

EXTERNAL (for general distribution)

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Further information (6) on UA 412/94 (EUR 70/26/94, 24 November 1994), 24 November 1994) - and follow-ups: EUR 70/27/94, 25 November; EUR 70/28/94, 2 December; EUR 70/29/94, 8 December, EUR 70/01/95, 24 January 1995 and EUR 70/03/95, 24 March 1995 - Fear of Torture / Ill-treatment

YUGOSLAVIA (Kosovo) Ethnic Albanian former police employees

On 19 April 1995, nine ethnic Albanian former police employees were convicted by the Pe_ district court of on charges of seeking to undermine Yugoslavia's integrity by force under Article 116 of the Yugoslav Criminal Code. They were accused of having set up a "parallel" or clandestine ethnic Albanian police force in Kosovo province.

Sherif Shala, Shaban Shala, Gani Hajdari, Dërgut Bibaj and Xhevat Ibraj were sentenced to five years' imprisonment; Vllaznim Shehu to four years'; Idriz Elezaj and Skënder Krasniqi to two years' and Sefer Hasanaj to one year's imprisonment. Those with sentences of under five years were released pending appeal.

It is reported that the accused all denied the charges against them, and said that their activities had consisted exclusively in trade union work on behalf of the Union of (former) Police Employees. The court ruled that a list - allegedly of Serbs and Montenegrins to be liquidated - could not be included as evidence, after defence lawyers objected that it was a photocopy, had not been examined by experts and was not connected with the indictment. The accused and at least one witness stated in court that they had been physically ill-treated or threatened by police officers with the aim of obtaining incriminating statements from them.

Seven other former police employees are currently on trial in Pe_, on the same charges.

On 3 May 1995, a further 44 former police employees are due to go on trial in Prizren, among them Ramadan Ndrecaj, Rexhep Oruçi, Salih Sokoli, Halil Kafexholli and Shaban Dana (whose names have been mentioned in previous follow-ups), again on charges under Article 116. In Gnjilane 28 former police officers await trial and 70 others are still under investigation in Priština.

Lawyers for the defendants have repeatedly stated that following arrest their clients were forced, by physical and psychological ill-treatment, to make self-incriminating statements. Police and state security officers carried out much of the investigation and it appears that records of the injuries suffered by the accused usually do not appear in the files of the investigation.

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

- expressing concern at reports of the convictions of nine ethnic Albanian former police employees in Pe_ on 19 April in circumstances which effectively denied them their right to a fair trial;
- expressing concern about forthcoming trials of up to 160 others in Pe_, Prizren, Gnjilane and Priština;
- stating that your concerns arise out of the fact that there have been repeated

reports of procedural breaches in these cases and, even more seriously, numerous allegations that the defendants were tortured or severely ill-treated by police officers following arrest with the aim of obtaining self-incriminating statements from them;

- urging that these allegations be thoroughly and impartially investigated and any police officers found responsible brought to justice;
- urging that defendants be granted a fair trial according to international standards, citing, in particular, Article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Yugoslavia) which states: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

APPEALS TO:

President of the Republic of Serbia

Mr Slobodan Milošević
Predsednik Republike Srbije
Andrijev venac 1
11000 Beograd, Yugoslavia

Faxes: +381 11 682 167

Telegrams: President of Serbia, Belgrade

Salutation: Dear President

Minister of Justice of Serbia

Mr Arandjel Markićević
Ministar pravde
Republičko Ministarstvo za pravosuđe i opštu upravu
Nemanjina 26
11000 Beograd, Yugoslavia

Faxes: +381 11 682 167 or +381 11 659 682

Telegrams: Ministar za pravosuđe Republike Srbije

Salutation: Dear Minister

President of the Serbian Assembly

Dragan Tomićević
Predsednik
Narodna Skupština Srbije
Srpskih vladara 14
11000 Beograd, Yugoslavia

Telegrams: Predsednik Narodne Skupštine Srbije, Belgrade Yugoslavia

Salutation: Dear President of the Assembly

COPIES OF YOUR APPEALS TO:

1) Committee for the Defence of Human Rights and Freedoms

Xhavit Mitrovica 15
38000 Priština, Yugoslavia

2) Helsinki Committee for Human Rights in Serbia

Obilježje Venac 27/IV
Belgrade, Yugoslavia

and to diplomatic representatives of Yugoslavia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section office if sending appeals after 7 June 1995.