

EXTERNAL

AI Index: EUR 11/24/96

EXTRA 161/96

Legal Concern / Fear of ill-treatment

23 October 1996

ALBANIA

Klement KOLANECI, son-in-law of the late Communist leader, Enver Hoxha

Klement Kolaneci, whose arrest was announced by the Minister of Public Order on 16 October 1996, is reportedly being denied access to his lawyers, in violation of his rights under Albanian law and international standards. Access to a lawyer is an important safeguard against the possibility of ill-treatment or torture in detention.

The Minister of the Public Order also announced that Klement Kolaneci's arrest followed the discovery of money at his home which was believed to have been stolen by a "terrorist organization of a political character". Klement Kolaneci has been detained with some 24 other people in connection with a series of political shootings and bombings which have taken place in recent months. These arrests followed news reports of the shooting dead of the Director of Prisons in July and the explosion of a car bomb in Tirana in February in which four people were killed and 27 injured. The other prisoners detained in connection with the case are held in Tirana, but Klement Kolaneci has been moved to a prison in the town of Durres.

Klement Kolaneci's lawyers were allowed to visit him briefly on the day he was formally charged (believed to be 16 October), but have been denied access since. On 22 October, after appeals from his lawyers, a permit was issued by the police in Tirana to allow the lawyers to visit him in detention in Durres. However, on their arrival in Durres the lawyers were not allowed to see him. There are also unconfirmed reports that some of the other 24 detainees have also been denied access to lawyers.

Chapter VII, Articles 5 and 8 of the Albanian constitution guarantee that an individual should have the right to communicate freely and privately with a lawyer during detention and in the course of criminal procedures. The right of access to a defence lawyer is guaranteed under international standards such as the United Nations Body of Principles for the Protection of All Person under Any Form of Detention or Imprisonment.

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

- expressing concern at reports that Klement Kolaneci is being denied access to his defence lawyers, in violation of Albanian law and international standards;
- urging that Klement Kolaneci and others detained in connection with the crimes with which he has been charged be granted access to legal representatives while in detention;
- seeking assurances that Klement Kolaneci and the others will be treated humanely in detention;
- recognizing the gravity of the crimes alleged to have been committed by the group with which he is alleged to have been involved, but pointing out that all detainees are entitled to benefit from the protection of the relevant international standards.

APPEALS TO:

Minister of Public Order

Mr Halit Shamata

Minister i Rendit Publik, Tirana, Republic of Albania
Telegrams: Mr Shamata, Ministria e Rendit Publik, Tirana, Albania
Faxes: +355 42 63607
Salutation: Dear Minister

Minister of Justice

Mr Kristofor Peçi
Ministër i Drejtësisë, Tirana, Republic of Albania
Tel/Fax: +355 42 28359 (if voice, ask for fax)
Telegrams: Mr Peçi, Ministria e Drejtësisë, Tirana, Albania
Salutation: Dear Minister

COPIES TO:

Minister of Foreign Affairs

Mr Tritan Shehu
Minister i Punëve të Jashtme, Tirana, Republic of Albania

The Albanian Helsinki Committee

Komiteti Shqiptar i Helsinkit
Qendra Ndërkombëtare e kulturës, Dhoma no.35
Bulevardi "Dëshmoret e kombit"
Tirana, Republic of 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 23 November 1996.