

EXTERNAL (for general distribution)

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Further information on Extra 04/92 (EUR 48/02/92, 14 January 1992 and follow-up EUR 48/07/92, 27 January 1992) - Legal Concern/Torture

YUGOSLAVIA: Mentor KAÇI - seven years' imprisonment
Sokol DOBRUNA - six years' imprisonment
Naim KRASNIQI - five years' imprisonment
Afrim MORINA - five years' imprisonment
Deli HAGJOCAJ - five years' imprisonment
Qerkin PEÇI - four years' imprisonment
Sejdi VESELI - four years' imprisonment
Zenel SADIKU - four years' imprisonment
Sadik MULA - three years' imprisonment
Palush PALUSHAJ - three years' imprisonment
Nuhi BYTYQI - two years' imprisonment

and new names: Fatlik LILA - five years' imprisonment
Gëzim EFENDIU - four years' imprisonment
Selajdin DOLI - four years' imprisonment
Nazim KËPUSKA - three years' imprisonment
Sali DAHSYLAJ - two years' imprisonment
Shukri XËRXA - one year's imprisonment
Sali ÇAKA - one year's imprisonment
Mehdi HASI - one year's imprisonment

The above 19 men, ethnic Albanians, were tried by the district court of Pec in Kosovo province in the Republic of Serbia, on charges of "association for the purpose of carrying out hostile activity" and "undermining the territorial integrity of Yugoslavia", under Articles 136 and 116 of the Criminal Code of Yugoslavia. The trial, which started on 28 September 1992, finished on 20 October 1992; the defendants were all found guilty and received the above sentences.

Most of the defendants were arrested in late December 1991. They were accused of having founded an illegal organization called the Albanian National Front with the aim of obtaining by means of arms the secession of Kosovo province from Yugoslavia with a view to creating an independent state of Kosovo or joining Kosovo with the Republic of Albania.

At the trial many of the defendants withdrew statements they had given during investigation proceedings on the grounds that they gave them under torture or threats. The first defendant, Mentor Kaçi, said that although there had been several meetings, no formal organization had been created. He admitted he had bought a gun and a revolver from a Swiss citizen and that he had tried, unsuccessfully, to buy arms in Albania with money given to him by Sokol Dobruna. However, they were not intended, he said, to be used to obtain the forcible separation of Kosovo from Serbia. He declared that they were meant to be used exclusively for self-defence, in case the conflict in former Yugoslavia spread to Kosovo province.

Earlier lawyers had filed complaints that investigation proceedings had been carried out by police officers rather than the investigating judge and that although some of the defendants had been arrested as early as October 1992 they had been denied access to their lawyers until 19 January 1992. Even then their lawyers had not been allowed to speak to them freely and without supervision and were refused information about the charges under which their clients were being investigated. Lawyers also informed Amnesty International that prison medical reports showed that several defendants, including Mentor Kaçi, had suffered physical injuries as a result of ill-treatment following their arrest.

page 2 of 2FU Extra 4/92...

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters:

- expressing concern about reports which indicate that the above 19 defendants did not receive a fair trial in accordance with international standards;
- stating that at their trial many of the defendants claimed that following their arrest they were physically ill-treated or threatened, as a result of which they gave false statements (Noting that medical evidence reportedly supports these allegations in at least some cases);
- expressing concern that for much of the pre-trial proceedings defence counsel were denied access to the files on the cases and were prevented from discussing details of the cases with their clients;
- urging that the defendants' convictions be reviewed in accordance with international standards, and that an investigation into their allegations of torture and ill-treatment be instituted.

APPEALS TO:

1. Prime Minister of the Federal Republic of Yugoslavia

Mr Milan Pani_
Premijer Savezne Vlade
Bulevar Lenjina 2
11070 Beograd

Telegrams: Federal Prime Minister Pani_, Belgrade, Yugoslavia

Faxes: + 38 11 636 775, 195 244

Salutation: Dear Prime Minister

2. Federal Minister for Human Rights and Minority Affairs

Dr Mom_ilo Gruba_
Savezne Ministar za ljudska prava
Bulevar Lenjina 2
11070 Beograd

Telegrams: Federal Minister Human Rights, Gruba_, Belgrade, Yugoslavia

Faxes: + 38 11 636 775, 195 244

Salutation: Dear Minister

3. Minister of Justice of Serbia

Mr Zoran _etkovi_
Ministar pravde Republike Srbije
Nemanjina 26
11000 Beograd

Telegrams: Ministar pravde Republike Srbije, _etkovi_, Belgrade, Yugoslavia

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Federal Minister of Justice
Dr Tibor Varadi
Savezni ministar za pravosudje
Omladinskih brigada 1
11000 Beograd
Faxes: + 38 11 636 775, 195 244

President of the Republic of Serbia
Mr Slobodan Milošević
Predsednik Republike Srbije
Srpskih vladara 14
11000 Beograd
Faxes: + 38 11 682 167

Human Rights Organization

Committee for the Defence of Human Rights and Freedoms,
Xhavit Mitrovica 15
38000 Pristina
Federal Republic of Yugoslavia

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 30 November 1992.