

EXTERNAL

AI Index: EUR 70/33/97

EXTRA 162/97

Fear for safety / Legal concern

27 November 1997

FEDERAL REPUBLIC OF YUGOSLAVIA Hasan Hoti, lawyer, and his family Other lawyers  
defending ethnic Albanians

Nait Hasani and 18 other ethnic Albanians

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At around 8pm on 18 November 1997 three unidentified armed men, believed to be Serbs, broke into Hasan Hoti's apartment in Priština, the capital of Kosovo province. One of the men pointed his gun at Hasan Hoti's chest while two others grabbed his wife by the hair and dragged their daughter into the room. The men then beat Hasan Hoti and his wife, while verbally abusing him in Serbian, before leaving. The reason for the attack is believed to be Hasan Hoti's role as defence lawyer for a group of 19 ethnic Albanians facing trial on charges of terrorism and murder. Amnesty International remains seriously concerned for his safety and the safety of his family and colleagues on the defence team.

After the attack, Hasan Hoti and his wife sought medical help and obtained medical certificates stating that they had both suffered bruising and scratches to the body and face.

On 24 November, as the trial of the 19 ethnic Albanians was resuming, the team of defence lawyers stated that they no longer felt safe after the attack, which they believe was the direct result of Hasan Hoti's involvement in the trial, particularly his cross-examination of a Serbian police officer who had testified as a witness in court on 18 November. The court has decided to postpone proceedings in the case until 2 December.

Amnesty International is further concerned that the trial does not meet international standards of fairness. One of the defendants, Nait Hasani, was held for a month in unacknowledged detention earlier this year and was reportedly tortured with electric shocks as his interrogators tried to force him to sign self-incriminating statements. Similar trials which concluded in May and July 1997 were apparently seriously flawed: the defendants stated in court that confessions had been extracted from them under torture and defence lawyers were denied access to documents and to their clients. Two of the accused in this present trial are being tried *in absentia*.

See also Further Information on UA 38/97 (EUR 70/10/97, 3 March 1997), and News Service Item 181/97 (EUR 70/32/97).

**BACKGROUND INFORMATION**

The trial of Nait Hasani and 18 others on charges of terrorism and murder began on 27 October 1997 and is the third trial held this year involving a large number of ethnic Albanian defendants who were charged with violent acts committed in 1996 and 1997 against Serbian civilians, police officers and Albanians who were seen as "loyal" to the Serbian authorities.

Amnesty International has been seriously concerned for many years about the deplorable human rights situation in Kosovo province and the apparent impunity which has followed violent attacks on ethnic Albanians committed by civilians and by police. While the attack against Hasan Hoti and his family is the first of such incidents to have happened during this trial, other lawyers in Kosovo province have been subjected to political violence and harassment.

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

- calling on the authorities to do everything in their power to ensure the safety of Hasan Hoti and other lawyers representing ethnic Albanians. You should state that this is an obligation of the state which is explicitly laid down in the United Nations (UN) Basic Principles on the role of lawyers which state, among other things, "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference..." (principle 16) and that "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities" (principle 18);
- calling for a prompt, impartial and thorough investigation into the attack on Hasan Hoti and his family, the results of which should be made public;
- noting the government's role in bringing to justice those responsible for violent crimes, such as those of which Nait Hasani and his co-defendants have been accused, but that proceedings must conform to international standards for fair trial;
- expressing concern that Nait Hasani and others similarly accused have reportedly been tortured and ill-treated in order to extract confessions from them.

**APPEALS TO:**

**Prime Minister of the Serbian Government**

Predsednik Vlade Republike Srbije

Mirko Marjanovi\_

Nemanjina 11, 11000 Beograd, FR Yugoslavia

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**Telegrams: Prime Minister, Belgrade, Yugoslavia**

**Salutation: Dear Prime Minister**

**Minister of Internal Affairs**

Vlajko Stojiljkovi\_

Ministar unutrašnjih poslova Republike Srbije

Kneza Miloša 101

11000 Beograd, FR Yugoslavia

**Telegrams: Internal Affairs Minister, Belgrade, Yugoslavia**

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**Salutation: Dear Minister**

**COPIES TO:**

**Committee for the Defence of Human Rights and Freedoms**

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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 29 December 1997.