

EXTERNAL

AI Index: EUR 70/14/95

25 August 1995

Further information (8) 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, EUR 70/01/95, 24 January 1995, EUR 70/03/95, 24 March, EUR 70/04/95, 26 April and EUR 70/05/95, 14 June) - Torture and ill-treatment and new Health and trial concerns

YUGOSLAVIA (KOSOVO PROVINCE) Ethnic Albanian former police employees

Sezair Shaipi, Ramadan Ndrecaj, Halil Blakaj, Xhemajli Shasivari, Shaip
Mustafa, Syle Millaku, Faik Jasiqi

The trial continues in Prizren of 44 defendants, most of them ethnic Albanian former police officers, charged with seeking to undermine Yugoslavia's integrity by force by preparing to set up a "parallel" or clandestine ethnic Albanian police force in Kosovo province. The trial, which started on 3 May 1995, has continued with numerous interruptions, frequently due to the ill-health of defendants.

Sezair Shaipi, a leader of the local Turkish community, who reportedly suffers from diabetes, heart and kidney ailments and rheumatic pains, was reportedly so ill that he was obliged to make his defence statement while seated (on 5 July). Similarly, Ramadan Ndrecaj, who reportedly suffered brain contusion as a result of police beatings following his arrest, was hardly able to stand in court. He has filed a suit against four named police officers on charges of causing him severe physical injury and extorting statements from him.

A third defendant, Halil Blakaj, lost consciousness in court on 28 June and was taken to hospital. His detention order was suspended and his case will be tried separately. According to the most recent report, another defendant, Xhemajli Shasivari, suffered a heart attack in prison on 18 August, and is now in hospital. A fifth defendant, Shaip Mustafa, was admitted to hospital from 31 July to 9 August, reportedly because of severe pains and stomach bleeding. Two other defendants, Syle Millaku and Faik Jasiqi, are also said to be in very poor health.

Defence lawyers have repeatedly urged that their clients be examined by appropriate medical specialists, and have claimed that their poor health has been caused by, or severely aggravated by, torture or other ill-treatment following arrest and prolonged imprisonment. The court has on a number of occasions refused these requests or has ruled that they be examined by doctors who, in the view of the defendants and their lawyers, have inappropriate qualifications (e.g. by a neuropsychiatrist). However, finally, at a court session on 21 August, the presiding judge ruled that those defendants who wished should undergo medical examination by experts according to their particular needs.

The defendants have all denied the charges against them and almost all stated that they had been forced by torture or other ill-treatment (which they described in detail) to make false "confessions"

On 17 July the trial of 72 ethnic Albanian former police officers ended in Priština. The court found 69 of them guilty. They were sentenced to between one and eight years' imprisonment. Two defendants were acquitted and the case of one defendant, who had tried to commit suicide in detention, and who was

receiving treatment at home, is to be tried separately. Nine defendants remained in detention, the others were released pending appeal. Eleven of the defendants were tried in absence as they had fled the country. The defendants all denied the charges against them and many alleged that they had been severely tortured or ill-treated following arrest. Among those still suffering from injuries as a result of police beatings is Haki Ahmeti, who reportedly suffered broken ribs and a damaged knee (he was released pending appeal).

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/airmail letters in English, French or German or in your own language

- expressing concern about reports of the severe ill-health of the above named persons who are being tried, together with 37 others, before the district court of Prizren on charges under Articles 116 and 138 of the FRY Criminal Code. Note that they and almost all co-defendants have made detailed allegations that they were severely beaten or otherwise ill-treated following arrest and that the available information indicates that this ill-treatment may have seriously affected their health;
- urging that they be given appropriate medical treatment;
- urging that the allegations of ill-treatment made at this trial and at recent similar trials in Priština, Pec and Gnjilane be promptly, 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

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Salutation: Dear President

Minister of Justice of Serbia

Mr Arandjel Markićević
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Salutation: Dear Minister

President of the Serbian Assembly

Dragan Tomićević
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Salutation: Dear President of the Assembly

COPIES TO:

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Yugoslavia

Committee for the Defence of Human Rights and Freedoms

Xhavit Mitrovica 15

38000 Priština, Yugoslavia

Helsinki Committee for Human Rights in Serbia

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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 15 October 1995.