

EXTERNAL (for general distribution)

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UA 66/91

DEATH SENTENCE

26 February 1991

ALBANIA

Ylli MEMA

According to a report on Tirana radio on 19 February 1991, Ylli Mema was sentenced to death by a military court in the town of Bajram Curri in northern Albania. Together with two other men, he was arrested on 9 January 1991 after they killed two border guards at the border point of Qerem while attempting to cross the border into Yugoslavia. Ylli Mema and his co-defendants were also charged with terrorism, theft, illegal border-crossing and (in the case of Mema) with avoiding military service. His two co-defendants were sentenced to 20 and 12 years' imprisonment respectively. All three men are from Korça in southern Albania.

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. According to official statements, between 1980 and 1990 four death sentences were imposed for political offences and three or four people were sentenced to death every year for ordinary crimes. Unofficial sources have stated that their corpses were sometimes publicly exhibited.

By law, the Supreme Court hears appeals against death sentences within 10 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 Presidium of the People's Assembly; this body must in any case examine and approve all death sentences before they are carried out. Execution may be by shooting or hanging.

Until mid-1990 few Albanian citizens, apart from official delegations, were allowed to travel abroad and to attempt to leave the country without permission was categorized as a form of treason punishable by ten to 25 years' imprisonment or the death penalty. Since July 1990, however, Albanian citizens have been granted the right to a passport, although the police may refuse to issue a passport to a person considered to represent a danger to the internal or international security of the state. Attempts to leave the country without official permission are now classified as "illegal border-crossing" punishable by up to five years' imprisonment. Despite these changes, the number of Albanian citizens who have in recent months attempted to leave the country without official permission has increased sharply. In the past year there have been frequent reports that border guards have shot without warning people attempting to

leave the country without permission, although since the end of December over 11,000 Albanian citizens have crossed the border illegally into Greece and border guards appear to have let most pass unhindered.

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

- expressing concern at reports that Ylli Mema was sentenced to death on 19 February by a military court in Bajram Curri;
- stating that you understand that he was found guilty of murdering two border-guards and that you are recognize the gravity of his 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 Presidium of the People's Assembly to exercise its constitutinal powers to commute his death sentence.

APPEALS TO

President of the Presidium of the People's Assembly
Ramiz Alia
Tirana
The People's Socialist Republic of Albania

Telegrams: President Ramiz Alia, Tirana, Albania
Telexes: 4298 PKPRSSH AB

COPIES TO:

Minister of Foreign Affairs
Ministria e Puneve te Jashtme
Tirana
The People's Socialist Republic of Albania

Telegrams: Foreign Affairs Minister, Tirana, Albania
Telexes: 2164 MPJ AB

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 15 April 1991.