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MEDIA ADVISORY

Death of Nigerian asylum-seeker, Semira Adamu: Amnesty International expresses concern to Belgium authorities

Amnesty International today addressed the Belgium authorities expressing concern about the death of Semira Adamu, a 20-year old Nigerian asylum-seeker, who died on the evening of 22 September during an attempt to forcibly deport her from Brussels-National airport.

In its letter to the Minister of Interior, Amnesty International:

- welcomed the prompt opening of a judicial inquiry as well as reports that the two gendarmes involved in the deportation operation have been placed under formal investigation in connection with a possible crime of manslaughter.
- called for the government's cooperation in providing a copy of the video of the deportation operation and of the final autopsy report, when available. The organization also called for information about the eventual outcome of the judicial investigation into the circumstances and cause of Semira Adamu's collapse and death, and of any further criminal or disciplinary proceedings arising from it.
- expressed concern at allegations that the mouth of the deportee was covered by a cushion, thus restricting her breathing. The organization also expressed concern at statements attributed to the Ministry of the Interior indicating that during the first eight months of this year this technique was used 12 times to subdue individuals resisting deportation.
- urged the government to conduct a full and impartial investigation into a number of other cases of alleged ill-treatment by gendarmes during forcible expulsions, together with a full review of restraint techniques to subdue recalcitrant deportees and of the training of officers required to deal with such deportees. It urged the authorities to make these findings public.

For further information please refer to the letter attached (ref: EUR 14/98.08)

Ref.: TG EUR 14/98.08

Monsieur Louis TOBBACK
Vice Premier Ministre
et Ministre de l'Intérieur
Ministère de l'Intérieur
Rue Royale 60-62
1000 BRUXELLES
Belgium

25 September 1998

Dear Minister,

We are writing in connection with the death of Semira Adamu, a 20-year-old Nigerian woman, on the evening of 22 September 1998, and her treatment by gendarmes during an attempt to forcibly deport her from Brussels-National airport earlier that day.

Amnesty International understands that Semira Adamu arrived at Brussels-National airport on a flight from Togo in March 1998 and sought asylum on the stated grounds that she feared being forced into a polygamous marriage with a man over 40 years her senior in her home country of Nigeria. We understand further that, following the rejection of her asylum application and exhaustion of the appeals procedure, there were five unsuccessful attempts to expel her from Belgium before the sixth attempt which took place on 22 September.

According to the reports which have reached Amnesty International, on the morning of 22 September Semira Adamu was taken by van from Steenokkerzeel Detention Centre 127-bis for Aliens, in the proximity of the airport, where she had been held since her March arrival, to a Sabena airlines plane scheduled to fly to Togo at around 10am. She was apparently escorted by some 11 gendarmes, three of whom accompanied her inside the plane: she was seated between two of them while the third video-taped the proceedings, apparently according to a standard practice in cases of forcible deportation where recalcitrance is anticipated, in order - *inter alia* - to provide evidence in the event of a complaint of ill-treatment being made against accompanying gendarmes. There have been allegations that the gendarmes pressed a pillow against Semira Adamu's face and subjected her to blows and verbal abuse. According to statements made after her death and attributed to you by the press, Semira Adamu was handcuffed and shackled during the deportation operation. In addition, for a "certain", unspecified, length of time ("*un certain temps*") while she was seated inside the plane, gendarmes used the so-called 'cushion technique', pressing a small cushion against her mouth to prevent her biting them and shouting: she afterwards lost consciousness and medical assistance was sought immediately.

We understand that she was admitted to St Luc Hospital, Brussels, at around noon, that the emergency services initially diagnosed a cerebral haemorrhage and cardiac arrest and that she was pronounced dead at approximately 9.30pm.

Amnesty International welcomed the news of the immediate opening of a judicial investigation by the Brussels Public Prosecutor's Office into the circumstances and cause of Semira Adamu's collapse and death, as well as reports that the investigating magistrate assigned to the case proceeded promptly to the questioning of the gendarmes involved in the deportation operation and of fellow passengers on the Sabena flight to Togo and confiscated the gendarmes' video of the deportation operation. We also welcomed the news that an autopsy was begun on 24 September to try to establish the exact cause of death and, therefore, any direct link between her treatment by the gendarmes and her death. We note that the results are not expected to be published for up to two months to allow further examination of the brain and further forensic tests.

We understand that on 23 September the judge of instruction placed two of the gendarmes who accompanied Semira Adamu onto the plane, under formal investigation in connection with a possible crime of manslaughter (*coups et blessures volontaires ayant entraîné la mort sans intention de la donner*). We also note that on 24 September the president of the National Union of Gendarmes stated that in January 1998 one of the gendarmes had been disciplined for kicking a Zairean national, bound hand and foot, during a forced deportation. The officer was apparently sanctioned to one month's suspension from service and a one month cut in his salary. We have noted your public statement last night in which you acknowledged that the gendarmerie was at fault in allowing the officer in question to continue to serve in a division responsible for carrying out forcible deportations.

Amnesty International urges that in their investigations the authorities pay special heed to the principles established in international human rights instruments regarding the use of force by law enforcement officials. These include Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which stipulates that: "Law enforcement officials in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force..." Principle 5 states that: "Whenever the lawful use of force ... is unavoidable, law enforcement officials shall ... exercise restraint in such use and ... [shall] minimize damage and injury". Finally, the UN Code of Conduct for Law Enforcement Officials stipulates (in Article 3) that: "Law Enforcement Officials may use force only when strictly necessary and to the extent required for the performance of their duty".

We would be grateful for your government's cooperation in providing us with a copy of the video of the deportation operation and of the final autopsy report, when available, and for further cooperation in informing us of the eventual outcome of the judicial investigation and of any further criminal or disciplinary proceedings arising from it.

The Belgian Government is responsible for ensuring that deportations are carried out - in accordance with international standards - in a manner which respects the human rights of the individual being deported. Amnesty International is particularly concerned at allegations that the mouth of the deportee was covered by a cushion, thus restricting her breathing. It is further concerned by statements attributed to the Ministry of the Interior indicating that during the first eight months of this year this technique was used 12 times to subdue individuals resisting deportation.

It is relevant to note that the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in its 7th General Report, published in 1997, "recognizes that it will often be a difficult task to enforce an expulsion order

in respect of

a foreign national who is determined to stay on a State's territory. Law enforcement officials may on occasion have to use force in order to affect such a removal. However, the force used should be no more than is reasonably necessary. It would, in particular, be entirely unacceptable for a person subject to an expulsion order to be physically assaulted as a form of persuasion to board a means of transport or as a punishment for not having done so. Further, the committee must emphasize that to gag a person is a highly dangerous measure".

Amnesty International is not in possession of the guidelines and directives governing the circumstances in which the 'cushion technique' may be used by Belgian gendarmes nor of the instructions on its application in practice. However, in principle, Amnesty International would recommend that any mouth restriction should only be used in extreme circumstances and under medical supervision.

It has been reported that directives on the use of the 'cushion technique' indicate that a small cushion should be applied to the mouth for the purpose of preventing the individual from shouting or biting accompanying gendarmes and that officers must ensure that the nose is not covered. We would be grateful to receive copies of the directives and instructions on the use of the 'cushion technique' and on other authorized methods of restraint during forcible deportations from Belgium. We would also be grateful for details of the training which gendarmes attached to the airport division receive in the use of the 'cushion technique' and other methods of restraint. We understand that the judge of instruction in charge of the current inquiry into the death of Semira Adamu confiscated from the gendarmerie division attached to Brussels-National airport a training video on restraint methods during forcible deportations. We would be most interested in receiving a copy of this video.

It has been reported that in previous years the Ministry of the Interior commissioned a multi-disciplinary team to study the use and potential risks of the 'cushion technique' and approved it as a safe method of restraint. We would be grateful, therefore, to receive information about any tests conducted or commissioned into potential dangers associated with the 'cushion technique'.

We would also like to be informed as to whether detainees who are due to be forcibly deported are subject to a medical examination prior to deportation and, if so, to be informed which authority carries out the examination and whether the authority which carries out such an examination is in possession of all the available information on the detainee's previous medical history.

Amnesty International is also concerned by a number of recent cases of alleged ill-treatment during forcible deportation which have been publicized over the last week by domestic non-governmental organizations, including the *Ligue Belge des Droits de l'Homme* and by the Belgian media. Our concern about the allegations is exacerbated in the light of the findings of the CPT following its periodic visit to places of detention in Belgium, including Detention Centre 127-bis, in September 1997.

As you will be aware, in the CPT's report on its visit, published in June 1998, the CPT said it had received allegations of physical ill-treatment - such as blows and excessive recourse to physical means of restraint - concerning foreigners being forcibly expelled from the country: the majority concerned foreigners being escorted onto aeroplanes at Brussels-National airport by gendarmerie officers. The Committee cited the example of a man it had interviewed in a holding

centre for foreigners who alleged that, because he refused to get on a plane, gendarmes had kicked him and beaten him with a baton, while his ankles were bound together with velcro strips and his arms were similarly bound together behind his back. Another foreign detainee alleged that during a forcible expulsion operation his ankles and arms had also been bound together with wide velcro strips while his wrists, bound behind his back, were also tightly secured with plastic handcuffs. He said that, after refusing to get on a plane, he had been put in a cell at Brussels-National airport and kicked and punched on the neck and back. Both men had sustained injuries which supported their allegations.

As you will also be aware, the CPT emphasized that it was totally unacceptable for people subject to expulsion orders to be physically attacked in order to force them onto transport or in order to punish them for not complying. It underlined that the force employed should be limited to the minimum amount of restraint necessary to reach the required objective.

We have noted that on 24 September, following a request from Sabena airlines, the Belgian Government announced the indefinite suspension of all forcible deportations in order to evaluate the situation.

In the light of the death of Semira Adamu, the allegations that gendarmes have used excessive force during a number of recent forcible expulsions, and the findings of the CPT, we would be grateful to be informed of any steps envisaged by the government to conduct a full and impartial investigation into alleged ill-treatment by gendarmes during forcible expulsions, together with a full review of restraint techniques to subdue recalcitrant deportees and of the training of officers required to deal with such deportees.

If no such steps are envisaged then we urge the Belgian Government to open such investigations and reviews immediately and to make the findings public.

A copy of this letter is being sent to the Minister of Justice, for his information.

Yours sincerely,

Pierre Sané
Secretary General