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Federal Republic of Yugoslavia (Kosovo): Amnesty International calls for an end to Executive Orders of detention

Amnesty International today called on Hans Haekkerup, the UN Special Representative of the Secretary-General for Kosovo (SRSG), to stop using Executive Orders to detain criminal suspects.

Detentions ordered by the SRSG without the authorization of, or review by, any court violate detainees' basic rights guaranteed by the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR). "No matter how heinous the crime of which a person is suspected, all persons should be brought to justice in a manner which fully respects their human rights," the organization said.

The organization pointed out that Executive Orders for detention violate Article 5 of the ECHR in that they are not ordered by a court, fail to provide detainees with details of the reasons for arrest or any charges against them, and provide no mechanism for detainees to challenge the legality of their detention. Further, no mechanism exists in Kosovo by which a person can seek and obtain compensation for unlawful detention.

The United Nations Interim Mission in Kosovo (UNMIK) - headed by Hans Haekkerup - was charged by the UN with the protection and promotion of human rights of all people in Kosovo.

In a letter to the SRSG, Amnesty International highlighted the continued detention - under Executive Orders - of three men arrested in March on suspicion of involvement in the bombing of the Nis Express bus near Podujevo in February 2001 in which 11 people died. The men continue to be detained under Executive Orders despite an order for their release by a panel of international judges at Pristina District Court on 28 March as they found no grounds for their detention.

Amnesty International calls on the SRSG to ensure that a panel of international judges is convened without delay to examine the lawfulness of any detention ordered by the SRSG.

Background

The practice of issuing Executive Orders has been previously criticized by Amnesty International, the Legal Systems Monitoring Service in Kosovo and most recently, by the Ombudsperson in Kosovo.

Five men - including Avdi Behluli, Qele Gashi and Jusuf Veliu - out of 24 originally arrested, were detained in connection with the bombing of the Niš Express bus near Podujevo in which 11 Serb passengers were killed and at least 35 injured.

Following initial investigations, one man was released. An appeal against the initial detention of Avdi Behluli, Qele Gashi and Jusuf Veliu, and Florim Ejupi took place on 28 March at Pristina District Court. The panel of international judges hearing the case ordered the immediate release of Avdi Behluli, Qele Gashi and Jusuf Veliu, and the detention, for one month, of Florim Ejupi.

Despite the court order to release Avdi Behluli, Qele Gashi and Jusuf Veliu, they remain detained as a result of successive Executive Orders for their detention. The most recent order, extending their detention for a further 30 days, was issued on 24 July 2001, a month after the Ombudsperson recommended that the SRSG cease issuing such orders. According to information received by Amnesty International, the SRSG has yet to respond to the recommendations in the Ombudsperson's report.

The organization has since received information that Qele Gashi was transferred to Mitrovica Detention Facility on 29 July and that Avdi Behluli was transferred to Pristina on 27 July; Jusuf Veluli remains in detention in Camp Bondsteel.

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