

EXTERNAL (for general distribution)

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EXTRA 31/92

DEATH PENALTY

24 March 1992

ALBANIA

Arben Elmaz HAXHIU

According to press reports, Arben Elmaz Haxhiu has been sentenced to death by shooting. On 18 March 1992 the district court of Durres found him guilty, under Article 84, point a, of the Albanian Criminal Code of murdering a naval officer. According to the court, the accused was motivated by a desire for revenge.

BACKGROUND INFORMATION

In May 1990 the scope of the death penalty was restricted under amendments to the criminal code. Women may no longer be sentenced to death. The number of offences punishable by death has been reduced from 34 to 11. These include treason, espionage, terrorism and premeditated murder, as well as certain economic, non-violent offences. In 1991, six men were sentenced to death in Albania. Four were executed; one had his sentence commuted and the Supreme Court returned the case of the sixth for re-trial.

The sentence imposed on Arben Elmaz Haxhiu is the fourth death sentence of which Amnesty International has learned since the beginning of 1992. (See EXTRA 21/92, EUR 11/02/92, 26 February 1992 on Zamir Loçi and Hamit Bitri, who were sentenced to death by the district court of Tirana for murder in February 1992; and EXTRA 28/92, EUR 11/0392, 17 March 1992 on Hajdar Niman Gjuriqi who was sentenced to death on 5 March 1992, also for murder. Amnesty International has so far not learned the result of their appeals.)

According to a Reuters report of 2 March 1992, violent crime in Albania increased dramatically in 1992; murders increased by 55 per cent. Albania's chief investigator was reported as stating that the tradition of the blood feud, formerly repressed under communist rule, was reviving and that revenge killings were on the increase.

By law, the Supreme Court hears appeals against death sentences within 10 days of receipt of the case and reviews all death sentences even if no appeal is made. If the death sentence is confirmed by the Supreme Court, the defendant may petition for clemency to the President of the Republic of Albania, who

must in any case examine and approve all death sentences before they are carried out. Execution may be by shooting or hanging.

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RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:

- expressing concern at reports that Arben Elmaz Haxhiu was sentenced to death on 18 March 1992 by the district court of Durres after being found guilty of murdering a naval officer;

- stating that you recognize the gravity of Arben Elmaz Haxhiu's crime, but that Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it is the ultimate cruel, inhuman and degrading punishment;

- urging the President to exercise his constitutional power to commute this death sentence.

APPEALS TO

President Ramiz Alia
President of the Republic of Albania
Tirana
The Republic of Albania
Dear President
Telegrams: President Ramiz Alia, Tirana, Albania
Telex: 4298 pkprssh ab

COPIES TO:

Minister of Justice
Ministria e Drejtësisë
Tirana
The Republic of Albania

Minister of Foreign Affairs
Ministria e Puneve te Jashtme
Tirana
The Republic of Albania

Forum for Human Rights
Prof. Arben Puto
President of the Forum for Human Rights
Rr. Lidhja Prizrenit nr.3; ap. 5,
Tirana

The Republic of Albania

and to diplomatic representatives of Albania in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 May 1992.