



Your Excellency,

More than two weeks after the arrest of Mr. Hasan Abazi at the Konculj border crossing in Serbia, the appeal that was filed against the extension of his detention has yet to be reviewed despite the fact that Serbian jurisprudence dictates that the appellate court should complete its review either immediately or at most within three days of an appeal being filed. In addition, Mr. Abazi's attorney is being denied access to his client's full legal file. The violations of Serbian law on criminal proceedings in this case are thus numerous.

Following is a summary of the irregularities and contradictions that have transpired throughout this case:

- The indictment against Hasan Abazi is grounded in witness statements allegedly provided during the war, which is problematic in itself. Moreover, Mr. Abazi's attorney is being denied access to the witness statements to which he is entitled under article 303 of the Law on Criminal Proceedings.
- Three other individuals named in the same indictment for the same alleged criminal acts were provisionally released from Serbian courts after the war, pending possible indictment.
- The indictment against Mr. Abazi was initially issued in July 2000 and then renewed in 2005 without explanation or provision of evidence.
- Mr. Abazi spent over 50 hours in detention before being brought before the Trial Chamber of the High Court in Vranje, in breach of article 213 of the Law on Criminal Proceedings.
- Mr. Abazi was denied access to legal counsel, and to his family, for over 51 hours after his arrest and detention, in breach of Article 6 of the European Convention on Human Rights to which Serbia is a state party.
- According to the decision extending his detention, Mr. Abazi is being held on the basis that he could escape due to his "permanent place of residence" (i.e. Kosovo). The same document calls for the interrogation of other witnesses, namely Kosovo Albanians,

and does not take into account the very argument used against Mr. Abazi— that they too reside outside of Serbia, namely in Kosovo.

The facts listed above indicate that this case is not being processed according to the law and in the name of justice. This is particularly evident given Minister Dacic's public statements regarding his intention to "continue arresting Albanians". It is utterly shameful that a EU candidate country would arrest individuals based on political indictments fabricated by Slobodan Milosevic's prosecution. Following the democratic transition in Serbia, this problematic chapter in Serbia's history was supposedly rectified by its adoption of the Law on Amnesty under which more than 1500 Albanians were released from detention. It is absolutely unacceptable that Serbia's courts would rule in violation of the country's own laws and jurisprudence.

Heightened tensions in northern Kosovo, combined with Minister Dacic's recent reintroduction of the idea of Kosovo's partition, cast doubt the likelihood that the freedom of movement agreement between Serbia and Kosovo will be upheld. The EU has served as a guarantor of this agreement and should defend it at all cost. As stewards of this agreement, we appeal to you to facilitate Mr. Abazi's immediate release. Furthermore, we call for Serbia's clear and unbiased commitment to this agreement and to regional cooperation.