

EXTERNAL (for general distribution)

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Further information on Extra 73/93 (EUR 70/18/93, 25 August 1993) -
Torture/possible Legal Concern

FEDERAL REPUBLIC OF YUGOSLAVIA (KOSOVO):Xhavit HAZIRI

Ismet MAHMUTI

Hajredin HYSENI

Faik AJETI

Raif QELA (ÇELA)

Salih MUSTAFA

Salih SALIHU

Nehat SELIMI

Ahmet HAXHIU

Ramadan PLLANA

Islam MULAKU

Ajet BERISHA

Bajrush XHEMAJLI

Sanie ALIU (f)

Ramize ABDULLAHU (f)

Shemsi VESELI

Rexhep AVDIU

Skender HAJDARI

Hamit ZEQRIRI

The above 19 persons, all ethnic Albanians, went on trial before the district court of Priština on 8 December. They were arrested in July and August 1993 and have been charged under Articles 136 and 116 of the Yugoslav criminal code with founding an illegal organization, "the National Movement for the Republic of Kosovo" aiming at the violent secession of Kosovo province from Yugoslavia and its independence or unification with Albania. Six defendants (Mahmuti, Hyseni, Ajeti, Qela, Mustafa and Zeqiri) are also charged with illegally obtaining and/or possessing weapons. The accused are held in Priština prison, with the exception of Ahmet Haxhiu who was released due to severe ill-health and Sanie Aliu, who was released in October.

Amnesty International is concerned about further reports that the accused were severely beaten and ill-treated following arrest by police in order to be obtain statements from them. It is reported that Salih Salihu, earlier alleged to be ill as a result of torture by police following his arrest, was unable to walk into the court unaided and had to be supported by police officers. AI has also learned that lawyers for Xhavit Haziri, Raif Qela, Ismet Mahmuti and Faik Ajeti filed complaints in August 1993 that their clients had been severely beaten and injured by police. According to his lawyer, on 7 August Xhavit Haziri was asked by the investigating judge to explain discrepancies between statements he had made to police and those given to the investigating judge. In answer, he removed his clothes displaying to the investigating judge, the public prosecutor and his lawyer "a huge number of bruises on his back, arms and legs" which, he said, had been inflicted on him by police during interrogations in the period following his arrest from 2 to 6 August. His lawyer the same day filed a demand that Xhavit Haziri be medically examined to establish the nature and cause of his injuries, but according to a further complaint filed on 18 August, he was not examined until 16 August and in the meantime had on five further occasions been questioned and ill-treated by police, who on 15 August,

tortured him with an electric truncheon. In a complaint filed on 27 August, Raif Qela's lawyer stated that when he visited his client that day he had observed that the latter was in a very bad physical and psychological condition. His client had told him that during questioning by police he had been "beaten, given various injections and electric shocks and threatened with liquidation".

A number of lawyers have also filed complaints about various procedural violations, including the fact that their clients were held for up to nine days by police without a court order (Yugoslav law allows for a maximum of three days), that decisions ordering remand in custody and the opening of investigations were delayed well beyond the legal limits so that the accused and their lawyers did not know what the charges were against them and could not file objections to them. Lawyers also complained of obstruction in obtaining access to their clients and the court dossier in the initial stages of the investigation. Several lawyers have filed petitions for the exclusion of the investigating judge and the President of the District Court on the grounds of that they committed or condoned these procedural violations. This case is just one in a series of trials involving over 80 ethnic Albanians arrested since July this year and accused of separatist activities.

Amnesty International is concerned about the increase on other reports of the ill-treatment of ethnic Albanians in Kosovo province by the largely Serbian police force. These incidents often occur in the course of house searches by police looking for arms. In addition, political activists and former political prisoners are common targets of police ill-treatment. Serious injuries and deaths have occurred as a result of such beatings.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes and airmail letters either in English, French, German or your own language:

- expressing concern about allegations that many of the above defendants were beaten and otherwise ill-treated following their arrest; note, in particular, that lawyers for Xhavit Haziri, Raif Qela, Ismet Mahmuti and Faik Ajeti filed complaints that their clients were severely injured by police beatings and sought medical examinations for their clients in order to confirm their allegations;
- urging that these allegations of ill-treatment be thoroughly and impartially investigated and that any police officer found to be responsible be brought to justice;
- expressing concern that as a result of ill-treatment some defendants may have made false self-incriminating statements which could be used against them at trial;
- expressing concern about reported procedural violations which could further undermine the defendants' right to a fair trial - in particular, unwarranted delays in providing the accused and their lawyers with information about the charges against them.

APPEALS TO:

1. President of the Republic of Serbia

Mr Slobodan Milošević

Predsednik Republike Srbije

Srpskih vladara 14, 11000 Beograd, Yugoslavia

Telegrams: President of the Republic of Serbia, Beograd, Yugoslavia.

Faxes: +381 11 682 167

Salutation: Dear Minister

2. Minister of Justice of the Republic of Serbia

Dr Tomislav Ili_

Ministar pravde

Republičko Ministarstvo za pravosuđe i opštu upravu

Nemanjina 26

11000 Beograd, Yugoslavia

Salutation: Dear Minister

3. Public Prosecutor of Serbia

Republi_ki Javni Tu_ilac

Javno Tu_ilaštvo Republike Srbije

Nemanjina 26

11000 Beograd, Yugoslavia

COPIES OF YOUR APPEALS TO:

1. Committee for the Defence of Human Rights and Freedoms, Priština:

Xhavit Mitrovica 15

38000 Priština, Yugoslavia.

2. Federal Minister for Human Rights and Minority Affairs

Ms Margit Savovi_

Bulevar Lenjina 2

11070 Beograd, Yugoslavia

Faxes: +281 11 636 775

and to diplomatic representatives of the FEDERAL REPUBLIC OF YUGOSLAVIA
accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 7 January 1993.