Chechen families, a total of five adults and six children, all refugees from the conflict in the Chechen Republic. The intruders, who did not identify themselves, allegedly took away the passports of the adults and for no apparent reason started beating the men, kicking them and hitting them with truncheons and gun butts. According to the victims, they were beaten for an hour in front of their wives and small children. The officer in charge allegedly also hit one of the women, Raisa Abdurahmanovna Gunaeva, and threats were made to beat the other women. It was reported that one of the children, A. Takaeva, aged 12, who had just been released from hospital, went into shock and needed emergency medical help. The armed men allegedly cut off the telephone line and did not permit the Chechens to call for an ambulance. They also allegedly threatened to kill everyone in the apartment because they were Chechens. According to the victims, U.A. Akaev was threatened that he would be killed for his public opposition to the war in Chechnya, including participation in anti-war demonstrations.

Medical personnel allegedly refused to send an ambulance to assist the victims for two days after the incident. Reportedly only on the third day did an ambulance reportedly come and take one of the victims, Salambek Hamzatov, to hospital, where he was admitted with serious

bruises and broken ribs. Shortly after the incident the whole group of Chechens reportedly moved out of Moscow to another city, fearing further persecution.

The second incident concerned Said Selim Bekmurzayev, aged 52, and his son Sultan Bekmurzayev, aged 24, who in April were allegedly beaten at their apartment and then detained by officers of the local District Directorate for the Fight against Organized Crime.

According to reports, about 10 armed, masked men entered the Bekmurzayev family's apartment and without identifying themselves or showing any warrant began severely beating the father and the son and accusing them of collusion with Chechen rebels. According to an eye-witness account from Said Selim Bekmurzayev's wife, Diznat Bekmurzayeva, her husband and son were hit repeatedly on the head with the handles of pistols and the butts of machine-guns by the masked men, who later took them away. The family heard nothing about their whereabouts for seven days, when they received information that the two were being held under Presidential Decree No. 1226 at the Moscow City Department of Internal Affairs and had not been charged with any criminal offence.

At the time of writing Said Selim Bekmurzayev and Sultan Bekmurzayev remain in detention. In addition to urging an investigation of allegations of their ill-treatment, Amnesty International urged the relevant authorities to ensure that they had prompt access to a defence lawyer, and that they were either charged with a recognizably criminal offence or released.

#### **Attacks against Meskhetian Turks by Cossacks in Krasnodar Territory**

Amnesty International wrote to authorities concerning alleged attacks by Cossacks on Meskhetian Turk families in the village of Armyanskoe, Krasnodar Territory, on three separate dates in November 1995. According to information received, all local people of Meskhetian origin had been driven out of their homes one night by Cossacks, herded into the main square, and subjected to beatings for two

hours. On the following night, two busloads of Cossacks arrived in Armyanskoe and similar events took place. One woman was reported to have died as a result of this attack. A week later there was another such attack. Amnesty International was informed that the police refused to take any measures to investigate the first attack, nor did they attempt to prevent further attacks. It was reported that Meskhetian families were also refused medical attention and police protection because they did not have permanent residency status in the area.

In a letter to Amnesty International in March, the Deputy Head of the Krasnodar Territory administration stated that several criminal cases had been initiated in connection with the alleged ill-treatment of people at Armyanskoe. He complained that Amnesty International had given a biased representation of the facts. He denied that medical help had been refused to Meskhetian Turks. He also claimed that the events at Armyanskoe had been provoked by the Meskhetian Turks themselves, and that the residency of the Meskhetian Turks in Krasnodar Territory was itself a violation of the rights of the citizens residing in the area and "a violation of the Russian Constitution (Article 17-3) and of Article 29-2 of the Universal Declaration of Human Rights."

#### *Prisoners of conscience*

##### **Conscientious objection to military service**

In June Amnesty International called on the Russian President to implement by presidential decree a law guaranteeing in practice the right to conscientious objection and the right to alternative civilian service as, enshrined in Article 59 of the Constitution, and thereby eradicate the practice of imprisoning conscientious objectors.

Vadim Hesse, aged 18, was arrested in January for refusing call-up for military service, having attempted the previous month to register

his conscientious objection and request to perform alternative service. He was charged with "evading the regular draft to active military service" (Article 80 of the Criminal Code). Amnesty International considered him a prisoner of conscience and called for his immediate and unconditional release. He was released from prison in mid-March. Furthermore, Amnesty International received notification in April from the President's representative to the Constitutional Court that Vadim Hesse's case would be reviewed by the Office of the Procurator General, and that the State Duma (the lower house of parliament) was looking into a draft law on alternative service.

#### *The cases of Viktor Orekhov and Alexander Nikitin*

Amnesty International urged the authorities to review the circumstances of the arrest and detention of possible prisoners of conscience, Viktor Orekhov and Alexander Nikitin.

Viktor Orekhov is a former official of the KGB (the Soviet-era Committee for State Security) and a former dissident. He was arrested in March 1995 following the discovery of a pistol during a search of his car by police, and was charged with "possession of a firearm" (Article 218 of the Criminal Code). He was sentenced in July 1995 to three years in a corrective labour colony. Information about the circumstances of his arrest, and his history of dissent, raised concerns that the criminal case against Viktor Orekhov had been brought to punish him for making statements critical of a senior Russian security services official, and in retribution for past political activities in opposition to the KGB. He was released early from prison in March 1996 in accordance with instructions issued by President Boris Yeltsin.

Alexander Nikitin, a retired Russian naval officer who worked on a report for the Norwegian non-governmental group, Bellona Foundation, on the dangers of nuclear waste in Russia's Northern Fleet, was arrested in February by the Federal Security Services (FSB) in St. Petersburg. He remained in custody at the time of writing. He was charged with treason (Article 64 of the Criminal Code), which carries a penalty of 10 to

15 years' imprisonment, or death. Amnesty International noted that information about environmental conditions is protected from classification as secret both by Russia's 1993 Law on State Secrets and the 1995 Law on Information.

Moreover, both an official Russian source and the Bellona Foundation claimed that information supplied by Alexander Nikitin was openly available from published sources in Russia.

#### *The death penalty: continuing executions*

Amnesty International called on the Russian President to grant clemency to all prisoners currently under sentence of death (estimated to exceed 700); introduce a real, and not simply declarative, moratorium on executions and ensure respect for it by all government and judicial bodies; and make the government accountable to the President in respect of honouring a commitment to the Council of Europe to institute a moratorium and to abolish the death penalty within three years.

The organization called on the President to exercise control over the preparation of a draft Presidential decree regarding a planned restructuring of the Presidential Clemency Commission. In April Amnesty International received a copy of the draft "Regulations relating to granting clemencies and the process of reviewing petitions for clemencies at the Presidential Administration", which among other things aims to restructure the Presidential Clemency Commission and to replace the

prominent public figures of writers, lawyers and human rights defenders who are currently members of the Commission with officials from the relevant government bodies dealing with the death penalty. If adopted, the law would limit public control over the application of the death penalty to the detriment of constitutional rights and guarantees.

Unofficial sources reported that 90 people had been executed in 1995, although the official figure presented to the Council of Europe was 16. Amnesty International itself recorded 62 executions in Russia in 1995. Only five prisoners were granted clemency by the President in 1995. At the time of writing, it was known that since Russia's accession to the Council of Europe in February the President had rejected 46 clemency petitions. There was no official confirmation as to whether these 46 prisoners had already been executed, but according to Amnesty International's information executions continued to be carried out in violation of the declared moratorium. Interviews conducted in June by Amnesty International with Russian prison directors and high-ranking government officials indicated that a number of the relevant authorities were unaware of the existence of a moratorium on executions.

In May President Yeltsin issued a decree on "stage-by-stage reduction of executions of the death penalty in connection with the accession of Russia to the Council of Europe", which ordered the government to prepare within a month, for presentation to the State Duma, a draft federal law on accession to Protocol No. 6 to the European Convention on Protection of Human Rights and Fundamental Freedoms. Later the same month a new Criminal Code was passed by the State Duma, to come into force on 1 January 1997. It reduces the number of capital offences from 28 to five: aggravated murder; attempted murder of a state or public figure; attempted murder of a person administering justice or conducting a preliminary investigation; attempted murder of an employee of a law-enforcement agency; and genocide.

At the end of June the Parliamentary Assembly of the Council of Europe adopted Resolution 1097 (1996) on the abolition of the

death penalty in Europe in which it called upon Russia to honour its commitments regarding the introduction of a moratorium on executions and the abolition of capital punishment. The Parliamentary Assembly also demanded that Russia honour its commitment and carry out no executions, making particular reference to the 46 prisoners whose requests for clemency had been rejected.

## SLOVAK REPUBLIC

### *Alleged ill-treatment of Dr Vasilij Demidov*

According to reports received by Amnesty International, on 13 May at around 6pm in the "Prior" department store in Martin, police officers came to intervene in a dispute between Dr Vasilij Demidov and a security guard. The officers reportedly sprayed Dr Demidov with tear-gas, threw him on the ground and handcuffed him. Dr Demidov was then taken to the police station where he was reportedly handcuffed to a steel bar, pushed and kicked by several uniformed and plainclothes officers. When he asked for some water, the officers allegedly attempted to pour alcohol down his throat. He was told to sign a statement, but when he tried to read it he felt a dull blow on the top of his head and lost consciousness. After he regained consciousness, but continued to have fainting spells, an ambulance was called and he was taken to hospital. As a result of the ill-treatment he suffered, Dr Demidov was reportedly treated for concussion, edema (swelling) of the brain, bleeding on the back of the head, injury of the left kidney, haemorrhage in the urinal tract, bruising of the heart, multiple bruising and lesions all over the body and limbs as well as post-traumatic damage to the radial nerve. He also suffered from post-concussion syndrome and eye damage. Dr Vasilij Demidov is president of the Slovak Association of Anaesthesiologists and immediately preceding the incident he had given two lectures to his colleagues in Martin.

Police reportedly claimed that Dr Demidov had been drunk and aggressive at the time of his arrest. It is also alleged that he had

cursed and assaulted police officers who used appropriate force to restrain him. At the police station Dr Demidov reportedly threw himself on the floor, kicked a door and then kicked an officer in the thigh. He then caused himself various injuries by demolishing a police typewriter and hitting a wash basin with his head as he fell. According to newspaper reports, the Martin Investigation Office has subsequently charged Dr Demidov with hooliganism and assaulting an official.

In June Amnesty International urged Jozef Lišák, the Minister of Justice, to initiate a thorough and impartial inquiry into the alleged ill-treatment of Dr Vasilij Demidov, to make public the findings and to bring to justice anyone found responsible for human rights violations.

## SPAIN

### *United Nations Human Rights Committee examines Spain*

In March the Human Rights Committee (the Committee) considered the Spanish Government's Fourth Periodic Report on its implementation of the International Covenant on Civil and Political Rights (ICCPR).

Amnesty International had prepared for the information of the Committee a paper (*Spain: Comments by Amnesty International on the government's Fourth Periodic Report to the Human Rights Committee*, AI Index: EUR 41/07/96) commenting on the state party's report. The government declared that their report would focus "on the practices and decisions of the courts and other state bodies". It promised to give examples of protection of fundamental human rights and freedoms.

In its paper Amnesty International concentrated on specific instances where there had been a failure to provide such protections and on individual violations of fundamental rights and freedoms. In the last two years up to March the organization had published some 25 external documents on Spain on such diverse concerns as the imprisonment of conscientious objectors as prisoners of conscience as a result of the lack of provision for conscripts to claim conscientious

objector status after beginning military service; the alleged torture and ill-treatment of detainees held in connection with ordinary criminal offences as well as those held incommunicado under special "anti-terrorist" legislation; deaths in custody; pardons and effective impunity for security force personnel convicted of torture and ill-treatment; the death penalty; and murders, arbitrary killings, kidnappings and hostage-taking by armed opposition groups. (The full list of available titles was published as an appendix to Amnesty International's document.)

In its Concluding Observations (UN Doc. CCPR/C/79/Add.61), issued following its consideration of Spain's report, the Committee expressed concern that "terrorist groups continue to perpetrate bloody attacks which result in loss of human life", thus affecting the application of the Covenant in Spain.

The Committee also highlighted its concern that it had received "numerous reports... of ill-treatment and even torture inflicted on persons suspected of acts of terrorism by members of the security forces", that investigations into such allegations were "not always systematically carried out by the public authorities" and that members of the security forces found guilty of torture or ill-treatment and sentenced to imprisonment were "often pardoned or released early, or simply do not serve the sentence".

The Committee recommended that Spain "establish transparent and equitable procedures for conducting independent investigations into complaints of ill-treatment and torture" and urged the prosecution and appropriate punishment of officials found to have committed such acts. It also suggested the provision of comprehensive human rights training for law enforcement and prison officers.

The Committee emphasized that special legislation which allows individuals detained on suspicion of membership of or collaboration with armed gangs or terrorist groups to be held in extended incommunicado detention for up to five days, and prevents them from choosing their own lawyer, was not in conformity with the Covenant. It recommended that legislative provisions preventing detainees from choosing their own

lawyers be rescinded and urged that the use of incommunicado detention be abandoned.

The Committee stated that it was “greatly concerned” that individuals had no right to claim conscientious objector status after entering the armed forces as this did not appear consistent with the Covenant. It urged Spain to amend its legislation to introduce such a right.

The Committee’s Concluding Observations were reproduced in full in the organization’s document.

### *Reports of European Committee for the Prevention of Torture (CPT) published*

In March the Spanish Government, after a long delay, agreed to the publication of the CPT’s reports on the periodic visits of inspection in April 1991 and April 1994 and on an *ad hoc* visit in June 1994 (CPT/Inf (96) 9) and the government’s reply (CPT/Inf (96) 10). The CPT remarked that the use of torture and severe ill-treatment was not commonplace, but noted that the continuation of complaints of such treatment, particularly of persons held incommunicado under the “anti-terrorist” legislation. It expressed concern over the continuation in the last five years of ill-treatment, such as “punches, kicks, blows and verbal insults”. The report on the June 1994 *ad hoc* visit gave details of that mission’s findings which were compatible in some cases with allegations of ill-treatment that it had received.

### *Judicial action over allegations of torture and ill-treatment*

Fourteen Civil Guards stationed at the Colmenar Viejo barracks, near Madrid, were charged in February with multiple acts of torture, causing illegal injuries, ill-treatment and threats. In October 1994 the Civil Guards had arrested three young men the day after a violent confrontation in a bar in which various officers were hurt. Internal administrative inquiries established that at least four of the officers assaulted the men. The detainees alleged that they were handcuffed and naked for much of the time spent in detention. Medical evidence of injuries were consistent with their allegations of systematic punches, slaps and

kicks to the head and body. The charges also described how the detainees were systematically intimidated by a masked man whom they believed to be an officer wearing a Civil Guard’s uniform tricorne hat, a cloak, black shorts and boxing gloves.

Amnesty International sought information from the Spanish authorities about the progress of the inquiry into the complaint of ill-treatment by municipal police of a Moroccan immigrant, Sallam Essabah, an agricultural worker in Orihuela (Alicante). He claimed that two officers stopped him at about 2.30am on 26 December 1995, beat him up and left him naked and unconscious in a deserted area on the outskirts of town. He was treated in hospital for multiple injuries to his stomach, chest and lumbar region (see AI Index: EUR 41/09/96).

### *Abuses by armed opposition group*

Attacks by the armed Basque group, *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Liberty, continued.

On 14 February, an ETA gunman murdered Francisco Tomás y Valiente, a Law professor and a former President of the Constitutional Court, Spain’s highest judicial tribunal. On 6 February ETA also killed Fernando Múgica Herzog, an important Socialist Party official in the Basque country and the brother of a former Minister of the Interior (see AI Index: EUR 41/06/96).

ETA claimed responsibility for kidnapping on 17 January José Antonio Ortega Lara, a prison officer. It stated that their action was in response to the policy of dispersal of Basque prisoners throughout Spain. He was still held captive in June (see AI Index: EUR 41/03/96).

On 14 April José María Aldaya Etxebarua was freed by ETA after 11 months in captivity. The armed group claimed that their action was caused by his “refusal to pay the economic assistance requested to carry forward their fight for the liberty of Basque people...we wish to send a new warning as well to those businessmen who are in this position”

In public statements Amnesty International condemned unreservedly these abuses, stating that kidnappings, deliberate and unlawful killings and hostage-taking by armed political groups are against international humanitarian standards.

### *Conscientious objection to military service*

José Antonio Escalada and Manuel Blázquez Solís, conscientious objectors to military service, who had been imprisoned in December 1995 to serve a 17-month sentence for desertion from the armed forces, were released into conditional liberty in April and May respectively. Amnesty International first adopted them as prisoners of conscience during a period of three months' pre-trial detention in 1991. They were charged with desertion after leaving the navy, in which they were serving as conscripts, at the start of the Gulf conflict in 1991. They applied for conscientious objector status although the law allows this only "until the moment of incorporation into the armed forces". (See AI Index: EUR 01/01/96 and EUR 41/01/96.)

Amnesty International appealed for their release, emphasizing that individuals should be able to seek conscientious objector status at any time, and called for the introduction of legislation making provision for conscientious objection developed after joining the armed forces. The organization pointed out that international standards relating to conscientious objection to military service also support the right to conscientious objector status during military service. In its March submission to the Human Rights Committee (see above) Amnesty International expressed concern about the lack of any provision to claim conscientious objector status after entering the armed forces and pointed out that between 1986 and 1996 over a dozen cases of conscripts imprisoned as a result of their refusal to complete their military service, on grounds of conscience developed after joining the armed forces, had been brought to its attention.

## SWITZERLAND

### *Alleged ill-treatment by police officers*

A police inquiry was opened into allegations made in February by AS, an asylum-seeker from the Kosovo province of the Federal Republic of Yugoslavia, following his detention in Lugano on the morning of 22 December 1995, for stealing a pair of shoes. He claimed that on arrival at Lugano police station he was subjected to ill-treatment and verbal abuse by four police officers and that his request to see a lawyer was refused, even though the Canton of Ticino's 1993 Code of Criminal Procedure introduced the possibility of immediate access to a lawyer after arrest. He said he was ordered to sign a document written in Italian but that, when he protested that he did not understand Italian and could not read its contents, he was beaten again. He then signed and, about an hour after his arrival at the station, was put in a cell but said that his request to see a doctor was refused. He was released at around 6pm the following day and sought medical treatment at the casualty department of a local hospital which issued a certificate on 27 December 1995 confirming that a medical examination on 23 December 1995 had recorded heavy bruising to his lower leg, bruising and swelling to his right arm and extensive injuries to his right eye which required further specialist examination. AS continues to receive medical treatment to his eye. Some weeks after his arrest he received a letter from the Federal Office for Refugees which stated that he had withdrawn his asylum application. Allegedly, this request was made in the document he signed in the police station. AS subsequently lodged a complaint with the judicial authorities.

In a letter dated 27 February the Ticino cantonal authorities responded to Amnesty International's December 1995 inquiries concerning the formal complaint of police ill-treatment made to the judicial authorities in June 1995 by Ali Doymaz and Abuzer Tastan, Turkish Kurds with official refugee status. They had been arrested by Chiasso police in April 1995 for helping to bring an illegal immigrant, a relative, into Switzerland (see AI Index: EUR 01/01/96). Amnesty International had asked for comments on the allegations, confirmation of the opening of official investigations, and in particular to be informed if the complainants had been

interviewed by the judicial authorities. The reply indicated that Ticino's Procurator General had opened an inquiry into the allegations, had acquired relevant reports from the Chiasso police and would shortly be gathering further preliminary information. Ali Doymaz and Abuzer Tastan had not been questioned about their allegations by the end of June, a year after their complaint was lodged.

A definitive sentence issued by Zurich's High Court (*Obergericht*) in March concluded that all the injuries incurred by Hassan L in February 1995 (see AI Index: EUR 01/02/95) could be attributed to a violent struggle with police at the time of his arrest and to a fall in his police cell, resulting from his drunken and poor physical state. Hassan L had alleged that Zurich police had ill-treated him on the street and in a police station on the night of 1-2 February 1995. However, the court concluded that he had not been ill-treated on the street and that police had been obliged to use force (including use of a wooden stick taken from the ground) to subdue him and protect themselves. Following the initial investigation into Hassan L's formal complaint, the prosecuting authorities had asked for two officers attached to a Zurich City Police drugs squad to be indicted for abusing their authority and causing him bodily harm in the police station, and for them to be sentenced to five days' imprisonment. In examining Hassan L's appeal against their acquittal by a lower court, the High Court stated that his testimony contained contradictions and his memory of events was unreliable, probably due to the large amount of alcohol which he had consumed on the day of arrest. It acknowledged that police testimony relating to his detention inside the police station also contained contradictions and was unable to exclude entirely the possibility that he had been ill-treated there but concluded that no reliable evidence existed to support his allegations and convict any police officer.

In June three officers from the same drugs squad, including two of the officers acquitted in the Hassan L case, were tried by a judge attached to Zurich District Court for abusing their authority and causing bodily harm to an Iranian political

refugee while searching him for drugs in November 1993: no drugs were found and the man was released without charge. The judge concluded that one or more of the officers had used excessive force by kicking the man, causing

cuts and bruises to his leg and groin, but acquitted all three on the grounds that it had been impossible to establish which officer(s) had kicked him. In his formal complaint the Iranian had alleged that a group of men dressed in plain clothes, who did not identify themselves as police officers, had seized him by the hair, banged his head against the wall, and kicked and punched him. The three accused officers, all of whom denied kicking him, stated that he had resisted their body search and that they had been obliged to push him against the wall to make him submit. The judge considered that the cut lip suffered by the complainant had probably been incurred at that moment and that other head injuries he had alleged were not fully proven.

The case had suffered a number of delays. Following the man's complaint against several unnamed police officers in December 1993, a year passed with little or no reported progress in the investigation and before the various parties to the proceedings were questioned about the alleged incidents. In early 1995 the District Prosecutor (*Bezirksanwalt*) ordered that the criminal proceedings against four police officers then under investigation be dropped. In August 1995 a district court judge, accepting the complainant's appeal against the decision, criticized the prosecuting authorities' "one-sided assessment" of the evidence and described the reasoning behind the decision to drop the proceedings as "incomprehensible": he requested that the proceedings continue and charges be brought. In November 1995 the prosecutor indicted two of the officers but asked for them to be acquitted and paid compensation. Proceedings against the other two officers were again dropped but, following a successful appeal by the complainant to the district court, the prosecutor indicted one of them in March 1996. The judge did not award compensation to the police or to the complainant, who has entered an appeal.

In recent years the Canton of Geneva has introduced a number of reforms aimed at improving the safeguards against ill-treatment for detainees in police custody (see *Switzerland - Allegations of ill-treatment in police custody*, AI Index: EUR 43/02/94). However, despite these reforms, a number of allegations of police

ill-treatment have continued to be reported.

On 18 March, following a police investigation, Geneva's Procurator General issued suspended sentences of three and four months' imprisonment against two police officers for causing bodily harm to a Moroccan national on 23 December 1995. The police had arrested the man after being called to a city cafe in the early hours of the morning where they found him drunk and causing a disturbance. He was handcuffed and taken to a police station from which he was released some four hours later. Within days of his release he lodged a formal complaint against the police alleging that he had been beaten, while handcuffed, and called "a dirty Arab". His complaint was apparently supported by medical certificates recording two cracked or broken ribs and bruises and grazes to his back. According to statements reported by the press, the Procurator General reached his decision after receiving the evidence of a trainee police officer who had been at the station at the time of the alleged incidents and stated that he had seen one of the officers hitting the detainee, while the other looked on without intervening. In June the officers entered a successful appeal arguing that the charges against them should be examined by a higher jurisdiction, and the case was returned to the Procurator General for a decision on whether to appoint an investigating magistrate to the case or to refer it directly for a hearing before Geneva's criminal court. However, the prosecution can only proceed if the alleged victim continues to pursue his complaint.

In view of such allegations Amnesty International welcomed the Geneva cantonal parliament's approval, in April, of legislative reforms introducing further safeguards against possible ill-treatment in police custody. The measures included an automatic medical examination, by a doctor, of every criminal suspect prior to police questioning (unless refused by the detainee): a medical examination would also be available *after* questioning, at the detainee's request. It was also proposed that there should be no exception to the right of immediate access to a lawyer after 24 hours in police custody and that detainees should have the right to have their relatives promptly informed of their

detention, except where a demonstrable risk of compromising the criminal investigation exists. A written list of the rights of detainees in police custody would also be made available in a variety of languages and automatically given to each detainee in police custody, in a language understood by him/her. Geneva's Chief of Police publicly supported the introduction of these reforms, pointing out that the systematic medical examination of detainees would also serve to protect police officers from unfounded allegations of ill-treatment. However, the reforms had not come into force at the time of writing as they were subject to a cantonal referendum.

The desirability of introducing such further reforms also appeared to be underlined by the formal complaints which Marc G lodged with the Geneva Chief of Police and the Procurator General on 28 and 29 March respectively. He said that, after he carried out a bag-snatch on a Geneva street, police officers eventually cornered him and an accomplice inside a building. He claimed that after he had surrendered to the police, one of the officers ordered a police dog to attack him and that he was bitten on his shoulder, hip, thigh and left knee and fell to the floor in intense pain. He said that despite his repeated requests to call off the dog, the officer encouraged the animal to continue, laughing as he watched: the dog eventually withdrew when Marc G stopped moving. He claimed that after being handcuffed behind his back, a second officer pulled him to his feet and threw him against the wall, whereupon the dog attacked his thigh again and that, when he complained, the officer struck his head with his pistol. He said a third officer dragged him downstairs to the street, forced his head and torso violently onto the bonnet of the police car, seized his handcuffs and forced his arms upwards until he thought his arm would break, while jabbing his elbow into his spine and neck and threatening him with further ill-treatment at the police station if he did not "talk".

He said that at the police station he was questioned by the officer who had allegedly struck him with his pistol and that when he told him he was feeling very ill and was an insulin-dependent diabetic, the officer said a doctor would be called after he had asked him some questions. He said

that, after an interrogation of around an hour, during which time he received no food, water or insulin, he begged for a doctor to be called. According to Marc G's complaint, a doctor arrived within 20 minutes and told the officer that he required urgent hospitalization but that he was instead questioned again after she had left and told that if he wanted to go to hospital he had to sign a confession. He stated that he was questioned for about four hours before being transferred to the Cantonal Hospital where he was examined by a doctor who photographed his injuries. He was kept at the hospital overnight, for observation, then taken back to the police station where he underwent further questioning until his transfer to a local prison later that day. In his March complaint Marc G stated that he was still suffering from severe headaches and pain in his hip and shoulder: he is awaiting a surgical operation to the latter. Attached were the photographs taken at the Cantonal Hospital and a certificate confirming that on 4 February its emergency services had recorded bruising to his head and swelling and numerous cuts and bruises to his left leg, concentrated around his thigh. The certificate stated that the findings of the medical examination were "consistent" with the patient's allegations of receiving a blow to his head from the butt of a gun and being attacked by a dog. A certificate issued by the prison medical service, following an examination carried out on 5 February, also recorded traumatic injuries to his left leg and shoulder. At the end of May the Procurator General decided that Marc G's complaint should be assigned to an investigating magistrate.

## TAJIKISTAN

### *Presidential pardon for former prisoner of conscience*

President Imamali Rakhmonov issued a decree in January dropping criminal charges against three leading opposition activists, including former prisoner of conscience Bozor Sobir, who had been convicted in 1993 by the Supreme Court of charges including calling for the violent overthrow of the state (see AI Index: EUR 01/02/94). Bozor Sobir had been living in exile since his release from detention in September 1993 after receiving a two-year suspended prison sentence.

### *Official response concerning extrajudicial execution of Muso Isoyev*

In June Amnesty International received a further response from authorities in Tajikistan concerning the 1992 alleged extrajudicial execution of the actor Muso Isoyev (see AI Index: EUR 60/04/93). An official from the President's office confirmed that the criminal investigation into Muso Isoyev's death remained open (Amnesty International had first been notified of this investigation in late 1993 but had received no subsequent news of its progress), but that suspects in the case were believed to have left the country.

### *The death penalty*

Amnesty International learned of one more death sentence, passed by the Supreme Court at the end of 1995 on Majid Ilyasov for involvement in the murder of nine members of one family. Amnesty International appealed for commutation of this death sentence and of all other pending death sentences.

### *Deliberate and arbitrary killings by opposition forces*

In February Amnesty International expressed concern to the leadership of the Tajik opposition at reports that armed forces acting on the orders of the leadership of the Islamic Renaissance Party of

Tajikistan had deliberately and arbitrarily killed a group of 21 government soldiers and civilians who had been taken captive after the convoy in which they were travelling had been intercepted.

Survivors of the incident, quoted in media reports, described how a group of around 30 opposition fighters intercepted the convoy of eight vehicles near Si Cheragh in the Garm valley (central Tajikistan). The convoy was said to be transporting food supplies from Dushanbe, the capital, to government troops in the Tavildara district, and was only lightly armed. The survivors reported that the commander of the convoy was persuaded by the opposition fighters to disarm and he and others were led away ostensibly for negotiations with their captors. They were then shot dead. It was reported that Haji Akbar Turajonzoda, the First Deputy Chairman of the Islamic Renaissance Party of Tajikistan, had stated after the incident that he personally took full responsibility for it.

In an appeal to the opposition leadership, Amnesty International noted that the conflict in Tajikistan had been characterized by gross human rights abuses, responsibility for which was borne by all sides. Those abuses could only be brought to an end by the determination and authority of all civil and military leaders, the organization noted. Amnesty International called on the leadership of the Tajik opposition to adhere to the minimum standards of humane behaviour as laid out in Article 3 common to the four Geneva Conventions of 1949, which forbids governments and their opponents alike to torture, to deliberately kill civilians taking no part in hostilities, to harm those who are wounded, captured or seeking to surrender, or to take hostages. Amnesty International urged that strict instructions be issued to all armed forces subordinate to or acting with the approval of the leadership of the Islamic Renaissance Party of Tajikistan that they respect these provisions of the Geneva Conventions.

## TURKEY

In June a coalition was formed between the True Path Party and the Welfare Party (*Refah*) with Necmettin Erbakan as Prime Minister following elections in December 1995, and a short-lived coalition between the True Path Party and the Motherland Party earlier in the year. This is the first time in the 73-year history of the secular Republic of Turkey that a Prime Minister heading an Islamist party is leading the government.

### *Prison brutality results in death and hunger-strikes*

Brutality inflicted on remand and convicted prisoners emerged as an issue of primary importance during the first half of the year. Police and gendarmes (soldiers carrying out police duties) are still responsible for transfer of prisoners between prisons, or to court or hospital and are frequently brought into prisons to put down prisoners' protests. The police use such opportunities to inflict summary punishment on political prisoners including severe and sometimes fatal beatings. Amnesty International has frequently brought examples of such ill-treatment to the attention of the Turkish Government, and recommended that steps be taken to ensure that the prison authorities (under the authority of the Justice Ministry) are given sufficient resources to carry out transfers and deal with disturbances, so that once a prisoner has been arrested by the courts they should never be brought into contact with police (who operate under the authority of the Interior Ministry).

Orhan Özen, Gürbüz Yasin, Abdülmecit Seçkin and Gültekin Beyhan died of head injuries after an estimated 200 police and gendarmes entered the newly opened Ümraniye Special Type Prison on 4 January following prisoners' refusal to appear for the morning roll-call. In addition to those killed, 28 prisoners, six gendarmes and one warden were injured and taken to hospital.

Tension rose throughout Turkey's prisons and in April large scale hunger-strikes began after the Justice Minister issued directives withdrawing certain privileges and ordering that

political prisoners should be dispersed to prisons throughout the country. In June a group of hunger-striking prisoners reported that while being transferred by gendarmes from Diyarbakır to Gaziantep prison they were laid on the ground and cut on the stomach, back, arms and legs with pieces of glass. A medical report of 6 June confirmed marks of beating and cuts from sharp implements. The doctor who wrote the medical report was himself later detained for two days, apparently for disclosing information about the prisoners' conditions.

Twelve hunger-striking prisoners died before the Justice Ministry accepted the prisoners' key demands. These included that prisoners should not be ill-treated during transfers to and from court or hospital appointments; that relatives who visited political prisoners should not be ill-treated; that remand prisoners should not be dispersed to prisons far away from the place of trial where they would have been cut off from each other, their lawyers and their families.

### *Journalist beaten to death in police custody*

On 8 January Metin Göktepe, a photographer for the daily newspaper *Evrensel* (Universal) who had been covering the funeral of prisoners beaten to death at Ümraniye prison in Istanbul, was beaten to death in police custody.

Istanbul police had prevented people assembling to conduct a proper funeral and buried the bodies themselves. Meanwhile they detained hundreds of people, including Metin Göktepe.

Metin Göktepe's body was found on 8 January at 8.30pm in the grounds of Eyüp Sports Centre which had been used as a temporary interrogation centre. A secretly filmed videotape shows detainees in the sports centre being subjected to ill-treatment. An autopsy report issued on 9 January by the Forensic Medicine Department at Istanbul University found that Metin Göktepe had been beaten to death.

There followed several days of official cover-up. The Istanbul Police Chief suggested that Metin Göktepe had fallen and died while trying to escape. Public outrage eventually prompted the Interior Ministry to initiate an investigation. In

February the office of the Istanbul governor allowed the prosecution of 11 police officers for murder to go ahead. However, the Istanbul local governor's office blocked prosecution of Eyüp Police Chief for neglecting his duty and attempting to conceal the death of Metin Göktepe. The trial of the 11 officers continues.

### *Indications of state involvement in Güçlükönak massacre*

The Turkish authorities announced that on 12 January near the town of Güçlükönak in Erzurum province, the PKK (Kurdish Workers' Party) had massacred a group of 11 men, seven of them village guards, in a minibus which was then set on fire. The Chief of General Staff flew journalists from all the major newspapers and broadcasting organizations to Güçlükönak, the remote scene of the massacre.

Shortly afterwards, doubts about the official story began to emerge, chiefly from the families of the victims. A delegation drawn from a wide spectrum of international, professional and human rights organizations investigated the massacre and gathered evidence which very strongly indicated that those responsible were actually government forces.

The killings were apparently perpetrated in an attempt to discredit a cease-fire declared by the PKK in December, to which a resolution of the European Parliament had urged the Turkish Government to respond.

When challenged about the incident, the Turkish Government indicated that "they consider the case closed and are not prepared to initiate an independent inquiry".<sup>3</sup>

### *Medical evidence corroborates high school students' reports of torture*

Turkish public opinion was distressed at allegations of children being tortured by police in Manisa in western Turkey. The incident came to

light when Sabri Ergül, member of parliament representing Manisa for the Republican People's Party (*Cumhuriyet Halk Partisi*, CHP) told newspapers of his unannounced visit to Manisa Police Headquarters: "I heard a cry and opened the door of the next room to find out what was going on. The young people were there - they were blindfolded and some of them were naked."

Sixteen young people, including seven teenage high school students, reported that they were tortured at Manisa Police Headquarters between 26 December 1995 and 5 January 1996. The 16 were accused of supporting the illegal organization DHKP-C (Revolutionary People's Liberation Party - Front). According to the allegations made by the detainees and corroborated by medical evidence, police blindfolded them, stripped them naked, hosed them with cold water and subjected them to electric shocks including to their genitals. Police sexually assaulted some of the male detainees by forcing a truncheon into their anus and squeezing their testicles. Female detainees reported that they were subjected to forced gynaecological tests, and were threatened with rape.

On the basis of the torture allegations made by the young defendants a trial was opened on 24 June at Manisa Criminal Court against 10 police officers of Manisa Police Headquarters.

### *Child dies in custody*

On 9 January 1996 14-year-old Çetin Karakoyun was shot in the head at the Mağazalar Police Station in Mersin and died shortly afterwards in hospital. According to official statements the shooting occurred accidentally when a police officer was "playing with his gun." Amnesty International has received accounts from many detainees who describe having a gun put to their head or into their mouth by their interrogators.

Imam Karakoyun, Çetin's father, reported how the news was broken to him after he was called to come to the hospital:

"I went to the intensive care department and told a police officer that I am the father of Çetin Karakoyun. The officer immediately brought me a chair and

<sup>3</sup> David Davis, UK Foreign and Commonwealth Office, unpublished letter to Lord Avebury, 17 April 1996.

called four other police and a police chief. They told me to come to the Ma\_azar Police Station. Before we entered the police station the police chief took my arm and walked with me up and down the street. He said: 'Forgive me, we have collected 32 million TL [about £ 320] and want to give you the money - you will not tell anyone and we will not'. I asked why he wanted to give me the money and he replied: 'My condolence, your son is dead'. I said: 'Why, how did he die? No one told me.' The police chief answered: 'It was an accident. He fell off a balcony. He is in the hospital.' I wanted to go to the hospital and we all went. We entered the intensive care unit. The prosecutor and doctor were also present and seated me on a chair. In that moment I fainted."

According to official records Çetin Karakoyun was interrogated on 8 January by two police officers in the presence of a lawyer at Ma\_azar Police Station in the context of a smash-and-grab raid. On the same day he was examined by a psychiatrist of Mersin State Hospital who stated that Çetin Karakoyun was not capable of understanding the offence and its consequences.

Imam Karakoyun's allegations that his son had been tortured in custody are supported by an autopsy report of 9 January describing bruises on different parts of Çetin Karakoyun's body - in particular in the area of his left leg and hip. The officer responsible was later arrested and released in March after the first hearing of a trial opened against him.

### *Killings by opposition groups continue*

The number of killings of civilians and prisoners by armed opposition groups has fallen significantly since 1993 when more than 200 non-combatants were killed by the PKK alone. The change may reflect a growing recognition by armed opposition groups that the killing of civilians, a violation of international humanitarian standards, is indefensible. Regrettably, however, such killings are still being reported. In March,

Agit Akdo\_an was shot dead in Gaziantep, and in May, Abdullah Ay and Ma\_allah Lale were killed, reportedly by PKK, on the grounds that they had acted as "agents" of the state.

In January the DHKP-C carried out what they described as a "revenge" killing in retaliation for the three prisoners remanded in Ümraniye prison on charges of DHKP-C membership who were beaten to death. Several people entered the Istanbul business premises of the industrial conglomerate Sabanc\_ Holdings and killed Özdemir Sabanc\_, a member of the owning family, Haluk Görgün, a director, and Nilgün Hasef, a secretary. The three victims were not responsible for, or even remotely connected with, the events at Ümraniye prison, but appear to have been selected arbitrarily by the DHKP-C.

Also in January TIKKO (Workers and Peasants' Liberation Army) reportedly admitted responsibility for the killing of Halil Ula\_an and Ayhan Kaynar in Istanbul. The motive for the killings is not known.

## TURKMENISTAN

### *Prisoners of conscience and ill-treatment of political opponents*

In March Amnesty International issued the report *Turkmenistan: "Measures of persuasion" - Recent concerns about possible prisoners of conscience and ill-treatment of political opponents* (AI Index: EUR 61/03/96). The report updated information given in AI Index: EUR 01/01/96, including a detailed account of the case of Mukhametkuli Aymuradov and Khoshali Garayev and news about the fate of people arrested following an anti-government demonstration in July 1995. It also featured cases of possible political abuse of psychiatry and of ill-treatment by police and suspected government agents, and outlined Amnesty International's concerns about the death penalty and poor prison conditions amounting to gross ill-treatment.

The cases outlined below have come to light since publication of the March report.

### Prisoners of conscience Ata Aymamedov

Ata Aymamedov was a lieutenant-colonel of police and was chief of staff of the police school in Ashgabat, the capital of Turkmenistan. In February, during a conversation with two friends, Ata Aymamedov reportedly remarked that life was hard for the people of Turkmenistan, and the only way to put the situation right would be to remove President Saparmurad Niyazov. One of his friends apparently reported the conversation to the authorities immediately.

From unofficial sources it appears that Ata Aymamedov was arrested straight away, and there are suggestions that he was tried summarily on the same day as his arrest, in violation of Turkmenistan's Code of Criminal Procedure and international standards for fair trial. The person who reported Ata Aymamedov to the authorities testified against him at his trial. Ata Aymamedov was sentenced to four and a half years' imprisonment for "hooliganism". The third person reportedly received a fine for his involvement in this incident.

Amnesty International believed that the imprisonment of Ata Aymamedov was in violation of his fundamental human right to freedom of expression. Amnesty International regarded Ata Aymamedov as a prisoner of conscience and called for his immediate and unconditional release. He was released in May reportedly following a presidential pardon.

### Short-term detention and fear for safety of participants in anti-government protests

Amnesty International was concerned about reports that participants in anti-government demonstrations in February and March had been detained for short periods, and that people suspected of being organizers of such demonstrations had been sought for questioning by law enforcement officials. Two of the three demonstrations which were reported to have taken place were described by unofficial sources as having been entirely peaceful, and Amnesty International was concerned that people detained

for taking part in them were prisoners of conscience. Demonstrations were reported to have taken place in February in settlements in Dashhowuz and Balkan Regions in protest against food shortages and wage arrears, and in March in Ashgabat in protest at the demolition of homes to make way for a leisure park. In all three cases the demonstrators were reported to have been predominantly women and children. Although information about specific individual victims of human rights violations connected with the demonstrations was unavailable, Amnesty International addressed authorities in Turkmenistan with concerns about the general conduct of law enforcement officials towards the demonstrators, as reported by unofficial sources.

### Possible abuse of psychiatry: the case of Rufina Arabova

Rufina Arabova, who has a history of peaceful protest over violation of her employment rights, was confined to a psychiatric hospital in Ashgabat in January. Unofficial sources claim that she was confined not on the basis of medical need, but because her protests are seen by the authorities as an expression of political opposition (*for further details see Women in Europe, page 63*).

### Possible abuse of psychiatry: the case of Durdymurad Khodzha-Mukhammed (update to AI Index: EUR 61/03/96)

Durdymurad Khodzha-Mukhammed was reportedly confined against his will in a psychiatric hospital in February. Since publication of Amnesty International's March report on Turkmenistan, in which his case was featured, the organization learned from unofficial sources that Durdymurad Khodzha-Mukhammed was being held in a hospital at Bekrava, not Geok-Tepe as stated in the report.

### Correction to March report: possible prisoner of conscience Yevgenia Starikova

Amnesty International learned from Turkmen sources that a possible prisoner of conscience featured in the March report was incorrectly

identified as Yevgeny Starikov, a man. This person is in fact Yevgenia Starikova, a woman (for details see *Women in Europe*, page 63).

## UKRAINE

### *The death penalty: continuing executions*

#### Official position on allowing executions to continue

Amnesty International was concerned about reports that during the period under review executions were continuing despite a moratorium, and death sentences were still being imposed.

In March Amnesty International received a communication from the Embassy of Ukraine in Canada, which stated: "Due to the serious concerns expressed by some human rights organizations as well as individuals on the allegations of continuing executions in Ukraine the following information might help bring better understanding of the Ukrainian stand in this matter...On the national level neither official legislation was approved to abolish death penalty, nor moratorium on executions was imposed. Therefore, all accusations that Ukraine has violated its international obligations shall be deemed ungrounded and void. Ukraine has properly pursued its international commitments and intends to continue doing so, including in the death penalty issue."

In May Amnesty International learned that an official in the Office of the Procurator General of Ukraine had told the father of death row prisoner Sergey Tekuchev (see below) that he had not been informed that a moratorium was in place and that the procedures relating to condemned prisoners were continuing in the same way as before.

The Parliamentary Assembly of the Council of Europe on 28 June adopted Resolution 1097 (1996) on the abolition of the death penalty in Europe, in which it stated: "In particular, it condemns Ukraine for apparently violating its commitments to introduce a moratorium on executions of the death penalty upon its accession to the Council of Europe". In addition, the Parliamentary Assembly "calls upon Russia,

Ukraine and Latvia to honour their commitments regarding the introduction of a moratorium on executions and the abolition of capital punishment immediately. It warns these countries that further violation of their commitments, especially the carrying-out of executions, will have consequences under Order No. 508 (1995)".

#### Statistics on the application of the death penalty

Official statistics issued by the Ministry of Justice in May showed that in 1995, 191 people were sentenced to death (compared to 143 in 1994) and 149 people were executed (60 in 1994). Only one person had his death sentence commuted (compared to two in 1994). There were allegations that the Ukrainian authorities had intentionally speeded-up the process of executions in 1995 before the official moratorium on executions was imposed in November 1995.

Ukraine has not published any statistics on the use of the death penalty since its accession to the Council of Europe, and Amnesty International fears that the number of executions is far higher than the few instances which have come to light. A Ukrainian radio station reported that over 100 prisoners had been executed since Ukraine joined the Council of Europe.

#### Individual death penalty cases

The newspaper *Vecherniy Donetsk* reported in April that Yury Strukhov had been executed recently. In July Amnesty International learned from unofficial sources that Vladimir Ogoltsov had been transferred to Dnepropetrovsk prison in June and executed. The same unofficial sources reported that Sasha Markitan, Vitaly Alkhimov and Sergey Skarabagatov, all sentenced to death, had been transferred to the prison in Dnepropetrovsk in June and July. Similarly,

Amnesty International learned that at the end of June Vitaly Gumenyuk, under sentence of death, was taken from prison in Zhitomir to Lukyanov prison in Kiev where it is believed that executions are carried out. Amnesty International believed them to be facing imminent execution.

Also believed to be at risk of imminent execution were Aleksey Vedmedenko and Sergey Tekuchev, whose petitions for clemency were turned down in early July by the President of Ukraine, Leonid Kuchma.

Amnesty International urged President Kuchma to reconsider and to grant clemency to Sasha Markitan, Vitaly Alkhimov, Sergey Skarabagatov, Vitaly Gumenyuk, Aleksey Vedmedenko and Sergey Tekuchev. It called on the authorities to conduct an immediate investigation into the reported execution of Yury Strukhov and Vladimir Ogoltsov, and to make the findings public.

## UNITED KINGDOM

### *Deaths in custody*

Amnesty International continued to monitor custodial deaths resulting from alleged ill-treatment or excessive use of force by law enforcement officials restraining individuals in their custody. The authorities have not initiated independent investigations into the allegations to ensure that those found responsible are brought to justice, or taken effective measures to prevent future deaths.

Ibrahima Sey, aged 29, a Gambian asylum-seeker, died on 16 March after he was taken into custody by east London police officers following a disturbance at his home between Ibrahima Sey and his wife. Ibrahima Sey agreed to go voluntarily to the police station if a friend was allowed to accompany him. Ibrahima Sey was not handcuffed and according to his friend was peaceful. When they arrived at the station yard, the police forcibly separated the two friends and Ibrahima Sey reportedly became very agitated. He was brought to the ground and handcuffed. At some stage he was sprayed with CS gas. A police press statement said that after his arrival at the police station, he became unwell and was taken to

a hospital where he died. An initial post-mortem showed that Ibrahima Sey had collapsed following a period of exertion and was suffering from hypertensive heart disease. The family claim that Ibrahima Sey had no history of heart trouble. No further details of the post-mortem findings, for example, of marks or bruises on the body, were given.

A police statement confirmed that a hand-held CS incapacitant spray had been used on Ibrahima Sey after arrest. The police have stated that there is no evidence to suggest that the CS spray contributed to the death. However, the results of toxicological tests remain unknown. The circumstances of the use of the CS spray have not been made public by the police. Guidelines reportedly state that officers should use the spray "primarily for self-defence" and "primarily for dealing with violent subjects who cannot otherwise be restrained". However, an article in the *Independent* of 24 April stated that at least five officers were attempting to restrain Ibrahima Sey when the spray was squirted into his face; that at the time his arms were handcuffed behind his back; and that several officers suffered from the effects of the spray and were replaced by other officers. Police officers involved in the incident were not suspended pending the police investigation of the death.

CS sprays were issued to 15 police forces on a trial basis for six months from 1 March. They cause streaming eyes and nose, eyelids' spasm, breathing difficulties for three to 15 minutes and in some cases blistering to the skin, and even second-degree burns. One officer suffered 50 per cent burns to the cornea of one eye, 40 per cent to the other and burns to his forehead. CS spray could also cause permanent but non-lethal lung damage at comparatively low doses. There is a risk of death for people with asthma or who are taking other drugs or who are restrained in a way which affects breathing.

Two other disputed deaths occurred during this period; however to date very little information is available about them. On 21 April Ziya Mustafa Birikim, aged 47, died in a London hospital. He reportedly collapsed after police tried to arrest him for throwing things at passing cars and for his own safety. On 30 April Donovan Williams, aged 36,

collapsed choking and died at a London police station after being arrested under suspicion of possessing drugs. The initial post-mortem proved inconclusive.

A Coroner's full-jury inquest into the death in police custody of Shiji Lapite was held in January and resulted in a unanimous verdict of "unlawful killing". Shiji Lapite had been arrested on 16 December 1994 by London police officers for "acting suspiciously". During the violent struggle to restrain Shiji Lapite the two police officers twice kicked him in the head with great force, bit him and used a known-to-be-dangerous method of restraint: the neck-hold. Within minutes of being arrested, his body went limp and he was taken to hospital where he was pronounced dead. The pathologists' reports indicated that Shiji Lapite had suffered between 36 and 45 separate injuries to his body, in particular to his larynx and neck, and that he had died of asphyxiation. The inquest failed to identify why the dangers of the neck-hold, as set out in guidelines, had not been communicated to every police officer. The Crown Prosecution Service (CPS) is now obliged to review its initial decision not to prosecute the officers involved.

It was reported in April that a national police inquiry is being set up into deaths and serious injuries caused by police.

On 30 March Jim McDonnell, aged 36, from west Belfast, died in Maghaberry Prison in Northern Ireland. He had asked to share a cell with his brother, Liam, because their father had died the previous night. His request was refused, a fracas ensued, and he was transferred to the punishment wing of the prison. He was found dead in his cell later. A post-mortem found that he died of a heart attack; he also sustained serious injuries including 11 broken ribs, a fractured sternum and a torn cartilage in his neck. The family was told that the injuries were caused by attempts to resuscitate him.

### *Reports of ill-treatment*

Amnesty International continued to receive reports of physical ill-treatment by the police.

On 21 February Amer Rafiq, a waiter and part-time student, was allegedly ill-treated by

Greater Manchester Police after an arrest for public disorder and while he was being taken by van to the police station. He sustained a severe eye injury, was taken to hospital, but surgeons were unable to save his right eye and had to remove it.

High levels of damages were paid out by the Metropolitan police to victims of assault. In March Kenneth Hsu was awarded £220,000 after the jury decided he had been assaulted and wrongly arrested by police. In April, Danny Goswell received £302,000 in damages after a court heard that he had been hit on the head by a truncheon while handcuffed. The policeman who attacked Danny Goswell was dismissed by the Police Commissioner but later reinstated by the Home Secretary. In June Terry Brownbill was awarded £150,000 damages; he was beaten after arrest, then falsely charged with assaulting two police sergeants. In the same month two Kurdish political refugees, Haci Bozkurt and Baki Ates, won £150,000 damages after being kicked and punched and dragged into a police van.

### *Inquests in Northern Ireland*

Inquests in Northern Ireland continued to be hampered by severe restrictions, which were legally challenged in a number of cases. In the case of Pearse Jordan (see AI Index: EUR 01/01/96) a High Court judge ruled in January that the coroner's decision to allow police officers to give evidence anonymously and his refusal to allow family counsel access to witness statements at the outset of the inquest represented a proper exercise of his discretion.

The inquest into the death of Liam Thompson was postponed indefinitely in January after the Royal Ulster Constabulary (RUC) Chief Constable blocked crucial RUC and civil service witnesses from appearing. Eye-witnesses claimed that Liam Thompson was killed in 1994 by Loyalist paramilitaries after they entered the street through a breach in a security wall and that the authorities had not responded to pleas to repair the breach.

The inquest, held in June, into the killing of Patrick Shanaghan by Loyalist paramilitaries in 1991, exposed the inadequacies of the procedure. It was beyond the scope of the inquest to examine the police investigation of the incident; and the

RUC Chief Constable was successful in blocking evidence concerning allegations that while Shanaghan was held at Castlereagh interrogation centre, his life was threatened by police interviewers who said his name would be leaked to Loyalist paramilitaries.

### *Human rights abuses by paramilitary groups*

Amnesty International condemned the bombing carried out by the Irish Republican Army (IRA) on 15 June, in Manchester, which injured over 200 people, mostly from flying glass. The bomb exploded in Manchester's city centre when many thousands of people were in the shopping area.

This action followed a series of other explosions carried out by the IRA since it broke the cease-fire on 9 February, including the bombing in London Docklands which resulted in two deaths and 100 injured civilians, and a "premature explosion" on a London bus on 18 February which resulted in the death of an IRA man and injured eight people.

Amnesty International is also deeply concerned about the so-called "punishment" killings and beatings, which are actions taken by paramilitary groups against members of their own communities in Northern Ireland. Since the beginning of the year Ian Lyons was shot dead on 1 January by a group calling itself Direct Action Against Drugs, which is believed to be linked to the IRA; Tommy Shepperd was shot dead by Loyalists on 21 March; and the killing of Gino Gallagher on 30 January sparked off a feud between two factions within the Irish National Liberation Army (INLA), resulting in four other deaths (including a nine-year-old girl) and others wounded.

"Punishment" beatings continued unabated this year. On 21 January the Ulster Freedom Fighters, a Loyalist group, beat Ervine Fleming and later apologized claiming mistaken identity. He was holding his two-year-old daughter when a gang broke into his home and attacked him with hammers and baseball bats in front of his wife and children. He suffered serious head injuries and bruising. On 27 March 18-year-old Martin Doherty was attacked by a group of six or seven Republican men, who drove metal spikes into his

knees and arms. Also in March Kerry Deeds, aged 17, was beaten with hurley sticks by three men, knocked to the ground and kicked. He suffered two broken arms, head injuries, leg injuries and body bruising. In the same month, a 19-year-old was shot in both legs; Loyalists Against Thuggery claimed responsibility. In June reports were received of a new form of "punishment" beating in west Belfast: tying youths upside down and beating them. A 21-year-old man was found hanging upside down, tied to railings. He had been attacked by men armed with iron bars and wooden clubs spiked with nails. Previously a 16-year-old was given similar treatment.

### *Collusion*

In February the Northern Ireland Court of Appeal considered a submission by the Attorney General to review the sentence of Derek Adgey on the grounds that it was "unduly lenient". Derek Adgey, a Royal Marine soldier, had been jailed for four years after admitting 22 charges relating to information he obtained while on duty and gave to the UFF. He stated that he gave the information because he "hated the Provos and would rather they were killed than innocent Catholics". The Court of Appeal refused to increase the sentence.

In June Royal Irish Regiment corporal, Mark Black, was sentenced to 12 months' imprisonment suspended for three years for possessing forbidden army documents containing details of alleged IRA members. He told police the information was for his personal use "in combatting terrorism". He said he did not pass on or intend to pass on information to Loyalists. Earlier the court heard that the following items were found in his house: a handkerchief with the UDA emblem; surgical gloves; a green woollen hat; a ski-mask; a cleaning instrument for an SA 80 rifle. He was not charged with possession of these items.

### *Emergency legislation*

Both the NI Emergency Provisions Act and the Prevention of Terrorism Act (PTA) were renewed for another two years. The government announced plans to introduce silent video recording of interviews with terrorist suspects in Northern

Ireland. In April further amendments to the PTA were rushed through giving police in England sweeping powers to stop and search people in the streets; refusal to cooperate could lead to a six-month jail sentence. Two senior judges, Lord Lloyd of Berwick and Mr Justice Kerr, were appointed to conduct a review of all anti-terrorist legislation. They are due to report in the autumn.

The European Court of Human Rights ruled that John Murray was wrongfully denied access to a lawyer at Castlereagh interrogation centre in Northern Ireland. The Court said that Murray should have been given access to legal advice as soon as questioning began. However, the Court rejected the view that in this case his curtailment of the right of silence violated Convention provisions. Amnesty International had submitted written comments to the Court on this case.

## UZBEKISTAN

### *Prisoners of conscience*

#### **Arrests in Samarkand**

Kholiknazar Ganiyev, Bakhtiyor Burkhanov and Nosim Boboyev were arrested in February in Samarkand and charged with "public defamation or slander of the President of the Republic of Uzbekistan, including by means of the press or other media". The charge apparently related to their possession of and involvement in distributing copies of the banned newspaper of the *Birlik* ("Unity") movement (also called *Birlik*) as well as copies of the banned newspapers *Erk* ("Freedom" - published by the opposition party of the same name) and *Forum*. In April the three men were released and the case against them was dropped.

Kholiknazar Ganiyev and Bakhtiyor Burkhanov, lecturers at Samarkand State University, and Nosim Boboyev, a tax inspector, were members of the Samarkand regional branch of *Birlik*.

#### **Short-term detention: human rights defender Paulina Braunerg and her teenage son Nikita**

Paulina Braunerg, a lawyer and human rights activist, was detained three times in the course of a

three-day period in March by officers of the National Security Service (SNB) in the town of Almalyk, near the capital, Tashkent. Her son Nikita was detained twice in the same period. Paulina Braunerg was held ostensibly for questioning about her alleged involvement in illegal commercial activity, but the real motive appeared to have been to investigate her human rights and political activities. At the time of writing Paulina Braunerg had not been charged with any offence (*for further details see Women in Europe, page 64*).

**Releases** (update to information given in AI Index: EUR 01/01/96)

Possible prisoners of conscience Abdulla Abdurazzakov and Rashid Bekzhanov were released early as part of a presidential amnesty announced at the end of May. Possible prisoner of conscience Gaipnazar Koshchanov was released at the same time, and his name was listed in official notification to Amnesty International of the amnesty, although according to the organization's information he had been due to complete his sentence at this time.

#### *"Disappearances"*

**The case of Abduvali Mirzoyev and Ramazan Matkarimov** (update to information given in AI Index: EUR 01/01/96)

Replying to Amnesty International members campaigning about the August 1995 "disappearance" of Abduvali Mirzoyev and Ramazan Matkarimov, the Uzbekistan Ministry of Foreign Affairs issued a statement claiming that "allegations of involvement of the SNB... are without foundation". The statement reported that an investigation into the "disappearance" of the two men had concluded that, at Tashkent airport, Abduvali Mirzoyev and Ramazan Matkarimov "together with all the other passengers, went to the waiting area before boarding the plane, boarded the plane and took off for Moscow". In a statement to Human Rights Watch/Helsinki as quoted in a May 1996 report by the US-based human rights organization, a senior procuracy official went further, offering "the implausible theory that these men had flown out of Uzbekistan but had not arrived in Moscow".

### *Torture and ill-treatment*

**The case of Dmitry Fattakhov** (update to information given in AI Index: EUR 01/01/96)

In response to considerable international pressure, the Uzbekistani authorities released Dmitry Fattakhov from confinement in a psychiatric hospital at the beginning of February and allowed him to travel to Israel with his mother for medical treatment.

### *The death penalty*

Amnesty International learned of seven new death sentences, two of which were confirmed as having been carried out. Avazbek Urinbayev was sentenced to death for murder by Tashkent City Court in November 1995. Rafis Valeyev and Vitaly An were sentenced to death in 1995 (the place and exact date is not known to Amnesty International) for murder and kidnapping. Rafis Valeyev was allegedly tortured while in pre-trial detention. Ayubkhon Akbarov and Atan

Abdulayev were sentenced to death for murder in separate trials in 1995 by Namangan Regional Court. Atan Abdulayev's trial was allegedly marked by serious procedural irregularities which cast doubt on the fairness of the proceedings. At the time of writing the fate of all those named above was unknown.

Bakhodir Sharipov and Sukhrob Sobirov were sentenced to death in May 1994 by Samarkand Regional Court for murder. They were executed in September 1995, although news of their execution was not made known to their families until March 1996. There were allegations that the fact that Bakhodir Sharipov and Sukhrob Sobirov were ethnic Tajiks had been a factor in their receiving the death penalty; their ethnic Uzbek co-defendants had either been given lighter sentences or had been released from custody.

## **YUGOSLAVIA, FEDERAL REPUBLIC OF**

### *Response to requests from the International Criminal Tribunal for Former Yugoslavia*

In March the Yugoslav authorities arrested Dra\_en Erdemovi\_, a Croat who had fought with the Bosnian Serb armed forces, and had told the press that he had taken part in the massacre of Muslims captured at Srebrenica in July 1995. The authorities permitted his transfer to the International Criminal Tribunal for Former Yugoslavia (the Tribunal) in the Hague. In May he was charged by the Tribunal with crimes against humanity and pleaded guilty. He reportedly chose to be tried by the Tribunal rather than in Yugoslavia.

In April the Tribunal indicted three Yugoslav army officers on charges of severe violations of the Geneva Conventions, law of war and war customs as well as crimes against humanity committed in the Croatian town of Vukovar in 1991. The authorities refused to arrest or extradite them on the grounds that their extradition would violate the Yugoslav Constitution.

### *Amnesty law*

The Federal Parliament passed an amnesty law, which came into force on 22 June 1996. This granted amnesty to those who had evaded the draft or deserted the armed forces prior to 14 December 1995. It did not apply to professional soldiers and officers. Press reports indicated that some 12,500 men benefited by the law.

### *Political prisoners, prisoners of conscience, releases*

Enver Grajčevci, an ethnic Albanian, was arrested in April and charged with "calling for the violent change of the constitutional order". He was apparently carrying a bag containing 200 copies of a magazine published by a clandestine organization, the National Movement for the Liberation of Kosovo, which advocates the unification, by force of arms, of Albanian-inhabited areas of the FRY with Albania. His lawyer stated that he was tortured with electric shocks following his arrest. Amnesty International called for an investigation into these reports and urged that Enver Grajčevci be granted a fair trial.

At least three ethnic Albanian teachers were sentenced to up to 15 days' imprisonment for "holding illegal meetings". They had held classes for ethnic Albanian students who reject the curricula and education in the Serbian language required by official state schools. Another teacher, Pal Krasniqi, was sentenced to 60 days' imprisonment for holding a teachers' union meeting.

In March the Supreme Court of Serbia released six Slav Muslims from the Sand\_ak, convicted in 1994 (see AI Index: EUR 01/01/95) by a court in Novi Pazar, and ordered a re-trial.

### *Attacks on Serbs in Kosovo province and subsequent reprisals against local ethnic Albanians*

There continued to be almost daily reports that police had beaten or otherwise ill-treated ethnic Albanians in custody or during house searches for arms. On 21 April an ethnic Albanian student was shot dead by a Serbian civilian in Priština, who was arrested and charged. The following day,

22 April, five Serbs, one of them a police officer, were shot dead and four others (two of them police officers) were wounded in four separate incidents. On 16 and 17 June there were three further attacks on police officers; one was killed and two wounded. So far no one has been charged in connection with these attacks, but in each case local police forces responded by carrying out apparently random arrests of ethnic Albanians in the area, many of whom were beaten before being released.

### *Death penalty and deaths following alleged ill-treatment in custody*

In April the district court of Zaje\_ar sentenced an escaped prisoner to death for murder. Isuf Kabashi, an ethnic Albanian, died on 4 June, allegedly after being severely beaten by police in Pe\_. An autopsy report stated that he had died a natural death from a heart attack. Nenad Pilipovi\_, a Serb from Vojvodina province, died on 17 June apparently as a result of being beaten by two police officers who arrested him after he had a car accident. The officers have been arrested and charged.

*See also Women in Europe, page 60.*

## RATIFICATIONS - RECENT DEVELOPMENTS

### ANDORRA

In January Andorra ratified the Sixth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms and ratified the United Nations Convention on the Rights of the Child.

### AZERBAIJAN

On 31 May parliament voted to approve a proposal from President Heydar Aliyev that Azerbaijan ratify a number of international conventions, including the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International has written welcoming this decision, and expressing the hope that the relevant notification will be given to bodies like the UN as soon as possible so that the treaties can enter into legal force without delay. It also urged that consideration be given to ratifying the first Optional Protocol to the International Covenant on Civil and Political Rights. In force since 1976, it allows the UN Human Rights Committee to consider communications submitted by individuals from concerned states who claim that their rights as provided by the Covenant have been violated. Such submissions are not admissible unless all domestic remedies have been exhausted. Of all the successor states of the USSR only four, in addition to Azerbaijan, (Turkmenistan, Tajikistan, Kazakstan and Moldova) have yet to sign or ratify the first Optional Protocol as independent states

## WOMEN IN EUROPE

### ESTONIA

In April Estonia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, and its First, Fourth, Seventh, Ninth, Tenth, and Eleventh Protocols.

### IRELAND

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

### LITHUANIA

In February Lithuania acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

### MOLDOVA

In May Moldova signed the First, Fourth, Sixth and Seventh Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

## A SELECTION OF AMNESTY INTERNATIONAL'S CONCERNS

Human rights violations against women occur daily in Europe but are rarely given the attention they deserve. Many cases reflect women's perceived lack of power or status within society, occurring - in one example - because in the absence of male relatives, officials "made do" with the women of a household.

Europe also has a high incidence of cases of ill-treatment of women. These cases often contain elements of sexual violence or abusiveness, combined with racial or other forms of discrimination.

The disinclination of the authorities to investigate allegations that servants of the state have committed violations and to punish those found responsible is notable in these cases. This pattern, already well-established in the case of male victims of human rights violations, appears to be equally marked when the violations have been committed against women.

The cases that follow are a selection of the incidents that Amnesty International has investigated during the period January to June 1996. They are not an exhaustive summary of the organization's concerns, but are intended as a reflection of the range of violations suffered by women in Europe.

### WOMEN ILL-TREATED

#### Austria

In November 1995 **Sabine Geisberger** alleged that she was ill-treated by Vienna police officers following a police drugs raid on her apartment. According to a criminal complaint she has lodged with the Vienna prosecuting authorities, one of the officers dragged her by the hair into her bedroom, threw her into the corner of the room and closed the door. During the next 20 minutes the officer repeatedly kicked the 23-year-old woman in the

genitals. He then ordered her to stand in the corner of the room, which she tried to do before falling to the ground in pain.

During a search of her flat, the police officers found several small bottles of methadone - a drug used as a substitute in treating heroin addiction. Sabine Geisberger states that she had already told them the bottles were in the fridge and that they belonged to her boyfriend. Sabine Geisberger was taken into police custody and detained overnight. She states that during her detention - she was released after questioning the following afternoon - she was not allowed to telephone her sister to inform her what had happened. The next day she was examined by a doctor from the gynaecological department of Klagenfurt Hospital. According to a medical report of her examination, Sabine Geisberger suffered bruising to the rim of her pelvis, left thigh, and to her genitals.

In February Amnesty International urged the Austrian authorities to investigate the alleged ill-treatment of Sabine Geisberger thoroughly, speedily and impartially, to bring to justice anyone found guilty of ill-treating her, and to compensate her for the injuries she had suffered. In April the organization was informed by the Office of International Law in the Ministry of Foreign Affairs, to whom the Austrian Government has requested its inquiries should be directed, that its letter had been "brought to the attention of the competent Austrian authorities". Amnesty International would be "informed of their reply as soon as possible".

**Violetta J.** and her husband, who are Roma, have been living in Austria for the past 16 years. In April Violetta J. alleged that she was ill-treated by Vienna police officers who came to her flat looking for her husband, Nicola. According to a statement made by Violetta J. to the non-governmental organization *Romano Centro*, Nicola J. had earlier sought to intervene in an argument between police officers and his friend about the latter's parked car. When one of the officers drew his gun, Nicola J. fled home. Shortly afterwards several police cars drew up

outside the house where Nicola and Violetta J. live, and a number of officers stormed into their flat. Violetta J. alleges that the officers began to hit her husband, causing her three children - aged nine, eleven and 12 - to start crying. She also alleges that when she stood in front of the children to protect them, the officers began to hit her too. Medical records show that Violetta J. suffered bruising of both elbows, left wrist, right hand, right thigh, left ankle, swelling to the head and to the upper jaw and upper lip. Both Violetta and Nicola J. state that police officers subjected them to racist abuse and asked them when they were "finally going to go home".

Violetta and Nicola J. were handcuffed and taken to a nearby police station where they were detained overnight. Their three children were reportedly left on their own in the flat all night. According to Violetta J., a doctor came to see her while she was in custody. However, he did not examine her, saying that it was not worth it just because of a few slaps. The hospital which treated Violetta J. for her injuries made a formal complaint about her allegations, as it is obliged to do under Austrian law.

In June Amnesty International urged the Austrian authorities to investigate the alleged ill-treatment of Violetta J. thoroughly, speedily and impartially, to bring to justice anyone found guilty of ill-treating her, and to compensate her for the injuries she suffered.

## Bulgaria

**Zlatka Asenova Gikova** is 36 years old and severely disabled as a consequence of a childhood illness. She suffered alleged ill-treatment by police officers in Sofia.

On 10 April at around 6.30pm, at the terminus bus stop in Voluyak, a suburb of Sofia, Zlatka Asenova Gikova was reportedly attacked by a named police officer. She was punched on the face several times and hit on the back. The officer also reportedly called her a prostitute. The same evening Zlatka Asenova Gikova reported the incident to the Ninth Regional Police Directorate.

On the following morning she was examined in *Pirogov* Hospital where she received a certificate describing lesions and bruising on her

mouth, temple and the back of the head. At around 5pm on

### *Zlatka Asenova Gikova*

*the same day, at her home in Voluyak, Zlatka Asenova Gikova was reportedly again beaten all over her body by two police officers, whose names are also known to Amnesty International. She complained about the ill-treatment to the Sofia Military Prosecutor who to date has not initiated an investigation into the incidents.*

*Amnesty International has urged the Bulgarian authorities to*

*initiate promptly an independent and impartial inquiry into the alleged ill-treatment of Zlatka Asenova Gikova, to make public the findings and to bring to justice anyone found responsible for human rights violations.*

### *Italy*

*On 29 February Grace Patrick Akpan, an Italian citizen and the daughter of a Nigerian diplomat, lodged a formal complaint addressed to the Catanzaro Public Prosecutor's office in which she alleged that police officers had physically assaulted her and that there was a "xenophobic" aspect to their behaviour. The complainant, a medical student who is married to a carabinieri officer in Catanzaro and has lived in Italy for some 12 years, said that two police officers stopped her*

for an identity check as she was walking to her local church on 20 February and began questioning her in a threatening manner. She said that she was not carrying her identity documents but gave her name, explained that she was married to a *carabiniere* officer and lived nearby. She claimed that when she stated that she was an Italian citizen she was told that "a black woman cannot be an Italian citizen".

She said that the officers appeared to agree to her suggestion that they follow her back the short distance to her apartment to collect her documents but that, as she turned to walk home, one of the officers suddenly knelt her in the back, throwing her to the ground and then tore her mobile phone out of her hand, breaking the aerial, and bent her arms behind her back. The two officers then bundled her violently into the back of their car: one of them knelt with one knee on her stomach and one hand holding her down by the neck while the other officer grasped her head and twisted it, pulling her by her hair. The first officer shouted "You should thank God you're a woman and that we're in town, otherwise I'd have killed you". One of the officers continued to hold her down in the back of the car as the other drove off, announcing over the police radio that they were bringing in "a coloured prostitute". On arrival at the police station, the duty inspector asked the arresting officers if Grace Patrick Akpan had been caught "going with men". In her complaint she said that this confirmed the impression that she had already formed that, for the police, "a young coloured woman, and moreover a Nigerian, could not by definition be anything except a prostitute".

She claimed that when she began to ask loudly for an explanation of what had happened, one of the arresting officers hit her in the face. After shouting for help and insisting that she was the wife of a *carabiniere* officer and asking for someone to try to check her identity, she was eventually allowed to talk to the *carabinieri's* central switchboard where she left her name while they checked her identity. She spent over an hour at the police station during which time she began to feel ill but her requests for a drink of water, to be taken to casualty or for an ambulance to be called were refused. She was told she could go nowhere until an inspector from the

Aliens Bureau arrived. The inspector proved to be a relative by marriage and immediately confirmed her identity. The police then gave her water, returned her mobile phone and allowed her to contact her lawyer. She was then released.

She went immediately to the Casualty Department of the local Pugliese Hospital where she was admitted for urgent treatment for injuries it was estimated would take some 20 days to heal. A medical certificate issued on the night of 20 February recorded a sprain and bruising to her neck, abrasions to her upper lip and injuries to her head and chest caused by violent impact.

In a subsequent statement to the press the Catanzaro Chief of Police indicated that the police had lodged a complaint against Grace Patrick Akpan because she had refused to identify herself to the police officers and, when asked to get into their car, had reacted by hitting one of the officers with her mobile phone, causing him facial abrasions requiring some three days to heal. In May the Public Prosecutor's office requested that the two police officers be committed for trial on charges of abusing their authority, causing injuries, and using threats and insults and that Grace Patrick Akpan be tried on charges of insulting and resisting a public officer, causing injuries and refusing to supply details of her identity. A judge of preliminary investigation is due to examine the request on 1 October 1996.

## Romania

Two women, **Carmelia Rosu** and **Carmen Efta**, were reportedly ill-treated by police officers during a yoga class in Bucharest.

According to eye-witness accounts, on 17 June at around 11pm, some 70 police officers, most of them dressed in anti-terrorist gear with some plainclothes policemen, entered the sports hall of the Polytechnical Institute in Bucharest where a yoga class was just about to finish, and positioned themselves near the entrance. They were accompanied by three cameramen and some reporters. The leader of the operation reportedly did not introduce himself and did not show any warrant for the intervention. The police demanded to see everyone's identification documents (there were some 150 people attending the yoga class)

and asked people in an intimidating way where they lived and worked. Around 20 people who did not have their papers on them were taken to the police station and questioned before being released.

Meanwhile the cameramen (who had apparently been told by the police that some kind of orgy was going on) were filming the incident and taking photographs. At one point one of the police officers wanted to take away the video camera of a yoga student, who was in turn filming the operation. Two other students, Carmen Efta and Camelia Rosu, intervened and positioned themselves in between their friend and the policemen. During the exchange the video camera was dropped and Carmen Efta bent down to pick it up. As she straightened herself, a police officer started hitting her from the back while another one violently hit Camelia Rosu, who was holding on to the video cassette, in her face. After they had checked everyone's identification papers the police left. Most of the 150 participants in the yoga class filed complaints at the Bucharest Military Prosecutor's Office.

Medical certificates state that Camelia Rosu suffered bruising on the right temple, forehead and cheekbone and bruising and lacerations on her upper arms and left hand, and that Carmen Efta sustained bruising on the left cheekbone, left knee and left hand.

Amnesty International has urged the Romanian authorities to initiate promptly an independent and impartial inquiry into the alleged ill-treatment of Camelia Rosu and Carmen Efta, to make public the findings and to bring to justice anyone found responsible for human rights violations. Furthermore, the organization has urged the authorities to devise and implement effective training for police officers with special attention given to issues like human rights, racial tolerance and peaceful conflict resolution.

## **Federal Republic of Yugoslavia**

**Ethnic Albanian women and their children in Kosovo province** are often witnesses to scenes of violence when police carry out searches in their

homes and arrest or beat their menfolk. Sometimes they themselves may be arrested or beaten or otherwise ill-treated by police who are looking for their male relatives.

Kosovo province is part of the Republic of Serbia, but since 1989 when Serbia effectively abolished the province's autonomy, ethnic Albanians, who constitute over 85 per cent of the population, have largely refused to recognize Serbian authority in the province. Most ethnic Albanians support their leaders' demand for the province's secession from the Federal Republic of Yugoslavia and its recognition as an independent state. Since the outbreak of armed conflict in former Yugoslavia, the largely Serbian police forces have carried out almost daily searches in the homes of ethnic Albanians. These searches, usually for weapons, are often carried out in a deliberately intimidating and destructive way: furniture is broken, members of the household are threatened and shouted at, and the men of the house are frequently arrested and beaten in local police stations or, causing even greater humiliation, in their homes in front of their families. Police officers are known to have used violence even when no illegal weapons were found and when they have failed to find a man they are seeking they sometimes take a female relative or young person into custody instead, as a "hostage".

Such cases included that of **Florije Gjinolli**, who was reportedly ill-treated when police came to her home in Uro\_evac at midnight on 11 February. They asked for her husband, Muhamet, who was abroad, and then carried out a search for weapons. They ordered her to hand over a rifle which they claimed her husband possessed, and threatened to take her 13-year-old son as a hostage. Afterwards they arrested and beat two neighbours.

On 29 and 30 May 1996 police carried out an arms search at the home of imam Ismail Hyseni in Nerodimlje, despite his insistence that he possessed no weapons. When the police returned on 1 June, they reportedly arrested his wife **Fazlije Hyseni**, his mentally ill daughter Hanife and other relatives, including his nephew Ramiz Hyseni, who was beaten by police and later had to seek medical care for his injuries.

**Fatime Xhemajli**, aged 62, is another of the women who has been ill-treated and threatened by police officers because of her male relatives - in this case, her sons. She is the mother of a political prisoner and human rights activists, Bajrush Xhemajli. In May 1996 she was called three times to the police station in Uro\_evac and ordered to hand over a gun she denied possessing. On the first occasion police officers also questioned her about two other sons who had fled abroad to escape persecution. They additionally threatened to kill Qamil, her only son still living at home with her. They threatened to throw her out of the window, but she refused to be intimidated. On the second occasion, she was punched and pushed by a police officer and as result hit her head against a cabinet. On the third occasion police officers reportedly again threatened to kill Qamil and told her: "The walls of your house will be stained with blood". In June police came to the house of 75-year-old Hysen Selishta in a village near Kamenica, looking for his son, Tefik, who was not at home. When Hysen told them he did not know where his son was, they beat him with rubber truncheons and also ill-treated Tefik's elderly mother, **Metihe Selishta**, who fainted.

Amnesty International has repeatedly called on the Yugoslav authorities to carry out prompt and impartial investigations into reports of police ill-treatment and to bring those responsible to justice. The organization has also urged that police officers be required to uphold international standards for law enforcement officials.

### *WOMEN ON DEATH ROW*

#### **Kyrgyzstan**

**Lyubov Sirotkina**, born in 1970, was sentenced to death in January 1996 for the murder of her seven-year-old stepson, who starved to death in her care while her husband was in prison. Initially, Lyubov Sirotkina had been charged under Article 124 of the Criminal Code with "leaving in danger", but after an investigation the procurator's office had substituted a charge under Article 94 ("premeditated, aggravated murder") and the case was referred to the City Court in Bishkek, the capital, which on 17 January found

Lyubov Sirotkina guilty of "premeditated murder, committed from motives of self-interest and with particular cruelty". Lyubov Sirotkina is reported to have acknowledged partial guilt. On 19 March the Supreme Court upheld an appeal against the death sentence, and substituted a sentence of 15 years' imprisonment. She had been found guilty of the premeditated, aggravated murder of her young stepson. An appeal against her death sentence was upheld in March by the Supreme Court, which substituted a sentence of 15 years' imprisonment.

### *WOMEN EXTRAJUDICIALLY EXECUTED OR DELIBERATELY AND ARBITRARILY KILLED*

#### **Russian Federation: during the conflict in the Chechen Republic**

In May Amnesty International approached the Russian and Chechen authorities about the deaths of two journalists in the Chechen Republic. Amnesty International called on the authorities to ensure that prompt, independent, thorough and impartial investigations into the deaths of **Nadezhda Chaykova, Nina Yefimova and her mother** would be initiated, with the findings made public and any perpetrators identified brought to justice within the norms of international law.

In July Amnesty International received an official reply from the Office of the Procurator General of the Russian Federation. In a letter of 24 June, the assistant of the Procurator General, V. I. Mishin, stated that "criminal cases and investigations have been opened into the circumstances of the deaths of Nadezhda Chaykova, Nina Yefimova and her mother, and measures have been taken to ensure that the perpetrators of these crimes are identified." In addition, the letter stated that the investigations were under the control of the Office of the Procurator General of the Russian Federation.

The body of 32-year-old Russian journalist, **Nadezhda Chaykova**, was found on 30 March in a shallow grave near the Chechen village of Gekhi, about 20 kilometres outside the capital

Grozny and was exhumed on 12 April when Moscow journalists made a positive identification. She had been missing since 20 March. Nadezhda Chaykova, a correspondent for the respected weekly newspaper *Obshchaya Gazeta*, had been investigating the alleged embezzlement of money targeted for the reconstruction of the Chechen Republic's economy. Last year she published material in the newspaper *Ekspress-Khronika* which claimed that commanders from the Russian federal forces, representatives of the Chechen Government and commanders loyal to rebel leader Dzhokar Dudayev were involved in the misappropriation of funds. She had reportedly received anonymous warnings to stop her investigation if she wished to stay alive. According to the results of a post-mortem examination, Nadezhda Chaykova had been blindfolded, severely beaten, forced into a kneeling position and killed by a bullet in the back of the head. She was last seen on 20 March by fellow reporters who claimed that she was heading for Samashki and had plans to disguise herself as a Chechen peasant woman in order to cover the Russian federal army's operation there.

Amnesty International believes that Nadezhda Chaykova may have been the victim of an extrajudicial execution or deliberate and arbitrary killing. A local official and a note by Nadezhda Chaykova reportedly pointed to the Russian federal troops as the suspects. But other sources reportedly indicate that Chechen leaders themselves may have ordered her execution, believing that she was a spy and perhaps acting on rumours spread by the Federal Security Service (FSB). According to information received in June, no central investigation into her death has been opened by the Procurator General's office and the local Chechen procurator who originally took up the case is reportedly unlikely to go further because of limited resources.

The body of a second journalist, 25-year-old **Nina Yefimova**, was discovered in the Leninsky district of Grozny on the morning of 9 May, while the body of **her 73-year-old mother** was found dead on the night of 9 May in a deserted canned food factory in Grozny. It was reported that both

women had met a violent death and that Nina Yefimova reportedly died from a pistol shot to the back of the head. Nina Yefimova, who was writing for the newspaper *Vozrozhdeniye*, a Russian-language newspaper distributed in Chechnya, was kidnapped with her mother on the night of 7-8 May. She had recently published a number of revealing feature articles on crime in Chechnya and officials from the Ministry of Internal Affairs of the Chechen Republic have stated that they think her kidnapping and death could have been connected with her professional activities. It was reported that on 10 May, the deputy Minister of Internal Affairs of the Chechen Republic stated in an interview that an investigation had been opened and that suspects had been identified. Amnesty International is concerned that Nina Yefimova and her mother may also have been extrajudicially executed or deliberately and arbitrarily killed.

In July 1995 Amnesty International approached the Russian authorities about the death of Russian journalist **Natalya Alyakina**, a freelancer for the German radio news service RUFA and the weekly magazine *Fokus*, who was shot dead in Budennovsk by Russian forces on 17 June 1995. Soldiers opened fire on the car in which she was travelling shortly after it had passed through a military checkpoint guarded by Interior Ministry troops outside the city of Budennovsk at the height of the hostage-taking crisis. Two other people in the car with Natalya Alyakina, her husband Gisbert Mrozek and the driver, were injured by flying glass. An investigation was opened, and one soldier was 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, and that anyone identified as responsible for the deliberate and arbitrary killing of an unarmed civilian would be brought to justice.

On 13 February 1996, the investigation was closed and the case was handed to a military court in Stavropol. The Russian press reported on 12

July that the accused soldier, Sergey Fedotov, claimed in court that he had accidentally triggered a heavy machine-gun with his foot as he entered an armoured personnel carrier, firing the two shots that killed Natalya Alyakina. The Procurator demanded that Sergey Fedotov be acquitted, stating that he could not have known the safety catch was off, and blamed the accident on a design fault in the armoured personnel carrier.

On 16 July, Sergey Fedotov was given a suspended sentence of two years for "involuntary manslaughter through negligent use of firearms" by a military judge. Gisbert Mrozek, Natalya Alyakina's husband and an eye-witness to her death, lodged an appeal with the Northern Caucasus Military Procurator urging a re-trial. Gisbert Mrozek, a correspondent of the German radio news service RUFA, has repeatedly protested to Russian officials about the inept handling of evidence and the refusal to call witnesses with an alternative version of events.

It was reported that according to Gisbert Mrozek last year he and a colleague received information released to them by President Boris Yeltsin's press secretary, Sergey Medvedev, which indicated that a different soldier may have been the perpetrator, or that two soldiers may have been implicated in the killing of Natalya Alyakina.

### *WOMEN AND FREEDOM OF EXPRESSION*

#### *Grzeze*

Charges against **Hara Kalomiri**, Director of the Greek Conservatory for Music, were brought by a Greek Orthodox archbishop and a monk of Mount Athos because she founded a centre for artistic activities and meditation along Buddhist lines in Chalkidiki without government permission. The sentence is based on Article 1 of Law 1363/1938 which forbids non-Orthodox worship and the establishment of places of worship without the prior authorization of the Orthodox Church, as well as the practising of a religion considered heretical by the Orthodox Church, and carries a total sentence of up to 18 months' imprisonment without the possibility of paying a sum of money in lieu. On 27 March she was sentenced to three months' imprisonment by the court of first

instance in Thessaloniki for "founding and operating a place of private worship for a Buddhist community in Chalkidiki without government permission". Hara Kalomiri is free pending an appeal hearing which has yet to be scheduled.

### *WOMEN PRISONERS OF CONSCIENCE*

#### **Turkmenistan**

**Yevgenia Starikova** was sentenced in June 1995 to two years' imprisonment for "concealing a crime". She had been arrested earlier in 1995 in connection with having aided possible prisoner of conscience Mukhametkuli Aymuradov, a former work colleague, while he was on the run after having escaped from pre-trial detention. Amnesty International regards Yevgenia Starikova as a possible prisoner of conscience because she has reportedly been imprisoned for conscientiously harbouring a possible prisoner of conscience following an escape allegedly orchestrated by the authorities. (A fuller explanation of the case involving Mukhametkuli Aymuradov and Yevgenia Starikova is given in AI Index: EUR 61/03/96, where Yevgenia Starikova is wrongly identified as Yevgeny Starikov, a man.)

**Rufina Arabova** was confined to the Central Psychiatric Hospital in Ashgabat, the capital of Turkmenistan, in January. Unofficial sources claim that she was confined not on the basis of medical need, but because of a history of peaceful protests against the refusal of the Turkmen authorities to give her the employment to which she is entitled. Her protests, according to Turkmen emigré sources, were viewed by the authorities as an expression of political opposition to the current Turkmen regime. Rufina Arabova was believed still to be confined at the time of writing. She was a possible prisoner of conscience.

Rufina Arabova was born in 1953. A trained economist, she worked until 1986 as the head of the planning department in a large metal recycling plant. In 1986, during a routine audit of the company, she uncovered large-scale financial irregularities and reported her findings to the

general procuracy. As a result of her report she was fired from her job and sent to a psychiatric hospital where she was forcibly confined for three months. After her release she was not given her job back, although legally the company would have been obliged to reinstate her. Following years of public protests, including hunger-strikes, Rufina Arabova's confinement in a psychiatric hospital was finally declared unlawful and in March 1993 she was given her previous job back. However, less than a month later she was again made redundant during a restructuring of the company.

### **Turkmenistan: short-term detention and fear for safety for women demonstrators**

In three reported incidents of anti-government protest in February and March against food shortages, wage arrears and house demolition, demonstrators were reported to have been predominantly women and children. Amnesty International was concerned about allegations that some of those involved in these demonstrations had been detained for short periods, and also that people suspected of being organizers of the demonstrations were being sought by law enforcement authorities and might face torture or ill-treatment if detained. Although information about specific individual victims of human rights violations connected with the demonstrations was unavailable, Amnesty International addressed authorities in Turkmenistan with concerns about the general conduct of law enforcement officials towards the demonstrators, as reported by unofficial sources (for further details see the entry on Turkmenistan, page 48).

### **Uzbekistan**

In the course of a three-day period in March **Paulina Braunerg**, a lawyer and member of the board of the unregistered Human Rights Society of Uzbekistan, was detained three times at the office of the National Security Service in the town of Almalyk, near the capital, Tashkent. Her teenage son Nikita was detained twice in the same period, and on one occasion Paulina Braunerg and her son were held in separate cells for 12 hours.

Paulina Braunerg was held ostensibly for questioning about her alleged involvement in the illegal trading of precious metals, an accusation which she denies, but the real motive appeared to have been to investigate her human rights and political activities. On the first day that she was detained law enforcement agents searched Paulina Braunerg's apartment in Almalyk and confiscated copies of the Moscow newspaper *Izvestiya* and the Uzbek opposition newspapers *Forum* and *Kharakat*. While under interrogation on the third day Paulina Braunerg was questioned about her contacts with human rights activists and organizations and was threatened with prolonged detention. At the time of writing Paulina Braunerg had not been charged with any offence.

