

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 70/021/2003 (Public)

News Service No: 204

Embargo Date: 4 September 2003 01:00 GMT

Serbia and Montenegro: Torture allegations must be investigated

"I have never seen a man beaten up so badly in my entire life. There is not a single spot on his body without haematomas."

lawyer to one of the victims of Police torture

In a new report published today, *Serbia and Montenegro: Alleged torture during "Operation Sabre"*, Amnesty International has detailed a pattern of allegations of torture of detainees by security forces. Thousands of arrests took place during "Operation Sabre" - a large-scale clampdown on elements of organized crime seen by the authorities to have been behind the assassination of Prime Minister Zoran Djindjic on 12 March 2003.

"We believe that the use of torture and ill-treatment during "Operation Sabre" was widespread particularly against those perceived as being relatively low-level criminals, out of the public eye, and unlikely to have their allegations widely publicized," Amnesty International said.

"Allegations of torture by security forces of detainees include asphyxiation by taping bags over the head, beatings, electric shocks to the head and body, and mock executions."

"These are extremely serious allegations and we are asking the Serbian authorities to allow us and other human rights groups unfettered access to interview any of the detainees privately so that we may ascertain the true scale of the problem," the organization said today.

The report recognizes the positive role the Organisation for Security and Cooperation in Europe (OSCE) is playing in helping Serbia and Montenegro to overcome its difficulties in establishing the rule of law. However, it also details Amnesty International's concern about statements made by leading OSCE officials about "Operation Sabre" which were vague enough to be misrepresented in the Serbian media as a negation of serious human rights violations without the OSCE publicly refuting them.

"Concerns about the possible torture or ill-treatment of detainees - many of whom were detained *incommunicado* for as long as 60 days under legislation introduced after Prime Minister Djindjic's assassination - were initially allayed by the reported statements attributed to leading officials from the OSCE," Amnesty International said.

It appears that many of those who were allegedly subjected to torture or ill-treatment by the police following arrest were too intimidated to talk openly about their ordeals due to fear of being arrested again or being subjected to other forms of official pressure. However, some have made public statements, while others who remain in detention have had their allegations publicized by lawyers or family members.

Amnesty International is calling for:
unfettered access to interview any of the detainees privately;
the international community to undertake a wide-ranging investigation to ascertain the scale of the violations;
prompt, thorough, independent and impartial investigations into all the allegations of torture and ill-treatment;
no prosecutions to be based on confessions allegedly obtained as a result of torture, ill-treatment or duress;
the courts, in prosecution cases in which a confession is the main source of evidence, to carry out a thorough assessment, including detailed examination of all relevant medical evidence, to determine whether the confession was obtained according to international fair trial standards before it is admitted as evidence in the trial;
any victims of torture and ill-treatment to receive adequate compensation;
any law enforcement official found to be responsible for ill-treatment to face disciplinary action, and criminal charges where appropriate;
any law enforcement official convicted of torture or serious ill-treatment to be subjected to appropriate criminal sanctions, as well as immediate dismissal from the police force.

Background

On 3 April 2003 on the occasion of Serbia and Montenegro's accession to the Council of Europe, Amnesty International publicly expressed its concern that some aspects of the emergency regulations, introduced after the assassination of Prime Minister Zoran Djindjic might give rise to human rights violations. Amnesty International called for all those responsible for Prime Minister Djindjic's assassination to be brought to justice, but underlined that attempts to do so must be carried out with respect for international standards and must not resort to torture. The organization was especially concerned about regulations which allowed the Ministry of the Interior to detain people for up to 30 days without access to a lawyer or family, and without their detention being authorized by a competent judicial body, in breach of international standards. Past police use of alleged torture and ill-treatment (see *Federal Republic of Yugoslavia (Serbia and Montenegro): Continuing police torture and ill-treatment*, AI Index: EUR 70/001/2003, and *Serbia and Montenegro: Legal loopholes allow impunity for torturers in the Sandzak*, AI Index: EUR 70/002/2003) and the emergency legislation allowing lengthy incommunicado detention gave cause for concern about the possible use of torture against the thousands arrested in "Operation Sabre".

On 11 April the Serbian Assembly approved amendments to the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime which were in even clearer breach of international standards. In particular the amendments allowed the Interior Ministry to authorize detention of up to 60 days without authorization from a court or judicial body. On 5 June, after widespread criticism from many quarters including Amnesty International, the Constitutional Court of Serbia ruled the amendments to be unconstitutional and suspended them.

Serbia and Montenegro is a party to the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibit torture or cruel inhuman or degrading treatment in all cases and circumstances, as does Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which Serbia and Montenegro signed on accession to the Council of Europe.

For more information please see: *Serbia and Montenegro: Alleged torture during "Operation Sabre"* <http://web.amnesty.org/library/index/engeur700192003>

Public Document

For more information please call Amnesty International's press office in London, UK, on +44
20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>