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Bosnia-Herzegovina : Supreme Court should hear Garaplija

Speaking ahead of tomorrow's appeal hearing of political prisoner Edin Garaplija, Amnesty International called on the Bosnia-Herzegovina Justice Minister to ensure that it is a fair and open proceeding.

The organization has been concerned about reports indicating that former state security officer Edin Garaplija will not be permitted to be present at the hearing of his appeal at the Supreme Court on 5 October.

"Edin Garaplija must be allowed to give evidence in his defence before the Supreme Court. It is very important that the court deciding on his appeal is impartial and independent and does not include judges from previous proceedings in this case".

In July 2000 the Human Rights Chamber of Bosnia and Herzegovina ruled that Mr Garaplija's right to a fair hearing and a defence in person had been violated during previous appellate proceedings. The Chamber noted that the appeal court had been asked to decide on questions of fact as well as law. The chamber said that under such circumstances, the European Convention on Human Rights and Fundamental Freedoms guarantees the right of the defendant to be present during court hearings.

"The Bosnian authorities have the obligation to conduct impartial and thorough investigations of state or paramilitary agents suspected of having committed human rights violations and to obtain justice for the victims of such crimes", Amnesty International said. "It is equally imperative that these proceedings observe internationally recognized standards of fairness and that they are dictated by the rule of law and not by political factors".

Background

Edin Garaplija, an officer in the Bosnian state security service (AID), was convicted in June 1997 for abduction and attempted murder and sentenced to 13 years of imprisonment. In 1996 he had investigated a paramilitary formation known as the *Seve*, which was established by the Bosnian Interior Ministry during the war in Bosnia-Herzegovina. Members of the *Seve* were allegedly involved in a number of criminal activities during the war which included human rights violations against Serb civilians in Sarajevo. Earlier attempts to bring members of the unit to account for their criminal activities had apparently met with obstruction by Bosnian government officials under whose orders and control the *Seve* were reported to operate.

Edin Garaplija remained silent during investigative and trial proceedings held before the Sarajevo Cantonal Court in 1997, apparently under orders from his AID superiors and upon threats that he would lose his life if he would reveal any details about his investigations. He was not allowed to be present during subsequent appellate proceedings before the Supreme Court in May 1998, even though he had challenged the factual evidence on which his conviction was based.

The Human Rights Chamber was created under the Dayton Peace Agreement for Bosnia-Herzegovina and consists of a panel of domestic and international jurists. The Chamber has jurisdiction to address cases of violations of the European Convention on Human Rights and Fundamental Freedoms and to issue decisions that are binding upon the entity governments.

Under domestic law, a defendant in a criminal trial has the right to present new evidence in appeal proceedings.

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