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Albania: Remzi Hoxha -- a "disappearance" that must be clarified without further delay

On the anniversary of the "disappearance" of Remzi Hoxha, on 21 October 1995, Amnesty International urges the Albanian authorities to delay no longer in clarifying his fate. The family of Remzi Hoxha has waited eleven years to learn his fate; Amnesty International considers that it is the duty of the Albanian state to respond to their anguished appeals.

In August 2006 Amnesty International wrote to Prime Minister Berisha asking that all measures be taken to ensure that the "disappearance" of Remzi Hoxha is rapidly clarified and that those responsible are brought to justice. Amnesty International has received no response to this letter.

The organization noted that Bashkim Gazidede, director of the National Information Service (ShIK, the secret police) at the time that Remzi Hoxha was, it appears, detained and tortured by ShIK employees, had returned to Albania in December 2005 after an absence of some years. Amnesty International believes that he may be able to shed light on this case, and help to finally clarify Remzi Hoxha's "disappearance".

Background

Eleven years ago Remzi Hoxha, an Albanian born in Macedonia, but living in Albania since 1992, was driven away from his workplace in Tirana by men in a car which was later reportedly identified as belonging to the ShIK. Although his family swiftly reported his "disappearance" and made enquiries with the police and with other authorities they learned nothing. An official investigation into his "disappearance" was reportedly suspended in 1996.

In 2003 the investigation into this case was reopened, on the recommendation of the Albanian Ombudsman (People's Advocate). This investigation concluded that three former ShIK employees, Arben Sefgjini, Budion Meçe and Ilir Kumbaro (the latter had left the country, probably in 1997), had together committed the criminal offences of "abuse of office" and "torture" (Articles 248 and 86 of the Criminal Code) against Remzi Hoxha, and against two other men, Ziso Kristopulli and Avdyl Loshaj, who were also detained in October 1995, but released shortly after.

However, on the basis of Amnesty Law no.8202 adopted in March 1997, which included immunity from prosecution for these two criminal offences, criminal proceedings against the defendants were stopped and the investigation suspended. In May 2004 Arben Sefgjini and Budion Meçe were released by court order. Charges of murder, or of torture resulting in permanent injury or death -- crimes not covered by the Amnesty Law -- were not brought against the defendants, because the investigation reportedly did not establish whether Remzi Hoxha had died. In Amnesty International's view, all efforts should now be directed to obtaining the necessary evidence to determine Remzi Hoxha's fate.

Amnesty International opposes, on principle, impunity for perpetrators of acts of torture, and considers that Amnesty Law no.8202, by granting immunity from prosecution for acts of torture (other than those resulting in permanent injury or death) violated international human rights treaties ratified by Albania, including the United Nations Convention against Torture.

“Disappearances” - Violations of international human rights law

“Disappearances” are violations of international human rights law and standards. Article 2 of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in 1992, states that “disappearances” *“constitute a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life”*. Article 13 of the Declaration also calls for investigations to be carried out *“as long as the fate of the victim of enforced disappearance remains unclarified”*.

“Disappearances” are also acts of extreme cruelty affecting both the “disappeared” individuals and their families and friends. The continued suffering of the relatives of the “disappeared” -- in being denied the knowledge of the fate of their loved one -- amounts to a violation of their right under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms not to be subjected to torture or to inhuman or degrading treatment.

In view of the continuing failure on the part of the Albanian authorities to clarify the fate of Remzi Hoxha and to bring to justice those responsible for his “disappearance”, in April 2005 Amnesty International referred his case to the Working Group on Enforced and Involuntary Disappearances of the United Nations Office of the High Commissioner for Human Rights.