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Albania: Fatal injuries suffered by a minor in detention remain unexplained

The Albanian authorities must establish how a 17-year-old received fatal injuries while in pre-trial detention and bring to justice those responsible for his death. Amnesty International today expressed its grave concern at the failure of the Albanian prosecuting and judicial authorities to account for the fatal injuries suffered by Eriguert Ceka in Rreshen (Mirdita) police station in July 2004.

"Under the terms of the UN Convention on the Rights of the Child, which Albania has ratified and is therefore legally bound to uphold, Eriguert Ceka was a child. As a child, the Albanian state had a special duty of care towards him. The state not only failed in this duty, it has also abdicated its responsibility to identify and punish the person or persons who injured him. Furthermore, his parents have the right to know how their child was fatally injured and the right to compensation for the state's failure to protect him," Amnesty International said today.

Following the death of Eriguert Ceka on 8 July 2004, two police officers employed at Rreshen (Mirdita) police station were arrested and investigated in connection with his death. In November one of these officers was sentenced to six months' imprisonment for contravening rules for escorting detainees. On 10 December 2004 Tirana district court sentenced the other police officer, Gjon Reci, to eight months' imprisonment. The court found that he had contravened the rules of guard service under the Military Penal Code (Article 41.1).

Although in its decision (no.278), the Court rightly noted that the most important matter for the Court to solve was the reason for Eriguert Ceka's death and who had caused it, the Court concluded that this had not been incontrovertibly established. Instead the Court lists a series of possibilities which "cannot be excluded": that Eriguert Ceka had injured himself for reasons unknown, or that he had lost consciousness after a fight with a cell-mate and had injured his head while falling, or that police officer Gjon Reci had slapped and pushed him against a wall causing him to fall and injure himself. Amnesty International notes that in the prosecutor's request for the case to be tried, it is stated that Gjon Reci had slapped, kicked and forcefully pushed Eriguert Ceka. However, Gjon Reci denied having ill-treated Eriguert Ceka.

Amnesty International does not claim to know how Eriguert Ceka was fatally injured, but it considers that a prompt, thorough and impartial investigation should have been able to identify the person or persons responsible and bring them to justice.

Amnesty International is also concerned that Eriguert Ceka had been held in pre-trial detention since his arrest in May 2004 on a charge of theft, and his detention appears to have been in contravention of the UN Convention on the Rights of the Child which states that deprivation of liberty shall be used only as a "last resort and for the shortest appropriate period of time".

Overcrowding in police stations where people are held in pre-trial detention continues to be a chronic problem in Albania, as reported in the most recent statement by the Albanian Helsinki Committee on conditions in Fier and Kruja police stations, which also noted that minors continue to be held in cells together with adults in violation of the law.

"The pre-trial detention of minors such as Eriguert Ceka, who are not charged with violent offences, can only contribute to the problem of overcrowding, and expose them to violence and other abuses -- whether from fellow detainees or from those who should guard and protect them," Amnesty International said.

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