

**Cases of Relevance to the United Nations Convention against Torture and  
Other Cruel, Inhuman or Degrading Treatment or Punishment  
in Hungary and The Federal Republic of Yugoslavia**

**Submitted by the European Roma Rights Center**

**For Consideration by the United Nations Committee against Torture  
at its 21<sup>st</sup> Session on 11 and 17 November, 1998**

**6 November, 1998**

**European Roma Rights Center  
1525 Budapest 114  
P.O.Box 10/24  
Hungary  
Tel.: (36-1) 327 9877  
Fax: (36-1) 338 3727  
E-mail: [dimitrinapetrova.errc@mail.matav.hu](mailto:dimitrinapetrova.errc@mail.matav.hu)**

## 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 Hungary and the Federal Republic of Yugoslavia ("FRY") by the United Nations Committee against Torture (the "Committee") at its 21st Session in November 1998. 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, at least 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 Hungary and the FRY which have been extensively documented by international monitoring organs.<sup>1</sup>

---

### <sup>1</sup> Concerning Hungary:

The United Nations Committee on the Elimination of Racial Discrimination (CERD) has expressed "alarm" at the "apparent harassment and use of excessive force by the police against Gypsies and foreigners". (CERD Concluding Observations on Hungary (CERD/C/304/Add.4), 28 March, 1996, Sec. D, para. 12.). Two years ago, the CERD "recommend[ed] (...) a stronger commitment to ensuring that there is no element of racism in law enforcement." (Ibid., Sec. E, para. 18).

The United Nations Human Rights Committee (HRC) has also "express[ed] its concern about the excessive use of force by the police," (HRC Concluding observations on Hungary (CCPR/C/79/Add.22), 3 August, 1993, Sec. D, para. 8), and "over the persistent pattern of prejudice and discriminatory attitudes towards certain minorities, including, in particular, the Roma (gypsies)..." (Ibid., para. 10).

*Human Rights Watch* recently observed: "Police abuses remained a serious problem throughout Hungary. Despite the government's public condemnation of police brutality and its promises to prosecute such abuses, reports of physical violence by the police, of interrogation under duress, and of illegal arrests remained high.(...) Human rights organizations reported that Roma were particularly likely to be the victims of police abuse. There were numerous cases of Roma being subjected to longer periods of detention and sentenced for longer periods of time than non-Roma. Victims of police abuse were often unable to obtain an adequate remedy for such abuse. Only 3 percent of cases brought against the police led to a conviction. In those few cases in which the police were convicted, the penalty was usually a fine, probation, or a suspended sentence, and the police officer typically remained on the force." (Human Rights Watch, *HRW World Report 1998*, 1998, p. 262).

The U.S. State Department notes in its most recent report on Hungary: "[P]olice continued to use excessive force against suspects. Police harassed and abused both Roma and foreign nationals. (...) A total of 164 police officers were accused of physical abuse in 1995 (latest available data), a three-fold increase over 1994. (...) The law provides for compensation when a detainee is released for lack of evidence, but the procedure is exercised rarely since detainees must undertake a complicated legal procedure to pursue their claims. (...) Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically, they allege that Roma are kept in pretrial detention more often and for longer periods of time than non-Roma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed in police records." (U.S. Department of State, *Hungary Report on Human Rights Practices for 1997*, Bureau of Democracy, Human Rights and Labor, January 30, 1998).

See also International Helsinki Federation, *Annual Report 1998*, 1998, pp. 107-108 documenting abusive police practices and absence of effective remedies.

### Concerning the FRY:

Accordingly, the ERRC urges the Committee to take account of the following cases in its consideration of the reports of both governments.<sup>2</sup>

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

### **July 1998 - Balatonszemes**

On 31 July, 1998, the Budapest-based *Roma Press Center* reported that, early that morning, an off-duty non-Romani police officer from Budapest and a number of other allegedly drunken men had verbally and physically abused a group of Romani women attending a conference in the holiday resort of Balatonszemes in western Hungary.<sup>3</sup> As a result of the assault, one of the women, Gizella Csizmadia, reportedly suffered a concussion, while another one, who was six months pregnant at the time, suffered other substantial injuries. The men allegedly also offended the ethnic origins of the Romani women.

Local police were apparently reluctant to provide assistance to the female victims. Siófok City police officers allegedly arrived only after the victims had brought the incident to the attention of the national media. In September 1998, the *Legal Defence Bureau for National and Ethnic Minorities (NEKI)*, a Hungarian monitoring and legal defence organisation, filed a complaint on behalf of the victims seeking criminal prosecution.

### **September 1997 - Hajdúhadház**

---

The U.S. State Department's Annual Report on Human Rights Practices for 1997 observed, "The police committed numerous, serious abuses including extrajudicial killings, torture, brutal beatings, and arbitrary arrests. Police repression continued to be directed against ethnic minorities (...). Discrimination against ethnic Albanian, Muslim, and Romani minorities continues. (...) Crimes against citizens of ethnic minority groups appear to have been rarely investigated, nor were police generally held accountable for their excesses. (...) Torture and other cruel forms of ill-treatment and punishment, which are prohibited by law, continue to be a problem (...). Police routinely beat people severely when holding them in detention. (...) Police often apply certain laws only against ethnic minorities, using force with relative impunity." (U.S. Department of State, *Serbia-Montenegro Report on Human Rights Practices for 1997*, Bureau of Democracy, Human Rights and Labor, January 30, 1998).

The *Human Rights Watch* World Report 1998 concluded that "(...) ethnic minorities suffered discrimination, imprisonment and torture because they are non-Serbs (...) Throughout 1997 (...) minority populations (non-ethnic Serbs and Montenegrins) continued to be especially susceptible to abuse. Ethnic Albanians, Hungarians, Muslims, Turks, and Roma were subjected to varying degrees of persecution, as in previous years, ranging from discriminatory legislation to arbitrary arrests, torture, and deaths in detention." (Human Rights Watch, *HRW World Report 1998*, 1998, pp. 253-254).

Finally, the 1998 Annual Report of the *International Helsinki Federation for Human Rights (IHF)* noted, "Roma [in the FRY] were often subjected to violence, both by civilians-- particularly skinheads-- and law enforcement officials." (Ibid., p. 250).

<sup>2</sup> For reasons of space and to avoid unnecessary duplication of materials, case lists for both Hungary and the FRY have been included in the same document. No comparative judgment or assessment as to conditions in either country is intended.

<sup>3</sup> *Roma Press Center* press release, 31 July, 1998. Information relating to the case has also been provided by the *Legal Defence Bureau for National and Ethnic Minorities* of Hungary (*NEKI*) who are representing the victims in this case.

On 20 and 21 September, 1997, ERRC conducted interviews with five Romani prostitutes, all of whom work the same stretch of Highway 4 in eastern Hungary, between the towns of Hajdúhadház and Debrecen. The ERRC investigation was prompted by serious allegations that officers of the Hajdúhadház police department regularly abuse their authority when dealing with Roma. Interviews conducted by ERRC revealed a consistent pattern of gross violations of human rights on the part of police in the area. Reported misconduct ranged from insults and arbitrary fines to strip searches and beatings. Victims also reported having had their money confiscated and having been forced to swallow condoms.<sup>4</sup>

### **September 1997 - Budapest**

A Romani man named I.S., and two other Romani men, were allegedly ill-treated by police in connection with an identity check in downtown Budapest on 2 September, 1997. Following the assault, victims turned to the District Roma Minority Self-Government and later obtained medical certificates documenting their injuries. *NEKI* forwarded the complaints of the victims, along with related documents, to the Prosecutor's Office of Investigation. In a letter dated 4 December, 1997, the Metropolitan Prosecutor's Office in Budapest informed *NEKI* that an investigation into the crimes of ill-treatment, unlawful detention, and violence against members of an ethnic group was underway.<sup>5</sup> The ERRC is unaware of any results of the investigation to date.

### **August/September 1997 - Dömsöd**

Research carried out by the ERRC in October 1997 revealed that a number of police actions had taken place in the previous months, resulting in degrading and abusive treatment of the Romani inhabitants of Dömsöd, approximately 50 kilometres southwest of Budapest:

(i) At 9:00 a.m. on 1 August, 1997, two police officers broke into the house of 28-year-old B.T., a Romani man, and took him to the local police station, where he was detained until 7:00 p.m. that evening. According to the victim, at the police station, he was interrogated by two police officers who sought his confession to breaking into a house. The officers allegedly beat B.T. a number of times all over his body -- including on his arms and groin area -- and denied him food or use of the toilet throughout the duration of his detention. Following his release at 7:00 p.m. (during which he was reportedly not charged with any crimes), B.T. obtained a medical certificate from a doctor documenting his wounds. B.T. reported that the following day, 2 August, one of the police officers (whose name he knows) allegedly threatened that if he filed a complaint concerning his ill-treatment, the police would set fire to his house. No formal complaint has been filed.

(ii) At approximately 11:30 p.m. on 19 September and again at 8:00 p.m. on 26 September, 1997, a group of approximately 30 commando<sup>6</sup> officers and ten policemen stormed the Romani neighborhood in Dömsöd and broke into several houses inhabited by Roma. On both occasions, the officers allegedly insulted the Romani inhabitants and

---

<sup>4</sup> ERRC interviews, 21-21 September, 1997. For a more exhaustive account, see *Roma Rights*, Autumn 1997, pp. 48-50.

<sup>5</sup> Hungarian Helsinki Committee and Roma Press Center, "Chronicle of everyday events, 1997", Budapest 1998, p. 27, and Legal Defence Bureau for National and Ethnic Minorities in Hungary, *White Booklet 1997*, p. 47.

<sup>6</sup> A special police unit under the command of the national police.

threatened to return every week until the Roma moved away from the town. On neither occasion did officers show any warrant when entering the homes of residents. According to residents, during the raid on 19 September, a group of commando officers forcefully entered the house of one man, I. K., and held him at machine gun point while taking his brother “T” away. Together with “T”, eighteen other Roma from the community were taken to the police station where they were detained for 72 hours without being charged with any crime. During the raid on 26 September, the officers reportedly forced “T”’s mother, sister and niece to lie on the ground. Several other Roma, including women and children, reported having had guns put to their heads on this occasion. Officers were reported to have shouted racially offensive threats, including, “We will sweep the garbage out of Tókert [the Romani neighborhood of Dömsöd]! Dirty Gypsies, put your hands up and don’t move, or we will kill you!”.

On 7 November, 1997, the ERRC sent a letter to the General Prosecutor of Hungary,<sup>7</sup> urging him to ensure a thorough and impartial investigation into the police behaviour in Dömsöd and requesting to be kept informed about the results of the investigation. According to a letter from the General Prosecutor’s Office dated 26 November, 1997, an investigation into allegations of forced interrogation (case file No. 487/1997) was initiated by the Pest County Prosecutor’s Office on 18 November, 1997. In the letter, the prosecutor’s office additionally assured ERRC that it was taking all necessary measures to investigate the legality of the police raids of 19 and 26 September, and promised to inform ERRC about its findings.<sup>8</sup> To date, the ERRC has received no additional information concerning the results or progress of any investigation in connection with these incidents.

### **August 1997 - Budapest**

On the night of 12 August, 1997, police carried out a special commando operation in the house of the R. family in Budapest, following a burglary that had occurred in a neighbouring village earlier that day.<sup>9</sup> During the incident, three Romani men belonging to the R. family were forced outside the house. Two of the men were reportedly made to lie on the ground while the police handcuffed them. All three men were then taken to police headquarters in downtown Budapest in slippers and undershirts only (they were not given an opportunity to put on any additional clothing). A fourth Romani man-- B.R., a relative of the R. family-- was also taken to the police station, wearing nothing but a pair of boxer shorts. The police reportedly pulled a ski hat over B.R.’s head, preventing him from seeing anything and making it difficult for him to breathe.

In the course of the night, the police established that the four arrested men had no connection with the burglary, and they were subsequently all released around noon the following day (13 August). Rather than providing transport to bring the four men home, the police simply told them to leave the police station, in the same scarce clothing worn at the time of their wrongful arrest. *NEKI* has filed a lawsuit on behalf of the four victims seeking, inter alia, compensation, a public apology, and an order for the police to refrain from similar conduct in the future.

---

<sup>7</sup> Letter from ERRC to General Prosecutor of Hungary Dr. Kálmán Györgyi, 7 November, 1997.

<sup>8</sup> Letter from the General Prosecutor’s Office to ERRC, 26 November, 1997 (NF. 7951/1997/2-II).

<sup>9</sup> Hungarian Helsinki Committee and Roma Press Center, op. cit., p. 16, and Legal Defence Bureau for National and Ethnic Minorities in Hungary, op. cit. 1997, pp. 23-26.

### **August 1997 - Tetétlen**

On 8 August, 1997, a police officer allegedly attacked and ill-treated 28-year-old V.B., a Romani man, in a bar in Tetétlen in eastern Hungary.<sup>10</sup> According to the victim, he was sitting in the bar playing cards with friends when an off-duty police officer came in, apparently drunk. When V.B.'s wife entered the bar and asked her husband for money, the policeman reportedly told her to hit V.B. in the head with a chair. V.B. told the officer that the discussion he was having with his wife was a family affair, at which point the officer replied, "What do you mean I have nothing to do with this, you Gypsy son of a bitch". The officer is then said to have swept everything off V.B.'s table and pulled V.B. off the chair by his hair. The officer then pulled V.B. outside the bar, where he kicked him and hit him repeatedly. According to V.B., although the officer told him not to see a doctor, V.B. did so two days later. The record of the medical examination states that V.B.'s body was heavily bruised. The Budapest-based *Foundation for Romani Civil Rights* filed a complaint with the prosecutor's office on behalf of the victim. The ERRC is unaware of any investigation initiated into the incident.

### **July 1997 - Budapest**

On the night of 24 July 1997 a police sergeant guarding the French Embassy in Budapest saw two men attempting to break into a car about ten meters way from his post. When the two men started to run away, the sergeant called to them to stop and fired a warning shot into the air. When the two men did not stop, the sergeant chased them inside a dark building courtyard, where he fired a shot which mortally wounded one of the two. In a police investigation subsequent to the shooting, the sergeant claimed that he had fired in self-defence, aiming at the thigh of his assailant, who was allegedly jumping from a staircase. However, the investigation established that the fatal bullet entered the chest of the deceased -- and from above, rather than from below.

On 28 July, 1997, the police investigation concluded that the sergeant who fired the fatal shot had acted lawfully and professionally. After the rejection of appeals within the police department, on 29 September, 1998, *NEKI* filed a complaint with the prosecutor's special investigation unit, seeking criminal charges against the sergeant for unlawful and reckless conduct. The complaint, which refers, inter alia, to the reports of a medical expert and an expert on the use of force by law enforcement officers, is presently pending.<sup>11</sup>

### **June 1997 - Kecskemét**

On 23 June, 1997, in the town of Kecskemét in central Hungary, two police officers physically ill-treated a four-month-pregnant woman. According to the victim, the officers struck her twice in the stomach with the door of their police car, following which they took her to the hospital, where she had a miscarriage. The local prosecutor's office initiated an investigation, but suspended it on grounds of lack of evidence.<sup>12</sup>

---

<sup>10</sup> ERRC interview, September 1997. See also *Roma Rights*, Autumn 1997, pp. 22-23.

<sup>11</sup> Information relating to the case was provided by *NEKI*. For a more detailed account, see Legal Defence Bureau for National and Ethnic Minorities in Hungary, op. cit. 1997, pp. 15-21.

<sup>12</sup> Hungarian Helsinki Committee and Roma Press Center, op. cit., p. 13 and Legal Defence Bureau for National and Ethnic Minorities in Hungary, op. cit. 1997, p. 48.

### **May 1997 - Kemece**

According to the *Roma Press Center*, on the night of 20 May, 1997, a Romani man named István B. was arrested by police in the town of Demecser in Szabolcs-Szatmár County following the burglary of a local store. The detainee was placed into a police car and driven to the police station in the nearby town of Kemece. He alleged that, both in the car and once at the station, the police slapped his face and kicked him. The victim filed a complaint with the police two days later, on 22 May, 1997, together with a medical certificate documenting his injuries. The initial investigation was concluded in late 1997, when the County Prosecutor Office's Bureau of Investigation recommended that three police officers be charged with coercion in the course of interrogation (Article 227, Hungarian Penal Code), and causing light bodily injury (Article 17(1), Hungarian Penal Code), and that two other officers be charged with complicity in the crime of forced interrogation and suborning false testimony (Article 242, Hungarian Penal Code). The victim in this rare case of prosecution of police abuse is represented by an attorney affiliated with *NEKI*.<sup>13</sup>

### **February, 1997 - Mandatanya**

According to the *Roma Press Center*, on 16 February, 1997, L.A., a Romani man, was stopped by two men while riding his bicycle in the town of Mandatanya, two kilometres from his home in north-eastern Hungary, on the road between Nyiregyháza and Bálintbokor. The men accused him of stealing a chicken and summoned the police, with whom, according to the victim, they were on a first-name basis.

Two police officers and the two civilian men then allegedly forced L.A. into a police car and beat him as they drove to his home, where a warrantless and destructive search turned up no evidence of theft of any kind. As a result of the beating, L.A. suffered a broken arm and a broken nose. When L.A. sought to document his injuries, he was twice refused a medical protocol by the doctor who examined him. The doctor told investigators from the *Roma Press Center* that he had been unable to provide a medical certificate since "he did not know the circumstances surrounding the injury."<sup>14</sup> The ERRC is unaware of any official investigation into this incident.

### **February 1997 - Szombathely**

On 15 February, 1997, a group of nine individuals (most of them Roma) were detained by five plainclothes police officers from a Budapest police unit in the town of Szombathely in western Hungary, and allegedly subjected to severe beatings in the Szombathely police station.<sup>15</sup> All arrested were initially handcuffed and forced to kneel down against a wall until four police vehicles came to take them to the police station. One of the arrested, Z.Z., additionally reported having had a gun pressed against his head while lying on

---

<sup>13</sup> Hungarian Helsinki Committee and Roma Press Center, op. cit., p. 9 and Legal Defence Bureau for National and Ethnic Minorities in Hungary, op. cit. 1997, pp. 45-46.

<sup>14</sup> *Roma Press Center* case account, released 11 March, 1997; *Roma Rights*, Spring 1997, pp. 8-10.

<sup>15</sup> ERRC interview, 10 March, 1997. See also *Roma Rights*, Spring 1997, pp. 8-10, and Amnesty International, *AI Concerns in Europe: January-June 1997*, as well as Amnesty International, *Annual Report 1998*.

the ground face down. Among the detained were two minors, 13-year-old R.F. and 17-year-old A.S. Legal guardians were not informed of their arrest.

The police brought the group to the police station, where they were insulted by officers from both Szombathely and Budapest with such taunts as "stinking Gypsy". The police sought to extract statements from the various members of the group implicating Z.Z. in the theft of the wallet of an Austrian tourist. In the course of this interrogation, Z.F. had his fingers bent and was beaten and kicked by the police until he signed a piece of paper which he did not read and on which, according to police, "the truth" was written. One pregnant woman allegedly had her hair pulled and was hit in the stomach by a police officer whose name is known to the ERRC.

Z.Z. refused to sign a confession. As a result, he was allegedly beaten repeatedly in the stomach, chest and the back of the head for three hours in a cell at the Szombathely police station. According to Z.Z., during the beating he vomited blood and lost clumps of hair. He also at one point lost consciousness for a short period of time. Two different officers reportedly told him that if he did not sign the confession prepared by the police, he would be beaten to death.

All detainees were released later the same day. Following his release, Z.Z. sought medical help at the Markusovszky Hospital in Szombathely, where a doctor documented head and abdominal injuries.<sup>16</sup>

Before their release, both Z.Z. and Z.F. were allegedly made to sign statements that they had not been ill-treated. When questioned, Officer Csaba Mészáros of the Szombathely Police Department conceded that this is not standard practice in Hungary. Officer Mészáros also claimed that the Budapest unit had been responsible only for the arrest, not for the interrogation, which had been carried out exclusively by officers of the Szombathely police. Officer Mészáros acknowledged having been present during the entire detention of the group, but would not comment further.<sup>17</sup>

According to the Hungarian daily *Magyar Hírlap*, Szombathely Police Chief Emil Tóth confirmed that his department had organised the action with the help of the Budapest police. He acknowledged that the police had acted forcefully but asserted that this force had been justified. Officer Tóth additionally told *Magyar Hírlap* that he plans to organise similar actions in the future.<sup>18</sup>

Although the victims were too afraid to file a complaint in their own behalf, an official complaint on behalf of the victims was filed against the police by a representative of the local Roma self-government. In addition, the ERRC sent a letter to the General Prosecutor of Hungary in March 1997, urging him to ensure a prompt and impartial investigation into the allegations of police abuse.<sup>19</sup> Despite an initial reply dated 16 April, 1997, assuring that all necessary measures would be taken and that ERRC would be informed about the results of

---

<sup>16</sup> ERRC interview, 10 March, 1997.

<sup>17</sup> ERRC interview, 10 March, 1997.

<sup>18</sup> *Magyar Hírlap*, 6 March, 1997.

<sup>19</sup> Letter from ERRC to general Prosecutor of Hungary Dr. Kálmán Györgyi, 21 March, 1997. Also Amnesty International sent a letter to the General Prosecutor of Hungary concerning this incident, in May 1997.

the investigation,<sup>20</sup> to date, the ERRC remains unaware of any further investigative measures taken in connection with this case.

### **January 1997 - Taktaharkány**

On 16 January, 1997, a number of police officers, together with the local district deputy and a ranger, assaulted two Romani men who were collecting wood in a forest near Taktaszada in northeastern Hungary. One of the men was then forced into a car and driven to the local police station in Taktaharkány where he was allegedly subjected to physical abuse. The victims turned to *NEKI*, who filed a complaint on his behalf with the County Prosecutor's Office in Miskolc. The prosecution dismissed the complaint as ungrounded following an initial hearing in which one of the police officers claimed that the injuries of the victims had been caused by their falling off their bicycles.<sup>21</sup>

### **December 1995 - Érsekvadkert**

On the night of 9 December, 1995, in Érsekvadkert, Nógrád County in northeastern Hungary, police arrested four Romani men following a murder which had taken place in the area earlier that day. The four Roma were brought to the county police station in Salgótarján, where they were subjected to a painful chemical test during which benzidine<sup>22</sup> was applied to their arms and fists in order to ascertain the presence of blood traces.<sup>23</sup> During their interrogation at the station, the four were also repeatedly hit in the stomach and chest.<sup>24</sup> Although three other men arrested the same night confessed to the murder, the four Roma were released from custody only on the evening of 10 December, well in excess of the 12-hour limit under Hungarian law.<sup>25</sup>

Following submission of a complaint by *NEKI*, an investigation was initiated by the Nógrád County Prosecutor's Office on 5 July, 1996. The investigation was terminated on 3 January, 1997, with no charges being brought. In February 1997, the Nógrád County Chief Prosecutor's Office rejected an appeal.<sup>26</sup> In July 1997, having exhausted domestic remedies, *NEKI* filed an application with the European Commission of Human Rights in Strasbourg, where the matter is pending.

### **March 1995 - Fajsz**

---

<sup>20</sup> Letter from the General Prosecutor's Office to ERRC, 16 April, 1997 (NF. 2177/1997/1).

<sup>21</sup> Hungarian Helsinki Committee and Roma Press Center, op. cit., p. 6, and Legal Defence Bureau for National and Ethnic Minorities in Hungary, op. cit. 1997, pp. 46-47.

<sup>22</sup> Benzidine is a powerful chemical which can, in high doses, cause cancer. It was banned from use by the national police chief of Hungary in July 1996.

<sup>23</sup> See Legal Defence Bureau for National and Ethnic Minorities, *White Booklet 1996*, pp. 11-21, as well as Legal Defence Bureau for National and Ethnic Minorities, op. cit. 1997, pp. 59-63. See also U.S. Department of State, *Hungary Country Report on Human Rights Practices for 1996*, Bureau for Democracy, Human Rights, and Labor, January 30, 1997 (reporting another case of Hungarian police use of benzidine on a (non-Romani) suspect, in April 1996).

<sup>24</sup> For a detailed account of the interrogation, see testimony of one of the Romani victims in Legal Defence Bureau for National and Ethnic Minorities in Hungary, op. cit. 1996, pp. 11-12.

<sup>25</sup> See Article 33(3), Law 34/1994 (Police Act of the Republic of Hungary).

<sup>26</sup> Legal Defence Bureau for National and Ethnic Minorities, op. cit. 1997, p. 61. See also Hungarian Helsinki Committee and Roma Press Center, op. cit., p. 3.

On 16 March, 1995, a Romani man named József Pánki was approached by three police officers near a local supermarket in connection with the theft of a hen in the village of Fajsz in south-central Hungary. The three policemen involved allegedly told Pánki that even if he had not committed the crime, he should be able to tell them who did, since he is a "Gypsy". The officers then assaulted Pánki, repeatedly kicking him in the stomach and the chest, even after he had fallen to the ground. The police allegedly also warned Pánki not to file a complaint against them, unless he wanted to endanger the safety of his family.<sup>27</sup>

Initially charged with use of coercion in the course of interrogation (Article 227, Hungarian Penal Code) -- a felony which carries a penalty of possible imprisonment -- the officers were convicted in January 1997 by the first instance court of official malfeasance (Article 226, Hungarian Penal Code), a misdemeanor, for which they were ruled to pay a fine.<sup>28</sup>

On appeal, the second instance court in Kecskemét on 26 May 1997, upheld the lower court decision.<sup>29</sup> The ruling, from which the prosecution did not exercise its right of appeal, imposed fines on each officer of 20,000 HUF, 15,000 HUF, and 10,000 HUF, respectively. None of the officers was suspended from duty. The victim and his family moved away from Fajsz.

---

<sup>27</sup> Legal Defence Bureau for National and Ethnic Minorities in Hungary, op. cit. 1996, pp. 42-47 and op. cit. 1997, pp. 63-66. See also *Roma Rights*, Summer 1997, p. 12.

<sup>28</sup> The maximum punishment for official malfeasance is two years of imprisonment.

<sup>29</sup> The second instance court ruling was covered by two of the main dailies in Hungary, *Népszava* and *Magyar Hírlap*, 27 May, 1997.

## Cases of Relevance to Consideration of the Report of the Government of the FRY

### September 1998 - Novi Sad

On 2 September, 1998 Dino Toplica, president of the Novi Sad branch of the Roma Congress Party, was arrested by four police officers outside local party headquarters, and told that he was being charged with black market currency dealing.<sup>30</sup> The police officers then searched the premises of the Roma Congress Party and confiscated files related to Roma who receive social welfare, questionnaires, and address books. Subsequently, the police took Toplica and his seventeen-year-old son, who happened to be in the office at the time, to their family's home, where they seized three video cameras and an address book. Finally, the two were taken to the police station, where they were placed in different rooms. In one room at the station, Toplica was interrogated about the number of Orthodox and Muslim Roma and ethnic Albanians in Novi Sad, and what benefits he derived from his political activity. In another room, Toplica's son was forced to kneel on the floor, slapped and beaten severely with a truncheon. After several hours in detention, both Toplica and his son were released without being charged with any crimes. To date, notwithstanding public calls for investigation,<sup>31</sup> there has been no known investigation by government authorities into what appears to be a clear case of politically- and ethnically-motivated intimidation of a Romani political leader.

### May 1998 - Belgrade

On 7 May, 1998, 22-year-old Krsta Kalinović, a Romani man, was detained by police in the Voždovac district of Belgrade, where three officers allegedly subjected him to physical and psychological abuse.<sup>32</sup> According to the *Humanitarian Law Center (HLC)*, three officers threatened to put Kalinović in prison and to force his wife into prostitution if he did not identify which individuals in his home neighbourhood of Marinkova Bara were engaged in criminal activity. The officers then allegedly beat Kalinović on his arms, knees and back with a chair and repeatedly banged his head against a wall. Finally, the officers reportedly placed a bag over Kalinović's head and beat him until he lost consciousness. The *HLC* filed a criminal complaint against all three officers shortly after the incident, and an investigation is presently pending.

### February 1998 - Kragujevac

According to a report of the *HLC*, on 25 February, 1998 on Crveni Barjak street in Kragujevac in central Serbia, a policeman in plainclothes approached, and, without any apparent reason, slapped several times in the face a Romani man named Branko Kostić. The officer reportedly also tore the jacket of Kostić, who managed to escape from the attacker and sought help from a group of nearby uniformed police officers. The uniformed officers reportedly took the personal data of both men. A doctor visited by Kostić the same day (25 February) documented light bodily injuries. Since 31 March, 1998, when Kostić filed a complaint with the prosecutor's office, he has received no word concerning the progress of the investigation.<sup>33</sup>

---

<sup>30</sup> The facts of this case have been provided by the Belgrade-based *Humanitarian Law Center (HLC)*.

<sup>31</sup> *HLC* press release, 4 September, 1998.

<sup>32</sup> *HLC* press release, 17 May, 1998.

<sup>33</sup> Information received from the *HLC* in October, 1998.

### **January 1998 - Valjevo**

In the evening of 12 January, 1998, in Valjevo in central Serbia, following a fight in a local bar, three Romani men – S.R. (19), M.J. (21), and S.P. (22) -- and one Romani minor (Z.R. (16)) were pursued by police allegedly searching for a weapon.<sup>34</sup> Once apprehended, the four were taken to the police station where they were held for several hours. During this time the four were seriously ill-treated in an effort to compel them to confess to having possessed a gun. S.R. reported that the police put a jacket over his head as they beat him, in order to prevent him from identifying his attackers. According to his account, the police continued beating S.R. until he fell unconscious. Shortly after their release, the four victims filed a complaint against the police, together with medical certificates documenting their injuries. The ERRC is unaware of any investigation which has been initiated since that time.

### **January 1998 - Niš**

(i) A Romani man (D.D.) who, like many Roma in Yugoslavia, earns his life from selling goods at the local market, reported being physically mistreated on a regular basis by the police in the town of Niš, southern Yugoslavia. According to D.D., on one occasion in the early afternoon of 8 January, 1998, two police officers confiscated his money, then handcuffed him and drove him to the police station. Upon arrival, three officers swore at him and beat him repeatedly with a wooden bat, fists and truncheons all over his body. The officers then took away D.D.'s coat and brought him to a cold cell, where he was beaten successively for several hours by a number of police officers. Several times he was asked if he would return to the market. When he said he would not, the officers swore at him, said he was lying, and beat him further. During the course of this mistreatment, D.D. lost consciousness several times. Each time, the officers splashed his face with cold water and continued beating him. The police finally released D.D. at approximately 10:00 p.m. without charging him with any crime. Due to fear of reprisals, he did not file a complaint against the police.<sup>35</sup>

(ii) Fifteen-year-old A.D., a Romani boy also from the town of Niš, reported similar instances of serious ill-treatment on the part of local police. The last instance of abuse documented by the ERRC occurred on the morning of 14 January, 1998, when two police officers stopped A.D. at the market and asked him where he had stolen the shoes he was carrying. The officers then brought him to the police station, where they held him until midnight. During his detention, A.D. estimated having been severely beaten for periods of up to an hour each approximately five separate times. On one occasion, he was handcuffed to a radiator and asked if he felt like driving a car.<sup>36</sup> Between the beatings, A.D.'s coat was removed and he was kept in a cold cell. Before he was released, A.D. was reportedly forced to sign several papers. Due to fear of retaliation, A.D. did not file a complaint against the police.<sup>37</sup>

---

<sup>34</sup> ERRC was informed about the incident by the Kragujevac Roma association *Association for the Human Rights of Roma in Yugoslavia*. It was also reported by at least two newspapers, one of them the national *Večernje Novosti*, on 21 January, 1998.

<sup>35</sup> ERRC interview, 18 January, 1998.

<sup>36</sup> A.D.'s hands were apparently handcuffed in such a way that it looked as though he was holding a wheel.

<sup>37</sup> ERRC interview, 18 January, 1998.

### **November 1997 - Novi Sad**

At around 12:30 p.m. on 14 November, 1997, 28-year-old Danilo Dimitrijević, a Romani man, was arrested by police at his home in Novi Sad, then taken to the police station.<sup>38</sup> There several policemen in plainclothes ill-treated him severely, attempting to force him to confess to a burglary committed in the town. According to the testimony of the victim provided in the course of the subsequent investigation, Dimitrijević, handcuffed, was placed in a cell with three police officers, one of whom approached carrying a truncheon, and said, “Talk”. When Dimitrijević said he knew nothing about the burglary in question, the officer started beating him with the truncheon all over his body. Following approximately ten minutes of heavy beating with truncheons on his head, back and legs, one of the officers told Dimitrijević to take off his clothes. After he did so, the beating continued for another 20 minutes. Dimitrijević was kept in custody for three days. During each day, he was forced to stand handcuffed to a bar at the police station; each night, he was taken to the Klisa prison, situated on the outskirts of the town. Throughout this time, he claimed, he was denied food, water, and toilet facilities. On the morning of 17 November, Dimitrijević was brought before an investigating judge, to whom he complained about the ill-treatment. As reported in the local press, the judge not only ordered the police to release Dimitrijević, but also instructed him to get a medical certificate from a doctor for the purpose of filing a complaint against the police. On 24 November, 1997, with the assistance of an attorney, Dimitrijević filed a criminal complaint against the police. Nearly a year after the incident, no progress in the investigation has been reported.<sup>39</sup>

### **April 1997 - Niš**

On 27 April, 1997 at approximately 8:00 p.m., a 13-year-old Romani boy, Zvonko Belulović, disappeared after having last been seen being pursued closely by police in Niš. Shortly before the disappearance, two Romani teenagers (whom two police officers were chasing in connection with a theft) handed Zvonko the allegedly stolen object (a sweater). Zvonko started running away. One of the officers caught the first two boys, while the other officer continued to chase Zvonko. The first two boys reported having heard two gunshots shortly after they lost sight of the policeman chasing Zvonko. Shortly afterward, the officer who had been chasing Zvonko returned alone. The officers then allegedly let the two boys go.

Repeated attempts by Zvonko’s father to find his son or the reason for his disappearance have been unsuccessful. According to the father, neither the police nor any other authorities have responded to his inquiries concerning his son.<sup>40</sup> Shortly after the disappearance, a local television station apparently broadcast a plea from Zvonko’s family seeking the boy's whereabouts, but Zvonko’s fate remains unresolved. In January 1998, the District Attorney General of Niš, Golub Golubović, stated that “several months of intensive investigation had not produced any substantial results”.<sup>41</sup>

### **Spring 1997 - Novi Sad**

---

<sup>38</sup> This case description is based on the case file provided by the attorney of Dimitrijević Bogdan Vla.

<sup>39</sup> ERRC telephone interview with attorney Bogdna Vla, Novi Sad, 29 October, 1998.

<sup>40</sup> ERRC interview, 18 January, 1998.

<sup>41</sup> ERRC interview, 18 January, 1998.

A 16-year-old Romani boy, V.T. from Novi Sad in northern Yugoslavia, was on his way to school one morning in the spring of 1997, when he passed by two police officers whom he asked the time. In response, the two officers told V.T. to come closer. As he approached, the officers apparently saw that V.T. was wearing a watch on his wrist. One of the officers slapped V.T. on the face; the other officer knocked him down with his fist. The two officers then continued kicking the boy several times as he lay on the ground. They stopped only when a local Romani leader intervened. The officers reportedly told the Romani leader, who witnessed the beating from a nearby car, that they were beating the boy because he had asked what time it was even though he had a watch himself. (The boy's watch turned out to have been broken). According to the Romani leader, following the incident, he visited the chief of the Novi Sad City Police, Miodrag Zavišić, who acknowledged that the behaviour of the two officers had not been appropriate. To date, however, no known investigation has been launched against the officers in question.<sup>42</sup>

### **April 1995 - Danilovgrad, Montenegro**

On 14 April, 1995, following receipt of a complaint alleging that a 15-year-old Romani boy had raped an underage non-Romani girl, the police in Danilovgrad in south-central Montenegro arrested, brought to the police station, and questioned most of the men residing in the Romani settlement in town. After a Romani minor confessed to the crime under questionable circumstances, the police warned the detained Romani men to leave Danilovgrad immediately, together with their families, as their safety could not be guaranteed.

The following morning, 15 April, all women and children in the Romani settlement in Danilovgrad-- approximately 50 persons-- left for Podgorica by bus. The Romani men stayed on until, later that day, an angry mob of several hundred non-Roma gathered in the main square, loudly demanding that the authorities expel all Roma from the town. Afraid to use public transportation, the Romani men made their way through the woods to the outskirts of Podgorica where they met up with their families. Shortly afterwards, the anti-Roma mob marched to the Romani settlement. There, in the presence of police-- who simply watched passively as the violence unfolded-- the non-Roma looted, destroyed and burned houses, cars and personal possessions of the Romani residents. As a result, 74 Romani individuals were left homeless.<sup>43</sup>

The Romani victims of the Danilovgrad pogrom have to date not received legal remedy or any other form of compensation for the crimes to which they were subjected. More than three and a half years after the incident, no one has been brought to justice. According to the lawyer representing the victims, although 20 persons were arrested following the incident, criminal proceedings were initiated against only one. On 8 February, 1996, even these charges were dismissed, however, on grounds of lack of evidence. The failure of the police to protect the endangered Roma and their property was not apparently raised in the course of the investigation. Moreover, in direct violation of the Federal Penal Procedure Code, the Romani

---

<sup>42</sup> ERRC interview, 11 July, 1998.

<sup>43</sup> The facts concerning this case were provided to ERRC by Attorney Dragan Prelević, Podgorica, Montenegro.

victims were not served with the court decision terminating the proceedings, thereby rendering it impossible for them to pursue a private prosecution of the case.<sup>44</sup>

### **January 1995 - Kragujevac**

Two Romani children-- 16 year-old P.R. and 11-year-old Z.A.-- were washing windows of passing cars on a street in Kragujevac in central Serbia on 7 January, 1995, when two police officers who passed them in a car stopped and got out. Without explanation, the officers took the two boys behind a nearby sports-hall where they started beating them. Notwithstanding the pleas of the boys to stop, the officers continued until one of the boys started spitting up blood. The boys subsequently told their parents about the beating, who turned to the local Roma political party for help. According to party officials, when contacted about the incident, the local police chief asked them not to publicise the case, and promised that those responsible would be punished.<sup>45</sup> To date, the ERRC is unaware of any investigation.

### **1992-93 - Jagodina**

On 18 December, 1992, in the town of Jagodina in central Serbia, police beat to death a mentally retarded 26-year-old Romani man named Dragan Sretenović. In February 1993, four policemen were convicted and sentenced to prison terms ranging from one to three years for the killing. On appeal, the (republican) Supreme Court later increased the sentences to 3.5 years' imprisonment for each defendant.

In the aftermath of the murder, police in Jagodina reportedly abused Roma with increasing frequency, apparently as a form of retaliation for the criminal prosecution of their colleagues. On one occasion in January 1993, following an argument between two Romani men, one of the two, 28-year-old Z.S., was allegedly brought to the police station, where he was severely beaten by police. The other man, 37-year-old M.O., was reportedly kept handcuffed to a car for one and one-half hours in minus-20-degree temperature, then brought to the police station, where he was beaten unconscious. In another case, from February 1993, a Romani man, 26-year-old V.S., was allegedly beaten by the Jagodina police for failing to greet the officers as they met on the street. No known investigation has been undertaken into any of the incidents of alleged police abuse following the December 1992 murder.<sup>46</sup>

---

<sup>44</sup> See Art. 60, Yugoslav Criminal Code. In addition to the criminal prosecution, civil proceedings for damages on behalf of the Romani victims, commenced in September 1996, are still pending in the first instance court. Finally a third lawsuit alleging unlawful employment termination (following the April 1995 incident, a number of Romani men were fired from their jobs for not reporting to work) is currently on appeal before the second instance court from a first instance court dismissal of the claims.

<sup>45</sup> Information provided by the Kragujevac-based *Association for the Human Rights of Roma in Yugoslavia*.

<sup>46</sup> Information provided by the Kragujevac-based *Association for the Human Rights of Roma in Yugoslavia*.