



经济及社会理事会

Distr.  
GENERAL

E/CN.4/2003/24  
30 January 2003  
CHINESE  
Original: ENGLISH/FRENCH

人权委员会  
第五十九届会议  
临时议程项目 6

种族主义、种族歧视、仇外心理和所有形式的歧视

当代形式的种族主义、种族歧视、仇外心理和相关的  
不容忍现象问题特别报告员杜杜·迪埃先生根据  
人权委员会第 2002/68 号决议提交的报告 \*

---

\* 本报告以所有正式语文分发。报告附件仅以英文分发。

## 摘 要

本报告记载了特别报告员自 2002 年 7 月 26 日承担任务以来所从事的各项活动的情况。在这段期间里，特别报告员与一些政府、几个区域政治集团(非洲国家集团、阿拉伯国家集团、77 国集团)、一些政府间组织(欧洲联盟、美洲国家组织、伊斯兰会议组织)和一些非政府组织建立了联系，以求同心协力共同反对种族主义、种族歧视、仇外心理和相关的不容忍现象。

本报告特别提及了有关科特迪瓦和圭亚那种族歧视与仇外心理的严重指控。报告还强调了罗姆人/欣蒂人/流动艺人所受到的种族歧视，和欧洲方面为此采取的补救措施，此外还着重汇报了反犹太主义表现。

2002 年特别报告员审查了涉及德国、西班牙、俄罗斯联邦、希腊、圭亚那和联合王国的有关种族歧视与仇外心理的指控。本报告附件中附有这些指控和有关国家当局的答复，以及特别报告员的评论意见。

在总结时，特别报告员强调指出，他与政府和政府间及非政府组织的代表们初步接触后，证明急需落实《德班宣言和行动纲领》，一方面要制止常见的种族主义形式令人不安地反复出现，另一方面要制止一些隐伏的新形式的歧视与种族主义的出现。特别报告员还强调，有些状况的反复出现特别令人担忧，因为这些状况中有意识地将种族、宗教和文化各方面因素混杂在一起，所以急需应对和采取深入的行动。由此，特别报告员参照德班会议的最后文件(A/CONF.189/12)，提出了一种双重战略：一方面从司法与政治入手(通过批准和执行有关的各项国际文书与协定)；另一方面从知识与伦理入手(通过更好地认识和理解歧视文化与思想的深入根源、进程及机制)。这需要通过思考和行动来把反对种族主义、种族歧视、仇外心理及不容忍现象的斗争与立即促进在不同文化、文明和宗教之间开展对话联结起来。为此，特别报告员向人权委员会提出了如下建议：

- 促进反对种族主义、种族歧视、仇外心理和不容忍现象的各种机制，特别是与执行德班会议最后文件有关的机制之间的互补与合作，还要加强消除种族歧视委员会与特别报告员之间，以及各位特别报告员之间的互补与合作；
- 更加重视针对非国民、移民和难民的歧视状况和做法；

- 在委员会的讨论中更加注重从知识和伦理方面寻找种族主义和歧视文化及思想的深入根源；
- 高度重视在不同文明、文化和宗教之间展开对话，这是帮助超越所有形式的歧视、排斥和不容忍现象的方法；
- 优先重视教育的各个方面(尤其是历史教育、伦理教育、作为普遍道德标准的人权教育、各种文化教育和有关各种宗教与宗教传统之共同价值的教育)以及文化间交流和信息；
- 鼓励宣传多元论的丰富价值，该理论承认、接受、尊重并促进多样性，而且能够促进特性这个具有双重性的概念，它既是对一种特征的合法肯定，也是对他者的否定。

## 目 录

	<u>段 次</u>	<u>页 次</u>
导 言 .....	1 - 3	5
一、特别报告员的活动 .....	4 - 27	5
A. 与联合国人权事务高级专员办事处磋商 .....	4 - 5	5
B. 出席关于执行《德班行动纲领》问题非洲 区域专家研讨会 .....	6 - 7	6
C. 参加第五十七届大会的工作 .....	8 - 20	6
D. 出席非洲人和非洲后裔反对种族主义世界 会议 .....	21 - 23	11
E. 参加巴西黑人意识周活动 .....	24	12
F. 出席非洲后裔问题专家工作组第一届会议 .....	25 - 27	12
二、当代形式的种族主义、种族歧视、仇外心理和 相关的不容忍现象 .....	28 - 38	13
A. 政治方面的种族主义、种族歧视、仇外心 理 .....	28 - 32	13
1. 科特迪瓦的情况 .....	28 - 30	13
2. 圭亚那的情况 .....	31 - 32	14
B. 针对罗姆人/欣蒂人/茨岗人/流动艺人的歧视 现象 .....	33 - 37	14
C. 反犹太主义 .....	38	16
三、特别报告员处理的指控 .....	39	16
四、结论和建议 .....	40	16

## 附 件

特别报告员将指控转交有关国家政府后收到的答复 .....	18
A. 德 国 .....	18
B. 西班牙 .....	22
C. 俄罗斯联邦 .....	30
D. 希 腊 .....	35
E. 圭亚那 .....	39
F. 大不列颠及北爱尔兰联合王国 .....	40

## 导 言

1. 2002年7月26日，经济及社会理事会批准当代形式的种族主义、种族歧视、仇外心理和相关的不容忍现象问题特别报告员的职权。

2. 本报告根据人权委员会第五十八届会议于2002年4月25日通过的第2002/68(IV)号决议提交。

3. 在本报告中，特别报告员汇报了自他被任命以来从事的活动(第一章)；介绍了他所了解到的主要的种族主义和歧视形式(第二章)，以及他转交给有关政府的涉及种族歧视的指控(第三章)。特别报告员在第四章中陈述了自己的结论和建议。本报告附件中附有特别报告员审查的指控以及有关政府作出的答复。

### 一、特别报告员的活动

#### A. 与人权事务高级专员办事处磋商

4. 2002年8月7日至9日，特别报告员来到日内瓦人权高专办，旨在熟悉保护人权的不同方案与机制下的各种活动。他会见了适足住房问题特别报告员以及一些负责支持有关移民、人权维护者、见解与言论自由之特别程序的官员。特别报告员利用这些见面机会明确了可能与其任务规定协调一致的干预领域。出于同一目的，他还和负责支持消除种族歧视委员会及负责与土著人口有关的方案的人员进行了交谈。

5. 通过这些磋商活动，特别报告员得以确信反对种族主义、种族歧视、仇外心理和相关不容忍现象的问题是人权高专办负责的大部分，甚至是全部方案和机制的基础。而且，无论是在各项区域战略中，还是在条约监督机构的运作中——如消除种族歧视委员会已经通过了这方面的一般建议——再或是在上述程序中，已经采取了一些行动来在各种步骤中具体执行《德班宣言和行动纲领》。因此，特别报告员打算加入这一共同努力，他要加强与消除种族歧视委员会的协调与合作，与其他特别报告员共同开展工作，并发挥与他们之间的互补作用，还要与人权高专办，特别是与反歧视团体和参与德班反对种族主义、种族歧视、仇外心理和相关的不容忍现象世界会议后续工作的不同机制进行商讨。

## B. 出席关于执行《德班行动纲领》问题

### 非洲区域专家研讨会

6. 2002年9月16日至18日，特别报告员应人权高专办邀请，出席了在内罗毕举行的非洲区域专家研讨会。特别报告员在会上就应考虑采取何种措施来打击针对包括移民和难民在内的非国民的歧视现象这一问题贡献了力量。为了消除东道国居民对非国民通常持有的排斥态度，特别报告员尤其建议各国主管当局促进国民与非国民之间的相互了解，鼓励不同文化、文明和宗教传统之间相互作用。这尤其可以通过教育、信息、承认多元论和促进文化间对话来实现。总之，这需要在国家范畴内，从多样性中体现单一性的价值。就是说，既要承认特性，也要鼓励共享价值，这样才能超越这些特异性。主题就是《执行德班行动纲领：就如何迅速前进交流意见》。

7. 再者，从此次研讨会可以看出，非洲国家极其重视对《德班行动纲领》第157和第158段的落实工作，这两段似乎是可以打破压迫、剥削、不公正、贫困这一古老循环和促进施政的关键。这是内罗毕研讨会所提出的各项建议的要点，委员会应立即予以关注，以便保证德班会议后续工作能有效进行。

## C. 参加第五十七届大会的工作

8. 2002年10月21日至25日，特别报告员参加了第五十七届大会的工作，并向第三委员会陈述了他为履行赋予他的任务而作的工作。他强调无论是从《德班宣言和行动纲领》的表面还是本质来看，反对种族主义、种族歧视、仇外心理和相关不容忍现象的斗争不只需要继续作出司法和政治反应，并将两者加以对照，而且还要对照思想、文化和精神基础、进程及机制，种族主义、种族歧视、仇外心理和相关不容忍现象正是通过它们得以持续存在并反复出现，这样才能找到触及这些祸患根源的解决办法。

9. 的确，全球化似乎体现在下述方面：由于全球性市场忽视文化特性和民族特征，所以使文化日益趋同，这便促使特性逐渐蜷缩，使崇尚消费和竞争的唯物主义价值观占据主导地位，而文化和精神价值则日益削弱。于是，歧视态度便在一个环境中汲取养分、发展、更新，甚至变得越来越平常。对他人的不了解

和坏印象是在文化这一领域中形成、并得到辩解和深刻表达的。对文化的蔑视源于种族中心主义——从本质上说就是确立一种为歧视和统治辩护的思想结构——它是歧视、种族主义、仇外和不容忍心理与做法最坚固、最明确或最隐含的基础。特性的蜷缩是抵制同化的一种反应，结果是，更加固守各自的民族、社区、团体、族裔、宗教、生活方式以及我们相对于他人的价值观。目前新出现的一些最激进、最猛烈和最顽固的巨大冲突，在根本上都是一些文化间的对抗。这些冲突的共同特征是，出现了他人的面孔，而这个他人往往是昨日的邻居，现在则变成了威胁和敌人，具有彻底和顽固的不同之处，是“一个奇怪的外人”。

10. 这种全球化的重大趋势甚至被理论化，即被用来确立了一种知识结构，以便从概念和历史方面作辩护与解释。Samuel Huntington 撰写的《文明的冲突》<sup>1</sup>一书中在这方面作了最新的阐释。在这种情况下，现实、想象、幻觉、控制与统治的策略和手段交织在一起，歪曲了对问题的客观认识并且使人们不能正确找到解决歧视问题的持久办法。

11. 根据《德班宣言和行动纲领》的精神今后要在更全球化的环境中来对付种族主义和歧视问题，所以，有必要设想一种新方法，以思考来指引行动，而思考的内容是种族主义和种族歧视的深入根源、机制、进程、表现和模式。换言之，在争取政治、社会和经济民主的斗争中，制定法律文书和机制应依赖一种针对歧视之文化根源的知识战略，因为这些文化根源深深地决定了人们的思想和行为。因此，特别报告员认为，在歧视文化与行为的中心存在两个特别敏感的概念：即多样性的工具化和特性的激化，这两者滋养并造成了目前的大部分文化冲突。

12. 在主导思想中，多样性的概念似乎越来越成为避免由全球化带来的文化趋同危险的办法，也是过分强调特性、文化、宗教、族裔和社区的理。然而，这个概念具有思想和历史内涵，并由环境及政治、哲学和思想范畴多重因素来决定。就这个概念的伦理学含义而言，多样性本身不构成一种价值观，而在哲学方面，十八和十九世纪的哲学和科学论说中多样性的概念具有很深重的内涵。关于

---

<sup>1</sup> Paris, Odile Jacob, 1997.

物种和人种多样性的科学与哲学著作建立起了等级划分理论。这些理论不仅是确立种族、族裔、社会和宗教歧视理论的思想与哲学基础，而且构成一种知识框架，用以为剥削和统治行为，如贩卖黑人或殖民行为进行辩护，德班会议的最后文件中清楚提及了这些行为。多样性的这种工具化恰恰正是种族中心主义的核心。从历史、思想和文化角度来看，所有种族中心主义的认识基础都是把多样性视作他人持有的彻底不同之处、因此对他人采取不平等和歧视态度。所以，在反对种族主义和歧视行为的新的知识与伦理战略框架中，应当重新审视特性这个概念。

13. 特别报告员指出，各民族之间的整个关系史表明对特性的误解起着决定作用。特性这个概念具有双重性，既是对自我的肯定，也是对他者的否定。回顾漫长的历史，特别是考虑到构成所有文明与文化的，各民族之间流动/相遇/相互作用这一辩证关系，特别报告员建议，为了使特性能够促进而不是阻碍对话，应鼓励重新理解这个概念(从族裔、文化或宗教方面入手)，不再将之视为一种聚集区或一种隔离，而要将它理解、接受为一种进程、一种相遇和综合力量，并要如此来付诸实际。在特性被削弱——正如当今大多数冲突所表明的，今天的敌人，往往是昨天的邻居——以及在各种新老形式的种族主义、歧视和仇外心理再度复苏的情况下，需要让人们明白和理解特性是由具体内容构成的，它经历着不断编织和变化的过程。因此，特性可以代表一种神秘的炼金术，通过它，并遵循给予和接受的辩证关系，一个具有自己特性的民族，可以运用复杂且通常是未定的程序来接受和改变来自其他民族的影响，并使之成为己有。

14. 最后，需要鼓励这样一种观点，即围绕特性问题可以建立一种道德标准，可以促使人们去重新发现身边的他人，并由此促进对话。

15. 凭此宗旨，一种旨在根除文化和思想中歧视现象的持久战略，或许可以借鉴生物多样性的基本教训，即不同物种的存在与相互作用是生命的源泉和条件，任何物种的消失对于整个生态系统而言都是致命的打击。那么从“共存”这个方面来看，上述生物多样性的教训就应体现为一种新的社会观，其基础是单一性和多样性的辩证关系，并要理解和促进不同文化、民族、族裔和宗教之间相互补益的关系，视此为整个社会充满活力，甚至是生存的基本条件。因此，可以说不同文化和文明间的对话充当了一种“生化培养基”的作用。



16. 由此，消除歧视意味着把多样性这个具有历史和思想内涵的概念转变成一种价值观，在保留其复数本质的前提下，将单一性与多样性辩证地联结起来。这种价值观就是多元论。

17. 族裔、文化、社会和精神多元论构成了反对一切形式歧视的基本价值观，特别是在全球化的环境中。多元论可以被理解为承认、保护、促进和尊重多样性。多元论最深刻的含义是，在承认和保护族裔、文化及宗教特性的同时，也接受一个特定社会中超越这些特性的准则。正是从这层意义上来说，多元论是单一性/多样性辩证关系的运作标准，而这种辩证关系是整个多文化社会平衡与和谐的最坚固的基石。因此，可以把促进多元论作为一种中心价值观，并应围绕它来制定一种旨在根除一切形式歧视的战略。一种全球性战略意味着，把多元论——特别报告员打算将之定义为承认、促进、保护和尊重多样性——化为具体的措施，而且应在法律、教育、信息和交流各方面民主地制定这些措施。此外，多元论还应体现在存有歧视的社会领域(如就业、住房和保健等领域)。

18. 在这种新战略中，还可以围绕历史、教育和经济交流来确立一些反对种族主义、仇外心理和歧视现象的知识手段：

- 历史是不同文化、文明和民族建立其特性和彼此关系的舞台与决斗场。这里是所有误解、对抗、友谊和敌意的发源地，因此应首先重视这一领域，考虑在不同文化和文明之间开展对话。通过纪念和对历史的久远回顾，可以追溯对话或冲突之进程、机制与形式的渊源。因此，这就急需重新审视对历史的记载、其内容和教授情况，既要从每个民族，也要从所有民族的整体入手，这是开展对话的基本要素。
- 长远地来看，教育和教导是改变思想的重要途径：学问、知识和价值观是在教育中构建起来的，对他人的印象和认识也是通过教育来传达和扎根的，所以，应把多元论和对话的伦理深深嵌入教育之中。文化间教育的确是种陶冶，可以迫使每个民族和每种文化以批评的目光来审视自己，对自己坚信的东西提出质疑，并打破围墙与隔离。至于交流，这是自我形象 and 他人形象形成与传达的途径，因此，也应是一种

文化间的交流，这样才能具体表明交流与对话的必要性。用肖恩·麦布赖德的话来说，就是“无数声音，一个世界”。

- 经济交流也是一种优先受重视的对话手段：在任何时期，任何大陆，商业都是不同文化、艺术和宗教相遇、传播和相互作用的媒介。因此，需要超越文化与商业间存在的那些吸引人但是错误的对抗理论，并将对话的价值观深深嵌入作为商业核心的交流之中。所以，在这种情况下，急需突出重视隐隐浮现出的一种新歧视论说，这种论说有着明确或暗含的理论，认为落后状态来自于有关社会中所存在的与“现代性”相反的陈腐而落后的价值观与思想的影响。

所以发展和成长不必再适应任何市场逻辑或模式，而应能够体现存在和生活方式的多重性。最后，不同文化和文明间对话的未知数应是世界商业和经济方面一个不可避免的谈判要素。因此，文化伦理学或许可以缓和市场规律消极的方面。

在这一战略框架中，将特别注重充满相遇机会和相互作用的领域，这些机会和作用可能滋养或防止种族主义、歧视和仇外心理，并可能促进文化间对话，如旅游业、移徙和体育运动。

19. 因此，特别报告员为自己确定了如下一些重点问题：

- 审慎并全面地执行德班会议最后文件(《宣言和行动纲领》)。他将以此文件为参考和指导，来为编写将提交委员会和大会的年度报告选择应接受调查和审查的区域和国家。
- 反对种族主义、歧视和仇外心理的斗争与鼓励不同文明、文化和宗教间开展对话的联系。
- 与主管当局，如国际奥林匹克委员会和国际足球联盟密切合作，深入查体育运动中反复出现的，令人担忧的种族主义问题。
- 首先出访那些急需采取行动来对付严重局势和歧视做法的国家和地区。
- 根据委员会第 2002/9(E/CN.4/2003/23)号决议提交关于 2001 年 9 月 11 日事件后世界各地穆斯林和阿拉伯人口状况的报告。

20. 在出席大会之外，特别报告员与一些国家、政府间组织和非政府组织的代表们进行了磋商。他在华盛顿与美洲国家组织的成员进行了交谈，以便为开展德班会议后续工作而更好地与该组织合作，特别是有一个项目，对于一个正在开展一系列复杂而深入进程，如推广多元文化和制定一项美洲反对种族歧视公约的区域而言意义特别重大。至于与各种维护人权组织的联系，特别报告员在国际人权法律小组极其有效的支持下，与这些组织广泛交流了看法、信息和建议，以便能履行其任务并开展德班会议后续工作。

#### D. 出席非洲人和非洲后裔反对种族主义世界会议

21. 2002年9月2日，特别报告员收到非洲人和非洲后裔反对种族主义世界会议秘书处中央组织委员会的邀请，请他出席订于2002年10月2日至6日在布里奇敦举行的反对种族主义、种族歧视、仇外心理和相关的不容忍现象世界会议后续会议。组织者指出，非洲人和非洲后裔反对种族主义世界会议的目的旨在为执行《德班行动纲领》制定战略；就有效的方案和项目交流信息；并组建一个全球性泛非非政府组织，以便使海外的非洲人能继续共同努力。

22. 在开幕会议上，特别报告员震惊地注意到，某个非政府组织出于明确的种族标准，提议驱逐一些受到正式邀请和登记的与会者。在全体会议上，特别报告员带头坚决反对这项提议，他指出，这违背了不得因种族、民族或族裔出身予以歧视的联合国基本原则，由此将使反对种族主义世界会议的目的和宗旨落空，而本次会议旨在贯彻世界会议的宗旨。特别报告员正式表示，如果该提议得到通过，他将退出会议。与会者们就提议进行了投票，结果是支持提议，并迫使包括口译、记者和非政府组织代表在内的一些与会者离开全会。这样，由不同种族组成的国家代表团就按照种族分出了界线。

23. 曾在德班会议上发挥了非常积极的作用的巴巴多斯政府，经从组织会议的机构那里获得确认，并基于其要建立一个多种族社会的政策，于2002年10月3日向新闻界发表声明，强烈谴责会议上通过的决定。联合国巴巴多斯驻地协调员和特别报告员于2002年10月4日向会议中央组织委员会主席发去了一份官方照会，表示退出会议，并撤回以前曾表示的对会议的支持。

#### E. 参加巴西黑人意识周活动

24. 2002年11月21日，应巴西政府邀请，特别报告员参加了在巴西利亚举行的全国非洲裔巴西人文化信息和资料中心的落成典礼，同时出席典礼的还有 Fernando Enrique Cardoso 总统和正在巴西访问的世界银行总裁 John Wolfensohn 先生。特别报告员认为这一邀请明显且象征性地表明，该国决心正视一种被深深刻刻有种族歧视这一奴隶制的支柱之烙印的历史遗产，并要找到深入且持久的解决办法。此次典礼上曾与特别报告员会面的非洲裔巴西人社团，特别是 Palmares 基金会的代表们也表示同意特别报告员的观点。事实上，巴西推出了一个有利于其境内非洲后裔的庞大方案，其内容包括积极行动或纠正措施，涉及的主要领域有：教育、有从事公共职业，尤其是外交官职业的机会。最近联邦方面通过了好几项法律和法令(其中有文化部 2002年11月13日第 10.558号法和 2002年8月22日第 484号令)，预备在大学和公共职业中为非洲裔巴西人保留 20%的位置。政府还想对公共部门的企业施加影响，以优惠方式向努力执行这项以纠正措施为内容的政策的企业授予合同。然而还有许多工作要做，特别报告员打算密切关注并鼓励该国继续这些努力。

#### F. 出席非洲后裔问题专家工作组第一届会议

25. 2002年11月25日至29日，特别报告员应邀出席了非洲后裔问题专家工作组第一届会议。他特别向工作组解释了为非洲后裔提供赔偿这个重要而复杂的问题。他强调，以前虽有过诸多先例，尤其例如，废除奴隶制后要求奴隶主作出赔偿；法国曾在多年中对海地强制实行金融制裁；以及二战后向犹太人民作出赔偿等，但是不能因此就排除赔偿原则。总之，他认为应优先重视精神赔偿。在这方面，德班会议迈出了第一步，承认奴隶制和贩卖奴隶行为构成了危害人类罪。第二类赔偿用于了解历史性，目标是开放并使人们能利用档案，以便来普遍地衡量、了解和教授奴隶制及贩奴活动的全部根源和物质及人文条件，法国历史学家 Jean-Michel Deveau 曾指出“就期限和广度而言，这是人类历史中最大的悲剧”。这样便能够证明奴隶制与非洲、加勒比和南美洲的落后状态之间有直接关系(影响到好几百万人，并在四个世纪中全面且深深地动摇了非洲大陆的生产体

系),此外,这还能够把这一重要资料与关于发展,特别是关于债务问题的谈判联系起来。最后,第三类赔偿应用于纪念性项目,应鉴定、修复和促进曾经与贩卖奴隶和奴隶制有关的所有有纪念意义的地点(要塞、城堡、船只、墓地、奴隶市场),以及无形的遗产(如那些被迫为奴的人们为了抵抗和生存而构思的所有文化体系)。

26. 通过这三重办法,应当能够确定欧洲、美洲和加勒比地区所有那些曾设想、推行奴隶制并从中渔利的人的责任,以及曾与这些人同谋并在非洲充当驿站的封建体制。

27. 特别报告员还对非洲后裔这个概念发表了意见。他认为,这个概念应容扩在美洲、欧洲和亚洲的所有海外非洲人。

## 二、当代形式的种族主义、种族歧视、 仇外心理和相关的不容忍现象

### A. 政治方面的种族主义、种族歧视和仇外心理

#### 1. 科特迪瓦的情况

28. 2002年10月19日以来,科特迪瓦在经历一场复杂的冲突,就特别报告员所收到的指控来看,这场冲突可能由于族裔间的紧张情绪的加剧和各种仇外表现而扩大。

29. 科特迪瓦部分人口可能会煽动族裔仇恨、勒索北部居民和仇视外国人。2002年10月24日,特别报告员与增进和保护见解和言论自由权问题特别报告员共同就科特迪瓦的局势发表了一份公告,并呼吁科特迪瓦当局对族裔冲突危险加倍提高警惕,立即采取必要措施结束这些行径,因为它们的思想理论基础是,某群人、某种肤色或某种族裔出身优越于其他人。自此,一些保护人权组织,如非洲的非洲维护人权会和非洲以外的人权观察社,经过调查都证实发生过屠杀和谋杀事件,而且从这些事件的数量和受害者的族裔或社区出身来看,急需国际社会进行干预。

30. 2002年12月2日，特别报告员写信给科特迪瓦当局，请求访问出事地，以便在其任务框架内确定有关歧视、仇外心理和相关不容忍现象的实际情况，并向国际社会汇报。

## 2. 圭亚那的情况

31. 特别报告员从各种信息渠道获悉，自2001年3月总统和议会选举以后，圭亚那的政局出现恶化。人民进步党在上述两项选举中获胜，该党的领袖 Bharrat Jagdeo 先生当选为圭亚那总统，开始第三个5年任期。选举后的期间里，社会动荡并间或发生暴力事件，由 Desmond Hoyte 先生领导的主要反对党，人民全国大会党指称选举程序违反了宪法。事实上，圭亚那自独立以来，政治气候的特点是，一直受到奴隶制和殖民政策残留的影响，体现在国内两大族裔群体间的紧张关系上。这两大群体是，印度裔圭亚那人(近49%)和非洲裔圭亚那人(近35%)，总共700,000人。两个政党主要是按族裔界线划分的，印度裔圭亚那人主要支持人民进步党，而非洲裔圭亚那人主要支持人民全国大会党。

32. 圭亚那目前的状况可以从国家过去的殖民史中寻找根源。当初在不列颠帝国统治下，非洲和印度的劳动力被强迫运到圭亚那，并自此在那里居住下来，但是今天这些不同的群体似乎仍没能够以和平方式解决他们之间为掌握权力和公平管理国家资源而进行的争夺。特别报告员非常担心圭亚那境内的族裔冲突可能加剧，因此他向圭亚那当局表明了这种忧虑，并表示希望访问当地。此外，他还寄给圭亚那政府一封信，说明他所收到的各项指控。

### B. 针对罗姆人/欣蒂人/流动艺人的种族歧视

33. 罗姆人在几乎所有公共生活领域，教育、就业、住房、进入公共场所和获得公民身份方面都遭受种族歧视。在一些居住地区，他们还遭到警方的粗暴对待，并在司法诉讼中受到歧视。在一些社会中，罗姆人所受到的侮辱使他们不能享受作为平等公民的基本权利。由于对他们的文化和习俗缺乏容忍态度，使他们在社会中日益边缘化。

34. 在欧洲，据说经常拒绝让罗姆人进入餐馆、夜总会、体育场和其他公共场所。据欧洲罗姆人权利中心报告，罗姆人在司法系统中受到歧视，尤其是在一些国家，针对他们的暴力行为得不到适当制裁。此外，许多关于罗姆人状况的报告都指出，如果他们犯了罪，将更可能受到严厉的判决，对他们的审前拘留时间也更长，且他们很难实际享有获得律师的权利。各人权小组还发现，教育机构也有歧视罗姆人的倾向，而在住房方面，通常迫使他们离开其住房并对他们实行居住隔离。

35. 2002年10月1日，欧洲委员会编写了关于欧洲罗姆人论坛的最后报告，其中载有非正式考察组的建议，该小组正在研究建立一个泛欧罗姆人咨询委员会的问题。这一行动通过在泛欧级别上建立一种协商会议来探讨能够确保让罗姆人适当参与影响他们生活的决策进程的途径。这份报告讨论了欧洲罗姆人论坛的规模、组成和选择程序，以及论坛与欧洲委员会间的机构联系，和与诸如欧洲安全与合作组织及联合国等国际组织间的合作领域。

36. 在国际方面，消除种族歧视委员会、人权事务委员会和各种其他条约机构在关于缔约国报告的一些结论性意见<sup>2</sup>中已着手处理歧视罗姆人的问题。此外，消除种族歧视委员会在第五十七届会议上通过了专门针对歧视罗姆人问题的2000年8月16日第XXVI号一般性建议，其中该委员会罗列了一些缔约国可采取的措施，用以打击歧视罗姆人的现象，并保证为他们提供保护。具体说，消除种族歧视委员会建议的措施涉及以下几个方面：反对种族暴力、改善生活条件、媒体领域和参与公共生活。此外，还请有关缔约国在他们的定期报告中列入关于其管辖范围内罗姆人社区的资料。

37. 特别报告员赞赏地注意到，由于他的任务曾有助于突出罗姆人的状况，因此目前欧洲许多国家中对罗姆人的状况表现出一种极大的关注。区域一级取得了重大发展，加强了罗姆人对决策进程的参与，而国际方面就保护罗姆人权利问题提出了建议，这些都是积极有利的趋势，特别报告员有意给予支持，因此，他将继续监督罗姆人的情况并向人权委员会汇报。

---

<sup>2</sup> 例如见人权事务委员会：结论性意见：捷克共和国，2001(CCPR/CO/72/CZE)；匈牙利，2002(CCPR/CO/74/HUN)；经济、社会和文化权利委员会：结论性意见：克罗地亚，2001(E/C.12/1/Add.73)。

### C. 反犹太主义

38. 特别报告员从以色列政府和几个犹太人非政府组织那里获得一些指控，指出中东和欧洲在大规模散布《锡安长老议定书》。这本明显仇视犹太人的书毫无根据，大约是二十世纪初虚构出来，讲述在一次锡安会议中犹太人策划的一场阴谋，即企图通过破坏活动来颠覆基督教并统治世界。此书大概于 1905 年第一次在俄罗斯出现，并在二十世纪当中被广泛散布到其他国家，从而滋养了反犹太主义。在中东一个国家，某个私人电视台似乎将《锡安长老议定书》制作成了一部 41 集的系列片并予以播放。特别报告员已把这种仇视犹太人的宣传活动通知给有关国家当局。

### 三、特别报告员处理的指控

39. 2002 年期间，特别报告员审查了与其任务有关的一些指控，这些指控涉及到以下国家：德国、西班牙、俄罗斯联邦、希腊、圭亚那和大不列颠及北爱尔兰联合王国。本报告附件中以提交语文附载了关于这些指控的摘要和所收到的有关政府的答复。

### 四、结论和建议

40. 在总结时，特别报告员强调指出，他与政府和政府间及非政府组织的代表们的初步接触后，证明急需落实《德班宣言和行动纲领》，一方面要制止常见的种族主义形式令人不安地反复出现，另一方面要制止一些隐伏的新形式的歧视与种族主义的出现。特别报告员还强调，有些状况的反复出现特别令人担忧，因为这些状况中有意识地将种族、宗教和文化各方面因素混杂在一起，所以急需应对和采取深入的行动。由此，特别报告员参照《德班宣言和行动纲领》，提出了一种双重战略：一方面从司法与政治入手(通过批准和执行有关的各项国际文书和协定)；另一方面从知识与伦理入手(通过更好地认识和理解造成歧视文化与思想的深入根源、进程及机制)。这需要通过思考和行动来把反对种族主义、种族歧视、仇外心理及不容忍现象的斗争与立即促进在不同文化、文明和宗教之间开展对话联结起来。为此，特别报告员向人权委员会提出了如下建议：



- 促进反对种族主义、种族歧视、仇外心理和不容忍现象的各种机制，特别是与执行德班会议最后文件有关的机制之间的互补与合作还要加强消除种族歧视委员会与特别报告员之间以及各位特别报告员之间的互补与合作；
- 更加重视针对非国民、移民和难民的歧视状况和做法；
- 在委员会的讨论中更加注重从知识和伦理方面寻找种族主义和歧视文化及思想的深入根源；
- 高度重视在不同文明、文化和宗教之间展开对话，这是帮助超越所有形式的歧视、排斥和不容忍现象的方法；
- 优先重视教育的各个方面(尤其是历史教育、伦理教育、作为普遍道德标准的人权教育、各种文化教育和有关各种宗教及宗教传统之共同价值的教育)以及文化间交流和信息；
- 鼓吹宣传多元论的丰富价值，该理论承认、接受、尊重并促进多样性，而且能够促进特性这个具有双重性的概念，它既是对一种特性的合法肯定，也是对他者的否定。

**Annex**

**REPLIES TO ALLEGATIONS TRANSMITTED TO GOVERNMENTS  
BY THE SPECIAL RAPPORTEUR**

**A. Germany**

**1. Joint communication of 12 September 2002, sent by the  
Special Rapporteur on the question of torture and the  
Special Rapporteur on the human rights of migrants**

1. **Denis Mwakapi**, a 33-year-old man originally from Kenya, and his white German wife, Ursula Mwakapi, were reportedly on their way to a bar in Nuremberg's city centre during a pre-Christmas celebration on 23 December 2000 at around 2 a.m., when they were approached by two American men and their two female companions, who believed that the black African was in some way harassing a white German woman. Denis Mwakapi had reportedly been talking loudly in an animated fashion but not in a manner which could have been construed as being aggressive. The two American men are said to have begun punching and hitting Denis Mwakapi before his wife could explain to them that he was her husband. After Ursula Mwakapi was able to separate the men from her husband and explain their relationship to them, the American men were said to have apologized. Denis Mwakapi reportedly accepted their apologies, even though he is said to have sustained a swollen upper lip during the assault. Three police vehicles reportedly arrived at the scene on *Luitpold Straße* very shortly after the two groups of people had begun to disperse. Two police officers are said to have approached the American men and allowed them to leave after checking their identity. They then reportedly approached Denis Mwakapi and his wife, paying little attention to Denis Mwakapi's complaint that the fight had ensued after he had been assaulted by the two American men, reportedly causing him great indignation. His wife also reportedly attempted to inform the police officers of the background to the incident. The police officers are said to have arrested Denis Mwakapi after he became agitated and refused to calm down. One of the police officers (whose name is known to the Special Rapporteurs) is alleged to have taken hold of Denis Mwakapi's right arm and forcefully twisted it behind his back in order to effect the arrest, fracturing Denis Mwakapi's lower right arm in the process. The police officers are alleged to have subsequently handcuffed Denis Mwakapi and placed him in a police vehicle in spite of the detainee's repeated requests for a doctor and cries of pain. Denis Mwakapi was then reportedly driven to *Nürnberg Mitte* police station, where Denis and Ursula Mwakapi's renewed requests that Denis Mwakapi be medically examined were allegedly refused. Police officers placed him in an overnight holding cell where he was held until his release at around 10.30 a.m. on 23 December 2000. A medical examination conducted on 23 December 2000 at Nuremberg is said to have revealed that he suffered a fractured arm which required immediate medical attention. (...) As a result of his treatment by the police, Denis Mwakapi reportedly lodged with the Public Prosecutor's office criminal complaints of physical assault and denial of assistance against the police officers. The office of the Public Prosecutor is said to have informed Denis Mwakapi's former lawyer on 4 July 2001 that it had terminated proceedings against the two police officers. A subsequent attempt by Denis Mwakapi's lawyer to have the investigation reopened also reportedly failed. The injury to Denis Mwakapi's arm has reportedly produced long-term effects on his ability to resume work. A report of a medical examination conducted by a Nuremberg doctor in February 2002

reportedly stated that the healing of the arm had been a very drawn-out process and that Denis Mwakapi continued to experience pain when exerting pressure or applying weight to it. (...) The injury has reportedly greatly affected Denis Mwakapi's ability to undertake certain types of employment.

2. **Doviado Adekou**, a 59-year-old Togolese asylum-seeker, was allegedly ill-treated in the town of Mettmann, North Rhine-Westphalia on 1 October 2001. During the incident, he reportedly sustained a serious injury to his right eye, which resulted in his hospitalization. He was reportedly ill-treated on the morning of 1 October 2001 as police officers attempted to detain him for the purposes of placing him in pre-deportation detention. Doviado Adekou, who had applied for refugee status in Germany, had an appointment at the Office for Foreigners in Mettmann with one of its employees in order to discuss whether his temporary right to remain in the country would be extended. In the course of the meeting, the employee reportedly informed him that he would be deported on 12 October 2001. Doviado Adekou reportedly requested that he receive the formal decision in writing, be allowed to consult his legal adviser (*Rechtsbeistand*) and prepare for his departure. A second male police officer reportedly then entered the room and placed a handcuff around Doviado Adekou's left hand and informed him that he was being taken into custody. The police officer reportedly attempted to handcuff Doviado Adekou's other hand but had to call two more police officers into the room when his attempts failed. The three police officers allegedly grabbed hold of Doviado Adekou's arms and pulled him face down onto the floor of the office. While he lay on the floor, one of the police officers is said to have deliberately punched him in the region of his right eye, causing it to bleed heavily. The police officers reportedly subsequently gave up their attempts to handcuff Doviado Adekou. A senior official at the Office for Foreigners reportedly entered the office and instructed a colleague to call an ambulance, which took Doviado Adekou to Wuppertal clinic where he was said to have been treated as an inpatient at the clinic for nine days until 9 October 2001. According to a report outlining the medical treatment which Doviado Adekou underwent at the clinic, written by the eye specialist of the clinic, dated 11 October 2001, Doviado Adekou was treated for a rupture to the covering of the eye which had caused bleeding in the vitreous humour of the eye. The doctor reportedly stated in the report: "[w]ith such an extremely complicated injury an end to the treatment is at the present time not yet foreseeable". Approximately one week before the incident, Doviado Adekou underwent an operation on his right eye. However, since suffering the blow to his eye on 1 October 2001, he has reportedly lost all sight in his right eye. Concerns have been expressed that whilst Doviado Adekou was taken into custody for the purposes of his subsequent deportation, one of the police officers involved in the incident may have ill-treated him, by punching him in the region of his right eye. A complaint of serious criminal assault was said to have been lodged with Mettmann's District Police Authority.

3. **Svetlana Lauer**, who is originally from the former Soviet Union, was reportedly ill-treated by several police officers at her home in Hallstadt, located outside the city of Bamberg, in the afternoon of 20 February 2002. Four police officers were said to have arrived at her apartment at around 3.30 p.m. with a verbal warrant issued by the State Prosecutor's Office to search the apartment for the purpose of securing evidence against her then 17-year-old daughter, Anastasia Lauer. Anastasia Lauer was alleged to have stolen a number of small porcelain figurines from the *REWE-Markt* department store in Hallstadt earlier in the afternoon and was arrested by the police on suspicion of shoplifting. The four police officers reportedly forced their way into her home after she had refused them entry on account of their failure to produce a

written search warrant. She is said to have actively resisted their entry by obstructing their path with her body and arms because she felt that they had no right to enter her home without written permission. While forcing their way into her apartment, the only female police officer among the four officials reportedly grabbed hold of her by the back of the neck and hit her head against an adjacent wall. A second male police officer allegedly grabbed hold of her arm and twisted it behind her back. With his other arm he was alleged to have grabbed hold of her hair and repeatedly hit her head against various doors and walls while leading her through the hallway of the apartment. The two remaining police officers were then said to have aided their colleagues in restraining her and handcuffing her arms behind her back. After Svetlana Lauer spit at the female police officer several times, a second police officer allegedly came to the female police officer's assistance and began hitting Svetlana Lauer. The two police officers were also alleged to have twisted Svetlana Lauer's head back and forth and violently pulled on her handcuffed hands. The upper part of her housecoat was reportedly torn away from her in the process, leaving her in a semi-naked state with her upper body covered only by her bra. The police officers were then reported to have searched Anastasia Lauer's room for the purpose of finding stolen items but were unable to find any evidence. When the police officers decided to leave, they are said to have led her out of the apartment block with her arms restrained behind her back, although by this time the handcuffs had been removed. On the way out of the apartment, Svetlana Lauer reportedly scratched the female police officer in the face after one of her arms became free. The female police officer and a bearded police officer allegedly grabbed hold of her and hit her head against a wall of the apartment. In retaliation, Svetlana Lauer reportedly scratched a male police officer in the face. All four police officers are said to have restrained Svetlana Lauer and to have handcuffed her arms behind her back. One of the male police officers allegedly grabbed hold of her handcuffed hands and dragged her through the hallway of the apartment into a room. He is then alleged to have kicked her and to have hit her head against the floor. The same police officer was then alleged to have placed his foot on her back and continued to hit her as she lay on the floor. After her alleged ill-treatment, the police officers were said to have taken her to the police vehicle parked outside her home in full view of her two children and neighbours in a semi-naked state and without any footwear. The female police officer and her bearded colleague are said to have driven the detainee to Hallstadt police station, where she was later charged with resisting arrest and physically assaulting the police officers. According to a medical report issued on 26 February 2002, Svetlana Lauer's injuries included multiple bruising and grazing to the head, both shoulders, right thorax, back, bottom, arms and legs.

## 2. Response from the Government of Germany

4. By letter dated 14 November 2002, the Government of Germany transmitted the following information.

5. **Denis Mwakapi** was taken to Nuremberg Central Police station for clarification of the above-mentioned incident because he was reportedly unwilling to clear up the facts on the spot. Physical coercion was needed during his transfer since he put up resistance to it and behaved aggressively. He was placed in preventive detention after his wife expressed fears that she could not cope with him, in particular due to his drunkenness. When he later complained of pain in his arm some hours later, the concerned police officers did not believe him, based upon the fact that there were no visible signs of injury and that Denis Mwakapi repeatedly expressed his desire to

continue celebrating in the city centre. The investigations carried out by the Public Prosecution Office against the two police officers accused of causing bodily harm, failure to lend assistance and prosecution of innocent persons did not result in facts sufficient to constitute an offence. The behaviour of the accused police officers was considered under these circumstances correct, necessary and proportionate. It is not clear whether the spiral fracture of his right forearm that he sustained is the result of the police officers' coercion or of the fight he previously sustained with the Americans. The Nuremberg-Fürth Public Prosecution Office terminated the investigation proceedings. The appeal against the termination order brought by Denis Mwakapi was not granted by the administrative decision of the Regional Prosecution Office attached to Nuremberg Higher Regional Court. After further investigations were conducted upon application of Denis Mwakapi, the Nuremberg-Fürth Public Prosecution Office terminated again the investigation proceedings and the Regional Prosecution Office attached to Nuremberg Higher Regional Court rejected the appeal against the most recent termination. Finally, his application for a judicial decision in the proceedings to force the Public Prosecution Office to bring criminal charges was rejected as unfounded in a Ruling by the Criminal Division of Nuremberg Higher Regional Court dated 27 May 2002.

6. With regard to the case of **Doviado Adekou**, the Government informed that in the light of the upcoming deportation date and because of the suspicion, based on his having abandoned his living quarters, that he would seek to avoid his deportation, the Mettman District Enforcement Officers decided to place him in custody and bring him before a magistrate to examine an arrest warrant for ensuring his deportation. A struggle started between him and officers of the District Administration at the moment of his arrest on 1 October 2002. As a result, the enforcement officers sustained injuries and Doviado Adekou was seriously wounded on his right eye, which could not be saved. The deportation scheduled for 12 October 2001 was cancelled. An investigation was initiated following Doviado Adekou's complaint filed on 24 January 2002 at the District of Mettmen Police Authority and based on coercion and serious bodily harm during the performance of official duties. A date for the completion of the investigation could not be foreseen at the time the Government submitted its response. The Government has also informed that after this incident, it has been decided by the District Administration that arrests would only be carried out in consultation with police officers and that the enforcement officers would also be trained more thoroughly in the area of arrest techniques.

7. In connection with the case of **Svetlana Lauer**, the Bamberg Public Prosecution Office launched an investigation against the police officers involved in the incident after she had filed a criminal complaint on 22 February 2002. According to the results of this investigation, which is not yet completed, she was not abused, insulted, hit, kicked, or otherwise humiliated by word or act, the officers did not intentionally hit her head against the wall nor pull her hair. She was not pulled by the handcuffs from the hallway into the room that had been searched. Instead, it is reported that Svetlana Lauer behaved very aggressively and that it cannot be ruled out that she hit her head or other body parts against the wall during the physical fight that took place between her and the female police officer when the latter attempted to restrain her. According to a medical examination carried out on 28 February 2002, it could not be conclusively determined, from a forensic medical point of view, whether the documented injuries were the result of mistreatment by the police officers. On the other hand, an investigation proceeding in relation to these facts is pending against Svetlana Lauer based upon obstructing enforcement officers in the execution of their official duties, defamation, and bodily harm.

### 3. Observations of the Special Rapporteur

8. The Special Rapporteur appreciates the prompt and detailed response that the Government of Germany provided in regard to the three allegations presented. In the case of Doviado Adekou, the Special Rapporteur welcomes the information stating that after the incident the District Administration adopted measures to improve the conditions under which arrests are carried out, including appropriate training in arrest techniques. The Special Rapporteur takes the opportunity to recommend that such efforts be accompanied by additional measures aimed at ensuring that “police and immigration authorities treat migrants in a dignified and non-discriminatory manner, in accordance with international standards, through, inter alia, organizing specialized training courses for administrators, police officers, immigration officials and other interested groups”, in accordance with the Programme of Action of the World Conference Against Racism (art. 30 (e)). The Special Rapporteur would appreciate receiving the final conclusions of the investigations currently under way both in the cases of both Doviado Adekou and Svetlana Lauer.

#### B. Spain

##### 1. Joint communications submitted on 4 September 2002 by the Special Rapporteur on the question of torture and the Special Rapporteur on the human rights of migrants

9. The Special Rapporteurs have received information on the following cases.

10. **Boaventura Simão Vaz**, a national of Guinea-Bissau and a mechanic by trade, alleged that he was arrested on 1 March 2001 while sitting in the company of two other persons in a Madrid bar. According to the information received, a plain clothes National Police officer asked him for his papers. He was then pushed outside, handcuffed and taken to a police station, where he was informed that he was suspected of drug trafficking. He denied the accusation. He claims to have witnessed, on the premises of the police station, the beating of another person in police custody, whom he had tried to defend. Three officers then punched and kicked him, threw him to the ground and threatened him with a weapon. They also subjected him to racial slurs, calling him a “dirty Black”. Boaventura Simão Vaz states that he did not receive any medical assistance at the police station. He subsequently went to the emergency room of San Carlos hospital, where he complained of a sharp pain in the left side of his chest. On 7 March 2001, the hospital drew up a report stating that he had five broken ribs and internal haemorrhaging; he was hospitalized for several days. On 13 March, the victim lodged a complaint with a Madrid court.

11. **Marta Elena Arce**, a Costa Rican anthropologist living in Catalonia since 1999, claims that she was arrested for having assaulted a police officer on 2 April 2001, in the Plaza de Cataluña in Barcelona, where she met other immigrants every day. Before her arrest, she claims to have taken part in the occupation of the Church of Santa María del Pi in Barcelona; the occupation was organized by immigrants to protest the Government’s immigration policy. On the day of her arrest, four or five police officers who had been informed of the theft of a mobile phone approached the group of immigrants and asked them to show their mobile phones. Marta Elena Arce asked why she and her friends had been asked to produce their mobile phones, and an argument ensued. She claims that the police officers insulted her, calling her a “dirty

Latino”, “whore” and “retard”, and struck her. She was taken to the Rambla Nova police station in the Ciutat Vella district before she was transferred, at her request, to hospital del Mar, in the Drassanes area, where she was issued a medical certificate. The four police officers who had taken her to the police station accused her of having assaulted one officer with a gas bomb. Marta Elena Arce claims that the bomb was in her pocket and went off when she was thrown to the ground. Marta Elena Arce states that she was detained at the police station until 11 p.m. the next day. She was then transferred to the La Verneda detention centre for foreigners, where she spent the night before being brought before a judge. She was released in the afternoon of the same day. According to the source, during her stay in the police station, Marta Arce had had to sleep on a mattress on the floor; she claims that, the first night, she had not been given a blanket and had not been allowed to telephone a lawyer or close friends or relatives. The Special Rapporteurs have been informed that she was not able to see a lawyer until 4 April.

12. **Ibrahim Saad Llah**, a Palestinian born in the Libyan Arab Jamahiriya, claims that he was assaulted by a National Police officer on 9 May 2001 on the premises of the police station where he had gone to apply for permission to travel from Ceuta to the Spanish mainland. He claims that two police officers beat him with truncheons while two others punched him. He was beaten on the side, the legs, the head and the chest and held at the police station for two days. According to the source, there was an attempt to expel him to Morocco but the Moroccan authorities refused to accept him. After this attempt, he was abandoned in the immediate vicinity of Sidi Embarek, in Los Rosales area. Passers-by took him to the Red Cross hospital, which drew up a medical report that was later submitted to the court. Ibrahim Saad Llah has lodged a complaint with the Ceuta court against four Spanish police officers.

13. **Abdelhak Archani**, a Moroccan national residing in the commune of Badalona in Barcelona, claims that, in July 2001, he was apprehended and beaten by three plainclothes police officers. According to the information received, the incident took place when the police officers sought to interrogate Abdelhak Archani about a stolen passport. They made him get into a vehicle that they stopped on the side of a motorway. They beat him with a truncheon and made racist insults. Abdelhak Archani was admitted to Holy Spirit hospital in Santa Coloma de Gramanet. The police officers later claimed that they had found him drunk on a public thoroughfare and that they had merely taken him home. The Special Rapporteurs have learned that a judicial inquiry into the incident has been opened, and they would like to be kept informed of the progress and the outcome of that procedure.

14. **Nouredine Hathout**, a Moroccan national managing an export company based in Granada, claims that he was insulted and assaulted by three police officers in Málaga on 24 November 2001. According to the information received by the Special Rapporteurs, Nouredine Hathout was waiting at the Málaga bus station when he saw an elderly Moroccan being manhandled by a young man. He claims that he and some others intervened but that the young man then identified himself as a police officer. Nouredine Hathout explained to his compatriot, in Arabic, that he was dealing with a police officer and should not put up any resistance. The man was taken to a local police station, from which he emerged a short while later claiming that he had been insulted and that another Moroccan, who did not speak Spanish, was still inside. Nouredine Hathout knocked at the door in order to offer his services as an interpreter but a police officer advised him not to interfere, pushed him and asked for his papers. When Nouredine Hathout protested, the officer grabbed him by the chest and pushed him

against the wall, then immediately dragged him inside. There, three officers subjected him to racist insults, searched him, accused him of drug trafficking and threatened to halt the procedure for obtaining Spanish nationality that he had begun. Nouredine Hathout was then taken to a police station where, for over an hour, he was denied the right to contact a lawyer and to be taken to a hospital. Later, other officers arrived and he was taken to Carlos Haya clinic, where he underwent a medical examination that revealed contusions and grazing on both sides of the neck. He was then taken back to the police station where he was beaten again. (...) On 26 November 2001, a complaint was lodged with the duty judge of Granada against the officers involved.

15. According to the information received by the Special Rapporteurs, on 22 January 2002 the police launched an attack against immigrants without papers who were demonstrating peacefully in the Alcazaba, the fortress of Almería, in order to obtain residence and work permits. The confrontation resulted in 11 arrests and 20 wounded. The police used tear gas and shot rubber bullets in order to disperse the 300-odd demonstrators. The persons who were arrested were taken to a police station where they were beaten again; they were not allowed access to toilets and received no food or blankets for 48 hours. According to the Government, only two persons were slightly wounded; however, the Red Cross stated that up to 20 persons had suffered from the effects of tear gas, or had been beaten by the police or trampled by other demonstrators fleeing the police charge. Deportation orders had been issued against the illegal immigrants in question, and eight Moroccan nationals were transferred to the detention centre for foreigners in Valencia, where they remained for four days, without medical care, in spite of their pitiable state.

16. The Special Rapporteurs have also received information about the living conditions in a number of holding centres for young immigrants, which are managed by the regional departments of social welfare (*consejerías de bienestar social*) in Ceuta and Melilla, particularly at the Fort Purísima Concepción centre in Melilla and the San Antonio centre in Ceuta, where overcrowding is said to be extreme.\* The Special Rapporteurs have received information concerning the following individual cases.

17. **Mohamed Garbagui**, age 13, was arrested in the street by a Ceuta police patrol, which took him to the San Antonio centre. There, two supervision officers took him to a punishment cell where they undressed him, struck him with their bare hands and a stick, and slapped him. They did not give him enough to eat, confiscated his pillow and forced him to sleep on the ground. The boy escaped from the centre and, accompanied by a representative of a non-governmental organization, went to a clinic, where he received medical treatment for his wounds. On 29 July 2001, he lodged a complaint with the second examining court of Ceuta. He lodged another complaint with the Ceuta Directorate-General of Police. The Special Rapporteurs would like information on the progress of these proceedings. It would not be the first time that minors in holding centres were subjected to ill-treatment. According to the information received, in 2000 the Ceuta public prosecutor for minors began an inquiry into accusations of sexual violence against at least 12 children in the centre. The Special Rapporteurs would also like to receive additional information concerning this inquiry.

---

\* Details concerning allegations relating to the treatment of unaccompanied minor immigrants in Ceuta and Melilla may be consulted in the Secretariat.



18. **Said M. and Hassan U.**, two Algerian immigrants, the first of whom is 17 years old, were beaten by the Ceuta local police at the time of their arrest on 14 October 2000, and in the police station where they were later taken after having been brutally shoved into a vehicle. (...) At the police station, Said M. lost consciousness; he revived when he was sprayed with water from the hose that had been used to beat him. Forced into a police vehicle, the two men were beaten again and taken to the place where they had been arrested. They were found there by members of the Civil Guard, whom they asked for help and who took them to the hospital of the National Institute of Health (Insalud) in Ceuta. The medical report on their case mentions a number of lesions and cuts. On 19 October 2000, a newspaper published a photograph of the wounds that had been sustained by one of them.
19. **Shihab R.** (pseudonym), a minor, was arrested by members of the Ceuta police force at the end of October 2001 at the port, where he was preparing to attempt a crossing to the Spanish mainland. He was forced to board a vehicle and was taken to a police station, after which he was transferred to the barracks of the Civil Guard. During the journey, he was struck on the arms, legs and head. He was also beaten with a truncheon and kicked. According to the information received, he was again beaten on Civil Guard premises, where he was locked in a room for three hours before being taken to the San Antonio centre. The medical report prepared by the National Institute of Health (Insalud) on 2 November 2001 notes a stable fracture of the second metacarpus of the left hand. Shihab R. did not receive any care until the Carmelites of La Caridad de Vedruna took him to the Red Cross hospital.
20. **Omar H.** (pseudonym), age 16, arrived in Ceuta from Tangiers in September 2001. A few days after his arrival in Spain, he was arrested by the police. Omar H. told the police that he was a minor but was nevertheless taken to a police station where he remained for a whole day. According to the information received, during his stay he was beaten on the back and thighs with a truncheon. He was subsequently taken to the San Antonio centre.
21. **Salah S.** (pseudonym), a minor held at the Fort Purísima Concepción centre, was beaten by two members of the staff of that establishment in October 2001, after an altercation with another inmate. According to the information received, he was slapped and kicked in the back of his legs.
22. **Ayman M.** (pseudonym), age 16, was sent back to Morocco on 28 July 2001 after having spent eight years in Melilla. According to the information received, the director of the centre where he was being held had informed him that he would be brought before a judge with another minor from the same centre and young people from other holding centres. However, all of the minors concerned were taken directly to the border with Morocco and handed over to the Moroccan police authorities of the town of Nador. They were then taken to a police station where officers wearing boots trod on their feet; the minors were wearing light footwear. They were asked where they came from and how they had arrived in Melilla. They were then locked in a warehouse. Before they were released, they were beaten with a high-tension electric club by some 10 officers. Ayman later had contusions on his left wrist. According to the information received between 27 July and 18 September 2001, the Melilla authorities expelled at least 32 unaccompanied minors between the ages of 11 and 17, and there have been at least 70 expulsions of this type as of February 2002. (...)

23. Forty foreign minors between the ages of 13 and 17 living at the Fort Purísima Concepción centre in Melilla began a hunger strike on 4 March 2002 to protest the existing family reunion policy which, according to them, was ineffective since they did not have any family members waiting for them on the other side of the border. They were also protesting because they had not been granted residence permits upon the expiry of the nine-month period required by law, and against the ill-treatment that they had received from some of the centre's supervision officers.

## 2. Replies from the Government of Spain

24. In a communication dated 14 November 2002, the Government of Spain transmitted the following information.

25. **Mr. Boaventura Simão Vaz** was detained when he, in the company of another Guinea-Bissau national, approached two plain clothes National Police officers, who were on duty. Boaventura Simão Vaz offered the officers tablets, which he showed them, for 500 pesetas. At that moment, the police officers showed him their badges and professional identity cards. As Mr. Simão attempted to run away, the officers intervened rapidly. A scuffle with the officers ensued, and one officer was injured when Mr. Simão grabbed him by the hair and threw him onto the road, causing lesions in the right occipital region, which necessitated emergency assistance. Mr. Simão and his compatriot were finally apprehended; this called for the use of minimum necessary force, since they put up strong resistance and began to shout and insult the officers. During Mr. Simão's detention, a large knife was taken from him. The incident was dealt with in the appropriate manner, and the detainees were informed in writing of the reasons for their detention and of their constitutional rights. Mr. Simão had to be treated at San Carlos clinical hospital; after the medical report was issued, he was returned to prison.

26. In the case of **Marta Elena Arce Salazar**, the Government of Spain states that, on 2 April 2001, a National Police patrol on duty in Las Ramblas in Barcelona was approached by some young people who told the officers that they had been assaulted by a group of Maghrebis, who had taken a mobile phone belonging to one of the young people. A few moments later, the officers proceeded to identify a group of young people that met the description of the group that had committed the theft. The officers sought to determine whether any person in that group was carrying the stolen mobile phone. A few moments later, the victims of the theft arrived but were unable to identify any of the detained youths as the perpetrator of the attack. When the officers returned the documents to the youths, a woman approached them, shouting at them in an offensive manner and refusing to identify herself. The woman stood in the middle of the road, violently resisting the police's attempts to subdue her and taking from her bag a personal defence spray with the intention of using it against the officer, which she did not succeed in doing. She began attacking the members of the patrol, until she was finally apprehended and identified as Marta Elena Arce Salazar. She was informed of her rights and transferred to Percamps hospital in Barcelona, where she was treated, along with one of the police officers, and the relevant medical reports were drawn up. She was then transferred to the Ciutat Vella police station. She was assigned a lawyer, Mr. José Luis Villar. The Bar Association later informed the police that the lawyer who had been assigned was ill, and that a lawyer - member of the Bar No. 19,632 - had been assigned ex officio. The treatment received by Marta Elena Arce Salazar was the same as that accorded to any other detainee.

27. **Ibrahim Saad Ellah**, who claims to be a Libyan-born Palestinian, was detained by police officers attached to the Border Task Force of the Unit for Aliens and Documentation of the Ceuta Police Commissariat. The arrest was made in accordance with the law, and Ibrahim Saad Ellah's name was recorded in the register of detainees. Although Ibrahim Saad Ellah claimed to be Palestinian, the officers proceeded to conduct a search to find out whether he was carrying any identity documents in his clothing. Ibrahim Saad Ellah refused to be searched and actively tried to prevent the procedure, as a result of which he had to be searched by force; no identity document was found. He was not subjected to any degrading or humiliating treatment. At the same time, a telephone call was made to members of the Palestinian representation in Madrid who, after having a direct telephone conversation with the detainee, confirmed that, judging from his manner of speaking, he was not a Palestinian but a Moroccan. At 8 p.m. on 8 May 2001, Ibrahim Saad Ellah was deported. Insisting that he was a Palestinian, the Moroccan police refused to admit him into the country and released him. The complaint lodged by Ibrahim Saad Ellah was dismissed by the judge of Ceuta Examining Court No. 4 on 18 August 2001. Ibrahim Saad Ellah's subsequent request for asylum in Spain was denied by the competent authority, and his whereabouts are currently unknown.

28. The judicial records of the case of **Abdelhak Archani** indicate that he was transported in a police vehicle, not by force but voluntarily. He was found in front of the subdelegation of the Government of Barcelona selling places in line to foreigners waiting to transact official business. Such behaviour gave rise to many arguments among the foreigners awaiting their turn, and police intervention was necessary. Since Abdelhak Archani showed clear signs of inebriation, the police warned him to leave the place, and offered to take him home. During the journey, he gave an incorrect address and expressed his desire to get out of the vehicle. The investigations conducted and the forensic medical report show that at no time was he subjected to ill-treatment by the police. The case was provisionally dismissed, since there was no cogent evidence that an offence had been committed.

29. The case of **Nourdeine Hathout**, accused of the crime of assault, is pending; the trial is scheduled for 29 October 2002. Police records indicate that the person in question was duly informed of his rights, and a lawyer from the Málaga Bar Association was present when he made his statement and was released after 21 hours and 50 minutes of detention. They also indicate that he was transferred to the emergency service of Carlos Haya hospital, where he was treated, along with one of the officers involved; in both cases, the medical reports were appended to the records of the case.

30. On 21 and 22 January 2002, large groups of foreigners led by the *Sindicato de Obreros del Campo* (Farm Workers' Union) gathered in front of the offices of the subdelegation of the Government in López Falcón square in Almería. The National Police intervened in order to prevent people from camping at the site and to enable foreigners who had official business to have access to the Aliens Office. When the Aliens Office closed, some 500 persons remained, and the police began to check their identity. Nine persons were detained, eight pursuant to the Organic Law on the Rights and Freedoms of Foreign Nationals Living in Spain and Their Social Integration, and one for resisting authority. In the early morning of 22 January, approximately 200 foreigners had gathered on the Cerro San Cristóbal (San Cristóbal Hill) with the intention of camping there. The subdelegation of the Government issued instructions to members of the police to disperse the crowd. After giving the mandatory verbal warnings, the

police began to take action in accordance with established procedure. The police were continually attacked and pelted with stones by members of the crowd. Thirty-one people were detained; some of them were injured, mainly as a result of running and falling owing to the dim light and the rugged terrain. In all, 3 police officers and 13 foreigners were wounded, 6 of whom were treated on the spot. The rest were transferred to a treatment centre, where they were treated for light contusions and migraines; one foreigner who had an anxiety attack remained under observation until 11.59 p.m. The police action was carried out in accordance with the law, and care was taken to respect the rights of the persons in question.

31. With regard to the situation of **unaccompanied minors**, in Spain both the constitutional principles concerning children and the family, and the provisions of the Legal Protection of Minors Act are based on the relevant international conventions, particularly the Convention on the Rights of the Child, which was ratified by Spain on 30 November 1990. On the other hand, the Organic Law on the Rights and Freedoms of Foreign Nationals Living in Spain and Their Social Integration, which is currently in force, as well as its regulations, provide clear guidelines for government action with respect to unaccompanied foreign minors. If State security forces or agencies locate an undocumented foreign national whose status as a minor cannot be determined with certainty, the public prosecutor attempts to determine the person's age with the assistance of health-care institutions. If the person is found to be a minor, and during the period when efforts are being made to determine that person's age, the public prosecutor places the person in the care of the competent services for the protection of minors; the autonomous communities and cities have competence in this area. The General State Administration decides either to return the minor to his or her country of origin or to the country where the minor's family resides, or to allow the minor to remain in Spain, after having heard him or her and after having received a report prepared by the services for the protection of minors. When the minor has been in the care of the services for the protection of minors for a period of nine months, and if it has not been possible to return the minor to his country of origin, the minor is issued documents with a view to ensuring his integration.

32. With regard to the alleged ill-treatment of minors in the San Antonio Centre, now called the "La Esperanza" Centre, which is operated by the Ceuta social protection services, the following points should be made.

33. The centre, a former military residence, was opened in 1999. It held some 70 unaccompanied minors, who were given food, clothing, accommodation and training. In the beginning, housing conditions were not ideal. In March 2001, work was begun to expand the centre in order to accommodate some 110 minors. It is not true that girls were held at the centre or that minors lacked a recreation area. The centre is for male minors and has sufficient green areas. The minors held at the centre have complete freedom to come and go as they please within the established times. It is not true that minors have been locked in a "small, dark and dirty room". The treatment of minors is professional and in no way reflects any authoritarian approach to social care. All minors are provided with schooling, although some who are over the age of 17 do not attend classes, since they have the freedom to come and go as they please. The Assistant Ombudsman, a high commissioner for the Spanish Parliament [and who is responsible for] the supervision of the administration, visited the centre on 10 May 2001. He ruled out the existence of ill-treatment and stated that there were no current investigations into that practice.

34. In Ceuta, there have been no cases in which minors unable to return to their countries or to remain in the care of the Moroccan services for the protection of minors have been summarily returned. (...) In Ceuta, the General Commissariat for Aliens and Documentation contacted the Moroccan embassy in Madrid with a view to repatriating minors to their country; the embassy replied that negotiations should be held directly with the authorities of Tetuan province, which would see to it that the minors were reunited with their families. Consequently, the National Police Corps Commissariat in Ceuta contacts the aforementioned authorities and, within a period of not less than 15 days from the communication of the agreement on family reunion, hands over the minors in compliance with that principle.

35. The claim that there is no official body responsible for guaranteeing that unaccompanied children in Ceuta receive the care and protection to which they are entitled by law is completely groundless. Under the law, the autonomous city of Ceuta exercises its competence and responsibility through the Department of Social Welfare. There is no delegation of competence or responsibilities of officials of the national Government to local authorities; each one exercises those assigned to it by the legal system and, if any abuse of the legal system comes to the attention not only of the authorities and officials but also any Spanish citizen, such persons are obliged by law to report such abuse to the nearest judge or prosecutor. Coordination between the central and autonomous administrations is ongoing and smooth and is carried out between the Department of Social Welfare, the Migration and Social Services Institute and the regional office of the Government.

36. On 20 June 2002, police records were transmitted to Examining Court No. 2 in Ceuta, accusing two care-givers of the San Antonio Centre for Minors of causing lesions to **Mohamed Garbagui**. When the examining court was contacted, it stated that the proceedings had been terminated. The last record of the minor's presence in Ceuta was on 22 February 2002, the date on which he was detained on the order of the city's juvenile court.

37. On 14 October 200[?], forces of the Civil Guard took a sworn statement concerning alleged aggression resulting in injuries. The complainants were two Algerian citizens, **Said Mohamed** and **Hassan Uaharami**, who claimed that the incident had occurred at 10 p.m. on the previous day. When Examining Court of First Instance No. 3 was contacted, it made a verbal statement that the proceedings had been terminated on 13 April. Both in this and the preceding case, termination of proceedings is a declaration by the court that the case has been closed owing to a lack of the necessary prerequisites for instituting oral proceedings or issuing an indictment.

38. There is no information that any kind of sexual abuse has taken place at the San Antonio Centre for Minors. However, on 14 April 2000, the director of the Centre informed the National Police Corps Commissariat that an individual driving a car used to prowl the area looking for minors that he could sexually abuse. Members of the Minors' Unit of the National Police Corps began investigations that resulted in the detention of three individuals on whom case documents were prepared and who were handed over to Examining Court No. 4. All three individuals were released. The Ombudsman expressed interest in the case and began informal pre-trial proceedings. He received a summary of the relevant information and, in a document dated 2 October 2000, terminated the proceedings.

39. In the cases of **Shihab R.** and **Omar R.**, there is no record of the alleged acts and it is impossible to verify the truth of the claim, which would make it possible to set in motion the relevant investigation of the alleged acts. In the case of **Salh S.**, the acts referred to in the allegations of the Special Rapporteurs do not correspond to reality. The injuries suffered by Salh S. were caused by another minor, an inmate of the Purísima Concepción Centre for Minors in Melilla. The only action taken by the staff of the centre was to separate the two minors and obtain medical assistance. It has not been possible to verify the case of **Ayman M.** Nevertheless, it is not true that the person in question was repatriated in the circumstances described in the allegations. In 2002, 72 minors in Melilla were repatriated; handcuffs were never used, nor were the minors ever subjected to any ill-treatment by the authorities.

### 3. Observations by the Special Rapporteur

40. The Special Rapporteur thanks the Government of Spain for its very detailed reply. Since Spain has become a crossing point for continuous immigration to Europe, he recommends that the Spanish authorities should take measures to ensure that the dignity of migrants, whether they are illegal or not, is respected in accordance with the international human rights instruments to which Spain is a party. The Special Rapporteur suggests that the border police and the Civil Guard should be made aware of those texts through training seminars in which the Commission on Human Rights could be involved.

## C. Russian Federation

### 1. Communication dated 28 August 2002

#### General manifestations of racism, racial discrimination and xenophobia

41. It has been reported that there is a growing trend of violence against ethnic minorities and foreigners in the Russian Federation. Generally, the victims of racist attacks include persons from Africa, Asia, Central Asia, the Caucasus, including ethnic Chechens, and refugees and asylum-seekers. It is alleged that law enforcement officers are reluctant to register attacks as racist when there is evidence that the attacks are racially motivated and that officers fail to understand the serious implications of racially motivated violence. Police and other law enforcement officials themselves are routinely accused of subjecting racial and ethnic minorities to harassment and intimidation.

42. Specific examples illustrating the above-mentioned treatment include the following incidents:

- It is reported that when **Adefers Dessu**, an Ethiopian refugee, and his wife Sarah were beaten by a 20 year-old boy armed with chains in Moscow in February 2001, the medical report stated that their injuries were the result of a “fall” and the police registered the attacker as a minor.

- In October 2001, when a crowd of 300 youths brandishing iron bars attacked a Moscow market staffed by ethnic minorities and left an Armenian, an Indian and a Tajik dead, initial police statements referred to the perpetrators as football “hooligans”. In the Siberian city of Tyumen, a series of seven attacks on a synagogue last year were characterized as “young people’s hooliganism”.

**Incitement to racism, racial harassment, race-related torture and ill-treatment by State agents**

43. In addition, it is alleged that the authorities have failed to respond to racist statements by public figures in Russia’s regions and that federal authorities allow city and regional authorities to ignore federal laws governing freedom of movement that discriminate against ethnic and racial minorities. It is reported that members of racial and ethnic minorities are disproportionately targeted for document checks on the street, which commonly leads to extortion and can result in detention, torture and ill-treatment.

44. The following are reported incidents:

- On 19 April 2002, reportedly members of the Moscow City and Moscow District Organized Crime Force (RUBOP) were implicated in the torture, ill-treatment, extortion and fabrication of evidence against Tajik migrant workers. It is alleged that their actions were accompanied by racist insults and stereotyping of Tajiks as Islamic fundamentalist fighters and drug dealers. Authorities are accused of blocking attempts by the victims to formally complain.
- It is alleged that Krasnodar authorities refuse to grant residence permits to approximately 13,000 Meskhetian Turk residents in Krasnodar Territory, rendering them “stateless” and unable to work legally or to own land. On 1 April 2002, Krasnodar authorities announced the establishment of deportation centres, staffed by paramilitary units, to deport those accused of being “illegal migrants”.

**2. Reply dated 20 August 2002 from the Government of the Russian Federation**

45. With regard to the disturbances and disorderly conduct that caused the death of three persons near the Tsaritsyno metro station in Moscow on 30 October 2001, criminal proceedings have been brought under articles 105 (murder), 111 (serious deliberate attacks on physical integrity), 212 (disturbances) and 213 (disorderly conduct) of the Penal Code of the Russian Federation. Ten individuals have been indicted. The investigation has been completed and the Moscow city court began to hear the case on 16 July 2002.

46. On 28 October 2001, criminal proceedings were brought, pursuant to the offence described in article 213, paragraph 2 (a), of the Penal Code, against unidentified individuals for breaking the windows of a building currently under construction and belonging to the Jewish Aviv cultural association in Tyumen. On 10 February 2002, the proceedings were terminated

because it was impossible to identify the persons responsible for the offence. On 19 September 2002, the decision of the investigating body to close the case was overturned by the office of the procurator of Tyumen region, which requested additional information.

47. In June 2001, similar acts were committed against a building belonging to the Aviv association. On 2 July 2001, the investigating body of the Tyumen municipal office of internal affairs decided not to institute criminal proceedings because the acts were not sufficiently serious. On 23 September 2002, the procurator overturned the decision not to institute proceedings pursuant to the offence described in article 213 (disorderly conduct) of the Penal Code of the Russian Federation.

48. There is not enough evidence to conclude that these offences were motivated by national or racial hatred.

49. The office of the Moscow city procurator decided to investigate reports that officials of the Moscow city and regional office for combating organized crime participated in acts of torture, extortion and falsification of evidence against Tajik immigrants. To date, the investigation has not been completed owing to the absence, in the communication, of specific information concerning the place where the militia officers allegedly committed these reprehensible acts or concerning any appeal that the victims may have lodged with the law enforcement agencies. The office of the procurator of Moscow region has found that no measure was taken on 19 April 2002 against Tajik citizens by officials of the Main Department of Internal Affairs of Moscow region.

50. Efforts to verify reports that two Ethiopian refugees, Mr. Adefers Dessu and his wife Sarah, were assaulted by a group of youths armed with chains have yielded the following results:

According to information received from the Ethiopian embassy, the attack took place in Podolsk district of Moscow region. Records for 2001 and the beginning of 2002 have been verified and do not indicate that the persons in question lodged a complaint of an attack by unknown persons. All the hospitals in Moscow region that Mr. and Mrs. Dessu could have visited to obtain treatment are currently being contacted. The results of the operational investigation will be verified.

Over the past seven years, the Office of the Procurator-General of the Russian Federation has repeatedly conducted investigations into the observation of the fundamental rights of the Meskhetian Turks in Krasnodar territory.

The problems relating to the settlement of Meskhetian Turks in this region of the Russian Federation began after the outbreak of ethnic disturbances in Uzbekistan in 1989.

In accordance with Decree No. 503 of 26 June 1989 of the Council of Ministers of the Union of Soviet Socialist Republics (USSR), on the provisions governing conditions of sojourn in the regions of the Russian Soviet Federative Socialist Republic (RSFSR) for Turks who were forced to leave their places of permanent residence in the Uzbek Soviet Socialist Republic, and bearing in mind the existing possibilities for providing housing and ensuring normal living conditions for the persons in question, a place of permanent residence was assigned for this category of Soviet citizens in the regions of the



non-chernozem zone of RSFSR (including Moscow region), as well as in Belgorod, Voronezh and Kursk regions.

While Krasnodar territory is not one of the regions designated for such resettlement and does not have the necessary infrastructure, in 1989 and 1990, after the massacres in Fergana and Tashkent regions of the Uzbek SSR, some 15,000 Meskhetian Turks moved, on their own initiative, to Krasnodar territory (including 10,000 in the districts of Abinsk and Krymsk), with a view to settling definitively in the Akhaltsikhe region in Georgia, where they are originally from.

In accordance with article 23, paragraph 3, of the Act of the Russian Federation on the right of citizens of the Russian Federation to move freely and choose freely their place of sojourn or residence within the national borders, "place of residence" means the house, apartment or any other dwelling where a person resides permanently or most of the time as the owner, by virtue of a contract or lease, or for any other reason provided for in Russian legislation.

The majority of Meskhetian Turks do not register their deed to the lodging that they have acquired. Moreover, in most cases, such acquisition has not been the subject of a written contract.

Since they do not have proof, as required under article 6 of the aforementioned Act, of the legal acquisition of their dwelling, the owners cannot register in the place of residence that they have chosen.

Since they often do not hold a legal document of permanent residence (residence permit), most Meskhetian Turks do not have the right to be recognized as citizens of the Russian Federation, under the Federal Act on Russian citizenship. Of the 15,500 Meskhetian Turks currently in Krasnodar territory, some 12,000 are stateless persons.

The acquisition of Russian nationality by the Meskhetian Turks living in large numbers in Krasnodar territory must be considered on a case-by-case basis, in strict application of the aforementioned Act. Thus, according to the information received from Krasnodar territory court, the district courts of Abinsk, Anapa, Belorechensk and Krymsk examined 42 requests made by Meskhetian Turks with a view to legalizing their residence in Russian territory before the entry into force of the Federal Act on Russian citizenship. Thirty-seven of those requests were approved. The Krymsk district court and the Primorsk district court in Novorossiisk have responded favourably to two complaints lodged by Meskhetian Turks concerning the refusal of officials of the Passport and Visa Service to register them.

Currently, 4,000 Meskhetian Turks are officially registered in their place of residence. Some 3,000 of them have been able to establish their Russian citizenship.

Between the beginning of 2000 and June 2001, register offices recorded the births of 548 Meskhetian Turk children.

According to information received by employment agencies of districts with high concentrations of Meskhetian Turks, as of the beginning of this year no member of that community had registered as unemployed with a view to obtaining employment.

The questions of respect for human rights and fundamental freedoms, as well as the defence of State interests and of the legitimate rights of the inhabitants of Krasnodar territory are constantly at the centre of attention of the bodies attached to the Office of the Procurator. The working group, composed of representatives of the Directorate of the Federal Security Service, the General Directorate of Internal Affairs and the General Directorate of Justice of Krasnodarsk territory, which was established under the Procurator of the territory, seeks to ensure compliance with acts of all government bodies responsible for preventing and suppressing manifestations of political extremism by social and religious organizations and associations.

The question of defining the legal status of the Meskhetian Turks has been repeatedly considered at the federal level. In particular, in its Decree No. 1280-r of 14 August 2000, issued pursuant to Presidential Order No. K-285 of 24 March 2000, the Government of the Russian Federation extended the mandate of the Interministerial Commission on the Settlement of the Question of Meskhetian Turks Residing in Russian Territory.

At its first meeting, on 28 September 2000, the Commission adopted a plan of action to stabilize the ethnic and political situation in areas with high concentrations of Meskhetian Turks in southern Russia.

The main provisions of the plan deal with the question of repatriating the Meskhetian Turks in their region of origin in Georgian territory and facilitating the return of those who wish to live in Georgia, and with the establishment of the legal status of Meskhetian Turks who wish to acquire Russian citizenship and the means of issuing identity documents to the persons concerned.

On 14 March 2001, the ad hoc inter-ministerial working group concluded that the question had to be settled between States. The survey involving 1,989 Meskhetian Turkish families (or 10,644 persons), carried out pursuant to the Ministry's recommendations, made it possible to establish that 568 families wished to remain in Krasnodar territory, 125 families wished to go to another State, and 1,044 families wished to return to their country of origin.

It should be noted that no Meskhetian Turk has been expelled from Krasnodar territory. The obligations that Georgia undertook when it joined the Council of Europe regarding the repatriation of the Meskhetian Turks in its territory have not been fulfilled. In addition, no measure has been taken since the publication in 1996 of the Georgian president's decree on the repatriation of the persons concerned.

51. In the light of the foregoing, the information contained in the Special Rapporteur's communication concerning the refusal of the Krasnodar authorities to issue residence permits

to 13,000 Meskhetian Turks, and concerning the creation of “deportation centres”, the staff of which is allegedly made up of members of paramilitary groups, does not correspond with reality.

### **3. Observations of the Special Rapporteur**

52. The Special Rapporteur thanks the Government of the Russian Federation for its reply. With regard to the general manifestations of racism and incitement to ethnic hatred, the Special Rapporteur recommends that the Russian authorities organize a national campaign against racial discrimination and in favour of social harmony. With regard to the disorderly conduct that caused the death of three persons in the vicinity of the Tsaritsyno metro station in Moscow on 30 October 2001, the Special Rapporteur would like to be informed of the conclusions of the Moscow city court. With regard to the behaviour of the police towards ethnic and racial minorities and foreigners, the Special Rapporteur encourages the authorities of the Russian Federation to take measures to improve the behaviour of the police so that their actions are more in conformity with respect for human rights. Such measures could include training police officers in human rights, in particular in non-discrimination in the performance of their duties. Finally, the Special Rapporteur takes note of the detailed information on efforts to find solutions to the problems of the place of residence and nationality of the Meskhetian Turks. He remains very interested in the resolution of this extremely worrying situation.

#### **D. Greece**

##### **1. Joint communication of 13 September 2002, sent together with the Special Rapporteur on the question of torture**

##### **Summary of allegations**

53. The Special Rapporteurs have received information on the following individual cases.

54. **Lazaros Bekos and Eleftherios Kotropoulos**, two Roma youths aged 17 and 18 respectively, were reportedly beaten during their detention in Mesolongi police station on 8 May 1998. A forensic report allegedly stated that both of them received “medium bodily injuries, inflicted with a broken instrument” during their detention. It is also reported that a sworn administrative inquiry conducted by the police recommended that the two officers be placed on “temporary suspension” because “during the early hours of 8 May 1998 they behaved with exceptional brutality towards the two youths”. According to the information received, three police officers were indicted for “jointly-induced bodily harm caused by a person, whose duties are the investigation of possible criminal acts, with the intent to extort deposition or information” after the two youths pressed charges. It is alleged that, following another sworn administrative inquiry launched by the police, sanctions were imposed on two police officers. These sanctions were reportedly made in the form of an around US\$ 100 fine. A third officer, the Director of the Security Service at the police station concerned, is reported to have been tried for these alleged beatings. He is believed to have been accused of “not preventing the ill-treatment of the two arrested individuals” but to have been eventually acquitted for lack of evidence on 8 October 2001.

55. **Andreas Kalamiotis**, a 21-year-old Roma, was reportedly arrested and beaten by police officers on 15 June 2001 in Pefkasia, Agia Pefkasia region. According to the information

received, he was listening to music with some friends at his house when at around 2 a.m. a police officer requested them to turn the music off. One of the officers allegedly pointed his gun at him and threatened to shoot him. He is reported to have been subsequently handcuffed and arrested. It is reported that as he was barefoot his wife tried to fetch him a pair of shoes but was not allowed to do so. He was allegedly dragged to a police car and beaten with the hands and with truncheons. It is alleged that he was kicked after falling on the ground. He is believed to have been beaten in the car as well and to have been taken out of it and beaten again. He was allegedly interrogated about who had allegedly fired with a carbine. He was reportedly taken to a police station where he was allegedly insulted and threatened by a police officer. According to the information received, when he asked for some water to drink he was told to take some from the toilet and was given proper water only half an hour later. On the following day he was reportedly taken to the police headquarters in Athens in order to take some pictures of him. It is alleged that when he asked to have his handcuffs removed in order to be able to sit down properly he was insulted and threatened again. He is reported to have been subsequently brought before a public prosecutor and accused of resisting arrest and of insulting and threatening the police authorities. The Special Rapporteurs have been informed that he went to the forensic service in Aghias Anapafseos Street, where he was allegedly told that in order to be examined by a forensic expert he had first to press charges or submit a complaint to the police station of Agia Paraskevi. Andreas Kalamiotis is believed to have avoided filing a complaint for fear of retaliation.

56. **Theodore Stefanou**, a 16-year-old Roma boy from Patras, was reportedly beaten by a police officer in Argostoli on 4 August 2001. According to the information received, two or three police officers went and looked for him in a truck in which he was sleeping during his stay in Argostoli but did not find him since he was outside. It is reported that when Theodore Stefanou learnt that the truck had been searched, he went to the police station. There he was reportedly questioned about the theft of an important sum of money from a kiosk. The boy is believed to have been punched and slapped in the face for 15 minutes by a policeman (whose name is known to the Special Rapporteurs) and in the presence of two other officers, one of whom is thought to be the Commander of the Argostoli police station. It is alleged that he was then taken handcuffed to his truck and subsequently brought back to the police station where he was reportedly interrogated and beaten again. He is reported to have been released after the owner of the kiosk stated that he did not see him around his kiosk at the time of the theft. The Special Rapporteurs have been informed that he subsequently went to a hospital and that according to a medical report, he was found to be suffering from a head injury caused by beating received 12 hours earlier, a slight weakness in focusing, swelling and sensitivity on the ridge of his nose and a small frontal left bruise. It is reported that on 7 August 2001 he went to the Prosecutor's Office in order to press charges against the Commander of the Argostoli police station. According to the information received, four other Roma relatives, **Nikos Theodoropoulos**, aged 18, **Nikos Theodoropoulos**, **George Theodoropoulos** and **Vasilis Theodoropoulos** were arrested and taken to the same police station in connection with relation to the same alleged theft. Nikos Theodoropoulos was reportedly taken to a room where the police commander and another officer allegedly interrogated, beat, punched and slapped him and stepped with their boots on his almost naked feet. Nikos Theodoropoulos is reported to have been kept in custody and to have been woken up at 4 a.m. to record an official deposition. He was reportedly beaten again when he allegedly said that he would not sign anything in the absence of a lawyer. It is believed that he eventually signed an allegedly false deposition in

which he confessed to the theft. Nikos Theodoropoulos was reportedly beaten as well. According to the information received, Nikos Theodoropoulos was acquitted on 6 August 2001 after the judge took into consideration his version of the facts and the allegations of ill-treatment.

## 2. Response of the Government of Greece dated 28 November 2002

57. **Lazaros Bekos and Eleftherios Koutropoulos**, both minor Romanians were arrested on 8 May 1998 at 12.45 a.m. by a police patrol in Mesolongi, while they were trying to burgle a kiosk. They were taken to Mesolongi police station and the day after, were brought before the competent prosecutor, who released them after fixing a date for their hearing. While the minors did not file a complaint during their detention or at the prosecutor's office, after their release, they complained to the Helsinki Watch Greek Branch that they had been abused by police officers. The representative of this NGO accompanied both minors to the State Hospital of Mesolongi. A medical report of the examination of both minors stated that they were bruised. A second medical report, produced after a private doctor was consulted, indicated that the first minor had two ecchymoses and the second one had multiple ecchymoses inflicted by a battering object. Following a written denunciation by the NGO in question, an administrative inquiry was conducted. No definite conclusions could be drawn as to when, how and by whom the minors' moderate injuries had been inflicted. Nonetheless, a disciplinary sanction was imposed on the Commander of the Security Department of Mesolongi for insufficient supervision and control of his subordinates, since their injuries had been probably inflicted during their detention, although the possibility that they had been caused during their arrest, in which citizens participated, cannot be ruled out. The sanction applied to the Deputy Commander was revoked after the minors testified under oath that he had not participated in their questioning. Criminal proceedings were instituted against three police officers. The case was brought to the Judicial Council, which discharged two police officers and committed to trial the Commander of the Police Station. He was later acquitted by a three-judge court of appeal in Patras, because it was ascertained that the injuries documented by the coroner were most probably caused during their arrest, as they both engaged in a violent fight with the owner of the kiosk.

58. **Andreas Kalamiotis** was arrested after police arrived at his home following a complaint by neighbours that he was disturbing their peace by playing loud music. The police officers advised him and three other persons who were with him to switch off the music because it was disturbing the neighbours. However, he refused and moved threateningly towards the officers, who withdrew to ask for help. Six patrol cars rushed to help them. When Mr. Kalamiotis saw them, he withdrew into his dwelling, while his three friends did not resist and were brought to the police station of Agia Paraskevi for identification and were subsequently released.

59. Mr. Kalamiotis finally exited his dwelling after being invited to do so by the police officers, but he turned against them and swore at them. When they tried to arrest him they met stiff resistance, which led to a fight. He was handcuffed and brought to the police station, where he was unfettered, only to be handcuffed again because he unsuccessfully tried to assault a policeman. The general impression was of a behaviour suggesting alcohol abuse.

60. A criminal case file was opened against him for resisting, insulting and threatening police officers and he was brought before the competent public prosecutor, who instituted criminal proceedings against him and committed him to trial.

61. The administrative inquiry revealed that the two police officers who had participated in the arrest, detention and committal of Mr. Kalamiotis had acted legally, as Mr. Kalamiotis had used violence against them and refused to comply with their orders and follow them to the police station, unlike his friends, who followed the policemen and no violence was used against them. According to the inquiry, the scratches he suffered had been caused by the resistance he offered to avoid being handcuffed by the policemen and his fight with them. They were minor scratches and grazes, absolutely compatible with the degree of violence used against him. The allegation that his wife was not allowed to give him shoes proved false, as a police officer gave him his shoes at the police station, but he threw them away. His allegation that 20 patrol cars of the Hellenic Police had gone to his house was also false.

62. According to the data kept in our Service and on the basis of the information mentioned above, Mr. Kalamiotis did not file a complaint against police officers, while it is not clear whether or not he requested to be examined by a coroner. It should be noted that during his detention and when he was brought before the public prosecutor he did not ask to file a complaint against the police officers or to be examined by a doctor.

63. The sworn administrative inquiry that was conducted to investigate allegations made revealed that they were groundless, as the persons who were allegedly abused testified under oath that no one had mistreated them, except for minor **Theodoros Stefanou**, who claimed that a policeman had used violence against him, in the presence of the Commander, an allegation that was not corroborated by any of the statements by other witnesses, although at least five other Romanies were present in the Department during his stay there.

64. The claim that **Romani Nikos Theodoropoulos** was tortured and forced to sign a statement confessing a robbery he had not committed is not true, because the criminal case file that was opened against him and three other Romanies for the said robbery does not contain any such confession.

65. According to a certificate issued by the Argostoli Hospital, where **Stefanos Theodorou** went on 5 August 2001 at 7.30 a.m. after leaving the Security Department of Argostoli, his examination showed that he was suffering from "a reported head injury, caused by beating 12 hours before. He complains about dizziness and bad headache". According to testimonies by other witnesses and to his statement, when he went to the Security Department his arm was tied and he was in pain, which (in conjunction with the possible time of infliction of the injuries according to the hospital's certificate) leads to the conclusion that they had been caused under unspecified circumstances before he voluntarily went to the Security Department at 12.40 a.m. that day.

66. According to the correspondence kept in our Service, none of the said Romanies filed a complaint against police officers.

### **3. Observations of the Special Rapporteur**

67. The Special Rapporteur thanks the Greek authorities for their replies. He recommends that the police forces continue to avoid resorting to the undue use of force when making arrests. He also suggests that, whenever possible, mediation should be used to solve the problems arising from the proximity of the Roma and other Greek populations. The Government could initiate a dialogue with the representative of the Roma community on ways in which the Roma can establish social harmony with their compatriots

## **E. Guyana**

### **1. Communication dated 31 October 2002**

68. It has been reported that the social and political life in Guyana is marked by constant ethnic tensions between the Indo-Guyanese and the Afro-Guyanese populations.

69. There is a perception in the Afro-Guyanese community that the Indo-Guyanese community has benefited financially and politically in the country at their expense. Furthermore, the lack of confidence between the two communities is allegedly attributed to the constant fear and palpable threat of violent crimes and racially motivated police brutality. Violent crime, including harassment, beating and robbery of Indo-Guyanese, are perpetrated predominantly by members of the Afro-Guyanese population and in many cases also originate from persistent opposition and street protests. The Afro-Guyanese population alleges widespread discrimination against them in politics, education, employment and housing and extrajudicial killings by the police.

70. The racialization of national politics is allegedly translated into the political sphere and the division of the electorate along racial lines, with Afro-Guyanese giving their allegiance mostly to the Congress/Reform (PNC/R) and Indo-Guyanese supporting mainly the People's Progressive party/Civic and the People's National (PPP/C).

71. In April 2001, after his election, President Bharrat Jagdeo, who is the leader of PNC/R, met Mr. Desmond Hoyte the leader of the People's National Congress/Reform (PNC/R) and they committed themselves to working to reduce ethnic tension and social unrest. However, these commitments failed to bear any fruit, as the outbreak of violent crime continued, killing several people, including eight policemen.

72. The most recent manifestation of this racial cleavage occurred on 3 July 2002, when several demonstrators, including supporters of PNC/R, broke through the gates of the Presidential complex, overturned and burned several cars, and torched and looted nearby stores. Police shot and wounded about 8 of the protesters and arrested 17, including 2 of the alleged leaders. The President's Office blamed the attack on the opposition party, describing it as an attempt to assassinate the President and topple the Government.

## **2. Response of the Government of Guyana**

73. In a letter dated 3 December 2002, the Permanent Representative of Guyana to the United Nations indicated that the letter of the Special Rapporteur was only received on 25 November 2002 and that his Government will be responding as soon as possible.

## **3. Observation by the Special Rapporteur**

74. The Special Rapporteur is looking forward to the response of the Government of Guyana, which will be reflected in his next report to the Commission.

## **F. United Kingdom of Great Britain and Northern Ireland**

### **1. Joint communication of 13 September 2002, sent together with the Special Rapporteur on the question of torture**

75. **Zahid Mubarek** was reportedly beaten to death with a table leg by his cellmate, Robert Stewart, in Feltham Young Offenders Institution and Remand Centre, Middlesex, in March 2000. Robert Stewart was said to have been convicted of murder later in the year. An internal prison service investigation into this murder is believed to have identified a number of management failures and other major problems affecting Feltham. It is also reported that this investigation concluded that the establishment was institutionally racist. The management was reportedly aware of racist abuse against both staff and inmates belonging to ethnic minorities and of the measures which it should take to address the problem, but failed to take action. According to the information received, Zahid Mubarek was indeed placed in the same cell as Robert Stewart, even though prison officers were, or should have been, aware of Robert Stewart's racial prejudices and violent behaviour. Robert Stewart was on remand charged under the Harassment Act with sending racially motivated malicious communications, including a letter in which he stated that he would consider killing his cellmate in order to get "shipped out" if he did not get bail when he appeared in court on 7 February. On 5 October 2001, the High Court is said to have ruled that the Home Office should initiate a public and independent investigation into the failures which led to the death of Zahid Mubarek. The judge is reported to have stated that, as there would not be an inquest into the death of Zahid Mubarek, the obligation to hold an effective and thorough investigation could only be met by holding a public and independent investigation with the family legally represented, with disclosure to the family's representatives of relevant documents and with the right to cross-examine the principal witnesses. The Home Office reportedly decided to appeal against the ruling, maintaining that there were sufficient investigations into the killing in connection with the trial of Robert Stewart and through the internal prison service investigation mentioned above. In March 2002, the Court of Appeal ruled that a public inquiry was not necessary. The Court of Appeal judges said that it had already been established that the prison service was at fault, an inquiry into this had been held and the family invited to be involved; that the cause of death had been established by Robert Stewart's conviction for murder; and that there was no basis for prosecuting any member of the prison service. They also added that there were no "factual unknowns" which would impede the family from bringing a claim in the civil courts for damages. The family of Zahid Mubarek were reportedly planning to appeal to the House of Lords.



## 2. Response of the Government of the United Kingdom

76. On 18 November 2002, the Home Office of the Government of the United Kingdom responded to the joint allegation stating that "this was a wicked crime which occurred while Zahid was in the care of the Prison Service. He and his family had a right to expect he would be looked after safely, but the Prison Service failed to do so".

77. Since the tragic death of Zahid, a number of measures have been introduced to ensure that such a tragedy does not reoccur. These include the introduction at Feltham of procedures for risk assessments for cell-sharing. These were initially trialled at Feltham and introduced nationally in June 2002. In addition, an improved health-care screening process is being introduced to better identify prisoners with serious physical and mental health problems. Procedures are also being developed to ensure a better exchange of information between Prison Service and external agencies when a prisoner comes into custody.

78. The Director-General of the Prison Service has admitted that the Prison Service is institutionally racist and is determined to rid the Service of all forms of racism. He is also determined to eradicate discrimination in the treatment of prisoners. Much progress has been made since Zahid's death. Meanwhile an investigation into race relations within the Prison Service, which has been under way for almost two years, is now nearing completion.

### Zahid Mubarek

79. While the summary of the allegations as set out in the annex to the letter of the Special Rapporteurs are broadly accurate, the facts of the tragic incident are as follows:

- On 21 March 2000, at approximately 3.35 a.m., a call alarm was activated in the Swallow Unit at HM Young Offenders Institute and Remand Centre Feltham. On attending, the officer on duty saw that one of the occupants, Zahid Mubarek, was lying in bed badly injured. The other occupant, Robert Stewart, had a stick in his hand that looked like a table leg. The scene confronting staff suggested that Zahid had been badly beaten around the head with this table leg;
- Staff arrived on the scene, including health-care staff who administered first aid to Zahid. Although his injuries were extensive, he was still breathing and not bleeding heavily. Staff continued to administer first aid until the paramedics arrived. Zahid was then taken to Ashford General Hospital at 4.36 a.m. and was later transferred to Charing Cross Hospital. Tragically, he died on 28 March 2000 as a result of the injuries sustained.

80. The following circumstances should be taken into account when assessing the implications of this allegation:

- The assertion that staff knew that Robert Stewart was racist is not totally correct. Neither the warrants of the court nor the list of Mr. Stewart's pre-convictions provide any evidence to suggest that he was a racist. Although it has since been suggested that the harassment offence for which he was remanded in custody was racially

motivated the only indication that this might be the case is a production order served at HM Prison Altcourse in November 1999 where it recorded that Robert Stewart was a suspect in an allegation of racially motivated malicious communication and harassment. There was no mention of any racial motivation on the subsequent court warrants;

- No other evidence that Robert Stewart exhibited racist behaviour towards prisoners or staff during his time at Feltham was found. He shared a double cell with Zahid Mubarek from 8 February onwards with no apparent problems until the tragic event of 21 March. During this time, Zahid made no complaints against his cellmate nor did he request to move cells.

### **Present status of any uncompleted investigation**

81. The Director-General of the Prison Service, Martin Narey, also asked the Commission for Racial Equality in November 2000 to consider the circumstances leading to this death as part of its wider-ranging investigation into racism in the Prison Service. This investigation is now nearing completion.

### **Compensation**

82. Compensation of £20,000 was offered to the family of Zahid Mubarek in September 2001. They have not yet responded formally to this offer.

### **Any other information/observations**

83. The investigation highlighted a number of areas at the prison where improvements were necessary. In all, it made 26 recommendations addressing areas such as screening on reception, and the availability and scrutiny of medical records; protection from harassment procedures; policy and procedures for reading and stopping mail; the availability of security information files from previous establishments; security, reception and Duty Governor training; and the searching strategy. Of these 26 recommendations, all but one have been implemented in full. The outstanding recommendation concerned the provision of a single "stopped letter" register to each wing. This was felt to be unworkable and a single register had been provided for the entire establishment.

84. The part of the investigation on racist behaviour led to the conclusion that Feltham was institutionally racist. This conclusion was based on the fact that there was clear evidence of a lack of understanding of racism and race relations amongst staff as well as including the suggestion that a minority of staff did behave in a racist manner to their colleagues and to prisoners.

85. It should be noted that, following her inspection of Feltham in January 2002, the outcome of which was published on 15 October 2002, Her Majesty's Chief Inspector of Prisons was very positive about improvements at Feltham in general, and about race relations in particular. She

noted that “the Governor and his staff has shown major commitments to good race relations” and commended “the very considerable efforts that were demonstrated in a wide range of initiatives across the whole of the establishment”.

### **3. Observations of the Special Rapporteur**

86. The Special Rapporteur would like to thank the Government of the United Kingdom for the detailed response to his communication. The Special Rapporteur welcomes the numerous measures put in place, both at Feltham and at the national level, since the tragic murder of Zahid Mubarek, to ensure that such atrocities do not reoccur in the future. Furthermore, the Special Rapporteur considers that the grave recognition that the Prison Service is institutionally racist leaves the authorities with a critical responsibility to combat, as a matter of urgency, all aspects of racism in this environment. In this connection, the Special Rapporteur would greatly appreciate receiving the findings of the investigation into racism in the Prison Service upon its completion by the Commission for Racial Equality. The response of the Government of the United Kingdom refers to the fact that the Director General is “determined to rid the Service of all forms of racism” and that considerable efforts have already been made to improve race relations in Feltham. The Special Rapporteur would welcome receiving more information on these efforts and the concrete measures which have been put into practice to address the problem of racism.

-----