

# AMNESTY INTERNATIONAL

## PRESS RELEASE

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### **Bosnia-Herzegovina: SFOR detention violates human rights**

Amnesty International today renewed its appeal to the NATO-led Stabilization Force (SFOR) to clarify the legal basis on which they are detaining Sabahudin Fiuljanin at the Task Force Eagle Base near Tuzla in Bosnia-Herzegovina.

On 22 November the organization wrote to the Commander of the Eagle Base – the headquarters of the United States (US) Army detachment to SFOR – Brigadier General John T. von Trott, stating the organization's concerns about the continued incommunicado detention of Mr Fiuljanin since 26 October. A SFOR spokesperson, Lieutenant Commander Yves Vanier, has confirmed yesterday in a press conference that SFOR "received a letter from Amnesty last Thursday and will send an interim reply in the following days and a more detailed response through our chain of command to Amnesty International in the near future."

"Amnesty International does not believe that the provisions of the Dayton Peace Agreement allow SFOR to detain persons where this has not been ordered by a national or international arrest warrant", the organization said.

Amnesty International believes that the continued detention of Sabahudin Fiuljanin violates several internationally guaranteed rights of all persons deprived of their liberty. These include the right to challenge the lawfulness of this detention, the right to legal counsel and the right to have contact with relatives. Over the past three weeks, Mr Fiuljanin was not allowed to speak to his lawyer and was only permitted three brief telephone calls with his family.

Although Mr Fiuljanin's lawyer was finally allowed to speak for half an hour with his client on Monday night, Amnesty International is concerned that Mr Fiuljanin did not have unimpeded access to a lawyer. He was reportedly not allowed to speak to his lawyer in private and the entire conversation was translated and videotaped by SFOR officials.

Under international standards, all detained persons must be given adequate opportunities, time and facilities to communicate with a lawyer without delay, interception or censorship and in full confidentiality. Law enforcement official may monitor, but not listen in to conversations between lawyers and their clients.

Amnesty International strongly believes that the obligation to respect human rights applies to all members of international and inter-governmental organizations exercising law enforcement functions, including NATO.

“There must be no separate or double standards for the international community, which would undermine the very concept of universality and primacy of human rights law and negate the core principles respecting human rights and freedoms as enshrined in the Dayton Agreement, the very basis of SFOR’s engagement in the country,” the organization added.

If there are reasonable grounds for suspecting Mr Fiuljanin of having committed a criminal offence, then Amnesty International urges SFOR to transfer him without delay to the Bosnian authorities. This will enable him to have access to a competent and independent court which has the authority to review and confirm the legality of his detention or order his release as required by international and national law.

## **Background**

Sabahudin Fiuljanin was taken into custody from his home in Gornja Maoèa near Brèko by members of SFOR on 26 October 2002 and taken to the Eagle Base where he remains detained. His detention is apparently related to his alleged illegal possession of a rocket launcher and in connection with passports of several states (including the Federal Republic of Yugoslavia and Bosnia-Herzegovina) which were found in his possession. He has also reportedly been accused by SFOR of espionage.

According to an SFOR spokesman, the detention of Sabahudin Fiuljanin is based upon the SFOR mandate as set out in Annex 1A to the Dayton Peace Agreement, according to which SFOR can take military action, including through the use of force, in order to respond to a threat or potential threat to its mission or to another party. He also claimed that SFOR was authorized to detain Mr Fiuljanin for as long a period as it deemed necessary.

Amnesty International has previously expressed concerns about other cases where SFOR detained persons arbitrarily at the Eagle Base in May and October 2001, denying them access to a lawyer and to their families, and reportedly holding them in conditions of detention which amounted to inhuman and degrading. Amnesty International is not aware that SFOR has to date investigated any of these cases or compensated the persons detained.

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