

EXTERNAL (for general distribution)

AI Index: EUR 70/05/95
Distr: UA/SC

14 June 1995

Further information (7) 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) - Fear of torture and ill-treatment

YUGOSLAVIA (KOSOVO) Ethnic Albanian former police employees

In April 1995, 16 ethnic Albanian former police employees were convicted by Pe_ district court in two separate trials on charges of seeking to undermine Yugoslavia's integrity by force under Article 116 of the Yugoslavia Criminal Code. They were accused of setting up a "parallel" or clandestine ethnic Albanian police force in Kosovo province, and were sentenced to between one and six years' imprisonment. Nine of them who received sentences of less than five years' imprisonment were released pending appeal.

On 8 June, a further 16 ethnic Albanian former police employees were convicted by Gnjilane district court on similar charges and were sentenced to between six months and three years' imprisonment. They were all released pending appeal. Four other defendants were acquitted.

A trial of 44 former police employees continues in Prizren and in Priština the trial of 72 others started in June. On 12 June Avdi Mehmedović, the chief accused at the Priština trial, reportedly told the court that from his arrest in November 1994 until January 1995 he was repeatedly tortured by police officers (several of whom he named). He alleged that as a result he lost consciousness five or six times. He stated that police officers also tried to force him to make self-incriminating statements by threatening members of his family.

One of his brothers was severely beaten by police as was his father, who was brought, bleeding, to see him in his detention cell where he (Avdi Mehmedović) was held in handcuffs, also bloodstained as a result of injuries he had received at the hands of police officers.

Like defendants at the previous trials, Avdi Mehmedović denied the charges against him and insisted that he and his colleagues had acted only as trade unionists seeking to protect the interests of other ethnic Albanian former police employees. Lawyers at the trial in Priština objected that 61 records of statements made by the accused to the investigating judge were invalid because they had not been signed by the latter and called for this evidence to be withdrawn. The court rejected this objection. Lawyers also complained of numerous other procedural violations.

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

- expressing concern about reports of the convictions of 32 ethnic Albanian former police employees in Pe_ and Gnjilane in April and June in circumstances which effectively denied them their right to a fair trial;
- expressing concern about continuing trials of 116 others in Prizren, and Priština;
- stating that your concerns arise out of the fact that there have been repeated reports of procedural breaches in these cases and, even more seriously, numerous allegations that the defendants were tortured or severely ill-treated by police officers following arrest with the aim of obtaining self-incriminating statements from them;
- urging that these allegations be 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

Mr Slobodan Milošević
 Predsednik Republike Srbije
 Andrijev venac 1
 11000 Beograd, Yugoslavia
Faxes: +381 11 682 167
Telegrams: President of Serbia, Belgrade
Salutation: Dear President

Minister of Justice of Serbia

Mr Arandjel Markićević
 Ministar pravde
 Republičko Ministarstvo za pravosuđe i opštu upravu
 Nemanjina 26
 11000 Beograd, Yugoslavia
Faxes: +381 11 682 167 or +381 11 659 682
Telegrams: Ministar za pravosuđe Republike Srbije
Salutation: Dear Minister

President of the Serbian Assembly

Dragan Tomić
 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
 Obilježje 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 31 July 1995.