

EXTERNAL (for general distribution)

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EXTRA 45/92

Death Penalty

16 April 1992

ALBANIA:

Arjan BOJA

According to information received by Amnesty International, Arjan Boja has been sentenced to death by firing squad. He was found guilty under Article 102 of the Albanian Criminal Code which relates to robbery. The court found him guilty of causing the death of another person in the course of the crime.

Arjan Boja, who was born in 1973, was originally sentenced for his crime by the District Court of Elbasan on 16 November 1991. After an appeal, the verdict was annulled by the Supreme Court of the Republic of Albania which ordered that a new trial be held. The retrial was held earlier this year and he was again found guilty and sentenced to death. Amnesty International has now learned that the appeal against the new sentence has been rejected by the Supreme Court.

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 of these were executed, one had his sentence commuted and the Supreme Court returned the case of the sixth (Arjan Boja) for re-trial.

The sentence imposed on Arjan Boja is the fifth death sentence of which Amnesty International has learned since the beginning of 1992 (see EXTRA 21/92, EUR 11/02/92 of 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; EXTRA 28/92, EUR 11/03/92 of 17 March 1992 on Hajdar Niman Gjuriqi who was sentenced to death on 5 March 1992, also for murder; and EXTRA 31/92, EUR 11/04/92 of 24 March 1992 on Arben Elmaz Haxhiu who was sentenced to death on 18 March 1992, again for murder. Amnesty International has been informed that four death penalty cases are currently awaiting the decision of the President of the Republic of Albania. It is not known which prisoners (other than Arjan Boja) are included in this figure, but it indicates that appeals or reviews on behalf of some of the cases listed above have been rejected by the Supreme Court.

By law, the Supreme Court hears appeals against death sentences within ten 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.

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.

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Elections were held for the People's Assembly (the parliament) on 22 March 1992. These resulted in a parliamentary majority for the Democratic Party (DP) which ousted the Socialist Party (the renamed Communists). On 9 April 1992 a new president, Sali Berisha, leader of the DP, was elected President of the Republic of Albania in place of Ramiz Alia.

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

- expressing concern at reports that Arjan Boja was sentenced to death by the district court of Elbasan earlier this year after being found guilty of robbery which included causing the death of another person;

- stating that you recognize the gravity of Arjan Boja'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:

1) President Sali Berisha
President of the Republic of Albania
Tirana

Salutation: Dear President

The Republic of Albania

Telegrams: President Sali Berisha, Tirana, Albania

Telexes: 4298 pkprssh ab

COPIES TO:

Minister of Justice:

Kundred Çela
Ministria e Drejtësisë
Rruga Marsel Kashen
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The Republic of Albania

Minister of Foreign Affairs:

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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 28 May 1992.