

February 1993 Appeals cases

HAITI

Jean-Robert Jean-Baptiste, a 40-year-old father of seven, "disappeared" on 1 October 1991, the day after the military coup that ousted the government of President Jean-Bertrand Aristide.

Jean-Robert Jean-Baptiste had been the Vice-Delegate for Haiti's South-West Department under President Aristide's government, representing the National Front for Change and Democracy (FNCD), an electoral coalition which had supported President Aristide. Because of his prominent position under the Aristide government and his affiliation to the FNCD, Jean-Robert Jean-Baptiste was targeted immediately after the coup.

In March 1992 Jean-Robert Jean-Baptiste's family told an AI delegation that eye-witnesses said that he had been arrested by policemen from the 46th Police Company of Lamentin. His family were initially told that he had been shot by the security forces, and visited the morgue and hospitals in an attempt to locate him, but without success. The family then heard rumours that he had been seen in different detention centres, but the police continued to deny holding him. He remains "disappeared", and his family has been threatened and intimidated.

At least 10 people "disappeared" in Haiti following the September 1991 coup. The true number of those "disappeared" is probably much higher, but an exact figure cannot be established because of the difficulties in monitoring human rights in Haiti. The fate of many of those arrested by the army has not been clarified and there have been widespread reports of torture.

Since the coup, the armed forces have systematically targeted President Aristide's political supporters, including members of the FNCD, who have been subjected to human rights violations, including extrajudicial executions, "disappearances", torture, threats and intimidation.

Please send appeals to the government to open a full and impartial investigation into the whereabouts of Jean-Robert Jean-Baptiste and to bring those responsible for his detention and subsequent "disappearance" to justice, to: Monsieur Marc Bazin, Premier Ministre, Présidence de la République de Haiti, Palais National, Port-au-Prince, Haiti

LAOS

Thongsouk Saysangkhi, Latsami Khamphoui, Feng Sakchittaphong: advocates of multi-party democracy, they were sentenced to 14 years' imprisonment on 4 November 1992. They had been held without charge or trial for more than two years.

The three men, all in their mid-50s, were reportedly accused of forming a "Social Democratic Club" to call for democracy. Thongsouk Saysangkhi had been Deputy Minister of Science and Technology but resigned in August 1990 after criticizing the government for "restricting popular liberties and democracy". Latsami Khamphoui, also a former deputy minister, had reportedly circulated letters criticizing official "corruption" and the "victimization" of

government critics. Feng Sakchittaphong, a Ministry of Justice official, had reportedly joined the two others to write an article advocating multi-party democracy.

In November 1990 the authorities announced that the three prisoners would be charged with "treason". In August 1991 they said the three had "acted against the law to overthrow the administration"; however, no formal charges were known to have been brought against them.

According to unofficial sources, the three men appeared before a tribunal in Sam Neua, capital of the remote northern province of Houa Phan, on 4 November. Their trial was reportedly attended by a small audience selected by the authorities. The charges against them were not made public and they had no defence lawyer. They are reportedly serving their sentences in Sop Hao Central Prison, where they are held incommunicado.

Please send appeals, in French if possible, for their immediate and unconditional release to: President Nouhak Phoumsavan, Office of the President, Vientiane, Lao People's Democratic Republic

SUDAN

Major Simon Jada, a member of the paramilitary guards attached to the Department of Wildlife, Major Pitia Kenyi Lado, a prison official, and Joseph W.D. Wai, a geologist, are among hundreds of people who "disappeared" after being arrested between June and August 1992 by the security forces in Juba. It is feared that they have been tortured or secretly executed.

The arrests followed intense fighting in Juba, which has been besieged by the rebel Sudan People's Liberation Army (SPLA), for several years. The way in which the SPLA penetrated the town's defences during attacks in June and July aroused official suspicion that people inside Juba had collaborated with them.

Those arrested included civilians, soldiers, police officers and members of paramilitary forces. Following a SPLA assault in June 1992, 40 government soldiers suspected of collaboration were extrajudicially executed and seven captured SPLA soldiers were shot. In July around 200 civilians were reportedly killed by government forces during a house to house search.

In November 1992 the authorities established a committee, chaired by a High Court judge, to investigate the incidents in Juba. The inquiry's terms of reference are unknown to AI. It was set up after the international outcry over the executions in Juba in August of Andrew Tombe, a Sudanese employee of the US Agency for International Development, and Mark Laboke Jenner, who worked for the European Commission. The authorities claim that both men were tried and sentenced to death before being executed, but it is far from clear that trials took place in these or any other cases. This, coupled with the fact that the authorities have failed to account for most of those arrested in Juba, intensifies concern about their fate.

Please send appeals, in English or Arabic, expressing concern at the "disappearances" and, urging the authorities to account for the abovenamed individuals and all those arrested, to: His Excellency Lieutenant General Omar Hassan al-Bashir/Head of State and Chairman of the National Salvation Revolutionary Command Council/People's Palace/PO Box 281/Khartoum/Sudan.

February Newsletter articles

ANGOLA

Deliberate and arbitrary killings

A WAVE of political violence by government forces and the opposition National Union for the Total Independence of Angola (UNITA) followed elections last September. Hundreds of people were killed in the capital, Luanda, after fighting broke out between armed UNITA forces and government police at the end of October.

The police and civilians armed by the government carried out house-to-house searches and executed hundreds of UNITA members or supporters. Hundreds of others, including prisoners of conscience, were arrested.

Tension escalated after UNITA alleged that the ruling People's Movement for the Liberation of Angola (MPLA), had won the elections by massive fraud, although international observers rejected this claim. UNITA reassembled its army, which should have been disarmed under the May 1991 Peace Accords, taking control of over half the country.

UNITA also carried out deliberate and arbitrary killings.

Since November there have been widespread fighting and further report of deliberate and arbitrary killings by both sides.

Political killings had occurred before the elections: the failure to investigate them and punish the perpetrators appears to have contributed to the sense of impunity and utter disregard for human rights recently displayed by both sides. AI has repeatedly called on the government and UNITA to halt the killings.

BELIZE

Four prisoners on death row

FOUR MEN are now on death row in Belize, all convicted of murder, which carries a mandatory death penalty.

Dean Eduardo Vasquez was convicted of the 1990 murder of his common-law-wife, and was sentenced to death by the Supreme Court in June 1991. His initial application to Belize's highest court of appeal, the Judicial Committee of the Privy Council (JCPC) in the United Kingdom, was denied. He was scheduled to hang on 30 October 1992. However, a last minute decision by the JCPC gave Dean Vasquez leave to appeal. At the same hearing, the JCPC also allowed Catalino O'Niel leave to appeal against his conviction for murder.

The appeals were granted after lawyers representing the two men in London argued that the Belize Criminal Code's definition of "extreme provocation" was unclear and contradictory. Further questions were raised on the court's directions to the jury, which failed to clarify the contradictory definitions of provocation in the law. Both men are awaiting the results of their appeals.

In September 1992 the Belize Court of Appeal dismissed the appeal by Ellis Taibo, convicted in August of rape and murder. Ellis Taibo has now applied for commutation of his sentence.

The appeal of Francisco Conoquie, sentenced to death for murder in May 1992, is scheduled to be heard in early 1993.

BRAZIL

'We are the land'

INDIGENOUS people in Brazil are being abducted, tortured and killed for their lands or the resources on them, with almost total impunity. As demands for minerals, timber and land increase, indigenous groups have become more vulnerable to armed attack by private agents, including gunmen hired by land claimants, timber merchants or mining interests.

In January AI released *'We are the land': indigenous peoples' struggle for human rights*, a report on Brazil's Indians which demands an end to the impunity with which abuses have been committed. This is AI's first report to mark the United Nations International Year for the World's Indigenous Peoples. In 1992, AI published *Human rights violations against indigenous peoples in the Americas* as part of a campaign against human rights violations in the region.

The report, based on six months of in-depth field work, draws together hundreds of cases of killings and beatings of members of indigenous communities throughout Brazil - from the Macuxí on the plains of Roraima, the Ticuna on the banks of the Solimoes, the Pataxó-hã-hã-hãe in Bahia, to the Guaraní in Mato Grosso do Sul. These groups do not share a common history: some have had contact with non-indigenous society since 1500, others remain isolated deep in the Amazon. Yet they all face the same risks from those coveting their resources or their lands. Police forces themselves have been responsible for unauthorized raids on Indian areas and have beaten or ill-treated men, women and children.

On 1 December 1992 Domingo Paulino, a Gavião Pukbye Indian and known opponent of granting timber permits, was shot dead in Maranhão; he had received death threats from loggers crossing his land. In Mato Grosso and Rondonia, the failure of police to stop the timber merchants' violent incursions against the Nambiquara has now directly exposed the government Indian Agency's own staff, who defend the Nambiquara, to threats and risks to their lives from timber merchants. Other cases, such as the massacre of 14 Ticuna Indians in 1988, have constantly stalled in the courts, calling into question the authorities' commitment to upholding the human rights of Brazil's indigenous people.

In case after case the Brazilian authorities have failed to prevent further abuses or resolve tensions between the indigenous and non-indigenous population. The authorities have failed to settle land conflicts promptly and justly, and have not taken effective action to bring those responsible for abuses to justice. The comprehensive guarantees for indigenous people enshrined in the Brazilian Constitution have been largely ignored, while continued impunity for those who carry out abuses against the indigenous communities has - encouraged an escalation of the violence, putting whole communities in great danger.

CAMEROON

Mass arrests follow protest

HUNDREDS of people were detained in October, following protests at the re-election of President Paul Biya, who has been in power since 1983. Many of the detainees were systematically beaten and tortured. Most detentions took place in Bamenda, the capital of the North-West Province, where a state of emergency was in force from 27 October until the end of the year. Similar cases of detention without trial

were reported in provinces unaffected by the state of emergency. Most of the detainees were supporters of John Fru Ndi of the Social Democratic Front and the President's main rival. John Fru Ndi and about 150 of his followers were placed under house arrest in Bamenda; others were kept in security police custody. State of emergency regulations allow detention without charge or trial for up to four months, without any appeal. Most were released in December, unconditionally or on bail, after their cases were reviewed by the state security court.

One detainee, Ghandi Che Ngwa, an accountant, died in November as a result of torture during four days in security police custody in Bamenda. On his transfer to hospital, he was found to have a swollen and bruised body and some of his toenails were missing. Nyo Wakai, a former Supreme Court president, was beaten during his arrest. An opposition party leader who visited political detainees in Nkongsamba, Central Province, in November, was detained after appealing for detainees who had been beaten to be taken to hospital. Both were held without charge until December.

Cameroon's government-appointed National Commission on Human Rights and Freedoms visited some detainees in Bamenda in November and found evidence of beatings and torture, but once again the government announced no steps to end such illegal practices.

ISRAEL/OCCUPIED TERRITORIES

Killings by Israeli forces and Palestinian groups

SINCE the intifada began in 1987, Israeli forces have shot dead about 900 Palestinian civilians. Members of Palestinian groups and other Palestinians have killed about 70 Israeli civilians, as well as about 650 Palestinians, most of them suspected of "collaborating" with the Israeli authorities.

AI has repeatedly urged the Israeli authorities to review its guidelines on the use of firearms, which appear to allow unjustifiable use of lethal force, and to take adequate measures to prevent human rights violations by Israeli forces.

In 1992 about 120 Palestinians were shot dead by Israeli forces, some in circumstances suggesting summary execution or other unjustifiable use of firearms. In March 1992, for instance, Jamal Ghanem was playing in a football match when four undercover policemen arrived on the pitch and shot him dead. In May, Anton al-Shumali was stopped on the road near Beit Sahur by two border policemen. Eyewitnesses said that one of the officers shot Anton al-Shumali at point-blank range with rubber bullets, then left him to die on the side of the road.

AI has also called on the Palestine Liberation Organization and the Islamic Resistance Movement (Hamas) to prevent the torture and arbitrary killing of alleged Palestinian "collaborators", and to prevent attacks on Israeli civilians. In December AI condemned the action of Hamas in taking as a hostage and subsequently killing Israeli Border Policeman Nissim Toledano. Hamas said it had taken him prisoner in order to exchange him for Hamas leader Sheikh Ahmad Yasin, who is being imprisoned by the Israeli authorities

Palestinian leaders have condemned the torture and wanton killing of suspected "collaborators". However, they have generally endorsed the principle of punishing "collaborators" with death if the punishment

has been approved by the top political leadership.

JORDAN

Prisoners freed in royal amnesty

ABOUT 150 political prisoners, including prisoners who had received unfair trials, were among over 1,480 prisoners freed in November under a general pardon issued by King Hussein bin Talal.

Those released included Members of Parliament Leith Shubeilat and Ya'qub Qarrash, and two shop owners – Ahmad al-Ayubi and 'Abd al-Hamid Idkedek – who had been sentenced to up to 20 years' imprisonment two days before the amnesty. They had no right of appeal.

Also released were Muhammad Abu Maidan and Tareq Qubi'ah, prisoners of conscience and members of the *Islamic Liberation Party in Jordan*, arrested in 1991. They were serving 18-month prison terms for belonging to an illegal organization.

KUWAIT

Police charged with torturing detainee

AI HAS welcomed the decision of the Kuwaiti authorities to investigate allegations that a Sri Lankan national, Colompurage Asoka Pathmakumara, was tortured in police custody (see *AI Newsletter*, January 1993).

Colompurage was dead on arrival at hospital on 1 June and a medical examination revealed evidence of severe beatings. In response to an AI request for clarification, the Kuwaiti Ministry of Justice said that Colompurage, who was arrested on 30 May in connection with a robbery, died the following day after falling from a height of 4.25 metres while attempting to escape from custody. Colompurage's friends and relatives maintain that Colompurage was himself the victim of the robbery, that he was arrested when he reported it to the police and that he was beaten to death in custody.

In December 1992, the Kuwaiti authorities conceded to AI that Colompurage was "lightly" beaten during interrogation and sustained "minor" injuries.

They also said that Kuwait's Public Prosecutor had referred seven police officers to trial on charges of torturing the accused in order to obtain a confession. AI has asked the authorities for details of these proceedings and for an independent investigation to be conducted into the cause of Colompurage's death.

Hangings in Libya

ON 10 November 1992, six men were hanged in Libya – the country's first officially announced executions for more than five years. Film footage of the hanged men, from which this picture was taken, was shown on Libyan television the following day. AI fears that these executions could be the prelude to further use of the death penalty in Libya. The organization expressed its concern to Colonel Mu' ammar al-Gaddafi and appealed for the abolition of the death penalty.

NEPAL

Opposition party members tortured

EIGHT members and supporters of Nepal's parliamentary opposition communist party were tortured during incommunicado detention by the

police in Sindhuli.

The eight, seven men and a woman, were reportedly arrested in November for questioning about two murders, after the police failed to locate their main suspect, who was also an opposition party supporter. Most of the detainees were forcibly taken to the police station by members of the ruling Nepali Congress Party who attacked them on the way.

In custody, six of the eight were severely beaten by the police in an attempt to make them sign statements incriminating themselves or others. Several required medical treatment for their injuries. All eight were subsequently charged with murder. Two were released on bail and six were transferred to prison custody.

There have been a number of incidents in which opposition party members have been held incommunicado and tortured. In January 1992, 10 communist party members were arrested and tortured in Baglung. These incidents have not been officially investigated. AI is urging the government to hold independent investigations and to bring those responsible for torture to justice.

SRI LANKA

Human rights safeguards still needed

AI DELEGATES visiting Sri Lanka in October 1992 found that although the government was more open to scrutiny by international human rights organizations, it had not implemented many of the human rights safeguards recommended by AI which it had accepted in late 1991. Mechanisms to monitor and investigate certain kinds of violation have been established, but primary safeguards intended to protect those in custody from "disappearance" or torture are not yet in place. Moreover, military orders reforming the arrest and detention procedures were not being followed on the ground. No complete central register of detainees was available, and no list of authorised places of detention had been published.

Significantly fewer "disappearances" and extrajudicial executions were committed in 1992 than in recent years. However, violations continued, particularly in the east of the country, where scores of "disappearances" were reported. Senior military officers admitted that the army may hold certain prisoners in unacknowledged detention for between a few days to a few weeks, hidden from the International Committee of the Red Cross. Prisoners continue to be tortured and ill-treated in both military and police custody. In addition, several thousand people remain in untried, administrative detention in connection with armed insurgencies; some have been held for more than three years.

Since mid-1991 the government has been more willing to acknowledge that extrajudicial executions have been committed by the military and home guards in the east, and to hold inquiries into these incidents. Nevertheless, the follow-up to these inquiries remains slow, and several earlier cases brought against security force members have still not reached any conclusion.

In the northeast gross abuses continue to be committed by the secessionist armed opposition, the Liberation Tigers of Tamil Eelam (LTTE). In October the LTTE attacked and killed more than 190 civilian Muslim villagers in Polonnaruwa District. LTTE abuses include the deliberate killing of civilians, the taking of hostages

for ransom, the torture of prisoners and the execution of those considered traitors.

TURKEY

Killing of Resul Sakar

SHORTLY after midnight on 2 November 1992, about 20 security force members in plain clothes burst into the courtyard of Resul Sakar's house in Cizre and threatened to break down the door if the occupants refused to open it. Resul Sakar, who was ill in bed, told his wife and son to let the police in. Three officers entered and began insulting the family, threatening to shoot them and beating the 18-year-old son. They said they were taking Resul Sakar for interrogation, and dragged him away in his pyjamas.

Neighbours later said that the police had been inquiring for directions to Resul Sakar's house, and had smashed the lights to darken the street. At about 3am gunshots were heard nearby. Resul Sakar's bullet-riddled body was found at about 7am. The autopsy report stated that he had been shot from behind.

Resul Sakar, a former *imam* (prayer-leader), was a member of the Workers' Party (İşçi Partisi) and had been the local president of the Socialist Party, which was banned in July 1992. Both parties have a policy of non-violent, but outspoken support for the political emancipation of the Kurds.

Cizre is in the south of the country, where the borders of Iraq, Syria and Turkey meet. It is under extremely tight security. Many political killings have occurred there during the past year.

Political killings have become a daily occurrence in southeast Turkey. The victims have included local politicians, human rights activists, journalists, and villagers suspected of links with guerrillas of the Kurdish Workers' Party (PKK). The Turkish authorities have consistently failed to respond to AI's appeals to set up commissions of inquiry into these killings.

During 1992 there were also more than 100 apparently deliberate and arbitrary killings of prisoners and other non-combatants by armed opposition groups, including the PKK.

AI is calling for a prompt, full and impartial investigation into the circumstances of Resul Sakar's death. The organization has appealed to the Turkish authorities to make public the methods and findings of the investigation and to bring those responsible to justice.

A man from Benin living in France is knocked off his motorbike by a car, then beaten up by the driver. In Germany a 14-year-old asylum-seeker from Turkey is thrown to the ground with such force that his arm is broken. A young African living in Portugal is kicked, punched, and given what his assailants call a "bath" with a high pressure hose.

These violent assaults were not carried out by the racist organizations increasingly active in western Europe. In each and every case, the assailants were police officers – the very people responsible for protecting the public from racist attacks.

The behaviour of law enforcement officers mirrors the rising tide of racism in Europe. AI has documented an increasing number of cases where race appears to be a factor among the many reports of torture and ill-treatment by police and other government agents it receives from Western Europe.

Yet few European governments have recognized the growing threat to human rights posed by racist police practices. Assaults by government agents, including cases where racism is apparent, go largely unpunished. Such cases are rarely investigated as thoroughly as they should be, and the victims usually find it difficult to seek redress on their own behalf. Even when the assaults are serious – or fatal – the guilty often go free.

This is doubly dangerous at a time when racist attacks are increasing throughout the region. Racist attitudes among police officers not only lead to human rights violations, but may also leave those most vulnerable to racist attacks without adequate protection. By failing to punish their own agents for such abuses, governments implicitly condone racist attacks in society at large.

The victims are subjected to treatment ranging from racial insults and threats of deportation to severe beatings and other forms of torture. Many of the victims are foreign nationals, including tourists and students, as well as asylum-seekers, immigrants, and migrant workers, many of them too frightened of losing their tenuous status in their host country to make a complaint. In many other cases, the targets of racist abuse are citizens of the countries in which they are ill-treated.

Racial prejudice sometimes appears to be the only motive for police brutality. In France, Benin national Lucien Djossouvi was knocked off his motorbike by an unmarked police car in September 1989. He was then assaulted by police officers, who reportedly called him a "dirty nigger" and beat him with truncheons. When he said he would make a formal complaint, he was threatened with deportation and left bleeding on the pavement. A few hours later he was rushed to hospital, unconscious. Doctors recorded a heavy blow to his head and widespread facial bruising.

Despite the threats of deportation, Lucien Djossouvi made a formal complaint against the police. A judicial inquiry opened in 1990 had not concluded by December 1992.

In Spain, in September 1991, Arab tourists Mohamed Hegazy and Raed Shibli were reportedly arrested and brutally beaten after Mohamed

Hegazy spoke in Italian to a civil guard he thought he recognized. The guard was the wrong man, and immediately began to assault the two bewildered tourists, shouting "Italians, Italians". Reinforcements were summoned and the two men were arrested, severely beaten with truncheons, kicked, punched, and charged with resisting arrest. They complained about their treatment when they appeared in court, but it is not known whether their claims were investigated.

One man was assaulted by the police after he sought their protection. Babür Partener, a Turkish citizen living in Austria, stopped to buy some cigarettes in a Vienna bar, where he was threatened by two men. He called the police to lodge a complaint, but when two police officers arrived on the scene to investigate, it was Babür Partener they arrested. In custody, he was reportedly beaten, kneed in the testicles, called "a shitty Turk", and threatened with deportation. His requests for a lawyer and an interpreter were refused. After his release, a doctor found swellings and bruises on his head, arms and chest.

Babür Partener brought a complaint of ill-treatment against the police. The police denied his allegations and counter-charged him with resisting arrest and injuring a police officer. At his trial in October 1989, he was acquitted of all charges after the Public Prosecutor described police evidence as "contradictory and implausible". A judicial inquiry resulted in charges against four police officers, who were tried and acquitted in May 1992.

There was no apparent reason for the assault on Marcelino Baessa, a young Cape Verdian living in Portugal. In August 1990 he and some friends were at home listening to music when Republican National Guard officers entered and demanded to see their identity papers. Although Marcelino Baessa produced his papers, he was reportedly insulted, slapped on the face, and arrested. He said that in custody a group of officers punched and kicked him and gave him a "bath" with a high pressure hose. He was released without charge and made a formal complaint about his treatment, which was archived by the Public Prosecutor, but the case was reopened on appeal.

These are only a few of the many cases AI has documented in which racist violence or insults have been a part of the torture or ill-treatment inflicted by government agents. A pattern of assaults and torture in which racial abuse is evident can be detected throughout Europe. Less marked is any evidence that governments have taken steps to prevent these human rights violations.

Prompt, thorough and independent investigation of all cases of racist torture and ill-treatment is the essential link in the chain that leads to the prosecution and punishment of those responsible for such violations. Only by finding and punishing the guilty can governments take the first steps towards ending racist abuse. Yet a genuine commitment to carrying out such investigations is conspicuously absent from the official agenda. In June 1992, for instance, Jacques Cherigui, a man of Franco-Algerian parentage, was arrested in his home in Argenteuil without a warrant and for no apparent reason. He emerged from custody 19 hours after his arrest, covered with cuts and bruises and with his right hand permanently damaged. He made two formal complaints about his treatment, backed by medical reports, but they were not investigated by the court.

According to Jacques Cherigui, the police demanded entry to his flat

without explaining what they wanted, seized and handcuffed him and threw him down four flights of stairs. In the police van, a police officer sat on his neck, forcing him to bend over double and making it nearly impossible for him to breathe. The officer allegedly told his colleagues: "This trick calms them down very quickly, these wogs." Jacques Cherigui was punched in the stomach and repeatedly insulted. In the police station, he said, he was called a "filthy wog" and told: "You ought to go back to your own country."

Jacques Cherigui was released after being charged with resisting arrest and insulting the police. He sought medical treatment for injuries which included cuts and bruises to his arms, legs, trunk, and neck. Doctors also recorded permanent nerve damage to his right hand, apparently caused by tight handcuffs. His trial has been adjourned until March 1993, pending the report of an internal police inquiry into his allegations of ill-treatment.

Thorough investigations which result in government agents being brought to trial are rare. The police commonly deny that racist ill-treatment occurred or else claim that the victims were injured while attacking police officers or attempting to escape. Even when investigations do result in charges against police officers, legal proceedings seldom lead to convictions. This can mean that victims, even of serious assaults, are left to seek redress outside the criminal justice system.

Some victims have pursued assault cases against police officers in the civil courts. In the United Kingdom there have been several recent cases in which the police paid compensation - now totalling hundreds of thousand of pounds sterling - without admitting liability, to people who sued them for wrongful arrest or ill-treatment.

In July 1991 the London Metropolitan Police force paid £40,000 in compensation to Leslie Burnett, a black landscape gardener, without admitting liability. Leslie Burnett was arrested in April 1988 for allegedly tampering with a car, which he denied. He was severely beaten with a truncheon, kicked and called a "black bastard". In December 1988 he was tried and acquitted of charges which included injuring two police officers. After compensation was awarded he told the press: "What about the officers who sent me to jail? ... I would like to see them sacked or charged."

In March 1991 Mohammed Hajiazim, an Iranian, received £25,000 from the British police, without any admission of liability, in compensation for a serious injury.

Mohammed Hajiazim had been arrested in London in September 1987, following an argument with police officers over a parking offence. He was forced into a police car, and insulted while being driven to the police station. When he arrived at the police station: "They dragged me out of the car. I lost my balance and fell and they started to hit and punch me on my side and back. Then [a police officer] kicked me between the legs. I could not breathe and felt that someone had really cut right through me. They dragged me into the station and threw me onto a bench. I pleaded for a doctor and a glass of water but they just ignored me. I was in terrible pain."

Two days later Mohammed Hajiazim had to have surgery to remove one of his testicles. His formal complaint about his treatment resulted in an official inquiry. Two officers were tried on charges of causing

grievous bodily harm, and acquitted in January 1990.

In Austria, a police conspiracy of silence prevented the prosecution of officers who had beaten a detainee and pushed him through a glass window. The detainee, Mustafa Ali, an Austrian citizen of Egyptian origin, had been stopped with a friend for "jay walking" in Vienna in March 1989. According to their lawyer, the two men were the only non-Europeans among the several pedestrians crossing the street. They were asked for their identity papers, subjected to racial insults and fined on the spot. When Mustafa Ali refused to pay the fine, he and his friend were arrested and beaten. In custody, Mustafa Ali was severely beaten and pushed through a window before losing consciousness. He was taken to hospital bleeding profusely from his injuries.

Mustafa Ali made a formal complaint, but in March 1990 criminal proceedings against the officers responsible were dropped by the Vienna public prosecutor, who cited lack of evidence. However, a separate inquiry by the Austrian Constitutional Court found that Mustafa Ali's injuries were caused by an unidentified police officer. The officer responsible was never named, apparently because an inadequate investigation had failed to establish his identity. As a result, a police officer responsible for serious ill-treatment has escaped sanction.

Many of the victims do not have the financial resources or sufficient knowledge of a country's language or legal system to pursue justice alone. Their cases often become known only because the persistent efforts of their relatives and supporters generate public interest and pressure.

In Italy, members of parliament demanded an inquiry into the case of Daud Addawe Ali, a Somali asylum-seeker who was rushed to hospital after his arrest in March 1992. He had been arrested following a disturbance at the aliens' registration office in Rome, where he had gone to renew his residence permit. Daud Addawe Ali was beaten unconscious in custody. In hospital, doctors diagnosed a head injury and bruising to the left leg and chest. He was transferred to prison, where his sister found him the following day. She told the press that her brother was in severe pain, limping, covered in bruises and appeared confused. He had been accused of resisting arrest and injuring a police officer.

Daud Addawe Ali was later released. A medical examination found injuries consistent with his statement that police officers beat him, kicked him and banged his head against a wall. He has reportedly made a formal complaint about his treatment. In April 1992 the Italian Government told the United Nations Committee against Torture that Daud Addawe Ali was injured while resisting arrest.

Government agents who believe they enjoy immunity from prosecution for unprovoked assaults and racist abuse have no encouragement to respect human rights. The belief that they may act with impunity often results in further human rights abuses.

In 1987 a 19-year-old black youth, Trevor Monerville, disappeared for three days while in police custody in London. Although the police denied to his parents that he had been detained, he had been remanded into custody, without a lawyer and too ill to leave his cell in the magistrates court. His father eventually discovered that he was in the medical wing of a London prison, suffering from a fractured

skull. The police later dropped all charges against him. Trevor Monerville filed suit against the police for causing him serious injury, an action which he alleges resulted in systematic police harassment against himself and his family. During the 23 months following his arrest, he was rearrested five times on charges ranging from minor offences to serious assaults. He was acquitted of all charges, except for a driving offence to which he pleaded guilty. He eventually felt compelled to leave the country temporarily to escape from the alleged harassment. No inquiry was able to establish the cause of his head injury.

In March 1992 Trevor Monerville's grandmother, 70-year-old Marie Burke, was awarded £50,000 after bringing a successful case of assault against the police. She and her husband Edgar, aged 76, were arrested and ill-treated in January 1989 after reporting a minor traffic accident.

Aïssa Ihich, an 18-year-old French citizen of Moroccan immigrant parentage, died of an asthma attack in a suburban police station near Paris, France, in May 1991. The police had refused to allow him the medication he needed to relieve his asthma. When he collapsed with the fatal asthma attack after 36 hours in custody, the ventilator he carried at all times was empty.

Aïssa Ihich had been arrested and reportedly beaten with truncheons during disturbances in Mantes-la-Jolie, a suburb west of Paris. After his death, an autopsy recorded "minor injuries", caused by blows to the head and pelvis. In February 1992 the police doctor who had examined Aïssa Ihich and certified that he was medically fit to remain in detention was charged with involuntary homicide. No action has been taken against the police officers who reportedly assaulted Aïssa Ihich. They have yet to be identified. The judicial inquiry into the case has said it cannot establish which police unit arrested the youth.

Governments must also ensure that those most vulnerable to racist attacks receive the fullest protection. In August 1992 it was reported that police officers had withdrawn for more than 90 minutes at the height of the racist riots in the eastern German town of Rostock, leaving over 100 Vietnamese workers unprotected and in grave danger when the building they lived in was set on fire by the rioters.

In September a district court in eastern Germany sentenced five youths to between two and four years in prison for kicking to death Amadeu Antonio Kiowa, a 28-year-old Angolan. During the trial it was reported that three police officers were under investigation for failing to come to the man's rescue.

Earlier in the year, AI received several reports of assaults on asylum-seekers by police officers throughout Germany. In March 1992 police officers in the western German city of Bremen reportedly broke a 14-year-old boy's arm while arresting him. The boy, a Turkish Kurd seeking asylum in Germany, was arrested in connection with drugs offences. He has lodged a criminal complaint against the police. In May 1992 AI wrote to the Bremen authorities about reports that black African asylum-seekers resident in the city had been ill-treated and tortured by police officers. Officers reportedly kicked and beat detainees and gave them electric shocks.

In June 1992 police raided a hostel for asylum-seekers in Gränitz,

near the eastern German town of Freiberg. During the pre-dawn raid, officers reportedly broke down doors, pulled people from their beds, punched them and beat them with batons. The allegations of ill-treatment are currently being investigated.

No government can claim to have a serious and demonstrable commitment to preventing human rights violations unless it ensures that those responsible for such violations are brought to justice. Failure to investigate and prosecute in cases where official culpability is apparent sends a clear message to police officers that they may consider themselves above the law.

Urgent and decisive action must be taken. Official tolerance of racist ill-treatment by government agents can legitimize - even encourage - racist crimes in society at large. In the present climate, with racial attacks on the increase throughout Europe, it is vital that governments ensure their own agents cannot be accused of racially-motivated abuses. Failure to do so reflects a lack of political will to deal with the problem in society at large.

BOX

`If I see you again you will be in trouble'

In December 1991 Luis Gravanita, a 19-year-old student, was trying to cross a busy road in Setúbal, Portugal, when a Public Security Police (PSP) officer stopped him, asked to see his identity card, then ordered Luis Gravanita to accompany him to the police station. Gravanita said that at the station, the officer began punching and kicking him, shouting "you worthless piece of Angolan shit.... You are a worthless nigger". Luis Gravanita is a white Angolan-born Portuguese citizen.

According to Gravanita's statement, the officer also threatened him, 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!."

Gravanita was released without charge. He went to the Emergency Service of São Bernardo District Hospital, where he was found to have cuts and bruising consistent with having been beaten. On 10 December Gravanita made a formal complaint to the prosecutor, alleging that a named PSP officer had wilfully caused him bodily injuries and menaced him. No news of any investigation into his allegations had been released by December 1992.

BOX

`Different cultural habits'

In May 1991 the director of an Italian prison replied to press queries about reports that prisoners were systematically ill-treated by saying that "40 per cent of the prisoners are Moroccan, Algerian and Tunisian, people with different cultural habits, often rebellious and violent".

The press had been alerted to the situation at Sollicciano prison, near Florence, after inmates wrote to local and national newspapers alleging they were regularly threatened, beaten and injured by prison guards. About half of the 600 prisoners are immigrants from countries outside the European Community. On 18 December 1991, following an internal inquiry, the Prosecutor General declared there was no evidence of criminal responsibility and formally closed the case. Three days later, the national daily *La Repubblica* published a letter

from women prisoners in Sollicciano, claiming that both they and male inmates were regularly beaten for no reason by prison guards.

BOX

Why are you beating him?

"Why are you beating him?," a senior police officer asked his subordinates. "He is a Turk," they replied. By the time the senior officer intervened, Sehmus Ukus, a Turkish Kurd, had been in the custody of the Anti-Narcotics Police in Athens, Greece for more than a day and had yet to be interrogated. As well as beating him, his captors had also burned his feet and genitals with a cigarette lighter.

Sehmus Ukus was arrested in July 1990, charged with drug offences and sentenced to 30 months' imprisonment. He made a complaint about his treatment when he appeared in court. The public prosecutor rejected his complaint as "groundless", and did not order a medical examination or call Sehmus Ukus to give evidence.

In another serious incident involving the Athens Anti-Narcotics Police, Süleyman Akyar, a Turkish refugee, died in hospital eight days after his arrest in January 1991. A post-mortem, which recorded extensive injuries caused by beating, attributed his death to pneumonia. The hospital issued a certificate stating that Süleyman Akyar died as a result of respiratory, kidney and liver failure and multiple organ deterioration. It also described head injuries, injuries to the genitals, a ruptured intestine and broken ribs.

The Greek Government claimed that Süleyman Akyar had attacked police officers with a screwdriver and was injured in the subsequent struggle; then, after he was restrained "he ran amok and started to bang his head against the ground". No disciplinary action has been taken against the officers involved, pending the outcome of internal and judicial investigations.

CAPTIONS

United Kingdom: Demonstration at Thamesmead housing estate, south London Rex Features

Germany: Amadeu Antonio Kiowa was kicked to death while three policemen allegedly failed to come to his rescue

Rostock, Germany: Police failed to intervene when right-wing extremists set fire to this hostel, home to more than 100 Vietnamese workers AP Photo

Hooded French riot police apprehend a demonstrator near Lyon. The area erupted after an accident involving a police car and a local youth AP Photo

Jacques Cherigui suffered permanent damage to his right hand when French police threw him down four flights of stairs

Spain: Arab tourist Mohamed Hegazy was brutally beaten by civil guards

Süleyman Akyar, a Turkish refugee, died in hospital eight days after

his arrest by the Athens Anti-Narcotics Police

Homeless African migrant workers are expelled from a park near Paris,
France