Amnesty International (AI) is a worldwide movement of people who campaign for human rights. AI's work is based on careful research and on the standards agreed by the international community. AI is independent of any government, political ideology, economic interest or religion. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

AI mobilizes volunteer activists in more than 140 countries and territories in every part of the world. There are more than 1,000,000 AI members and subscribers from many different backgrounds, with widely different political and religious beliefs, united by a determination to work for a world where everyone enjoys human rights.

AI works to promote respect for all the human rights set out in the Universal Declaration of Human Rights and other international standards. It holds all human rights to be universal, indivisible and interdependent.

In seeking to contribute to the observance worldwide of all human rights, AI's program of research and action is focused on some of the gravest violations of the right to freedom of conscience and expression, freedom from discrimination, and the right to physical and mental integrity. AI's campaigning against such violations includes working to:

- free all prisoners of conscience — people detained for their political, religious or other conscientiously held beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status, who have not used or advocated violence;
- ensure fair and prompt trials for all political prisoners;
- abolish the death penalty, torture and other ill-treatment;
- end "disappearances", political killings, and other unlawful killings in armed conflict.

AI holds governments accountable not only for violations inflicted by their own agents, but also for failing to protect people against abuses by other individuals. AI also calls on armed political groups to respect human rights and stop abuses such as detention of prisoners of conscience, hostage-taking, torture and unlawful killings.

AI seeks to support the protection of human rights by other activities, including its work with the United Nations (UN) and regional intergovernmental organizations, and its work for refugees, on international economic, military, security and police relations.
Another aspect of racially discriminatory practices commonly seen in the application of the law is the denial of translators or interpreters during interrogation and court hearings to people who do not speak or read the official language. In such cases, even if the law is non-discriminatory, defendants are inevitably denied the right to a fair trial.

In Sri Lanka, for instance, the prominence given to the Sinhalese language in the day-to-day running of the judicial system has meant that many Tamil political prisoners have been discriminated against on the basis of language. They have their statements to the police recorded in Sinhalese, a language most of them do not speak or understand. These statements are admissible as evidence under the Prevention of Terrorism Act (PTA), and are often extracted under torture. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including many of those under the PTA, are tried in the capital, Colombo. Most court proceedings in Colombo and other parts of the south are conducted in English or Sinhalese which, owing to a shortage of court-appointed interpreters, has restricted the ability of Tamil-speaking defendants to get a fair hearing. Few judges speak Tamil and there are no law reports and few legal textbooks in Tamil.

Such discriminatory practices occur against a background of internal conflict in Sri Lanka centred on the Sinhala-Tamil divide, a conflict that has involved murder and widespread human rights abuses by all sides. The government has compiled only slowly with legislation requiring the publication of all laws in English, Sinhala and Tamil.

The law should be one of the main instruments in any society for combating racial discrimination. If the law is itself discriminatory, or is allowed to be applied in a discriminatory fashion, then individuals and groups will be denied justice, the victims of racism as well as others will lose confidence in the law as a fair arbiter of justice, and it becomes much more likely that racist attitudes and practices among state officials and members of the public will continue, if not increase.

2: Torture, ill-treatment and excessive use of force

"She was crying when she came back. She told us she had been raped by three or four soldiers. She cried for a long time."

These words, describing the trauma suffered in 1999 by a woman from Suva Reka in Kosovo, highlight the widespread use of rape and other torture against ethnic Albanians during one of the many conflicts that have marked the break-up of the former Yugoslavia. Those vilified by the various nationalist politicians as "the enemy", or as less than human, were often seen as legitimate targets for human rights violations simply because of their national, ethnic or religious identity. Serbs in Croatia, Muslims in Bosnia and ethnic Albanians in Kosovo have all been among those targeted for torture, ill-treatment, unlawful killings and other abuses.

For example, in June 1992 a 17-year-old Bosnian Muslim girl was taken by Serbs in Yugoslav People's Army uniforms from her village of Kaloševeci, near Teslic in Bosnia-Herzegovina, to huts in nearby woods. She told how she was held there for three months, along with 23 other women. She was among 12 women who were raped repeatedly in the huts in front of the other women. One of the perpetrators told her, "You will bear a Serbian child."

In Equatorial Guinea, one of hundreds of members of the Bubi ethnic group arrested in early 1998 solely because of their ethnic origin described what happened to a fellow inmate, Barbosa Elohe, who subsequently died in detention:

"One of his feet became infected because of the torture. Gangrene set in and he went crazy. He was eating his own shit. He didn't realize what he was doing."

In early 1998, following attacks by some Bubis on several military barracks on Bioko Island, the authorities arrested about 500 men and women. Almost all were arrested solely because of
their Bubi ethnic origin. Many were tortured by the security forces and at least six died as a result.

The Bubis, the indigenous population of Bioko Island, were caught in a systematic program of reprisals and arrests that lasted several weeks. Security forces swept into Bubi villages, in some cases executing people summarily. Bubis were indiscriminately harassed at checkpoints, beaten, robbed and abused by security forces. Bubi women were raped in their homes. Members of the security forces also looked on as pro-government mobs beat and raped Bubi women. Relatives of those wanted by the authorities were detained as hostages.

More than 110 of those arrested were tried in May 1998 in connection with the attacks on the military barracks. After summary military trials lasting five days, 15 people were sentenced to death (later commuted to life imprisonment) and 70 were sentenced to prison terms ranging from six to 26 years. All the convictions were based on confessions allegedly made under torture. An AI delegation observing the trial saw clear signs that the accused had been tortured; some of the defendants had fractured bones and at least 10 had part of their ears cut off.25

In Burundi, the use of torture is rife, particularly at the hands of the military and genocidaires who often detain suspects outside any legal framework. Torture has been an important tool of the Tutsi-dominated armed forces in their efforts to suppress insurgency by Hutu-dominated armed opposition groups.

Members of the civilian Hutu population — generally considered suspect solely because of their ethnic group — have been arbitrarily arrested, detained and tortured. While most political detainees are at serious risk of torture, Hutu accused of collabora-

tion with armed opposition groups are particularly vulnerable, especially when held secretly or intercommunicado in military positions or camps. Some have died as a result of their injuries. They have been beaten with electric cables and sticks; struck with heavy implements on the joints, the soles of the feet and the genitals; and tied in excruciatingly painful positions for long periods. Their torturers have not been prosecuted or even disciplined.

Examples such as these highlight how racism paves the way for human rights violations such as torture and ill-treatment. Racist ideas depict the victims not as human, but as objects that can be treated inhumanely. In countries ridden by racial conflict or tension, torture and ill-treatment are often rife, and in many countries the targets of racism suffer disproportionately from torture and ill-treatment.

The disregard for human life and dignity in a racist context is also apparent in relation to excessive use of force by agents of the state. International standards stipulate that force should be proportionate to the threat faced — and that firearms should be used only in self-defence or the defence of others against imminent threat of death or serious injury and “only when less extreme means are insufficient to achieve these objectives”.26 Yet in many places, those entrust by the state with firearms seem only too ready to pull the trigger, especially if the suspect belongs to a group that faces racial discrimination. In such cases, there is also frequently a reluctance by the authorities to investigate the shootings thoroughly and to hold police officers to account if they have misused firearms.

In some countries, such as Israel and the Occupied Territories, and Indonesia, security forces regularly violate international human rights standards when confronted by demonstrations organized by certain national or ethnic groups. In other countries, individuals from racial minorities suspected of crimes are disproportionately at risk of being victims of excessive use of force by state officials.

In France, for example, people of non-European appearance, particularly if they are young men, appear to be at far greater risk.

25 In December 2000 the President pardoned 14 of the prisoners. AI considers most of those still in prison to be prisoners of conscience — held for political reasons.

26 Principle 9 of the UN Basic Principles on the Use of Force and Firearms.
of being shot by police than young men who are white. A disproportionately high number of victims of reckless shootings by police are people whose ethnic origin lies in the Middle East and Africa. Such incidents often occur during police investigations of car thefts in towns and poor suburbs where many young people of North African origin live.

In April 2000, three days of rioting in southern Lille followed the killing of Riad Hamliaoui, an Algerian resident in France. Riad Hamliaoui was shot dead by police while he was travelling as a passenger in a car that had been reported stolen. The bullet was fired at close range. Both Riad Hamliaoui and the driver of the car were unarmed. The police officer was placed under investigation and suspended from duties pending the outcome of inquiries.

In Germany too, most victims of excessive or unwarranted force during arrests and of ill-treatment by police have been foreign nationals or members of ethnic minorities, as recorded by AI. Between January 1992 and March 1995, AI monitored cases of such abuses, including two cases where the ill-treatment amounted to torture. In all but a handful of the 70 cases recorded, the victims were foreign nationals, including asylum-seekers and refugees, or members of ethnic minorities. In many instances, there was little doubt that racism was a motivation, as the victims reported racist abuse by the officers involved.

A major concern for AI was the apparent failure of the German authorities to bring to justice alleged perpetrators of such abuses — a pattern seen in many other countries. Although criminal investigations had been opened into all cases of alleged police ill-treatment reported to AI, they were often not carried out promptly, impartially and thoroughly. Many of the officers allegedly responsible therefore escaped prosecution and few faced disciplinary sanctions, while few of the foreign or ethnic minority complainants were compensated for the injuries suffered. In a number of instances where officers were found guilty of ill-treating detainees, the sentences imposed on the guilty police officers were nominal.

In 1997 CERD expressed its concern in relation to Germany about "instances of police brutality against foreigners, particularly Africans and Turks, which have been reported in the press. Better training and stricter disciplinary action against the perpetrators appear to be necessary." 28

In May 1998 the UN Committee against Torture, reviewing Germany’s report, stated that it was concerned about both the large number of reports of police ill-treatment and "about the apparently low rate of prosecution and conviction in the alleged incidents of ill-treatment by the police, especially of people of foreign descent". 29 It recommended "that both internal disciplinary measures against offending police officers and the external prosecutorial and judicial measures be significantly strengthened to ensure that in future all police officers accused of ill-treatment of domestic and foreign nationals alike are brought to justice". 30

Since 1997, AI has received fewer allegations of racist ill-treatment and excessive use of force by German police, although most allegations are still made by foreign nationals. In March 2001 CERD expressed its concern about "repeated reports of racist incidents in police stations as well as ill-treatment inflicted by law enforcement officials on foreigners". 31 Many victims say that they have been subjected to kicks, punches and kneecaps, and sometimes abused with racist language.

In September 1999, for example, 22-year-old Serge Menga-Nsibi, a man of African origin, was arrested in Essen after he objected to the police searching his vehicle. He said that at the police station two police officers banged his head on a wall, and during interrogation an officer repeatedly kicked and punched him. He said he was then forced to undress and subjected to racist insults. When he was taken to a cell, he was again kicked and hit, causing him to temporarily lose consciousness. A medical report indicated that Serge Menga-Nsibi suffered first-degree concussion, bruising to his head and a cut to his face. The police officers denied the allegations and brought criminal counter-charges.

28 UN Doc. CERD/C/30/Add.24, 23 April 1997 (para 15).
against the detainee. A criminal investigation into the allegations against the police officers was terminated by the Essen state prosecutor on the grounds that the allegations were based on false suspicion and slander.

The number of reported cases of racist abuse by police in Germany is probably fewer than the true figures, as some victims do not lodge a complaint. One reason for this is that the victims believe that there is little chance of securing a successful conviction of a police officer accused of ill-treatment. Furthermore, the victims may not make complaints against certain police "excesses" which are committed in a manner which do not constitute actual physical ill-treatment, such as racist verbal abuse and threats of violence. Moreover, complaints must be lodged with the very institution – the police – that has allegedly inflicted the abuse as there is no independent body to review complaints.

Racist abuses by police have been recorded in many other countries of Western Europe. For example, "Visar", a 14-year-old refugee from Kosovo, had been living in Switzerland for nine years when he complained of a serious racist attack by police. He said he was at a bus stop in the Geneva suburb of Le Lignon on 1 October watching an argument unfold between some youths and a local resident. When police arrived the youths fled, but Visar said that he remained at the bus stop and that the police then ordered a police dog to attack him, even though he was making no attempt to flee. The dog bit his right thigh. He was thrown to the ground by police and handcuffed. He said that the police then racially insulted and physically abused him, and made derogatory and racist remarks about his family. He was then interrogated without his parents being given the opportunity to be present.

He said the police tried to force him to admit to being a part of the street disturbance and that during the questioning police hit him on the back of the neck with a bottle of water, stamped on his feet, and squeezed him so tightly around the neck that he had difficulty breathing and feared he was going to die. After the interrogation, the police called a doctor to examine the dog bite.

Visar does not appear to have been charged in connection with the street disturbance, but when his father collected him, he said that both were made to sign forms that they did not understand.

On 13 October 1999 Visar's father lodged an administrative complaint against three police officers with the Geneva Chief of Police. The complaint was accompanied by a medical certificate issued by the family doctor which recorded "several wounds" to Visar's thigh, neck and chest. Administrative and judicial investigations were subsequently opened which are still under way. A judicial investigation is apparently also under way into a complaint lodged by the police, accusing Visar of calumny.

All over the world the connection between racism and brutality by state officials is clear. It is therefore of utmost importance that all law enforcement officials are given a clear message that racism will not be tolerated, and that all allegations of brutality and other human rights violations made by victims of racism will be thoroughly and independently investigated and the perpetrators brought to justice.

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33 Visar's full name is known to Al but held back upon request.
34 Switzerland: Alleged Ill-Treatment by Geneva Police – the cases of