

Complaints regarding the actions
of law enforcement bodies
in the process of mass disturbances
in Tallinn on 26-29 April 2007

Report on work of the «hot line»
of the Legal Information Centre for Human Rights

4 June 2007



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Introductory notes

As from 30 April 2007, Legal Information Centre for Human Rights started collecting on «hot line» communications from people, who considered themselves victims of police actions in the process of breaking up the meeting in Tõnismägi on 26 April 2007, and also in the process of putting down the disturbances, triggered thereafter. Altogether, there were more than 50 appeals recorded, the majority of which were later, with the help of collaborators of the Centre, executed and delivered as official complaints to Chancellor of Justice and/or Public Prosecutor's Office.

This Report has been composed with the aim at helping draw up a more adequate picture of the events of the end April 2007. Legal Information Centre for Human Rights takes into due consideration that the law enforcement bodies of Estonia were faced with a complicated task to restore law and order, among others to cut short numerous cases of vandalism and robbery. However it is necessary to diligently analyse the acts of law enforcement officers so that the possible errors in tactics of their work could be highlighted and those among the police exceeding their powers or committing other infractions of law, could be brought to account. This is extremely important for development of Estonia as a state, based on rule of law.

This report has been composed with reference to 35 applications, the majority of which were made out for Chancellor of Justice or Public Prosecutor's Office. The copies of all those applications, signed by complainants, and the contact details contained therein are available in archives of the Centre. Selected out were only the applications concerning the events in the city of Tallinn on 26-29 April 2007. *It should be held in view that all allegations made in applications presented are just allegations of private individuals, which have not yet been corroborated or refuted (dismissed) in the course of judicial procedures.*

Every application consisted of a number of allegations, concerning personally the complainant or the events, which he/she witnessed in one's own bodily presence or observed directly (the allegations of the first kind were given preference). The text of every application was broken down into «topics», concerning a given aspect of the work of law enforcement bodies in an emergency situation (see the structure of report in the Content). Insofar as possible, the text of applications was not altered (while gross grammatical errors and orthography of place names were corrected). Nor did we change the terminology used by authors of the applications («special squad», etc.), because it is not always possible, at the given stage to verify the correctness of such assumptions. The utterances of emotional character were excluded, as far as possible.

Immediately after the April events, certain official figures of Estonia made public statements, amounting to approval of police actions and denying the facts of excessive use of force in the process of putting down the wave of disturbances. In no time at all, the said issue was made political. All this was not especially conducive for developing in victims of an urgent desire to file complaints. Furthermore, Legal Information Centre for Human Rights admits that the applications, which serve as basis of this report, cannot provide a full picture of what was going on for the following reasons:

- The report does not present the visions and views of law enforcement bodies. Whilst it should be pointed out that police and Public Prosecutor's Office have not as yet manifested any aspiration to critically approach the investigation into behaviour of law enforcement officers in the process of April events. Taking shape is the tendency to refuse to bring action regarding the facts presented in applications, depriving us of the possibility to seek their analysis in the course of an impartial investigation, among others judicial (see Addendum).
- The overly excessive tendency to give a political hue to the issue has brought along the situation that among applicants, referring to our organisation, there has not been a single Estonian-speaker. It is only the means of mass communications that report of similar negative experience with victims of Estonian ethnic origin.
- In the conditions on hand, it is only the persons who consider themselves absolutely innocent in any whatsoever transgressions of law, made the applications, which form the basis of this report. For that matter, a criminal or administrative procedure has been initiated with respect to just a few people from among three dozens of applicants. This also contributes to the exceedingly «acrimonious accusatory» attitude of authors of applications.

In this tentative stage, Legal Information Centre for Human Rights decided to refrain from its own legal assessment of the work of law enforcement bodies, on the basis of allegations presented in this report.

4 June 2007

1. Breaking up of the meeting in Tõnismägi at the night of 26 April 2007

Meeting in the night of 26 April 2007 in Tõnismägi was not sanctioned. Evidently, the people having gathered there did not react to exhortations of the police to break up and go away. Nevertheless a number of witnesses allege that the police started using special devices with regard to persons, who did not conduct themselves aggressively.

Eyewitness (a lady 68 years of age): «I stood near the food store, when police all of a sudden attacked the peacefully standing people and began using force and special devices – tear gas, rubber slugs etc ... Because there was a throng of people milling around and about, I could not leave the scene of events. I got wounded in my right hand in the area of wrist, a wound on my cheek, in head and in my left shoulder as a result of multiple strikes with truncheon».

Eyewitness (a lady 36 years of age): «After the exhortations of the police to the crowd to go away had failed to have a due effect, police put into use truncheons, tear gas and smoke charges of explosives. No windowpanes had been broken as yet, when the police started cudgelling us with truncheons. We broke into a run, and from behind, blows with truncheons were falling thick and fast on us. They were targeted at absolutely everyone: women, children, the young and the elderly alike».

Eyewitness (56 years of age): «I was near the monument in Tõnismägi and observed the works of reburial. Then I backed away to Endla Street and stood near the streetlights. Not far from me were policemen, and behind them a constable with portable radio transmitter. He received an order, he barked out something and the policemen reached after their truncheons. All started at a moment's notice, they set to banging everybody around, indiscriminately and haphazardly. I got a bang on my head with truncheon. My head was badly hurt, I fell down, and some people lifted me up and carried aside. We called the urgent aid, but the medical personnel refused to drive to the square Tõnismägi. After half an hour I was attended to, medically. The wounds on my head were sutured. I have now a scar of 10 cm on my head».

Eyewitness (33 years of age): «On 26 April 2007, when on my way home from work, in Tõnismägi Street I found myself in a crowd ... An official of the special squad, armed with truncheon, run up to me and goaded me by gesture to move on after the crowd. Hardly could I make a few steps when I was kicked to the ground, receiving with blows on my back and head with truncheons».

2. Dispersal of people, gathering at Tõnismägi on 27 April 2007

A number of witnesses allege that on 27 April 2007 the police conducted themselves aggressively with people, who were situated not far from Tõnismägi, and that quite a few onlookers suffered injuries.

Eyewitness (29 years of age): «At about 20:00 I came to Kaarli Blvd in the capacity of reporter, carrying a camera and having on me the reporter's card, and I stayed there until approximately 22:00. I witnessed how policemen drove the gathering people along Kaarli Blvd and along the public road left to it (when facing the church) to the direction of the underground crossing. Entry to the underground crossing located at the end of Kaarli Blvd had been blocked well in advance. The gathering people filed dragged along the whole Kaarli Blvd. According to my observations, the most energetic and aggressively tuned people were positioned «in the front lines», i.e. closer to the St. Charles Church and the Tõnismägi hillock, while nearer to the Independence Square were stationed onlookers and idlers, who did not commit any infringements of law. Even more so, they had no opportunity to commit them (it was too far to policemen from there). Unexpectedly (I reckon it was at about 21:45) policemen with special gear (helmets and transparent shields, on which they banged with truncheons, seemingly for frightening the people) rushed at the gathered people, moving in the direction from Tõnismägi towards Independence Square on the public road – by that time the road was closed. The gathered people, in their turn run towards Independence Square and clashed with the file of policemen (hereinafter 'special squad', although I am not sure that it was the special squad) in black clothing – unlike the policemen, advancing from the side of Tõnismägi, who were wearing luminous yellow vests. Special squad assumed the position in a file so as to obstruct the path of running people, blocking their way to Independence Square. Because of the dark uniform they were hard to notice. I saw that it was the onlookers and gapers that were the first to run up to special squad. Special squad handled them roughly, without further ado: the first arrivals were locked in the «encirclement», they were pushed back, they were bawled at in Russian «Back!» and «Down!» which could be interpreted as the order to drop on the ground or asphalt. If people resisted, i.e. did not drop on the ground, they were, without warning beaten with truncheons (I would like to emphasise: there were no signs of aggression manifested by those people), they were kicked to the ground, their hands were bound behind their back and they were again bludgeoned with truncheons. When people chose to be submissive, the same occurred: their hands were bound and they were sometimes whacked, evidently just in case, to scare them ... Part of them, seeing

what was going on attempted to break through the file of the special squad. Some succeeded in that. I will repeat: the special squad made short work of especially those who were in the «back lines», i.e. stood idle and followed the developments. From time to time the officials of special squad went for one person in a group of two-three. Officials of special squad seemed to be well aware of what they were doing».

Eyewitness (31 years of age): «I was situated near the Clock of Freedom in Independence Square and took photographs and shot a video film. At 22:28 an official of the sting squad, having run up to me from behind hit me on the supporting leg with truncheon. I was sober, I had not violated the law and order, among people surrounding me nobody was aggressive, nor were there any people who could conceivably assumed to be roughnecks and looters».

Eyewitness (43 years of age): «At approximately 21:15 I took a seat on a bench in Kaarli Blvd, in order to rest a bit. There was nobody on the bench beside me. Two officials of police, without carrying badges of authority accosted me. They demanded, in a gruff manner, that I should leave that place. When I wondered to what directions I should make my way, policemen knocked me down and beat me up during 2-3 minutes».

3. Apprehensions on 27/28 April: principles of apprehension

With reference to numerous eyewitnesses a conclusion can be drawn, that in the evening 27 April and night 28 April 2007 police went to the extremes and also laid hands even on random passers-by, who perchance occurred to be in the central part of town. Furthermore, police did not notify people about the motives of their detention, or ventured an implausible explanation, provoking disbelief. Quite a few unsuspecting people were arrested, because unlike the hardened lawbreakers they did not make an attempt to give the slip, catching sight of police. There was no official injunction issued banning visits to the Old Town. Bars and restaurants were working in full swing there.

Eyewitness (47 years of age): «At 23:30, when my wife and me strolled in the centre of Tallinn along Viru Street, police cordoned off the whole quarter and grabbed everybody who happened to be in their way. Those who were busy wrecking the showcases of the shops at that time, used blind alleys and everything turned out happily for them. Those remaining behind, assuming that running away would implicate them and give motive for arrest, were knocked off their feet with kicks on shins, they were sent toppling on ground with faces down and they were manacled with

plastic handcuffs. Beside me, there occurred to be an Estonian-speaker, who started to explain something to the police, and he was let go».

Eyewitness (30 years of age): About midnight «my brother and me crossed Pärnu Road (it was blocked by police) and turned up in Georg Ots Street, planning to bypass the area encircled by police. We heard behind us shouts and stampede. I noticed that several officials of police were running to my brother. We made no attempts to clear off. I thought it could be a misunderstanding, but coming up to my brother the first of the policemen clobbered him on the head with truncheon, and my brother fell down. At the same moment I, too was thumped on my head ... Upon my wondering question «For what did you beat us up?» the policeman who had unmercifully slammed my brother said that there were traces of blood on our hands implicating us as having smashed the showcases. First I did not understand what he meant, but when were seated in a bus, I felt blood trickling down my neck. We soiled our hands when lying on the sidewalk, keeping them behind our heads. Until that time, our hands were clean».

Eyewitness (43 years of age): «When I was escorted to identification, upon my question about the reason why we were taken to custody a policeman answered that I myself was to blame for that».

Eyewitness (21 years of age): «Having seen my girl-friend home I walked to my place on foot. At 2 o'clock in the morning I found myself on the corner of Viru Street and Pärnu Road. I was going alone, not disturbing public order. All of a sudden, the policemen were yelling and running. I could not possibly relate that uproar to me, I was just heading home. Noticing that there were two policemen, in their haste running towards me, I stopped, raised my hands and obeying the order, eased myself on the ground, injuring my chin in the process of contact with asphalt, because the police banged me on the back». (*Events in the night against 27 April*).

Eyewitness (14 years of age): «Approximately at 19:30 I was going home in the region of Tuukri Street. In front of me there were three male youths walking (approximately 15-16 years of age). A bus was moving to our direction ... A group of more than 15 policemen jumped out it, wrung those blokes' hands putting handcuffs on them, pushed them on ground. This scared me mightily and I ran to the bus stop in Narva Road. A policeman caught me up, grabbed me by the scruff of my neck and dragged me to the place where the guys were lying. I was kicked off my feet, a policemen pressed hard on my chest with his knee, and my hands were bound with a length of plastic straps».

Eyewitness (32 years of age): «Approximately between 23:00 and 24:00 I was walking through the Town Hall Square to the side of Viru Street (I was going home). I was together with three of my acquaintances, my co-students from the university. We all were absolutely sober, we were not aggressive, and we did not shout anything. In the Town Hall Square, there were few people. Heading towards us was a group of policemen (15-20 people). Because we had not participated in any meetings and had therefore nothing fear, we just continued ahead. All of a sudden one of the policemen barked something and they descended on us ... When I asked «Why have we been detained?» I heard a gruff answer: «You should better sit home!»... We were said that we would be taken to a «filtration camp»».

Eyewitness (32 years of age): In D-terminal «I attempted to find out for what I had been detained. In reply I was only shouted at».

Eyewitness (30 years of age): «When I was released I asked what I had done wrong. I was answered that I had occurred in the wrong place at the wrong time».

Eyewitness (33 years of age): «On 27 April my new-born child was 2 weeks. I work for a transportation company. At that time my shift ended at 22:30... We wanted to buy flowers at the flower stand, to congratulate my wife. We did not participate in the manifestation around Bronze Soldier, and we did not even nurture such thoughts. At about 00:20 we standing near the club «Venus» talking idly. Quite unexpectedly some policemen appeared round us. Two of them fell upon me and wrung my hands behind my back, without explanations, bound them with builder's clamp and flung me on asphalt, face down».

Eyewitnesses (both 30 years of age): «At about 23:45 we came out of restaurant «Bierhaus» and went in the direction of Independence Square (we had a car parked nearby «Kristiine Centre»). At the end of Harju Street we met with police covering force. Passing by the policemen we asked them where we could go to the direction of Kristiine. Nobody cared to answer and we went down along Müürivahe Street. We heard shouts behind us, and stampede. I noticed that several police officers were running in our direction. We did not make an attempt to dash along. We thought it was misunderstanding. Having caught up with us, policemen straight off started hitting away at us with truncheons, mostly on head and back. We were pushed down on the ground. We were lying on sidewalk face down, holding hands at the back of head. We were told to remove

the hands behind our back, after which they were bound. We asked what we were being mauled for, while we had not done anything unlawful and did not even put up resistance».

4. Apprehensions 28/29 April: principles of apprehension

On the basis of available evidence there are all grounds to assert that in the evening 28 April and in the night against 29 April 2007 police detained «for preventive purposes» Russian-speaking persons who happened to be in Old Town. There was no official ban on visiting Old Town (although mass media had, by that time made vocal respective appeals by some officials). The majority of bars and restaurants continued normal operations.

Eyewitness (36 years of age): «I was accosted by a policeman, who wanted to see my documents. I handed him my ID card. He asked about my citizenship. «Does it make a difference?» - I answered. «You will see in no time», - he let fall an answer and there and then my hands were wrapped in a plastic strip ... In the small hours of the night in the cell I was asked why I had been seized. I was answered that I would better not leave home until May 9».

Eyewitness (22 years of age): «When we were not far from “Hesburger” in Old Town we saw policemen. They came up to us and asked to see our documents. We produced the documents. Thereafter they turned us with backs to them and body-searched us. Failing to find anything illegal, they started binding our hands with clamps. Filled with indignation by their conduct I said that they had no right, that there were no reasons to detain us, that it was unlawful. To which one of the policeman reacted by saying in Estonian-accent Russian: «Shutup!»... We were kept in the cell from 23:00 until 08:00 in the morning. When we were released, our things were returned to us, while we had to sign a certificate reading: «I have received my personal effects and do not have any claims»».

5. Apprehensions on 27/28 April: methods of apprehension

Majority of witnesses among persons who had been detained point out that policemen beat persons, who already were incapacitated and in a helpless state. A number of witnesses too were forced to lie on the ground in the night in April (sometimes quite long). Police used, in the function of handcuffs, the plastic clamps (called differently by witnesses).

Eyewitness (a lady 50 years of age): «I met with my daughter [23] in the centre of town. Approximately at 21:30 we crossed the Independence Square. On the sidewalk behind the underground crossway, we were stopped by people in black uniform. The squad of people in black uniform blocked our way and sprayed gas at us, without warning. Then a policeman threw us down and clasped our hands behind our back with a plastic strip. My daughter found herself face down on asphalt ... I attempted to turn myself on my side, so that I could spit dirt out of my mouth. A policeman came running to me and started kicking me with feet, ordering me to lie still. It was then, evidently that a finger of my right hand was broken. We continued lying down on the ground 15-20 minutes».

Eyewitness (a lady 18 years of age): «... We surrendered at discretion of the police, we lied down on the ground, but we nevertheless got a beating, while our hands were bound. I was lying on asphalt over 30 minutes, after that another half-an-hour on the lawn of Security Police. All the time my hands were tied» (*events in the night against 27 April*).

Eyewitness (21 years of age): «We were lying on the ground faces down for over half an hour. One of the policemen did not like the way I was lying down. He kicked me twice with his boot at my leg. The blow left abrasions and bruises. Our attempts to ask or say something triggered an avalanche of unprintable swearing, debasing human dignity, and brutal kicks».

Eyewitness (18 years of age): «Our hands were tied with builder's band. The band cut into my flesh, my hands grew numb. In the process of tying up, I got a severe bang with truncheon on my back ... We were lying down on chilly ground for ten minutes. Then the police started getting us up and pushing down the hillock. Down, I was laid on asphalt for another 30 minutes. Then a bus drove up and sped 20 people away. We were still lying down. Then a police car arrived and gathered up 6 more people including me».

Eyewitness (52 years of age): «In the period between 17:00 and 18:00 I was at Kaarli Blvd, because I was going to the box-offices of the Russian Drama Theatre. Both sides of the boulevard were lined with policemen. On the sidewalk there were a lot of people. The situation was calm. I made a step on the driveway to ask how I should better cross the boulevard. On that moment a policeman rushed to me, to be followed by two more. They wrung my hands behind my back and kicked me down on the lawn. Thereafter they hit me three times, when I was already sprawling down, with truncheon and foot. The blows showered on me from the right

side, hitting for-arm, hip and foot. I lost consciousness and came to senses again when the police car drove up».

Mother of a witness aged 14: «Approximately at 18:00 my son was returning home from school. He got to bus no 40. In Independence Square, a traffic jam had formed and the movement of buses had stalled. He decided to leave the bus and go on foot through the park, come out near hotel «Tallinn», and take the bus no. 40 or no. 59. However, near the café «Moscow» a smoke charge exploded and people broke into a run. A policeman caught him, ordered to sit on asphalt and wait for the police car. When the car drove up, his arms were wrung behind his back, he was hit with the fist at shoulder and he was dragged to the police car. This frightened him out of his wits and he started sobbing. Because there was not sufficient space in the car, his hands were tied with plastic builder's clamp and he was ordered to wait for the next car». *(Later, an elderly lady rescued the child from the hands of police; there is a photo and video evidence).*

Eyewitness (32 of age): «Approximately at 20:00 we decided to travel to city and relax in a bar in Old Town. We went on trolleybus no. 5 until «Lille» stop and then travelled until stop «Hotel Tallinn». After 21.00 we went from that stop up along Falgi Street, in order to get to the stairs, leading to Independence Square. Somewhere in the middle of Falgi Street we saw a crowd of teenagers running to our direction, followed by police in black uniform wearing masks and armoured vests. We withdrew from the path of the crowd to the side of the road. Policemen and the bigger part of the people ran past us. We wanted to continue our leisurely stroll and were already on our way when all of a sudden I received a strong blow at my legs. Caught unawares, I dropped to my knees. I attempted to rise, but got two more blows at legs. Several policemen fell upon me; they tied my hands behind my back and started flogging me with metal truncheons. I was hit on head, arms and stomach».

Eyewitness (38 years of age): «At about 23:00 I was in Tallinn in Independence Square and peacefully conversed with acquaintances of mine. At that time, bangs started to sound and all the people situated there ran in different directions. A policeman ran up to me and started cudgelling me, without an apparent cause, on my back with a rubber truncheon ... Dazed with pain from blows I attempted to run. I did not understand what was going on and why policemen beat me. I stumbled and fell, feeling that someone fell on me and started beating me with something methodically, on my back and head (later they turned out to have been policemen). When I came to, I felt being carried somewhere, while my hands were clasped up on my back».

Eyewitness (29 years of age): «Approximately at 21:30 I was near the tennis courts not far from hillock Harju. Unexpectedly policemen fell on me. Without any explanations, they beat me up, wrung my arms to my back, laid me on asphalt and tied my hands at my back. Three people beat me on my head with truncheons and feet. I protected my head with my hand and it got broken».

Eyewitness (33 years of age): «After about five minutes I was dragged nearer to the bus stop, where already 10-15 people were lying down. All that time we were forced to gaze at asphalt. A guy next to me was given a kick with foot at ribs by a policeman just because he raised his head and looked at side».

Eyewitness (18 years of age): «We saw that across the road, near the tower Kiek-in-die-Kök there were about 30 policemen standing. We approached them and asked, how we should go to the theatre «Estonia», because I was being late for the last jitney (fixed-route taxi). They advised us to go down to Independence Square. We had hardly gone 10 metres off them when we saw that policemen carrying guns were running towards us from the side of Independence Square, firing away with rubber bullets. I raised my hand crying out «Don't shoot!» In the crowd near me were children and women. Then the police ran up to us and started yelling at us in Estonian ordering us to lie down. We did not understand what it was they wanted of us and they started beating us up. Then one policeman made a right guess and said in Russian: «Lie down! With face down!»»

6. Apprehensions on 26-28 April: transportation

There is evidence about rough handling of those apprehended during transportation.

Eyewitness (22 years of age): «Then a civilian microbus of red colour drove up, we were thrown on floor of the car».

Eyewitness (a lady 50 years of age): «Then a bus drove up and we were ordered to stand and climb on. The bus was crowded with people to the brimming point. We queried why we had been seized. There was no answer forthcoming».

Eyewitness (29 years of age): «The bus was packed with people. Policemen were thrashing everyone. Those who dared declare their rights were beaten with especial savagery».

Eyewitness (14 years of age): «Then we were hauled to the bus, where we were ordered to sit on the floor with hands tied behind our backs. Near the shop «Laste maailm» a Finn of 19-20 was added to our company. Then there was an Estonian-speaker man picked up, who cursed the policemen. They started whacking him with truncheons on his head, until he bled».

Eyewitness (21 years of age): «Then a car came and we were carried nobody knows where and why ... I actually knew where I was only after I was released».

7. House of detention in Rahumäe and courthouse in Liivalaia Street on 26-27 April 2007: conditions of detaining

There is evidence that during the disturbances those detained were held in crowded cells. There are also reports that detainees had to take a beating. There is also a piece of evidence concerning medical aid.

Eyewitness (a lady 18 years of age): «We were 6 in a four seat cell. There were no toiletries in the cell or mattresses; there were only iron bunks. It was very cold». (House of detention in Rahumäe).

Eyewitness (21 years of age): «I was put in cell. Nobody extended any explanations. People kept arriving in the cell. There were 4 trestle-beds, but the cell population was soon 20». (House of detention in Rahumäe).

Eyewitness (25 years of age): «The cell where I was put was a four-bed one, but there were 18 people there». (House of detention in Rahumäe).

Eyewitness (20 years of age): «In the cell meant for two inmates, there were 7 people. Air was very stuffy in the cell». (Court building in Liivalaia).

Eyewitness (36 years of age): «When doors of the bus were flung open, I saw a line of policemen, who drove us to the basement with kicks and stabs in the back. In the basement, there were lots of people: some of them were standing with face to wall, some were on the floor, and many were unconscious. I was put at the wall, but when I tried to stretch my legs, I was pushed to floor. Then there was beating, which was particularly savage. Seemingly the police wanted to humiliate and debase me. My head was banged on, legs were spread apart in different directions,

and the body was straddled upon. All that was accompanied by horrendous cries and din. Half an hour later I was taken to a cell ... When I was released, I went to the street and understood, that I had been in the building of Liivalaia court».

Eyewitness (a lady 41 years of age): «When we were brought to the hangar of the building of Liivalaia court, the clamps on my legs were removed, and I was set with my face against the wall. After about fifteen minutes my hands, too were unclasped. In the hangar I was standing approximately until four o'clock in the morning. It was bitterly cold, and my feet were freezing. I was not allowed to sit. I tried to explain that my foot was causing me pain (after multiple fracture a metal pin was set in the bone). The female policeman retorted that I should not live here anyway».

Eyewitness (25 years of age): «In the cell, I felt sick, because I suffer from stomach ulcer (I have available the case history). I nauseated. We demanded medical aid. A doctor came, gave me a pill and said in a brusque manner that ulcer was not a big deal and that I should better not swill alcohol so much. I demanded that my blood should be tested for alcohol content, but my request was declined ... Approximately after three hours I had a renewed paroxysm. We asked again that a doctor should come to see me, however he never came to the cell. This event can be confirmed by all kept in the cell». (House of detention in Rahumäe).

8. «D-terminal»: conditions of detaining

The largest number of reports of the witnesses concerns the conditions of detention in the so-called D-terminal, i.e. warehouse premises in the area of Port of Tallinn. It would be suitable for our particular ends to distribute them into several groups.

8.1 Squatting; hands bound

Practically all witnesses recall that the detainees were forced to squat, doing it with hands bound, which caused physical torment.

Eyewitness (30 years of age): «Someone behind offered me to sit down, but I refused because the floor was dirty. It occurred however that people were sitting down against their free will: someone pulled me by collar and struck me at my legs, sending me sprawling on my back».

Eyewitness (a lady 50 years of age): «We were made to squat. After some time, female policemen took over the guard duty. A chance to stand up appeared for women: they did not care. Men were not allowed to do so, however. Men were beaten while they were lying down, with hands bound. Those who could not move after the beating were dragged out by feet».

Eyewitness (43 years of age): «I together with other detainees were forced by the police operatives, by use of coercion, to squat or knee down during almost 6 hours on the cold concrete floor, while my hands were fettered with handcuffs. I was forbidden to stand to stretch my legs. When I or someone else from among detainees made an attempt to stand up, we were given a savage beating».

Eyewitness (14 years of age): «We were brought to D-terminal, we were seated on concrete, the handcuffs were removed after approximately 3 hours. Beside me a man was lying down, motionless, his hands in handcuffs had gone blue. Another man asked that his handcuffs should be taken off – his hands had gone numb. Two policemen approached him and tightened the straps up, instead. The man cried: «It hurts me, what are you doing?» Then policemen grabbed him from the scruff of his neck and dragged him to the corner, where they gave him a beating with truncheons».

Eyewitness (47 years of age): «Squatting in the dust was very uncomfortable. After 10 minutes my legs went numb, however the attempts to stand up were nipped in the bud by blows with rubber truncheons and feet... Moving among the policemen were also people in civilian clothes. Evidently, it was «Kaitseliit» [«Defence League», paramilitary organisation]. When one of them ordered me in Estonian «Down!» I asked, what he was and why I should obey him. He brought me, bound and shackled, down on the dusty floor and started beating me with feet in stomach (damaging the sutures which were set after operation several years ago). After that they nevertheless put on fluorescent vests, seemingly for the purpose of looking like policemen».

Eyewitness (18 years of age): «We were not allowed to stand up. When we stood to stretch our legs, we were beaten by people in black uniform from special squad. We were not even allowed to sit».

Eyewitness (29 years of age): «We were made to squat and forbidden to stand. Those standing were brutally beaten ... When somebody managed to untie his hands, he was tied anew so tightly that his hands went numb».

Eyewitness (43 years of age): «Because my hands had been fettered with handcuffs for as long as four hours, I appealed to the police operatives to fether my hands on my breast, or loosen the handcuffs. My request was met with peals of laughter».

Eyewitness (32 years of age): «I was forbidden to stand to stretch my legs. When I or someone else among detainees attempted to stand, however, we were brutally beaten with truncheons. They beat us at our legs, at ribs, in groin».

Eyewitness (32 years of age): «...I was ordered to kneel. I said that when I was apprehended my leg was smashed and I could not kneel. For that, I got a blow with truncheon in solar plexus and I was seated by force on a very dirty concrete floor. I remember well that specific policeman – he was a young man on the shorter side, wearing a close-cropped hairdo».

Eyewitness (33 years of age): «After three hours we were allowed to stand for 15 seconds».

Eyewitness (18 years of age): «I asked several time to change the handcuffs on me. That was not done. When my handcuffs were being removed, the police could not cut them off – they had been fixed so tight and had cut into flesh. It took the police 20 minutes to get them off me, by wringing my hands all the time».

8.2 Bringing physical pressure to bear on those apprehended

Extremely many pieces of evidence concern the cases when collaborators of law enforcement bodies beat the detainees (part of such cases have been presented in the above section «Squatting; hands bound»). A number of witnesses point out the unmotivated character of physical coercion practiced on detainees. Eight witnesses referred to beating of an elderly foreigner/German, who demanded something of the guard. These and other recurrent concrete pieces of evidence are presented only once, although it is not excluded that some of the “stories” may repeat.

Eyewitness (32 years of age): «Policemen strolled by and beat detainees with truncheons, if those tried to ask them of something or if they asked the permission to go to the toilet».

Eyewitness (32 years of age): «In the hangar there was an iron railing, already holding a dozen people. It was the place to put the people unwilling to sit down; 3-4 policemen beat them there. Of especial brutality was the conduct of people in black uniforms and masks, carrying an inscription on their back «Operatiivgrupp» (Operative group)».

Eyewitness (43 years of age): «Under my very eyes policemen from the prison special squad beat a detainee until he lost consciousness, dragged him to the wall and left him lying in the pool of his own blood».

Eyewitness (30 years of age): «I was helped to stand up and I was taken to another end of the hangar, where I was sitting about four hours, observing how the police officers beat the people».

Eyewitness (30 years of age): «Among guards there were young people, I reckon younger than 18, excelling in beating».

Eyewitness (29 years of age): «In my presence, people were beaten with truncheons on head, then they were dragged along the floor to the cage ... I also saw how an elderly German of 60-65 in beige jacket was beaten. First he was beaten, and then he was shackled with handcuffs to the cage. Policemen carried beaten up people from hangar to the street».

Eyewitness (18 years of age): «All without exception were beaten, even young girls. Beaten with feet were those standing, and those lying down also got a beating. On one of the detainees, foam was poured from a container; it burned his face, he howled... One of the boys was beaten so that he screwed up his eyes in pain. Then he was carried away».

Eyewitness (47 years of age): «Two persons, wearing a close-cropped hairdo, manifested especial ferocity ... and one wearing glasses who evidently greatly enjoyed thrashing and drubbing the people. The others thrashed us from time to time... When the guards fell on someone and beat them heartily, and we all started crying for them to stop, they attacked us and beat us ... One of the guys proposed that we should stand up from the squatting posture, thereby expressing our protest. The majority, who were able to, stood up. The guards started thrashing everybody without discrimination. Another batch of some 20 policemen rushed in. The protesters were sent sprawling on the floor or were forced to squat again, with truncheons ...

After change of the shift, three men in black came in. They were especially savage, they beat with metal clubs and heavy boots».

8.3 Availability of water, possibility to go to the WC

Some of the witnesses point out that the detainees were not given water to drink. Some were taken to the toilet. There are also pieces of evidence suggesting that many persons kept there were refused the benefit of toilet.

Eyewitness (32 years of age): «During the whole time I stayed in custody I was not offered a single drink of water. Not everybody was granted permission to go to the toilet. Those insisting on that and creating an uproar were beaten».

Eyewitness (32 years of age): «I asked permission to go to the toilet but the policeman gave me a swinging blow».

Eyewitness (47 years of age): «Many wanted to drink, however none was ever given some water. Nobody was taken to toilet either».

Eyewitness (43 years of age): «I was taken to toilet only after 4 o'clock in the morning, when I had asked the policemen for the fifth time».

Eyewitness (27 years of age): «The requests of detainees to be taken to toilet went unanswered».

8.4 Availability of medical aid

According to evidence the medical aid was available, although it was administered in specific conditions. It should be pointed out that among the witnesses there were no people with medical education.

Eyewitness (23 years of age): «Approximately at 22.30 policemen started to pellet the crowd with rubber bullets. The stray bullets also hit people not participating in rally. One hit my right hand, and I winced with pain and turned aside. Thereupon I got a blow with truncheon on the back of my head. That blow cracked my head. Then I was hit on my knee. I fell, and was bundled up and thrown in a car together with other detainees. I requested medical aid but my

appeals were ignored. I was taken to the D-terminal of the port, where my consciousness started slipping away. It was only then that my head wound was just dressed. Later I felt increasingly worse. A young person being beside me called help. Nurse examined me and said that I should be taken to the hospital. I was heaved up by two policemen but I fell, due to loss of energy. Nobody cared pick me up, I was just dragged to the ambulance car».

Eyewitness (a lady 50 years of age): «Already in the bus I felt that there was something wrong with my hand. I requested a doctor. After some time the doctor came, looked at me and left».

Eyewitness (18 years of age): «One of the people developed [a paroxysm], they started beating him. I started clamouring for a doctor, then they fell on me».

Eyewitness (47 years of age): «There were many people with serious traumas: fracture of nose (he was not even allowed to wash his nose, some sort of children's sticking plaster was stuck to it), fracture of fingers, a wide wound on leg. Doctors were there, but they did not provide medical aid of any great substance ... I do not know why he was beaten [by policemen], but he got a severe beating ... After ten minutes, noticing that he did not move I asked the policeman to call a doctor ... The doctor, having examined him, departed with a smile suggesting that everything was OK. But when we were released at four o'clock, he was still quietly lying down».

9. Apprehensions (arrests) on 26-28 April 2007: problem of informing the relatives

Many witnesses from among those detained complain that they were not allowed to inform the relatives about the detention. Nor did collaborators of law enforcement bodies inform the relatives.

Eyewitness (32 years of age): «Nobody explained to me the cause of my detention, no accusations were presented, my rights were not explained to me and I was not allowed to make a single telephone call».

Eyewitness (43 years of age): «I was not allowed to call my relatives, in order to tell them of my predicament ... [In D-terminal] I was beaten, in response to my requests to call my relatives».

Eyewitness (32 years of age): «At the beginning [in D-terminal] I could still move and approached the table, where female policemen were sitting, to ask them permission to contact

my wife. They started yelling at me. People in black special habiliment approached, in masks, and started yelling and beating everybody with truncheons».

Eyewitness (a lady 18 years of age): «I was taken to the penal house in Mustamäe. I was not allowed to contact my mother and my telephone was taken away». (She meant: house of detention in Rahumäe).

Eyewitness (32 years of age): «I was not allowed to call my family, in order to tell them of my arrest».

Eyewitness (14 years of age): «Approximately after three hours of sitting down the policeman asked my age and took me to a room where a woman recorded my personal details. Handcuffs were taken off me and I stood another couple of hours. I then asked the police whether my mama had been called. I was again taken to that room and my mama was called in my presence. Mama worked in the night shift ... and could not collect me. I was seated in a car and driven home. It was 4 in the morning».

Eyewitness (33 years of age): At next morning «I asked permission to give a call to my wife. They promised me to do it for me, but my wife never received a call».

Eyewitness (21 years of age): «During all the time of being locked up (20 hours) I was never allowed to give a call».

Eyewitness (a lady 54 years of age): «It was only in three days, on 29 April, after repeated appeals to the police I learned that my son had been arrested».

Eyewitness (a lady 67 years of age): «On 26 April at 18:35 my son was travelling from Tapa to Tallinn... At 23:00 I called him on telephone, but it was switched off ... I then called the detention house and learned that my son was put under arrest and sent to Tartu penitentiary on 28 April. This information came to my notice as late as 30 April. No state authority apprised me of detention of my son».

Addendum

In what follows, a sample case of complaint and a typical answer from the police prefecture are presented, containing a refusal to initiate a criminal procedure.

1. Application of Aleksei Rattik to the police (English translation of Russian unedited text; presented to Legal Information Centre for Human Rights «to be taken cognisance of»)

On 27 April I was going home from the side of «Kaubamaja» to Mustamäe. In the centre of town the traffic of public transport was obstructed. It was about 22:35 – 22:45. Policemen, stationed at about Independence Square did not obstruct my way when I was crossing the square and never mentioned that it was prohibited to enter that section of town. The road in the direction of Tõnismägi was blocked by a crowd of people and police. I decided to go through Toompea, past Alexander Nevski Cathedral, to the stop «Koidu», where trolleybus no. 3 stops. When I was ascending the stairs, the crowd from Independence Square ran to the centre of Old Town. Police was treading on their heels, firing.

When I saw that from the side of Alexander Nevski Cathedral, police, dazed with rage is running flailing truncheons in their hands, flogging everybody within their reach, either those standing quietly or running, I kneeled on grass at the side of the road and laid my hands on my head. A policeman with a truncheon run up to me (he had no tag with his name), and he wanted to make me stand up. Threatening my with his police truncheon, he yelled for me to stand up and go to the road. Seeing that all standing up and going to the street were first shot at by a special squad (moving to the direction of Alexander Nevski Cathedral from Independence Square, firing away with guns loaded with rubber bullets), and were thereafter beaten up by police with the help of clubs, I said that I was already kneeling well, all the time holding hands on head, and that I intended to do no harm to anyone. Thereupon the police laid me face down on the ground and fixed my hands behind my back with makeshift handcuffs. It was approximately 22:50.

I was then lifted up, taken to the street and laid on stone pavement, face down. Nobody of policemen explained for what I had been apprehended. Those asking something of the police, were chastened by police with blows of truncheons aimed at body. I therefore decided that it would be better to stay silent (police bawled at all „Shutup!”). Nor was I advised that the feet

must be spread to the width of shoulders, I just got a kick at my legs, which were spread by kicks.

Approximately at 23:05 a policeman raised me up (he was speaking Estonian). He strongly seized me by my provisional handcuffs and gave a jerk so that my shoulders gave a crunch in the area of shoulders. Together with remaining detainees I was seated in a bus and was taken to barracks at D-terminal in the Port.

In the barracks, I was seated on the ground. In my presence, citizens of Estonia and those of other countries got it hard, in the way of beating. People, who dared ask questions of police, got a shower of blows with truncheons instead of an answer. At about 23.30 citizens of Estonia in police form arrived, carrying truncheons in hands. They started flogging the detainees with utterly brutal techniques for every transgression and also because the detained people asked questions. I saw when citizens of Germany were beaten (father and son), when they wanted to convey to the police a message that they wanted to the WC, that they did not understand Estonian, that they were victims of police blunder.

I got to the toilet approximately three hours after I first requested it. One of the citizens of Estonia (he spoke Estonian) in police uniform (I could recognize him because he excelled sadistic whipping of detainees) approached me and tightened up my provisional handcuffs so that my hands went numb and my veins bulged up. Because I relocated my hands with provisional handcuffs to the front, from behind the back, I saw that my hands had become white in hue. After that I asked another policeman to loosen the handcuffs (provisional) and to put new ones on me. After a quick look at my hands he took off the old ones and put on new provisional handcuffs, more loosely. Citizen of Estonia in a police form, who tightened up my earlier handcuffs admitted to me in the process of a short dialogue that he was a fascist. He said: «Yes, I am a fascist».

I was released at about 3:00 – 3:15 in the night of 28 April, having recorded my details. But even when I was let go, I did not get an answer to my question «For what did you detain me?»

[signature]

4 May 2007

Note: the application was accepted by Põhja Prefecture of Police on 4 May 2007.

2. Notice on refusal to initiate criminal procedure no. 07230000008 (unofficial translation from Estonian)

Mr Aleksei Rattik

Tallinn, 10 May 2007

We shall hereby bring to you knowledge that on the basis of materials, registered in information system POLIS of Põhja Prefecture of Police under no. 2300,07,0,0000265, the allegation that police had illegally used force with respect to applicant on 27 April 2007, has not been supported with evidence. The applicant failed to present a certificate about bodily injuries sustained (except for the trace of clamp of the handcuffs).

In view of the events Republic of Estonia witnessed on 27 April 2007, police was under obligation to react to violation of law and order, to procure internal security of the state and public safety.

Due consideration, too should be given to the time, place and situation prevailing in the process of those events. Involved were large masses of people and there was a dire need to provide for general public order in the period of disturbances, therefore the police was entitled to act under pp. 6 and 8 par. 6 § 14 of Police Act, specifying that for detaining offenders, taking offenders to the police, the police has the right to use physical force and special equipment (e.g. handcuffs) to provide for their own safety, or if there are valid grounds to believe that the detained offenders might cause damage to other people, those around and to themselves.

On the basis of the above and with reference to § 194 and p. 1 par. 1 § 199 Code of Criminal Procedure (KMS), the criminal procedure will not be initiated for lack of respective motive.

In case you disagree with the decision taken, you have the right, subject to par. 1 and par. 3 § 207 KMS appeal against the decision on refusal to initiate procedure, to Circuit Prosecutor's Authority within 10 days as from the date of receipt this notice. Subject to par. 2 § 198 KMS, the refusal to initiate the criminal procedure will be brought to the knowledge of person, in respect whereof the complaint about offence has been presented.

3. Extracts from § 14 of Police Act (unofficial translation from Estonian)

§ 14. Weapons and special equipment of police

(6) The police have the right to use special equipment, truncheons and gas weapons for the performance of police functions in the following cases:

6) For detaining offenders, taking offenders to the police or other premises, convoying and protecting detained persons, and against persons detained or taken into custody if such persons do not obey, or offer resistance against police officers or other persons who perform their public duty in the protection of public order or fight against crime, or if there is sufficient reason to believe that they might escape, harm other persons, the surroundings or themselves.

7) The police shall consider the nature of each offence, person and situation before using special equipment, truncheons and gas weapons against an offender. If special equipment, truncheons and gas weapons are used, the police shall avoid causing more harm to the health of the persons than unavoidable in the situation.

8) A police officer has the right to use self-defence equipment and physical force upon the performance of police functions or for ensuring his/her own safety.