

AMNESTY INTERNATIONAL @CONCERNS IN EUROPE May 1992 - October 1992

This bulletin contains information about Amnesty International's main concerns in Europe during the period May 1992 - October 1992. Not every country in Europe is reported on: only those where there were significant developments in the period covered by the bulletin. Unfortunately, we have not been able this time to include the complete list of Amnesty International's external information on Europe during the period, as we have done previously.

The five Central Asian republics, Kazakhstan, Kyrgyzstan, Tadjikistan, Turkmenistan and Uzbekistan continue to be dealt with by the Europe region and to be included in this bulletin because of their membership of the CIS and the Conference on Security and Cooperation in Europe (CSCE). The constituent republics of the former Yugoslavia will in future be listed separately, although the status of each republic internationally varies.

ALBANIA

The death penalty

Amnesty International has so far learned of 12 death sentences imposed in 1992, in all cases for murder or for other offences resulting in one or more deaths. Three death sentences were commuted to imprisonment by Presidential decree, including that passed on the 19-year-old Arjan Boja (see AI Index: EUR 01/03/92). Six men were executed, among them Ditbardh and Josif Çuko. They had been sentenced to death for acts of looting which led to the deaths of five members of a family, including a seven-month-old baby. On 25 June they were hanged in the early hours of the morning in a square in the town of Fier where they were exposed to public view for the rest of the day. Amnesty International fears that the total number of death sentences imposed so far in 1992 may be higher than 12, since it appears that they are not being regularly reported in the press. In May Amnesty International called on President Berisha to commute death sentences and urged an immediate moratorium on the passing and carrying out of death sentences, with a view to the eventual abolition of the death penalty.

Discovery of common graves

In October a special commission, formed to identify and compile a list of people from the area of Shkodër allegedly killed for political reasons by security forces during the years of communist rule from 1944 to 1991, reported that it had so far discovered six common graves in Shkodër and had succeeded in identifying 40 victims, although it believed the total to be some 2,000.

Constitutional court

In May Albania's first constitutional court was sworn in. President Berisha declared that this was a historic event because the defence of the constitution was the main duty of every state. Amnesty International has so far not learned anything further of the activities of the constitutional court.

ARMENIA

The death penalty

In May Amnesty International learned that three people were awaiting execution. Sevak Yedigaryan, Vagarsh Ovanyan and Zevan Sargsyan were all sentenced to death for premeditated, aggravated murder by the Supreme Court of Armenia in separate trials in 1990, and are currently held in a prison in Yerevan, the capital, pending the outcome of their petitions for clemency. Amnesty International has urged that the death sentences be commuted.

The parliamentary human rights committee reported that the death penalty had been abolished for all peacetime offences except aggravated murder and rape.

Hostage taking

Amnesty International continued to be concerned at reports that non-combatant civilians were held as hostages by both sides in the disputed region of Mountainous Karabakh, an area situated in the neighbouring republic of Azerbaydzhani but populated mainly by ethnic Armenians (see entry on the Azerbaydzhani Republic). In September Amnesty International wrote to the President, Levon Ter-Petrosyan, urging him to exert all influence possible to ensure that no persons were detained in this area solely on the grounds of their ethnic origin.

AUSTRIA

Allegations of ill-treatment in police custody

The case of Werner Nosko

In June Amnesty International wrote to the Austrian authorities concerning the ill-treatment by police officers of Werner Nosko in February 1991. Press photographer Werner Nosko had been arrested while taking pictures at a demonstration near Innsbruck. Ignoring his protestations that he was photographer and not a demonstrator, a police officer had handcuffed Werner Nosko's wrists behind his back in such a way as to cause bruising and swelling to his left wrist.

In February the Tyrol Independent Administrative Tribunal (*Unabhängiger Verwaltungssenat in Tirol*) concluded that the placing of handcuffs on Werner Nosko by an unidentified officer had been unnecessary, and that the injury he had suffered as a result had amounted to inhuman or degrading treatment. The tribunal established that since the injuries the complainant had incurred must have been visible, the entry on the police arrest card which stated that the detainee had suffered no injuries had been falsely made.

In its letter to the Austrian Government, Amnesty International asked what efforts had been made by the police authorities, in the light of the decision by the tribunal, to identify the officer who had ill-treated Werner Nosko. The organization also inquired whether disciplinary action had been taken against the officer who, it was established, had made a false entry on the police arrest card. Finally, Amnesty International asked whether Werner Nosko would be receiving compensation for the ill-treatment he suffered. No reply to Amnesty International's letter had been received by the end of October.

AZERBAYDZHAN

In October two Amnesty International delegates visited Azerbaydzhani to collect information on human rights issues related to the organization's mandate. They also discussed issues of concern with a number of officials.

The death penalty

Chingiz Bashirov, Vice Chairman of the Azerbaydzhani Supreme Court, provided delegates with recent statistics on the use of the death penalty. According to these the number of death sentences passed had fallen from 17 in 1986 to three in each of the years 1989 and 1990, but had risen to 18 in 1991. A further 18 death sentences had been passed in the first half of 1992. The Vice Chairman explained that this steep rise was in connection with an increase in the number of convictions for murder as a result of the conflict in the disputed region of Nagorno-Karabakh. All but two of the 76 sentences passed since 1986 had been for premeditated, aggravated murder. The exceptions were one sentence passed in 1986 for "infringing the life of a police officer" (Article 191-1) and one passed in 1992 for "sabotage" (Article 61). Thirty-four people were executed between 1986 and 1990, all convicted of premeditated murder, but no death sentences had been carried out since then.

According to unofficial sources there were 45 people held on death row as of October: seven ethnic Armenians, five ethnic Russians and 33 Azerbaydzhanis. One ethnic Armenian awaiting execution, Yury Dzhangiryan, died in prison in June. The cause of death was given officially as peritonitis.

Hostage taking

Amnesty International continued to condemn the widespread practice of detaining non-combatant civilians as hostages in the disputed region of Nagorno-Karabakh, an area of Azerbaydzhani populated mainly by ethnic Armenians. The organization wrote to Georgy Petrosyan, Acting Parliamentary Speaker of the self-proclaimed republic there, expressing its concern at reports that hundreds of ethnic Azeri civilians had been held hostage at some point by Armenian forces under his control. Some of those detained alleged they had been ill-treated. As an example Amnesty International raised the case of six members of an extended Azerbaydzhani family detained by ethnic Armenian forces on 25 to 26 February while attempting to flee from Khodzhal: Saltanat Zulal gyzy Mamedova, born 1931; her daughter Lyatifa Ibad gyzy Mamedova, born 1958; the latter's two children Sabukhi Dzhakhangir ogly Aliyev, born 1981 and Salim Dzhakhangir ogly Aliyev, born 1987; a second daughter Shovet Ibad gyzy Dzhafarova, born 1958, and her son Samir Tadzhir ogly Dzhafarov, born 1988. The family were reportedly seen six weeks later held as hostages in the village of Venk (Vankulu) in the Agdarisky (Mardakertsky) district. At the end of October their situation had not been clarified.

Amnesty International also wrote to the Procurator General of Azerbaydzhan about the reported abduction of a number of ethnic Armenians said to have been seized as hostages for exchange with Azerbaydzhani nationals held in Nagorno-Karabakh. The organization was concerned at reports that law enforcement officials either had been reluctant to pursue inquiries to discover the whereabouts of the alleged hostages, or had colluded in the detention without charge of persons solely on grounds of their ethnic origin. For example two ethnic Armenian citizens of the Republic of Georgia, Vilik Ilich Ogenesov and Artavaz Aramovich Mirzoyan, are said to have been arrested on 28 April 1992 at Baku airport while they were in transit from Samara in the Russian Republic to the Georgian capital of Tbilisi. According to their lawyer, by October they still had not been charged with any criminal offence and were being held solely in case they could be used in a hostage exchange.

Amnesty International called on all parties to the conflict in Nagorno-Karabakh to take all relevant steps to ensure that no non-combatants were detained as hostages, or otherwise held solely on the grounds of their ethnic origin.

BELARUS

The death penalty

At the beginning of the period under review the Minister of Justice provided Amnesty International with statistics on the death penalty. He said that 58 people had been sentenced to death since 1988: 12 persons in that year, five in 1989, 20 in 1990 and 21 in 1991. All sentences were for premeditated, aggravated murder. In the same period four sentences had been commuted - three in 1988 and one in 1990 - and 32 executions carried out. No figures were available for 1992. The Minister also said that the draft criminal code envisaged a reduction in the number of peacetime offences carrying a possible death sentence to eight. However, speaking to the United Nations Human Rights Committee in Geneva in July he said the proposed reduction was to four offences: premeditated, aggravated murder; aggravated rape; kidnapping of a child; and acts of terrorism with aggravated circumstances.

Amnesty International continued to urge the authorities to take steps towards abolition of the death penalty, and to impose a moratorium on death sentences and executions pending such a review.

BOSNIA-HERZEGOVINA

The conflict in Bosnia-Herzegovina

In June and August Amnesty International visited Serbia, Croatia and Hungary to interview witnesses, many of them former prisoners held in detention camps, in connection with atrocities that have taken place in the context of the conflict in Bosnia-Herzegovina. In October Amnesty International published a report *Bosnia-Herzegovina -Gross abuses of basic human rights* (AI Index: EUR 63/01/92). The report described a series of incidents in which Serbian forces deliberately and arbitrarily killed unarmed civilians, including the killing of at least 83 Muslims, men, women and children, in the village of Zaklopaca on 16 May. It also gave details of the torture and ill-treatment of detainees in camps held by Serbian forces and in camps held by Muslim forces. Amnesty International also condemned the intimidation of local populations with the aim of persuading them to leave their homes. It said that in some cases, particularly in areas under Serbian control, Muslims had been forcibly expelled or detained and ill-treated apparently to ensure that they were compliant in accepting offers of release conditional upon them leaving their home area. The organization concluded that while the vast majority of the reported human rights abuses had been carried out by Serbian forces, abuses had also been committed by Bosnian Government forces and it was investigating reports of abuses by Croatian forces in Bosnia-Herzegovina.

Amnesty International called on the leaders of all the forces involved in the conflict to strengthen their chain of command to ensure that their forces abide by international standards which prohibit torture and deliberate and arbitrary killings of civilians or incapacitated combatants in times of conflict. Amnesty International also called for the unconditional release of all prisoners detained solely because of their national origin or held as hostages for the purpose of negotiating prisoner exchanges. The organization further urged all parties to initiate full and impartial investigations into human rights abuses and to ensure that all those found to have ordered or carried out abuses are brought to justice.

For a fuller description of Amnesty International's concerns and information about specific incidents, please see the report referred to above.

BULGARIA

Alleged torture and ill-treatment of Roma in Pazardjik

Pazardjik is a town of about 82,000 inhabitants located 120 kilometres east of Sofia. The Roma community of Pazardjik numbers about 24,000 people and most of them are Muslim. An unofficial source has estimated that around 80% of working age Roma are presently unemployed.

On 28 June at around 9pm police officers in Pazardjik clashed with 200 Roma demonstrators. In this incident, according to information received by Amnesty International, three police officers were injured by stones and two Roma men were wounded by gun shots. One man with a machete was arrested.

The following morning, at around 6am the Roma community neighbourhood was reportedly surrounded by police officers armed with submachine guns and leading dogs in order to search all the houses for arms and to check identification documents. Doors and windows were broken down in both occupied and unoccupied houses. Furniture, household appliances and other objects were destroyed. In many instances the police allegedly stole money and other objects of value.

The police officers, reportedly used truncheons and sticks to beat indiscriminately men, women and children. In one instance, the inhabitants of a house were reportedly taken out while their house was searched, made to stand against the wall and were told by police officers that they would be shot. Nasko Iliev Angelov's leg was broken with a hammer in the presence of his wife and children. Georgi Assenov Yurtov was tied and beaten in the street. He was taken to hospital in a state of shock. Several persons with lighter injuries were reportedly turned away from this hospital by policemen guarding the entrance.

Amnesty International urged the Bulgarian Government to initiate an independent, impartial inquiry into the alleged torture and ill-treatment of the Pazardjik residents, to make public its findings and to bring to justice all those found responsible.

CYPRUS

Conscientious objection to military service

There has been no improvement in the situation of Cypriot conscientious objectors. Apparently no steps were taken to act upon new legislation passed in January providing for "unarmed military service" inside and outside military camps, despite President George Vassiliou's assurances to Amnesty International in March that provision would be made for an entirely civilian service for conscientious objectors (see AI Index: EUR 01/03/92). Conscientious objectors reported that they had not been offered any possibility of serving alternative service by the military authorities. In the period immediately after the legislation was passed there was a reduction in the number of conscientious objectors imprisoned, but by the end of October convictions and imprisonments had returned to their 1991 rate. The military court even appeared to be taking a tougher stance towards conscientious objectors. Christakis Ioanathan Christoforou was sentenced to one year's imprisonment on 9 November for refusing to perform military service and Haralambos Alexandrou Christoforou and Giorgos Irodoutou, were sentenced to nine months' imprisonment on 7 September and 12 October respectively for the same reason. These sentences, particularly in view of the fact that the three men served prison sentences of several months in 1990, were harsher than usual. Some 10 other Jehovah's Witnesses were convicted and imprisoned during the same period.

Amnesty International repeatedly appealed to the Cypriot authorities to release all imprisoned conscientious objectors and introduce alternative civilian service of non-punitive length in line with international standards, and sought information about the status of the new legislation. No substantive reply was received.

Allegations of torture and ill-treatment

A number of people alleged they had been subjected to torture and ill-treatment in police custody.

Dimos Dimosthenous alleged that he was subjected to torture by members of the Limassol police on or around 30 July after being mistakenly arrested in connection with a bank robbery. He stated that five or six police officers blindfolded him; beat him on his chest, back and genitals; gave him electric shocks; put a metal bucket over his head which they repeatedly struck, and hung him upside down in order to extract a confession from him. Following an inquiry two police officers were indicted for trial in October.

Criminal suspect Pavlos Michail alleged that he was ill-treated by police in Larnaca on or around 24 June 1992. The Attorney General's Office ordered an investigation into Pavlos Michail's allegations. The outcome of these investigations was not known at the end of October.

On 27 and 28 April, police officers allegedly ill-treated Mehmet Canbulut, a Turkish Cypriot, when he went to report his entry to the Republic of Cyprus from the part of the island

under the control of the Turkish armed forces and the Turkish Cypriot administration. According to allegations received by Amnesty International, members of the Special Branch shouted and swore at him; slapped his face; punched and kicked him all over his body; beat the soles of his feet with a metal ruler; burned him behind his ear with cigarettes and mocked him. During the torture the police officers put pressure on him to sign a statement that he wanted to return to the north. They shouted at him, "We do not want Turks on this side", and threatened that if he settled down in the south they would kill him. They also threatened to cause him further problems if he reported the incident to anybody.

After a complaint was submitted to the Chief of Police and the Attorney General, the Attorney General stated that on the basis of a report made by the police the complaint could not be substantiated.

In October Amnesty International expressed concern about these allegations to the Cypriot authorities. It urged that all investigations into allegations of torture or ill-treatment should proceed promptly and impartially, that all findings should be made public and that any police officers found responsible should be promptly brought to justice. It also requested to be informed when the trial of the police officers charged in connection with the alleged torture of Andreas Zinonos in May 1991 was scheduled to take place (see AI Index: EUR 01/03/92) and what steps had been taken to bring any police officers found responsible for the alleged torture of Michalis Loukas in 1990 in Limassol (see AI Index: EUR 01/02/91).

CZECH & SLOVAK FEDERAL REPUBLIC

Alleged ill-treatment of Roma in Lomni..ka

Lomni..ka is a village in Eastern Slovakia with 1,030 inhabitants. Almost all of them are Roma. It is alleged that police officers ill-treated several Roma there in the afternoon and evening of 4 May.

According to statements received by Amnesty International, at around 5pm in nearby Podolinec, following a dispute in the local bar, a police officer and two other persons beat František Ora..ko, a Rom from Lomni..ka. The police officer and his civilian companions then pursued František Ora..ko and several of his relatives as they ran towards their home in Lomni..ka. When he caught up with them, the police officer reportedly pointed a loaded pistol at Ľudovít Ora..ko threatening to shoot him. František Ora..ko knocked the pistol out of the police officer's hand and in the ensuing confusion the pistol was reportedly left lying on the ground.

The police officer, accompanied by fellow officers in several patrol cars, returned to Lomni..ka at 11.15pm and called on František Ora..ko to return the pistol. Inside the house where František Ora..ko lives there were 20 people, his parents and other family members. Zita Mirgova returned the gun to one of the police officers who promised that no one would be harmed. Then, the police broke into the house and beat everyone indiscriminately with truncheons. While doing this they allegedly shouted: "All of you will die. Heil Hitler! All Gypsies are to be shot." Ľudovita Ora..ka, a 10-year-old child, was reportedly held by the neck by a police officer and thrown against the wall. Some of the other children who crawled under the bed were dragged out and thrown onto the floor. The wife of Gustav Ora..ko, who was ill in bed, was picked up by the police officers and laid onto the floor. Ľudovít Ora..ko was kicked in the head and beaten. František Ora..ko, Ľudovít Ora..ko Sr, Ľudovít Ora..ko Jr and Martin Mirga were taken into custody. According to Amnesty International's information they were beaten in the car on the way to the police station.

Amnesty International urged the Slovak Government to initiate an independent, impartial inquiry into the alleged ill-treatment of the Ora..ko family, to make public its findings and to bring to justice all those found responsible.

Ill-treatment of spectators at football match

Dozens of people were ill-treated by police officers at the Slovan-Ferencvaros football match in Bratislava on 16 September.

According to reports received by Amnesty International, the unruly conduct of some football team supporters required appropriate police measures to maintain order and protect the safety of other spectators. However, it appears that the intervention in the stadium of a special unit of the Slovak police, wearing black masks and armed with rubber truncheons, resulted in ill-treatment of spectators, including some not involved in the disturbance. Witnesses have

claimed that the police during this incident beat indiscriminately women and men. Some of the people who fell to the ground were allegedly kicked as long as they moved. Reportedly some had tear gas sprayed into their faces. Jana Košnarova, a photographer on assignment for „STK (Czech and Slovak Press Agency), was also beaten and the film in her camera was destroyed by the police. At least 16 injured people were taken to hospital.

Amnesty International asked the Slovak authorities whether a full and impartial investigation had been carried out into the use of force by the police in this incident and if, as a result of such an investigation, there had been any review of crowd control procedures to ensure that in the future such apparently indiscriminate ill-treatment of spectators would not recur.

Law restricting freedom of expression amended by the Constitutional Court

Amnesty International had been concerned about the provisions of Article 52 of a new law amending and supplementing Articles 260 and 261 of the criminal code (see *AI Index: EUR 01/03/92*). This article prohibits support or promotion of movements aimed at suppressing civil rights and liberties or inciting national, racial, class or religious hatred. The organization's concern was that the words "as for example fascism or communism", contained in parenthesis in the new article, could have resulted in the prosecution of persons who exercised non-violently their right to the free expression of political beliefs.

In September the „SFR Constitutional Court quashed from the new law the words "fascism" and "communism".

DENMARK

Allegations of ill-treatment in police custody

In March the government published a report of the judicial inquiry into the treatment of refugees in Copenhagen prisons. The report included the inquiry's findings into allegations of ill-treatment made by two foreign visitors, Babading Fatty and Himid Hassan Juma (see AI Index: EUR 01/03/92). The report was especially critical of the fact that both Babading Fatty and Himid Hassan Juma were not properly informed of their rights when arrested, and were subsequently given little or no information about the reasons for their arrest or the procedures which were to be followed once they were in police custody. The report did not, however, accept that the force used against the detainees constituted torture or cruel, inhuman, or degrading treatment. The mistakes made by the officers responsible for the two cases were judged to be largely a result of their relative youth, inexperience, and lack of adequate training.

Amnesty International wrote to the Danish Government in August expressing concern that the report had not accepted that the force used against the detainees constituted cruel, inhuman or degrading treatment. Mistreatment of a detainee can qualify as cruel, inhuman or degrading treatment whether or not that treatment has been deliberate or intended to frighten or to compel one to make a confession. The organization noted that the misconduct by the officers responsible for the two cases was judged to be largely a result of their relative youth, inexperience, and lack of adequate training. Amnesty International was concerned that while acknowledging that serious procedural mistakes had been made by police officers responsible for the cases, the judge concluded that there was no reason to press charges against any of those involved. Amnesty International hoped that the investigation into the procedural mistakes made by the police would be carried out promptly and comprehensively, and that the results of the investigation would be made public.

ESTONIA

In June 91% of those participating in a national referendum voted in favour of a new constitution. The new Constitution of the Republic of Estonia came into effect on 5 July.

In September the first parliamentary and presidential elections since independence were held in the Republic of Estonia. Fatherland (*Isamaa*) emerged as the biggest political grouping in the new parliament (*Riigikogu*) with 29 of the 101 seats. In the presidential elections Arnold Rüütel, Chairman of the Supreme Council since independence, defeated Lennart Meri, candidate of the conservative Fatherland party by 42% to 29%. As neither candidate had won a majority of votes, the president was chosen by parliament at the beginning of October with Lennart Meri emerging as victor by 59 votes to 31. The new president immediately appointed Mart Laar as Estonia's new prime minister.

In October two Amnesty International delegates visited Estonia, Latvia and Lithuania in order to collect information on human rights issues related to the organization's mandate. This was the first research visit by Amnesty International to the three newly independent Baltic states.

The death penalty

On 1 June the new criminal code of the Republic of Estonia entered into force. Amnesty International engaged in extensive correspondence with the Estonian authorities on the issue of the death penalty. According to information received in June from the Chairman of the Supreme Court, the new code retains the death penalty for three crimes: aggravated murder, acts of terrorism and assassination. The Chairman of the Supreme Court also informed Amnesty International that the death penalty cannot be imposed on persons under 18 or over 65 or on women. The state of mental health of a person tried for an offence which carries the death penalty is taken into account before sentence is passed and before the sentence is due to be carried out.

In July the Prime Minister informed Amnesty International that given "the complexity of criminal circumstances at present...the Supreme Council did not think it possible to abolish [the] death penalty during the first stage of the reform of [the] criminal code. During the second stage when the new criminal law code of the Republic of Estonia will be adopted it is planned to abolish the death penalty". It is believed that the adoption of a fundamentally new criminal code could take several years.

In the same month Amnesty International urged the Estonian authorities to commute the death sentence passed on Mihail Talyschanov. According to reports the organization had received, Mihail Talyschanov was sentenced to death on 7 June 1991 for the murder of a military cadet and of a taxi driver on 5 August 1990. His petition for clemency, which had already been rejected once, had been resubmitted for consideration by the President of the Republic of Estonia. In its letter Amnesty International also called for a moratorium on all death

sentences and executions pending the adoption of a fundamentally new criminal code and expressed the hope that the abolition of the death penalty would be reflected in the new code.

Also in July the Deputy Minister for Foreign Affairs wrote to Amnesty International concerning the execution of Rein Oruste (see AI Index: EUR 01/02/91). According to the Deputy Minister, on 14 June 1990 the Supreme Court convicted Rein Oruste of 18 crimes, including one count of intentional murder with aggravating circumstances. His appeal for clemency against the death sentence imposed by the Supreme Court was rejected by the Presidium of the Supreme Council, and his execution was carried out on 11 September 1991. In response to Amnesty International's expression of concern about allegations it had received that Rein Oruste was shot on 11 September by prison guards in retaliation for an earlier altercation with prison guards, the Deputy Minister for Foreign Affairs replied that the execution of Rein Oruste was carried out in accordance with the code of criminal procedure in force at the time and did not violate current Estonian laws. However, during its October visit to Estonia Amnesty International was informed by a number of reliable sources that Rein Oruste had been shot by prison guards while in the prison washroom. The organization raised its concerns regarding the execution of Rein Oruste with the newly appointed Minister of the Interior, Lagle Parek, during the same October visit.

During the same visit Amnesty International delegates were also able, for the first time, to obtain information about the procedures for executions in Estonia. According to the Director of Tallinn Prison, a person condemned to death only learns whether his petition for clemency has been rejected when he is taken from his cell to be executed. Further information regarding the manner of execution and the persons present during it were not divulged on grounds of secrecy.

On 2 September Oleg Pyatnicky was sentenced to death by the Supreme Court. He had been sentenced to 15 years' imprisonment in 1985 for aggravated murder, rape and robbery. In November 1991, along with two others, he killed a fellow prisoner in Rummu 2 prison camp. He did not appeal against the death sentence and no judicial review of it was ordered by the Chairman of the Supreme Court or by the Procurator General. In October Oleg Pyatnicky submitted a petition for clemency. Since 5 October such petitions are heard by the President of the Republic of Estonia and not by the Presidium of the Supreme Council. The President receives recommendations on whether the death sentence should be commuted from the Clemency Commission, composed of four members of the Estonian Parliament, the Chairman of the Supreme Court, the Procurator General and the Minister of Justice. Amnesty International urged the Estonian authorities to commute the death sentence passed on Oleg Pyatnicky.

Homosexuality

In May Amnesty International wrote to the Minister of Justice asking for confirmation that Article 118 of the Estonian criminal code had been abolished. Under the article homosexual acts between consenting adult males were criminal offences punishable by imprisonment. The organization also asked whether anyone had been imprisoned under Article 118 at the time of its abolition and if so, whether they had subsequently been released. No reply had been received by the end of October. Persons imprisoned solely because of their practice of consensual homosexual acts with other adults in private are considered prisoners of conscience by Amnesty International.

Conscientious objection to military service

In August Amnesty International wrote to the Minister of Defence regarding the recent adoption of a new law on conscription and the announcement of a reduction in the length of military service in the Republic of Estonia from 18 to 12 months. The organization asked whether a corresponding change to the length of alternative service had also been introduced. In this context Amnesty International noted that both the UN Commission on Human Rights and the Council of Europe Committee of Ministers had called upon governments to introduce alternative service of a non-punitive nature. In talks with a senior official from the Ministry of Defence in October Amnesty International was informed that military service was shorter than alternative service because the conditions under which it was performed were considerably harsher.

FINLAND

Conscientious objection to military service

On 30 December 1991 the Finnish Parliament introduced a new law on alternative service. According to the law, a conscript who refuses to perform military service for reasons of conscience will be exempted from it during peacetime and will be allowed to perform alternative service. The length of alternative service has been reduced from 16 to 13 months. A conscript may apply for alternative service before, during or after (that is, instead of reservist service) the performance of military service. Alternative service consists of service to the community and is organized and supervised by the Ministry of Labour.

Amnesty International welcomed the new law insofar as it offered an alternative service of comparable length to military service, which is between eight months' and 11 months' duration. The organization is concerned, however, that alternative service is available to conscientious objectors only during peacetime. Amnesty International believes that it is of particular importance that individuals are able to exercise their right to freedom of conscience at a time of actual military conflict. The organization urged the government, therefore, to allow conscientious objectors to perform alternative service during military conflicts as well as in peacetime.

Amnesty International was concerned about the case of Marko Ulvila, a 25-year-old conscientious objector, who began serving a 75-day prison sentence on 24 September. Marko Ulvila was sentenced under the old, temporary law on alternative service which was in force between 1 January 1987 and 31 December 1991. Amnesty International considered the length of the alternative service under that law (twice the length of ordinary military service) to have been a punishment for the conscientious objector's non-violent expression of his belief. The organization believed that this service did not provide an acceptable alternative to military service and for this reason it considered those conscientious objectors in Finland who were detained for refusing to perform the 16-month alternative service to be prisoners of conscience. Amnesty International called for Marko Ulvila's immediate release.

Three conscientious objectors were released after serving their sentences: Janne Mäkinen, Timo Tapani Karjalainen and Kari Hämäläinen (see AI Index: EUR 01/02/91).

FRANCE

Conscientious objection to the national service laws

Hundreds of conscientious objectors to the national service laws continued to serve sentences of up to 18 months' imprisonment. The vast majority were Jehovah's Witnesses basing their objection to both military and alternative service on religious grounds; according to unofficial estimates, between 750 and 1,000 Jehovah's Witnesses were imprisoned during the year as a result of their refusal to perform military service.

Conscriptos who declare themselves opposed to "the personal use of arms" for "reasons of conscience" are accepted for alternative civilian service in a state administration or in local organizations of a social or humanitarian nature "in the general interest".

Amnesty International takes no position on conscription as such and does not oppose the right of a state to request a citizen to undertake alternative civilian service. However, Amnesty International believes that an essential component of the right to conscientious objection to armed service is that alternative service should not be imposed as a *punishment* for such objection. As the length of civilian service in France is, at 20 months, twice that of ordinary military service, Amnesty International considers that it does not provide an acceptable alternative to military service and that those imprisoned for rejecting both services are prisoners of conscience.

Among the Jehovah's Witnesses imprisoned and considered prisoners of conscience during the period under review was Jérémy Bernardi who had already spent over seven months in prison during 1991 under judicial investigation for insubordination (*refus d'obéissance*). This had resulted from his refusal to put on military uniform after reporting to the barracks of an artillery regiment in Draguignan, as ordered, to commence military service. He was released in January 1992, pending trial, but because he remained liable for military service he decided to report back to barracks immediately. He again refused to put on military uniform. He was detained at the barracks, under investigation on a second charge of insubordination, until a Marseilles court (*Tribunal correctionnel des affaires militaires*) sentenced him to 15 months' imprisonment on 21 February. Following the trial he was transferred to a civilian prison in Luynes and on 6 June sentenced to 18 months' imprisonment on the first charge of insubordination, reduced on appeal to 15 months' imprisonment, to run concurrently with the sentence imposed in February. He was released definitively on 22 July.

Erik Lechardoy, Jean-François Lefort and Nikolas Padrones were adopted as prisoners of conscience following their arrests during late April and early May. They had been due to report to barracks to commence their military service in December 1991 but had returned their call-up orders to the authorities. They base their objection to both military and civilian service on their anti-militarist and political beliefs. They reject the institution of the army in itself and also consider the French political authorities and the French army to be forces of occupation in the Basque region; they support the eventual creation of an autonomous Basque state composed

of the Basque provinces of both France and Spain. They carried out a hunger-strike between 13 May and 13 June in protest against their imprisonment.

Erik Lecharдой was arrested on leaving his place of work in St-Jean-Pied-de-Port on 30 April 1992. He was escorted to army barracks where he refused either to put on military uniform or to perform any military service. He was subsequently transferred to a civilian prison and on 20 May a court in Bordeaux (*Tribunal correctionnel de Bordeaux*) sentenced him to 10 months' imprisonment for insubordination (*refus d'obéissance*), a charge brought as a result of his refusal to obey an order to put on military uniform. The sentence was confirmed on appeal on 25 June. On 16 October he appeared before a court in Bordeaux to answer an additional charge of failing to obey call-up orders (*insoumission*). The court sentenced him to two months' imprisonment, to run concurrently with the 10-month prison sentence he was already serving for insubordination. He was released on 29 October but, as his obligation to perform military service remained, he also remained liable to rearrest and reimprisonment at any time.

Jean-François Lefort was arrested on 4 May, in the course of an anti-militarist march taking place in the Basque region of France. When escorted to army barracks he also refused to put on military uniform or to perform any military service. He was transferred to a civilian prison where he was held in solitary confinement for over a month. On 27 May a court in Poitiers (*Tribunal correctionnel de Poitiers*) sentenced him to 13 months' imprisonment for insubordination. The sentence was confirmed on appeal on 16 July. Jean-François Lefort entered a further appeal to the Court of Cassation.

Nikolas Padrones was arrested on 7 May, during the anti-militarist march and, like Erik Lecharдой and Jean-François Lefort, refused to put on army uniform or to perform any military service when taken to army barracks. He was subsequently transferred to a civilian prison and on 20 May a Bordeaux court (*Tribunal correctionnel de Bordeaux*) sentenced him to 10 months' imprisonment for insubordination. On 25 June a Bordeaux appeal court quashed the sentence on procedural grounds and ordered his release. However, his obligation to perform military service remained and he therefore remained liable to rearrest and reimprisonment at any time. He was still at liberty at the end of October 1992.

Allegations of ill-treatment in police custody

The case of Jacques Cherigui

Amnesty International sought information from the authorities about the steps taken to investigate the alleged ill-treatment and racial abuse of Jacques Cherigui, a 48-year-old mechanic of Franco-Algerian parentage, by officers of the National Police.

Jacques Cherigui was arrested on 11 June 1992 when five police officers entered his apartment in Argenteuil, a town north of Paris, apparently in the course of a criminal investigation. He claimed that one of them immediately threw him face-down on the floor while another knelt on his neck and a third handcuffed him behind his back; he was then pushed down four flights of stairs, thrown into a police van and driven to a local police station. He described how he was made to sit handcuffed, with his head between his knees, while a police officer balanced on his neck, compressing his diaphragm so that he could not breathe, and then, when he got up from his neck, punched him hard in the stomach. Jacques Cherigui alleged that this officer in particular subjected him to racial abuse both in the van and at the police station.

On arrival at the police station an inspector ordered that the handcuffs be taken off. They had been secured so tightly that areas of skin were removed and permanent nerve damage was apparently caused to Jacques Cherigui's right hand.

On his release some 19 hours later he was charged with insulting the police and resisting arrest. He claimed that he called the police insulting names only after he had been assaulted, as part of a "survival instinct"; he denied resisting arrest. A medical certificate issued within hours of his release and subsequent photographs recorded multiple cuts and bruises to his body.

He made two criminal complaints of ill-treatment against the police in June but the public prosecutor's office informed him verbally that they had been declared inadmissible; he was not given the reasons for these decisions. On 5 October the criminal court due to hear the charges brought against him (*chambre correctionnelle du Tribunal de Grande Instance*) decided to await the report of an internal police inquiry into his allegations of ill-treatment and adjourned the trial until March 1993. Jacques Cherigui has indicated his intention of lodging a further, civil, complaint against the police.

The case of Michel Garnier

Amnesty International sought information from the authorities concerning the official steps taken to investigate formal complaints made by Michel Garnier, an unemployed manual worker, alleging that he was ill-treated by officers of the *gendarmerie nationale* in January 1992.

Michel Garnier was arrested on the evening of 28 January and held by the *Brigade Territoriale* of the *gendarmerie nationale* in Macon until the evening of 29 January, except for a short period in the offices of the *Brigade Régionale* in Charney les Macon. He was charged with indecent exposure and in June received a suspended sentence for this offence; he

has appealed against the sentence. Michel Garnier has a previous history of offences of this nature. He alleged that the January arrest and the subsequent ill-treatment were part of a campaign of harassment against him by a unit of the *gendarmerie nationale* in Macon. He has made judicial complaints of harassment by this unit dating back to 1989.

He alleged that at the offices of the *Brigade Territoriale* he was slapped, punched, kicked and beaten, stripped to his underwear, hosed with cold water and menaced with a handgun in order to force him to sign a statement confessing to the offence of indecent exposure. Michel Garnier refused to sign the statement, declaring himself innocent. He claimed that on his release in the evening of 29 January a *gendarme* warned him against making any complaint to the authorities about his treatment.

The following day he was examined by a doctor who issued a certificate stating that he was in a state of shock and suffering from injuries to his left eye, forehead, cheek, neck, jawbone, left arm, left thigh, the four lower ribs and the abdomen.

On 31 January he lodged a formal written complaint against the *gendarmerie nationale* with the Public Prosecutor in Macon. He was reportedly interviewed by the prosecutor on 7 February and again on 14 May after he had complained of delays in the investigation of his allegations. Following this second interview the prosecutor apparently informed Michel Garnier that he had decided to file the complaint because the *gendarmes* had denied his original allegations and because there were inconsistencies in "points of detail" between his two statements of 7 February and 14 May. The complaint was thus declared without foundation. One week later Michel Garnier was charged with making a slanderous statement against the *Brigade Territoriale* in Macon and against one officer in particular. He was acquitted of this charge in June but an appeal entered against this decision by the prosecution is due to be heard in December 1992.

European Court of Human Rights judgment on the case of Félice Tomasi (update to information given in AI Index: EUR 01/01/91)

On 27 August the European Court of Human Rights pronounced its judgment on an application which Félice Tomasi lodged with the European Commission on Human Rights in March 1987. In his application Félice Tomasi had argued that France had violated Article 3 of the European Convention on Human Rights, prohibiting the use of torture and inhuman or degrading treatment and also Article 5.3, guaranteeing a detained person the right to trial within a reasonable time. He also argued that Article 6.1 of the Convention had been violated because of lack of diligence by the judicial authorities responsible for handling his complaint of ill-treatment in police custody and because the complaint had not been heard within a reasonable time. The European Commission's report on his application stated that France had violated all three articles of the Convention and passed the case to the European Court. The Court concluded unanimously that all three articles had been violated and sentenced the French Republic to pay one million francs compensation to Félice Tomasi.

Félice Tomasi, a Corsican nationalist, was tried and acquitted in October 1988 of the murder and attempted murder of two Foreign Legionnaires in 1983. Amnesty International observers who attended his trial (see *Amnesty International Report 1989*) expressed concern about the length of time he had spent in pre-trial detention (five years and seven months) and about his allegations of ill-treatment while in police custody during the 48 hours following his arrest in March 1983. When he had appeared before the investigating judge two days after his arrest, Félice Tomasi stated that he had been struck repeatedly by the police, deprived of sleep and food and left naked in front of an open window for several hours. In the following days he was examined by four doctors who issued certificates recording injuries consistent with his allegations of ill-treatment. Félice Tomasi made a formal complaint of ill-treatment against the police in March 1983 but after judicial investigation a court in Bordeaux declared that there was no case to answer (*non-lieu*). The Court of Cassation declared his appeal against this decision inadmissible in February 1989, over five years and 10 months after his original complaint.

In its judgment the court, in concluding that Félice Tomasi's treatment in police custody had been inhuman and degrading, commented that "the undeniable difficulties inherent in the fight against crime, particularly with regard to terrorism, cannot result in limits being placed on the protection to be afforded in respect of the physical integrity of individuals".

GEORGIA

The death penalty

Although Georgia abolished the death penalty for all offences in February 1992 (see AI Index: EUR 46/01/03/92), unofficial sources report that the State Council reinstated this punishment for certain offences in May. Amnesty International expressed great disappointment at the restoration of the death penalty and sought further information concerning the exact date on which this occurred; which offences now carry a possible death penalty; and whether any death sentences had been passed or carried out since May. The organization also asked for confirmation that the nine death sentences pending in February had been commuted before the death penalty was reinstated.

Alleged detention and ill-treatment of demonstrators

Although all public meetings were banned after deaths at rallies in January 1992, supporters of ousted President Zviad Gamsakhurdia continued to attempt to meet in public. In the period under review scores allege they were placed under administrative arrest for up to 30 days for taking part in demonstrations they said were conducted peacefully. Tens claim they were beaten while in the custody of law enforcement officials. Valeriya Novodvorskaya, for example, says that she was beaten to the point where she lost consciousness when detained on 7 October at a rally calling for the boycott of parliamentary elections later that month.

Amnesty International asked the government what steps it was taking to ensure that citizens were able to exercise peacefully their rights to freedom of association and expression, and urged that all complaints of beatings in custody be investigated fully and impartially.

GERMANY

Allegations of ill-treatment of detainees

During the period under review Amnesty International received a number of allegations concerning the ill-treatment of asylum-seekers and of other foreigners.

Allegations of torture and ill-treatment of asylum-seekers by the Bremen police

In May Amnesty International wrote to the authorities in Bremen concerning allegations that a number of detainees, predominantly black African asylum-seekers resident in Bremen, had been ill-treated and in some cases tortured by police officers in the Hoyaer Straße station in Peterswerder, Bremen. According to information which Amnesty International had received, several detainees had been struck with batons, punched and kicked by police officers. In three cases detainees alleged that they had been subjected to electric shocks, administered by officers using a form of "gun" which was applied to various parts of the body, including the face, back, stomach and genitals. In its letter to the authorities Amnesty International welcomed the swift reaction by the Bremen judiciary which ordered an immediate search of the police station in question and later appointed a special investigator to examine the allegations that had been received. The organization asked to be informed of the results of this investigation.

In a reply sent in September, the Bremen Interior Minister confirmed that an investigation by the Bremen Public Procurator was currently in progress and that Amnesty International would be informed of its findings.

In a separate incident Mehmet S., a 14-year-old Turkish Kurd, was allegedly ill-treated by Bremen police officers. The teenager was stopped by officers near the main railway station in Bremen on 1 March, on suspicion of contravening the narcotics law. He attempted to flee but was caught by police officers and thrown roughly to the ground. His arms were bent backwards and he was struck when he cried out in pain. He later underwent an operation on a fracture to his arm.

In May Amnesty International wrote to the Bremen authorities asking to be informed of the results of any investigation launched into the allegations of ill-treatment made by Mehmet S. In October the organization was told by the Bremen Minister of Justice that an investigation by the Public Procurator was still in progress.

Allegations of ill-treatment of six Punjabi Sikhs at Frankfurt am Main airport

In May Amnesty International wrote to the German authorities concerning allegations that six Punjabi Sikhs had been ill-treated by officers of the Federal Border police (*Bundesgrenzschutz*) at Frankfurt am Main airport on the evening of 13 April.

According to information received by Amnesty International the six had arrived from Delhi as members of a group of more than 50 Sikhs. The group had made its way to the transit

and immigration lounge, had sat down on the floor and had begun to chant prayers on this, for them, holy day. A number of officers of the Federal Border Police quickly arrived and attempted to remove one of the group. Other members of the group, fearing that their friend might be immediately put back onto a plane and returned to India, took hold of their colleague and tried to prevent him from being removed by the officers. Six of the group allege that they were struck with batons by the officers. It was further alleged that even after events had calmed down, officers guarding the group struck members of it if they talked, fell asleep or raised their heads.

In July the German authorities informed Amnesty International of the results of an investigation by the Frankfurt Public Procurator into the allegations. According to the investigation the Sikhs had forced their way off the aeroplane at Frankfurt am Main airport. Their attempt to hold a religious service was interpreted by the officers present as a sit-down strike and their religious chanting as preparation for an attempt to break out from the transit area. The investigation concluded that only three officers had used their batons, all in self-defence when they were physically attacked by the Sikhs who had tried to prevent the forcible removal of one of their number.

The alleged failure of police officers to intervene during attacks on foreigners

In August and again in October Amnesty International wrote to the German authorities, asking to be informed of the outcome of an investigation reportedly launched into allegations that police officers had failed to intervene to prevent an attack by a gang of youths on an Angolan citizen in Eberswalde, a town 45 kilometres north-east of Berlin. The allegations had first been made at the trial of five men, aged between 19 and 21, charged with causing grievous bodily harm resulting in the death of Amadeu Antonio Kiowa. The 28-year-old immigrant worker was kicked and beaten unconscious by a group of right-wing extremists on the night of 25 November 1990. He died 11 days later as a result of the injuries he had sustained. On 14 September five men were sentenced to between two and four years' imprisonment. A sixth man, alleged to have been the main offender, was reportedly due to be sentenced at a later date. During the trial it was alleged that police officers had shadowed the gang, but had failed to come to the rescue of Amadeu Antonio Kiowa as he was being kicked and beaten to death. No reply to any of Amnesty International's letters had been received by the end of October.

Also in August Amnesty International wrote to the authorities in the federal state of Mecklenburg-West Pomerania (*Mecklenburg-Vorpommern*) regarding the attacks that had taken place that month on a hostel for asylum-seekers in Rostock-Lichtenhagen. The organization had received reports that the police who had been defending the hostel had withdrawn their forces in the early hours of the morning of Tuesday, 25 August, the third night of the riots. During their approximately 90 minute absence, rioters had set fire to the hostel and to neighbouring buildings, one of which housed over 100 Vietnamese workers. Although approximately 200 asylum-seekers had been removed from the hostel, the Vietnamese workers were still in a house next to the hostel at the time of the arson attacks and were in serious

physical danger. In some reports of the incident it was alleged that police officers who were still within the vicinity of the hostel were aware of the situation and had failed to act quickly. Amnesty International asked to be informed whether any investigation had been ordered into the allegations that were made concerning the actions of the police on the night in question. The organization urged that the results of any such investigation be made available to the public. No reply to Amnesty International's letter had been received by the end of October.

Allegations of the forcible treatment of prisoners (see AI Index: EUR 01/03/92)

In August Amnesty International received a response to a letter it had written in November 1991 to the Minister of Justice of Bavaria following a visit to Straubing Prison by an Amnesty International delegation. In its letter the organization had recommended that the mental health facility attached to the prison be re-established as an independent and separate clinic which would serve, and be clearly seen to serve, the mental needs of those referred there. In its reply the Bavarian Ministry of Justice rejected any suggestion that the psychiatric unit placed the aims of the prison before the needs of the patients. This was confirmed, said the Ministry, by an advisory panel of three experts appointed by the Ministry. The psychiatric unit was, the Ministry's reply continued, originally conceived as an integral part of the prison and this integration brought considerable advantages. The Ministry stated that the doctor in charge of the psychiatric unit was obliged by law to cooperate with prison officials in the interests of the prisoners, and that this obligation could result in information being exchanged between him and the prison governor. The Ministry denied, however, that this conflicted with the doctor's professional obligation to maintain confidentiality.

GREECE

Conscientious objection to military service

The imprisonment of hundreds of conscientious objectors and the lack of any alternative civilian service continued to be a source of major concern to Amnesty International. Amnesty International considers all imprisoned conscientious objectors in Greece to be prisoners of conscience. It appealed repeatedly to the Greek Government to bring its legislation into line with European Community, Council of Europe and United Nations recommendations and introduce alternative civilian service. In September the Greek Government informed Amnesty International that it had intended to introduce alternative civilian service but that governmental legal advisors had recommended that providing an alternative civilian service for conscientious objectors was in contradiction with provisions of the Greek Constitution. Amnesty International considers that the right to have conscientious objections to military service is a fundamental right which everybody without reservation must enjoy. For further information on Amnesty International's concerns with regard to Greek conscientious objectors, see *5,000 years of prison: Conscientious objectors in Greece* (AI Index: EUR 25/14/92).

Religious discrimination

Amnesty International continued to be concerned that the military authorities discriminate against Jehovah's Witness ministers seeking the exemption from military service enjoyed by religious ministers of other religions under Greek law. The military authorities maintain that Jehovah's Witness ministers are not ministers of a recognized religion despite the existence of numerous court decisions, some predating the Second World War, ruling the contrary. After their applications for exemption are refused Jehovah's Witness ministers refuse to perform military service on conscientious grounds and are then imprisoned.

Jehovah's Witness minister Tasos Georgiades, the fourth Jehovah's Witness minister known to Amnesty International to be jailed after the military authorities refused to recognize his status as a religious minister and who was imprisoned for the first time in January, finally obtained exemption from military service in July after the Council of State, the highest administrative court in Greece, ruled that he was a religious minister of a recognized religion and as such had the right under Greek law to exemption from military service. By this time he had been imprisoned and tried on three separate occasions and had spent some 2,000,000 drachmes in legal fees and court costs (roughly the equivalent of a year's salary in Greece).

Amnesty International considered Tasos Georgiades was jailed for the exercise of his right to freedom of thought, conscience and religion and on the basis of discriminatory treatment by the military authorities against Jehovah's Witness ministers and called for his immediate and unconditional release as a prisoner of conscience (for further information see AI Index: EUR 25/03/92, EUR 25/05/92, EUR 25/07/92, EUR 25/11/92 and EUR 25/14/92).

Violations of the right to freedom of expression

Amnesty International was concerned about a number of prosecutions and convictions of people for peacefully exercising their right to freedom of expression. Two members of the Slav or Macedonian minority, Christos Sideropoulos and Anastasios Boulis, face possible imprisonment of up to several years and heavy fines for remarks they made to a Greek magazine, *Ena*, calling for the Greek Government to recognize the existence of a Macedonian minority in Greece and give its members rights to found associations, schools, churches and practise their traditions. They are charged with spreading false information about the non-Greekness of Macedonia and the existence of a Macedonian minority on Greek territory, which is not officially recognized, and with instigating conflict among Greek citizens by differentiating between the speakers of a Slavic language and Greeks.

In another trial due to take place on 26 January 1993, Panos Garganas, Costas Pittas, Angelos Kalodoukas, Tasia Kyrkou and Litsa Yidakou, members of the Organization for Socialist Revolution (OSE), face possible terms of imprisonment of up to several years and heavy fines for their involvement in compiling and distributing a pamphlet entitled *The Macedonian Question: the Crisis in the Balkans and the Working Class*. The pamphlet contains essays by members of OSE and its sympathizers as well as Leon Trotsky and Pantelis Pouliopoulos (leader of the Greek Communist Party in the 1920s) and expresses views on Greece's foreign policy, the Macedonian question and ethnic minorities which are in opposition to those held by the Greek Government. The four are charged with exposing the friendly relations of Greece with foreign countries to the risk of disturbance; spreading false information and rumours that might cause anxiety and fear to citizens and disturb Greece's international relations; and finally, inciting citizens to rivalry and division, leading to disturbance of the peace.

There was no indication that any of these people had advocated violence and if they are imprisoned Amnesty International will consider them to be prisoners of conscience. Amnesty International appealed to the authorities to drop all charges in both cases. By the end of October no reply had been received. Further details of Amnesty International's concerns about these and other violations of the right to freedom of expression in Greece can be found in *Greece: Violations of the right to freedom of expression* (AI Index: EUR 25/14/92).

Allegations of torture and ill-treatment

In June Amnesty International published a report entitled *Greece: Torture and ill-treatment* (AI Index: EUR 25/06/92) reflecting Amnesty International's concern about the numerous allegations of ill-treatment and torture it has received over the past few years. The report, which detailed some 35 cases of alleged ill-treatment and torture of police detainees and prisoners, called on the Greek Government to take practical steps to ensure that police detainees and prisoners are made fully aware of their rights and that they have access to an impartial and prompt complaints procedure. It also requested that all police detainees are protected from any possible abuse by ensuring they have immediate access to lawyers and the right to contact family members, or in the case of foreigners, a consular representative or international organization, and that foreign nationals are provided with professional and competent interpreters. Amnesty International was also concerned that the authorities did not appear to investigate torture allegations promptly and impartially and it urged that an ombudsman-type authority or an independent commission on human rights with investigative and/or prosecutory powers be set up to investigate any torture or ill-treatment allegations in future.

In August the Minister of Public Order, Theodoros Anagnostopoulos, informed Amnesty International that only two allegations mentioned in Amnesty International's report made by police detainees related to serious incidents. He said the majority of allegations made against police in the report were not based on fact and had been made to discredit the police force or for reasons of expediency. The Minister's response contained for the most part very little or no information on the methods used in the investigations which resulted in the conclusions it reported and Amnesty International asked for full details about the methods and findings of investigations in each case.

By the end of October the Greek Government had not made any substantive comment on the allegations Amnesty International had received regarding people in prison and it had not addressed itself to Amnesty International's proposals regarding the protection of police detainees and prisoners from abuse. Nor had it responded to Amnesty International's request for detailed information on the methods and findings of investigations into allegations mentioned in the report.

Further allegations of police ill-treatment

During the period under review Amnesty International received further allegations that police had ill-treated detainees. Some related to incidents which took place in 1992; others to incidents which took place over the past few years. In November Amnesty International wrote to the Greek authorities expressing concern about these allegations. One of the cases raised was that of retired sailor Manolis Tsapelis who died on or around 20 September. Manolis Tsapelis went to Hydra Police Station on the night of 11 to 12 August to complain after a dispute about the noise coming from a snack bar near his home. According to a statement made by his brother, Kyriacos Tsapelis, he became angry and shouted at the police officers. He was handcuffed and then a police officer headbutted him in the chest and punched him in the

stomach. Manolis Tsapelis lost consciousness and when he came to he left the station. Although he was in pain for a few days he did not visit a doctor. He was eventually admitted to hospital where he underwent multiple operations but died. According to the forensic report, he died of an embolism after an operation on the spleen which had been injured from a beating or a fall. The police officer concerned reportedly said that he had pushed Manolis Tsapelis after he had attacked some police officers. Manolis Tsapelis' brother, Kyriacos Tsapelis, submitted a complaint to the Public Prosecutor's office which has initiated investigations under charges of bodily harm.

Amnesty International was also concerned about allegations that an Italian prisoner, Marino Vamvato, who has AIDS, had been beaten by police officer Theocharis Ioannou at Athens Transfer Station in August. Following the incident Marino Vamvato lodged a complaint. At the end of October, Amnesty International had no information about the progress of the complaint.

A further allegation concerned Youssef Akroumi, an asylum-seeker from the Western Sahara, who was arrested on 12 February by police in Patras when discovered using a stolen credit card and was taken to the Central Police Station in Patras. There uniformed police officers allegedly slapped and punched him until he lost consciousness and the hearing in his left ear. A ruptured ear drum was subsequently diagnosed in March at a hospital in Patras. He was kept in police detention until 24 February, sleeping on the floor without blankets. The officers who allegedly beat Youssef Akroumi were from the anti-narcotics squad, the security branch and regular police branch. He was charged with using a false passport, a false credit card and US\$ 700 in false currency. Reportedly he was not permitted to see a lawyer until he had been in detention for a week. When he was brought before the examining magistrate on 16 February 1992 he informed him of his physical condition, but as far as Amnesty International is aware, no action was taken.

Allegations of ill-treatment by prisoners in Patras Prison

In November Amnesty International expressed its concern to the Greek Government about allegations made by a number of prisoners in Patras Prison that prison staff beat prisoners Ibrahim Lumwe, Giannis Tasoulas, Kostas Aninos, Giannis Vasiliou and Kostas Tsoukanaras on 24 July. One prisoner said he had seen signs of beatings all over the bodies of these men. Ibrahim Lumwe was allegedly beaten by guards carrying truncheons.

On 28 July the prison director and the chief guard called prisoner Georgios Avgoustidis to inform him that he would be punished for an offence involving a cigarette lighter. When Georgios Avgoustidis asked for a reason in writing for the punishment the chief guard and the director allegedly punched and kicked him. Georgios Avgoustidis' request to be examined by a doctor was allegedly refused.

Ill-treatment of conscientious objectors by soldiers and military police

Amnesty International received reports that some Jehovah's Witness conscientious objectors were subjected to cruel, inhuman or degrading treatment or punishment by military personnel while in detention at military police posts or the disciplinary cells in military training camps in the period between the objector refusing to perform armed or unarmed military service and his being transferred to a military prison.

According to these reports, Nikos Tzirkas was kicked, threatened and made to shout out military orders and make military gestures by military police at the Argos Oretikos Military Camp in Castoria in March; Petros Akrivos and Dimitris Tsironis were allegedly beaten, pushed and kicked by military police officers at the 969 Military Police Command in Kozani also in March. Other conscientious objectors reported being denied access to washing facilities, being denied food for periods of up to several days, being forbidden to write letters or telephone home, being kept in unheated leaking cells without adequate bedclothes in mid-winter, being woken up and forced to clean the lavatories at 2am every day and being made to stand for hours on end. Military personnel also taunted them and insulted their religious beliefs.

Amnesty International was also concerned to receive numerous reports from conscientious objectors (and other prisoners) about the conditions at the Athens Transfer Centre where prisoners are taken during their transfer from one jail to another. According to these reports, there is excrement, blood and vomit on the floor of the cell where the prisoners are kept and any available mattresses and blankets are infested with fleas.

In September Amnesty International expressed its concern about these allegations to the Minister of National Defence and urged that they be investigated promptly and impartially. It also appealed that an investigation be carried out into the conditions of imprisonment at military police posts, military camps and transfer centres with a view to taking all necessary steps to ensure they are brought into line with international standards. By the end of October no reply had been received.

HUNGARY

Police reportedly failed to protect Roma in Ketegyhaza from racially-motivated attacks

The village of Ketegyhaza in southeastern Hungary has a population of about 4,500. This multi-ethnic community comprises Hungarians, Romanians, Germans and about 400 Roma. Some of the Roma live in the main part of the village while the others are in a separate housing estate.

In the afternoon of 8 September in Ketegyhaza a dozen men deliberately drove a truck into the home of Peter Csurar, a Rom, injuring one person and destroying the house and furniture. At about 6pm a police unit came to the village but, according to the reports received by Amnesty International, failed to identify and detain the persons responsible for the attack although they were known to the victims. The police unit left only four policemen in the village in spite of reportedly mounting anti-Roma tensions. At around midnight, the attacks on ethnic-Roma homes continued and two homes were burned with Molotov cocktails. It was alleged that the police were aware of the situation and failed to act quickly and appropriately.

After these attacks the police unit returned and arrested the suspected perpetrators of this apparently racially-motivated violence. They were released from detention after two days, following protest demonstrations. Amnesty International also learned that some of the villagers warned the Csurar family not to return to Ketegyhaza.

ITALY

Torture and ill-treatment in police custody and prisons (update to information given in AI Index: EUR 01/03/92, EUR 30/03/92 and EUR 30/04/92)

By the end of October no further information had been received from the Minister of Justice concerning the cases of alleged torture and ill-treatment described in the memorandum which Amnesty International had presented to the Italian Government in October 1991. In March 1992, after receiving the Minister's partial response to a few of the cases in February, Amnesty International had written expressing the hope that the organization would receive more comprehensive information on all the cases described in its memorandum as soon as possible. The letter also sought the Minister's comments on allegations of ill-treatment emanating from Sollicciano Prison, Florence, during 1991, the alleged ill-treatment and death of Alessandro Ruver following his imprisonment in Regina Coeli Prison, Rome, in February 1992 and the alleged ill-treatment of Daud Addawe Ali while in police custody in Rome in March 1992. No response was received to the letter.

Between May and October Amnesty International received numerous allegations that people held in the custody of law enforcement agents and prison guards had been tortured or ill-treated. Some of those cases are described below; all were raised with the Minister of Justice and other Italian authorities. By the end of October Amnesty International had not received a reply to any of its inquiries.

Alleged ill-treatment of *Ciro Esposito* by *carabinieri* in Naples

Articles published in a Naples daily newspaper on 27 and 28 June reported an interview carried out with *Ciro Esposito* within 48 hours of his detention by *carabinieri* officers.

Ciro Esposito, described as a 29-year-old ex-drug addict with at least one conviction for theft, stated that on 25 June he and a friend were stopped by the *carabinieri* while riding a motor-scooter in central Naples and accused of stealing the vehicle. *Ciro Esposito* denied this, claiming the vehicle was new and giving the name and address of the store where it had been purchased. However, the vehicle was immediately confiscated and *Ciro Esposito* and his companion were reportedly thrown into the back of a *carabinieri* van and taken to the *Marianella carabinieri* offices in Naples. *Ciro Esposito* alleged that on arrival they were locked in a room where, between 4.30pm and their release at 9.30pm, six *carabinieri* beat them with bars, including an iron handle.

On release they were informed that they were being formally accused of receiving stolen goods. During the newspaper interview *Ciro Esposito* produced a deed of sale, apparently for the motor-scooter in question, together with a document showing payment instalments registered under the name of his uncle and a road tax certificate for the scooter.

On the morning of 26 June he sought medical treatment for his injuries at the *Cardarelli Hospital* in Naples. The medical certificate issued by the hospital apparently referred to an

injury to his left wrist and various abrasions requiring up to 10 days to heal. The newspaper report of 27 June described Ciro Esposito as having his left arm in plaster, a swollen eye, and stated that his back and legs were "lacerated" with cuts and abrasions. The report also stated that he was in a state of shock during the press interview and broke down and cried "like a child" when he showed the reporters the injuries to his body.

Ciro Esposito's lawyer lodged a formal complaint of ill-treatment on his client's behalf with the Public Prosecutor's office shortly after his release. Ciro Esposito alleged that on the afternoon of 26 June the captain of the Marianella *carabinieri* station, together with a marshall whom he claimed had participated in the alleged ill-treatment, called at his home, asking him not to proceed with a formal complaint about his treatment as there had been a "misunderstanding".

On 28 June the press reported that the *carabinieri* had lodged a formal complaint against Ciro Esposito, accusing him of insulting the *carabinieri*, resisting arrest and receiving stolen goods.

Amnesty International wrote to the Italian authorities seeking confirmation that a judicial investigation had been opened into the alleged ill-treatment and asking to be informed of its progress and findings.

Alleged ill-treatment of Mauro Pallassini by the port police in Civitavecchia

Mauro Pallassini alleged he was ill-treated on 8 February 1992 when several members of the judicial police attached to the port police (*Polmar*) entered his flat in Civitavecchia and found him in possession of various illegal substances. He did not make his allegations of ill-treatment to the judicial authorities until July, shortly after being sentenced to eight years' imprisonment and a fine of 140 million lire for possessing and dealing in drugs.

A few hours after his February arrest Mauro Pallassini was transferred from the local Prato del Turco police station to Civitavecchia Hospital where he underwent an emergency operation to remove a severely damaged spleen. The hospital also recorded multiple bruising to his body and reported his condition to the local Public Prosecutor's office. Although the prosecutor's office opened an inquiry into the circumstances surrounding his arrest, it was closed after Mauro Pallassini stated, within a few days of his operation, that he had sustained his injuries accidentally by falling heavily against the edge of a fireplace in his apartment.

When Mauro Pallassini wrote to the judicial authorities in July he stated that when the police entered his apartment on 8 February they kicked him severely in the stomach and all over his body. After his transfer to the police station he started to vomit blood and the arresting officers called in the duty medical officer who ordered his immediate hospitalization.

In support of his allegations Mauro Pallassini cited, in addition to the hospital medical reports, the Public Prosecutor's written record of a formal confrontation which took place between a co-detainee and himself on 7 March, as part of the criminal investigation into the drug offences. In the course of the confrontation the co-detainee, who was present in Mauro Pallassini's apartment at the time of arrest, twice refers to Mauro Pallassini being severely kicked by the police at the apartment and also states that he himself was kicked by the police.

In his letters to the judicial authorities Mauro Pallassini explained why he had waited until five months after the incident to make his allegations. He stated that the police officers who had attacked him had also acted as his guards throughout his 25-day stay in hospital and that during this period they had put pressure on him to say that his injuries were caused accidentally. He claimed that the officers promised that, if he cooperated, they would intercede with the Public Prosecutor to ensure that he received a lenient sentence and that he be held under house arrest rather than in prison. When his trial took place at the end of June, Mauro Pallassini was still held in prison and no particular leniency was evident in his sentence; the prosecutor also refused his application for house arrest.

In July it was reported that the Public Prosecutor's office had reopened the investigation into the circumstances surrounding Mauro Pallassini's arrest and injuries. Amnesty International wrote to the authorities asking to be informed of its findings and of any judicial or disciplinary proceedings arising from it.

Alleged ill-treatment of Umberto Colombo by the railway police in Milan

Umberto Colombo, who has a record of petty crime, was detained at the post of the railway police (*Polfer - polizia ferroviaria*) in Milan Central Railway Station on 22 and 26 August and alleged that he was ill-treated on both occasions.

He claimed that the first episode of ill-treatment occurred at approximately 6.30am on 22 August when he was approached by *Polfer* officers in Milan Central Station. One of them grasped him painfully by the ear and he was then taken to the *Polfer* post within the station and beaten by several officers. On his release a short time later he sought medical assistance for his injuries at the local Fatebenefratelli Hospital. The hospital reportedly issued a medical certificate estimating that his injuries would take six days to heal. After leaving the hospital he went to local police headquarters where he lodged a formal complaint against the *Polfer*.

The second episode reportedly occurred when the *Polfer* stopped him inside the station at approximately 7.45am on 26 August and took him to their post and beat him with truncheons. Umberto Colombo claimed that they then took him to the local police headquarters and forced him to withdraw his previous complaint.

After leaving the station he again went to the Fatebenefratelli Hospital which issued a medical certificate estimating that his injuries would take seven days to heal. He then proceeded to a *carabinieri* office and apparently gave a detailed account of his treatment by the *Polfer* police and lodged a second formal complaint against them.

A press article published on 27 August noted that he had recently recovered from tuberculosis and described his appearance on the afternoon of 26 August: he was walking painfully and bent over and when he took off his upper clothing the marks of a series of blows were clearly visible on his bare back. A photograph accompanying the article also showed various marks on his back.

On 28 August the press reported that three *Polfer* officers, whom Umberto Colombo had accused of inflicting the ill-treatment, had decided to lodge a formal complaint of calumny

against him. The charge of calumny carries a possible sentence of eight years' imprisonment and, in Amnesty International's experience, counter-charges of calumny are common in cases involving alleged ill-treatment by law enforcement and prison officers.

Amnesty International wrote to the authorities seeking confirmation that a judicial investigation had been opened into Umberto Colombo's formal complaint of ill-treatment and that a counter-complaint of calumny had been made against him. The organization asked to be informed about the progress and findings of the relevant judicial investigations.

Alleged ill-treatment of Carmelo La Rosa and others in Gazzi Prison, Messina

Amnesty International sought further information from the authorities about judicial investigations into Carmelo La Rosa's alleged ill-treatment by prison guards and the circumstances surrounding his death in Gazzi Prison.

On 24 June Carmelo La Rosa, a 29-year-old heroin addict, appeared before Messina Appeal Court, Sicily, for a hearing of his appeal against an eight-year sentence which he was serving in Gazzi Prison.

He informed the court that, as a heroin addict, he was subject to severe drug withdrawal crises and that after each such crisis, when sedative drugs had been administered by the prison's medical personnel, the prison guards beat him with batons. He alleged that the marshal of the prison guards had justified this treatment to him by accusing him of only pretending to suffer such crises. He removed his clothing while in the courtroom and claimed that the injuries visible on his body had been caused by blows from batons and had been inflicted by prison guards over the immediately preceding days.

The court acknowledged that there were clear signs of violent blows caused by a blunt instrument on Carmelo La Rosa's chest and shoulders and ordered that his statement be immediately passed to the Public Prosecutor (*Procuratore della Repubblica*) attached to Messina Tribunal (the lower court) so that he, as the responsible judicial officer, could issue an urgent order for Carmelo La Rosa to be examined by the director of Gazzi Prison clinic, immediately on his return to the prison. The court also reduced Carmelo La Rosa's original sentence to six years' imprisonment.

Carmelo La Rosa was readmitted to Gazzi Prison later that same day and imprisoned in a cell containing one other prisoner. However, the *Procuratore della Repubblica* apparently neglected to order his medical examination. During the night of 24/25 June, Carmelo La Rosa was found dead, hanging by the neck from a trouser-belt tied to the bars of his cell-window.

On hearing the news of his death on 25 June, his lawyer made a formal, signed, statement to the *Procuratore della Repubblica* describing the allegations which his client had made to him just before appearing in Messina Appeal Court. Carmelo La Rosa had claimed that he and 17 other detainees, all fellow drug addicts, had been isolated in Gazzi Prison and beaten by prison guards. He had also alleged that, after his last beating, the guards had threatened him with the following words: "If you denounce us we'll hang you". The lawyer stated that he had urged him to denounce his ill-treatment to the court but advised him to make no reference to the alleged

threat because, as no supporting evidence could be offered, he considered it likely that his client would thus lay himself open to a counter-charge of calumny.

An investigation was opened by the office of the *Procuratore della Repubblica*. It was reported that, shortly afterwards, the prison guards justified the use of physical violence against Carmelo La Rosa and other detainees by stating that it was necessary in order to subdue a prison revolt.

On 16 July Carmelo La Rosa's mother submitted a complaint to the *Procuratore Generale* (the prosecutor attached to the Appeal Court), constituting herself a civil party. The complaint summarized the allegations which her son had made both to his lawyer and to Messina Appeal Court. It also recalled the signs of injury displayed to and noted by the appeal court, the request for the *Procuratore della Repubblica* to order an immediate medical examination and pointed out that the Prosecutor's office did not appear to have acted upon this request. The complaint asked that the investigation already being carried out by the *Procuratore della Repubblica* should be accompanied by an investigation by the *Procuratore Generale* in order that all those responsible for criminal acts, including acts of omission or neglect, might be identified.

Alleged ill-treatment in Poggioreale Prison, Naples

Numerous transfers of prisoners accused or convicted of Mafia-related offences took place from July 1992 onwards as part of a series of anti-Mafia measures launched by the government. The ill-treatment in Poggioreale Prison was alleged to have occurred in mid-July, shortly before the transfer to other Italian prisons of between 200 and 250 inmates under investigation or already convicted in connection with Mafia-related offences. It is this group of prisoners which reportedly suffered the ill-treatment.

The allegations did not become public until the end of August when a group of parliamentary deputies reported that they had received complaints from relatives of some 200 prisoners who had been transferred from Poggioreale Prison to Spoleto Prison in mid-July and addressed a formal parliamentary question on the matter to the Minister of Justice.

The relatives apparently claimed that prison guards called between 200 and 250 prisoners one by one to the isolation cells in Poggioreale Prison during an exercise period and that many of them were then severely beaten by the guards. The prisoners were apparently held in the cells for four days before being transferred. The vast majority of the prisoners involved in this incident were transferred to Spoleto Prison.

In its letters to the authorities Amnesty International sought to establish whether any judicial or administrative inquiries had been opened into the allegations and asked to be informed of their findings.

Alleged ill-treatment in Pianosa Island Prison

During August and September Amnesty International received a number of allegations that prisoners held in the "Agrippa" high security section of Pianosa Prison had been subjected to torture and ill-treatment by prison guards. The allegations concerned some 55 prisoners transferred to Pianosa from Ucciardone Prison, Palermo, on 20 July and a further dozen or more prisoners transferred to Pianosa during July and August. All the prisoners concerned were reportedly under investigation or convicted in connection with Mafia-related activities and their transfers formed part of the series of anti-Mafia measures introduced by the government over the summer of 1992.

It was reported that all the prisoners held in the "Agrippa" high security section were being held under Article 41-bis of Law No 354 of 26 July 1975, as amended by Decree Law No 306 of 8 June 1992, converted into Law No 356 of 7 August 1992. Paragraph 2 of Article 41-bis allows the Minister of Justice to authorize - for reasons of public order and security - the suspension of all or part of the prison regulations which normally apply to the treatment of prisoners in the case of prisoners held in connection with organized crime and terrorism.

According to the information received by Amnesty International, between the date of their transfer and 12 August, the prisoners were not allowed any visits from either their defence lawyers or relatives.

The various reports received by Amnesty International after 12 August included allegations that prisoners had been subjected to arbitrary beatings with batons, to punches and kicks and to repeated threats and insults; that they had been forced, on a daily basis, to run and to perform press-ups during the two daily exercise hours and had been beaten with batons and punched and kicked, both while running or if they refused or stopped. It was claimed that two physically handicapped prisoners were observed crawling along the ground to meetings with relatives because their crutches had been removed and no assistance was offered by prison guards. It was also alleged that rectal examinations, which prisoners were informed were necessary for security reasons, were carried out with "sadistic brutality".

Following their first monthly visits, prisoners' relatives reported a series of complaints regarding the general conditions of detention. They claimed - *inter alia* - that the prisoners had complained of insufficient and inadequate food and appeared undernourished, that the prisoners were dirty in appearance and that many had been allowed no change of clothing since their transfer of 20 July.

Amnesty International noted that, in making these allegations, the majority of prisoners' relatives did not identify themselves by name, claiming that they feared retaliation against their imprisoned relatives if their names became known. However, in the cases of two individual prisoners - Antonio Vaccarino and Rosario Indelicato - formal complaints of ill-treatment were made to the judicial authorities by their wives and defence lawyers following visits which they carried out to the prison in August.

In September Amnesty International wrote to the Minister of Justice, seeking his comments on the reports received and asked to be informed about the official steps taken to investigate the allegations, in particular, whether the prisoners had undergone medical-forensic examinations following the allegations and, if so, with what result.

Amnesty International drew the Minister's attention to its concern that, where prison regulations could be suspended for reasons of public order and security, any new prison regime should continue to provide full and adequate guarantees in areas such as medical care and powers of complaint. The organization considers such provisions particularly important where there is a special regime in force, in order to secure the general physical welfare of prisoners and to protect them from possible ill-treatment.

Amnesty International therefore asked the Minister to provide details of the prison regime in force in the "Agrippa" section, especially the provisions for monitoring the prisoners' state of health. It also sought the Minister's assessment of the extent to which the regime conformed to the principles of the European Prison Rules appended to Recommendation No R(87)3, adopted by the Committee of Ministers to member States of the Council of Europe on 12 February 1987, with particular reference to those sections relating to medical services, discipline and punishment and information to and complaints by prisoners.

A report sent to the Minister of Justice on 5 September 1992 by the magistrate of surveillance responsible for Pianosa Prison came to public attention in October 1992. It had been sent following a visit which the magistrate had made to the prison in August and his findings and observations appeared to lend credibility to a number of the allegations of ill-treatment received by Amnesty International.

The organization noted with concern the magistrate's statements that he had found a prevailing atmosphere of "extreme unease: fear and a sense of insecurity..." in the "Agrippa" section and had observed prisoners being treated in ways which were "certainly not marked by respect for the person and for the principles of humanity".

Amnesty International was also disturbed by the magistrate's conclusions that the "Agrippa" section presented "a general picture of abuse and lack of administrative control" and that criminal acts had possibly taken place there. In view of the magistrate's further conclusion that it was "absolutely necessary to regain full control of the "Agrippa" section so that the legality and respect for those minimum rules of humanity in the execution of sentences and the protection of the physical and psychological integrity of the person are guaranteed, without exception", Amnesty International sent a further letter to the Minister, seeking information about the official steps taken as a result of the magistrate's findings.

Amnesty International was also concerned by the magistrate's account of several incidents which he described as involving "gratuitous and illegal brutality" against common detainees held in the ordinary sections of the prison. Namely, that a few days after the arrival in July of the new contingent of prisoners in the "Agrippa" section, three non-commissioned prison officers attached to that section called four prisoners out of the ordinary section one by one and beat them both with and without truncheons. One of the prisoners apparently suffered such severe injuries that he had to be immediately transferred from the island. All detainees re-entering the ordinary section of the prison during the afternoon of the day of these events were called before the guards and at least one of them was required to submit to a strip-search and to bend over repeatedly for a rectal examination; the magistrate emphasized that there was no necessity or justification for such a search. After obeying an order to dress himself the detainee

also received a heavy blow from one of the guards. On returning to his cell he asked for and was then attended by a prison doctor. That night the three guards in question returned to the section and subjected the detainee to a severe beating. The magistrate commented that this was no doubt inflicted in order to intimidate the prisoner and discourage him from speaking about his treatment.

The magistrate indicated that he intended to send further details, including the name of one of the guards who had participated in the above incidents, to the Public Prosecutor's Office in Livorno. Amnesty International therefore asked to be informed if the Prosecutor's office had opened an inquiry into the incidents and, if so, to be informed of any criminal or disciplinary proceedings arising from it.

Further delays in introducing new legislation on conscientious objection to military service (update to information given in AI Index: EUR 01/03/92)

Draft legislation replacing Law 772 (the current law governing conscientious objection to military service), which began its passage through parliament in 1988, had still not received final approval by the end of October.

It had gained approval at all parliamentary stages by mid-January 1992 but had been rejected by the President of the Republic who, on 1 February, returned it to parliament for further consideration. In March, after a number of unsuccessful attempts to pass an amended text through parliament before the April general elections, parliament agreed that the legislation would be a matter for urgent discussion, via an accelerated procedure, by the next legislature. Discussion of the draft law took place in the Chamber of Deputies in September and October but its progress was delayed by the submission of numerous amendments by the government and opposition parties.

KAZAKHSTAN

Prisoner of conscience: Karishal Asanov

Amnesty International called for the immediate and unconditional release of Karishal Asanov, a 59-year-old assistant professor at the Kazakh State University, who was arrested on 19 August in the capital, Alma-Ata, and held in pre-trial detention charged under Article 170-3 of the Kazakhstan Criminal Code with "infringement upon the honour and dignity of the President".

The charge against Karishal Asanov related to the publication in mid-1992 in the opposition newspaper *Khak* of an article entitled "Don't believe the President's Smile", comprising extracts from a book published by Karishal Asanov entitled *Thoughts on a People's Fate or a Word about the Phantom of Sovereignty*. The newspaper *Khak* is published in Moscow by the Kazakh nationalist political party *Alash*, which has not been granted official registration by the Kazakhstan authorities.

Beginning on 14 July Karishal Asanov's home was searched three times by police, who confiscated a large number of documents including his book manuscripts and personal letters. In early August Karishal Asanov was reportedly detained for four days in a psychiatric hospital in Alma-Ata where he underwent a compulsory psychiatric examination. He was found to be healthy and was released. He was finally arrested on 19 August on the orders of the Deputy Procurator General of Kazakhstan.

Karishal Asanov suffers from hypertension, and there have been allegations that he has not received adequate medical treatment in detention. It was also reported that for at least three weeks after his arrest he was not allowed access to a defence lawyer of his own choosing.

Amnesty International is concerned that Article 170-3 places unwarranted restrictions on the right to freedom of expression, and may be invoked to punish people for their political opposition to the authorities (see AI Index: EUR 01/03/92). Amnesty International believes that the detention of Karishal Asanov violates his right to freedom of expression, and considers him a prisoner of conscience.

The death penalty

At least two death sentences were passed and six executions were reported in the period under review. All were for premeditated, aggravated murder. Amnesty International appealed to the authorities for commutation of these two death sentences and of eight other pending death sentences known to the organization. It continued to call for complete abolition of the death penalty.

KYRGYZSTAN

The death penalty

In October Amnesty International received notification by the Chairman of the State Committee for National Security, Anarbek Bakayev, that the Kyrgyzstan Supreme Soviet had recently abolished the death penalty for 12 articles of the criminal code. He did not specify which articles, nor the date of the Supreme Soviet's decision.

The Kyrgyzstan Criminal Code therefore apparently retained the death penalty for six peacetime offences, reduced from 18 (a figure of 32 capital offences given to Amnesty International by the Justice Minister in April - see AI Index: EUR 01/03/92 - apparently referred to both peacetime and wartime offences).

LATVIA

In October two Amnesty International delegates visited Estonia, Latvia and Lithuania in order to collect information on human rights issues related to the organization's mandate. This was the first research visit by Amnesty International to the three newly independent Baltic states.

The death penalty

In June the Procurator General of the Republic of Latvia informed Amnesty International that the death sentence imposed on Aleksey Volkov had been carried out. Aleksey Volkov had been sentenced to death on 11 September 1991 for the murder of a man and the subsequent rape of the victim's wife. The Procurator General stated in his letter that the sentence had been examined, but that no mitigating circumstances which could have led to a change in the sentence had been found. Amnesty International was informed that its call for the abolition of the death penalty, repeatedly expressed in letters to the Latvian authorities, would be taken into account in the current review of the criminal code which "severely limits the application of the death penalty".

In July the President of the State Committee for Statistics informed Amnesty International that 16 executions had taken place in the years 1989-91 (eight in 1989 and four in 1990 and in 1991). This figure was higher than that previously reported.

In August Amnesty International wrote to the Procurator General expressing its regret at the execution of Aleksey Volkov. Amnesty International also asked how many people were currently under sentence of death, what stage had been reached in any petitions for clemency on their behalf, how many other executions had taken place this year and whether any further executions were scheduled. No reply to this letter had been received by the end of October.

In a separate letter to the Chairman of the Supreme Court, Amnesty International requested further information on the application of the death penalty. In a reply received in August the organization was informed that seven offences currently carry the death penalty. These are: premeditated murder under aggravating circumstances; banditry; actions disrupting the work of correctional labour institutions; counterfeiting under aggravating circumstances; attempted murder of an official of the police or of the home guard, under aggravating circumstances; rape under particularly aggravating circumstances; the hijacking of an aeroplane under particularly aggravating circumstances.

During its October visit Amnesty International collected information on the application of the death penalty in the Republic of Latvia. The organization learned that five persons had been sentenced to death in 1992. Two of these had had their sentences commuted, three others had submitted a petition for clemency. Imants Punenovs and Andris Alksars were sentenced to death on 15 January 1992 on one count of murder under aggravating circumstances. Their appeals were rejected on 3 July and no judicial review of their sentences was ordered. Andres Sergunts was sentenced to death on 6 July 1992 on two counts of premeditated murder under aggravating circumstances. His appeal was rejected on 20 October and no judicial review of

the sentence was ordered. The submission of a petition for clemency is the final stage of the judicial process for capital cases in Latvia. A petition for clemency is submitted to the Presidium of the Supreme Council. The petition is examined by the Human Rights Commission of the Supreme Council which then makes its recommendation to the Presidium of the Supreme Council. The Procurator General and Chairman of the Supreme Court are also consulted by the Presidium of the Supreme Council. Amnesty International appealed for commutation of the death sentences passed on Imants Punenovs, Andris Alksars and Andres Sergunts.

During its visit Amnesty International was also informed that two executions (not one as previously thought) had taken place in 1992 - one in January and one in May (that of Aleksey Volkov). Procedures for executions are laid down in joint instructions issued by the Minister of the Interior and the Procurator General. They are not made public. Nevertheless, Amnesty International was informed by the First Deputy Minister of the Ministry of Internal Affairs that executions are carried out in the investigative isolation unit of Riga Central Prison, usually within 24 hours after the petition for clemency has been rejected. The condemned person is called out from his cell during the night and is shot by a single marksman (not by a firing squad as previously believed).

Homosexuality

In May Amnesty International wrote to the Minister of Justice asking for confirmation that Article 124 of the criminal code of Latvia had been abolished. According to this article homosexual acts between consenting adult males were criminal offences punishable by imprisonment. The organization also asked whether anyone had been imprisoned at the time of the article's abolition and if so, whether they had subsequently been released.

In July the Minister of Justice replied that on 5 February the Supreme Council of the Republic of Latvia passed legislation to amend Article 124. According to this amendment homosexual acts are criminal offences only if they involve violence or the threat of violence, are undertaken with respect to minors or if a victim's helplessness or condition of dependence is abused. The Minister informed Amnesty International that persons who had been imprisoned for homosexuality were released from prison immediately after the adoption of the legislative amendment. Persons imprisoned solely because of their practice of consensual homosexual acts with other adults in private are considered prisoners of conscience by Amnesty International.

LITHUANIA

On 25 October the first parliamentary elections took place since the restoration of its independence. The Democratic Labour Party, led by Algirdas Brazauskas, the former leader of the Lithuanian Communist Party, emerged as the biggest party, capturing 44 seats in the 141 seat parliament (*Seimas*). Sajudis, the party of President Vytautas Landsbergis, won 23 seats. Seventy of the seats were elected by proportional representation according to party lists, the remaining 71 were allocated to electoral districts. On 15 November a second round of voting will take place in 61 of the districts where no candidate won a clear majority of the votes. Also in October two Amnesty International delegates visited Estonia, Latvia and Lithuania in order to collect information on human rights issues related to the organization's mandate. This was the first research visit by Amnesty International to the three newly independent Baltic states.

The death penalty

In May Amnesty International received information from the Lithuanian authorities concerning the application of the death penalty. According to the First Deputy Minister of Justice, the death penalty cannot be imposed on a person mentally ill or retarded either when the offence was committed or at the time the offence was passed.

In August Amnesty International appealed to the Lithuanian authorities for commutation of the death sentence passed on A Novadkis, convicted of the murder of a young girl. The same month the organization was informed by the Chairman of the Committee for Civil Rights and Nationalities Affairs that A Novadkis had been executed on 8 August, following the rejection of his petition for pardon by the Presidium of the Supreme Council on 2 May. The execution of A Novadkis was the first to have been carried out in Lithuania since restoration of independence.

Conscientious objection to military service

In August Amnesty International wrote to the Minister of National Defence raising again its concern about the length of alternative (labour) service, currently 24 months. (The length of military service is 12 months.) The organization pointed out that the UN Commission on Human Rights and the Council of Europe Committee of Ministers have called on governments to introduce alternative service of a non-punitive nature. No reply had been received by the end of October.

Homosexuality

In July Amnesty International wrote to the Ministry of Justice asking for information on the number of persons currently detained under Article 122 of the Lithuanian criminal code. According to Article 122 (part one) homosexual acts between males are punishable by up to

three years' imprisonment. Similar acts with respect to minors or involving violence or the threat of violence or exploiting the dependent situation or helplessness of the victim, are punishable, under part two of Article 122, by three to eight years' imprisonment. Persons imprisoned solely because of their practice of consensual homosexual acts with other adults in private are considered prisoners of conscience by Amnesty International.

In September the Ministry of Justice replied that since the restoration of independence in March 1990, three persons had been convicted under Article 122. One person was sentenced to three and a half years' imprisonment for sexual assault and physical coercion; a second person received a sentence of five years' imprisonment for engaging in sexual acts with and assaulting a minor. In a third case a minor was sentenced to two and a half years' imprisonment, reduced from three and a half years after appeal, for engaging in consensual sexual intercourse with another minor. The convicted person was released on probation before completion of sentence. The Ministry concluded its reply by stating that a new draft of the criminal code was currently being prepared and that this draft did not provide for prosecution of persons who engage in consensual homosexual relations.

During its visit Amnesty International was given a copy of a letter from the Ministry of the Interior to the Lithuanian Aids Prevention Centre. In addition to the three cases described by the Ministry of Justice, the letter from the Interior Ministry named another 14 persons convicted under Article 122 (part two) since the beginning of 1990. At least one of the 14 convictions dated from 1991. It is not clear whether the remaining 13 cases omitted from the Ministry of Justice's letter all dated from the period 1 January - 11 March 1990 (the date of the restoration of Lithuanian independence).

LUXEMBOURG

Prolonged solitary confinement of prisoners

In August the Minister of Justice replied to a letter Amnesty International had written in March (see AI Index: EUR 01/03/92) in which the organization had expressed its concern at allegations it had received that some prisoners in Schrassig Prison had been kept in total isolation for prolonged periods of time. Amnesty International is concerned that prolonged isolation may have serious effects on the physical and mental health of prisoners and may constitute cruel, inhuman or degrading treatment.

In his reply the Minister of Justice rejected the term "prolonged isolation" and referred instead to the use of solitary confinement ("*régime cellulaire strict*"), sanctioned by the Grand Ducal Regulation of 24 March 1989 relating to the administration and internal regime of prison establishments. According to the Minister, the sanction has the purpose of "cutting off [the detainee] from the rest of the prison population for some months" ("*La sanction consiste en ce que [le détenu] n'est coupé de la communauté des détenus pendant quelques mois...*"[sic]). The Minister confirmed that two prisoners were currently being held in solitary confinement in Schrassig Prison, both for attempted escape.

In September Amnesty International wrote again to the Minister of Justice, asking for confirmation of the total length of time the two prisoners he had referred to in his letter had spent in isolation. The organization also asked whether it was still possible for prisoners classed as dangerous to be placed in solitary confinement for several years at a time, as happened in a number of cases up until 1990. Finally, Amnesty International asked the Minister whether he could confirm reports it had received that a number of prisoners were currently in isolation for drugs offences and that one other prisoner had been placed in solitary confinement for a year for striking a prison guard.

In October the Minister of Justice informed Amnesty International that the two prisoners he had referred to in his previous correspondence had spent a total of three and four months in isolation respectively. The Minister also confirmed that several other detainees were currently in solitary confinement for periods of between one and five months, all for disciplinary reasons. One other prisoner placed in isolation on 10 July for attacking a prison guard was due to be released from solitary confinement at the end of November, provided there had been no repetition of his previous behaviour. Finally, the Minister confirmed that it was not the current policy of those responsible for punishing prisoners to impose periods of solitary confinement lasting several years. Amnesty International is still concerned, however, that the imposition of such a sanction remains a possibility in Schrassig Prison, and that this sanction may be applied again in the future. Also in October Amnesty International published a 4-page document entitled *Luxembourg: Prolonged isolation of detainees in Schrassig prison* (AI Index: EUR 32/01/92) in which it reported on the above concerns.

MOLDOVA

The conflict over the self-proclaimed Dnestr Moldovan Republic

In the period under review a number of reports emerged alleging human rights violations resulting from the conflict over the self-proclaimed Dnestr Moldovan Republic (DMR), an area in the north-east of the country opposed to reunification with Romania. Armed clashes between Moldovan government forces and those of the DMR, mainly comprised of ethnic Russians and Ukrainians, claimed an estimated hundreds of lives in the first half of the year.

Allegations of torture and deliberate and arbitrary killings

Such allegations were made against both sides to the conflict. Some members of the police and so-called Republican Guard in the DMR were reported to have been involved in the abduction, torture and murder of civilians. Gheorghe Bejenari, for example, an ethnic Moldovan bus-driver outspoken in his opposition to the proclamation of the DMR, was reportedly detained in Dubasari in March by local police who are said to have told his wife that he would not leave their hands alive. His mutilated body was found in April. Military formations fighting for the DMR are also said to have executed alleged criminals without referring their cases to the relevant legal authorities for investigation and trial. Cossack forces, for example, reportedly shot dead at least four members of their own units accused of criminal acts during June and July.

Volunteer forces fighting for the Moldovan Government were allegedly responsible for killing a man named Velichko and raping his wife in the Dubasari district, in June or July. Government forces were also said to have subjected detainees from the DMR to beatings with fists, truncheons and rifles stocks. DMR militiaman Vladimir Serdyukov, for example, alleged that he was detained by volunteer forces in the town of Bendery on 24 June and subsequently severely beaten by them and Moldovan police officers who carved three stars and the letter "V" on his body. These marks were later seen by a member of the Moscow-based human rights group "Memorial" who visited Vladimir Serdyukov in hospital.

Amnesty International called on all parties to the conflict to initiate full and prompt inquiries into all allegations of torture and murder by security or other forces under their control; to make the findings public and to bring to justice the perpetrators.

Fair trial concern

At least one political prisoner, ethnic Moldovan Stefan Uritu, was reportedly denied access to a lawyer of his own choice following his arrest in June in the DMR for alleged terrorist offences, which carried a possible death sentence. The lawyer appointed by his wife was said to have been called up into the DMR army the day after agreeing to represent Stefan Uritu. The latter was released pending trial in August. He and another man arrested on the same charge were reportedly beaten in custody, and a third was said to have faced mock executions.

Prior to Stefan Uritu's release Amnesty International urged officials in the DMR to ensure that he had adequate access to the defence lawyer of his own choosing in line with international fair trial standards. The DMR public prosecutor replied that Stefan Uritu had himself initially refused a defence lawyer as he did not recognize the legality of the DMR investigatory body.

THE NETHERLANDS ANTILLES AND ARUBA

Allegations of torture and ill-treatment by the police (update to information given in AI Index: EUR 01/03/92)

The Netherlands Antilles

On 16 October Amnesty International wrote to the Attorney General of the Netherlands Antilles, Dr R.F. Pietersz, informing him of its comments and conclusions regarding three cases of alleged torture and ill-treatment in the Netherlands Antilles, two of which resulted in deaths in police custody.

In November 1991 Amnesty International had written to the Minister for Netherlands Antilles and Aruban Affairs and to the Minister of Justice for the Netherlands Antilles concerning these three cases. On 21 June 1990 Henry K. Every was found to be dead on arrival at the St Elisabeth Polyclinic in Curaçao after police allegedly kicked and beat him in the street during his arrest. Leroy Neil, a Jamaican, died of peritonitis on 9 February 1990 during an interrogation session with detectives from the Narcotics Department which was being carried out at the House of Detention in Curaçao. Amnesty International received reports that, before his interrogation, Leroy Neil had claimed that he had had a truncheon forced into his anus by the police; fellow prisoners reported having heard him screaming. Moreno Fabias alleged that on 22 May 1991 he was punched, kicked and hit with a truncheon by officers when he was arrested in the company of a friend in Curaçao.

The Attorney General's office in Curaçao replied on 12 June 1992 with descriptions of the events in each case and details of the decisions made by the police and prosecutorial authorities. This data was supplemented by further forensic material on the two cases of death in custody.

At Amnesty International's request this material was examined by Professor Derrick J. Pounder, Head of the Department of Forensic Medicine at the University of Dundee, and his comments, conclusions and recommendations for further lines of inquiry were given to the Attorney General of the Netherlands Antilles in Amnesty International's letter of 16 October.

Amnesty International has repeatedly urged the Government of the Netherlands Antilles to investigate promptly, fully and impartially allegations of torture and ill-treatment. The organization considered that Professor Pounder's comments and conclusions had raised serious questions about the conduct and findings of the judicial investigations into the deaths of Henry K. Every and Leroy Neil as well as the prosecutor's decision not to investigate fully the circumstances of the arrest and detention of Moreno Fabias.

In the case of Henry K. Every the government report stated that he was "a mad man", that he had injured himself by throwing himself on the road several times and that the police had been required to subdue him. The cause of death was serious lesions to the heart but the report provided by the Attorney General maintained that "the direct cause cannot be considered as a consequence triggered off by the acts of the police officers". Professor Pounder found this first

conclusion "very questionable" and stated that, in his opinion, Henry K. Every had died as the result of some form of crushing injury to the chest achieved by a person dropping their body weight upon the chest of an individual lying upon the ground. However, no such incident is described in the government report. As Henry K. Every was in the custody of the police throughout the relevant period before his death this injury could only have been inflicted by the officers who had arrested him or in whose custody he had been. Amnesty International believed that the responsibility for the injury and death of the detainee lay with the police who were present and, therefore, could not agree with the government's conclusion that "from the results of the investigation conducted there was no possible manner of formulating criminal evidence against one of the police officers".

Leroy Neil died of peritonitis while under interrogation. The government stated that he had been treated for stomach pains on the day prior to his death on 9 February 1991 and had been prescribed an anti-inflammatory, analgesic and anti-fever drug. However, the next day he was groaning audibly when taken from prison for interrogation. He then vomited in a waiting cell. According to the government's account, after vomiting he told his interrogators that he felt well enough to be interrogated. After half an hour he asked to go to the toilet and when he returned he was visibly staggering. After a further two to three minutes he said he felt dizzy, slumped against the table in the interrogation room, then lay on the floor and died.

Professor Pounder questioned the degree of care received by Leroy Neil and the causation of the peritonitis. With respect to the first point he commented that "it is important to bear in mind that a person suffering from peritonitis will inevitably be severely ill, in pain, incapable of walking upright with a normal posture, vomiting and otherwise in a physical state such that it would be clear to any observer that the person was seriously ill. To interrogate an individual in such a state displays at the least a lack of basic human compassion".

The government report not only confirmed that some of these symptoms were present in the case of Leroy Neil but also remarked that "there was absolutely no physical abuse by the police. The deceased never showed any form of aggression. On the contrary, he was probably very subdued as result of the pains he was experiencing" [sic].

In the opinion of Amnesty International the action of the police and the related medical and prison staff can be considered to constitute cruel and inhuman treatment to an extreme extent and to breach existing national and international standards on the treatment of detainees; in particular regarding the provision for medical care.

In his autopsy report the pathologist excluded the presence of natural diseases of the stomach, small and large bowels and appendix as causing such a peritonitis. In respect of the causation, Professor Pounder, noting Leroy Neil's allegation that he had had a truncheon inserted in his anus, said that "it is well recognized that the introduction of [such] foreign objects into the anus and rectum may cause a peritonitis". He concluded that "the allegation of the assault is highly specific, namely the insertion of a truncheon into the anus. The pathological findings are also distinctive and natural disease has been excluded. A peritonitis of this type is a recognised complication of the insertion of a foreign object into the anus and in this instance can be regarded as providing corroboration for the allegation".

In May 1991 Moreno Fabias was arrested by three police officers. The government report on his arrest noted injuries to his right shoulder, left arm, back, buttocks and his right big toe. Moreno Fabias alleged that, while he was being searched, he was kicked in the legs to spread them and he was beaten with a truncheon all over his body. This statement was initially supported by a friend who subsequently retracted his statement. Professor Pounder examined the pattern of the injuries, drawing the inference that the blows were struck from behind. However, the police report was unclear on this point. Most importantly he concluded that the number of injuries sustained was not consistent with the claim in the police report sent by the Attorney General, that Moreno Fabias was struck only twice with a truncheon.

In his letter of 12 June the Attorney General stated that, after receiving the official police report, the Public Prosecutor dismissed the complaint for lack of evidence. It was recognized that violence had taken place and that there were "justified doubts as to the legitimacy of the actions" but, in view of the differing statements of the two men arrested and the fact that Moreno Fabias had received medical assistance for his injuries, this made it "not necessary to continue legal pursuit of the police officer in question for the alleged violence".

In its letter of 16 October Amnesty International stated that it did not consider these to be adequate reasons for the Public Prosecutor to drop the case of violence against a prisoner.

Professor Pounder's comments and conclusions raised certain questions in all three cases and he suggested possible lines of inquiry to be followed by the authorities. Amnesty International therefore recommended further investigation in all three cases and, in particular, that the questions raised by him be addressed in the investigation.

Aruba

On 18 June the Minister of Justice of Aruba wrote to Amnesty International giving, *inter alia*, the results of an inquiry conducted by an Aruban police officer into seven allegations of torture and ill-treatment that had been received by the organization.

In November 1991 Amnesty International had written to the Minister for Netherlands Antilles and Aruban Affairs and to the Minister of Justice for Aruba regarding five allegations of torture and ill-treatment. Details of allegations of torture and ill-treatment in two more cases appeared in the paper, *Amnesty International Concerns in Europe: November 1991 - April 1992* (AI Index: EUR 01/03/92). The allegations concerned arrests carried out between July 1990 and August 1991.

The Minister of Justice provided the text of the police report on these allegations and enclosed the conclusion of the Prosecutor General that there "is no basis for the complaints".

The report did not set out clearly the scope of the police inquiry or the methodology used. In most cases, where the allegations described injuries to prisoners which required hospital treatment and medical attention, the medical evidence supplied was not sufficient to allow a decisive conclusion on the allegations of torture and ill-treatment. The doctors' reports, which were mentioned in the police officer's report, had not been supplied.

Amnesty International had noted in its letter of November 1991 that the Government of the Netherlands, in its initial report to the United Nations Committee against Torture in March 1990, had described a legal mechanism to deal with complaints of torture against the police, including the institution of a Complaints Commission. However, the initial report also revealed that "to date the Complaints Commission has not been functioning". The report sent to Amnesty International in June did not set out clearly the investigation process for complaints against the police or what exactly happened when the detainee alleged ill-treatment.

The Minister of Justice also enclosed with his letter a draft government decree (*Landsbesluit*) establishing a Committee to which complaints about ill-treatment of prisoners by the police could be addressed.

On 22 July Amnesty International wrote to the Minister of Justice for Aruba replying to points he had raised regarding the competent authorities, in the Netherlands and Aruba respectively, to deal with complaints concerning Aruban prisoners. The Minister was also asked for a full description of the terms of reference, competence and procedures of the Complaints Committee, whether the draft legislation had been approved and whether it was still the case, as stated to the Committee against Torture in March 1990, that "to date no complaint of torture has ever been filed in Aruba".

No reply had been received from the Government of Aruba by the end of October.

NORWAY

Conscientious objection to military service

Two conscientious objectors were imprisoned for their refusal to perform military service. They were considered to be prisoners of conscience.

Jan Otto Nilsen had originally been granted conscientious objector status in 1982 on the grounds of his pacifism, but during alternative service he informed the authorities that he no longer considered himself to be an absolute pacifist. He stated that he could not perform military service while Norway was part of NATO, whose strategy was based on nuclear weapons. A court in 1986 found that his newly-expressed convictions did not fulfil the requirements necessary for alternative service; subsequently the Ministry of Justice withdrew his conscientious objector status. He was imprisoned from October to December 1990 for refusing to obey military call-up orders. Jan Otto Nilsen refused to respond to a further call-up for military service and on 26 June he was imprisoned for another 90-day sentence.

Kjetil Ramberg began serving a 90-day prison sentence on 1 September after a county court decided that he did not have a sufficiently "firm and unequivocal basic pacifist attitude" in order to obtain exemption from military service. He had declared his opposition to Norway's participation in NATO's nuclear strategy.

Amnesty International urged the immediate release of prisoners of conscience Jan Otto Nilsen and Kjetil Ramberg. The government replied that neither of them had fulfilled the conditions for exemption because their convictions lacked "firmness and strength". Amnesty International believes that all people liable to military service should have the right to refuse to perform such service on grounds of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives.

POLAND

Conscientious objection to military service - the case of Roman Ga»uszk

Roman Ga»uszk, a Roman Catholic conscientious objector to military service, began serving an 18-month prison sentence in July. He first applied for alternative service on the basis of his religious views in November 1990. His application was rejected on the grounds that the Roman Catholic Church did not support conscientious objection to military service. In September the Military Chamber of the Supreme Court rejected an extraordinary appeal filed on Roman Ga»uszk's behalf by the Minister of Justice.

The case of Roman Ga»uszk attracted considerable publicity in the Polish media. *Gazeta Wyborcza*, a leading daily, published an interview with the Ombudsman who expressed doubts about the argument, implied in Roman Ga»uszk's verdict, that Roman Catholics apparently should not object to military service.

According to one report an increasing number of conscripts have recently applied for alternative service. In Warsaw district, during 1991, 162 applications were filed, of which 147 were granted. In 1992 in the same district 319 applications had already been filed by July, of which 276 had been granted.

Amnesty International considered Roman Ga»uszk a prisoner of conscience and called for his immediate release.

PORTUGAL

The alleged torture and ill-treatment of Orlando Correia by officers of the Judiciary Police

Orlando Correia is a 28-year-old French citizen of Portuguese parentage, who was in preventive detention in Guarda Prison on charges relating to drug-trafficking.

It was reported in the weekly Portuguese newspaper *Expresso* that on 9 September, approximately one week after his arrest and while he was held in prison awaiting trial, Orlando Correia was physically assaulted and had his life threatened by officers of the Judiciary Police (*Polícia Judiciária* - PJ) in Guarda.

A unit of the PJ had gone to the prison to take Orlando Correia to the PJ offices where they wished him to give another statement. Orlando Correia, exercising his rights under the Portuguese Code of Penal Procedure, refused to go to make a further statement without the assistance of his lawyer and an interpreter because of his reported difficulties in understanding the Portuguese language. The PJ officers reportedly reacted violently and assaulted him in Guarda Prison in front of other prisoners and prison guards.

The PJ officers insisted that he came with them in spite of his refusal to make a statement without his lawyer and an interpreter present. Orlando Correia was taken to a cellar in the PJ offices under the pretext that he was to have his photograph and fingerprints taken. He claimed that he had already had his photograph and fingerprints taken when he was first detained. *Expresso* reported that he was verbally insulted and beaten by the PJ officers in the cellar. He was then taken outside into the police station grounds, where a pistol was inserted into his mouth and he was threatened with his life. When they went back inside the police station he was further assaulted and then left standing for one hour, while the police officers went to lunch, with his arms and legs tied spread-eagled to the railings of the cell. When they returned they assaulted him again. Orlando Correia was later admitted to the Emergency Service of Guarda Hospital in a state of unconsciousness.

According to the medical certificate issued by the Guarda Hospital Orlando Correia had bruises and scratches on his chest and back. *Expresso* claimed to have received a sworn statement from an eyewitness who had noticed that he had injuries all over his body, that his eyes and lips were very swollen and black and that he had a large bruise on his left eye.

On 14 September Orlando Correia made a formal complaint (*queixa-crime*) against the officers of the PJ police station to the Guarda Tribunal accusing them of beating him, insulting him and threatening his life. The PJ officers alleged that Orlando Correia had injured himself. His lawyer requested that his client be examined at the Institute of Forensic Medicine (*Instituto de Medicina Legal*) in Coimbra. The forensic examination was carried out two weeks later on 1 October; reportedly this was only after the lawyer had made four requests for a medical examination to the court. The Public Prosecutor (*Delegado do Ministério Público*) in Guarda stated that a forensic examination had been granted on 17 September but that it was not carried out until 1 October as the official in charge of overseeing the examination was on sick leave.

The Headquarters of the Director General of the PJ (*Directoria-Geral da Polícia Judiciária*) opened a disciplinary investigation at the end of September to look into Orlando Correia's allegations of ill-treatment.

Amnesty International is seeking information from the authorities as to what action has been taken by the court to investigate Orlando Correia's complaint.

The alleged ill-treatment of Alexandre Luis Marques Pires Gravanita by officers of the Public Security Police

Alexandre Luis Marques Pires Gravanita, a 19-year-old student, born in Angola and studying at the University of Setúbal, alleged that on 6 December 1991 he was severely beaten and subjected to racial insults by an officer of the Public Security Police (*Polícia de Segurança Pública* - PSP) in a police station in Setúbal.

Luis Gravanita stated to the Public Prosecutor, in a complaint alleging ill-treatment, that at 7pm on 6 December 1991 he was attempting to cross the road at a pedestrian crossing on the corner of Avenida 22 de Dezembro and Avenida dos Combatentes in Setúbal. He was on his way home from a training session in a local gymnasium and was carrying a sports bag. A PSP officer, whom he later identified, shouted at him to wait. The officer then asked to see his identity card and, after examining it, ordered Luis Gravanita to accompany him to the nº 1 Police Station (*Esquadra nº 1*). Luis Gravanita claimed that it would be inconvenient and wished to know why he had to go but was informed that he would be told later. On arrival, they went to an interior room where Luis Gravanita was ordered to leave his bag, containing his sports clothes, on the table. After he had done this, the PSP officer immediately assaulted him, punching and kicking him. At the same time he was shouting "You worthless piece of Angolan shit", "You are nothing" and "You are a nigger" ("*Tu não vales nada, Angolano de merda!*", "*Tu não és nada!*", "*Tu és um preto!*"). Amnesty International has been informed that Luis Gravanita is a Portuguese citizen who is not black. He was born in Angola and left the country as a small child.

During the assault, Luis Gravanita pleaded unsuccessfully with the officer not to hit him in the mouth because a few months previously he had suffered a serious fracture of the jaw after being hit with an iron bar.

At one point the officer pushed him violently against the wall and opened the bag on the table. Luis Gravanita explained that the bag only contained his sports clothes and that he had just come from a gymnasium. In reply the officer called him a "shitty pig" ("*Seu porco de merda*") and threw the clothes into the air and continued assaulting him.

Finally Luis Gravanita was taken to the duty officer who took down the details on his identity card, his home address and profession. No information as to why he had been ordered to go to the station was ever given. Luis Gravanita was not accused of any offence.

According to his statement, immediately after the assault and while they were still in the station, the PSP officer verbally threatened Luis Gravanita by saying "Look out! If I see you on the street again and you have the bad luck to pass by me, you will be in trouble. If you see me

in the street, cross over to the other side!" ("*Ai de ti que eu te veja na rua, se tens o azar de passar por mim estas lixado comigo! Se me vires na rua passa para o outro passeio!*").

Luis Gravanita was seen by witnesses before returning home. His parents took him to the Emergency Services of the São Bernardo District Hospital in Setúbal. The hospital diagnosed general cuts and bruising, especially to the face and right eye, consistent with having received punches.

On 10 December 1991 Luis Gravanita made a formal complaint against the PSP officer alleging that he had wilfully caused him bodily injuries and had menaced him (*crimes de ofensas corporais voluntária injúria e ameaças*).

Amnesty International has asked the authorities whether any investigation into his complaint has been carried out. No replied had been received by the end of October.

National Republican Guards in Almada accused of ill-treatment in connection with traffic offences

On 13 August 1991 José Paulo Ferreira Portugal was arrested by officers of the National Republican Guard (*Guarda Nacional Republicana* - GNR) in a street in Charneca da Caparica, near Almada. He is a butcher and was returning to his shop - *Talhos Portugal* - after lunch.

He had left his van parked outside the shop, according to his normal practice, and went to buy bread and have a drink in the café opposite. According to press reports, when he left the café, with the intention of leaving the bread in his van, an officer of the GNR, who had also been in the café, asked to see the documents of the vehicle. Paulo Portugal refused to give them to him pointing out that, as he was not in the van at the time, he was not obliged to show them to him. The GNR officer was then joined by other officers who asked for his identity papers, which he showed. After noting the registration number of the van the GNR officer announced that they were fining him for illegal parking. Paulo Portugal objected to the legality of the fine and turned to go into his shop. He was warned by the officers that he would be taken away in their jeep if he continued to behave in that manner.

According to eye-witnesses, the officers then attacked Paulo Portugal from behind, dragged him across the pavement and threw him head first against the side of their jeep. Paulo Portugal stated afterwards that there were approximately nine officers who beat him in the street and later in the GNR post where he was taken. Finally, he was taken in handcuffs to the hospital in Almada for treatment. He reportedly had injuries to his head, jaw, eyes and back. He was returned to the GNR post and held there overnight. On the following day he appeared in court where he was charged with assaulting and disobeying the orders of the GNR because he had refused to show them the vehicle's documents. He complained to the court of the ill-treatment but also started judicial proceedings (*processo-crime*) against the GNR alleging physical ill-treatment. He named two GNR officers who were in the group of officers who had ill-treated him. He knew their names because of the name tags (*crachat*) on their uniforms.

Amnesty International is attempting to establish whether there has been any investigation by the court into Paulo Portugal's formal complaint of ill-treatment.

Amnesty International also received information of another similar case in Almada. In August 1991 a married couple, Markus Durr and Ana Paula, were briefly parked illegally in the centre of Almada while Ana Paula went to a nearby shop. Their car was stationary with Markus Durr at the wheel. GNR officers approached him and fined him 4000 escudos for being illegally parked. Markus Durr, a German citizen who reportedly has little knowledge of Portuguese, was apparently unable to understand the officers. When his wife, a Portuguese citizen, returned, she complained about the fine. The officers, who had been joined by three others, repeatedly insulted her. When she protested that they did not have enough money to pay the on-the-spot fine and offered to pay later, an officer said that if she did not pay it he would "take her away". He then began to pull her away at which point her husband intervened. The three other officers began punching and kicking him and eventually he was knocked bleeding to the ground.

Ana Paula, followed by her husband in their car, was taken in a jeep to the GNR station. She complained that they continued to insult her, telling her that in Portugal she was a whore and had only gone to Germany to "sneak" away. At 6pm Ana Paula and Markus Durr were taken to court but released into conditional liberty because an interpreter was not available. They decided not to complain to the court about the GNR's actions as they were returning to Germany the next day. After leaving the court Markus Durr went to Almada Hospital and then to Santa Maria Hospital where he stayed overnight for treatment.

Two police officers sentenced for causing bodily harm to Paulo Jorge Gomes Almeida (update to information given in AI Index: EUR 01/03/92)

On 27 April 1992 the trial of two officers of the Public Security Police (*Polícia de Segurança Pública* - PSP) began in the First Section of the Second Criminal Court of Oporto. One officer, José Vieira, was accused of causing bodily harm and another, Adelino António Teixeira Santos, was accused of causing serious bodily harm. The prosecution arose from the complaint by Paulo Jorge that he had been thrown violently against a glass door, in a police station, which shattered causing extensive injuries to his right arm, requiring 59 stitches and resulting in permanent and serious disfigurement.

In its sentence in July the court found Adelino António Teixeira Santos guilty of inflicting bodily harm (*ofensas corporais*) under Article 142 of the Penal Code. José Vieira was acquitted of causing bodily harm under the same article of the Penal Code.

In July, the Assembly of the Republic approved law 23/91 granting an amnesty for many offences, including those covered by Article 142. Adelino António Teixeira Santos was therefore amnestied.

The alleged torture of Domingos do Couto (update to information given in AI Index: EUR 01/01/91)

Domingos do Couto died on 9 August 1984 in the Provincial Hospital of Chaves at the age of 42. He was an emigrant to Canada who had become involved in a physical altercation with a GNR officer, António Fernandes Gil, during a festival in Montalegre. On 6 August he made a complaint to the Public Prosecutor in Montalegre alleging that he had been kicked, punched and beaten with a truncheon (*casse-tête*). He died three days later. The autopsy report said that he had four fractured ribs, weals in the region of the heart and extensive bruising of the chest, apparently caused by blows from a truncheon.

Amnesty International has repeatedly urged the Portuguese authorities to carry out impartial and prompt inquiries into judicial complaints of torture and ill-treatment. It has established that Domingos do Couto's complaint was registered as a preliminary inquiry, 278/84, by the Public Prosecutor in Montalegre and was then sent, on 12 November 1984, to the Headquarters (*Comando-Geral*) of the GNR, registry number 647/84. The GNR is a paramilitary *gendarmarie* force whose senior officer, the *Comandante-Geral*, is responsible to the Minister of Internal Administration. The Public Prosecutor had to pass Domingos do Couto's complaint to the *Comando-Geral* which in turn was responsible for passing it to the Military Tribunals who have the judicial competence in such cases.

By the end of October Amnesty International was not aware of any investigation conducted by the Military Tribunals into Domingos do Couto's complaint. It was seeking information from the Minister of Internal Administration and the *Comando-Geral* as to what action they had taken in the last eight years to investigate this complaint.

ROMANIA

Alleged torture and ill-treatment of Roma in Piața Rahova, in Bucharest

On 3 July soldiers of the military police unit UM 02180 allegedly tortured and otherwise ill-treated members of the Roma community in Piața Rahova, in Bucharest.

According to information received by Amnesty International, Sergeant-Major Gheorghe Nastase belonging to military police unit UM 02180, based in Rahova, and George Brîncescu, a Rom, resident of the same suburb of Bucharest spent the evening of 1 July drinking together. Following a dispute they had a fight and at around 11.30pm Gheorghe Nastase was taken to hospital. Reportedly this incident was investigated on the same evening as well as on the morning of 2 July by a team from the Ministry of Interior and a group of soldiers from UM 02180.

On 3 July at around 3.30pm, between 40 and 50 soldiers of the same military police unit reportedly came to the market at Piața Rahova. They wore camouflage uniforms and black head masks and were armed with rubber truncheons, nunchakus (weapons used in martial arts), chair legs and pick-axes. According to statements received by Amnesty International the soldiers split into three groups and attacked indiscriminately Roma people who were at the market. Mircea Gheorghe was allegedly hit with a stick on the head which made him lose consciousness. The soldiers continued to beat him, despite the bleeding from his head. The Institute of Legal Medicine of Bucharest stated three hours later that Gheorghe Mircea had suffered a 4cm long lesion on his head above the right temple and multiple, large contusions on the right shoulder, chest, thigh and calf. Ion Constantin received blows with a rubber truncheon on the head above his right eye and the back of the neck. Maria Mircea was hit on the back and the right arm. Anisoara Duman was selling cigarettes and various other articles when she and her child were attacked and beaten. When some of the soldiers reached Stefan Marcu, who had a stand at the market, they allegedly beat him, threw onto the ground all objects that were on sale and scattered in the air his money, around 40 000 lei. Another group of soldiers entered the "Minodora" restaurant, broke some furniture and threatened the people inside that the next time they would come to destroy their homes.

An independent journalist who arrived on the scene of the attack soon after it started, reported that 13 people were injured in this apparently unprovoked attack. Another report received by Amnesty International alleged that two traffic police officers and a unit of the Ministry of Interior, stationed at the time in Piața Rahova, did not intervene to protect the victims of this incident.

Amnesty International called on the Romanian Government to initiate an independent, impartial inquiry into the alleged torture and ill-treatment of Roma in Piața Rahova, to make public its findings and to bring to justice all those found responsible.

Ill-treatment of Béla Tankó and Filip Póra

Béla Tankó, an ethnic Hungarian resident in the village of Lunca de Jos in Harghita county, and Filip Póra were reportedly ill-treated by two police officers and a civilian who broke into Béla Tankó's home.

At around midnight on 1 May two police officers and a civilian broke into the home of Béla Tankó without presenting any official documents. The police officers then allegedly beat Béla Tankó until he fell to the floor unconscious. Also in the house at the time was Tankó's friend, Filip Póra, whom the police reportedly set upon after beating Béla Tankó. In addition, the police allegedly took 101,000 lei (a huge sum of money by Romanian standards) from Filip Póra, money with which he had meant to make a payment on a plot of land.

The injuries sustained by Béla Tankó were especially serious, including severe bruising over much of his face and body, all of which were described in a medical report.

Although the beating of Béla Tankó and Filip Póra was witnessed by several neighbours in Lunca de Jos, the police seem to have made little effort to investigate the case. In fact, several witnesses have affirmed that one of the officers involved later dismissed the beating and said that the police officers were protected by the law. Amnesty International urged the Romanian authorities to undertake a full and impartial investigation into this case of ill-treatment, to make the findings public and to bring to justice all those found responsible.

Torture and ill-treatment of Alexandru Tatulea

At around midnight on the night of 18-19 June Alexandru Tatulea, a 36-year-old student at the Faculty of Plastic Arts in Bucharest, stepped outside his apartment block for some fresh air. While walking along the street, he was approached by a police officer and a soldier, who asked him for his identity card. He replied that he did not have his documents with him since he only lived a short distance away. The police officer and the soldier continued to demand to see his identity card, to which Alexandru Tatulea allegedly replied: "Look, if you are drunk, why did you come to take me?"

One of the two officials allegedly grabbed Alexandru Tatulea and began to beat him. Residents in a nearby apartment block called out for the men to stop beating him. The soldier and police officer dragged him to another area, where they beat him again.

Alexandru Tatulea eventually fell to the ground, and one of the law enforcement officials took out his pistol and pointed it to his temple. They demanded to know what he had been doing out on the street and what he had been trying to steal. "If you don't tell me, I will shoot you," one of the men allegedly said. Alexandru Tatulea moved his head suddenly, so that the barrel of the gun pointed towards his face. The man holding the gun fired at point-blank range, the bullet entering beneath Alexandru Tatulea's left eye and exiting behind his right ear.

He survived the shooting and reportedly managed to drag himself about 10-15 metres to the pavement in front of the nearest apartment block. He began to wave to passing cars, trying

to get someone to stop to take him to the hospital. The police officer allegedly signalled the cars to keep driving and said: "The hell with him, he's not dead."

Alexandru Tatulea said that his neck had swelled to twice its normal size; he was unable to speak, move his head or close his right eye. It was reported that from time to time, the soldier came to see if he was still alive by putting his lighter beneath his nose and in front of his eyes, resulting in burns to Alexandru Tatulea's nose and moustache. Eventually, two passers-by took him home and called an ambulance to take him to a hospital.

Several days after the beating, Alexandru Tatulea still had two enormous bruises, one on his arm and another on his thigh. According to medical evidence from the Institute of Legal Medicine of Bucharest Alexandru Tatulea is in danger of losing the sight in his left eye and the hearing in his right ear. He also suffers paralysis of the left side of his face and there is a great possibility of permanent disability and grave neurological complications.

Amnesty International learned that the police officer allegedly responsible for the ill-treatment and maiming was arrested in June. However, in October he was no longer in detention and came, together with four other police officers, to the home of Alexandru Tatulea. They served him with a summons to testify before the Military Prosecutor and threatened him that he should withdraw all charges.

Amnesty International called on the Romanian authorities to undertake a full and impartial investigation into the case, to make its findings public and to bring to justice all those found responsible. Amnesty International also urged the authorities to protect Alexandru Tatulea from further intimidation and harassment by police officers.

Update to the "disappearance" of Viorel Horia (see AI Index EUR 01/01/91)

During 1991 Amnesty International expressed concern to the Romanian authorities about the fate of Viorel Horia, a school pupil, born 23 February 1975, whose whereabouts remained unknown following his reported arrest on 13 June 1990 in Bucharest. Replies were received from some governmental authorities and the Prosecutor General stating that all legal measures had been taken and that adequate checks had been carried out. The authorities expressed doubts that Viorel Horia had participated in the demonstrations in Bucharest on 13 to 15 of June 1990 and denied that he had been detained in M|gurele military base before his "disappearance".

Amnesty International wrote to the Prosecutor General in July presenting confirmation of Viorel Horia's participation in the demonstrations (he had been identified by witnesses on a film produced by The Group for Social Dialogue) and ill-treatment in the M|gurele military base where he was last seen on 16 June.

Natalia Horia, Viorel's mother, reportedly came under pressure from police and other authorities while attempting to gain more information on the "disappearance" of her son. Amnesty International expressed concern to the Prosecutor General about the reported harassment and intimidation of Natalia Horia and called on the Romanian authorities to ensure that she and others seeking to clarify the whereabouts of Viorel Horia were protected from such acts.

In September the Prosecutor General replied that the competent police authorities had been ordered to re-examine the lists of all people detained at M|gurele and interview all those employed in the army and police forces who were present at the military base during the period 13 to 17 June 1990, as well as to clarify the issue of unidentified corpses buried at Str|ulesti cemetery.

Investigation into the shooting of demonstrators in September 1991

Recently Amnesty International learned about the shooting of Andrei Frumusanu, a 21-year-old student, and Aurica Cr|iniceanu, a 28-year-old skilled worker and mother of two, during anti-government demonstrations at the Pia|a Victoriei in the afternoon of 25 September 1991.

A witness of the shooting of Andrei Frumusanu reported seeing a military officer standing on the central balcony of the Government Building. The officer, wearing camouflage uniform and a gas-mask, allegedly was aiming a hand-gun at the demonstrators in the square. The witness' detailed description of the hand-gun indicated that it was a special type of flare-gun. The officer aimed at a group of people including Andrei Frumusanu who was shot in the chest by a flare rocket and died as a result of internal injuries.

At approximately the same time Aurica Cr|iniceanu was also shot in front of the Government Building. She was immediately taken to the municipal hospital by her husband. Medical records indicate that her right lung was punctured by a cylindrical missile, five centimetres long and three centimetres in diameter. At 7.30pm she died as a result of traumatic shock and thoracic haemorrhage.

Amnesty International is aware that an investigation into the deaths of Andrei Frumusanu and Aurica Cr|iniceanu has been initiated. Stefan Frumusanu, Andrei's father, reportedly was told by Captain Surdescu, the Military Prosecutor, that the identity of the officer who shot Andrei had been established. This person, allegedly, is an officer of high military rank. However, no one has yet been charged in connection with these deaths. Amnesty International has urged the Romanian authorities to ensure that full and impartial investigations are carried out into the deaths of Andrei Frumusanu and Aurica Cr|iniceanu, that the findings are made public and that those found responsible are brought to justice.

RUSSIAN FEDERATION

Prisoners of conscience Dmitry Sokolov and Oleg Lepin

During the period under review details came to light on two Jehovah's Witnesses sentenced to compulsory labour for "evasion of regular call-up to active military service" under Article 80 of the Criminal Code.

Twenty-one-year-old Dmitry Sokolov, was sentenced to two years' compulsory labour on 5 May 1991 and is serving his term in the city of Tver. Compulsory labour involves working at a site designated by the authorities, where prisoners are under surveillance and restricted in their movements. Dmitry Sokolov had previously served a term between 1988 and 1990 on the

same charge. Each time his refusal has been because his religious beliefs forbid him to bear arms for a secular power or swear an oath of military allegiance.

Oleg Lepin also refused his call-up papers on these grounds, and was sentenced to two years' compulsory labour in 1991, date and place not known. He is believed to have been released following an amnesty in June (see below). As Russian law offers no civilian alternative to military service, Amnesty International regarded both men as prisoners of conscience and called for their immediate and unconditional release.

Amnesty

On 18 June parliament amnestied and released certain categories of prisoners, including all women, men over 60 and those sentenced to up to three years' imprisonment who had already served one third of this term. Prisoner of conscience Oleg Lepin was believed to have been released under this amnesty. However, as the terms of the amnesty excluded repeat offenders, prisoner of conscience Dmitry Sokolov, serving his second term for refusing to perform military service, did not benefit.

The death penalty

In May the chairman of the Clemency Commission, Anatoly Pristavkin, provided Amnesty International with further details on the application of the death penalty in Russia. He explained that the Commission has 13 members, assisted by 53 staff, who consider requests for clemency on behalf of convicted persons. All death sentences are reviewed automatically, with the Commission and the staff department being informed within seven days of the Supreme Court's final decision to uphold the sentence. The Clemency Commission reviews all the material on such a case, and makes a recommendation to the President of the Russian Federation who has the ultimate authority. If clemency is refused the President's decision is copied to the Supreme Court and the Procurator General of Russia. After the execution takes place the Supreme Court and the Procurator inform the Commission that the sentence has been carried out.

Statistics on the death penalty are kept by the Chief of Staff of the Clemency Commission, with only material on the preceding three years being retained. According to these figures, in 1989, 97 persons were sentenced to death. Of these 26 had their death sentences commuted by the Supreme Court, four were granted clemency and the remaining 67 were executed. In 1990 a total of 206 people were sentenced to death: 28 subsequently had this sentence commuted by the Supreme Court, two received clemency and 176 were executed. In 1991, 144 people were sentenced to death. The Supreme Court commuted 37 of these sentences, 37 prisoners were granted clemency and 70 were executed. As of 1 May 1992, 308 cases of persons sentenced to death in the Russian Federation were pending before the Clemency Commission.

The draft new criminal code under which the scope of the death penalty would be reduced (see AI Index: EUR 01/02/92) had still not been approved by parliament by the end of the period under review.

In September the Ministry of Justice announced that 95 death sentences had been passed in the first six months of 1992. No figures were given for the number of executions. Amnesty International continued to press the authorities to commute all existing death sentences; to reduce the scope of the death penalty as a step towards total abolition; and to impose a moratorium on death sentences and executions pending a review of this punishment.

Asylum seekers

Amnesty International approached the government over the application for asylum lodged on 6 May by Kim Myong-se, a citizen of the Democratic People's Republic of Korea, who had reportedly refused to return home when so ordered by his government in October 1991 and was in hiding from his embassy officials. He was said to have requested asylum in Russia as he believed the right to freedom of religion was denied him in his home country. The Interior Ministry replied to confirm that asylum had been granted.

In July and October Amnesty International wrote to the authorities concerning three Iraqi nationals detained at Moscow airport: Nabil Ali Hussain, Hasan Mohsin al-Khudri and Samiya Abdul Sahib al-Khudri. Nabil Ali Hussain arrived in Moscow on 3 April 1992 after leaving Iraq illegally and was arrested on 10 July as he tried to board a plane to the United Kingdom, where his father, an opposition figure, has full refugee status. Hasan al-Khudri and his wife Samiya al-Khudri first arrived in Moscow on 21 September from Jordan but were refused entry. They returned to Jordan where they were also refused entry and were sent back to Moscow on 2 October. Samiya al-Khudri belongs to a prominent Shi'a Muslim family which has been in opposition to the Iraqi Government for many years. Amnesty International believed all three risked falling victim to human rights violations if returned to Iraq, and urged that they not be sent back there forcibly. No reply had been received by the end of the period under review.

Work camps for North Korean citizens

In September Amnesty International approached the authorities concerning allegations that North Korean political prisoners were held at logging camps administered by North Korean authorities, and that some of these prisoners had been ill-treated.

According to unofficial sources there are some 10 work camps administered by North Korean authorities in Khabarovsk Territory, and a further six in Amur Region, together holding an estimated 22,000 people. These sources allege that political prisoners are among those working at the camps, and that they have been subjected to beatings and other cruel, inhuman and degrading treatment or punishment. Some undated reports even alleged that executions had taken place on the territory of these camps. Little detailed information on specific numbers of

alleged political prisoners or individual accounts of ill-treatment was available owing to difficulty in gaining access to these camps, and a reported climate of fear among the inmates.

The organization asked for full details of any political prisoners working at the camps. It also asked if procuracy officials had received allegations of beatings at the camps and if so what steps they had taken to investigate the claims.

SPAIN

The alleged ill-treatment by police of a group of foreign visitors in Benidorm

On 14 August Amnesty International wrote to the Attorney General about reports of a serious and apparently unprovoked assault by Benidorm Municipal Police on eight members of a British-based rugby team, the Expatriates, who were in Benidorm to take part in the European Sevens tournament in Villajoyosa. Their multinational side included several well-known international players. Some of them suffered severe injuries and their allegations are supported by photographic and medical evidence.

In the early hours of 23 May the players entered the central square by the seafront in Benidorm to pick up two hired cars. They claimed they were assaulted by a group of officers of the Municipal Police who were already waiting in the square. The police claimed that the players were drunk and had been vandalizing parked cars and that when they approached them, the police were assaulted by them. The players pointed out that there was no evidence linking them with any acts of vandalism or that such acts had even occurred. A medical examination of the players' fists failed to find any signs that they had recently engaged in violence and the players pointed out that, as experienced international athletes, they would not drink heavily when they were due to compete later the same day in an important international tournament. The players stated that they were ordered by their captain not to retaliate when the police attack took place. Most of the group were punched, kicked and beaten with truncheons. Two players, Mark Thomas and Lee Thomas, were especially badly beaten. Two other players were menaced with handguns and one of them, Duncan Bruce-Lockhart, had a burst ear-drum after he was punched on the head by an officer. André Dent required five stitches to his face after being hit with truncheons. It was reported in the press that one of the policemen had claimed in justification that, "We only gave them a few strokes" ("*Sólo les dimos algunos varazos*").

Finally the players were handcuffed and put in a van to be taken to the police station. On the way there they claimed that the van stopped and the two players nearest the door, Mark Thomas and Lee Thomas, were taken individually, with their hands tied behind their backs, out of the van and pushed down some stairs to a basement where they were knocked to the ground and beaten with truncheons by a group of policemen. The van then continued to the National Police station. The players later emphasized that their allegations of ill-treatment related solely to the Municipal Police and not to the National Police.

All the players appeared in court on 23 May and were released by the judge without charge. A judicial inquiry into "a possible abuse of authority" ("*posible atentado a la autoridad*") - *Diligencias Previas 528/92* - was opened in the court of the Judge of Instruction N° 6 in Benidorm. At the end of October the inquiry was still open. Amnesty International is concerned by the delay in reaching a conclusion about the allegations of ill-treatment.

By the end of October Amnesty International had not received a reply to its letter to the Attorney General.

The alleged ill-treatment of a trade union leader by Civil Guards in Mallorca

Antonio Copete González, a 34-year-old trade union leader, alleged that he was assaulted by Civil Guards at a peaceful demonstration on 28 May in Palma Nova (Mallorca) and then taken under arrest to the headquarters of the Civil Guard where a plainclothes officer slapped and punched him, bursting his left ear-drum. He was released without charge two hours later.

On 28 May, Antonio Copete, a member of the Executive of the Hotels and Tourism Syndicate, affiliated to the major Spanish trade union, *Unión General de Trabajadores* (UGT), was with a picket of approximately 20 to 30 members outside the Mercadona de Megaluf supermarket in Palma Nova. This picket was part of a general strike on the island. At 6.30pm he ordered the pickets to disperse using a megaphone. The members intended joining the main demonstration in Palma de Mallorca, the capital city of the island.

According to press reports, the pickets dispersed peacefully into the supermarket car-park but were unable to leave in their cars because Civil Guards were blocking their exit. Antonio Copete asked the Civil Guards to move and at this point it was claimed that they baton-charged the pickets and Antonio Copete was beaten by officers. In the course of the charge Antonio Copete suffered serious bruising to his back and shoulder from baton blows. He stated that he offered no resistance but was arrested, handcuffed and taken to the Civil Guard headquarters. Antonio Copete identified a plainclothes officer there who had been among those who had hit him when he was arrested in the Mercadona car-park. This officer slapped him around the face while he was still handcuffed. This took place in front of witnesses, including a member of the local town council and a uniformed lieutenant of the Civil Guard. The uniformed lieutenant did not intervene to stop this assault on a handcuffed prisoner.

He was eventually released without charge and later that evening received medical treatment at the Emergency Service of the *Residencia Sanitaria de Son Dureta*. Antonio Copete was found to have suffered a burst left ear-drum, as well as bruises and weals to his shoulder, back, wrists and chest.

On 29 May Antonio Copete made a complaint in person to the Judge of Instruction Nº 2 of Palma de Mallorca. He described the picketing, the peaceful attempted dispersal of the pickets followed by the violent charge by Civil Guards and the subsequent assault on him in the Civil Guard headquarters. He accused the plainclothes officer of causing him serious injuries (*un presunto delito de lesiones graves*).

Amnesty International is currently seeking information from the judicial authorities as to the progress of the inquiries into the complaint.

Judicial inquiry opened into the alleged ill-treatment of Mohamed Mahmoud Amer Hegazy and Emad Raed Shibli (update to information given in AI Index: EUR 01/02/91)

Mohamed Hegazy and Raed Shibli were arrested on 7 September 1991 by the Civil Guard while on holiday in San Antonio Abad in Ibiza. They are of Egyptian and Palestinian origin respectively

and are resident in Denmark. They alleged that they were assaulted by a Civil Guard officer in the street after they had spoken to him and were subsequently handcuffed, punched, kicked and beaten with rubber truncheons by other officers. The most severe beatings took place in the Civil Guard station where they were also threatened with a knife held to their throats and some of their personal possessions were destroyed.

On 9 September 1991 they were charged in court with resisting and disobeying public officials and released into provisional liberty. Medical examinations, while they were in custody, recorded multiple bruising to various parts of the body. Photographs of Mohamed Hegazy, taken three days after his arrest, showed severe bruising to the buttocks, back, arms and legs. Mohamed Hegazy and Raed Shibli made formal complaints about their treatment to the court in Ibiza before returning to Denmark.

Amnesty International had requested further information from the authorities about the progress of the complaint. The government informed the organization in April 1992 that an inquiry, 1641/91, had been opened by the court but neither of the two complainants had been informed of any action by the court. The Attorney General replied to Amnesty International in July saying that his office would make inquiries as to the progress of the investigation. No further information had been received by the end of October.

Alleged ill-treatment of Kepa Urra Guridi and the "Bizkaia" commando (update to information given in AI Index: EUR 01/03/92)

Thirty-two people are currently in detention in connection with the judicial inquiry into the "Bizkaia" commando of the Basque armed group, *Euskadi Ta Askatasuna* (ETA). They were among approximately 50 people who were arrested in a major Civil Guard and police operation, which ran from January 1992 to the middle of May, in the Basque province of Vizcaya. Those arrested were suspected of belonging to or collaborating with the "Bizkaia" commando which is suspected of carrying out numerous murders of members of the security forces, bombings and robberies.

They were held under the special procedures of the anti-terrorist legislation which allows extended incommunicado detention of up to five days in police or Civil Guard stations by judicial order and specifies that, during this period, the detainee's lawyer should be appointed by the court. All the people currently detained were placed in preventive detention by the National Court in Madrid. It was reported that they all made formal complaints to the court of torture or ill-treatment while they were held incommunicado by the Civil Guards. The allegations made by the detainees included allegations of hooding, blindfolding and forced exercises in nearly all the cases. Some detainees complained that they were beaten, kicked, hit and stamped on. In two cases detainees alleged that they had received electric shocks. The principal charge made by many of the women arrested was that they were forced to strip and were subjected to persistent sexual insults and humiliation.

The courts had opened some judicial inquiries by the end of October into the large number of complaints that were made but inquiries were only really well-established in the case of Kepa Urrea under Judge of Instruction N° 8 in Bilbao.

Kepa Urrea Guridi was arrested on the morning of 29 January 1992. He alleged that the Civil Guards took him into the country and removed most of his lower clothing and his shoes and beat him. He was then taken to the Civil Guard barracks at La Salve.

Approximately eight hours later he was transferred under escort to the civil hospital in Basurto. Initial official reports from the government of Vizcaya stated that this was because he showed a strong alteration in the rhythm of his heartbeat. The reported testimony to the inquiry of the doctor, who ordered his transfer from the cells to hospital, is that he had been called to the cells to attend to a prisoner who was complaining of pain in his cervical column and shoulders. This is believed to be Juan Ramon Rojo who had been arrested with Kepa Urrea. Juan Ramon Rojo later appeared in court wearing a cervical collar. However, before the doctor could treat Juan Ramon Rojo he was called to another cell where Kepa Urrea was held. According to the doctor's statement, he saw a man lying unconscious on the floor breathing very rapidly, with marks on his face, eyes, wrists and with recent bleeding at the back of his throat (pharynx), in his nose and mouth. He noted that he was suffering from a tachycardia, with a heartbeat of 150 per minute, and diagnosed a strong alteration of the rhythm of the heart. He recommended his urgent transfer to hospital.

The inquiry also took statements regarding the reports that on the night of 30 January 1992, when Kepa Urrea was in hospital under guard, a cry for help was heard from his room. The two Civil Guards on the door confirmed this and also stated that some time previously they had allowed two other Civil Guard officers in plainclothes to enter the room. When a nurse opened the door to the room, these two plainclothes officers left. She reportedly found Kepa Urrea with blood in his mouth. Kepa Urrea claimed that these officers had hit him and menaced him while they were in the room. A second forensic examination carried out while he was in hospital revealed the existence of further injuries to the eyes, neck and abdomen which had not been noted in the first examination.

The Judge of Instruction N° 8 of Bilbao, in charge of conducting the inquiry, has taken statements from approximately forty Civil Guards officers. At the end of October nine officers had been inculpated (*inculpadao*) in the inquiry in connection with the ill-treatment of Kepa Urrea. The inquiry was still open and no formal charges had yet been formulated.

On 5 June, Amnesty International wrote to the Attorney General drawing the attention of the authorities to the requirement of international and national law to conduct a full, prompt and impartial investigation in all cases where there are reasonable grounds to believe that an act of torture or ill-treatment has been committed. It referred the Attorney General to the specific observations of the Ombudsman in his 1991 Annual Report to the effect that complaints of ill-treatment were not always investigated with sufficient diligence and that the responsible judicial authorities do not proceed rapidly with cases of ill-treatment, leading to delays and eventual filing of complaints.

In its letter Amnesty International cited the allegations made in the cases of 16 people arrested on suspicion of involvement in the *Bizkaia* commando which were illustrative of the general overall allegations and requested information as to the location of the court and judges who were handling the inquiries into the large number of complaints reported in connection with this operation.

The Attorney General had not replied to the letter by the end of October.

Five Civil Guards sentenced in torture trial in San Sebastian

In October five Civil Guards stood trial in the Second Section of the Provincial Court of Guipúzcoa charged with torturing a prisoner in July and August 1983. Joaquín Olano Balda, a 25-year-old mechanic from Lasarte, was arrested by the Civil Guards at dawn on 29 July and held in extended incommunicado detention under the anti-terrorist law in the station of El Antiguo in San Sebastian. The court doctor ordered his transfer to hospital after two days of interrogation. On 11 August he was transferred to Martutene Prison (see *Amnesty International Report 1984*).

Joaquín Olano had been arrested on suspicion of having connections with ETA but was tried and acquitted.

The five Civil Guards were found guilty on three counts of torture of Joaquín Olano committed in the station of El Antiguo, during a search for a supposed arms cache the day after his arrest, and during his transfer from hospital to prison on 11 August. The court found that torture had continued even after a court official and the court doctor had examined him on 30 July. They had been sent to the station by the duty judge following a report from a person living near El Antiguo of horrifying screams, pleas for mercy and the sound of music played loudly in an attempt to drown the noise. During the different sessions of torture the court found that Joaquín Olano was punched, kicked, hit with a telephone directory, hooded, partially asphyxiated with a plastic bag, submerged in water and given electric shocks.

The five Civil Guards were sentenced in October to prison terms of between two and seven months each and varying terms of disqualification of up to seven years from holding public office. This sentence is being appealed.

Two of the officers had already been convicted on charges of torturing a prisoner in another trial in 1986. José Dominguez Tuda was sentenced to five months' imprisonment and six years disqualification and Manuel Macías Ramos was sentenced to two months' imprisonment and one years' disqualification. However, they did not serve any period in prison, continued to work with the Civil Guard and were pardoned (*indultado*) on 8 February 1991. The other three officers convicted of torture had already been found guilty on charges of robbery.

Other officers convicted of torture and ill-treatment have recommitted the offence. One officer, still under investigation in 1992 in connection with the torture of eight youths in Zornotza (see *Amnesty International Report 1992*), has two previous convictions for torturing prisoners. In most instances the prison terms are not served because a sentence of less than one year and

one day is usually non-custodial and the entire sentence, including the other penalties, is frequently annulled in a pardon. There are several recent examples of senior officers who, despite conviction for ill-treatment or torture, or related charges, continued to hold important posts within the security forces.

Rafael Masa González, a *comandante* in the Civil Guard, was sentenced in 1991 to a disqualification of six years and one month for an offence of falsifying documents in connection with the torture of Tomás Linaza (see *Amnesty International Report 1991*). Since then he has been promoted to Lieutenant Colonel, served as a Counsellor in the Spanish Embassy to Bolivia and is currently working in the office of the Secretary of State for Security in the Ministry of the Interior. The commanding officer of the Civil Guard justified his holding a post in the force by arguing that, as his conviction has been appealed to the Supreme Court, any measure to enforce the sentence before it is confirmed would be an abuse of the legal right to the presumption of innocence.

It was recently reported that a colleague of Colonel Masa, in the same office, José Perez Navarrete, a Captain of the Civil Guard, was sentenced in July 1987 by the Provincial Court of Guipúzcoa to four months' imprisonment and four years' disqualification for involvement in the torture of Juana Goikoetxea in 1982. Another defendant in the same trial, José Antonio Hernandez del Barco, was given the same sentence. He was recently appointed as an assistant to the head of the Intelligence Service of the Civil Guard (SIGC). The Supreme Court confirmed both sentences in March 1992 but to date neither officer has served any part of his sentence or suffered any sanction. In September the press reported that the government had requested the opinion of the judicial authorities in Guipúzcoa on applying a pardon to both these officers. The prosecutor's office was not opposed to a pardon but the court was opposed to it. The President of the Provincial Court stated that, "There is a confirmed sentence of disqualification from any public employment of four years and what must be done is to serve it" ("*Hay una sentencia firme de inhabilitación de cualquier cargo publico por cuatro anos y lo que hay que hacer es cumplirla*"). Civil Guard sources have been reported as justifying the employment of these officers since they were sentenced by saying that the sentence should be interpreted as disqualifying them from "acting as agents of the authority but not from internal bureaucratic work" ("*les inhabilita para ejercer como agentes de la autoridad, pero no para labores internas burocráticas*").

European Court finds former senator denied freedom of expression

In a judgment delivered on 23 April 1992, the European Court of Human Rights held unanimously that the conviction in October 1983 of former senator, Miguel Castells Arteché, for insulting the government was a violation of Article 10 of the European Convention on Human Rights. This judgment brought to a close 13 years of litigation.

In July 1979, Miguel Castells, a senator representing the Basque coalition, *Herri Batasuna*, published an article in a Basque weekly magazine *Punto y Hora de Euzkalerria*. He expressed his belief that behind certain attacks and murders by armed groups against Basque

citizens opposed to the government lay "the Government, the Government party and its agents" ("*el Gobierno, el partido del Gobierno y sus efectivos*"). The article alleged that armed groups responsible for the attacks were allowed to operate with complete impunity.

The Attorney General brought a complaint against him and in July 1981, after the Senate withdrew his parliamentary impunity, he was charged with insulting the Government under Article 161 of the Penal Code. In May 1982 the Supreme Court refused to allow Miguel Castells to present evidence in his defence showing the contents of his article to be true and well-known. The Court decided that this defence could not be pleaded against this charge.

In October 1983, Miguel Castells was sentenced by the Supreme Court to one year's imprisonment and a suspension for one year of his right to exercise any profession or to hold public office. Amnesty International sent an observer to his trial (see *Amnesty International Report 1984*). The Constitutional Court upheld this sentence on appeal and in 1985 an application was made to the European Commission of Human Rights. After failing to secure a friendly settlement, the Commission expressed the opinion, by a majority, that there had been a violation of Miguel Castells' right to freedom of expression under Article 10 of the Convention. The case was referred to the Court.

The Court recalled, in its judgment, that freedom of expression was one of the essential foundations of a democratic society and one of the basic conditions of its freedom. This applied also to information or ideas that offended, shocked or disturbed. In this case it drew attention to the particular importance of freedom of expression to Miguel Castells because of his status as an elected representative. It noted that the freedom of political debate was not absolute but emphasized that the limits of permissible criticism were wider with regard to a government than a private citizen or politician. The Court also observed that in this case Miguel Castells had not been able to plead the defence of truth and good faith because of the decision of the Supreme Court to rule this inadmissible. He was awarded three million pesetas for his costs and expenses.

The charge of insulting the state, its organs and agents has frequently been brought in Spain. Many groups and individuals opposed to the state have been charged as a result of statements or actions especially in public meetings and demonstrations. A new draft of the Penal Code, with provisions relating to freedom of expression, is currently under discussion.

Conscientious objection to military service

Under Law 48/1984, regulating conscientious objection to military service and alternative civilian service, the right to conscientious objection may only be exercised "until the moment of incorporation into the armed forces" ("*hasta el momento en que se produzca la incorporación al servicio militar en filas*"). However, Amnesty International believes that conscientious objectors to military service are exercising their fundamental right to freedom of conscience and that they should therefore have the right to claim conscientious objector status at any time, both up to and after their incorporation into the armed forces. Amnesty

International considers conscientious objectors who are denied this right and imprisoned as a consequence to be prisoners of conscience.

The cases of Manuel Blázquez Solís and José Antonio Escalada (update to information given in AI Index: EUR 01/01/91 and 01/02/91)

Amnesty International first adopted Manuel Blázquez Solís and José Antonio Escalada, 19-year-old conscripts from the Barcelona area, as prisoners of conscience after their arrest in April 1991 on charges of desertion from the armed forces. They had commenced their military service in the Spanish navy in September 1990 and in January 1991, at the outbreak of the Gulf conflict, were serving on naval vessels in the port of Cartagena. They left their posts after learning that their ships had been ordered to the Gulf zone. Arrest warrants were subsequently issued in their names on suspected offences of desertion. After leaving their posts Manuel Blázquez and José Antonio Escalada applied for conscientious objector status stating that participation in the Gulf conflict was incompatible with their conscientiously-held moral and philosophical beliefs. They were detained after presenting themselves voluntarily to the military authorities in April 1991. Three months later, in July 1991, they were released into provisional liberty pending trial for desertion. Hours before their release, they confirmed to the military authorities that they refused all further military service. Within a week new arrest warrants were issued against them. The police reportedly visited their homes on several occasions after the issuing of the new warrants but were unable to carry out the arrests because both conscripts had decided to live in clandestinity while legal appeals against the new arrest warrants continued. However, on 18 June 1992 José Antonio Escalada was arrested during a routine identity check and immediately transferred to a civilian prison in Lérida; Manuel Blázquez remained in clandestinity.

On 2 July the Constitutional Court ordered that the criminal proceedings against Manuel Blázquez should be suspended, pending its final decision on his appeal against the issuing of the second arrest warrant. José Antonio Escalada was released into provisional liberty, pending trial, on 23 July. The decision to release him was apparently taken in the light of the Constitutional Court's ruling on the case of Manuel Blázquez. While awaiting trial, both conscripts are reportedly required to present themselves to the military authorities in Barcelona every 15 days.

SWITZERLAND

Conscientious objection to military service (update to information given in AI Index: EUR 01/03/92)

In a national referendum held in Switzerland on 17 May 82.5 per cent of voters approved a proposal to amend the Federal Constitution and introduce, for the first time, a civilian alternative to compulsory military service. The vote amended Article 18.1 of the Federal Constitution stating that all Swiss male citizens are obliged to perform military service ("*Tout Suisse est tenu au service militaire*" / "*Jeder Schweiz ist wehrpflichtig*") by the addition of a clause stating that "The law provides for an alternative civilian service" ("*La loi organise un service civil*" / "*Das Gesetz sieht einen zivilen Ersatzdienst vor*").

Amnesty International had expressed concern over many years about the imprisonment of hundreds of conscripts each year as a result of their refusal, on grounds of conscience, to carry out military service and had appealed for their release as prisoners of conscience. The organization had also pressed repeatedly for the introduction of the right to refuse military service on grounds of conscience and for a civilian alternative to compulsory military service.

Amnesty International therefore welcomed the amendment to the constitution, establishing the *principle* of a civilian alternative to compulsory military service, as a first essential step towards the introduction, *in practice*, of a genuine alternative civilian service, outside the military system and of a non-punitive nature, available to conscripts objecting to military service on religious, ethical, moral, humanitarian, philosophical, political or similar grounds.

The text of a law establishing the nature and length of alternative civilian service is currently being drawn up by the Federal Military Department in conjunction with the Federal Office for Industry, Trade and Work (*Bundesamt für Industrie, Gewerbe und Arbeit* / *Office fédéral de l'industrie, des arts et métiers et du travail*) for eventual consideration by parliament. Alternative civilian service is, therefore, not yet available to conscientious objectors to military service in Switzerland who meanwhile continue to be subject to the Military Penal Code.

Application of the Military Penal Code to conscientious objectors

All conscientious objectors to military service continued to be tried by military tribunals under the provisions of the amended Military Penal Code which came into force in mid-July 1991 (see AI Index: EUR 01/02/91 and 01/03/92). Amnesty International has repeatedly expressed concern that the amendment to the Military Penal Code continues to punish people for refusing military service on grounds of conscience and does not provide a genuine alternative civilian service.

Under the provisions of the amended Military Penal Code refusal to perform military service remains a criminal offence. If a military tribunal concludes that a conscript is unable to reconcile military service with his conscience because of "fundamental ethical values" then he

is sentenced to a period of work in the public interest, entailing no criminal record. The law provides for sentences of compulsory work ranging from one and a half times the total length of military service refused by the conscript, up to a maximum of two years. Conscripts may be required to carry out the sentence in one block or at intervals over a maximum period of 10 years. Those objecting to military service on grounds of conscience which are not recognized by the military tribunals, such as political grounds, and those failing to convince the tribunals that their refusal of military service is based on fundamental ethical values which are irreconcilable with military service, continue to receive prison sentences and a criminal record.

Conscripts did not begin to carry out sentences of compulsory work until after 15 July 1992, when the necessary enabling legislation came into force. A small number of conscientious objectors whom the military tribunals considered eligible for a sentence of compulsory work announced during their trials that they would not serve any such sentence; they did not consider that a sentence imposed by a military tribunal following a trial for a criminal offence constituted a genuine alternative civilian service.

For example, Nicolas Carron, a 32-year-old agricultural worker, entered Crête-Longue prison on 10 June to commence a sentence of two months' imprisonment imposed after he had informed the military divisional tribunal hearing his case that he would refuse a sentence of compulsory work.

He had carried out his recruit school training and seven refresher courses of military service, as ordered, but in November 1990 wrote to the military authorities informing them of his refusal of further military service on grounds of conscience. Criminal proceedings were subsequently opened against him for his failure to report for a military inspection and a refresher course of military service in 1990.

He explained the development of his non-violent philosophy and his faith in the life and teachings of Christ to a military divisional tribunal which heard his case in Yverdon-les-Bains in February 1992. The tribunal concluded that his sincerity was without question, that he had based his action on "fundamental ethical values" which he found irreconcilable with further military service and that, under the provisions of the Military Penal Code, as amended in 1991, he would qualify for a sentence of compulsory work rather than imprisonment. However, Nicolas Carron stated that he would refuse any such sentence because he found the amendment to the Military Penal Code unacceptable. He expressed the hope that such individual acts of refusal would help to bring about an improvement in the situation of Swiss conscientious objectors to military service more quickly. In view of his refusal to accept a sentence of compulsory work, the tribunal sentenced him to two months' imprisonment, plus costs of 700 Swiss francs and excluded him from further military service.

According to reports received by Amnesty International, in some cases tribunals apparently used a rather narrow interpretation of what constituted "fundamental ethical values" irreconcilable with military service. For example, conscripts recognized as putting forward ethical objections to military service were not considered eligible for a sentence of compulsory work if they were also considered to have political objections; conscripts putting forward ethical objections or non-violent views were sometimes considered ineligible for a work sentence if they

could not demonstrate that these views were supported by any active personal commitment through voluntary work in a charitable organization.

Conscientious objectors who failed to convince the tribunals that they qualified for a sentence of compulsory work and those who declared they would not carry out such a sentence were liable to up to three years' imprisonment but in practice sentences of up to approximately 10 months' imprisonment were imposed. Many of those sentenced during the period under review entered appeals against their sentences and were still at liberty, awaiting the outcome of these appeals, at the end of October. In addition, moratoria were in force in several cantons on the execution of prison sentences imposed for the refusal of military service.

TADZHIKISTAN

Rival demonstrations by supporters and opponents of President Rakhmon Nabiyev erupted in May into armed conflict in the capital, Dushanbe, forcing the President to include opposition politicians in a coalition government. Thereafter the centre of conflict shifted to the south of the country, where armed groups were divided along both political and clan lines. Fighting escalated after President Nabiyev was forced by his opponents to resign in September, and in late October forces claiming to support the ousted President briefly occupied the centre of Dushanbe before being expelled by pro-government forces.

Extrajudicial executions

Many hundreds of people lost their lives as a result of the armed conflict in Dushanbe and southern Tadjikistan. Reports indicated that non-combatant civilians were among the victims, although detailed information about such victims and the circumstances of their deaths was extremely difficult to obtain.

Amnesty International wrote to the government in June to express concern that a number of people were killed in Dushanbe between 5 and 10 May as a result of actions by the security forces and paramilitary groups, and to welcome the government's decision to set up a commission to investigate these killings. The organization noted that some of the killings, specifically those of nine people outside the building of the National Security Committee on 10 May, appeared to have been the result of actions carried out in contravention of international standards on the use of force and firearms. It was reported that these nine people were participants in a peaceful march to the headquarters of the National Security Committee by members of the political opposition, who believed President Nabiyev to be inside the building. When they approached the building the demonstrators were fired upon, allegedly by members of the security forces.

The organization also expressed concern about the reported killing of Lieutenant-Colonel Georgy Dyadyk, deputy divisional commander in the Dushanbe garrison of Commonwealth of Independent States (CIS) armed forces, and his driver, Private Timur Rustamov, on 6 May. It was reported that the vehicle in which they were travelling was fired upon without provocation in the vicinity of the radio centre in Dushanbe by members of a short-lived National Guard created by President Nabiyev. Lieutenant-Colonel Dyadyk was said to have died instantly, and Private Rustamov from his wounds later in hospital. Reports indicated that CIS armed forces maintained a declared position of neutrality during the conflict in May between forces loyal to the President and opposition forces in Dushanbe.

Conscientious objection to military service

Amnesty International wrote in October to acting President Akbarsho Iskandarov concerning reports that he had issued a decree on fresh conscription of citizens into the national army, the joint armed forces of the CIS and the border and internal troops of Tadzhikistan. It was reported that the decree ordered law enforcement bodies of the republic to take "resolute measures with regard to citizens evading conscription".

While recognizing that a situation of armed conflict existed in certain areas of the republic, Amnesty International urged the acting President to ensure that a civilian alternative service, of non-punitive length, was made available for young men who declared a conscientious objection to performing compulsory military service, and that no one faced prosecution and imprisonment for refusing call-up on grounds of conscience.

Political prisoners

Update to the case of Maksud Ikramov

Maksud Ikramov, the former mayor of Dushanbe who was arrested in March on corruption charges and was allegedly denied adequate access to defence counsel (see AI Index: EUR 01/03/92), was released from detention in the city of Khodzhent at the beginning of October. From a statement made by Maksud Ikramov in a radio interview following his release it appeared that the charges against him had been dropped.

TURKEY

Political killings and alleged extrajudicial executions continue; no progress on safeguards against torture

While the conflict in southeast Turkey between the security forces and guerrillas of the Kurdish Workers' Party, PKK, (*Partiya Karkeren Kurdistan*) has sharply increased in intensity, Amnesty International has continued to express grave concern about the allegations of extrajudicial execution emerging from the area. Allegations of extrajudicial execution have also been made in connection with police operations against "safe houses" of the urban guerrilla organization *Devrimci Sol* in Ankara, Istanbul and Adana.

A package of legislative reforms which, it was claimed, would put an end to the longstanding problem of torture in police stations and gendarmeries, was not enacted and detainees continued to be held for long periods (up to 30 days in the 10 provinces of the southeast under emergency legislation, up to 15 days throughout the rest of Turkey) unprotected by even the most basic safeguards against torture. Between May and October Amnesty International received scores of detailed reports of torture, and during this time at least five people detained by police subsequently died, apparently as a result of torture.

Amnesty International has also expressed concern about the use of firearms against unarmed demonstrators. Since the worldwide protests at the shooting of unarmed civilians during the disturbances at *Nevroz* (the Kurdish New Year), no public investigation has been carried out into the killings, nor, to Amnesty International's knowledge, have any legal proceedings been initiated against any members of the security forces in connection with these killings. In Sirnak, where 38 people were killed during the *Nevroz* disturbances, there was a further incident in August, when security forces fired at random on residential areas of the city, apparently as a punitive exercise in retaliation for actions carried out by guerrillas of the PKK.

The PKK was also reported to have carried out human rights abuses - in particular "executions" of prisoners, and shooting of unarmed civilians not party to the conflict. In October guerrillas of the PKK reportedly entered the village of Cevizdali, in the province of Bitlis, and disarmed the village guards (the village guard corps is a paramilitary force established, armed and financed by the government in order to deny PKK guerrillas access to support from the villages). Shortly afterwards, a small group of guerrillas on the far side of the village exchanged fire with reinforcements from a nearby security post. At the sound of gunshots, the main party of guerrillas opened fire on the assembled villagers, killing 37, including many women and children.

In November Amnesty International published a report describing its current concerns in Turkey, *Turkey: Walls of Glass* (AI Index: EUR 44/75/92); see also AI Index: EUR 44/77/92 and EUR 44/94/92.

TURKMENISTAN

The first Amnesty International visit to Turkmenistan took place in October. However, the delegates were detained by police after less than 24 hours in the country, and were expelled on the pretext of alleged visa irregularities. Amnesty International subsequently wrote to the Turkmen Government protesting about the expulsion of its delegation.

House arrest of opposition leaders

Prisoners of conscience Ak-Mukhammed Velsapar, Khudayberdi Khalli, Nurberdi Nurmamedov, Klych Yarmammedov, Yusup Kadyrov, Aman Gurshayev, Tuvak Takhatov and Akbabek Atayeva, all members of the non-violent opposition *Agzybirlik* political movement, were placed under house arrest at their homes in the capital, Ashgabat, on 24-25 October. The homes of Ak-Mukhammed Velsapar and Khudayberdi Khalli were reportedly ransacked by police. All were released by 1 November.

Sources suggested that they were placed under house arrest because three of them had made contact only hours before with Amnesty International representatives, and because the authorities wished to prevent any possible disruption by the opposition to official celebrations on 26-27 October of the first anniversary of the declaration of Turkmenistan's independence from the USSR.

Amnesty International protested to the Turkmen authorities that the arrest of these people was in direct violation of their fundamental human rights. It called on the authorities to release them immediately and unconditionally from house arrest.

The death penalty

Amnesty International learned of one new death sentence, passed on Bayramgeldy Charyyev in November 1991 for murder under aggravating circumstances. The organization campaigned for commutation of this death sentence and continued to press for abolition of the death penalty in Turkmenistan. In October the Amnesty International delegation in Turkmenistan learned that Bayramgeldy Charyyev had been executed.

UKRAINE

The death penalty

At least two executions came to light during the period under review. Amnesty International learned that Leonid Kupriyanov was executed on 4 March 1992 after his petition for clemency, the last possibility of reprieve, had been rejected by President Kravchuk. Leonid Kupriyanov had been sentenced to death for murder in November 1990. In September President Kravchuk turned down a petition for clemency on behalf of Viktor Gorokhov, who had been sentenced to death for murder in March. The exact date of his execution is not known.

Amnesty International had still not received a reply to its requests for official statistics on the use of the death penalty in Ukraine (see AI Index: EUR 01/03/92). In the period under review two death sentences came to light through unofficial sources, although the true figure of those passed during this time is believed to be higher. Amnesty International continued to press the authorities to commute all existing death sentences; to reduce the scope of the death penalty as a step towards total abolition; and to impose a moratorium on death sentences and executions pending a review of this punishment.

UNITED KINGDOM

Killings by security forces in Northern Ireland

The killing of Kevin McGovern

Kevin McGovern, a 19-year-old student, was shot dead on 30 September 1991 by police officers after he and two friends wandered unwittingly into a police security operation set up to trap an IRA unit. The police acknowledged that he had not been involved in any illegal armed activities. An autopsy carried out independently for the family concluded that he had been shot in the back. The Royal Ulster Constabulary (RUC) refused to bring in a senior police officer from another police force to lead the investigation into his death. The RUC inquiry into his death was supervised by the Independent Commission for Police Complaints.

On 17 June an RUC officer, Constable Timothy Hanley, was charged with the murder of Kevin McGovern. At a bail hearing the prosecution lawyer told the court that police had mounted an operation after being informed of a possible attack on the security forces, and that Kevin McGovern and two others had walked into the area under surveillance. When they were told to stop, Kevin McGovern ran off. The prosecution lawyer stated that Constable Hanley ran after him, fired a number of warning shots and then shots at Kevin McGovern, who was hit a number of times in the back. The lawyer said that during interrogation Constable Hanley had stated that Kevin McGovern had turned to face him with his hands outstretched, that he had believed that the man had a gun and that therefore he had fired in self-defence. The prosecution lawyer stated that the evidence did not support the police officer's assertion that he had acted in self-defence.

The killing of Peter McBride

On 4 September Peter McBride, an unarmed 18-year-old Catholic, was shot dead by soldiers from a Scots Guards patrol in Belfast. The shooting happened after the teenager had already been stopped, searched and asked his identity. Eye-witnesses claimed that the army would therefore have known that he was unarmed. Eye-witnesses reported that after answering questions for a few minutes, he jumped over a wall and ran away. He was then chased and shot; it was claimed that the soldiers had deliberately taken aim, one from a firing position. Peter McBride was the father of two children, the youngest being eight weeks old; he had no history of involvement in armed activities.

The following day, on 5 September, two soldiers, Mark Wright and James Fisher, were charged with the murder of Peter McBride.

The local priest at the funeral accused the army of regular harassment and bullying. He called for "an independent review of the policy, the training and the briefings these young men receive before they are sent, armed and poised for action". Mark Wright was 19 and James Fisher 24.

The inquest into the deaths of Gervaise McKerr, Eugene Toman and Sean Burns

Gervaise McKerr, Eugene Toman and Sean Burns were shot dead in November 1982 by members of an RUC undercover anti-terrorist squad. Three police officers were subsequently acquitted of murder. The circumstances of the killings were highly disputed and were investigated by British senior police official John Stalker in 1985-86. The results of John Stalker's inquiry have never been published; however in a book entitled *Stalker* he revealed that he had uncovered further evidence which suggested that the three had been unlawfully killed.

After many delays the inquest into their deaths recommenced on 5 May 1992. Amnesty International sent a delegate to part of the inquest. It was adjourned in mid-June because of legal challenges by the deceased's lawyer and at the end of October no date had been set for its continuation.

The following is a brief summary of the main features which emerged to date:

! The police officers involved in the killings refused to testify (their refusal is covered by Coroners Rules, which do not apply in England and Wales).

! The government issued Public Interest Immunity certificates, which exclude from disclosure to the hearing documents which covered operational matters and pre-planning of the incident. These certificates hampered the fact-finding exercise because they cover factors which are crucial to determining the full circumstances of the killings.

! The family's lawyer did not receive crucial documents, which were available to the other parties at the inquest (that is, police). Judicial review was sought and refused on decisions to keep certain police documents from inspection; this was appealed to higher courts. Those documents which were released were done so at short notice, thereby preventing the lawyer from having a picture of the full documentation at the beginning of the inquest, and thereby examining witnesses on that basis.

! The jury list was withheld from the family's lawyer (a subject of legal challenge).

! Some new information emerged, which had not been known at the original trial, and which underscored the inadequacy of the original police investigation of the incident: although officers stated that it was an arrest operation, no officers involved in the operation remembered carrying hand-cuffs; there were three, not two, RUC cars at the original incident; it was admitted that information was withheld from the Director of Public Prosecutions to prevent knowledge of Special Branch involvement becoming public; the forensic evidence did not support police officers' written statements of how the three were shot; discrepancies in evidence established that Eugene Toman's body had been moved at the scene of the crime following his death (the position of his body had been a crucial factor at the original trial).

! The team of police officers who had worked on the Stalker inquiry had not come fully prepared to testify at the inquest. They had been instructed by the RUC that they would only be questioned on specific points. The coroner said that it was in the public interest for the inquiry's full report to come out into the open. He requested the officers to return after spending a few weeks re-acquainting themselves with the full documentation. (However, in the meantime the inquest was adjourned.)

Amnesty International will continue to monitor developments in this inquest, in particular the effectiveness of the inquest in bringing to light all the circumstances surrounding the killings.

Collusion in Northern Ireland

For the last three years Amnesty International has been investigating serious allegations concerning collusion between members of the security forces and loyalist armed groups in Northern Ireland. As part of the investigation the organization has sent delegates to the trial of Brian Nelson and the High Court hearing in the Channel Four case (see below). Amnesty International wrote to the United Kingdom Government on 30 October that it had not been convinced that the government had taken adequate steps to halt collusion, to investigate thoroughly and make known the full truth about political killings of suspected government opponents, to bring to justice the perpetrators, or otherwise to deter such killings.

Allegations of collusion ranged from direct involvement of security force personnel in loyalist death squads, complicity by authorities in such killings, to aiding and abetting such actions through the passing on of intelligence information. Additionally there were allegations that government authorities and the security forces did not have an even-handed approach to republican and loyalist armed groups.

Government inaction has revealed an official reluctance to tackle head on, and get to the bottom of, such serious allegations. The government did not institute a wide-ranging inquiry into allegations made in 1989 when hundreds of security documents were made public by loyalist forces. Nor did it institute a wide-ranging inquiry into revelations made by Brian Nelson during his trial (and afterwards in a BBC Panorama program) about collusion between military intelligence and the Ulster Defence Association in targeting republican suspects for killing. (Brian Nelson was both intelligence officer of the UDA and an agent for military intelligence.) Amnesty International believes that a wide-ranging investigation is needed into the human rights implications of intelligence covert operations and into allegations that state authorities have been complicit in loyalist killings.

In contrast with the lack of determination, as shown in the trial of Brian Nelson, in investigating and revealing the full scope of Brian Nelson's knowledge of his co-conspirators in the UDA and evidence of collusion was the determination with which the RUC pursued the Channel Four/Box Productions team over a *Dispatches* program, shown in November 1991, on alleged collusion. Once again the government had not established an investigation into the allegations made in the program; nor had the RUC established an independent inquiry into the allegations. Amnesty International urged the government to establish an independent inquiry.

Instead there has been a barrage of other measures: the unprecedented use of the Prevention of Terrorism Act to require disclosure from Channel Four of the identity of the sources used for the program; contempt charges against Channel Four (who were fined £75,000) for refusing to disclose the sources; perjury charges against the researcher of the program, Ben Hamilton; the release - apparently by the RUC - of privileged information, provided by the program makers after the showing of the program, to selected newspapers; and the public disclosure of the names of those who were interviewed for the program, also apparently by the RUC.

The basis for Ben Hamilton's prosecution was also unclear. Amnesty International will be following this trial closely. If it should conclude that the reason for Ben Hamilton's prosecution was his critical reporting on the role of the security forces, he would be a prisoner of conscience if imprisoned.

Unfair trial issues

The appeal hearing of the "UDR Four"

Amnesty International sent a delegate to the appeal hearing of the "UDR Four", which began in Belfast on 11 May. The four soldiers from the Ulster Defence Regiment had been convicted in 1986 of the murder in 1983 of a Catholic man, Adrian Carroll, and sentenced to life imprisonment.

In July the convictions of Winston Allen, Noel Bell and James Hegan were quashed as being unsafe and unsatisfactory. The three had been convicted solely on the basis of confessions which they alleged had been obtained through ill-treatment and coercion while they were in incommunicado detention. The Court of Appeal concluded that the investigating police officers had given untruthful testimony at the original trial; and that some of the interview notes had been rewritten and falsely authenticated by senior officers. In two cases the detainees' requests to consult with a lawyer appeared to have been deleted from the notes.

The Court of Appeal upheld the conviction of Neil Latimer because it stated that there was sufficient evidence to support the conviction. The appeal court acknowledged that the notes of the interviews had also been rewritten in his case. However, the court stated that, unlike his co-defendants, Neil Latimer had agreed at the trial that he had made the confessions; in addition there was the evidence of "Witness A" who identified Neil Latimer as being near the scene of the crime, wearing clothes the description of which fitted those of the gunman. Given the clear evidence of police misconduct during the interrogation of all four men, and given the conflicting eyewitness accounts, Amnesty International believes that his case should be the subject of a further review.

The absence of essential safeguards for the upholding of detainees' rights in the pre-trial phase of criminal proceedings was highlighted by the appeal hearing. Amnesty International believes that the government should comply with international fair trial standards including detainees' rights of access to families, to lawyers, and to judges promptly after arrest, because

the existing safeguards are inadequate to prevent the ill-treatment of detainees and extraction of forced confessions.

The organization welcomed the announcement made in 1991 of the proposed introduction of statutory codes of practice governing police treatment of detainees in Northern Ireland. The organization called in November 1991 for these codes to be introduced as a matter of urgency. The government also announced more than a year ago that it was considering establishing an independent commissioner who would visit police interrogation centres to check conditions of detention. At the end of October Amnesty International was waiting to see the details of this proposal; it believed that such a commissioner should have the necessary powers and access to be effective.

Updates on Judith Ward, the "Birmingham Six", the "Guildford Four", the "Maguire Seven", and the May Inquiry

In June 1992 the Court of Appeal delivered its judgment on why it had quashed the conviction of Judith Ward, who had been sentenced to life imprisonment for an IRA bombing in 1974. The judgment was critical of members of the police, the prosecution service, and the psychiatric and scientific institutions for not disclosing key evidence which was available at the time. It stated that those responsible for a prosecution and for the provision of evidence should comply with their duty to ensure a fair trial, and that in this case that basic duty had not been carried out.

Three of the four police officers involved in the charging of the "Birmingham Six" were committed for trial on 29 May. George Reade, Colin Morris and Terence Woodwiss were charged with conspiring to pervert the course of justice and committing perjury. The fourth, former detective Rex Langford, was released because of insufficient evidence.

Three former Surrey police officers, charged with conspiracy to pervert the course of justice in the "Guildford Four" case, will not be tried before April 1993. The "Guildford Four" were released in October 1989. Criminal proceedings were originally instituted in November 1990; however, the defendants had the case discharged on the grounds of abuse of process. On appeal to the High Court, the charges were reinstated and the three were committed for trial in March 1992. Apparently the long delay before trial is mainly due to a request by the defendants: Thomas Style, John Donaldson and Vernon Atwell.

The delay in bringing the officers to trial has meant the cancellation of public hearings by the May Inquiry into the circumstances of the "Guildford Four" convictions. Instead Sir John May decided that in order to meet the deadline of the Royal Commission on the Criminal Justice System, he would produce an interim report, based on documentary evidence already available to him as well as some oral evidence which he would solicit.

A parliamentary inquiry into forensic science began work after the collapse of a number of convictions which were based mainly or partly on forensic evidence. Lord Dainton is chairing a special House of Lords committee which is working alongside the Royal Commission on the Criminal Justice System.

In May the Director of Public Prosecutions decided that no prosecutions would be brought against officers in the disbanded West Midlands Serious Crimes Squad. The squad had been

disbanded in 1989 after allegations that police had fabricated evidence or committed perjury in order to obtain convictions. About a dozen people have had their sentences quashed in the last three years. An inquiry was carried out by the West Yorkshire police and supervised by the Police Complaints Authority. The report concluded that up to 16 officers should be prosecuted. However, the DPP stated that there was insufficient evidence to bring prosecutions. One official of the Police Complaints Authority said he was "somewhat shocked but not entirely surprised" by the decision; and a number of politicians claimed that the decision would undermine public confidence in the equal operation of the law.

Threat of refoulement

Since April 1991 Amnesty International has been concerned about the possible forced return of Karamjit Singh Chahal to India, where there is a substantial risk that he would be subject to torture or ill-treatment. The organization has also been concerned about his continuing detention without charge or trial since August 1990. Amnesty International wrote to the United Kingdom Government about his case in July; by the end of October it had not received a reply.

Karamjit Singh Chahal has been active in the Sikh community in the United Kingdom since 1984, and has lived in the country for the past 20 years. He was granted permission to live indefinitely in the United Kingdom in 1974. Mr Chahal has supported demands by sections of the Sikh community for the creation of a separate Sikh state in Punjab ("Khalistan"). He has described having been detained and tortured by the security forces during an extended visit to India in 1984, as an apparent consequence of his contact with the fundamentalist Sikh leader Sant Jarnail Singh Bhindranwale. His account accords with other accounts received from ex-detainees by Amnesty International. He also claims that in 1989 several close relatives were tortured during detention, and that two of his relatives have been shot dead by the police. On this basis, Karamjit Singh Chahal fears that, if returned to India against his will, he would face re-arrest, arbitrary detention and torture. The possibility of extrajudicial execution cannot be excluded.

Karamjit Singh Chahal was detained on 16 August 1990 and served notice of the Home Secretary's decision to make a deportation order under the 1971 Immigration Act "for reasons of national security and other reasons of a political nature, namely the international fight against terrorism". He then applied for asylum in the United Kingdom, but the application was rejected by the Home Secretary on 27 March 1991. On 10 June 1991 Karamjit Singh Chahal appeared before the panel of the so-called "three wise men" to challenge his deportation order. In accord with its normal procedure, the panel's recommendation has not been revealed. The recommendation of the panel is not binding on the Home Secretary. After the advisory panel made its recommendation to the Home Secretary, the Home Secretary signed a deportation order for Karamjit Singh Chahal on 25 June.

In September the High Court gave permission for the Home Secretary's deportation order to be judicially reviewed. As a result of the judicial review, on 2 December the High Court ordered the Home Secretary to review Karamjit Singh Chahal's case. The High Court's decision stressed the risk of torture or persecution if Karamjit Singh Chahal is returned to India. The

judge stated that he felt "enormous anxiety" about the case, and expressed concern that Karamjit Singh Chahal's application for asylum in the United Kingdom had been rejected without the Home Secretary making clear whether he had taken full account of an Amnesty International report on the persecution of Sikhs in India. On 3 June 1992 the Home Secretary re-issued the deportation order, stating that he did not believe Karamjit Singh Chahal faced possible risk of torture from government authorities.

On 16 July Karamjit Singh Chahal was granted leave to seek a further judicial review of his detention. On 27 July the Court of Appeal quashed his criminal convictions arising from a fight in a London Sikh temple in 1987. The convictions had been the sole piece of evidence given in public for threatening to expel Mr Chahal as a threat to national security. The Home Office has now to reconsider Mr Chahal's case in the light of the judge's findings.

Amnesty International is concerned that Karamjit Singh Chahal is being detained without charge or trial, or supervision by a judicial or other authority, which is in contravention of international standards binding on the United Kingdom. These require that all persons under any form of detention be told the specific reasons for their detention and have the right to challenge the legality of their detention before a court, with legal representation. Mr Chahal has been allowed to make representation to an advisory panel of three people, appointed by the Home Office. However, Mr Chahal's lawyer was not permitted to be present during the hearing, nor was any part of the hearing open to the public. Neither was Mr Chahal informed in advance of the exact allegations against him.

Amnesty International interviewed Mr Chahal at length at Bedford prison in July and asked him detailed questions about the nature and substance of his appearance before the non-statutory panel. According to Mr Chahal, while he was aware that the panel had received a series of affidavits in which allegations had been made against him, he was at no time informed of the identity of these sources or of the precise content of the statements. However, he strongly believes that the allegations had been made by political opponents from within the Sikh community whose motivations were based both on their disagreement with Mr. Chahal's views on "Khalistan" and their resentment of his position and standing in the community. He repeatedly denied that he had been involved in fundraising for "Khalistan" in the United Kingdom or the transfer of funds to India.

This unavailability in advance of the particulars of the reasons for detention and deportation obstructs the detainee from preparing a proper defence. The lack of legal representation inhibits a detainee from conducting a proper defence. Neither is the detainee allowed to cross-examine evidence against him, which means that the detainee is unable to challenge effectively possible untruths, inaccuracies, or distortions in intelligence information. The advisory panel does not therefore satisfy the requirement of a judicial hearing. The possibility that unsubstantiated allegations of a political nature might be or have been exchanged privately with the Indian Government, but which Karamjit Singh Chahal himself has been kept unaware of and is unable to contest, provides further reason to fear for Karamjit Singh Chahal's safety.

In the course of the interview, Mr. Chahal reiterated his challenge to the United Kingdom Government to prove the case against him in court. He has said that "In the 20 years I've been

in the United Kingdom, if someone has done something wrong - they are taken to court. Why not take me to court? Charge me or release me." A further judicial review of the refusal of Mr Chahal's asylum application is pending.

Amnesty International believes that Karamjit Singh Chahal's case merits the full and impartial hearing in court called for in the relevant international standards.

UZBEKISTAN

Prisoners of conscience

Babur Shakirov

Amnesty International called for the immediate and unconditional release of Babur Shakirov, who was arrested on 14 August in the capital, Tashkent, and charged with "calling for the overthrow of the state and social order" (Article 60 of the Uzbekistan Criminal Code). The charge apparently related to Babur Shakirov's activities in connection with the foundation of a social organization called *Milli Mejlis* ("National Council") which was reportedly intended to serve as a parliamentary-style forum in which all democratic and nationalist groups and business leaders would be invited to take part. Amnesty International was concerned that Babur Shakirov was detained for the non-violent exercise of his right to freedom of association, and considered him a prisoner of conscience.

Babur Shakirov had previously been a prisoner of conscience under the Soviet government, having been imprisoned between 1970 and 1980 for treason and anti-Soviet agitation and propaganda: the former charge related to an illegal attempt to leave the USSR, and the latter to nationalist activities. He had been adopted as a prisoner of conscience by Amnesty International when his case had come to the organization's attention in 1975.

Pulat Akhunov

Amnesty International sought further information from the authorities about the charges against probable prisoner of conscience Pulat Akhunov. A deputy chairman of the registered opposition movement *Birlik* and a former deputy to the USSR Supreme Soviet, he was arrested on 29 July in Shakhrikhan, Andizhan Region, and went on trial on 14 September in Andizhan city on a charge of assault.

Amnesty International was concerned about allegations that the charge was false, and had been fabricated to punish Pulat Akhunov for his non-violent political activity in opposition to the Government of Uzbekistan. Unofficial sources claimed that the alleged victim of the assault had been in police custody on charges of rape and robbery until shortly before the alleged assault, and had named Pulat Akhunov as his assailant at the prompting of police.

Immediately before his arrest Pulat Akhunov had served two consecutive 10-day terms of administrative arrest (see below). The first term was for "abuse of a police officer" and related to an incident when his car was stopped by police for an alleged traffic offence. When that term expired he was immediately given another 10-day term for "fighting with a fellow prisoner". Unofficial sources alleged that these offences were either fabricated or provoked by the authorities: they claimed that the incident on which the second charge was based occurred after a violent prisoner was deliberately put in the same cell as Pulat Akhunov and assaulted him. The sources alleged that the true motive for holding Pulat Akhunov in detention was to

punish him for an attempt to hold a meeting of *Birlik* leaders, senior members of the registered opposition *Erk* party, and representatives of Islamic groups.

Short-term arrest

Short-term "administrative arrest", which can be imposed by a single judge for up to 15 days without right of appeal, continued to be used to detain people seeking to exercise non-violently their rights to freedom of expression and association. At the beginning of July, for instance, Mikhail Ardzinov was imprisoned for 10 days, apparently in connection with his peaceful activities as deputy chairman of the unregistered Human Rights Society of Uzbekistan.

Assaults on opposition activists and journalists

In July Amnesty International expressed concern about a series of at least six incidents in which prominent members of *Birlik* and independent journalists had been seriously assaulted by unknown attackers. In June, for instance, *Birlik* chairman Abdurakhim Pulatov needed emergency hospital treatment for skull fractures after four men attacked him and *Birlik* presidium member Miralim Odilov with metal bars as they left an interview at a police station in Tashkent. It was alleged that Tashkent's Deputy Chief of Police and the Deputy City Procurator witnessed this attack but did not intervene to stop it. Miralim Odilov had already suffered two similar attacks within the previous five weeks.

Amnesty International was concerned that reportedly the authorities had made little effort to identify the attackers. The organization called on the authorities to ensure that the incidents were fully investigated and every effort made to identify the persons responsible and bring them to justice.

After raising this concern with the authorities Amnesty International learned of one further such attack, again on Abdurakhim Pulatov.

Conscientious objection to military service

In October Amnesty International wrote to the Minister of Defence, Rustam Akhmedov, repeating concerns about the rights of conscientious objectors to military service. Recent media reports of the announcement of the start of the first call-up into Uzbekistan's own armed forces noted that all men aged between 18 and 27 years were required to perform military service except in cases where the man in question was the only or youngest son in a family, or a member of the clergy. It was also reported that alternative service was available to religious believers.

Amnesty International sought from the Minister more information about alternative service provisions in Uzbekistan. The organization specifically requested to know whether the alternative service would be completely civilian in nature; whether it would be open not only to religious believers but also to young men with political, ethical or other conscientiously-held

objections to military service; and whether the length of alternative service would be the same as that of military service.

YUGOSLAVIA, FEDERAL REPUBLIC OF

Concerns in Kosovo-Metohija province

Torture and ill-treatment

In April Amnesty International visited Kosovo province in southern Serbia to obtain information from local human rights activists and victims about police abuses. In June the organization published a report *Ethnic Albanians - Victims of torture and ill-treatment by police in Kosovo province* (AI Index: EUR 48/18/92) in which it documented 15 illustrative cases, with statements by victims supported by medical and photographic evidence. Amnesty International has repeatedly urged the Serbian authorities to institute impartial and independent investigations into allegations of police abuses and to take appropriate steps to ensure that police officers are informed of and required to implement international standards for law enforcement. It has expressed concern that despite the existence of procedures for filing complaints against police, in practice they appeared to enjoy immunity from prosecution.

In September and October over 400 ethnic Albanians were reportedly beaten or otherwise ill-treated by police. Most had taken part in demonstrations in protest against the closure of schools and university faculties to ethnic Albanians, the majority of whom refuse to recognize the legitimacy of Serbian rule in the province and reject the curricula laid down by the Serbian authorities. Among those injured were two women, one of whom reportedly had her ear torn off by police while the other suffered a fractured leg (see AI Index: EUR 70/01/92).

In October Amnesty International expressed fears that tensions between ethnic Albanians and Serbs threatened to escalate into major ethnic conflict of the kind that is devastating Bosnia-Herzegovina (see Weekly Update NWS 11/41/92).

Political trials - legal concern

In October 26 ethnic Albanians were convicted in two political trials which took place in Pejë and Priština. Nineteen defendants in Pejë were found guilty of "association for the purpose of carrying out hostile activity" and "undermining the territorial integrity of Yugoslavia"; they received prison sentences of between one and seven years' imprisonment. They were accused of having founded an illegal organization with the aim of obtaining by means of arms the secession of Kosovo province from Yugoslavia. The chief accused, Mentor Kaçi, admitted that he had bought a gun and a revolver and had tried to buy arms in Albania. Similar charges were brought against a group of eight ethnic Albanians in Priština, some of whom had received military training in Albania. Seven of them received prison sentences of between two and six years' imprisonment, while one was found not guilty and released.

At both trials, the accused stated that they had bought weapons for purposes of self-defence in case conflict should spread to Kosovo and alleged that they had been tortured or ill-treated following arrest with the aim of obtaining false self-incriminating statements from them. None of the defendants was accused of having used violence. Amnesty International expressed

concern about the allegations of torture and ill-treatment. It also noted that for at least part of the pre-trial proceedings lawyers were denied access to the files of their clients and were prevented from being present when their clients and witnesses were being questioned. The organization urged that the defendants' convictions be reviewed in accordance with international standards for fair trial, and that an investigation into their allegations of torture and ill-treatment be instituted.

ASYLUM-SEEKERS

The need for a fair policy

Amnesty International is concerned about the most recent proposals under discussion among member states of the European Community (EC) for the treatment of asylum claims which are considered "manifestly unfounded" and those made by asylum-seekers who, it is argued, can be returned to a "safe" country of origin or sent to a "safe" third country. These proposals are intended to further advance the process of "harmonization" of member states' asylum laws and practice that was begun in the preparation of agreements dealing with control of the external borders of EC countries and determining which state is responsible for dealing with an asylum request (the organization's concerns about these agreements were described in AI Index: EUR 01/02/91).

In November 1992, Amnesty International's sections in the EC member states issued a joint report (*EUROPE: Harmonization of asylum policy -- accelerated procedures for "manifestly unfounded" asylum claims and the "safe country" concept*) setting out the organization's current concerns. The report described existing deficiencies in asylum procedures in a number of European countries and expressed concern that the latest proposals would in many cases make it more difficult for asylum-seekers to have access to a fair and satisfactory asylum procedure in Europe. In that report, Amnesty International argued that a binding international agreement setting out minimum standards for a fair asylum procedure should be a matter of high priority, particularly for EC member states, and proposed a number of essential principles which should be included in such an agreement. These essential principles include that all asylum claims must be thoroughly examined by an independent and specialized authority; the decision-makers must have expertise in international human rights law and international refugee law, and should take full account of human rights information which is drawn from the widest possible range of independent sources. An asylum-seeker should be able to appear in person before a decision-maker when his or her case is first examined, and at all stages in the procedure must benefit from the right to legal counsel. All refused asylum-seekers must have the right to have their case reviewed through a judicial process before being expelled from the country, although in exceptional circumstances this review may be expedited.

RATIFICATIONS

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

AZERBAJDZHANI REPUBLIC

On 13 August Azerbaydzhan acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

BULGARIA

Bulgaria signed the European Convention for the Protection of Human Rights and Fundamental Freedoms on 7 May and ratified it on 7 September.

CROATIA

On 12 October Croatia succeeded to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

CZECH AND SLOVAK FEDERAL REPUBLIC

On 18 March the Czech and Slovak Federal Republic ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Sixth Protocol which provides for abolition of the death penalty for peacetime offences.

GERMANY

On 18 August the Federal Republic of Germany ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

HUNGARY

On 5 November Hungary ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Sixth Protocol which provides for abolition of the death penalty for peacetime offences.

IRELAND

On 28 September Ireland signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

LUXEMBOURG

On 12 February Luxembourg ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

SLOVENIA

On 6 July Slovenia succeeded to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights.

SWITZERLAND

On 18 June Switzerland acceded to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights.

UKRAINE

In 28 July Ukraine made a declaration under Article 41 of the International Covenant on Civil and Political Rights, thereby acknowledging the right of the United Nations Human Rights Committee to receive and consider claims from other States Parties that it is not fulfilling its obligations under the Covenant.