

EXTERNAL

AI Index: EUR 70/15/97

11 April 1997

Further information on EXTRA 153/96 (EUR 70/29/96, 2 October 1996) and follow-up (EUR 70/30/96, 7 October and EUR 70/31/96, 11 October 1996) - "Disappearance" / Fear of torture / Torture and new concern: Fear of unfair trial

FEDERAL REPUBLIC OF YUGOSLAVIA Besim Rama

Avni Nura

Idriz Asllani, ethnic Albanians

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Besim Rama, Avni Nura and Idriz Asllani, who have been in detention since their arrest in September/October 1996, were indicted by the district public prosecutor of Priština at the end of March 1997, together with 12 other ethnic Albanian men who are being sought by the police.

According to press reports, they are accused of being members of an organization calling itself the Liberation Army of Kosovo (Albanian - *Ushtria Çlirimtare e Kosovës*) since 1992 following their return from the Republic of Albania where they are alleged to have undergone military training. The 15 defendants are alleged to have carried out attacks on Serbs which resulted in the deaths of four persons and the wounding of 16 others.

Among other charges, they are accused of having killed two police officers and wounded five others in May 1993 in the town of Glogovac. Two members of the group are accused of having shot dead a Serbian female prisoner and of having wounded a police officer accompanying her in April 1996. Besim Rama and four others are further charged with having killed one police officer and wounded another in Kosovoska Mitrovica in June 1996. Besim Rama and one other defendant are additionally accused of having carried out an attack on a refugee centre for Serbs in the town of Vucitrn in February 1996, in which no one was hurt.

Amnesty International is concerned that Besim Rama and Avni Nura were arrested and illegally detained incommunicado from 17 September 1996 until the beginning of October 1996, despite efforts by their family and lawyers to obtain information about their whereabouts. Under Yugoslav law, police custody should not last for more than 72 hours. (Idriz Asllani appears to have been arrested on 4 October 1996.) All three men were reportedly brought before the investigating magistrate for questioning without their lawyers being present (in early October 1996) and their lawyers have also complained that they were not allowed to visit their clients until 8 October and were then not allowed to speak with them about the charges against them. They have alleged that the three defendants were ill-treated following arrest.

The violations of the law which have accompanied the arrest and investigation of the three men have not only undermined their right to defence but give rise to fears that they may be denied their right to a fair trial. The events surrounding this case so far reflect a pattern of violations that has been characteristic of political trials of ethnic Albanians in Kosovo province in past years. These have resulted in the conviction of many defendants largely on the basis of statements they made during pre-trial detention even when, as has frequently happened, defendants rejected these statements at trial claiming they had been obtained from them by torture and ill-treatment. Amnesty International believes that ethnic Albanians suspected of political offences are frequently tortured following arrest, and that the likelihood of police

resorting to such methods is increased when, as in this case, detainees are suspected of grave crimes.

Amnesty International notes that the killings and woundings of police officers in Glogovac in 1993 have previously given rise to controversy. In 1995 another ethnic Albanian was acquitted of these crimes, and in 1994 a Serb police officer alleged that a deputy Minister of the Interior of Serbia had organized them (see EUR 70/30/96 of 7 October).

Two other groups of ethnic Albanians are currently in detention in Kosovo province on charges of taking part in similar terrorist activity.

**A final round of appeals from the UA Network would be welcome in order to keep the pressure on the authorities regarding this case, at a time when the trial appears to be imminent. The case will then transfer to another AI Network and this EXTRA will close. Please send faxes/express/airmail letters in English, French, German or Russian or in your own language, using as much of the following as possible:**

- noting reports that Besim Rama, Avni Nura and Idriz Asllani have been indicted on charges of terrorist activity, together with 12 other ethnic Albanians who are being sought by police;
- acknowledging the gravity of the offences of which they are suspected and the duty of the authorities to arrest and prosecute the perpetrators of these crimes, but emphasising, that this must be carried out in conformity with national and international law;
- expressing concern that proceedings against these men have already been marked by grave violations of national and international law and that it has been alleged that they were ill-treated following arrest;
- urging that Besim Rama, Avni Nura and Idriz Asllani be granted full legal safeguards, in conformity with national law and Yugoslavia's international human rights undertakings, including access by their lawyers to the complete court dossier;
- urging that they be granted a fair trial in accordance with international standards, and that in particular, any statements they made during their first questioning by the investigating judge be excluded from the evidence heard in court, if - as their lawyers maintain - their lawyers were not present during this questioning.

**APPEALS TO:**

**President of the Republic of Serbia**

Predsednik Republike Srbije  
Slobodan Milošević  
Andrijevica 1  
11000 Beograd, FR Yugoslavia

**Fax: +381 11 682 167**

**Salutation: Dear President**

**Minister of Justice**

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

**Fax: + 381 11 659 682** (mark: "For the attention of the Minister of Justice")

**Salutation: Dear Minister**

**COPIES TO:**

The Council for the Defence of Human Rights and Freedoms  
Xhavit Mitrovica 15, 38000 Priština, 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 the 30 May 1997.