

OPINION No. 6/2001 (FEDERAL REPUBLIC OF YUGOSLAVIA)

Communication addressed to the Government on 11 August 2000

Concerning Vladimir Nikolic and Xhevat Podvorica

The State is a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established by Commission on Human Rights resolution 1991/42. The mandate of the Working Group was clarified and extended by resolutions 1997/50 and 2000/36, and reconfirmed by resolution 2001/40. Acting in accordance with its methods of work, the Working Group forwarded the above-mentioned communication to the Government.
2. The Working Group conveys its appreciation to the Government for having provided the requisite information in good time.
3. By note dated 27 February 2001, the Government informed the Working Group that the two above-mentioned individuals were released in the following circumstances:

Mr. Vladimir Nikolic. By first instance sentence No. 502/99 of 3 March 2000 pronounced by the District Court in Belgrade, the said person was found guilty and sentenced to a total of one year and 10 months' imprisonment. By second instance decision No. 733/00 of the Supreme Court of the Republic of Serbia, the first instance sentence was altered to a total of one year and one month's imprisonment. The said person had been in pre-trial detention from 2 October 1999 to 10 May 2000 in the District Prison in Belgrade and as of 10 May, upon his request, he continued to serve his sentence in the Penal Correctional Institution in Pozarevac until 26 October 2000. From that date he was on parole till 2 November 2000, when he was released from prison.

Mr. Xhevat Podvorica. The said person had been in pre-trial detention in the Penal Correctional Institution in Sremska Mitrovica from 10 June to 6 November 2000 when, along with other persons of Albanian nationality he was transferred for security reasons to the District Prison in Belgrade. Upon termination on the pre-trial detention, the said person was handed over, on 9 November 2000, to employees of the International Committee of the Red Cross.

4. The Working Group transmitted the reply provided by the Government to the source, who has confirmed the release of the individuals mentioned above. The Working Group is in a position to render an opinion on the case.
5. Taking note of these releases and having examined all the available information before it, and without prejudging the arbitrary nature of the detention, the Working Group decides to file the case of the above-mentioned two individuals, in accordance with paragraph 17 (a) of its revised methods of work.

Adopted on 17 May 2001