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SPAIN

MALTREATMENT AND TORTURE OF BASQUE AUTONOMISTS BY THE GUARDIA CIVIL?

Heavy accusations of maltreatment of detainees against the Spanish police force, Guardia Civil are causing unrest in the Basque country. Amnesty International and other Human Rights organisations have demanded for an unsparing enquiry of the affair. The Minister of the Interior, José Luis Corcuera admits "unpardonable neglect" of individual officers, but vigorously rejects accusations of torture.

The unrest in the basque country was provoked by a series of mysterious cases of sudden death and torture of members or sympathisers of the basque autonomist movement ETA under police detention. On occasion of police raids against a terrorist commando allegedly on the way of being set up, several dozens of persons had been arrested in the provinces of Guipuzcoa and Alava. All but one detainee later complained about maltreatment under interrogation by members of the Guardia Civil and the National Police. On 24 September Xabier Galparsoro, aged 27, was fatally injured in what the police said was an attempt to escape through a window facing a glass-roofed interior court and situated on the third floor of the criminal police office of Bilbao. Galparsoro died 48 hours later, on 26 September, without awaking from coma. The same day, Miren Gurutze Yanci, a 31 year old women was transferred from Bilbao to the Guardia Civil-barracks of Tres Cantos near Madrid. In the following night she demanded for medical aid because of strong pain in the chest, but the prison doctor in charge did not bother to see the patient and only prescribed anodynes by phone. When Ms. Gurutze's condition further deteriorated, members of the prison guard brought her to the local ambulance station, where her death caused by perisystole was ascertained. Just one day later, on 27 September, the daily "El Pais" reported the case of another women detainee, Maria José Lizaribar, whose body showed no less than 22 effusions of blood after five days under custody of the Guardia Civil.

The incidents above at once provoked a massive uproar in the camp of the Basque autonomists resulting in a series of protest actions. Amnesty International's demand for an unsparing enquiry of the affair drew immediate response from Prime Minister Felipe Gonzales who promised a thorough examination of the accusations.

For his part, Juan Antonio Belloch, the new Minister of Justice, declared that he would not be able to further grant the responsible bodies loyalty and protection, as long as the last shadow of a doubt on the police's role in the incidents remained. Before his appointment as a minister last July, Belloch was among the most consequent and outspoken human rights activists among Spanish jurists and magistrates. Among other things, he was prominently involved in a public campaigns against the GAL death squads and for the liberation of one of the master-minds of the 1974 "Carnation revolution" in Protugal, The former colonel Otelo Saraiva de Carvalho.

Strong pressure from the public - and, for the first time, even from his own party ranks -

induced Interior Minister José Luis Corcuera to appear before the parliamentary committee in charge already on 28 September. Corcuera admitted "unpardonable neglect" of individual officers and promised a disciplinary prosecution. However, pointing at provisional findings of the autopsy of the two dead detainees, he sharply rejected accusations of torture. According to the autopsies the two persons died of "natural death causes without external influence". The Minister underlined that the autopsies had been carried out in presence of medical doctors and lawyers entrusted by the families concerned. In the case of the allegedly tortured Maria José Lizaribar, the effusions of blood were caused by a chronic disease that led to the rupture of blood-vessels even at the slightest touch, the Interior Minister said, and added that Ms. Lizaribar presented the effusions of blood already upon her arrest. For the time being, both members of the opposition and the media seem to be satisfied with Minister Corcuera's explanations. In the Basque country, however, there is still a lot of talking about the "black hand" of the torturers and criticism is being voiced. Thus, Juan Maria Bandres, a Member of the European Parliament, says that incidents as the above are unworthy of a constitutional democracy. In Mr. Bandres' view the mere fact, that deaths as Galparsorso's and Gurutze's still occur in Spanish detention centres, constitutes an anachronism that could not simply be done away with by pointing at an enchainment of unfortunate circumstances or maladroitness of the personal in charge.

Alexander Gschwind (Madrid)

UNITED KINGDOM

BRITISH POLICE SETS UP NEW COMPUTERISED DATABASE AVAILABLE TO EC-POLICE SERVICES

The British "Police Scientific Development Branch" (PSDB) is developing a technological support and equipment related computerised system for use by the police services of the EC and other related agencies. The service will be known as the EPI-Centre (European Police Information Centre).

The EPI-Centre will provide:

- An international Police equipment and technology database including published papers, past and present research projects and programmes, and proposed projects and programmes.
- Conferencing facilities, whereby two or more interested parties (police, scientists, technicians, and eventually suppliers and manufacturers etc.) can engage in public, group dialogue on any related subject. Others may then contribute to the conference.
- An electronic mail facility, whereby two parties may engage in private correspondence.
- Access to related databases through negotiated "gateways" to other police related information sources.
- Access to best international advice. many experts will be associated with the system either directly or indirectly through their involvement with police forces or private companies. As a starting point, all of the scientists and technicians at the PSDB will be personally available

through the system.

- Access to specialist databases. Subject-based information on specialist topics will be made available where any interest is shown or need identified. Already available are databases such as Manufacturers/Suppliers Dictionary, Aviation Services etc.
- General policing information including, for example, Police Almanac, equipment and systems currently in use by forces, details of police forces' PSDB liaison officers as contact points etc.

The EPI-Centre will be available to UK police forces 24 hours per day from October 1993. Access will be free to all European police forces and related agencies following full implementation in the UK. Costs to users will only be incurred with regard to telephone charges for calling the system by modem.

The system will be based upon the combination and enhancement of the existing PSDB Information Service Database and its prototype computerised system.

Condensed from the Annual Report 1992-3 of the Police Scientific Development Branch of the United Kingdom Home Office.

SWEDEN

MASS-DEPORTATIONS OF KOSOVO-ALBANIAN ASYLUM SEEKERS

According to Kjell Kylander, chief of the Central Office for Transport (Transportcentralen) of the Swedish police in Göteborg, Sweden is currently deporting rejected Kosovo-Albanian asylum seekers at an average rate of 1600 persons per month.

The operation is carried out by air, using chartered planes shuttling between Sweden and Skopje (Macedonia) and by land, using buses which take the ferry between the southern Swedish port of Ystad and Swinoujscie (Poland).

Based on a special agreement reached between Sweden and Macedonia, the Macedonian police have been, until now, routinely "escorting" Kosovo-Albanian asylum-seekers deported from Sweden to the Serbian border (Due to the current UN-sanctions against Serbia, direct deportations back to Kosovo are currently impossible). The costs of the transport and the police escort are paid by Sweden (see CL No.12, p.2) The Swedish practice is questionable considering the fact that Kosovo is legally in Serbia and Sweden is thus in effect deporting refugees back to a country against which sanctions are supposedly in force.

At the end of September, however, the Macedonian authorities denied entry to 15 Kosovo-Albanians from Sweden arriving in Skopje with a charter plane carrying a total of 70-80 deportees, on the grounds that their papers were not in order. The 15 Kosovo-Albanians were later sent back to Sweden.

Sweden's mass-deportations, now confirmed by Mr. Kylander, came to light, after rumors about the "refugees on orbit" began circulating in Switzerland. According to Swiss sources, some of the Swedish charter planes carrying Kosovo-Albanians make intermediate landings at Zurich

airport.

The massive deportation of Kosovo-Albanians by Sweden was preceded by a barrage of press comment in August 1992, in which the entire Kosovo-Albanian community was described as being disproportionately involved in crime committed by asylum seekers.

The allegations were based on statistics whose accuracy was strongly questioned by experts. The campaign was further fuelled by a remark of the minister in charge of immigration, Ms. Birgit Friggebo on television-news, that "[apparently] there is a certain tradition or something else that makes them [the Kosovo-Albanians] more inclined to filching and stealing bicycles, laundry and whatever else than any other refugee group".

It is commonly known that asylum applications from Kosovo-Albanians are processed quickly - and are usually turned down - by the Swedish immigration authorities. But although Sweden's decision to grant residence permits to about 40'000 Bosnian refugees who entered the country before June 22 (see CL No.17, p.6), has received nation-wide press coverage, until now, nothing was known about the extent of what appears to be a thoroughly planned deportation-operation against refugees from Kosovo.

N.B.

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SWITZERLAND

PREVENTIVE INTERNMENT OF "CRIMINAL" ASYLUM SEEKERS

A debate focusing on the involvement of asylum seekers in drug related crime has become public issue number one in Switzerland. Leading tabloids are fueling the debate with stories on drug dealing asylum seekers. Politicians from various parties are pressing for the introduction of legislation permitting for the immediate deportation or, alternatively, the preventive internment of crime suspected asylum seekers. Such legislation would however violate constitutional guarantees and international law.

So far, the Federal Office of Refugees (and not the judiciary) orders the internments, based on provisions in the law on entry and stay of foreigners (ANAG) and the Asylum law. The provisions provide for a temporary admission, eventually by internment, if and when a deportation measure cannot be carried out. Internment is, however only permitted, when the asylum seeker can be reproached with posing a serious threat to public order. On this ground, more than 30 asylum seekers and other foreigners sentenced for repeated dealing with small amounts of drugs have already been interned since autumn 1992. Furthermore, applications of delinquents and "dissocial" asylum seekers are subject to accelerated and summary consideration.

In the opinion of growing circles who view "false refugees" as the main root of Switzerland's

increasing problem with drug abuse, this is not enough.

The call for a clamp-down on asylum seekers is most outspoken in Zurich, where, until now, all efforts of the authorities to bring the city's notorious "drug scene" under control have lamentably failed. Right-wing groups soon made use of the situation in campaigning against foreigners and, in particular, asylum seekers. Already in 1991, a "neighbourhood action group" in a district of Zurich particularly exposed to drug delinquency published a half-page advertisement in the city's leading daily. Zurich, it said, had become a "super-market for drugs" supplied by "gangs armed with knives, brass knuckles and guns, from Yugoslavia (cocaine), Lebanon (heroin), and Turkey (both)" and: "Some of these people have applied for asylum in our country".

A Working Group "Asylum" formed by the parties represented in Switzerland's longstanding federal coalition-government soon took up the message. In its final report (February 1992) it says: "Delinquent asylum seekers must be centrally accommodated pending legal enforcement of their sentence and the final outcome of their asylum and foreigner police procedures. Their asylum applications shall be processed with first priority." Thus, the alleged link between asylum seekers and drug delinquency was officialised.

Soon, some politicians, bowing to grass-roots pressure and a full-scale campaign led by the tabloids, went even further. In blatant disregard of the principle of presumed innocence, the head of the Zurich police, a Social Democrat, demanded that asylum seekers be interned "already in presence of the slightest suspicion".

So far, the police chief and other hardliners have met some resistance both from magistrates and the Federal Government. A Zurich public prosecutor reminded that the question was about "people against whom the police cannot prove anything, or at least any delict of importance". In a press documentation, The Federal Minister of Justice and Police, Arnold Koller, underlines that some of the demands for immediate deportation or internment of "undesirable" aliens are incompatible with constitutional guarantees and international law.

The guarantee of equal treatment, for instance, comprehends the right of appeal, the interdiction of arbitrariness, etc., with regard to both Swiss nationals and foreigners. Unequal treatment of foreigners is admissible only so far, as they have no right of stay in Switzerland.

Article 33 of the Geneva refugee Convention and article 3 of the European Convention on Human Rights prohibit the deportation of a refugee or foreigner to a state, where he risks torture or inhuman or degrading treatment. The principle of "non-refoulement" cannot be run in DOS mode.

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