

# **Cases of Relevance to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Italy and the Former Yugoslav Republic of Macedonia**

**Submitted by the European Roma Rights Center**

**For Consideration by the United Nations Committee against Torture at its 22<sup>nd</sup> Session on 28-29 April and 3-4 May, 1999**

## **Introduction**

The European Roma Rights Center (ERRC), an international public interest law organisation based in Budapest, respectfully submits this list of cases of relevance for consideration of the reports of Italy and the Former Yugoslav Republic of Macedonia ("Macedonia") by the United Nations Committee against Torture (the "Committee") at its 22<sup>nd</sup> Session in April-May 1999. This submission does not undertake a comprehensive analysis of the compliance of either government with the United Nations Convention against Torture (the "Convention"). Nor does it offer recommendations concerning changes in law and/or practice which might ensure more effective adherence to the provisions of the Convention.

Nonetheless, the following list of cases indicates a pattern of police misconduct directed at Roma which appears inconsistent with State Party obligations under the Convention, in particular with respect to those obligations contained in Articles 10, 11, 12, 13, and 16. This evidence of recent, repeated and often unremedied acts of cruel, inhuman and degrading treatment and/or punishment reflects systematic tendencies of official ill-treatment of Roma in Italy and Macedonia which have been extensively documented by international monitoring organs (see *infra*). Accordingly, ERRC urges the Committee to take account of the following cases in its consideration of the reports of both governments.<sup>1</sup>

## **Expertise and Interest of the ERRC**

The ERRC is an international public interest law organisation which monitors the human rights situation of Roma in Europe and provides legal defence in cases of abuse. Since its establishment in 1996, ERRC has undertaken first-hand field research in more than a dozen countries, including Italy and Macedonia, and has disseminated numerous publications, from book-length studies to advocacy letters and public statements. ERRC monitors are presently stationed in both countries, reporting regularly on human rights developments concerning Roma. ERRC publications about Italy and Macedonia as well as other countries, and additional information about the organisation, are available on the Internet at <http://www.errc.org>.

The ERRC believes that the upcoming session of the Committee offers an opportunity to highlight some of the most significant respects in which the governments of Italy and Macedonia have failed to fulfill their commitments under the Convention. We submit that our extensive factual research concerning Italy and Macedonia and our extensive docket of litigation on behalf of Roma throughout Europe warrant the attention of the Committee to this document.

## **Cases of Relevance to Consideration of the Report of the Government of Italy**

Roma throughout Italy are regularly subjected to unremedied violence and other forms of abuse by law enforcement officials. International organisations, both governmental and non-governmental, have on several occasions noted the frequency of reports of police abuse in Italy, particularly against Roma and non-Italians, and voiced concern that police misconduct is often racially motivated.<sup>2</sup> The following cases

are illustrative and do not purport to constitute a comprehensive survey:

#### December 1998 – Florence

On the evening of 10 December, 1998, two police officers in Florence allegedly beat three Romani men — 21-year-old E.P., 21-year-old B.R. and 23-year-old G.R. — who were arrested in connection with a theft, then detained pending trial. All three detainees claimed they had been punched, slapped and kicked both during arrest and at the police station.<sup>3</sup> According to their lawyer, Attorney Emilio Macari, his request for a physician to examine the three detained men was denied for four days. When finally permitted, on 15 December, 1998, a medical examination documented numerous bruises on all three, consistent with their allegations of mistreatment. According to the medical certificate, B.R. declared to the doctor that he had been beaten by several police officers at the police station while handcuffed with his hands behind his back. The medical examination additionally revealed substantial head injuries on both E.P. and G.R., and a possibly broken rib on G.R.<sup>4</sup> The ERRC is unaware of any investigation into the alleged mistreatment.

#### November 1998 - Pisa

F.D., a 17-year-old Romani youth, was arrested on charges of theft by police in Pisa in north-western Italy in late November, 1998. When the police brought him back to his camp several hours later, a number of witnesses observed that his eyes were swollen and that he bore traces of severe beating.<sup>5</sup> The ERRC is unaware of any investigation into the alleged police misconduct.

#### November 1998 - Brescia

On 7 November, 1998 in Brescia, northern Italy, several police officers reportedly arrested and severely ill-treated three Romani men — 22-year-old H.M., 20-year-old R.R., and 17-year-old F.S. During interrogation at the police station, one police officer, whose identity is known to the ERRC, allegedly beat the three young men with fists, kicked them and racially insulted them over the course of several hours, while another five officers were watching. Seventeen-year-old F.S. reported having had his head banged against the wall, and told the ERRC that one officer threatened to bring in oil and set his hair on fire. All three victims were charged with attempted robbery and detained until mid-January, 1999. All three reported the beatings to the prison doctors who examined them upon their arrival in the prison, as well as to their lawyers, who discouraged the victims from filing a complaint against the police.<sup>6</sup> To our knowledge, no investigation into the alleged police ill-treatment of the three men has been carried out.

#### May 1998 — Florence

On 22 May, 1998, at around 4:00 p.m., P.N., a police officer from the carabinieri (a police force reporting to the Ministry of Defence), shot and permanently injured Natali Marolli, an 8-year-old Romani girl in Montaione, approximately 40 kilometres south-west of Florence. The bullet entered the car in which Natalie was sitting along with three adults through the back-window, went through Natali's left eye, exited through the back of her head, and then hit and lightly wounded the front passenger, a Romani male named R.L., in the head. Another bullet lightly wounded Natali's mother, Biserka Nikolic, and then Natali's cheek.

The police, who claim to have fired four shots in all — two in the air and two at the ground, the latter of which according to them ricocheted and caused the above described injuries — were apparently waiting in ambush after having received a report that a “suspicious-looking car with Gypsies was in the neighbourhood.” One of the two police officers involved in the incident reportedly recognised one of the persons in the car as “one Mustafa from one of those Gypsy camps.”<sup>7</sup> None of the Roma were arrested or charged in connection with the incident.

ERRC is not aware of any disciplinary measures taken against either officer. An initial investigation into the shooting acquitted Officer P.N. of attempted murder of the child. Thereafter, on 16 November, 1998, the three adults involved filed a complaint, requesting prosecution of the police for their at-

tempted murder. The case, presently pending before the investigating judge of Florence was last heard on 21 April, 1999. As of this writing, the outcome of this hearing has not been made public. Natali, meanwhile, remains in hospital to date, in a coma from which doctors say she will probably never recover.

#### May 1998 - Palermo

S.J., a Romani man in his 40s, alleges having been severely beaten by police in detention during the night of 4 May, 1998 in Palermo, southern Italy. Arrested after a car in which he was travelling failed to stop at a red light, S.J. was forced to walk to the nearest police station with a truncheon placed under his chin and the two ends pushed up over his shoulders. S.J. reported having been made to sit handcuffed on a chair throughout the night, during which police officers on several occasions struck him with fists and truncheons, and kicked him in the stomach, legs and back. S.J. was detained for four months before being released.<sup>8</sup> The ERRC is unaware of any investigation into the alleged police misconduct.

#### December 1997 - Naples

On 31 December, 1997, three Roma — 18-year-old Ms. L.J., her 22-year-old cousin Ms. E.N., and the latter's husband, also 22 — were arrested by police for attempted burglary in Naples, southern Italy. The three were made to stand against a wall with their legs wide apart and searched. During the search, the (male) police officer allegedly looked under E.N.'s skirt, hit E.N.'s husband with the butt of a gun, and pulled L.J. by the hair. The three Roma were then taken to the police station, where they were kept handcuffed in separate rooms and subjected to several turns of severe beating throughout the night. At one point, L.J. was reportedly handcuffed to a radiator while police officers threw firecrackers at her. Several hours later, after all three signed confessions to attempted burglary, they were released.<sup>9</sup> No known investigation of the police behaviour has been initiated.

#### 1996-1999 — Throughout Italy

In addition to ill-treatment upon arrest or in detention, Roma in Italy are frequently subjected to unlawful police raids — armed assaults in the early morning hours during which homes are searched, contents ransacked, inhabitants harassed or subjected to excessive force, and young men rounded up for arrest or questioning — often without warrants or any particularised finding of probable cause or reasonable suspicion of criminal activity. Not infrequently, the purpose, and certainly the effect, of such actions, is to intimidate and harass members of a vulnerable population group, rather than to apprehend and prosecute criminal offenders.

Police raids have recently been reported in the via Borgosatolo camp in Brescia, the viale Etreia camp in Milan, the Masini camp and the via San Donino camp on the outskirts of Florence, the Muratella camp on the outskirts of Rome, the Favorita camp in Palermo, and in an Italian Sinti camp in Reggio Emilia near Bologna.<sup>10</sup> In several cases, including raids of the Muratella camp in Rome and of the Favorita camp in Palermo in January 1999, police officers have fired their weapons. During a raid in the Muratella camp in early 1996, a police officer reportedly shot and wounded I.S., a 15-year-old boy in the leg.<sup>11</sup>

In another case, upon returning from work to learn that, during a raid in Florence's Masini camp in the fall of 1998, a police officer had threatened his family for "hiding" him and pointed a gun at his daughter, 31-year-old N.S. went to the police to ask why they were looking for him. The police replied that "it had been a mistake" and told him to go home.<sup>12</sup>

In none of the raids listed above were the inhabitants presented with duly issued search or arrest warrants; nor was anyone charged with any crime — neither the Roma who were searched, arrested, or questioned, nor the police who engaged in unlawful activity.

Robbery by the police — the unlawful confiscation without cause of personal belongings, including jewelry and/or money, accompanied by the threat of physical violence — is yet another common form of

police abuse of Roma in Italy. The police routinely refuse to provide written documentation of confiscated items, which are almost never returned to their owners. Reports concerning unlawful confiscation in 1998 have been received from Roma in the Secondigliano camp near Naples; and from Roma in camps located in Crotona, Palermo, Florence, Venice and the Veneto region.<sup>13</sup> ERRC is unaware of any police officers who have been disciplined or prosecuted for these crimes.

Other forms of police misconduct commonly targeting Roma in Italy include strip searches of women by male police officers,<sup>14</sup> arbitrary destruction of identification documents during identity checks,<sup>15</sup> and the cutting off of hair of Romani girls found begging.<sup>16</sup> Once again, ERRC knows of no case in which police officers have been disciplined or prosecuted for these offences.

## **Cases of Relevance to Consideration of the Report of the Government of Macedonia**

ERRC has documented numerous cases in which police have arbitrarily arrested Roma, subjected Romani detainees to physical abuse, obtained statements under threat, and denied access to counsel. Notwithstanding the frequency of reported police abuse, investigations are rare and ERRC is unaware of a single case in which disciplinary or criminal sanctions have been imposed. Monitoring organisations have repeatedly criticised the authorities' inadequate efforts to combat police violence.<sup>17</sup> Examples of reported cases of police violence include the following:

### March 1999 – Štip

According to reports received by the ERRC,<sup>18</sup> two Romani men, 34-year-old Jašar Perušan and 33-year-old Fejmi Demirov were severely beaten by police following their arrest in connection with a bar-fight in downtown Štip in the evening of 16 April, 1998. Mr. Perušan told the local Romani organisation Association of Human Rights Protection of Roma that he and his companion were driven to the police station where they were separated into two different rooms. Several police officers then allegedly kicked Mr. Perušan in the chest and hit him repeatedly on the head with a truncheon. Both Mr. Perušan and Mr. Demirov reported having been detained until 11 a.m. the following morning, after several turns of beatings by different groups of police officers throughout the night. Neither of the two men was charged with any crime.

With the assistance of a lawyer provided by the ERRC, Mr. Perušan filed both criminal and civil complaints against the police in May 1998. Ten months later, at approximately 4 a.m. on 10 March, 1999, only several hours before a hearing in his civil complaint was going to take place, Mr. Perušan was woken up by two police officers – one of whom had allegedly been involved in the April 1998 incident. The officers detained Mr. Perušan and brought him to the police station, where they beat him. Police reportedly held Mr. Perušan at the Štip municipal police department until approximately 8:45 a.m., and then transferred him to the state penitentiary in Skopje. There, Mr. Perušan was told he would be serving a two-year sentence for a crime of burglary, of which he has never been charged, let alone convicted. According to eye-witness accounts, at the time of his transport from Štip to Skopje, Mr. Perušan had a badly swollen eye and walked with difficulty. The lawyer representing Mr. Perušan, who has filed a complaint against the police action with the district attorney, believes the police detained his client only to prevent him from attending the hearing and as a measure of retaliation.

Mr. Perušan's criminal complaint against the police, filed in May 1998, remains stalled at the public prosecutor's office in Štip.

### February 1999 – Skopje

On 21 February, 1999, police beat 18-year-old Orhan Neziri, an 18-year-old Romani youth in Skopje. According to testimony provided by the victim to the ERRC, he was coming out from the juvenile correction centre from where he had recently been released (he had apparently gone there to retrieve his identification papers) at around 8 a.m. that morning, when a group of four police officers asked for his name and ordered him to enter their van. Mr. Neziri asked for the reason of this order and wanted to know whether they had a warrant for him. The officers reportedly responded that they had no warrant, but that he should get into the van anyway and that once inside, they would explain. Mr. Neziri fled, and the police followed him and allegedly threatened to shoot him if he did not stop. When Mr. Neziri stumbled and fell on a railway track, he was handcuffed by the officers, then kicked and beaten with truncheons and the butts of guns. The police officers took Mr. Neziri to the Avto Komanda police station in Skopje, where another two policemen beat him for approximately half an hour. The police reportedly called Mr. Neziri a "Gypsy dog" and attempted to make him confess to a theft. He was finally released at around 5 p.m. Shortly after the incident, when Mr. Neziri sought to complain about the ill-treatment, the police reportedly said that he was no longer considered a criminal suspect, that the police were sorry for what

they had done, but that there was not much they could do about it, since it had happened already.<sup>19</sup> ERRC is not aware of any investigation into the incident.

#### October 1998 – Kočani

At approximately 9 a.m., on 26 October, 1998, 49-year-old Šakir Šakirov, a Romani man from Kočani, was reportedly stopped by two police officers who brought him to the police station in their van, explaining that he had been “invited” there. At the police station, one of the officers allegedly told the other, “If you don’t beat him, I will.” They then took Mr. Šakirov into an office where one of them held him while the other hit him several times with a baseball bat. The policemen reportedly took turns in beating Mr. Šakirov for the next thirty minutes, trying to compel him to confess to a crime. Released at around 11 a.m., Mr. Šakirov went to the local hospital where he received first-aid treatment and a certificate documenting bruises on his legs, thighs, arms and back.<sup>20</sup> With the help of a lawyer provided by the ERRC, Mr. Šakirov filed a criminal complaint against unidentified police officers, as well as a civil action for moral damages, against the Macedonian state and the Ministry of the Interior. These complaints are presently pending.

#### August 1998 – Štip

Shortly after midnight on 3 August, 1998 in the town of Štip, following an altercation between a non-Romani man and two Roma, approximately ten police officers stormed the “Kruševo” restaurant where a party attended by the two Roma was held, and indiscriminately beat guests, including women and children.<sup>21</sup> Remizje Durmišova, seven months pregnant at the time, reported that one officer struck her on the back with a truncheon. About twenty Roma sought medical help for injuries sustained during the police action, which lasted for approximately 45 minutes.

In the days following the raid, at least six Romani men were detained by police and beaten in an attempt to extract confessions about involvement in the initial fight between the two Roma and the non-Romani man.

With the assistance of the local Romani organisation Association for the Human Rights Protection of Roma, seven Roma have filed criminal complaints against the police. Investigation of these complaints is presently stalled at the local prosecutor’s office. The ERRC is unaware of any disciplinary action taken against any of the police officers involved.

On 5 March, 1999, however, it was reported to the ERRC that prosecutors had brought assault charges relating to the August 3 incident under Article 386(2) of the Macedonian Penal Code against four Romani individuals, three of whom had filed complaints alleging police misconduct on August 3. ERRC sent a letter to the General Prosecutor of Macedonia on 29 March, urging swift action in seeing to it that charges brought in retaliation for complaints of police abuse be dropped and that officers who abused their authority be duly punished. To date, ERRC’s letter remains unanswered.

#### June 1998 – Skopje

On 18 June, 1998, a 46-year-old Romani woman named Barije Demirovska, was attacked by a police officer when selling textiles at a market in the town of Skopje, northern Macedonia.<sup>22</sup> According to victim and witness testimony provided to ERRC, the officer waved his truncheon towards Ms. Demirovska and, without any explanation, started running in her direction. When Ms. Demirovska fled, the officer chased her to a public restroom and smashed the toilet door against Ms. Demirovska’s arm, causing her to fall on the ground. The officer reportedly racially insulted her and her family, before she was able to escape. Ms. Demirovska received treatment at a local hospital, then filed a complaint at the police station.<sup>23</sup> ERRC is not aware of any investigation carried out into the incident.

#### March 1998 – Krupište

A 27-year-old Romani man from Štip named Demir Sulejmanov reported to the ERRC that he and another Romani man named D.Š. had been severely beaten by police in March 1998 in the eastern Macedonian town of Krupište after they were detained in connection with the theft of two sheep. According to Mr. Sulejmanov, the two policemen who arrested them racially insulted and beat him and Mr. D.Š. with sticks and fists until they were bloody. The police then forced the two men into their car and drove to a village (Ternaci) where the alleged theft had taken place. The officers called the sheep-owner to the scene, and the three men together beat the Roma with truncheons and the branch of a tree. The Roma, who were handcuffed throughout the beating, were then taken to the local police station, where other officers beat them again. The police reportedly tied the two Roma to a bench in the hallway of the police station, where they remained, without being provided with food or water, until their release the following morning.<sup>24</sup> Upon release, Mr. Sulejmanov went to the hospital, where his arm, which had been broken, was placed in a cast. No known investigation has been conducted into the incident.

#### July 1997 – Ohrid

Following a street fight late one evening in July 1997, 14-year-old Romani boy M.D. was arrested and taken to the police station in Ohrid in south-western Macedonia. He was allegedly interrogated without a lawyer and beaten by several police officers with fists and truncheons. During the interrogation, the boy was apparently threatened that, if he reported his mistreatment, he would be beaten again and sent to prison. The boy's parents were not notified of his arrest until the following morning, when he was released.<sup>25</sup> No investigation was opened concerning this reported police abuse.

#### July 1997 — Kamenica

In July 1997, 19-year-old Šukri Mustafov of Romani ethnicity was taken to the police station in Kamenica because he had been selling plastic bags and soap in the bazaar without a licence. According to Mr. Mustafov, he was placed in a dark cell where three policemen took turns beating him with truncheons for approximately an hour on his legs, arms and feet. He was then left in the cell for 24 hours without food or water, following which he was transferred to the police station in Kočani. At the police station in Kočani, when Mr. Mustafov demanded the return of plastic bags and soaps which the police had confiscated, an officer from the Kočani police department struck him several times with a truncheon on his hands and back.<sup>26</sup> To ERRC's knowledge, no investigation was opened into this incident of alleged police abuse.

#### June 1997 — Kamenica

In late June 1997, 16-year-old Serdar Asanov, a Romani boy, was taken to the local police station in Kamenica, where he was allegedly beaten and racially insulted by two police officers for trying to sell stockings and t-shirts in the market without a licence. All his merchandise — for which he was not given a receipt — was confiscated. The beating lasted for about two hours, after which Mr. Asanov was released without being charged with any crime. Mr. Asanov reported to the ERRC that six months earlier, he had been similarly beaten in a police station in Štip.<sup>27</sup> ERRC is not aware of any investigation into the incidents.

#### May 1997 — Tetovo

In May 1997, in the north-western town of Tetovo, a 26-year-old Romani man M.N. was approached by police while he was selling goods without a licence in the parking lot of a hospital. According to the victim, one police officer first punched him in the stomach and then handcuffed him and forced him into the hospital building. Inside, the officer — without anyone among the hospital personnel seemingly bothered by the scene — brought him into a small room, handcuffed him to a chair and hit him with a truncheon on the back of the head, at which point M.N. lost consciousness. M.N. was later brought to the police station where the officer told his colleagues that he had “resisted and talked back.” After the police had prepared what they reportedly called “a file on him,” M.N. was released without being charged with

any crime.<sup>28</sup> ERRC is not aware of any investigation into the incident.

#### August 1996 – Štip

One night in late August 1996, 17-year-old Romani boy S.N. was taken to the police station in the central Macedonian town of Štip in connection with a fight between Roma and ethnic Macedonians. S.N. was reportedly interrogated — in the absence of counsel — by six policemen, then asked to sign a statement which he was not given time to read. He was told that, if he refused to sign, he would be “taken down to the cell.” During the course of their detention, S.N. and two other men were allegedly beaten with truncheons by six policemen, and held for more than 24 hours in a cell without food or water.<sup>29</sup> ERRC is not aware of any investigation into this alleged police misconduct.

#### August 1996 — Kočani

An 18-year-old Romani youth named R.I. from Kočani reported that, in August 1996, after being hospitalised following a street fight with several non-Roma, the police took him from the hospital and brought him to the police station for interrogation. There, he was allegedly beaten with sticks on his back, sides and ribs. Several hours later, he was released without being charged with any crime.<sup>30</sup> ERRC is not aware of any investigation into the incident.

#### August 1996 — Skopje

Rekibe Mehmed, a 41-year-old Romani woman, died on 9 August, 1996, after being beaten and kicked by the police conducting a raid against illegal street vendors at the Green Bazaar in Skopje. On Monday, 11 August, two days after the incident, the Ministry of the Interior announced that an autopsy had revealed that Mrs. Mehmed had died of heart failure. Shortly thereafter, an investigating judge decided that on the basis of the autopsy, there would be no investigation. An article published shortly afterwards in the Macedonian daily *Nova Makedonija* quoted an aunt of Mrs. Mehmed to the effect that it was a pity that while washing the body for burial they had not photographed it, since she had large bruises on her neck and right shoulder. The Mehmed family — some of whom were witnesses to the police attack — reported that no state official had ever contacted them or taken statements from them. They also allege that, although local television stations recorded witness statements on video cassette and submitted them to the Ministry of the Interior, the Ministry did not open any investigation into the incident.<sup>31</sup>

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<sup>1</sup> For reasons of space and to avoid unnecessary duplication of materials, case lists for both Italy and Macedonia have been included in the same document. No comparative judgment or assessment as to conditions in either country is intended.

<sup>2</sup> In March 1999, the United Nations Committee on the Elimination of Racial Discrimination (CERD) urged the Italian government to “strengthen its efforts for preventing and prosecuting incidents of racial intolerance and discrimination against some foreigners and Roma people, as well as of bad treatment of foreigners and Roma in detention.” It also recommended that the government “intensif[y] education and training of law enforcement officials.” (United Nations Committee on the Elimination of Racial Discrimination, “Concluding Observations – Italy”, CERD/C/54/Misc.32/Rev.3, 18 March 1999, Unedited version, paras. 14 and 18) (emphasis added).

In its Concluding Observations concerning Italy, issued in August 1998, the United Nations Human Rights Committee expressed concern “at the inadequacy of sanctions against police and prison officers who abuse their powers”, and recommended that “due vigilance be maintained over the outcome of complaints made against members

of the carabinieri and against prison officers.” (United Nations Human Rights Committee, “Concluding Observations of the Human Rights Committee: Italy”, CCPR/C/79/Add.94, 18 August, 1998, para. 13).

Among the “key areas identified by ECRI [the European Commission on Racism and Intolerance] as meriting particular attention” in the case of Italy is “the need for a prompt and adequate response on the part of the judicial authorities in cases of violent manifestations of racism and xenophobia, especially by law enforcement officers.” ECRI additionally stated about Italy, that “there have been reports of ill-treatment by police, prison guards or other prisoners towards immigrants and non-EU citizen detainees”, and that “[s]ome NGOs have reported that the authorities react to such reports slowly and that penalties imposed are minimal and often suspended.” (ECRI, “ECRI’s country-by-country approach: volume III,” 15 June, 1998, pp. 31, 34).

See also United Nations Special Rapporteur on Torture, “Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment, in Particular: Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37 B, E/CN.4/1997/7, 10 January, 1997 (noting that “racial prejudice seemed to be a factor” in the use of physical violence by the police, and that “physical ill-treatment was allegedly accompanied in many cases by insults, particularly racial insults when the persons concerned were immigrants or Gypsies”) (emphasis added).

The most recent Concluding Observations concerning Italy of the United Nations Committee against Torture noted “a tendency to discriminatory treatment by sectors of the police force and prison warders with regard to foreigners,” and expressed “concern” regarding “the persistence of cases of ill treatment in prisons by police officers” and “a dangerous trend towards some racism, since the victims are either from foreign countries or belong to minorities.” The Committee also voiced concern about “a series of serious acts of torture, and in some cases deaths, of detainees” in Italy, and was of the opinion that the “penalties on the members of the forces of law and order are not commensurate with the seriousness of these acts.” (United Nations Committee against Torture, “Concluding Observations of the Committee against Torture: Italy”, A/50/44, paras.146-158, 26 July, 1995, paras. 153-155).

The United States Department of State 1999 country report on Italy found that “[e]xamples of [police] mistreatment include insults, particularly those aimed at aliens or Roma, kicking, punching, beatings with batons, or deprivation of food”, and that a “high proportion of these cases involve non-European Union immigrants, (mostly Africans), Roma, and persons held in connection with drug-related offenses.” (United States Department of State, “Italy Country Report on Human Rights Practices for 1998,” Bureau of Democracy, Human Rights, and Labor, February 26, 1999 ([http://www.state.gov/www/global/human\\_rights/1998\\_hrp\\_report/](http://www.state.gov/www/global/human_rights/1998_hrp_report/)), last visited 1 March, 1999) (emphasis added).

Finally, Amnesty International has observed that “[a] high proportion of allegations [of police ill-treatment] concern immigrants from outside Western Europe – most of them from Africa – and an increasing number of Roma. [...] The most common forms of ill-treatment alleged are repeated slaps, kicks and punches, and beatings with truncheons, frequently accompanied by general verbal abuse and, in the case of immigrants and Roma, racial abuse. [...] Officers attached to one city police force are said to have chained some immigrants to hot water radiators and transported others outside the city, removed their shoes and forced them to walk back barefoot.” (Amnesty International, “AI Concerns in Europe: January-June 1995,” September 1995, p. 30) (emphasis added).

<sup>3</sup> ERRC interview, Florence, January, 1999.

<sup>4</sup> Medical certificates signed by Dr. Andrea Falchi, dated 15 December, 1998.

<sup>5</sup> ERRC interview, Pisa, January, 1999.

<sup>6</sup> ERRC interview, Brescia, January, 1999.

<sup>7</sup> Communication issued by the Montaione Police following the incident.

<sup>8</sup> ERRC interview, Palermo, January, 1999.

<sup>9</sup> ERRC interview, Palermo, January 1999.

<sup>10</sup> ERRC interviews, Milan, Brescia, Florence, Rome, and Palermo, January 1999. On police raids in Roma camps in Italy, see also *Roma Rights*, Autumn 1997, p. 52-53 and Winter 1998, p. 26.

<sup>11</sup> ERRC interview, Rome, January 1999.

<sup>12</sup> ERRC interview, Florence, January 1999.

<sup>13</sup> ERRC interviews in Florence, September 1997 and Naples, Crotone, Palermo and Venice, January 1999.

<sup>14</sup> ERRC interviews, Rome, January 1999. Strip searches of Romani women by police in Rome are apparently common in the Colosseum area, at the Piazza di Spagna and at the Termini railway station.

<sup>15</sup> ERRC interviews in Florence and Naples, January 1999.

<sup>16</sup> See Amnesty International, “Italy: Alleged torture and ill-treatment by law enforcement and prison officers,” April 1995, Appendix p. 12.

<sup>17</sup> In its Concluding Observations concerning Macedonia, issued in August 1998, the United Nations Human Rights Committee said it was “concerned by reported cases of abuse of police authority, including unlawful arrest and detention, excessive use of force – especially against members of minority groups – and physical ill-treatment of detainees,” and recommended that “the persons responsible be subjected to appropriate disciplinary or penal sanctions, and, further, that the Government strengthen training programmes on human rights for the police and establish permanent mechanisms for ongoing instruction with the participation of international agencies and experts in the field.” (United Nations Human Rights Committee, “Concluding Observations of the Human Rights Committee: The Former Yugoslav Republic of Macedonia,” CCPR/C/79/Add.96, 4 August, 1998, para. 11).

Elisabeth Rehn, United Nations Special Rapporteur on Former Yugoslavia in 1997, expressed concern regarding the widespread police practice of forcing persons to attend so-called “informative talks” in the absence of counsel in an effort to obtain confessions under pressure. (See UN Commission on Human Rights, “Situation of Human Rights in the Former Yugoslav Republic of Macedonia”, final report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the UN Commission on Human Rights, E/CN/1998/12, 30 September, 1997, para. 24). Similar concerns have been voiced by the United Nations Human Rights Committee and Human Rights Watch (See United Nations Human Rights Committee, “Concluding Observations of the Human Rights Committee: The Former Yugoslav Republic of Macedonia,” CCPR/C/79/Add.96, 4 August, 1998, para. 15; Human Rights Watch, *Human Rights Watch World Report 1999*, p. 275).

In the same vein, the United States Department of State 1999 country report on Macedonia concluded that “[t]he Government continued the practice of police compelling citizens to appear at police stations through an ‘invitation’ for ‘informative talks.’ Although a law on criminal procedures was passed in 1997 stating that police cannot force citizens to appear for these sessions without presentation of a court order, the practice continued, particularly with citizens of ethnic minority origin, despite government claims that the practice had ended.” The report also stated that “[p]olice used excessive force during the apprehension of criminal suspects, and they abused prisoners, especially members of ethnic minorities.” (United States Department of State, “The Former Yugoslav Republic of Macedonia Country Report on Human Rights Practices for 1998,” Bureau of Democracy, Human Rights, and Labor, February 26, 1999, [http://www.state.gov/www/global/human\\_rights/1998\\_hrp\\_report/macedoni.html](http://www.state.gov/www/global/human_rights/1998_hrp_report/macedoni.html), last visited 18 April, 1999).

In its latest annual report, Human Rights Watch stated that “[o]ne of the main human rights problems [in Macedonia] was the misconduct of the police and other law enforcement officials. With disturbing frequency, individuals were arrested without a warrant and beaten until they confessed to a crime. Procedural violations were commonplace. Individuals were often held longer than the twenty-four hours allowed by law, not informed of the reasons for their arrest, and denied immediate access to a lawyer. [...] Very rarely did the courts hold abusive police officers accountable. As a result, many citizens were reluctant to complain of police mistreatment, believing that, at best, they would gain nothing and, at worst, they would invite retribution. [...] Macedonia’s ethnic communities – Albanians, Turks, Roma, and Bulgarians, among others – were especially susceptible to abuse.” (Human Rights Watch, *op. cit.*, p. 275) (emphasis added). For more detailed accounts of police abuse in Macedonia, see European Roma Rights Center, *A Pleasant Fiction: The Human Rights Situation of Roma in Macedonia*, Country Report Series No. 7, July 1998; Human Rights Watch/Helsinki, *Police Violence in Macedonia*, April 1998.

Finally, the Macedonian Helsinki Committee has reported that among the many human rights violations that Roma in Macedonia face are “police overstepping of professional duty and police brutality that is manifested in arresting persons belonging to the Roma national minority.” (Helsinki Committee for Human Rights of the Republic of Macedonia, “Annual report on the condition of human rights in the Republic of Macedonia during 1998,” [http://www.ihf-hr.org/macedonia/98report.htm#Minority rights](http://www.ihf-hr.org/macedonia/98report.htm#Minority%20rights), last visited 19 April, 1999) (emphasis added).

<sup>18</sup> Information relating to this case was received from the Macedonian Romani organisation Association of Human Rights Protection of Roma. See also *Roma Rights*, No. 1, 1999, pp. 9-11, and Spring 1998, pp. 13-14.

<sup>19</sup> ERRC interview, March 1999. Information related to the case has also been provided by the Macedonian Romani organisation Mesečina. See also *Roma Rights*, No. 1, 1999, pp. 9-11.

<sup>20</sup> ERRC interview, November 1998, Kočani. See also *Roma Rights*, Autumn 1998, pp. 16-17.

<sup>21</sup> Information about this incident was provided by the local Romani organisation *Association for the Human Rights Protection of Roma*. See also *Roma Rights*, Summer 1998, pp. 14-15, and No. 1, 1999, pp. 9-11.

<sup>22</sup> ERRC has documented numerous instances of police abuse arising from application of the 1995 law on commerce, which banned the outdoor sale of textiles and has had a disproportionately negative effect on Roma. When targeting unlicensed vendors, police allegedly single out Romani sellers for physical violence and confiscate their goods

without providing receipts. Often, the beatings are accompanied by racial insults. The frequency of reports that detainees are held for up to 24 hours without being provided food or water indicates that this practice has become routine. For more on the 1995 law on commerce and its implications on Macedonian Roma, see *Roma Rights*, Autumn 1997.

<sup>23</sup> ERRC interview, July 1998, Skopje. See also *Roma Rights*, Autumn 1998, pp. 17-18.

<sup>24</sup> ERRC interview, March, 1998, Štip.

<sup>25</sup> ERRC interview, August, 1997, Ohrid.

<sup>26</sup> ERRC interview, August, 1997, Kočani.

<sup>27</sup> ERRC interview, August, 1997, Kočani.

<sup>28</sup> ERRC interview, August, 1997, Tetovo.

<sup>29</sup> ERRC interview, August, 1997, Štip.

<sup>30</sup> ERRC interview, August, 1997, Kočani.

<sup>31</sup> ERRC interview, August, 1997, Skopje. In Macedonia, the Ministry of Interior's Department of Internal Affairs may investigate reports of police abuse and recommend disciplinary actions.