

ALBANIA

@Human rights abuses by police

AMNESTY INTERNATIONAL'S CONCERNS

Amnesty International is concerned about a series of incidents in 1993 in which it is reported that police beat with truncheons or otherwise ill-treated people demonstrating in support of the main opposition party, the Socialist Party (the renamed former communist party), or protesting against government policy on various issues. In a number of these incidents it appears that demonstrators were peacefully exercising their right to freedom of assembly and expression. In other incidents, the ill-treatment took place in the context of clashes between police and demonstrators. At the end of July 1993 an Amnesty International delegate visited Albania to investigate human rights abuses of concern to the organization; these also included reports of the ill-treatment by Greek police of Albanians expelled from Greece at the end of June 1993.

Amnesty International appreciates the need for maintaining public order and preventing acts of violence during demonstrations. However, the organization is concerned that within the context of clashes, police have sometimes used excessive force in controlling or detaining demonstrators and failed to discriminate between violent and non-violent demonstrators or protesters. On the other hand, it is reported that on a number of occasions police have remained passive in the face of unauthorized counter-demonstrations by government supporters, even when these have resorted to violence.

The organization believes that incidents of police violence have increased during 1993 and it fears that human rights abuses by members of police forces, despite the major changes that have taken place in many aspects of life in Albania since the end of communist rule, are still in certain circumstances officially tolerated.

Amnesty International is also concerned about reports that three people were killed by police in separate incidents in May, June and August 1993. Although police officers were arrested and charged in these cases, to Amnesty International's knowledge they have not yet been tried.

Amnesty International's other concerns in Albania include the imprisonment of prisoners of conscience: at least 14 men were imprisoned on charges of having taken part in unauthorized demonstrations in July and August 1993 (they received sentences of between 15 days and four months). Another prisoner of conscience, Idajet Beqiri, leader of the National Unity Party, was in July 1993 sentenced to six months' imprisonment for a newspaper article in which he allegedly slandered the President of Albania. In addition, the organization is also concerned about the death penalty (two men convicted of murder were reported to have been executed in September 1993).

In seeking to raise the above concerns, Amnesty International emphasizes that it does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or opposition forces, or the beliefs of the individual.

BACKGROUND

With the end of the communist monopoly of power in Albania in 1990, the country embarked on a series of legislative and practical reforms related to the protection of human rights. In May and June 1990 parliament adopted legislation which softened some of the harshest restrictions on the rights to freedom of expression, conscience and movement. Legal status was restored to lawyers and the Ministry of Justice was re-established. The number of offences punishable by death was reduced from 34 to 11 and women were exempted from the death penalty. In 1991 all remaining political prisoners were released, including many hundreds of prisoners of conscience detained for attempting to exercise their right to freedom of expression and movement. An interim constitution was adopted which explicitly guaranteed freedom of religion and political association; Albania joined the Conference on Security and Co-operation in Europe (CSCE) and accepted all the CSCE human rights commitments. In October 1991 Albania acceded to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights. In May 1992 Albania's first Constitutional Court was sworn in. In July 1993 the Albanian parliament ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

However, the period of communist rule in Albania, characterized by extremely harsh repression and major violations of human rights (see Amnesty International's report of 1984, *Albania: Political imprisonment and the law* AI Index: EUR 11/04/84) has left a legacy of bitter division amongst Albanians. Poverty and the difficulties inherent in a change from a state-run to a market economy have sometimes reinforced these divisions or created new discords. Economic and political conditions have not encouraged the emergence of an independent press, and the country's media are largely party organs, which regularly lambast opponents, thereby often encouraging antagonism and intolerance. Similarly, the country's political leaders have generally done little to promote a culture of tolerance. For example, in June 1993, when the Socialist Party was due to hold an authorized meeting in the northern town of Shkodër, its opponents in Shkodër violently prevented this meeting taking place. The newspaper of the governing Democratic Party, *Rilindja Demokratike* (Democratic Renaissance), reporting this incident, said that Fatos Nano, leader of the Socialist Party, had been greeted with "tomatoes and bad eggs" and concluded that Shkodër had "once again shown itself the standard-bearer of democracy". The President of Albania, Dr Sali Berisha, former leader of the Democratic Party, commenting on the incident at a news conference, appeared to condone this method of expressing political opposition, indicating that in his

view such a reaction was inevitable, given the exceptionally severe repression that Shkodër's population had experienced under communist rule.

The problem of police violence has provoked public concern within Albania. In August 1993 a local human rights group, the Albanian Helsinki Committee, highlighted this concern in a statement for which the immediate pretext was the recent case of David Leka, who died after police beat him in custody:

"The Albanian Helsinki Committee protests against the use of force exceeding legal limits by the forces of order. The tragic events of 14 August 1993 in the town of Laç, when David Leka, aged 31, found death in a police station as a result of the excessive use of force, is a repetition of other cases which have taken place in Korça, Lushnjë, Berat and Tirana. The Albanian Helsinki Committee considers that in this period of transition through which our country is passing, it is necessary to insist on the respect of the law and to prevent the violation of law by anyone...It is even more important to demand respect of the law from those institutions which exist to defend it. It is essential to draw notice to the increase in recent times of cases of the extreme and illegal use of force by police against citizens who are under arrest in police stations or in public places. It is not only a question of extreme cases when force results in death, but also of quite a number of other cases for which the Committee has full and concrete documentation, in which people under arrest, who did not present any danger, have been injured and wounded. Regardless of the crime committed by a person or the motive for arrest, no one has the right to take the law into his own hands and punish someone, whom only a court can pronounce guilty.

While welcoming the readiness of the Procuracy to pursue to the end the tragic case in Laç, we at the same time express our regret at the frequently observed reluctance of the forces of order to condemn and take a stand against such cases".

RECOMMENDATIONS

Amnesty International describes below its concerns arising out of a number of incidents in which police are reported to have beaten or otherwise ill-treated people engaged in demonstration or protest. The organization's information is based both on media coverage and the testimony of witnesses and victims given to Amnesty International. The organization is aware that such testimony is not always reliable and acknowledges that in some cases informants may have minimized or denied violence used by demonstrators or in other ways given a distorted picture of events. However, Amnesty International believes that these reports and allegations are sufficiently well-documented and serious to warrant the creation by the authorities of an effective mechanism for the impartial and independent investigation of complaints against the police and for ensuring that any police officer suspected of having beaten or otherwise ill-treated citizens is brought to justice.

The organization also believes that legislation governing the right to public assembly and demonstration should be reviewed to ensure greater flexibility and to clarify the distinction between the peaceful and the violent exercise of this right.

Lastly, given the very real difficulties of ensuring effective policing in a country experiencing major changes, Amnesty International recommends that security forces be given further practical training to ensure that in their work they conform to international guidelines such as the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Legal provisions governing the right to freedom of expression and assembly

The rights to freedom of expression and assembly are guaranteed in Articles 19 and 21 of the ICCPR to which Albania acceded in October 1991 and in the constitutional provisions (Articles 2 and 21) adopted by the Albanian parliament in March 1993.

Decree No.7408 "On meetings, rallies and demonstrations of citizens in public places" issued in July 1990 sets out the conditions under which these can be held. Under the decree's provisions, the organizers of such meetings, etc; are required to notify the head of the district police in writing at least three days in advance, stating the aim of the meeting, the number of participants, the date and place, the slogans to be used, and details of the organizers and those scheduled to speak. Those who fail to comply with these regulations may be fined, or sentenced to to re-education by work or up to a year's imprisonment.

Articles 3 and 5 of the decree set out certain restrictions on the right to freedom of assembly. The police may ban meetings, etc; if they "aim at the overthrow of the state and social order", "violate public order", "encourage the perpetration of crimes or other violations of the law", "offend patriotic sentiment", "are liable to damage relations with other states" or when they involve "rebellious calls which damage the reputation of the state" or when they employ slogans, emblems or symbols with "anti-popular, fascist or racist" content.

If the above provisions are not respected, police are authorized, under Article 6 of the decree, to order participants to disperse by megaphone; if they fail to comply, they may be dispersed by force on the orders of the head of police or an official authorized by the latter. In exceptional cases, arms may be used. People who fail to comply with the order to disperse may be fined, or sentenced to re-education through work or up to a year's imprisonment.

In practice, it seems that meetings are usually granted authorization, although police have sometimes required a change of date or venue. However, demonstrations in which participants proceed from one place to another, are discouraged. Several incidents referred to below indicate that although Decree 7408 does not make any distinction between meetings, rallies and demonstrations, in practice a meeting which "expands" into a demonstration in which participants depart from the originally agreed location and proceed to another location is regarded by the authorities as contravening the provisions of Decree 7408 and therefore as "illegal". Thus, although the Socialist Party rally at the "Dynamo" stadium on 30 July 1993 had been authorized by the police, participants in it who afterwards marched to Skenderbeg Square and failed to disperse on the orders of the police, were considered to have taken part in an "illegal" demonstration (regardless of whether they had used violence), and some 20 were fined or imprisoned.

Kuçova - 9 May 1993

On 9 May 1993 the Socialist Party held a meeting in the cinema in the town of Kuçova. When the meeting was over, several party officials, among them Fatos Nano, leader of the Socialist Party and member of parliament representing Kuçova, left the cinema building in the direction of the main square. According to a report in *Rilindja Demokratike*, a crowd was waiting outside the cinema, apparently in the expectation that a mass rally was to take place in the main square. Police officers warned Fatos Nano he did not have permission to hold a rally and asked him to get into his car. According to *Zëri i Popullit* (Voice of the People), the newspaper of the Socialist Party, Fatos Nano replied that he was not intending to hold a rally, and continued to make his way by foot to a local cafe. At this point scuffles broke out between police and party supporters who attempted to follow and greet Fatos Nano. Police dispersed the crowd; according to some accounts they did not use force, according to others they hit a number of people with truncheons. *Zëri i Popullit* alleged that in all, 17 people were injured in clashes and that among those beaten by police were a cameraman, Timo Koka, a young girl and her mother. In interviews published in *Zëri i Popullit* on 13 May, three men, Fatmir Qejvani, Arben Leskaj and Ilia Dashi, declared that

that they had been beaten on this occasion by police and Fatmir Qejvani claimed to have a medical certificate supporting his allegations.

According to Fatmir Qejvani, he was present at the meeting in the cinema hall, but was called outside by a police officer after he had protested about someone present whom he suspected of being an *agent provocateur*: "When I left the hall, five or six plainclothes police officers took me out, dragging me along and kicking me. One of them said to me: 'You've seen Fatos Nano, now are you satisfied?...Take him' he said to his subordinates, 'put him in the Ford [car].' Ten louts threw themselves at me, grabbed me by the collar of my shirt, by my sleeves...At that moment, a plainclothes officer struck me hard from behind. Before going down the steps outside the cinema, another policeman kicked me in the face and caused this wound [points to the wound]. Then he kicked me a second time...At the police station they put double handcuffs on me and tied me to a radiator. They held me there until 6pm...Now I have a medical certificate. I went to the court in Berat...They told me I had no grounds for filing a complaint".

However, Muharrem Noka, president of the Department of Public Order of Kuçova district subsequently publicly denied that anyone was beaten or injured in connection with these events. Shkelqim Kokonozi, police chief of Kuçova district, reportedly repeated this denial and said that the police forces were not at the time armed with rubber truncheons. According to *Rilindja Demokratike* on 19 May, *Zëri i Popullit's* allegations were untrue; it reported that the local hospital denied having admitted any injured people on 9 May and quoted two witnesses who said they had not seen any violence and two others who said the police had acted "normally" or "correctly".

Peshkopia - 23 May 1993

An article in *Zëri i Popullit* of 25 May described another incident which took place on 23 May 1993 in the town of Peshkopia, when police allegedly beat people attempting to cross Nazmi Rushiti Square on their way to an authorized rally of the Socialist Party at the town stadium. (According to the article, the rally was to have been held in the square, but the previous day the local police had changed the venue to the town stadium, where the loudspeaker system did not work; the way to the stadium passed through the square.)

The article described the scene as follows: "A police cordon had surrounded Nazmi Rushiti Square, out of fear that crowds would gather there to hold the rally...As soon as the crowd drew close, the police began to push and to hit people with rubber truncheons...There were real clashes. The police also hit Namik Dokle, leader of the party's parliamentary group and vice-chairman of the party. I myself saw police knock a young man, Shyqyri Kamberi, to the ground, kick him and then put him in a car...His face was bleeding. Among others, they [injured]...Nijazi Myftiu and the veteran Sali Zoto".

Tirana - 10 June 1993

On 10 June 1993, police officers in Tirana reportedly forced their way into a building where some 50 former property owners were on hunger-strike. As members of an association named "Private property through justice" they had been on hunger-strike since 23 May, in protest against a 1991 privatization law under which land that under communist rule had been confiscated from landowners and turned over to agricultural collectives was distributed to the peasants who had worked on it. According to a statement of the president of the association, police beat some of the hunger-strikers who attempted to resist, including Fatbardh Zini, Hekuran Yzollari, Defrim Cizmja, Alban Petrela, Beniamin Grabova, Alban Shabani, Nok Trokthi, Shefqet Shkreta, and the president himself, Rrapo Danushi. The statement claimed that several of these had received hospital treatment for their injuries.

The Government reportedly justified police action against the hunger-strikers on the grounds that the lives of citizens had to be protected. It stated that it would not allow "any kind of unlawful pressure on parliament or institutions which involves risks to the lives of its citizens". Previously, on 8 June, Parliament had announced that a committee would be set up to look into the protesters' demands.

Gjrokastër - 25 and 30 June 1993

Under communist rule, religion was banned in Albania in 1967; mosques (the majority of Albanians are of Muslim origin) and churches were only reopened in late 1990 with the end of the communist monopoly of power. Because of the resulting shortage of qualified clergy, the Albanian authorities have authorized some foreign clergy to come to the country to revive religious institutions and train Albanian clergy. In 1992, the Ecumenical Patriarch in Istanbul, the spiritual head of the Christian Orthodox church, appointed a Greek citizen, Archbishop Anastasios, head of the Orthodox church in Albania. The appointment of a non-Albanian citizen was controversial in Albania. In 1993 the Albanian President stated that he had accepted this appointment as a temporary measure until an Albanian cleric was sufficiently qualified to take over this position.

On 25 June 1993 the Albanian authorities arrested and expelled from the country another Orthodox priest and Greek citizen, Archimandrite Chrysostomos. Over a period of two years, the latter had been ministering to the Christian Orthodox community in Gjrokastër, which consists of both Albanians and ethnic Greeks. (Gjrokastër lies in the south of Albania, where the country's Greek minority is concentrated).

Albania justified the expulsion of Archimandrite Chrysostomos on the grounds that he had abused his ministry to promote separatism amongst the Greek minority, that he did not

have a temporary residence permit and that his appointment and title had not been recognized by the Albanian authorities. The Greek authorities denied these accusations, and retaliated by the mass expulsion of Albanians working illegally in Greece, many of whom were allegedly beaten or otherwise ill-treated by Greek security forces.

In the course of the arrest of Archimandrite Chrysostomos, police officers beat with truncheons or otherwise ill-treated an estimated 10 to 15 people who were in a crowd of about 100 who had gathered in the vicinity of the house in Gjirokaštër where Archimandrite Chrysostomos was staying, in the hope of preventing his expulsion. According to most accounts, shortly before midday on 25 June, police beat with truncheons and arrested two men, one of them a driver named Taqo. They then forced their way into the house, pushing and dragging aside those who stood in their way - mainly women - and in some cases knocking them to the ground and hitting them with truncheons. At this point, Archimandrite Chrysostomos came out of the house, declaring he was ready to come with the police. Witnesses claim that the police treated him roughly and unceremoniously as they took him to a waiting car. The same day he was expelled to Greece. The Albanian authorities have denied that force was used on the occasion of his arrest.

Later, on 30 June, police beat a number of people at a roadblock outside the village of Dervican, 10 kilometres south of Gjirokaštër, some of whom were trying to force the roadblock to reach Gjirokaštër and take part in a banned rally to protest about the expulsion of Archimandrite Chrysostomos. In both incidents the great majority of protesters were members of Albania's ethnic Greek minority.

A number of witnesses to the events of 25 and 30 June, who claim that they themselves were beaten by police and saw police beat others, have testified as follows to Amnesty International (Amnesty International apologizes for any errors in the spelling of names due to incorrect phonetic transcription from a tape recording):

According to an account by Panair Çamo, a Greek-language teacher at a teacher-training high-school in Gjirokaštër, on the morning of 25 June he joined the crowd of protesters outside the house where Archimandrite Chrysostomos was staying. There were many police present; he spoke to several, urging them not to intervene. He saw Archbishop Anastasios come out of the house, and a police commander informing him that they had come for Archimandrite Chrysostomos. The police commander apparently admitted that he did not have an arrest warrant or written order of expulsion, but said that police headquarters had received the order by telephone. When the Archbishop responded that this was not legal, the commander simply replied: "He must come" and then left. Shortly afterwards a group of police officers pushed their way through the protesting crowd towards the door to the house. "At that moment, I was standing very close to the door and said to [the police]: 'Don't do this'. They took a man in front of me...They kicked him and beat him with truncheons and put him in a car. Then they took another young man, next to him. I stayed,

and it was my turn next. I resisted, I tried to protect myself, there were many of them and they had truncheons. They pushed me and one police officer hit me from behind three times with a truncheon...[Then they] started to attack, to push and knock down the young seminarists, who were behind me. Behind the seminarists were the women and girls. They attacked the women and girls and pushed them to the ground".

Panair Çamo afterwards went to the local procurator's office to lodge a complaint and displayed the bruises on his back to the procurator, who instructed him to obtain a medical report. Panair Çamo says that the doctor he approached refused to make a report (even after the procurator sent him a written request) - alleging that he feared losing his job.

Mrs Iphigenia Samara, aged 60, watched the scene from the gate to the courtyard of her house: "At about 11am they [the police] started to use force...the people did not withdraw. Then the order came and they started to use truncheons. I was at the gate. The police started to push people into the courtyard. I asked: 'Why are you bringing people into my house? I am the lady of the house.' Then [a police officer] pushed me back and hit me; I fell to the ground. Then I stood up and scolded him; he looked at me but did not answer me...I saw with my own eyes how they dragged people away; they didn't allow it to be filmed. They dragged away Taqo, the Archbishop's driver. One officer pulled him along, the other beat him about the back with a truncheon. They took another young man, both were taken to the police station. And they hit Father Theodhori...[and] a man with grey hair. They also beat a girl from Dervişan...[and] the wife of Makariadhi, member of parliament for the Party of Human Rights. They beat her outside, then they brought her into my house and hit her again...There was a cameraman that was filming...He wanted to film when they dragged Taqo away...They did not let him film".

Mrs Vasiliki Simo stated: "On 25 June we were there. The police came four times. Those four times, we did not allow them take him [Archimandrite Chrysostomos] - they were only a few policemen...At about midday they returned again with many policemen...A policeman came and caught me by the right arm. Another beat me on the back with a truncheon. Then he pushed me and I fell down the stairs and injured my leg".

This incident appears to have been witnessed by the son of Antigoni Njock (see below).

Mrs Antigoni Njock, aged 74, stated:"When they came to take the priest [Archimandrite Chrysostomos], they beat me. They beat us with truncheons, women and girls...I got two blows, one to my eye and the other on my leg. I fell to the ground."

A man named Qirakoflos appears to have witnessed this incident; he told Amnesty International: "Before they took [Archimandrite Chrysostomos] away...they hit an old woman, her name is Antigoni, she is about 70 years old".

A son of Antigoni Njock described the scene as follows: "We saw young girls being pushed, old women beaten. One woman, Vasiliki, they hit with a truncheon...they carried and dragged her some metres away, because [the women] had blocked the door. The people said [to the police]: 'You can pass only over our dead bodies'...After the police dragged the women away, they forced the door with their shoulders".

Three days later, on 28 June, the Orthodox church in Gjirokastër sought permission to hold a rally after mass on 30 June to protest against the expulsion of Archimandrite Chrysostomos, and to demand his return, but police banned the rally late on 29 June. According to the local police chief, police reinforcements were brought in from outside the district to prevent any disturbances. On the morning of 30 June two masses were held in Orthodox churches in Gjirokastër. After the first had taken place, in the lower part of town, 300 to 600 members of the congregation (estimates vary) gathered in front of the church and attempted to march through the town to the church in the upper part of town, but were dispersed by police - according to most reports, without violence. (Some reports indicate that at midday they marched with candles to the Greek consulate.) The Gjirokastër police authorities later complained that both in Gjirokastër and in nearby Grapsh that day, religious masses had been exploited for political ends by political leaders of the Greek minority.

However, on the morning of the 30 June, there were clashes between police and members of the Greek minority at a roadblock outside the village of Dervişan, 10 kilometres south of Gjirokastër. The international newsagency *Reuters* reported that Dervişan villagers had tried to force the roadblock and that in the clashes a police officer was cut in the face by a stone thrown by a protester. According to a report of this incident by *Associated Press*, police "wielding truncheons and tree branches beat back six busloads of people who had apparently not been informed that the rally was banned". The report stated that "several dozen police beat the people back, chasing them into surrounding fields when they tried to pass the roadblock on foot. One policeman was seen threatening a woman with a pistol". The report cited Violeta Boti who had been "clubbed on the back" by a policeman.

Amnesty International was given the following account by Thoma Kyriakou from Dervişan, Secretary of the Gjirokastër district branch of the Greek minority association "Omonia". He stated that on the morning of 30 June he attended Orthodox mass in Gjirokastër. At about midday, he drove home. As he approached Dervişan, he noticed a police roadblock. He stopped, got out of the car and approached to find out what was happening. He alleges that he explained to the police that he was returning to work in his village, whereupon "without warning, the policemen attacked me. Two or three policemen held me and others punched me in the face. In the end I fell to the ground. I protested: 'Why are you beating me, I haven't done anything, I haven't insulted anyone, I haven't broken any law'. The blows rained down on me. I lost consciousness...[later] I saw I was bleeding, two of my right upper teeth were broken and I had a cut on my upper lip which had covered me with blood. Then they put me in a police-car and brought me to police

headquarters in Gjirokastër. When I arrived there...I demanded to see the police chief...'What do you want?' he asked. 'I want to see the procurator and a doctor...my head hurts and my teeth have been broken.' He said: 'Go away, put him in a cell.'...I shared the cell with two other men, also from Dervişan. One was my brother, Kosta Kyriakou...The other was a man who had been injured, Theodhos Latsa, who guards the vineyards".

Thoma Kyriakou stated that some hours later he was released after being fined for having allegedly organized the attempted demonstration in Gjirokastër; he denied that he had been present, much less organized it. He subsequently sought medical care for his injuries in a hospital in Ioannina in Greece.

Theodhos Latsa from Dervişan, village field guard, told Amnesty International that on the morning of 30 June he was on his way to work in the fields, when he was stopped at the police roadblock and told to turn back. He claims that police then beat him about the head and body with truncheons (his account does not provide any explanation for this attack). "I fell to the ground and put my hands over my head; they broke my watch. They put me in a mini-bus and brought me to police headquarters. There a police officer kicked me again, twice, in the corridor; it was painful. At 4.30pm they released me. I went home injured, terribly beaten. The next day I went to hospital in Ioannina".

Theodhos Latsa named four men, Sefo Xera, Vangjell Baruta, Mihal Malutsi and Mihal Litsua, who he says witnessed police beating him at the roadblock outside Dervişan. A *Reuters* report of 30 June described a crowd outside police headquarters in Gjirokastër, shouting for the release of the three men, and noted that eyewitnesses had said they saw a police officer "punching and kicking Theodhos Latsa, an ethnic Greek, in the building".

It appears that Theodhos Latsa may have since been charged with having injured a policeman with a stone.

Tirana - 30 July 1993

The Socialist Party had received authorization to hold a rally on 30 July 1993 in front of the "Dinamo" football stadium in Tirana. The rally was set for 6pm. Two hours earlier, at 4pm, radio and television broadcast news of the arrest of the Socialist Party leader, Fatos Nano - whose immunity parliament had withdrawn two days earlier - on charges of abuse of office and falsification of documents. The rally drew large numbers of people (estimates vary, but several sources, including *Reuters*, refer to over 20,000 demonstrators). Many carried banners demanding the release of Fatos Nano. As Socialist Party leaders duly began to read their speeches, there was an electricity cut, rendering them inaudible, and the cry went up: "To the square!" (meaning Tirana's main square, Skenderbeg Square). Demonstrators then marched to the main square, pushing their way through several police cordons on the way. On duty in the square were regular police units, riot police (Rapid Intervention Forces

colloquially known as "Sampistas") and a number of plainclothes police officers. Video-footage and accounts by witnesses indicate that the regular police in general acted professionally; however, there were a number of incidents in which police officers - witnesses generally refer to "Sampistas", or plainclothes officers - kicked and beat demonstrators with truncheons, while arresting them. Several witnesses claim to have seen some 20 to 30 people being beaten. The reasons for arrest appear to have been arbitrary - according to one demonstrator, police appeared to pick on those who shouted slogans loudest. A number of demonstrators who were arrested were shortly afterward administratively fined for taking part in an illegal demonstration; on 5 August it was reported that 32 demonstrators were due to go on trial for taking part in the demonstration.

The official Albanian news agency ATA and Albanian radio-television declared that Socialist Party leaders had initiated the march to the main square and *Rilindja Demokratike* reported that demonstrators shouted slogans inciting violence (for example, "Hang Sali Berisha", "We want blood"). Socialist Party leaders denied that demonstrators had called for violence and asserted that the march was a spontaneous initiative from the crowd which they had accompanied in order to contain popular indignation and prevent provocations. The available information indicates that while some individuals may have fought with police or shouted violent slogans, the great majority of demonstrators were not violent, and by far the most frequently and prominently displayed slogans were "Down with dictatorship", "Albania in Europe", and calls for the resignation of the government, the release of Fatos Nano, for bread and work, freedom, democracy and new elections. Several demonstrators subsequently complained to Amnesty International that coverage of the demonstration on local television had been biased. There were also complaints that police had not acted impartially, in particular that they had not arrested or brought charges against a group of government supporters who took part on the same occasion in an unauthorized counter-demonstration outside the Palace of Culture.

On 31 July 1993 an Amnesty International delegate received the following testimony from Engjëll Petriti, an unemployed driver, resident in Tirana. On 30 July 1993 he took part in the meeting in front of "Dynamo" stadium and the subsequent demonstration in Skenderbeg Square. His allegations of his ill-treatment by police were supported by the severe bruising visible all over the upper part of his body.

According to his account, he was arrested by police in Skenderbeg Square, where together with other demonstrators he was shouting: "Freedom, Democracy!". He described how five plainclothes officers seized him and dragged him to a waiting police car. "The police came...and grabbed hold of me and rushed me. I told them: 'I'm coming, you don't have to drag me, if you want me to come with you, I'll come'. They dragged me along, kicking and hitting me and threw me into a police car...[In the police car] they beat me with truncheons and wooden sticks on my head and my back - which is completely black and blue - shouting: 'Just see how we kill a dog'. They drove twice round the square while they they beat me - two

held me down while the others beat me - before driving to the local police station...At the police station, they threw me to the floor...A police officer took me by the arm and led me to a chair. I was in a terrible state, I could hardly speak. My mouth and lips were dry; there was a girl who helped me a bit, gave me some water which somewhat revived me. I asked the local police chief, the officer in charge, for help, but they refused. Blood was pouring down my face, my body was in a worse state than it is now...I couldn't stand on my feet...someone came and washed the blood from my face. I again asked to be taken to hospital, but nobody helped me...Later, around 1.30am, they took us in turn into a separate room and drew up documents fining us". (Engjell Petriti was fined 1,000 [new] leks - about \$10 - roughly a third of the average monthly salary, and released in the early hours of the morning of 31 July).

Another participant in the demonstration was Bashkim Zeneli, a member of parliament and a member of the Presidency of the Socialist Party. He told Amnesty International: "When we reached [Skenderbeg] Square, I learned from another delegate that they had put a colleague, Fatmir Kumbaro [a fellow member of the Presidency of the Socialist Party], into a [police] car. As I approached the car - a mini-bus...around 20 to 30 police officers in special uniform [riot police] attacked. They beat me with truncheons. I fell to the ground and then one police officer...shouted: 'Stop! He's a member of parliament!' They helped me to my feet and two or three other policemen came up and surrounded me in order to protect me from the police officers that were still trying to insult and beat me".

Ndre Legisi, another Socialist Party member of parliament, testified to Amnesty International that police had beaten him on the square and put him into a police car. "They punched me and hit me with truncheons on the back and hit me once in the face...In the car they did not beat me any more...Then the crowd intervened and made them let me out of the police car. There was no reason to beat me; the people who beat me knew that I'm a member of parliament".

Ndre Legisi alleged that a journalist was beaten by police for taking photographs and that riot police beat a group of women and children in front of the offices of the Socialist Party.

Another witness, Teli Kuneta, a pensioner, praised the general conduct of the regular police during the demonstration, but criticized the excessive force used against demonstrators by the riot police, who struck him while he was attempting to hold back a young man they were arresting.

In a written declaration dated 3 August, Përparim Seitllari, from Mëmëlisht village in Pogradec district, stated that he encountered the demonstration while making his way back to the bus station in Tirana, after a visit to his son in hospital. As he stopped to watch, he noticed a police officer point his finger at him. The police officer, together with a plainclothes officer, approached him and attacked him. He fled to the bus station, where

they caught up with him and kicked and beat him with truncheons. "They took me and threw me into a police car and drove me to district 3 police station, where I found many others who like myself had been arrested by the police. Later, at about 2am, they handcuffed me to two others and took us to Tirana prison. Here they held me in custody for 72 hours and today, at 2am on 3 August, they released me. Six of us were held in a cell five metres by two metres in poor conditions with very bad food". (On 17 August 1993 Përparim Seitllari was sentenced to a 500-lek fine for having taken part in the demonstration.)

Arben Shkëmbi, from Pogradec, stated in a written declaration dated 31 July that he took part in the demonstration the previous day and was holding up a picture of Fatos Nano, when a police officer tried to tear up the picture, calling Fatos Nano a dog. He stated that the officer hit him with a truncheon and kicked him in the stomach when he fell to the ground.

Thoma Angjellari, from Pogradec, also in a written declaration dated 31 July, stated that while taking part in the demonstration in Skenderbeg Square he saw police ill-treating the member of parliament Bashkim Zeneli (see above), despite the fact that the latter had shown his card proving he was a member of parliament. When Thoma Angjellari rebuked two or three police officers for this, one of them hit him with his truncheon several times.

Similarly, Musa Abrashi, in a declaration dated 31 July, wrote that during the demonstration police hit him after he had intervened to try and protect a woman whom they were beating and who had fallen to the ground.

The Albanian press reported a series of trials between 11 and 17 August 1993 in which at least 19 people were charged with participating in, or (in one case) organizing, the unauthorized demonstration to and in Skenderbeg Square. Eight received prison sentences of between 15 days and four months; two were acquitted, one received a conditional prison sentence and the rest were fined. They were not charged with having used violence; however, one defendant, a press photographer Ago Xhaferri, sentenced to 45 days' imprisonment, was accused of having shouted a slogan calling for President Berisha to be hanged. He denied the charges and stated that he was present at the demonstration in the course of his professional duties as a photographer. Testimony by police at his trial appears to have been contradictory. Ago Xhaferri complained to the court that he had been brutally beaten in prison following his arrest and reportedly displayed his injuries; he also said that he had been denied medicaments he needed.

Fatmir Kumbaro, a journalist, former director of Radiotelevision and member of the Presidency of the Socialist Party, was charged with organizing the unauthorized demonstration and sentenced to four months' imprisonment. He strongly denied the charges against him and said that far from organizing the demonstration, he had attempted to persuade protesters to disperse. This was confirmed by several witnesses for the defence. Police witnesses against him reportedly made statements in court differing from those they

had previously given at a police station, and several press reports claimed that he had been wrongly identified in a photograph of demonstrators. On appeal, his sentence was reduced to two months' imprisonment and he was released on 30 September 1993.

The cases of Romeo Gaçe, David Leka and Pal Zef Qokaj

On 15 May 1993, Romeo Gaçe was killed by a plainclothes police officer in the town of Korça. According to press reports, the incident arose out of the theft of two boxes of Coca-Cola from a car. Two plainclothes police officers attempted to arrest Romeo Gaçe, who was with a group of friends near his house. Romeo Gaçe fled from them, whereupon one of them fired several shots from a pistol; Romeo Gaçe was wounded and died shortly afterwards. Three days later Albanian television broadcast a communique of the Ministry of Public Order stating that Romeo Gaçe had been wanted for a theft and that when police officers pursued him he threatened them with a knife. This provoked an outcry amongst the people of his neighbourhood; some 800 protested to the local and national authorities that the communique was a fabrication, that they were convinced of Romeo Gaçe's innocence and demanded that those responsible for his death be punished. On 21 May an investigator from the district procuracy in charge of the case wrote to Romeo Gaçe's family, expressing his condolences, and stating that the investigation had established that Romeo Gaçe had not stolen any property and that he did not have a knife or threaten the police officers. He further stated that one of the officers was under arrest on charges of wilful murder, under Article 83 of the Criminal Code.

In another incident, on 13 August, a police officer, Ilir Dosti, who had intervened to stop a street brawl in the town of Laç involving David Leka, his three brothers and an older man, was knifed three times - according to police, by David Leka. (A brother of David Leka reportedly denies that David Leka was responsible.) Other police officers then arrested David Leka and took him to a local police station. About three hours later, a forensic specialist, Pandeli Glozhenj, was called to the police station where he found David Leka in a coma; he died shortly afterwards. Police sources appear to have at first denied any responsibility for David Leka's death and to have claimed that he had injured himself falling down stairs. However, Pandeli Glozhenj was reported to have stated that David Leka's injuries could only have been caused by blows to the body. On 17 August three policemen and two police officers were arrested and sent to Tirana for investigation. The local police chief reportedly stated that only one of these had beaten David Leka. An article in *Koha Jonë* (Our Time) of 18 August claimed that the real culprit "is walking freely about Laç, in police uniform".

The day after David Leka's arrest and death, his large family and others gathered outside the police station to demand his body and to protest - the crowd reportedly grew to some 3,000, blocking the highway. Later some protesters began to throw bottles and stones,

injuring several policemen and breaking the windows of some police vehicles. As tension rose, police reinforcements were brought in from other towns who dispersed the crowd by force, arresting some 20 people. On 26 August *Zëri i Popullit* reported that 13 people had been brought to trial for taking part in the "illegal gathering" on charges under Article 6 of Decree 7408. A report of 1 September said that nine of these were sentenced to terms of imprisonment of between 16 days and one and a half months (one of them received a conditional sentence). Two were fined, and two acquitted. The limited information available to Amnesty International about these trials indicates that most of those convicted and imprisoned had not been charged with using or advocating violence. Several defendants claimed they had not been present at the protest or had simply been passers-by. The evidence given against them by police officers appears to have been often flimsy or contradictory.

Police are also said to have killed Pal Zef Qokaj from Tropoja. According to a report in *Zëri i Popullit* of 22 June 1993, he and two other men were driving to the town of Fier when they were stopped by police at a roadblock outside Fier. After a dispute arose between the three men and the police as to whether their documents were in order, police beat them, allegedly causing the death of Pal Zef Qokaj. Amnesty International has at present no further details about this case.

To Amnesty International's knowledge, although investigations have been started into these cases, so far no one has been brought to trial in connection with the deaths of any of these men.