

EXTERNAL

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Legal Concern / Prisoner of Conscience

1 November 1996

ALBANIA Idajet BEQIRI - opposition leader

On 5 November 1996 the Albanian Court of Appeal will hear Idajet Bequiri's appeal against his 15-year prison sentence for "crimes against humanity". Amnesty International believes that the charges against him were not substantiated by the evidence produced in court, and were politically motivated. The organization considers him to be a prisoner of conscience and calls for his immediate and unconditional release.

On 28 September 1996 Idajet Beqiri was sentenced to 15 years' imprisonment on charges of "crimes against humanity" under Article 74 of the Criminal Code by the district court of Tirana. He is appealing against his conviction, arguing that he is innocent of these charges; he has also cited numerous violations of procedure in his case.

Idajet Bequiri is the leader of the opposition Party of National Unity and a former president of Kruja district court (from 1981 to February 1986). In 1993 he was jailed for six months for "slandering" the President of Albania, Dr Sali Berisha, in a newspaper article. At the time he was adopted by Amnesty International as a prisoner of conscience.

Idajet Beqiri was arrested in January 1996 and his trial opened on 29 July 1996. He was convicted together with eight other defendants; the latter, unlike him, had been senior communist party officials, five of whom were tried and convicted *in absentia*. The charges against the defendants related to proposals and decisions for the administrative internment of relatives of dissidents.

During communist rule, this was a measure under which thousands of people were confined to distant villages because a relative had committed a political offence or had fled the country. Since the beginning of this year some 30 to 40 former communist officials have been charged or convicted in connection with these administrative internments. Administrative internment could also be used to punish anti-social behaviour, involving ordinary crimes. Article 74 however, punishes only those who interned people for "political, ideological, racial, ethnic or religious" reasons.

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 Gallate 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 but did not comment on the fact that the document was typed in two different typefaces.

Idajet Beqiri also stated that he had an alibi proving that he was not in Kruja on 23 November 1985 and proposed witnesses in support of this alibi. The court did not call these witnesses.

The defence argued 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. The defence also declared that the Duka family's internment was not politically motivated: political motivation is an essential element for conviction under Article 74. In support of these arguments, the defence lawyers presented 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. Two members of the Duka family testified that they were interned in Bruz Mal village in May 1986 two weeks after their internment was proposed, while claiming 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.

BACKGROUND INFORMATION

Another opposition party leader, Fatos Nano, is currently imprisoned in Albania.

Fatos Nano, leader of the main opposition party, the Socialist Party, has been adopted as a prisoner of conscience by Amnesty International. He was arrested in July 1993 and later convicted of embezzlement and forgery. Amnesty International believes that these charges were also politically motivated and were not supported by evidence produced in court. In September 1996 Amnesty International issued a report entitled *Albania: Detention and Ill-treatment of Government Opponents - the Elections of May 1996* (AI Index: EUR 11/17/96).

RECOMMENDED ACTION: Please send faxes, telexes or telegrams in Italian, English, French or German or your own language, including as many of the following points as possible:

- expressing concern that Idajet Beqiri, leader of the National Unity Party, was on 28 September 1996 sentenced to 15 years' imprisonment on charges of "crimes against humanity";
- noting that Amnesty International has carefully studied this case and concludes that the evidence produced in court did not substantiate the charges against him, which appear to be politically motivated;
- stating that Amnesty International consequently believes him to be a prisoner of conscience, imprisoned as a result of his non-violent beliefs and calls for his immediate and unconditional release;
- adding that Amnesty International does not contest the right of the authorities to bring to justice persons who in the past committed grave crimes under international law, but that such trials should be conducted in accordance with international standards for fair trial.

Please limit appeals to 15 per section.

APPEALS TO:

President of Albania

Dr Sali Berisha

Faxes: +355 42 33761

Telegrams: Presidenti i Republikes se Shqiperise, Tirana, Albania

Salutation: Dear President

Minister of Justice

Mr Kristofor Peçi

Tel/Fax: +355 42 28359

Telegrams: Minister i Drejtësisë, Tirana, Albania

Telex: 4201

Salutation: Dear Minister

COPIES IF POSSIBLE TO:

Minister of Foreign Affairs

Mr Tritan Shehu

Minister i Punëve të Jashtme, Tirana, Republic of Albania

Fax: +355 42 62084

The Albanian Helsinki Committee

Komiteti Shqiptar i Helsinkit

Rr. Ali Demi, Pall.2, Shk.2, ap.12,

Tirana, Republic of Albania

and to diplomatic representatives of Albania accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.