

Serbia vs Montenegro (31)

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Serbia and Montenegro

Alleged torture during "Operation Sabre"



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Background

On 12 March 2003 Prime Minister Zoran Đindić was assassinated. Immediately following the assassination the authorities introduced a state of emergency which remained in operation until 22 April. The authorities also initiated "Operation Sabre" - a large-scale clampdown on elements of organized crime seen by the authorities to have been behind the assassination. On 21 April the Ministry of Internal Affairs announced that over 10,000 people had been detained during the state of emergency of whom some 4,500 remained in custody.

On 3 April, on the occasion of Serbia and Montenegro's accession to the Council of Europe, Amnesty International publicly expressed its concern that some aspects of the emergency regulations might give rise to human rights violations.¹ The organization was especially concerned about regulations which allowed the Ministry of the Interior to detain people for up to 30 days without access to a lawyer or family, and without their detention being authorized by a competent judicial body, in breach of international standards.

The non-derogable nature of the right to *habeas corpus*, even in times of emergency, has been confirmed by the (UN) Human Rights Committee.² Judgments by the European Court of Human Rights have ruled that the right to be brought before a judicial body for review of detention applies in any emergency situation and even during armed conflicts.³ At

¹ See *Serbia and Montenegro: Accession to the Council of Europe*, NS No 075, AI Index: EUR 70/009/2003, 3 April 2003.

² UN Human Rights Committee, *General Comment No. 29: States of Emergency (Article 4)*, which states: "Safeguards related to derogation, as embodied in article 4 of the Covenant, are based on the principles of legality and the rule of law inherent in the Covenant as a whole. As certain elements of the right to a fair trial are explicitly guaranteed under international humanitarian law during armed conflict, the Committee finds no justification for derogation from these guarantees during other emergency situations. The Committee is of the opinion that the principles of legality and the rule of law require that fundamental requirements of fair trial must be respected during a state of emergency. Only a court of law may try and convict a person for a criminal offence. The presumption of innocence must be respected. In order to protect non-derogable rights, the right to take proceedings before a court to enable the court to decide without delay on the lawfulness of detention, must not be diminished by a State party's decision to derogate from the Covenant." CCPR/C/21/Rev.1/Add. 11, 31 August 2001.

³ See the following two cases where the countries involved had derogated from provisions of the ECHR on the basis of states of emergency. These cases examine measures taken regarding detention in light of the necessity and proportionality of the measures taken. *Brannigan and McBride v. the UK*, Judgment of the European Court of Human Rights, 26 May 1993, in which the Court stated that a period of seven days before bringing a detainee

that time, Amnesty International warned that given the continuing prevalence of allegations of police torture and ill-treatment of detainees – allegations which Amnesty International has repeatedly raised with the authorities of Serbia and Montenegro⁴ – such a period of incommunicado detention of hundreds of suspects could only be a cause for concern.

On 11 April the Serbian Assembly approved amendments to the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime which were in even clearer breach of international standards. In particular the amendments allowed the Interior Ministry to authorize detention of up to 60 days without authorization from a court or judicial body. On 5 June, after widespread criticism from many quarters including Amnesty International, the Constitutional Court of Serbia ruled the amendments to be unconstitutional and suspended them.

Amnesty International called for all those responsible for Prime Minister Đindić's assassination to be brought to justice, but underlined that attempts to do so must be carried out with respect for international standards and must not resort to torture.

Serbia and Montenegro (as the Federal Republic of Yugoslavia) has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibits torture or cruel inhuman or degrading treatment in all cases and circumstances, as does Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which Serbia and Montenegro signed on accession to the Council of Europe.

Amnesty International's concern

Amnesty International is deeply concerned about detailed allegations of torture of detainees by security forces in connection with "Operation Sabre" including asphyxiation by taping plastic or other material bags over the head, beatings, electric shocks to the head and body, and mock executions.

Cases of alleged torture

before a court was legitimate in an emergency situation, it noted that in Northern Ireland all detainees had the right to *habeas corpus* and access to a lawyer after 48 hours, and to a doctor and family; while in *Aksoy v. Turkey*. Judgment of the European Court of Human Rights, 18 December 1996, the Court considered 14 days was too long even in a region suffering armed conflict, especially as there was no right of *habeas corpus* and access to a lawyer, doctor or relative was denied.

⁴ See for example *Federal Republic of Yugoslavia (Serbia and Montenegro): Continuing police torture and ill-treatment*, AI Index: EUR 70/001/2003, and *Serbia and Montenegro: Legal loopholes allow impunity for torturers in the Sandžak*, AI Index: EUR 70/002/2003

The first public detailed allegations of torture of detainees arrested during "Operation Sabre" were published by the London-based Institute for War and Peace Reporting (IWPR) on 4 June 2003.⁵ The IWPR reported that many only talked on condition of anonymity due to fear of being arrested again or being subjected to other forms of official pressure. However, some have made public statements, while others who remain in detention have had their allegations publicized by lawyers or family members. Following the publication of the IWPR report, an Amnesty International delegate visited Serbia in July. The delegate gathered information which confirmed the IWPR's report as well as information on numerous other cases of torture and ill-treatment. Amnesty International wrote to the Serbian authorities detailing its concerns. At the time of writing the Serbian authorities had not replied.

Amnesty International believes that the following cases of torture are illustrative of the widespread use of torture by the police, especially in cases of people perceived as relatively low-level criminals and thus to a large extent out of the public eye and so unlikely to have their allegations widely publicized.

Sandra Petrovic informed Amnesty International that her husband, **Goran Petrovic**, born in 1967, and her brother, **Igor Gajic**, born in 1973, were arrested in Kruševac on 14 March and kept in incommunicado detention until 13 May during which they were allegedly tortured by police officers in an attempt to extract confessions of extortion from them. She informed Amnesty International that after 15 days in detention in Kruševac, Goran Petrovic had been transferred to Cuprija Prison where police had taken him to a nearby forest, taped a bag over his head and had allegedly beaten him so severely, injuring his spine, that when she saw him on 13 May he still had difficulty in walking. She stated that he had been so badly beaten that the director of Cuprija Prison reportedly did not want to re-admit him in such a condition. Instead he was taken to a detention place in Varvarin for 10 days to partially recover before being taken back to Cuprija Prison. He was taken to Kruševac in May to be brought before an investigative judge.

She informed Amnesty International that her brother, **Igor Gajic**, had similarly been taken to the forest where police also taped a bag over his head and beat him. She alleged that in detention he had also been tortured by electric shocks to his body after being doused with water, also while having a bag taped over his head. He was taken to Kruševac in May to be brought before an investigative judge, and had asked the investigative judge to formally record his allegations of torture.

Marija Jotic informed Amnesty International that her husband, **Zoran Jotic**, born in 1955, was arrested at the same time as Goran Petrovic, and that after 15 days' detention he had been taken to Niš, and similarly to the others, had been allegedly beaten and a bag had been taped over his head. She also reported that he had been beaten by pistol blows to his head and that he had been subjected to mock executions. When she saw him for the first time

⁵ See Institute for War and Peace Reporting, *Balkan Crisis Report No 434, Investigative Report Serbia: Detainees allege torture*, 4 June 2003.

on 15 May in Kruševac when he was brought before an investigative judge, he had bruises on his body and complained that he was suffering from headaches due to the alleged beatings.

All three men were charged in Kruševac in May, during which their families and lawyers were for the first time able to visit them. On transfer to Belgrade their families were again not informed of their whereabouts until their lawyers, after some five or six days, managed to find out where they were being held and informed them. At the time of Amnesty International's visit to Serbia in July, all three were being held in the Central Prison in Belgrade.

Vladen Kojic, from Kruševac, was also arrested on 14 March. His wife Violeta told the IWPR that he had been allegedly so badly beaten after arrest that he now has difficulty walking, and that in despair he had attempted suicide twice by slashing his wrists and had been taken to Belgrade Military Hospital. His lawyer, Momir Vuckovic, corroborated the allegations to the IWPR and stated: "I have never seen a man beaten up so badly in my entire life. There is not a single spot on his body without haematomas." He also confirmed to the IWPR that Vladen Kojic had attempted suicide and had told him that "I'd rather kill myself than let them kill me".

Another man, **Slavoljub Marinkovic**, from Kruševac, was also arrested on 14 March. His wife Emina told the IWPR on 26 May that:

"I saw my husband last Friday [23 May] at the investigation prison in Kruševac, I hardly recognized him. He had lost 12 kilos and his nose was broken. There were traces of blood on the clothes I brought back from prison. His trouser knees were torn, probably from kneeling.

"He told me they [he and others detained on that day] had been taken to a forest. He had a bag over his head. That's where they beat them.

"My husband told me that they had beaten him four times – twice since the state of emergency was lifted. He says they tried to torture out [of him] an admission of things he had not done in order to frame him."

Slavoljub Marinkovic's lawyer, who at the time requested that the IWPR not reveal his name, stated on 26 May that he had only been allowed to see his client once and that: "My client no longer resembles the person I knew before his arrest. He is mentally disturbed and has attempted suicide."

Although, as noted above, most of the cases of alleged torture concern the detention of relatively low-level criminals, a high-profile case involved the Deputy Public Prosecutor of Serbia, **Milan Sarajlic**, born in 1950, who was arrested on 19 March and kept in incommunicado detention until 11 April. He was taken to the infamous '29 November' Belgrade police station⁶ where, Amnesty International is informed, many other detainees were

⁶ This is situated on '29 November Street'.

also allegedly tortured before and during "Operation Sabre". His wife, Danila, and a lawyer acting on behalf of the family informed Amnesty International that while they were unable to divulge details of the charges under which he was being,⁷ they could divulge details of his alleged torture as these had also been officially given to the investigative judge. They alleged that over an extended period he had been physically tortured with electric shocks to his temples while, as above, having a bag taped over his head. They also alleged that he had been subjected to a variety of psychological pressure including threats to kill his daughter, and that on three occasions he was taken in a trunk of a car with a bag on his head to an unknown location where he was subjected to mock execution by rifle fire. As a result of his treatment in detention he had lost over 20 kilograms of weight and suffered psychiatric problems - the latter confirmed by the Institute for Neurology, Psychiatry and Mental Health in Novi Sad⁸ where he was transferred while remaining in custody. He was later transferred to Belgrade Prison Hospital.

Belgrade lawyer, Nikola Nikolic, informed Amnesty International that he represented seven cases of people arrested during "Operation Sabre". All were taken after arrest to the '29 November' police station in Belgrade. All had plastic bags allegedly taped over their heads and five of the detainees had allegedly been subjected to electric shocks to the head and had been beaten. All had been released but with the one exception were unwilling to publicize their treatment for fear of either being arrested again or of being subjected to other forms of official pressure. The exception was **Milan Vukovic**, a restaurant owner in Belgrade.

He was arrested on 13 March and detained for one month before being released without charge. His testimony, as published by the IWPR, stated:

"A group of five or six masked policemen tied my hands to a chair that was fixed to the floor, and put a plastic bag over my head. After a short while I used up all the air. The bag stuck to my face, and I started struggling for air. When it was obvious that I was suffocating, they punctured the bag. They played this game twice.
"They demanded that I admit I was a drug dealer, a racketeer and a gun runner, and that I had traded illegally in oil, cigarettes and foreign currency. They did not beat me. But when I found myself in Belgrade central prison. I saw dozens of beaten-up people in the hallways and corridors."

Mihajlo Colovic, born 1977, from Arandjelovac, was arrested in "Operation Sabre" along with two other people, Vladan Radojicic and Zoran Vicentijevic. In a signed statement⁹ dated 8 May 2003 given to the investigative judge in the case, Mihajlo Colovic alleged that

⁷ Article 540v of the Code of Criminal Procedure, introduced in April 2003, forbade publicizing details of the pre-trial process in cases of organized crime without written permission from the prosecutor, with possible prison sentences under Article 208 of the Serbian Criminal Code for infractions.

⁸ Amnesty International has a copy of the Specialist's Report, dated 14 June 2003, diagnosing a state of anxiety and depression with suicidal tendencies.

⁹ Amnesty International has a copy of this statement.

the chief of police¹⁰ whipped him with a telephone cable, punched and kicked him and hit him with a truncheon in an attempt to get him to incriminate Vladan Radojicic. Colovic informed the IWPR that his eardrum had been ruptured due to this alleged ill-treatment and that he had sought medical treatment.

Another lawyer, Miroslav Todorovic-Sera, informed Amnesty International of a number of cases of alleged torture of detainees arrested in "Operation Sabre". He is a former judge who himself has suffered at the hands of the authorities in the past.¹¹ He was also a founding member of the opposition group *Otpor* (Resistance). He informed Amnesty International that due to his reputation many of those arrested in "Operation Sabre" and subsequently released came to him and that many who came still bore visible marks of ill-treatment, allegedly by the police. On 23 July he published an open statement about the prevalence of torture allegations, and he has been instrumental in a lawyers' action that police records taken during "Operation Sabre" should not be used due to the prevalence of torture and the anti-constitutional nature of the legislation introduced to combat organized crime.

The cases included his client, **Djordje Krsmanovic**, arrested for drug-related offences in early April. Djordje Krsmanovic was allegedly brutally beaten when arrested by members of the notorious police anti-terrorist unit SAJ¹². After arrest he was allegedly severely tortured at the '29 November' police station. Allegedly he had a pillow case put over his head and then a plastic bag over that and was then tortured for 11 hours. At one point he was allegedly beaten by three women police officers. He reportedly suffered a fractured skull and damaged kidneys due to the alleged beatings, and when the lawyer saw him in late June he had black eyes.

Another client of Miroslav Todorovic-Sera, **Dragan Lukic**, accused of forging engine registration numbers, was also allegedly beaten at the '29 November' police station. Miroslav Todorovic-Sera informed Amnesty International that Dragan Lukic suffered some form of stroke while in detention and that in late July he was still excreting blood when defecating due to the alleged ill-treatment.

Another client, **Desimir Grbic**, was arrested on 11 April and accused of supplying well-known folk singer Aleksandar Vuksanovic (also known as Aca Lukas) with a pistol. He was allegedly beaten by police officers immediately after arrest in the police car, and then allegedly repeatedly tortured at the '29 November' police station over a period of two months. He was allegedly tied to a radiator with a cloth sack tied over his head and savagely punched and beaten with batons all over his body. He was allegedly beaten so badly that he was unable

¹⁰ Name known to Amnesty International.

¹¹ He was physically expelled from his court on 14 June 2000 during the period of rule by former President Slobodan Milošević.

¹² The IWPR reported that "several sources in the judiciary, the legal profession and international organisations told IWPR that the bulk of the physical mistreatment took place during arrest or preliminary detention. These sources allege that the SAJ was one of the worst offenders. 'Nearly everyone who fell into the SAJ's hands underwent torture' said one of these sources."

to walk. The allegations of ill-treatment were corroborated by an anonymous officer from Belgrade Central Prison who wrote that Desimir Grbic and a co-accused¹³ had visible injuries on their bodies due to ill-treatment and that when brought before the district court on 10 June they had changed their testimony from that which, it is alleged, they were tortured into signing by the police.

This anonymous source gave two other cases¹⁴ of alleged ill-treatment, one of whom had allegedly lost a testicle due to being beaten and was in the Belgrade Prison Hospital, while the other was allegedly subjected to what appears to have been the almost standard torture technique of being severely beaten while having a bag over his head.

While the above allegations centre on the '29 November' police station in Belgrade, and the group arrested in Kruševac, there have been similar allegations of police ill-treatment from other cities. The Humanitarian Law Center (HLC – a Belgrade-based non-governmental organization) reported on some cases of alleged torture. One concerned **Snežana Ognjanović**, arrested on 11 April in Kragujevac on suspicion of dealing in drugs. Her lawyer, who lives in Kruševac, told the HLC that he had been appointed by the court to be present during interrogation. He said that he was not permitted to confer with her and that she merely repeated a statement which had already been typed up. However, she managed to discreetly convey to him that she had bruises on her thighs, the soles of her feet and buttocks consistent with torture including *falaka* (beatings on the soles of the feet) used to force a confession. He was not permitted to see her afterwards, nor was he given access to her file.

Another HLC case was that of **Josip Krušković**, arrested on 25 or 26 April in Sombor in the Vojvodina. He was allegedly tortured over a two-day period immediately after arrest at Sombor police station by being beaten, again hooded (but this time with possibly a woollen hat), handcuffed and kicked on his body and head. He was also allegedly tortured by *falaka*. He was released two months after his arrest at the end of June by which time many visible signs of the alleged ill-treatment would have healed. However, his doctor reportedly found that his nose had been broken.¹⁵

Belgrade lawyer Borivoje Borović informed Amnesty International about seven cases of people arrested in "Operation Sabre" around the country. Of these seven, three had allegedly been tortured or severely ill-treated: **Aleksandar Gacević** from Smederevo; **Zoran Kovacević** from Kraljevo; and **Nebojša Stojković** from Rakovica.

Borivoje Borović is also the lawyer for **Nikola Maljković**, born in 1972, and arrested on 27 October 2002 in connection with the murder of former police chief Boško Buha. While

¹³ Name known to Amnesty International

¹⁴ Names known to Amnesty International

¹⁵ Apparently he had a sinus problem requiring medical examination before his arrest and his doctor was thus able to ascertain that his nose had been broken while in detention.

this arrest was not part of "Operation Sabre", the alleged ill-treatment by the police is very similar in detail to the allegations detailed above.¹⁶

Nikola Maljković was arrested along with a friend¹⁷ while driving on the Belgrade-Noví Sad motorway by what he thought were special paramilitary police. They were both allegedly pulled from the car, black plastic bags were placed over their heads and they were taken away in a civilian car. Allegedly the police immediately began to beat them. They were taken to nearby woods and separated. Nikola Maljković was then allegedly beaten with metal rods and throttled, all the while with the bag over his head. The police allegedly said they were digging a grave for him and then made him get into what he thought was a shallow grave. He was then allegedly subjected to a mock execution with a shot near his ear after which he fainted from shock. When he came to he was taken out of the grave and the beatings allegedly continued. His friend allegedly suffered similar beatings. Nikola Maljković was examined at the Emergency Centre of the Clinical Centre of Serbia on 27 October 2002 and admitted to prison hospital the following day. A medical report from the Serbian Ministry of Justice (Ref: Ki. 1183/02), dated 1 November 2002, detailed the findings of the Emergency Centre as well as the ongoing treatment he was receiving at the prison hospital. This report stated that he was suffering from a broken shoulder blade, multiple bruising on his back and groin, and contusion of the head. On 1 November 2002 the Serbian Minister of Internal Affairs, Dušan Mihailović, denied these allegations, reportedly telling the radio station B92 "I can say, with full responsibility, that the police did not overstep their authority" and stated that Nikola Maljković was injured while trying to escape and physically resisting arrest. However, Amnesty International notes that the extent of his injuries, as recorded in the medical report, appear consistent with allegations of ill-treatment by police. In November 2002 Amnesty International wrote to the Serbian Minister of Internal Affairs raising its concerns over the allegations of torture of Nikola Maljković as well as other concerns arising from the arrests connected with the Boško Buha case. The Serbian authorities did not reply.

The role of the OSCE and the international community

Amnesty International recognizes the positive role the Organization for Security and Cooperation in Europe (OSCE) is playing in helping Serbia and Montenegro to overcome its difficulties in establishing the rule of law. In particular the OSCE is playing an important role by reviewing the accountability mechanisms within the police and prison system with the aim of providing the technical assistance for the authorities to bring their methods of investigation and prosecution of abuses into line with international standards. The OSCE also repeatedly

¹⁶ Similarly the case of 24-year-old Milan Jezdović who was allegedly tortured to death on 5 December 2002 in Belgrade police station after being arrested with eight others on suspicion of drug dealing. All his co-arrestees reportedly stated that the police put sealed plastic bags over their heads and that some of them were beaten and tortured with electric shocks. Some reported hearing Milan Jezdović screaming that he could not breathe due to the bag over his head. An initial official autopsy found he had died of a heart attack, but a second doctor engaged by the family found burn marks on his head consistent with those made by electric shocks (see *Federal Republic of Yugoslavia (Serbia and Montenegro): Continuing police torture and ill-treatment*. AI Index: EUR 70/001/2003).

¹⁷ Name known to Amnesty International.

stressed to the Serbia authorities that the state of emergency should be of strictly limited duration, as well stressing that legislation adopted during the state of emergency (see above) should be brought into line with international standards.

Unfortunately however, in the context of addressing possible human rights concerns in connection with "Operation Sabre", leading OSCE officials made statements vague enough to be misrepresented in the Serbian media. Amnesty International notes that despite the apparent misquotations, the OSCE did not publicly refute them, this despite the fact that these apparent endorsements by the OSCE of "Operation Sabre" and the apparent refutation that there had been any serious human rights violations were used by the Serbian authorities and by Rasim Ljajic, the Minister for Human and Minority Rights of Serbia and Montenegro, in particular.

Amnesty International's concerns about the possible torture or ill-treatment of detainees had been initially to some degree allayed by these reported statements made by leading officials from the OSCE after representatives of the OSCE, the UN Office of the High Commissioner for Human Rights (UNHCHR) and the OSCE Office of Democratic Institutions and Human Rights (ODIHR), were allowed access on 14 and 15 April to detainees apprehended during "Operation Sabre". These media reports help create the impression that the UNHCHR/OSCE/ODIHR delegation had not found any significant human rights violations in connection with "Operation Sabre". However, on 6 May UNHCHR's Aleksandar Cvejic, speaking at a round table on the ramifications of the state of emergency, said that the official findings of the UNHCHR/OSCE/ODIHR visit were "rather different from reports which have been released in the Serbian media", and that while he could not reveal details, the Serbian government would shortly be required to submit a report to international institutions.

Eventually the findings of the UNHCHR/OSCE/ODIHR visit were made public on 13 May after having been leaked to the Serbian press. Entitled 'Initial findings and recommendations arising from the visit to detainees in Belgrade 14-15 April 2003' the document was severely critical of conditions of detention, especially in Belgrade Central Prison which the document stated amounted "to degrading punishment or treatment which is incompatible with Article 3 [sic] of the Convention against Torture and Other, Cruel, Inhuman or Degrading Treatment and Punishment (CAT), Article 3 of the ECHR [the European Convention for the Protection of Human Rights and Fundamental Freedoms] and Article 7 of the ICCPR [the International Covenant on Civil and Political Rights]". The document also criticized the continued detention of suspects without judicial supervision and without access to defence counsel. As to allegations of or concerns about torture or ill-treatment of detainees, the document only mentioned that "the Delegation [from UNHCHR, OSCE including ODIHR] heard allegations or saw indications of torture or ill-treatment during arrest concerning two detainees" but that it "was unable to verify in full the veracity of these allegations". The document also stated that "[t]he Delegation also heard accounts of forms of questioning and pressure during interrogation which would appear to be inappropriate, particularly when they involve young women". Elsewhere in the document, the

Delegation recorded "that welcome improvements upon the situation in 2001 were noted. These included improved relationships between detainees and prison guards. The Delegation heard consistently positive references to the guards from detainees during their confidential interviews."

Thus, the published findings of the UNHCHR/OSCE/ODIHR did refer to torture allegations but in a manner that, Amnesty International has been unofficially informed, to some extent minimized the gravity of the actual violations the delegation had noted. According to the information received by Amnesty International the delegation saw a limited number of people, and that two of these - the two people alluded to in the report - had definitely been beaten. Amnesty International is informed that one of these detainees, with signs of physical ill-treatment that were visible 20 days after his arrest, told the delegation that he had looked like the 'elephant man' after the first beating.

Amnesty International is further informed that follow-up visits on 23 May and 8 and 9 July by delegates found that some 25 per cent of those interviewed alleged that they had been subjected to ill-treatment or torture. All of the alleged torture is reported to have occurred in police stations, especially the '29 November' police station in Belgrade, or at the time of arrest. The delegation had not been informed of any cases of alleged ill-treatment or torture by staff at Belgrade Central Prison. Moreover, before an inmate could be admitted to the prison he had to be assessed by the prison doctor and a written report made on his state of health. Amnesty International has also been informed that the delegation was allowed access to these medical records which corroborated the allegations of torture and ill-treatment.

Recommendations

Amnesty International believes that the use of torture and ill-treatment during "Operation Sabre" was widespread. To ascertain the true scale, the organization is calling on the Serbian authorities to allow representatives of domestic and international human rights groups unfettered access to privately interview any of the detainees, and is also calling on the international community to undertake a large-scale fact finding exercise to fully research the nature of the problem. The organization is also calling for:

- prompt, thorough, independent and impartial investigations into all the allegations of torture and ill-treatment;
- no prosecutions to be based on confessions allegedly obtained as a result of torture, ill-treatment or duress;
- the courts, in prosecution cases in which a confession is the main source of evidence, to carry out a thorough assessment, including detailed examination of all relevant medical evidence, to determine whether the confession was obtained according to international fair trial standards before it is admitted as evidence in the trial.
- any victims of torture and ill-treatment to receive adequate compensation;

- any law enforcement official found to be responsible for ill-treatment to face disciplinary action, and criminal charges where appropriate;
- any law enforcement official convicted of torture or serious ill-treatment to be subjected to appropriate criminal sanctions, as well as immediate dismissal from the police force.