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PUBLIC STATEMENT

FEDERAL REPUBLIC OF YUGOSLAVIA (KOSOVO PROVINCE)

Justice and not trial by truncheon

The crisis in Kosovo province demands justice and not trial by truncheon, Amnesty International said as another trial of ethnic Albanians accused of "terrorism" is due to open in Kosovo province this week.

Amnesty International believes that these men clearly risk an unfair trial, which will do nothing to reduce tension in the province. Where violence is perpetrated or alleged then the authorities have a duty to ensure that judicial procedures are fair and in conformity with international standards.

Four ethnic Albanians are due to go on trial in the district court in Prizren on Tuesday 28 May on charges of "terrorism" and association for hostile activities. Amnesty International is concerned about serious allegations that the men were tortured with electric shock batons during their interrogation and that at least one of them was beaten. Torture and ill-treatment by police of such suspects to obtain "confessions" is unfortunately routine in the province in the organization's experience.

The four men, Mehmet Memçaj, Xhevat Berisha, Hajrim Çengaj and Begush Bajrami, were arrested on 27 and 28 February. They were initially expected to be tried at the beginning of May. Police misleadingly claimed that the four ethnic Albanian men, along with another who has subsequently been released, had been taken into custody during their operations in Drenica in the villages of Likošane and Ćirez during which some 26 ethnic Albanians were killed. Yet at least two of the men turned out to have been arrested in and around the town of Prizren before the police operation started and the charges which have since been brought against them bear no relation to the events in Likošane and Ćirez.

The men are accused of having organized themselves as part of the "National Movement for the Republic of Kosovo", which was alleged in the indictment to have as its objective the undermining of the Federal Republic of Yugoslavia by means of violence. They are alleged to have planted a bomb in Prizren town and obtained and stored weapons. One of the defence lawyers has already complained unsuccessfully to the court about the torture of his client and other violations of the Code of Criminal Procedure. A fifth man listed on the indictment will be tried *in absentia*.

Other men have been arrested in other areas of Kosovo on similar charges in recent weeks and months and similar trials are expected. Defence lawyers have similarly alleged that their clients have been tortured and that they have been denied access to them.

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Background information

Last year 34 men and two women were sentenced to imprisonment of between two and 20 years in three trials, another 16 men were convicted *in absentia*. Many of the defendants complained that they had been tortured during interrogation and retracted statements they said they had given under torture. Defence lawyers and defendants claimed that the court had been reluctant to allow the complaints of torture to be heard and it appears that the statements made under duress were accepted as evidence.

International human rights standards and the national Code of Criminal Procedure were violated in other ways; for example, defence lawyers were denied free access to their clients and to evidence, and one of the defendants was held incommunicado for a month. The written judgments -- after which appeals can be submitted -- for at least two of the trials were not issued until six months after the trials concluded. No investigations are known to have been initiated by the authorities into the defendants' allegations of torture.
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