

EXTERNAL (for general distribution)

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UA 444/94

DEATH PENALTY

15 December 1994

ALBANIA

R. Domi

On 2 November 1994 the district court of Durrës sentenced 40-year-old R. Domi to death. Two months previously he killed A. Çuka, a man from his village, with a scythe. It appears that A. Çuka had beaten R. Domi's son. At the trial, R. Domi reportedly argued that he had acted in self-defence.

According to a report in the daily newspaper *Koha Jone* (Our Time) of 3 November 1994, the sentence was unexpected as the prosecutor had called for a 25-year prison sentence and the defence had asked for a lower sentence in view of various extenuating circumstances (not specified).

BACKGROUND INFORMATION

In June 1993 President Berisha publicly advocated the abolition of the death penalty, stating that it was immoral for the state to kill a citizen when the possibility of a life imprisonment existed, and that studies had shown no direct link between the death penalty and a reduction in crime.

In November 1993 the People's Assembly adopted amendments to the Criminal Code which reduced the number of articles providing for an optional death penalty to six and introduced the punishment of life imprisonment. Women and offenders under 18 may not be sentenced to death or life imprisonment. However, a draft Criminal Code, currently under review, proposes a great increase in the number of offences punishable by an optional death penalty

Towards the end of November 1994 the Albanian Helsinki Committee, a local human rights organization, urged President Berisha to grant a pardon to all those sentenced to death, that is, to commute their sentences to prison sentences. However, an amnesty pardon granted at the end of November to certain categories of prisoners excluded those convicted of murder.

At least three other death sentences have been passed so far this year, in all cases for murder. In October one of those convicted, Jeto Muho, was executed.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters either in English, Italian or French, or in your own language:

- expressing concern that R. Domi was sentenced to death on charges of murder by the District court of Durrës in November 1994; state that you recognise the gravity of his crime but that Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment;
- welcoming the President's statement in June 1993 in which he expressed his view that the death penalty should be abolished and urge him to exercise his constitutional power to commute R. Domi's death sentence, if it is confirmed on appeal to the Court of Cassation.

APPEALS TO:

President of Albania
Dr Sali Berisha

President i Republikës
se Shqiperisë
Tiranë
Albania

Faxes: +355 42 32971 or 32979

Telegrams: President Berisha, Tirana, Albania

Salutation: Dear President

COPIES OF YOUR APPEALS TO:

Minister of Justice
Mr Hektor Frasheri
Ministria e Drejtësisë
Tirana
The Republic of Albania

Minister of Foreign Affairs
Dr Alfred Serreqi
Minister i Punëve të Jashtme
Tiranë
Faxes : +355 42 32971

The Albanian Helsinki Committee
Komiteti Shqiptar i Helsinkit
Qendra Nderkombetare e kultures, Dhoma no.35
Bulevardi "Deshmoret e kombit"
Tirana, Albania

and to diplomatic representatives of Albania accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 26 January 1995.