

EXTERNAL (for general distribution)

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

YUGOSLAVIA (KOSOVO): Some 130 ethnic Albanian former police employees, including Vllaznim Shehu, Gani Hajdari, Sherif Shala, Shaban Shala, Sefer Hasanaj, Xhevat Ibraj, Idriz Elezaj, Skënder Krasniqi and Dërgut Bibaj

Nine ethnic Albanian former police employees arrested in November and December 1994 are due to go on trial on 5 April 1995 before the district court of Pe_. They are Vllaznim Shehu, Gani Hajdari, Sherif Shala, Shaban Shala, Sefer Hasanaj, Xhevat Ibraj, Idriz Elezaj, Skënder Krasniqi and Dërgut Bibaj. These are the first among some 130 former police employees who have been detained since November 1994 on charges of seeking to undermine Yugoslavia's territorial integrity by force, under Article 116 of the Yugoslav Criminal Code. Lawyers have repeatedly alleged that many of the defendants were tortured or severely ill-treated following arrest, with the aim of obtaining self-incriminating statements from them. According to one report, Dërgut Bibaj was so badly beaten by police after his arrest that he had to be admitted to Pe_ hospital for treatment, where he allegedly continued to be interrogated.

Seven other former police employees have also been indicted in Pe_, but the date of their trial has not yet been announced. According to press reports, the two groups of defendants are accused of having set up a "parallel" or clandestine ethnic Albanian police force in Kosovo province. The first group is reportedly alleged to have set up a "public order" unit in the Pe_ area, and the second a "state security" unit. Indictments have also been filed against 44 former police employees in Prizren and against 28 former police employees in Gnjilane, on similar charges.

Lawyers have complained of breaches of procedure during pre-trial proceedings, including restrictions on their access to the defendants and to court files on the cases.

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

- urging that the above nine persons and all others indicted on similar charges be granted a fair trial according to international standards;
- expressing concern about frequent allegations that many of the defendants were tortured or severely ill-treated by police officers following arrest, among them Dërgut Bibaj, who reportedly was admitted to hospital because of the injuries he suffered;
- urging that all allegations of torture or ill-treatment be thoroughly and impartially investigated and any police officer found responsible be brought to justice;
- citing 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:**Federal Minister of Justice**

Mr Uroš Klikovac

Ministar za pravosudje

Savezno ministarstvo za pravosudje Bulevar AVNOJ-a 104

11070 Beograd, Yugoslavia

Faxes: +381 11 636 775 (via Federal Prime Minister)**Telegrams: Savezni ministar za pravosudje, Belgrade, Yugoslavia****Salutation: Dear Minister****Minister of Justice of Serbia**

Mr Arandjel Marki_evi_

Ministar pravde

Republi_ko Ministarstvo za pravosudje i opštu upravu

Nemanjina 26

11000 Beograd, Yugoslavia

Faxes: +381 11 682 167 or +381 11 659 682**Telegrams: Ministar za pravosudje Republike Srbije****Salutation: Dear Minister****President of the Serbian Assembly**

Dragan Tomi_

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

Obili_ev 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 10 May 1995.