

PUBLIC

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Legal concern

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FEDERAL REPUBLIC OF YUGOSLAVIA (KOSOVO) - Some 300 ethnic Albanian detainees, including Destan Rukiqi, seriously ill, and Adem Berisha, Cen Dugolli and Bislim Rexhep, dead following detention

Amnesty International fears that around 300 ethnic Albanians, detained in Kosovo province on charges of being members or supporters of the separatist Kosovo Liberation Army (KLA), could be subjected to torture or ill-treatment and denied legal safeguards, including prompt access to lawyers and relatives.

Since 17 August 1998 at least two detainees - Cen Dugolli, from Uroševac (Ferizaj in Albanian), and Adem Berisha, from a village near Dragaš (Dragash in Albanian) - have died, allegedly as a result of ill-treatment in custody. In July another detainee, Bislim Rexhep, a human rights activist, also died, allegedly due to ill-treatment by police. Destan Rukiqi, Cen Dugolli's lawyer, was arrested and sentenced to 60 days' imprisonment in July following a verbal dispute with an investigating judge. He was subsequently hospitalized with severe kidney injuries, which were allegedly caused by ill-treatment in custody.

The around 300 detainees are among at least 350 ethnic Albanians who are currently under investigation by courts on KLA-related charges. The great majority of those under investigation are in detention in various jails in Kosovo, although some have escaped arrest. New arrests are reported almost daily in this area.

Amnesty International fears that the detainees may be forced to make self-incriminating statements which could be used as evidence against them during trial, in violation of international standards for fair trials.

BACKGROUND INFORMATION

Since the outbreak of armed conflict in Kosovo in March this year, over 350 ethnic Albanians have become subject to investigations by the Serbian authorities, generally on charges of "terrorist" activity. Hundreds of others have been arrested and detained for periods ranging from several hours to several days. Many have reported being subjected to severe ill-treatment while in custody.

Amnesty International fears that an increasingly large body of detainees in Kosovo may contribute to heightened disrespect for their human rights. Under the conditions of armed conflict in the area, it may also be difficult, or impossible, for lawyers or family members to visit and maintain contact with detainees. In such circumstances, detainees are especially vulnerable to physical or psychological pressure to make statements incriminating themselves or others.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English, German, French or Russian or your own language:

- expressing deep concern at reports that detainees arrested in connection with armed conflict in Kosovo province are subjected to torture and severe ill-treatment in custody;
- urging that all police and judicial officials fulfill their responsibilities, as laid down in domestic and international law, to ensure that detainees are not tortured or ill-treated;
- urging that all detainees are granted full legal safeguards, including access to their lawyers and families, who should also be immediately informed of the detainee's place of detention;
- that all detainees in need of medical care be granted access to doctors of their choice;

- citing the cases of Adem Berisha, Cen Dugolli, Rexhep Bislimi and Destan Rukiqi, urging that prompt and impartial investigations be undertaken into all cases in which it is alleged that a detainee died or was injured as a result of ill-treatment in custody, that the findings be made public and any perpetrators brought to justice;
- reminding the authorities of the principles enshrined in the Universal Declaration of Human Rights, notably Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment."

APPEALS TO:

President of the Federal Republic of Yugoslavia

Slobodan Milošević

Predsednik SRJ

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11070 Beograd, Yugoslavia

Telegrams: President Milosevic, Beograd, Yugoslavia

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Salutation: Dear President

Minister of Justice of Serbia

Dragoljub Janković

Ministar pravde

Republika Ministarstvo za pravosuđe i opštu upravu

Nemanjina 26, 11000 Beograd, FR Yugoslavia

Telegrams: Ministar pravde Srbije, Beograd, Yugoslavia

Faxes: + 381 11 3616 590

Salutation: Dear Minister

Minister of Internal Affairs

Ministar unutrašnjih poslova Republike Srbije

Kneza Miloša 101

11000 Beograd, FR Yugoslavia

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Salutation: Dear Minister

COPIES 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 6 October 1998.

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment."

Article 5, Universal Declaration of Human Rights