

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Kosovo (Serbia): Vetevendosje! activists beaten during Kurti arrest

Amnesty International is calling on the Police Inspectorate of Kosovo to open a prompt, thorough and impartial investigation into the allegations of excessive use of force and ill-treatment by the Kosovo Special Police Unit of members of the non-governmental organization (NGO) Vetëvendosje! (Self Determination) on 12 June 2010.

During a Kosovo Police Service operation to arrest Albin Kurti, leader of Vetëvendosje! five other activists - Frasher Krasniqi, Salih Zylba, Vlorian Molliqaj, Faton Zeka and Nderim Matoshi were also arrested, reportedly for not obeying the instructions of police officers, at the Vetevendosje! offices by the Special Police Unit of the Kosovo Police Service. Along with other activists, they were celebrating the fifth anniversary of the founding of the NGO, which opposes the presence of the international community in Kosovo. According to information received by Amnesty International and a publicly available video, the Special Police Unit entered the yard surrounding the offices, and broke down the office door, using pepper spray to disperse those present.

Amnesty International is concerned by reports that excessive force and ill-treatment were used during the arrest of the men. According to Salih Zylba, one of the arrested men, as the police entered the room, one hit him on the head with a baton. He told local NGOs that he fell to the floor and was kicked and beaten with batons on his head and on the front of his body by around six police officers; at one stage he was held down by two officers. One officer allegedly hit him on the head with a pepper-spray canister. He was then taken to the police station, where – according to Salih Zylba and another witness - he was thrown to the ground in a corridor, and kicked by between 10 and 12 police officers.

Salih Zylba was later taken to the emergency clinic at Pristina University Hospital, along with Frasher Krasniqi, who had cuts and bruises to his head, and was suffering the effects of pepper spray. According to medical records received by Amnesty International Salih Zylba's injuries included a cracked vertebra.

In addition, some 10 members of the NGO were taken to hospital, also suffering from the effects of pepper spray, which had been used by the Special Police Unit, when they entered the NGO's yard and office building. A canister of tear gas was also thrown into the premises as the police departed. Video footage shows a young woman being carried out of the building suffering the effects of this tear gas.

A previous attempt to arrest Albin Kurti took place on 26 April, during the funeral of the father of Liburn Ali, a Vetëvendosje! activist, when some 60 police officers reportedly blocked the exits to the cemetery at Dragodan in Pristina. Following a complaint by Liburn Ali, an internal investigation was opened.

Amnesty International is calling for a full investigation into the conduct of the police during the arrests on 12 June, and urges that any members of the Special Police Unit reasonably suspected of excessive use of force or ill-treatment should be brought to justice, in accordance with international law applicable in Kosovo, which prohibits the use of torture and other ill-treatment.

Background

Proceedings against Albin Kurti

Following his arrest on 12 April, Albin Kurti appeared in Pristina District Court on Monday 14 February. He had been charged in 2007 with three public order offences relating to a Vetëvendosje! demonstration on 10 February 2007, during which two men were killed and others seriously injured by rubber bullets fired by the UN Interim Administration Mission in Kosovo (UNMIK) (Romanian) police (see below). The charges against Albin Kurti included: calling for resistance, participating in a crowd committing a criminal offence and participating in a group obstructing official persons from performing their duties.

Trial proceedings opened in late 2007 under UNMIK, and were adjourned in February 2008, after a series of defence lawyers appointed by the court had been rejected by the defendant, and the court had rejected Albin's Kurti's request to represent himself before the court. Amnesty International and other international NGOs considered the prosecution may have been politically motivated, (see *Serbia (Kosovo): Albin Kurti – a politically motivated prosecution?* (Index: EUR 70/014/2007, 10 December 2007).

Following the transfer of UNMIK's competencies for policing and the judicial system to the EU-led police and justice mission (EULEX), proceedings were reopened on 9 February 2010, and continued through nine subsequent sessions, in which Albin Kurti did not appear. Defence lawyers, including the Head of the Kosovo Bar Association, again refused to act on behalf of Albin Kurti. On 19 April the charge of "call to resistance" was dropped, and on 14 June the charge of "participating in a crowd committing a criminal offence" was also dropped. Albin Kurti was allowed to represent himself to the court on the last and lesser charge of "participating in a group obstructing official persons from performing their duties". He denied the charge, and was convicted and sentenced to nine months' imprisonment, but immediately released as he had been detained and subsequently placed under house arrest for more than 10 months following his initial arrest.

Unlawful killings on 10 February 2007

Amnesty International notes with continued concern that no one has yet been brought to justice for the unlawful killings of Mon Balaj and Arbën Xheladini, and the serious injury of Zenel Zeneli and Mustafë Nerjovaj, in Pristina on 10 February 2007.

On 10 February 2010 Amnesty International called on the Special Representative of the UN Secretary General (SRSG) to ensure that the families of Mon Balaj and Arbën Xheladini, and the two injured men, Zenel Zeneli and Mustafë Nerjovaj, are granted access to justice, by allowing their complaint to be heard by the Human Rights Advisory Panel (HRAP). The HRAP was introduced by law by UNMIK in March 2006 to provide remedies for acts and omissions by UNMIK. The HRAP does not have powers to initiate a criminal investigation, but may recommend to UNMIK that such an investigation be initiated.

UNMIK, which remains in Kosovo under UN Security Council Resolution 1244/99, was mandated to re-establish the rule of law and respect for human rights in Kosovo. Amnesty International considers that the UN and contributing countries must ensure that all those responsible for human rights violations, criminal or other wrongful conduct should be held accountable, including through criminal prosecution, where appropriate.

See *Kosovo (Serbia): Justice delayed is justice denied*
<http://www.amnesty.org/en/library/info/EUR70/001/2010/en>

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