

ALBANIA: ENDING IMPUNITY FOR TORTURE AND ILL-TREATMENT

Appeal Case: Eriguert Çeka

Eriguert Çeka, aged 17, was arrested in May 2004 and remanded in custody on a charge of theft. He was detained at Rrëshen police station, in a cell with his brother and two other men. On 5 July 2004 he became severely ill, and in the early hours of the next morning – after he had fallen into a coma - he was taken to Tirana Military Hospital where he died on 8 July 2004.

A medical forensic examination found that he had suffered injuries to his head caused by a hard object and that his death was due to a cerebral haemorrhage.

An investigation was started and two police officers were arrested on 10 July. One of them, Gjon Reci, was charged with “arbitrary acts” and of “contravening guard service rules, with serious consequences”; the prosecutor subsequently dropped the first charge. Gjon Reci rejected the charge against him and pleaded not guilty. The case was tried by Tirana District Court under the procedure for a “shortened trial”, at the request of the defendant. Under this procedure the court judges the case solely on the basis of evidence obtained in pre-trial proceedings without directly examining the defendant and witnesses. A defendant convicted under this procedure benefits by a reduction of a third of the sentence

On 10 December 2004 Tirana District Court convicted Gjon Reci of contravening guard service rules under Article 41.1 of the Military Penal Code by leaving the cell area of the police station where he was on guard duty to go the interrogation room, but that it had not been proved that this contravention resulted in “serious consequences” – that is, the death of Eriguert Ceka. Gjon Reci was sentenced to a year’s imprisonment, reduced to eight months.

According to the evidence available to the court, on 5 July Eriguert Çeka and a cell-mate, K.M., had quarrelled and fought with each other. Two police officers, Viktor Shtjefanaku and Gjon Reci, took them out of their cell and took them to an interrogation room, where they were reprimanded. Police officer Viktor Shtjefanaku then left the interrogation room to question the two other men who shared the cell.

K.M, Eriguert Çeka and Police officer Gjon Reci remained in the interrogation room. Eriguert Ceka and Police officer Gjon Reci continued to argue, and it was reported that “Gjon Reci slapped, kicked and roughly pushed Eriguert Ceka to get him into the corridor”.

On 11 July, KM stated “*When Gjon pushed Eriguert Ceka out of the room, he again continued to hit him, for I heard the sound of slaps and Eriguert replying: ‘Don’t hit me’ ... a few seconds later I heard a bang which seemed to me like the collision of a person with an object ... [Then] I heard Endriket (Eriguert Ceka’s brother) yelling: ‘What have you done to my brother?’ ... I immediately came out of the room and saw Eriguert Ceka lying on the floor ...*” However, on 7 July, K.M. had stated that when Eriguert Ceka went into the corridor he collided with the wall and fell unconscious. Gjon Reci denied having slapped or pushed Eriguert Ceka against a wall, and stated that Eriguert Çeka had suddenly banged his own head against the wall and then fallen to the ground.

The court concluded that the reason for Eriguert Çeka 's death and who had caused it, had not been incontrovertibly established. Instead the court listed a series of possibilities: that Eriguert Çeka had injured himself for reasons unknown, or that as a result of the blows exchanged with K.M. he had lost consciousness and had injured his head while falling, or that police officer Gjon Recj had slapped and pushed him against a wall causing him to fall and injure himself.

Amnesty International considers that the decision to try the case under the “shortened trial” procedure meant that the court could not adequately test these three hypotheses.

Amnesty International considers that a direct cross-examination in court of the defendant, and of witnesses including Viktor Shtjefanaku, Eriguert Çeka’s cell-mates and medical forensic experts, might have established how and why Eriguert Çeka died, and who was responsible. The organization is calling for a reopening of the investigation for a determination of how Eriguert Çeka came to be fatally injured.

Take action now

Please write to the Prosecutor General and to the Minister of Justice, with a copy to the People’s Advocate:

Please make the following points;

- You are writing in connection with the death on 8 July 2004, of Eriguert Çeka, a 17-year old boy, as a result of injuries he received while in pre-trial detention in Rreshen police station;
- That Eriguert Çeka was a child, as defined by international treaties to which Albania is signatory, and as such the Albanian state had a special duty of care towards him;
- AI is concerned that the investigation and subsequent trial proceedings related to this case have failed to establish how Eriguert Çeka came to be fatally injured;
- AI considers that this failure was partly due to the fact that the case was tried under the “shortened trial” procedure, as a result of which the defendant, witnesses and medical forensic experts were not directly cross-examined at the trial;
- Under the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, the Albanian authorities have an obligation to establish the cause and manner of Eriguert Çeka’s death;
- Amnesty International is therefore calling for a reopening of the investigation in order to determine how Eriguert Çeka came to be fatally injured;
- Amnesty International urges that if Eriguert Çeka’s injuries were not self-inflicted, then any person or persons reasonably suspected of responsibility for his injuries be brought to justice and tried under regular, rather than shortened, trial procedures, and if found guilty receive a punishment which appropriately reflects the severity of the offence;
- Finally, stress that Eriguert Çeka’s parents have the right to know how their child was fatally injured and have, irrespective of the cause and manner of his death, the right to compensation for the state's failure to protect him.

PLEASE WRITE TO:**Prosecutor General****Z. Theodor Sollaku**Prokurori i Përgjithshëm,
Rruga Qemal Stafa,
Tirana, Republic of Albania**Salutation: Dear Procurator General**

Fax: +355 42 29 085

Minister of Public Order**Z. Igli Toska**Ministri i Rendit Publik
Ministria e Rendit Publik,
Sheshi Skenderbej, Nr.3
Tirana, Republic of Albania**Salutation: Dear Minister**

Fax: + 355 42 58625 (confirmed January 2002)

mrp@mpo.gov.al**Minister of Justice****Z. Fatmir Xhafa**Ministri i Drejtësisë
Ministria e Drejtësisë
Blvd “Zog I”
Tirana, Republic of Albania**Salutation: Dear Minister**

Fax: +355 42 28359

*You could also send a copy to***Ministry of Justice – Directory of Foreign and Public Relations**Ministria e Drejtësisë
Drejtoria e Marreveshjeve Nderkombetare
Blvd “Zog I”
Tirana, Republic of Albania
Tel/Fax: + 355 4 240 444
Email: dmjp@justice.gov.al*If you are sending letters by email, please send them as an attachment.**For copies only: please send by post***People’s Advocate (Avokati i Popullit) - Ombudsman****Dr Ermir Dobjani**Bulevardi e Deshmoret e Kombit, Nr 3, Kati i II,
Tirana,
Republic of Albania