

ALBANIA

DETENTION AND ILL-TREATMENT OF GOVERNMENT OPPONENTS - THE ELECTIONS OF MAY 1996

INTRODUCTION

On 26 May 1996 national elections were held in Albania; according to official results, the ruling party, the Democratic Party (DP), won an overwhelming victory. The main opposition party, the Socialist Party (SP), as well as several other opposition parties, pulled out of the election before the close of the poll, alleging vote-rigging, the intimidation of voters and the harassment of opposition supporters. The state-run media countered by charging the SP with creating a paramilitary force, forging election documents and stealing ballot boxes.

The following day, the main opposition parties announced that they would not recognize the results of the elections and that they would boycott the new parliament. They called on their supporters to attend a protest meeting at the city's main square, Skenderbeg Square, on 28 May at noon. The police refused permission to hold the meeting, and attempted to block access to the square. Nonetheless many opposition supporters gathered there. The demonstration was rapidly and violently dispersed by security forces, consisting of regular police, riot police armed with shields and helmets, and plainclothes police of the National Intelligence Service (ShIK), who beat many demonstrators, including opposition leaders, women and the elderly, as well as some bystanders and local and foreign journalists. A number of demonstrators were arrested; most had been released by the end of the day.

After dispersing the demonstration, police surrounded SP headquarters, where many supporters had sought refuge. Later, electricity and telephone lines were reportedly cut in the building. The blockade was finally lifted following negotiations with election monitors and diplomats.

Prokop Gjika, a Socialist Party supporter, was among the demonstrators on this occasion; **Arben Imami**, an opposition party leader also took part, and **Bardhok Lala** was present as a journalist from the independent press. Their experience of arrest and ill-treatment by police and security forces was shared by many others.

A Socialist Party supporter

One of the demonstrators in Skenderbeg Square on 28 May was **Prokop Gjika**, aged 62, from Tirana, who gave this account of what happened:

"I was in front of the Palace of Culture [on the square], like all the others, shouting 'We want our votes!', 'Down with vote-riggers!', 'Long live the

SP!'. At that moment, I felt a hard punch to my nose and blood poured down all over me. Then I was hit on the brow. I fell unconscious to the ground.

Prokop Gjika

After some minutes, I opened my eyes and saw lying next to me a man of a similar age who had also been beaten. I gave him my hand to help him up but three or four police officers threw themselves at me again and struck me repeatedly with truncheons injuring my teeth, nose and ribs... Many of us made for the Hotel Tirana, where there were quite a few foreign journalists looking on. But a group of 10 to 15 soldiers wearing helmets and carrying truncheons knocked me down... I felt I couldn't walk any more. But then I got another truncheon blow to my back. I staggered into the street. A police car was parked there with two plainclothes officers in

it. 'What's the matter?' they asked me. 'They beat me like a dog'. 'Why did you have to demonstrate?' they asked me. 'Because they stole our votes', I replied. 'Come with us', they said. To tell the truth, I thought they would [kill] me, but no, they took me to hospital."

Prokop Gjika was taken to Tirana's Military Hospital where he received stitches to his forehead. His daughter Valbona, who was with him at the demonstration, was also reportedly struck by police.

An opposition leader

Arben Imami, leader of the Democratic Alliance (DA) party, was among some 20 leading members of the opposition who were arrested at the demonstration on 28 May. According to his account he was arrested and severely beaten by plainclothes ShIK officers:

"First they put me in a police car, then they took me out and pushed me into a red car without registration plates. A plainclothes officer held my head between his legs and two others hit me from behind. They brought me to a building [Police Station No.2] and took me upstairs without letting me see where they were taking me. They took me up to the third floor which I realized later was headquarters of the ShIK in Tirana. There they threw me

Arben Imami

on the floor and kicked me for about five minutes and swore at me... Then they took me down to the first floor [to Police Station No.2] and left me in a dark cell at the end of the corridor for over 10 minutes. After that they noted down my personal details, my name, address, etc; took me to wash my face which was covered in blood and told me I was free. I demanded a written statement from them that I had been detained there, but they refused saying that I was recorded in their registers and that was enough. Then I told the police that I wanted to make a complaint. Although I was covered in blood, with my shirt and jacket torn, I couldn't convince them to accept my complaint. 'The police didn't arrest you and didn't beat you', one of the officers said. (He was right, not a single uniformed police officer struck me.) While I was arguing with the police, the man who had beaten me the most walked calmly by... I have stitches on my upper and lower lips, a broken tooth and two others that are loose".

Arben Imami was examined by a forensic specialist at the University Hospital Centre of Tirana on 30 May 1996, at the request of a judge of the district court of Tirana. In his report, the specialist noted the following injuries: three bruises on the forehead, one bruise on the right corner of the lower jaw, swelling of the lips and a wound inside the lower lip; a broken tooth and two other teeth completely loose... four bruises to the nape of the neck and one on the front. Four long bruises on the back. Two bruises on the left hip, one on the left shoulder and six on the arms..." The report further concluded that: "*The four long bruises on the back were caused by a hard, long instrument such as a rubber truncheon, wooden stick, etc. The others are caused by a hard sharp instrument*".

A journalist

However, it was a journalist, **Bardhok Lala**, a reporter for the independent daily *Dita Informacion*, who perhaps suffered the worst at the hands of security forces on 28 May. He has stated that he was arrested by ShIK officers who beat him, drove him to a lake on the outskirts of Tirana, forced him to undress and subjected him to a mock execution.

According to his account, he was arrested at the square just after the demonstration had been dispersed. In interviews he gave the following day he stated that the officers who arrested him first took him into a nearby bar and hit him before taking him to Police Station No.2.

Bardhok Lala

“There they took down my details. They behaved correctly, they gave me a chair and offered me a cigarette... After about an hour and a half they released me and gave me back my identity card. I asked for my tape recorder, but they didn’t return it to me. As I left the police station and was on my way back to the newspaper office, I saw a van by the pavement. There was a driver and one passenger in it. I also saw a group of plainclothes police officers. I recognized them. One of them, a grey-haired man, had pushed the English journalist with whom I had been before my arrest. Two others had brought [Arben] Imami to the police station. I thought they wouldn’t bother me since I had been released by the police.

Bardhok Lala

As I approached the van, two of them grabbed me and dragged me into it. Inside they twisted my head around... and forced me to lie on the floor, head down. They pulled off my shoes and began to beat me. At the crossroads near the Court, one of them said: ‘To the lake’. I thought they were joking, although they kept beating me. Imagine it, five men with rubber truncheons (except for the driver, who was holding the driving wheel - he didn’t hit me then, but he did later)! They all hit me, they didn’t care where. Twice they hit each other, when they meant to hit me, because the space was so narrow. It was chaos. They held me fast. The one who sat in front held my feet. The others beat me. After they hit each other by mistake, one of them pulled out a pistol and struck my face. That blow caused this injury (on the cheekbone below the eye).

They asked me what I was meant to be doing there, why I had taken the English journalist along, who was our editor-in-chief... Then they halted the van. We were at one end of the lake. They opened the doors and pulled me out, pulling my hair, and dragged me through bushes some 20 metres from the van.

[Then] all five of them surrounded me, and beat me with rubber truncheons. They treated me like an animal or worse. They beat me rhythmically, it sounded like an army marching... It seems absurd to me, all the questions they put to me there. They asked me about things that I could never have imagined. They asked me what my code number was through which I received information. They asked me how much I was paid by the secret police, from whom did I get information. I couldn't speak, I was nearly dead. To tell the truth, I don't understand it at all. I have never got information from the state security, nor given it to them. They asked me who collaborated with the newspaper, who gave information to my colleagues. They stripped me down to my underpants. They continued to beat me and told me I must speak. Dozens of times they threatened to kill me. I was completely confused. [Then]... one of them pulled out a pistol... He said to me: 'You'll talk now' and pointed the pistol at my head. My mind was empty, my only thought was of my nephew who is a year old and whom I haven't seen for six months. I thought I was dead. Then the police officer fired the pistol, but I wasn't hit. But I felt the shot. I don't know, it must have been a matter of centimetres. Then he fired again, once to the left and once to the right. When they saw that there was nothing more to be got from me, they pushed me down into the lake. I had to go into the water. I begged for my life. They had their pistols at the ready. When I begged for mercy, they told me that I must report to the state security police every two weeks, or I would be dead. I didn't believe they would leave me alive. They told me where I had to report to and that they would be waiting for me. Then they went off leaving me lying on the ground; they left three cigarettes and a lighter for me".

Bardhok Lala made his way to a nearby village and from there was able to return to Tirana where he received medical treatment at a secret location. A doctor who treated him reportedly said that in addition to his visible injuries he had a fractured skull and severe injuries in the area of the genitals.

On 31 May a ShIK spokesman reportedly denied that ShIK employees had ill-treated Bardhok Lala and declared that "ShIK will always abide by the law as it has until now".

Many others who were present at the demonstration in Skenderbeg Square on 28 May were arrested and ill-treated by police (see below).

Official investigations into violence during the elections

In early June the authorities announced that seven senior police officers had been dismissed for "incompetence" in connection with the events of 28 May in Tirana. This was confirmed by President Berisha who made the following comment in an interview published in *Die Presse* (Vienna): "The police made unacceptable mistakes, even though there were no serious injuries. They beat two or three well-known personalities of the opposition. As a result, we fired seven police

officers". A later report indicated that six of these officers may, in fact, have been transferred, rather than dismissed from service.

Investigation proceedings into police violence in Tirana on 28 May were started in June by the Tirana Prosecutor's Office after the SP filed suits against the heads of ShIK and the national police. In July opposition party leaders who were arrested or beaten on 28 May were summoned to the the Prosecutor's Office to give statements. Several reportedly refused, on the grounds that they had no confidence that the investigation would be properly conducted. Fears were also expressed that the Prosecutor's Office might in reality be collecting evidence in order to bring charges against opposition leaders of organizing an illegal meeting. By the end of August no police or ShIK officer had been charged in connection with the events of 28 May.

Similarly, there appears to have been little progress as regards the investigation into the alleged torture and ill-treatment of the journalist Bardhok Lala. It was reportedly only at the end of July that the Prosecutor first took statements from him. Meanwhile ShIK had filed a suit for slander against him.

On 24 July Parliament set up a commission to investigate allegations of fraud and violence during the election period and on 28 May. However, due to the holiday season its work was soon halted. The SP, which denies the legitimacy of the current Parliament, has expressed its lack of confidence in the impartiality of an investigation carried out by the commission.

By contrast, investigation proceedings against 10 men charged with taking part in the demonstration on 28 May were concluded with relative speed. On 16 July a Tirana court found four of them - Pjetër Lleshi, Rasim Dushku, Liman Dobi and Bujar Dushku - guilty (under Article 262, paragraph 2, of the Criminal Code) of taking part in an illegal meeting (the demonstration on 28 May) and sentenced them to a fine. Six others, Astrit Hajdini, Muharrem Sinani, Bujar Hitaj, Petraq Peposhina, Faik Aliaj and Mahmut Laza, were acquitted. It was not clear why these particular demonstrators had been selected for trial; however, the opposition press claimed that nine of them were former police officers who had been dismissed when police forces were purged with the end of communist rule and that this had determined their selection for prosecution.

In a letter to President Berisha in June Amnesty International expressed its concern that in the past investigation of police abuses had often been prolonged and inconclusive, and urged that this time the investigation be carried out promptly and impartially, that its findings be made public, and that those responsible for human rights violations be brought to justice.

The background

Amnesty International notes that the violence with which the demonstration of 28 May was dispersed was an extreme example of a pattern of official persecution of opposition leaders and supporters and the independent press which has been manifest in Albania in recent years and which grew worse in the run-up to the May 1996 elections and their immediate aftermath. This pattern has been characterized by the arrest and detention (usually for less than 48 hours) of government opponents, often accompanied by their ill-treatment in police custody. Victims of such ill-treatment

in the past have included former political prisoners and people protesting about government policies with regard to housing or property legislation, as well as opposition activists and sympathizers.

Imprisonment of prisoners of conscience, unfair trials of political prisoners, arbitrary detentions and torture or other cruel, inhuman or degrading treatment of prisoners are among the concerns of Amnesty International in recent years. The organization has documented these concerns, in particular where they relate to police ill-treatment and torture, in two reports: *Albania - Human Rights Abuses by police* (AI Index: EUR 11/05/93) published in 1993, and *Albania - Failure to end police ill-treatment and deaths in custody* (AI Index: EUR 11/04/95) published in 1995.

Since 1991 and the end of one-party communist rule Albania has experienced radical changes and many reforms, including those in the field of human rights. To name just some of these: in October 1991 Albania acceded to the International Covenant on Civil and Political Rights (ICCPR), in May 1994 it acceded to the United Nations Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), in August 1996 it acceded to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In 1995 a new Criminal Code and new Code of Criminal Procedure were introduced and on its accession to the Council of Europe in June 1995 Albania undertook to introduce immediately a moratorium on executions and to abolish the death penalty in time of peace within three years.

However, the implementation of these reforms has been very uneven. This has been partly due to severe economic problems and the scarcity of appropriately trained and experienced personnel in many fields, including the judiciary and police. It has also been due to the fact that political life in Albania has been strongly marked by the intense antagonism between the DP - which came to power in March 1992 - and the SP, the renamed communist party (many former communist party members have, however, joined or supported other parties, including the DP). This hostility has led the ruling party to obstruct the activities of the SP (and to a lesser degree, other opposition parties) in ways which conflict with its human rights undertakings - for example by restricting their right to peaceful assembly and by arbitrarily detaining and/or ill-treating their supporters. This situation was exacerbated with the arrest in July 1993 of the SP leader, Fatos Nano. He was convicted in 1994 on charges of embezzlement of state property and falsification of documents and remains in prison. Amnesty International considers him to be a prisoner of conscience and believes that the charges against him were not substantiated by the evidence produced in court and that they were politically motivated. The organization has repeatedly called for his release.

Thirdly, law enforcement bodies have for a variety of reasons tended to identify strongly with the ruling party, and in turn, despite public criticism of abuses, have tended to enjoy considerable immunity.

As the ruling party, the DP has done little to promote a culture of toleration of dissent. Its leaders, and President Berisha himself, have repeatedly, and rightly, criticized the gross abuses of human rights perpetrated in the past under communist rule. However, there is still official

reluctance in Albania to accept that human rights cannot be implemented without a genuine and widespread tolerance of pluralism which grants those with opposing views the same guarantees and protection as those who share the convictions of the ruling party.

An example of this can be found in the frequent restrictions placed on the opposition's right to freedom of peaceful assembly, a right that is clearly crucial at a time of elections. Albania's constitutional provisions and other legislation provide for freedom of assembly but whereas government supporters can fully exercise this right, government opponents frequently find that their meetings or rallies have been banned or limited in various ways. These discriminatory restrictions have in their turn led to further abuses, when opposition parties, ignoring restrictions, have held rallies which the police have been ordered to disperse by force. Intervention of this kind, often accompanied by a disproportionate use of force by the police, has led to clashes between police and demonstrators, and often to injuries on both sides. Demonstrators detained in these circumstances have frequently alleged that they were severely beaten by police officers while held in custody.

Amnesty International acknowledges that it is the duty of the authorities to maintain public order. However, it also believes that by repeatedly restricting the opposition's right to assembly and demonstration the authorities unnecessarily created situations which were liable to lead to a breakdown in public order and to the perpetration of human rights violations by law enforcement officers.

The organization has in the past urged that legislation governing the right to public assembly and demonstration (in particular Decree No.7408 "On meetings, rallies and demonstrations of citizens in public places") be reviewed to ensure greater flexibility and to clarify the distinction between the peaceful and the violent exercise of this right. Amnesty International welcomes the recent decision to abrogate this decree (see below) and to replace it by a new law.

THE ELECTIONS OF MAY 1996 - VIOLATIONS RECORDED BY INTERNATIONAL OBSERVERS

The results of the May elections have been disputed by most opposition parties. There has also been considerable international criticism of the conduct of the elections. The most detailed criticisms are to be found in a report issued by the Organisation for Security and Co-operation in Europe (OSCE) on 12 June 1996¹. The report was based on the observations of three long-term observers dispatched in late April 1996 by the Office for Democratic Institutions and Human Rights (ODIHR) who monitored both the pre-election period and the elections themselves on 26 May, as well as observations from some 50 short-term observers representing 11 OSCE participating states who covered the immediate pre-election period and the election day.

The report concluded that in many instances the provisions of the election law had not been properly implemented - in fact, that 32 articles out of 79 dealing with the pre-election period and election day had been violated. The violations it noted included, among others, voter intimidation, proxy voting and counting irregularities.

¹ *Observation of the parliamentary elections held in the Republic of Albania (May 26 and June 2, 1996)*

The report said that at second round run-off elections on 2 June in nine zones where in the first round no candidate had received more than 50 per cent of the vote, the overall conduct of the election had greatly improved; it commented, however, that this second round (boycotted by most opposition parties) had taken place in an “already compromised election process”.

The findings of the OSCE observation mission were disputed by observers from the British Helsinki Human Rights Group and several German and Austrian politicians who said the elections on 26 May had been basically fair.

On 16 June there was a re-run of elections in 17 constituencies where the authorities acknowledged there had been irregularities; most opposition parties boycotted this ballot, which the DP won in all constituencies. International observers said the re-run had been fair.

On 20 June the European Parliament urged Albania to hold new elections and on 24 June the OSCE advised Albanian parties to “consider whether new elections, after a reasonable but limited period of time, under improved conditions and in the presence of international observers, would serve the interests of Albania”. On 25 June the Council of Europe advised Albania to draw up new electoral rules in line with OSCE recommendations and to hold new elections. However, on 22 June President Berisha asserted that the elections had been free and fair and said there would be no more parliamentary elections “until the year 2000, as fixed by constitutional law”.

On 1 July the new parliament convened; the ruling Democratic Party has 122 out of 140 seats and three smaller parties a total of eight seats. The SP, which won 10 seats, continues to boycott the parliament.

Local elections are due to be held on 20 October. On 12 August a 17-member permanent electoral commission was created, based on the performance of political parties in the last local elections in 1992. It will organize future ballots, including the local elections in October. However, the following day opposition parties said they were dissatisfied with their representation on the commission and threatened to boycott local elections.

On 30 August the Council of Europe warned that it might suspend Albania’s membership of its parliamentary assembly if the political dialogue between the country’s ruling party and opposition did not improve. The threat of a boycott of the local elections by the SP and other opposition parties appeared to have been withdrawn after a meeting with President Berisha on 4 September at which agreement was reached on amendments to be made to the Electoral Law. These included an undertaking to abrogate Decree No.7408 “On meetings, rallies and demonstrations of citizens in public places” and to replace it by a new law.

The pre-election period

Among various aspects which the OSCE report singled out for criticism with regard to the pre-election period was the Verification Committee, a committee which examined the communist-era police files of all nominated candidates and which led to the disqualification of about 200 people (the great majority of them SP members) as election candidates, generally on the

grounds that they had allegedly acted as informers to the *Sigurimi*, the former Secret Police. The report questioned the impartiality of the Committee, noting that six out of seven members were appointed by the government, and the fact that its meetings were held behind closed doors. Other defects noted included inaccurate voter lists, limited voter education and a confusingly designed ballot paper.

The observers concluded that the authorities had not upheld their commitment for political campaigning to be conducted in a fair and free atmosphere.

“Opposition parties seemed to be consistently banned from holding outdoor meetings, particularly in large towns. In Tirana, opposition parties requested and were denied permission for a rally in the central Skenderbeg Square, whereas the ruling party was permitted to hold its May 24 rally in the central square. Official explanations ranged from the possibility that opposition parties would not have enough supporters at their rally to justify closing the main square, to the view that the ruling party rally was not political but a concert, or to the fact that it was not a political rally but a presidential address.”

The report also noted that: *“With very few exceptions only posters and banners from the ruling party were displayed publicly during the campaign,”* and it criticized police intimidation at opposition rallies. It said that in Rreshen and Lezha the venues allotted for SP rallies were too small to hold all party supporters and this had been used as *“a justification for a massive police presence to maintain order”*... It referred to incidents near Shkodër and Vlora when police had failed to intervene when supporters from the ruling party blocked the road to prevent SP supporters from attending a rally. It said that incidents of this kind *“added to the close identification of the government and its security apparatus with the ruling party.”*

AMNESTY INTERNATIONAL’S CONCERNS: THE DETENTION AND ILL-TREATMENT OF OPPOSITION ACTIVISTS AND SUPPORTERS - OR PRESUMED SUPPORTERS

The following are just some of the many incidents which were reported in the period leading up to elections in which opposition activists or supporters (or presumed supporters) were detained and ill-treated by police. In many cases they were engaged, or suspected of being engaged, in activities such as attending party rallies, writing slogans or putting up party posters. As international observers reported (see above), supporters of the ruling party were not hindered in carrying out activities of this kind. Amnesty International notes that the conduct of police forces appears to have varied considerably according to local conditions: in some regions reports of violations of human rights by police were relatively rare, while in others, for example, in the areas of Berat, Burrel, Vlora, Saranda and Tirana, such reports were more frequent. The SP alone claimed that in the period from 5 May to 26 May over 200 of its members and supporters had been threatened, detained or beaten. Even allowing for some exaggeration, there can be little doubt that in the final month of the election campaign human rights violations against opposition supporters became increasingly common.

There were also reports of incidents in which supporters of the ruling party prevented opposition activists from holding meetings while police forces apparently stood by and did little or nothing to intervene. In some cases the opposition alleged that the authors of such incidents were in fact police in plainclothes. The authorities denied this. The following is typical of such allegations and denials: on 3 May an SP convoy of cars carrying party leaders to a rally in Burrel was attacked by men who hurled stones at the cars, smashing windows and injuring a driver. SP sources alleged that the attackers were plainclothes police. The official police explanation was: *“Accompanied by their illegal bodyguards, [the Socialists] broke road traffic rules and called passers-by ‘fascists’ and ‘dogs’, and this led a group of children bewildered by their actions to stone the rebel cars”*.

Saranda - September 1995

Xhemal Hysi is a warehouse watchman. According to an account he gave to the press, on the evening of 11 September 1995, at about 9.30pm, he was at work when police came and arrested him. They carried out a search and found some newspapers and a leaflet which he said he had picked up in the street (a leaflet describing President Berisha as a “spy” and urging “America out of Albania”).

“They held me at the police station for 16 hours and beat me brutally... I was beaten in front of the police chief, another senior police officer and a plainclothes officer. They threatened to use electric shocks on me. They suspected I had distributed the anti-American leaflets. While they beat me they tried to make me sign a false statement against the president of the firm where I work. When I refused to do this they continued to punch and kick me and to beat me with a rubber truncheon. I was released, bleeding, after 16 hours”.

The officer on duty reportedly asked him if wished to comment on his treatment, but Xhemal Hysi was too frightened to complain. (Four other men were found guilty of having distributed these leaflets, deemed to be “anti-constitutional material”, in March 1996 and were sentenced to up to four years’ imprisonment. Two of the four are currently serving prison sentences. Amnesty International considers them prisoners of conscience and calls for their immediate and unconditional release².)

Vlora - September 1995

Hamit Arshia from Lepenica in Vlora was beaten by police on 19 and 20 September 1995. In an interview given from his hospital bed to the independent daily newspaper *Koha Jonë* he stated:

“At about 10am on 19 September I was outside the court building; I had gone there to attend the trial of a cousin of mine. Suddenly a police car drove up with six or seven officers who ordered me to get in. They took me to the police station, to a cell where three plainclothes officers threatened me with a rubber truncheon. I asked: ‘What have I

² see *Albania: Sulejman Mekollari and Lirim Veliu; prisoners of conscience* AI Index: EUR 11/16/96.

done? What law have I broken?' They replied: 'Your bar is a den for [supporters of] Nano, Dokle, Ruçi [SP leaders]...' For 24 hours they kept beating me as you can see, and then they threw me out like a corpse, warning me: 'Keep your mouth shut and lie low'. I dragged myself into the street where I remained unconscious for a long time. Some hours later the village doctor came upon me by chance, and immediately took me to hospital''.

A hospital doctor reportedly told *Koha Jonë*:

"The patient's condition is serious, because of the extensive bruising all over the body and especially the extremities. The large bruises are not only extremely painful, but they force the patient to lie in a particular position. The patient has vomited blood several times, which we believe is the result of being beaten with a hard instrument. We are giving him medical treatment, but it will take over a month for him to recover..."

Hamit Arshia's relatives, who were at his bedside, reportedly claimed that police had repeatedly arrested and beaten male members of the family, known for their left-wing sympathies.

Berat - September 1995

President Berisha made a visit to the town of Berat in September and it seems that on this occasion various anti-government slogans appeared on walls in the town, including the slogan "Enver" [Enver Hoxha, Albania's former communist ruler] which was written on the walls of the city fortress. Police apparently suspected that two local SP activists, **Enver Jaho** and **Bashkim (Shasho) Meta** were responsible for this and arrested them on 20 September. Enver Jaho was reportedly arrested while out walking with his three-year-old daughter, whom he was obliged to leave in the street. He was driven to the police station where *"police officers from Tirana punched me and kicked me, without any cause, from 4pm to 1am"*. They also interrogated him about where he had been the previous night and were not convinced when he told them he had been at home receiving condolences on the death of his mother. *"Instead they beat me, telling me: 'You Socialists want to take power, you want to kill us.' They released me at 1am. My friends drove me to hospital where I was examined... after three hours I went home. I have obtained a forensic medical report and am taking my case to court..."*

Shasho Meta was playing billiards when he was arrested by police at about 10am. *"They told me to come with them to the police station in my car. I didn't argue with them. Everyone knows it was not the first time I was called to the police... I asked for an explanation and the officer on duty said he had orders to take me in..."* He was held until about 9pm when he says a police car arrived with some men in military uniform.

"They brutally beat two [other] people and came into my cell. They asked me why I was there. I replied that I didn't know. One of them asked me: 'Where were you last night?' and threw himself at me, kicking and punching me as

though I had committed some terrible crime. I was stunned for a moment. They beat me. I was bleeding. I called for help but the officer on duty told me it was not his business. As the soldiers went out, one of them said to me: 'Write, if you want to'. I realized that they had beaten me because of some slogan about which I knew nothing... After 30 minutes, the new police chief came into my cell. Before I had time to complain, he said to me: 'You're the one we're looking for? You should be shot... You should be eliminated completely, you are bad blood', and he slapped me. 'Lie low or we'll take you in again', he said as he went out."

Shasho Meta was released at about 1am; the next day he reportedly had himself examined by a forensic doctor and filed a complaint about his ill-treatment with the local prosecutor. According to Shasho Meta police had briefly detained him on at least four occasions previously, during visits by SP leaders to the town.

Tirana - February 1996

Behar Toska

Behar Toska, aged 32, an unemployed former police officer from Berat, alleged that in February 1996 he was arrested in Tirana and accused of being paid by the SP to write anti-government slogans on walls in the capital. Behar Toska denied belonging to any political party and claimed to have voted on three occasions for the ruling DP.

According to an interview published on 10 February 1996 in the SP newspaper *Zëri i Popullit*, Behar Toska was arrested on the night of 5 February 1996 and taken to Police Station No.1 in Tirana for interrogation. At the police station he was ordered to undress. Six police officers then proceeded to interrogate him. During the interrogation he was asked about payments he had allegedly received from SP leaders for writing anti-government slogans on walls. He was also asked whether he possessed weapons or drugs and where he had hidden them. When he denied having any knowledge of these matters the officers began to beat him with a rubber truncheon and a metal pipe. The police officers also allegedly threatened they would arrest his wife and force him to watch while they undressed her. *"They smashed me to pieces. They broke my teeth. I'm still urinating blood"*, Behar Toska told the interviewer. Behar Toska stated that despite this ill-treatment, he resisted their attempts to force him to make and sign a false confession. He was released within 48 hours, apparently without charge.

Behar Toska immediately went to a hospital where he was given treatment. He alleges that the doctors and nurses, when they learned he had been beaten by police, begged him not to tell anyone which hospital had treated him, and refused to give him a medical certificate recording his injuries. Behar Toska later complained to a senior police official about his ill-treatment. He said that he intended to start legal proceedings against the police officers who beat him.

Saranda - February 1996

An article headlined "Four robberies in two nights" was published in *Koha Jonë* on 14 February 1996, in which journalist **Fatos Veliu** apparently alleged corruption in Saranda's police force.

Two days later, at about 2pm on 16 February, he was arrested and taken to Saranda police station. There the police chief allegedly punched and kicked him, complaining that Fatos Veliu was seeking to "denigrate" the work of the police and had never written about their good work. He was released without charge about two hours later, severely bruised. The Saranda police also reportedly confiscated his reporter's notepad.

A medical certificate issued by a forensic specialist in Saranda who examined Fatos Veliu on 20 February 1996 recorded that the area around both eyes was severely bruised ("*bruises 6 x 4 centimetres the colour of black cherries*") and that there was bruising also on his right lower leg. It noted that Fatos Veliu complained of pain in these areas and also of dizziness. The certificate states that these bruises were caused by beating with a hard instrument.

On 23 February 1996 the Association of Professional Journalists of Albania issued a statement condemning the beating of Fatos Veliu, which it said reflected "unbridled official arrogance towards the independent and opposition press". The Association called on the authorities to take:

"stern legal measures against those who instructed and carried out this beating. The Albanian state today possesses the necessary legal framework both to refute false reports and to institute criminal punishment for cases of libel in the press. When the truncheon is used instead of the law, the rule of law is dead..."

Kurbin - May 1996

At least seven SP activists were arrested in Kurbin where an SP rally was being held on 6 May. They were detained for up to 13 hours and several were reportedly beaten severely by police, among them **Gjokë Lulashi**, **Petraq Kumaraku** and **Marash Marashi**. Marash Marashi claimed that police had beaten him about the head, legs and shoulders, with rubber truncheons and when they released him had told him: "Don't let us see you any more at SP meetings."

Durrës - May 1996

Iliaz Labi, **Alfred Dhuli** and **Aliosha Qamaj**, local leaders of the Albanian Eurosocialist Forum, were detained on 9 May in Durrës after writing slogans on walls. Aliosha Qamaj was reportedly ill-treated by police and subsequently filed a complaint, supported by a medical certificate, against two police officers.

Tirana - May 1996

A meeting of the Democratic Alliance party (DA) was due to be held at the Student Cineclub in Tirana on 16 May. Police permission for this meeting had been duly requested and granted.

However, the managers of the club refused to allow the meeting to take place, so the DA held the meeting in the square outside instead. When they returned to their cars, they found them blocked by police who said they had received a complaint that DA supporters had struck someone. The police proceeded to carry out a search of the cars and detained five men, including three journalists (**Blendi Fevziu**, **Arben Hasani** and **Skënder Minxhozi**), **Blendi Gonxhe**, a DA election candidate, and **Ridvan Peshkëpia**, a DA parliamentary deputy. When the latter asked for an explanation and reminded the officers that he enjoyed parliamentary immunity, the head of the local police station allegedly punched him. The five were taken to the police station where Ridvan Peshkëpia was allegedly again beaten by the police chief and by several other police officers. All five were detained for more than an hour before being released.

Berat - May 1996

According to a report in *Dita Informacion* the SP was due to hold a meeting in a cinema hall, for which it had police permission, in the town of Ura Vajgurore in the Berat constituency on 18 May. That afternoon as supporters began to assemble, police forces, including riot police, occupied the square and ordered people to disperse telling them there would be no meeting. They ordered SP supporters who were making the hall ready for the meeting to leave the building and locked it. A local SP member, **Maksim Parangoni**, who protested that permission had been granted for the meeting, was reportedly knocked to the ground and beaten by police. An SP election candidate, **Fadil Nasufi**, who was due to speak at the meeting and **Edi Spahiu**, leader of the district branch of the Eurosocialist Youth Forum, were stopped by a police patrol outside the town and searched for arms. Other police officers arrested a local Eurosocialist supporter, **Shkëlqim Selfo**, and reportedly dragged him to where the police had blocked the road, beating him. (He was later obliged to seek treatment for his injuries at a hospital.) The local government-appointed Prefect reportedly drove by at this point, but did not intervene. Police officers next arrested Edi Spahiu, took him to a police station, where he was kicked and beaten with a truncheon apparently because one officer claimed that he had an automatic rifle at his home. He was released at 9pm and was taken by friends to hospital. Edi Spahiu claimed it was the seventh time he had been beaten by police.

Tirana - 20 May 1996

Some 20 supporters of the SP were arrested in the vicinity of the Ballet School in Tirana where an electoral meeting was due to be held on 20 May. Several of them (**Saimir Xhuglini**, driver and bodyguard of the SP candidate Luan Hajdaraga; **Skënder Lame**, member of the Presidency of the Eurosocialist Youth Forum; and **Lame Lamaj**) were reportedly severely beaten and injured by police on this occasion.

In a statement to the press, Saimir Xhuglini alleged:

Saimir Xhuglini

“They arrested me at about 7pm. I was with Luan Hajdaraga at an electoral meeting for the candidate Anastas Angjeli at the Ballet School. There were six or seven police officers who got out of their car and one of them told me to follow him because he had something to say to me. When I got into their car, I received the first blow... They didn't say anything to me. They took me to Police Station No.1. There I saw I wasn't alone. When I entered the hall, about 20 police officers punched us and kicked us - I thought I would die”. Saimir Xhuglini was released at about 10.30pm and was taken to the Military Hospital where he received stitches to his nose.

The explanation reportedly given later by the police for Saimir Xhuglini's arrest was that he was driving a car without registration plates. The comment of the official media about this incident was that those arrested were *“contingents of the defunct Sigurimi and people previously arrested by police for ordinary crimes”* and that Saimir Xhuglini was a cousin of Nexhmije Hoxha [the wife of Enver Hoxha]. It need hardly be said that regardless of whether these comments were true or false, they do not provide any justification for police violence against these men.

Election day - 26 May 1996

In its comments relating to the election day, the OSCE report noted that, contrary to the Election Law, polling station commissions were dominated by government-appointed Chairmen and Secretaries; it also noted irregularities with regard to the supply of final result sheets (protocols), the maintenance of voter registers (*“In many cases the number of ballots cast exceeded the number of signatures on the voter register”*) and proxy voting.

A large police presence, including plainclothes police, inside and outside polling stations was noted, particularly in Berat and Lushnja “where police appeared to be playing an active role in the running of polling stations. In some cases police even took part in the counting process. At a number of polling stations, including Tirana, Berat and Kukës, observers saw unidentified persons and armed civilians. They were often playing an active role in the process, and locals identified them as secret police”. Irregularities relating to the vote count included *“widespread reports of the alteration of ballots cast for opposition parties to make them invalid”*.

Erion Braçe

Amnesty International notes that in a report about incidents in Berat on election day *Dita Informacion* stated that the journalist **Erion Braçe**, an SP candidate in Berat zone, had been arrested while driving to Poliçan, taken to a police station and beaten for two hours. At 1pm eight plainclothes police allegedly entered SP offices in Berat, threatened SP activists there with pistols and beat them, including the SP candidate **Flamur Mulova**. The officers are said to have fired the pistols before departing.

The SP also complained about the arrest and ill-treatment of activists in other areas, for example in Vlora, where **Krenar Çakërri**, a member of a polling station commission, was allegedly beaten by police, as were two other SP supporters, **Illirjan Kuçi** and **Tartar Ademi**. In Tirana, **Dritan Belinjeri**, a DA member on the polling station commission in Vurri e Bamit district, was arrested

and allegedly beaten by police after he protested at violations of electoral procedures by the chairman of the commission.

After the elections: the arrest and ill-treatment of protesting opposition supporters

The demonstration in Skenderbeg Square, Tirana - 28 May 1996

The main opposition parties had called for a demonstration to support their charges of election fraud and shortly before noon a procession of around 100 people, including leaders of the SP, DA and Social Democratic Party (SDP) set off from the SP headquarters towards the square. As they entered the square, police reportedly set about dispersing them and beat and detained many of the members of the group. Among those who were beaten were **Sërvet Pëllumbi, Namik Dokle, Arta Deda** (f), **Ndre Legisi, Ermelinda Meksi** (f), **Pandeli Majko, Halil Lalaj, Mojko Zeqo, Musa Ulqini, Luan Hajdaraga, Neritan Çeka, Blendi Gonxhe, Arben Imami, Gramoz Pashko, Skënder Gjinushi, Gaço Apostolli** and **Paskal Milo**. Similarly, police forces arrested and beat many supporters who had assembled in or near the square, as well as some journalists and bystanders.

Namik Dokle

*Amnesty International has received almost 100 written declarations by demonstrators who said that they were arrested and ill-treated by police forces that day. Among them was **Genc Beqiraj**, who sought medical treatment for the injuries he suffered. He wrote:*

“I took part in the SP meeting on 28 May and I was brutally beaten with rubber truncheons by the police. I fell unconscious in the square near the monument to Skenderbeg and a group of Eurosocialists took me to the Emergency ward of Hospital No.2. As soon as I had been examined by the doctor I left, because at the doors of the emergency ward there were five police officers who took information about the injured”.

Ndre Legisi

*Others who are reported to have sought medical treatment for injuries inflicted by security forces include **Namik Dokle, Ndre Legisi, Ermelinda Meksi, Gramoz Pashko, Musa Ulqini, Haziz Ferati, Ilmi Habibasi, Shpetim Maloku, Shpresa Sula** (f), **Faik Çukarizi** and **Andrea Jano**.*

*Three women, **Anila Imami, Delina Fico** and **Sonila Qirjako**, described their experience as follows:*

“At 11.30am there were four of us women on the upper steps of the Palace of Culture. All of a sudden dozens of police arrived and dragged us away, punching and slapping us and put us in a police van. They took us to Police Station No.1 near the Foreign Ministry. They put us into a room where there were about 17 people. [We saw] deputies and journalists being brought in and taken to other rooms. From all sides we heard blows and screams of pain. They punched us in the police station too, although we were obviously women. We saw with our own eyes how after 12.00 noon they began to bring in one

after the other, Gramoz Pashko, Namik Dokle, Pandeli Majko, Ndre Legisi, Blendi Gonxhe etc... There was blood all over their faces. In our room there were Halit Kullolli, Kastriot Lleshi, Gëzim Karanxha, Artan Imami and others. They also brought Dr Sulejman Buda there... He told us that near Hotel Tirana he had seen the Deputy Minister of the Interior punching an old woman. He had said to him: 'It's a disgrace for a man to hit an old woman', and in answer he got a punch in the face and ended up in the hands of the police who took him to the police station. From 1pm on they took us out of the cells and drove us in vans to the police station in Ali Demi district. They didn't release us until 3.30pm."

Gëzim Karanxha was another demonstrator who was arrested and taken to Police Station No.1. He had witnessed several plainclothes police officers confiscate a camera from a foreign reporter and then hit him.

"I and two other young men intervened, and at that moment two police vans drove up and they put us in one and inside they began to beat us and they took us to Police Station No.1. Later they brought in four women; when they were brought in we protested but they hit them too. Afterwards they brought in several other young men. All of us there saw that the vans were arriving full of people. We saw several deputies, for instance Ndre Legisi, who had a cut on his brow and there was blood streaming down his face, and Gramoz Pashko whom they beat in full view of all of us who were in the reception area of the police station. Blendi Gonxhe was brought in too, he had cuts on his hands and face. We also saw Namik Dokle there..."

Viktor Çuko, another demonstrator, who was himself beaten and witnessed police beating women:

"During the demonstration the police forces seized me while I was trying to protect a young girl, and a riot police officer struck my head and my ribs. I recognized him [and] said to him: 'You're our brothers - don't use force against us and against women'. At that moment two other women beside me were struck and three other police officers threw themselves at me and knocked me to the ground. Then they took me by force to the police van... A riot police officer who was present and who is a family acquaintance snatched me from the hands of his colleagues... and released me. Then he threatened: 'I'll kill Fatos Nano and all of you who follow him'."

One of the female demonstrators who was beaten by police was **Fatbardha Isufi**, who described what happened as follows:

"I took part in the meeting organized by the opposition on 28 May 1996. We had gathered at the SP headquarters at 11am. At 11.45 we left the building with the deputies in front and made for Skenderbeg Square. The police forces allowed us to pass until we got the square and then they intervened

with extreme violence. Their blows didn't spare even deputies, women or the elderly. I told a police officer not to hit an old man, but he didn't reply - [instead] he hit me hard on the arm. My arm is now bruised and swollen".

An elderly female bystander gave this account:

"On 28 May as I was walking past the National Museum to visit my son (because his young wife had died) I found myself caught up in a hail of fists and blows from... police. I received a hard blow to my head and my shoulder which are swollen and bruised. After I lost consciousness, a woman helped me to my feet" (Ilvo Haxhiu, aged 74).

Another bystander wrote:

"Yesterday [28 May] I was drinking coffee in the club, people had gathered and were saying they were going to demonstrate in the square in a peaceful way against the election fraud. As soon as we went out into the street, the police confronted us, the crowd was dispersed and then a police officer savagely hit me and knocked me to the ground. Then another police officer who was more reasonable approached and took me out of the hands of that beast. After I got up I didn't feel strong enough to go with my friends and I left." (Orhan Hoxha, aged 77).

After the demonstration had been broken up, police forces for a while surrounded the headquarters of the SP. **Sokol Lulja**, aged 26, who was inside the headquarters at the time, was eventually able to leave the building but was shortly afterwards arrested. In a statement dated 29 May he wrote: *"After I left the building, near*

the Court of Cassation, they arrested me and tortured me; they sent me to the police station nearby and again tortured me; they broke three of my teeth, and injured my face and my legs".

Clashes between opposition demonstrators and police elsewhere

Following the 26 May elections there were reports of clashes between opposition demonstrators and police in several other towns, including Përmet, Tepelena, Patos and Fier, in which both demonstrators and police officers were injured and - according to the Ministry of Public Order - some 50 people were detained. On 29 May police reportedly stormed SP headquarters in Fier; this was followed by clashes between SP supporters and police in the city square; there were similar clashes in Patos. Police sources claimed that SP supporters had fired guns at police in Fier and had

disarmed a police officer in Patos and would be prosecuted. Local SP leaders denied this, and called for police officers who had committed abuses to be brought to justice.

The most serious clashes appear to have been in Përmet on 30 May. According to the independent daily newspaper *Gazeta Shqiptare*, a request by six opposition parties for permission to hold a protest rally in the town's main square had been refused by police. Nonetheless, groups of demonstrators came to the square at about 11 am. "Special forces then intervened, having arrived the previous day from Tepelena, where there had been an opposition rally... The special forces first appealed to the demonstrators to vacate the square. This demand by the police only further infuriated the demonstrators... The attack began at about 11.20am. Women and children were the first to fall under the blows of the rubber truncheons. Their cries only further enraged the demonstrators... The special forces charged into the midst of the demonstrators, dividing them into two groups and attempting to surround them. However, the demonstrators too began to strike back at the police, first with fists and then with solid objects. A policeman delivered a sharp blow to a young man, whose face was drenched with blood. A woman immediately hit the policeman with a bottle which broke on his helmet... The clashes continued at the same intensity for almost two hours. Dozens of demonstrators were wounded and the Interior Ministry has also mentioned two injured policemen. A helicopter flew over the square throughout the demonstration, while the area was surrounded by military vehicles and vans that took detainees to the police station. A commissariat source says 35 people were detained".

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

Amnesty International considers that it is the duty of the authorities to ensure that the arrest, detention and ill-treatment of opposition leaders and supporters is brought to an end and that similar abuses do not take place in the run-up to local elections (due to be held on 20 October 1996) and afterwards.

The Albanian Criminal Code explicitly bans torture and ill-treatment: Article 86 punishes "torture or any other inhuman or degrading act" with imprisonment from five to 10 years; when this crime results in crippling, disfigurement or any other permanent damage to the health of a person, or his/her death, the penalty is 10 to 20 years' imprisonment (Article 87). Article 314 makes the use of force by a person charged with carrying out an investigation with the purpose of obliging a citizen to make declarations, give evidence or admit his or another's guilt, an offence punishable by imprisonment from three to 10 years.

Furthermore, Albania has ratified the United Nations Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment and, most recently, the European Convention for the Protection of Human Rights and Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The latter treaty not only prohibits the practice of torture and other cruel, inhuman or degrading treatment or punishment but also sets up a system of regular inspections of places of detention by the European Committee for the Prevention of Torture.

Amnesty International welcomes the authorities' decision to start investigations into the allegations of torture or ill-treatment by police in connection with the elections of May 1996. However, it calls on the Albanian Government to ensure that its obligations under international human rights treaties are *implemented*, by:

- ensuring that these investigations and any future similar investigations are investigated promptly, impartially and thoroughly, and that both the methods and the findings of such investigations are made public.
- bringing to justice those responsible for torture or ill-treatment.
- ensuring that prosecutors exercise their legal competence to initiate investigations whenever a person brought before them alleges torture or ill-treatment and whenever there are reasonable grounds to believe that an act of torture or ill-treatment has occurred, even if no formal complaint has been made.
- ensuring that the complainant and witnesses are protected from all forms of ill-treatment and intimidation as a consequence of his/her complaint or any evidence given.
- compensating victims of torture and other ill-treatment or their families.

- introducing clear guidelines for law enforcement, based on international standards, such as the United Nations (UN) Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- organizing effective training programs for all police officers aiming to ensure that they are given a thorough understanding of national and international human rights standards.

Lastly, Amnesty International urges the Albanian authorities at all levels to ensure that human rights which are guaranteed under constitutional provisions and under international human rights law are enjoyed by all citizens, regardless of their political, religious or other convictions. In Amnesty International's view, a failure to accept and implement this principle must inevitably lead to a repetition of past human rights violations.