

# ALBANIA

## A call for the release of prisoners of conscience

Albania has recently reinforced its previous legal commitments to guarantee the rights to freedom of expression and freedom of association and the right to fair trial. It has been a party to the International Covenant on Civil and Political Rights (ICCPR) since 1991. In October 1996 it ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)<sup>1</sup>.

However, despite the legally-binding commitment to protect these and other rights, and despite their repeated criticisms of the imprisonment of dissidents under past communist rule, the Albanian authorities still at times resort to the imprisonment of government opponents or people whose views they disapprove of, even when these people have not used or advocated violence.

In May 1996, as the country went to elections, Fatos Nano, the leader of the main opposition party, the Socialist Party, remained in prison. He has been detained since his arrest in 1993. Convicted in 1994 on charges of “embezzlement of state property to the benefit of third persons” and “falsification of official documents” after an unfair trial, he still has two years of his sentence to serve. He is not the only imprisoned government opponent. Another opposition leader, Idajet Beqiri, who has recently been sentenced to 15 years’ imprisonment on charges of “crimes against humanity” after an unfair trial, also was in May 1996 in prison, awaiting trial. The ruling Democratic Party, led by Albanian President Sali Berisha, won an overwhelming victory, but domestic opponents and international observers criticized the conduct of these elections for major irregularities. The run-up to the elections and their immediate aftermath saw a disturbing increase in incidents in which opposition leaders and supporters were arrested and ill-treated (see *Albania: detention and ill-treatment of government opponents - the elections of May 1996* [AI Index: EUR 11/17/96] published in September 1996).

Fatos Nano and Idajet Beqiri were convicted of grave offences: Amnesty International has studied their cases and concluded that the charges against them were not substantiated by the evidence produced in court and were politically motivated - in other words, that they were convicted on false charges as a way of punishing them for their non-violent political activities.

In other cases, courts have imprisoned men for having engaged in “anti-constitutional” activity - for attempting to “recreate” a banned Communist Party or for disseminating communist writings- although they had not used or advocated the use of violence. Amnesty International acknowledges that the severe repression and human rights violations perpetrated during the years of communist rule have ensured that many Albanian citizens regard such activities with extreme repugnance. However, a commitment to the human rights protection of citizens requires an acceptance of pluralism which grants those with opposing

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<sup>1</sup>It is also party to other important human rights treaties, including the United Nations Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). In October 1996 it ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

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views the same guarantees and protection as those who share the convictions of the ruling party. By failing to uphold these rights, the authorities repeat the mistakes of the past and publicly endorse the practice of intolerance.

As Albania's National Day approaches (28 November) Amnesty International calls on the Albanian authorities to demonstrate their genuine commitment to human rights and in particular to uphold the rights to freedom of expression and association guaranteed in Articles 19 and 22 of the ICCPR<sup>2</sup> by immediately and unconditionally releasing the nine men whose cases are described below, who are considered by the organization to be prisoners of conscience, imprisoned for the non-violent exercise of their human rights.

In calling for their release, Amnesty International expresses neither support nor rejection for the political views or beliefs of these men; it simply asks for their basic human rights to be upheld. Their release would demonstrate that Albania genuinely intends to abide by its commitments under the European Convention on Human Rights, and in particular Articles 10 and 11 which guarantee the rights to freedom of expression and association.<sup>3</sup>

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<sup>2</sup>Article 19 (1): Everyone shall have the right to hold opinions without interference.

(2): Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice

<sup>3</sup>Article 10 (1): Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

Article 11 (1): Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

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## PRISONERS OF CONSCIENCE IMPRISONED ON FALSE CHARGES

**Idajet BEQIRI, aged 45, an opposition leader serving a 15-year prison sentence recently imposed for alleged “crimes against humanity” under Article 74 of the Albanian Criminal Code.**

*Article 74: “Murders, exterminations, enslavements, internments and banishments and any form of torture or other inhuman violence committed for political, ideological, racial, ethnic or religious reasons, are punished by no less than 15 years’ imprisonment or by life imprisonment or death.”*

On 22 September 1995 Parliament adopted a law entitled “On the genocide and crimes against the population committed in Albania during the communist regime for political, ideological and religious reasons.” This law instructed the Prosecutor’s Office to “initiate immediately and with priority” the investigation of these crimes. In the months that followed some 30 to 40 former senior communist officials were arrested and charged with “genocide” and “crimes against humanity”, generally for having ordered the administrative internment of relatives of dissidents. During communist rule, this was a measure under which thousands of people were confined to distant villages, often for many years, because a relative had committed a political offence or had fled the country. This measure could also be used to punish anti-social behaviour, involving ordinary crimes.

By the end of October 1996, 23 of those arrested had been convicted in a series of trials on charges of “crimes against humanity” under Article 74 of the Albanian Criminal Code. Apart from a few defendants whose prison sentences were suspended on appeal, most received prison sentences varying from 15 years to life.

Amnesty International has condemned the gross human rights violations committed in Albania under past communist rule and was among the first to document these in its report *Albania: Political imprisonment and the law* (AI Index: EUR 11/04/84), issued in 1984. The organization does not contest the right of the authorities to bring to justice those who in the past committed grave crimes recognized under international law, but it affirms that such trials must be conducted in accordance with international standards for fair trial. Moreover, the definition of these crimes in national law must be consistent with international law.

Idajet Beqiri has never been a senior communist official. From 1981 to February 1986 he was president of Kruja district court. In 1991, with the end of communist rule, he founded the Party of National Unity and subsequently became known for his outspoken criticism of President Berisha. In 1993 he was jailed for six months for "slandering" the President in a newspaper article and was adopted by Amnesty International as a prisoner of conscience.

Idajet Beqiri was again arrested in January 1996 and his trial opened on 29 July 1996. On 28 September 1996 he was convicted by Tirana district court of "crimes against humanity", together with eight other defendants, former communist officials, five of whom were tried *in absentia*. Idajet Beqiri was sentenced to 15 years' imprisonment; his conviction and sentence were upheld by the Court of Appeal on 5 November 1996. Amnesty International believes that the charges against him were not substantiated by the evidence produced in court, and were politically motivated. The organization believes that he was detained and imprisoned after conviction because of his peaceful exercise of his right to freedom of expression and association.

The specific charges against Idajet Beqiri relate to the internment of four members of the Duka family, and are based on a document (a "proposal") dated 23 November 1985, allegedly signed by Idajet Beqiri as a member of a local "internment commission", proposing their internment in Gallatë village.

At the trial Idajet Beqiri denied the charges against him and claimed that the proposal was a forgery. A photocopy of this document was presented in court, but not the original, despite the defence lawyers' repeated requests for it to be shown. A court-appointed expert confirmed that the signature on the (photocopied) proposal was Idajet Beqiri's, although it did not incorporate the calendar year, unlike other examples of his signature presented in court. The expert did not comment on the fact that the document was typed in two typefaces (the heading and the text of the document in a distinctly smaller typeface than the name of Idajet Beqiri and his title - member of the commission).

Idajet Beqiri also claimed to have an alibi proving that he was not in Kruja on 23 November 1985 and therefore could not have signed the proposal. He proposed witnesses in support of this alibi. The court did not call these witnesses.

The defence referred to the fact that a political motivation for internment is an essential element for prosecution under Article 74 and produced evidence showing that this was not the reason for the Duka family's internment. This evidence included a copy of a written decision of the central Internment Commission (the institution which ruled on proposals), dated 23 April 1986, ordering the Duka family's internment in Bruz Mal village for three years; the reasons given in this decision relate to ordinary criminal offences committed by the four members of the family, mainly theft.

This document also helped to support the defence's claim that the Duka family were not interned as the result of a proposal made in 1985 but following a proposal made in April 1986 - for which Idajet Beqiri could have no responsibility since at that time he was himself in prison. Two members of the Duka family confirmed that they were interned in Bruz Mal village in May 1986 two weeks after their internment was proposed, although they claimed that Idajet Beqiri was responsible for their internment. The defence produced evidence showing that at that time Idajet Beqiri was in prison for an unrelated offence. In February 1986 he had been dismissed from his post of president of Kruja district court, after which he was arrested. A former chief investigator in Kruja reportedly told the court that in 1986 he had been asked to give an opinion on the proposed internment of the Duka family; he confirmed that at the time Idajet Beqiri was already in prison.

Idajet Beqiri told the court that he believed the charges against him were politically motivated and that this explained why he alone had been charged in connection with the Duka family's internment, although internment involved a process of proposals, approvals and decision which required the participation of numerous persons and institutions.

The court nonetheless found Idajet Beqiri guilty; in its written decision, it stated that the four members of the Duka family had been interned because of the political activity of a fifth member of the family, although evidence produced by the defence at the trial showed that this person, too, had been arrested and convicted of theft.

In a statement issued on 15 October, a local human rights organization, the Albanian Helsinki Committee, AI Index: EUR 11/27/96 Amnesty International November 1996

expressed grave doubts about Idajet Beqiri's conviction on charges of "crimes against humanity". In particular, the Committee referred to procedural violations, to the fact that Idajet Beqiri had not been duly informed of the Court's decision to have the "proposal" examined by an expert, and had therefore not been able to formulate questions to put to the expert or to propose an alternative expert; and to the failure of the court to ensure that the original of this document was presented in court. Lastly, the Committee criticized the fact that Idajet Beqiri's conviction was based on a "proposal" he had allegedly signed. The Committee noted that such proposals did not have the power of a decision or order and consequently could not, in its view, serve as a basis for prosecution under Article 74. The Committee called on the Constitutional Court to issue a ruling on this matter.

### **Fatos NANO**

**Fatos Nano, aged 44, is the leader of the Socialist Party of Albania, the main opposition party. He was arrested in July 1993 and the following year convicted on charges of "embezzlement of state property to the benefit of third persons" and "falsification of official documents".**

Fatos Nano was arrested on 30 July 1993, three days after his parliamentary immunity was lifted; his trial before Tirana district court started on 5 March 1994.

On 3 April 1994 he was convicted by Tirana district court of "embezzlement of state property to the benefit of third persons" - under Article 62 of the (former) Criminal Code and of "falsification of official documents", under Article 110 of the (former) Criminal Code. He was sentenced to 12 years' imprisonment and repayment of 72, 573,000 leks (7.2 million US\$). This sentence was confirmed on appeal. However, it was reduced following an amnesty and presidential pardons in 1994 and 1995. In June 1995 Tepelena district court rejected his request for release under provisions of the new Criminal Code. In July 1995 the Court of Appeal overturned the decision of Tepelena district court, but reduced Fatos Nano's sentence by only a year. In September 1995 Parliament dismissed Judge Zef Brozi, the President of the Court of Cassation which was due to review the case. Judge Brozi had expressed the view that Fatos Nano's conviction was unsound. Fatos Nano still has two more years of his prison sentence to serve.

Briefly, the charges against Fatos Nano relate to the period from February to June 1991 when he served in the government of former president Ramiz Alia, as vice-premier and premier, and to the delivery of emergency aid of food and medicines from Italy, at a time when Albania was in a state of economic and social chaos and facing acute shortages of basic goods.

According to the prosecutor, Fatos Nano used his position to ensure that the contract for the supply and delivery of aid was not tendered out but was granted to an Italian-Yugoslav company, Levante & Co.SPA, whose director was allegedly a friend of his; he thus made it possible for the company to make unlawful profits, by overpricing for goods, and for the costs of transportation and quality control, allegedly causing 72,573,000 leks of damage to the Albanian state and the Albanian people. The charge of falsification of official documents was based on the accusation that, as President of the Council of Ministers, he had signed several official decisions on various issues in the name of the Council, although in fact the issues had not been discussed by the Council.

Fatos Nano refused to take part in the trial after the court rejected his request that the hearing be deferred  
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until he and his lawyers had been given adequate time and opportunity to examine his complete court dossier.

His defence lawyers argued that the charges were unfounded. The prosecutor, they said, was wrong to regard the Italian emergency aid as Albanian state property from the date (February 1991), when the decision was taken by the Italian Government to grant this aid amounting to 20 billion liras. The aid was a gift from the Italian Government and became Albanian state property only on receipt by the Albanian authorities. During Fatos Nano's government the first allocation of aid, amounting to 10 billion liras, was duly delivered on 19 March 1991. Levante & Co continued to deliver Italian emergency aid under three succeeding governments and it was illogical to hold Fatos Nano responsible for deficiencies in the delivery of the aid at a time when he was no longer Prime Minister. Defence referred to Italian law 49/87 which stipulated that when aid is granted free, it is the Italian Ministry of Foreign Affairs which grants contracts for the supply and delivery of aid, and that in the case of the aid to Albania, provisions of the law had been invoked which allow, in emergencies, aid to be granted without first tendering out the contract. Defence lawyers also criticized the prosecutor's price listings for the goods delivered, which they said were based on prices for January 1991 (whereas goods were delivered from 19 March 1991 to 1993) and which failed to take into account the quality of goods delivered. Defence stated that an accurate price listing, produced by Italian experts, showed that the goods had not been overpriced. Documents proved that aid to the agreed value had duly been delivered to Albania. Defence lawyers also argued that embezzlement of state property occurs only in cases where the property is in the possession of an official who changes its ownership so that he and a third party benefit and that this was not the case of Fatos Nano who had neither possessed nor changed the ownership of goods.

As regards the charges of "falsification of official documents", the defence cited decisions from the archives of the Council of Ministers which showed that these issues had been discussed by the Presidium of the Council of Ministers, and referred to the testimony of the then Secretary General of the Council of Ministers who told the court that constitutional provisions in force at the time did not specify in detail the status of the Presidium and that it was usual practice that the Presidium, which included the Premier, the Secretary General and relevant Ministers, could take decisions if the Council had delegated a matter to it. Minutes showed that this had been done.

Amnesty International has examined the judgement of Tirana district court and other related material and has concluded that the charges against Fatos Nano were not substantiated in court, and were politically motivated and that he has been convicted and imprisoned because of his peaceful exercise of his rights to freedom of expression and association.

The organization is also concerned that he was denied a fair trial; it believes there were numerous violations of procedure during investigation proceedings as a result of which the defendant and his lawyers were denied full access to details of the charges and the evidence in support of them or, when access was eventually given, were permitted inadequate time to study these materials; it also believes that the denial of the defendant's request to include an expert chosen by himself in the team of accounting experts assigned to examine evidence was unjustified. Amnesty International is concerned that defence witnesses were not examined by the court and that the court failed to examine various documents proposed by the defence, including the major part of an accounting statement by Italian experts carried out at the request of the Prosecutor's Office in Rome.

Amnesty International has concluded that Fatos Nano is a prisoner of conscience and has therefore repeatedly called for his release. In September 1996 the Inter-Parliamentary Council of the the Inter-Parliamentary Union adopted a resolution reiterating its earlier calls for Fatos Nano's case to be reviewed and for his release pending review. The resolution stated that in its view "the rationality of the judgement handed down on Mr Nano is highly dubious and ...therefore his trial should be reviewed with respect to both charges on which he was convicted"; it also expressed "its concern that Mr Nano's prosecution may have been based on political considerations only, neglecting elementary standards of fair trial, and that Mr Nano should consequently be released...pending a review of his case". It accordingly requested President Berisha "to make use of his presidential prerogatives and grant such amnesty as may lead to Mr Nano's release."

### **PRISONERS OF CONSCIENCE CONVICTED OF "ANTI-CONSTITUTIONAL ACTIVITY"**

**Seven men, convicted in three separate trials in 1996, are serving prison sentences of up to four years for attempting to create or recreate a communist party or for distributing anti-government or communist writings. They were convicted under Article 224 and/or 225 of the Albanian Criminal Code.**

The Albanian communist party, the Party of Labour, held exclusive power in Albania from the end of World War Two until the end of one-party communist rule, following popular protest, in December 1990. In March 1991 the renamed communist party, the Socialist Party, won the country's first multi-party elections, but following widespread industrial unrest the government resigned, and a coalition government was formed. In November 1991 communist hardliners who disagreed with the Socialist Party's espousal of multi-party democracy and the market economy, founded the Albanian Communist Party, under the leadership of Hysni Milloshi. In parliamentary elections in March 1992, which were won by the Democratic Party, this party won no seats.

Albanian constitutional provisions adopted in April 1991 guarantee freedom of association and freedom of expression:

*Article 6: "Political pluralism is one of the fundamental conditions of democracy in the Albanian state. Political parties and other organizations are created and exercise their activity in accordance with the law".*

*Article 2: "The freedom of expression may not be violated...Everyone enjoys the right to freely express his opinions by speaking, writing or any other means of dissemination."*

However, in July 1992, the Albanian Communist Party was outlawed after Parliament passed a law banning "any party whose aims and activities have an anti-national, chauvinist, racist, totalitarian, fascist, Stalinist, Enverist, communist and Marxist-Leninist character." This prohibition was reinforced with the introduction, in 1995, of a new Criminal Code and in particular Articles 224 and 225 of this code.

*Article 224: "The creation of anti-constitutional parties and organizations"*

*(1) The creation of, or participation in, a party, organization or association which aims at the violent overthrow of*

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*the constitutional order, is punished with a fine or imprisonment for up to three years.*

*(2) The recreation of a party, organization or association which has been declared anti-constitutional or the continuation of its activity in a secret or open manner, is punished with imprisonment from one to five years.*

**Article 225:** “*The distribution of anti-constitutional writings*”

*(1) The distribution of writings or the use of symbols which belong to an anti-constitutional party, organization or association or one which is declared as such, is punished with a fine or imprisonment up to three years.*

*(2) The distribution or smuggling into the country of materials, writings or symbols, which aim at the overthrow of the constitutional order or the undermining of the territorial integrity of the country, is punished by a fine or by imprisonment for up to three years.*

Amnesty International believes that cases such as those that follow show that present legislation allows for the imprisonment of people for exercising non-violently their right to freedom of association and expression. It has consequently urged the Albanian authorities to amend this legislation, including Articles 224 and 225 of the Criminal Code, so as to bring it into line with the country’s international human rights undertakings.

### **Sulejman Mekollari and Lirim Veliu**

**Sulejman Mekollari and Lirim Veliu are currently serving sentences of four and two years’ imprisonment respectively.**

Between 17 and 20 September 1995 three men from Saranda, Sulejman Mekollari, Dilaver Dauti and Lirim Veliu, were arrested for having distributed leaflets on 10 September 1995 in Saranda and villages nearby. The leaflets, described in the official press as having a “brazenly anti-national character”, reportedly read: “[President] Berisha is a spy”, and “America out of Albania”, and were signed with the initials “RKAF”. The leaflets were distributed at a time when President Berisha was on an official visit to the USA.

Official sources claimed that these men were members of the Socialist Party of Albania and former supporters of the Party of Labour. The Socialist Party, however, denied they were its members and expressed itself in favour of good relations with the USA. On 22 September the men were brought before Saranda district court which confirmed their arrest, but ruled that Dilaver Dauti should be detained in house arrest rather than in prison. A fourth man, Gani Korro, was probably arrested shortly afterwards. Amnesty International has received allegations that the defendants were ill-treated immediately following arrest, in violation of Albania’s obligations under Article 7 of the ICCPR, the Convention against Torture and Article 3 of the European Convention on Human Rights, and that, in particular, Lirim Veliu was held in the basement of a former workers’ hostel by the sea and severely beaten and injured.

Investigation proceedings lasted until the end of December 1995 when the four were indicted. Sulejman Mekollari, Lirim Veliu, Gani Korro and Dilaver Dauti were charged under Article 225 of the Albanian Criminal Code with “distributing anti-constitutional materials”; Sulejman Mekollari, the main defendant, was also charged under Article 224 with “re-creating or continuing the activity of an anti-constitutional party”.

Their trial before the district court of Saranda lasted from 14 February to 15 March 1996. At the trial lawyers for the defence reportedly argued that the leaflets were not anti-constitutional in content. It appears that the precise significance of the initials RKAF was not established in court. The lawyer defending Sulejman Mekollari argued that the charges against his client of “continuing or re-creating an anti-constitutional party” were based on writings found at Sulejman Mekollari’s home in 1992, several months after the Albanian Communist Party was banned. At the time of the discovery of this material, the “recreation” of the Communist Party was not a criminal offence under the criminal code then in force.

On 15 March 1996 the court found all four defendants guilty: Sulejman Mekollari was sentenced to four years’ imprisonment; Dilaver Dauti to two and a half years’ imprisonment; Lirim Veliu to two years’ imprisonment and Gani Korro to three years’ imprisonment suspended for 18 months. In April 1996 the Court of Appeal confirmed their sentences. In the meantime, however, Dilaver Dauti had escaped house arrest and left the country.

### **Sami Meta, Kristaq Mosko, Timoshenko Pekmezi and Tare Isufi**

On 16 September 1996 the district court of Tirana found four men, Sami Meta, aged 62, Timoshenko Pekmezi, aged 54, Kristaq Mosko, aged 45, and Tare Isufi, aged 73, guilty of conspiring to recreate the former Albanian Communist Party, banned since 1992. Sami Meta was sentenced to two-and-a-half years’ imprisonment, Timoshenko Pekmezi to two years, and Kristaq Mosko and Tare Isufi to one year’s imprisonment each. They were convicted under Article 224, paragraph 2 (see above).

The four men were arrested in the early hours of 27 February 1996, only some hours after a car bomb exploded in central Tirana, killing four people and wounding 27 others. The first the general public knew of their arrest was a report in the press on 29 February which stated that Kristaq Mosko, trade union leader of the Albanian Trade Union Confederation for the district of Elbasan, had been arrested at his home in Elbasan and his house searched. By 2pm the following day, his family reportedly still did not know where he was or why he had been arrested.

Arrest warrants for the four were not issued until 1 March and it was on 3 March that Tirana court ordered their detention in custody for investigation on charges under Article 224, paragraph 2, - with the exception of Tare Isufi who, because of his age, was held under house arrest.

Their trial opened on 30 July, but after the first day was adjourned until September, because of summer holidays.

According to the prosecution the four had secretly collected illegal and anti-constitutional materials in order to recreate the banned Communist Party and had established party structures in various towns with the aim of seizing power by violence. They had also, according to the prosecution, attempted to forge contacts with Cuba and with various communist parties abroad. Further, they had disseminated communist propaganda in several newspapers which purported to be independent. In support of these charges, the prosecution produced as evidence communist literature found at their homes, lists of party members and several faxes sent to the Cuban embassy in Rome.

The defendants acknowledged that they wished to create a communist party, but they said its program

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envisaged seeking power by peaceful means; they denied that they had planned or advocated the use of violence. Three of the defendants denied conspiring with Sami Meta, who belonged to a different faction, that of the leader of the banned Communist Party, Hysni Milloshi. They said that after this party was banned in 1992 they had ceased party activity, but that in the last three months of 1995 they had begun to hold meetings in their homes and in bars and hoped to gather the necessary 300 signatures to enable them to meet formal requirements for their party's legal registration. They had sought, but failed to reach, an agreement with the faction of Hysni Milloshi. The three claimed they wanted to found a new and moderate communist party, led by Razi Brahimi, which would defend the interests of workers. The asserted that the party's statute and program did not in any way advocate the use of violence.

Two lawyers for the defence complained that the arrest of the four men and the search of their homes had been unlawful: specifically, the defendants had been arrested without a warrant and their homes had similarly been searched without a warrant by members of the state security service who had not made a written record of what was found and confiscated. The lawyer defending Sami Meta also complained that his client had not been allowed to attend his wife's funeral (she died on 12 July).

The fourth defendant, Sami Meta, declined to comment on the charges against him; he said he would testify only when the persons who had searched his home were identified and called to court to give evidence.

In the course of the trial it became clear that the state security service had infiltrated the group and had for some time been monitoring their activities; defence lawyers suggested that the timing of the defendants' arrest, immediately following the Tirana bombing, had been motivated by the authorities' wish to place the blame for the bombing on "leftist forces".

There appeared to be no clear explanation as to why these four defendants had been singled out for prosecution. The court agreed to the defence lawyers' request that Hysni Milloshi and Razi Brahimi should be summoned as witnesses, but they did not appear in court and were said to be abroad.

Apart from relatives of the defendants, who exercised their right not to testify in court, few witnesses were called to give evidence, and no evidence was produced to support the prosecution's claim that the four men had sought to create a party (or parties) which advocated the use of violence to achieve power.

On 16 September 1996 the court found all four men guilty; their conviction and their sentences were confirmed by the Court of Appeal on 23 October 1996.

### **Nysret Reçica**

Nysret Reçica, aged 36, an ethnic Albanian from Kosovo province in the Federal Republic of Yugoslavia, was on 17 October 1996 sentenced to 10 months' imprisonment by Tirana district court on charges of "disseminating anti-constitutional writings", under Article 225 of the Albanian Criminal Code. He was found guilty of selling the works of Albania's former communist rulers, Enver Hoxha and Ramiz Alia, and other Marxist works. He has been detained since his arrest in Tirana on 19 May 1996.

Nysret Reçica was reportedly living temporarily in Albania at the time of his arrest, working as a street trader selling books. At his trial Nysret Reçica reportedly admitted he had sold the books but claimed that

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he was unaware that this was a criminal offence. He said he sold the books to make profit, not to disseminate propaganda. A press report indicated that the court had ordered that he undergo psychiatric examination but that he was found to be mentally sound.

Nysret Reçica had previously been imprisoned for political offences in Yugoslavia: in August 1981 he was convicted by the district court of Priština of taking part in nationalist demonstrations in the town of Lipljan and sentenced to six and a half years' imprisonment.