

OPINION No. 6/2002 (YUGOSLAVIA)

Communication addressed to the Government on 11 August 2000

Concerning: Arieta Agushi, Sulejman Bytiqi, Avni Dukaj, Deme Ramosaj and Yilber Topalli

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

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by Commission resolution 1997/50, and reconfirmed by resolution 2000/36. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.

2. The Working Group conveys its appreciation to the Government for having provided the requisite information in good time.

3. In a note dated 22 October 2001, the Government informed the Working Group that the five above-mentioned individuals were released in the following circumstances. The source has confirmed this information.

(a) Arijeta Agushi, born in Gjilan, Gniljane Municipality, on 14 April 1973, was arrested by agents of the Serbian Ministry of the Interior (MUP) on 25 March 1999 at her house in Bresje village, Pristina Municipality. She was not registered in any of the detention places in the Federal Republic of Yugoslavia. According to the source, and to information provided by the International Committee of the Red Cross, she died on 24 March 1999 in Gnjilane, Kosovo, of natural causes;

(b) Sylejman Bytiqi, a member of the Democratic League of Kosovo (LDK) party, of the Forum of Albanian Intellectuals and an employee of a technical high school, born in Mirosale, Ferizaj, Urosevac, on 2 March 1952, was arrested on 28 June 1998 by 20-30 agents of the Ministry of the Interior, who surrounded his home. He was sent to Kosovo in accordance with the agreement between the Federal Republic of Yugoslavia and the United Nations Mission in Kosovo (UNMIK);

(c) Avni Dukaj, a farmer born in Drenoc, Decani, on 23 October 1974, was arrested on 27 March 1999 by police officers in camouflage uniforms who came to his house. Apparently he was released thereafter. According to the source, on 17 April 1999, he was rearrested, together with his brother and 20 other persons, in Babino Polje, close to Plav. He was sent to Pec/Peja until 11 June 1999, and subsequently transferred to Leskovac and Zajecar detention centres. He was sent to Kosovo in accordance with the FRY/UNMIK agreement;

(d) Deme Ramosaj, a teacher born in 1949 in Donji Crnobreg, Decani Municipality, was arrested on 20 June 1998 by MUP in Brezanik village, Pec/Peja Municipality. He was released on 21 December 1999;

(e) Ylber Topalli, head of the sub-branch of LDK in Greme/Grebno, born in Greme/Grebno, Ferizaj/Urosevac, on 19 March 1965, was arrested together with his brother on 25 June 1998 at home by a group of police officers. He was released in accordance with the Amnesty Act.

4. The Working Group transmitted the reply provided by the Government to the source, which confirmed the release of the individuals mentioned above. The Working Group is therefore in a position to render an opinion on the case.

5. The Working Group, taking note of the release of the above-mentioned individuals, having examined all the information available to it, and without prejudging the arbitrary nature of the detention, decides to file the case, in accordance with paragraph 17 (a) of its revised methods of work.

Adopted on 21 June 2002