

EXTERNAL (for general distribution)

AI Index: EUR 11/06/93

Distr: UA/SC

UA 435/93

LEGAL CONCERN

16 December 1993

ALBANIA

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Llambi GEGPRIFTI
Qirjako MIHALI
Pali MISKA
Prokop MURRA

The above 10 people are currently on trial in Tirana. Amnesty International is concerned that their right to a fair trial has been seriously undermined by the court's decision on 13 December to ban press reporting of the case. The organization fears that this precedent on a "test-case" trial of such importance could undermine the rights of many other defendants in future to the full legal safeguards of a fair and open trial.

The 10 are former communist party officials, members of the "politburo", the supreme decision-making body of the former ruling communist party, under Albania's former leader Enver Hoxha. Eight of them, including Foto Cami, have been in prison since August 1993 after spending a year under house arrest. Two others are still under house arrest.

The 10 are charged under Article 107 of the Albanian criminal code with "violating the equality of citizens", an offence punishable by up to 10 years' imprisonment. They are accused of granting themselves and their families privileges from state funds amounting to the local equivalent of 15 million US dollars. According to ATA, the official Albanian press agency, these privileges included "buying recreational items with foreign currency abroad or taking gold without payment to repair their teeth".

They have been under investigation since 1991; their trial started in July 1993 but was halted for further inquiries. It re-opened on 10 December. On 13 December the president of the court banned all press reporting of the trial, reportedly on the grounds that this was "in the interest of public order, national security, morality and the privacy of the accused". Foreign journalists had already been barred from the trial.

BACKGROUND INFORMATION

In January 1993 the first major trial of former political leaders and their associates took place in Albania. Nexhmiye Hoxha, the widow of Enver Hoxha, was sentenced to nine years' imprisonment (raised to 11 years on appeal) on charges of embezzlement and abuse of power. Over 40 former communist party

officials are currently under investigation on charges such as abuse of office, misappropriation of state funds, corruption and human rights abuses. The government has been under considerable public pressure to bring such people to trial and there has been criticism of delays in carrying out investigations. At the same time there has also been criticism that new appointments to the judiciary have been determined by considerations of political loyalty to the present government. In November a Supreme Court judge resigned after alleging that the recently appointed President of the Supreme Court attempted to force judges to make rulings of his choosing. The latter denied these allegations.

Article 14 of the International Covenant on Civil and Political Rights does allow for the exclusion of the press and public from "all or part of a trial for reasons of morals, public order or nationalist security or when the interest of the private lives of the parties so requires". However, Amnesty International considers that the nature of the charges in this trial and the political implications of the case create an overriding need for close public scrutiny of proceedings and it fears that the true reason for the ban may be to restrict public knowledge of the details of the charges and the defence of the accused.

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

- State that you are writing in connection with the above persons, former communist party officials, currently on trial on charges of illegally granting themselves privileges during the period of communist rule.
- State that you are aware of deplorable human rights record of that period and the thousands of people who were sentenced to long terms of imprisonment for exercising their human rights.
- Note that these trials normally took place behind closed doors and were not reported by the press.
- Note the present government's frequently repeated desire to end such abuses and to create an independent judiciary and the rule of law.
- state that given these commitments you are surprised and concerned at the ban on press reporting of the trial of the above persons which is liable to seriously undermine the right of the accused to a fair and open trial.
- urge the lifting of this ban and the granting of full legal safeguards to the accused.

APPEALS TO

1) (President of Albania)

Dr Sali Berisha
President i Republikës
se Shqipërisë
Tiranë, Albania

Faxes: +355 42 32971 or 32979

Telegrams: President Sali Berisha, Tirana, Albania

Salutation: Dear President

2) (Minister of Justice)

Mr Kudret Çela
Ministër i së Drejtësisë
Rruga Marsel Kashen
Tiranë, Albania.

Telegrams: Minister of Justice Kudret Cela, Tirana, Albania

Salutation: Dear Minister

3) (Procurator General)

Mr Alush Dragoshi
Prokuror i Përgjithëshëm
Tiranë, Albania

Telegrams: Procurator General Dragoshi, Tirana, Albania
Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

1. (Minister of Foreign Affairs)

Dr Alfred Serreqi
Minister i Punëve të Jashtme
Tiranë, Albania **Faxes : 355 42 32971**

2. The Albanian Helsinki Committee

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

3. The League of Journalists of Albania

Lidhje i Gazetarëve të Shqiperisë, Tiranë, 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 1994.