

12 March 1991

@Ismail Beselica, Iqmet Beselica and Naser Maxhuni

FYUGOSLAVIA

Ismail and Iqmet Beselica (brothers, in their early twenties) and Naser Maxhuni were arrested on 18 January 1990 for allegedly having thrown stones at police during a demonstration in their home town of Podujevo in Kosovo province in December 1989. They have now spent nearly 14 months in detention without having been brought to trial.

Background Information

Ismail and Iqmet Beselica, ethnic Albanians from Podujevo in Kosovo province, aged 22 and 20 respectively, were arrested on 18 January 1990 along with a third person, Naser Maxhuni, for allegedly having thrown stones at police during a demonstration against political measures introduced by the authorities of the Republic of Serbia of which Kosovo is a constituent part. Kosovo province has a majority population (over 85%) of ethnic Albanians, and used to have considerable autonomy, until constitutional changes were carried through in 1989 and 1990, giving more control to the authorities of Serbia. There were several demonstrations in the town of Podujevo during December 1989.

Ismail Beselica, Iqmet Beselica and Naser Maxhuni have now been held in custody for 14 months, on charges under Article 134 of the SFRJ Criminal Code, which deals with "Inciting national hatred".

It is highly unusual for detainees in Yugoslavia to be held without trial for such a long period. Under Article 196 of the Code of Criminal Procedure, the maximum length of time a person may be held in pre-trial detention before an indictment is brought is six months. In principle, within two months after the bringing of the indictment a trial date has to be set (Article 279). As far as is known to Amnesty International, political detainees are normally brought to trial within about eight months, and certainly a year of their arrest.

Reasons for Amnesty International's concern:

Amnesty International is concerned that these three defendants are being denied the right to a fair trial within a reasonable time. Article 9 of the International Covenant on Civil and Political rights (Yugoslavia ratified the covenant in 1971) states that anyone arrested or detained on a criminal charge shall be entitled to a trial within a reasonable time or release. In addition, Article 190 of the Code of Criminal Procedure states that the duration of pre-trial detention must be kept to a minimum and that all judicial organs involved in criminal proceedings must proceed with particular urgency if the accused is in custody

