



Your Excellency,

Two weeks after the arrestment of Hasan Abazi at Konculj border crossing in Serbia, the appeal against the extension of detention is still not reviewed although Serbian jurisprudents dictate that should be done urgently, usually within three days. In addition, Hasan's attorney has not been provided with access to the full documentation. Hence, the violations of the Serbian Law on Criminal Proceedings in this case are being continued. Allow us to remind you briefly on all the irregularities and contradictions that this case has faced:

- An indictment against Hasan Abazi is grounded on the witness' statement allegedly given during the war (very problematic per se) while Hasan's attorney has not been allowed to see the statement (which he is entitled to under article 303 of the Law on Criminal Proceedings)
- Three other people listed in the same indictment for the same alleged criminal acts were released from Serbian courts after the war to defend from freedom
- The indictment against Hasan Abazi was initially issued in July 2000 and then renewed in 2005 without any explanation or provision of any new evidences
- Hasan Abazi spent more than 50 hours in detention before being brought before the Trial Chamber of the High Court in Vranje (which is a breach of article 213 of the Law on Criminal Proceedings)
- Hasan Abazi was not allowed access to his more than 51 hours after his arrest and detention (which is a 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 there is danger of his 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 same fact used against Mr. Abazi— that they too reside outside of Serbia, namely in Kosovo

All the above facts give us no reason to believe that this case is being processed according to the law and in the name of justice, especially within the context of Mr. Dacic's media statements about his intention to "continue arresting Albanians". It is degrading for EU candidate country to allow arrestments based on political indictments tailored by Milosevic's prosecution. This has been already acknowledged once after democratic changes in Serbia by adopting Law on Amnesty when more than 1500 Albanians were released. It is absolutely unacceptable that Serbia's courts are ruling against its own laws and jurisprudence.

Increased tensions in the North Kosovo together with Mr. Dacic's recent reintroduction of partition of Kosovo further discourage people that agreement on freedom of movement will be respected. EU has been a guarantee of this agreement and should stand for it. We, therefore, direct our request for Hasan Abazi's immediate release to you. Additionally, we urge for Serbia's clear and unbiased commitment to this agreement and regional cooperation.