

DECISION No. 20/1996 (ALBANIA)

Communication addressed to the Government of Albania on  
4 March 1996.

Concerning: Sulejman Rrahman Mekollari, Dilaver Ibrahim Dauti,  
Liriam Servet Velu and Gani Korro, on the one hand, and the Republic of  
Albania, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it, and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.
3. (Same text as para. 3 of Decision No. 35/1995.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Albania. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government although it was given the opportunity to do so.
5. The communication received from the source concerned the following persons: Sulejman Rrahman Mekollari, Dilaver Ibrahim Dauti, Liriam Servet Velu and Gani Korro, all members of the Albanian Socialist Party and sympathizers of the former communist regime. According to the source, the four persons in question were arrested for having distributed pamphlets on 10 September 1995 in the district of Saranda. The pamphlets, which according to the source bore the slogan "Down with the United States", were described by the authorities as anti-American, anti-national and anti-constitutional. The above-mentioned four persons were to be tried by the Saranda district court under article 225 of the Penal Code on the charge of "distributing anti-constitutional publications", an offence which carries a three-year prison sentence. The source states that the pamphlets in question did not advocate violence and that the detention, charges against and trial of the above-mentioned four persons for having distributed such pamphlets are consequently a violation of the international provisions guaranteeing the right to freedom of expression and opinion.
6. In a subsequent communication, the source indicated that Sulejman Rrahman Mekollari, Dilaver Ibrahim Dauti, Liriam Servet Velu and Gani Korro were tried on 17 March 1995 by the Saranda district court. They were all found guilty of anti-constitutional activity and sentenced as follows:

Sulejman Rrahman Mekollari to four years' imprisonment, Dilaver Ibrahim Dauti to two and half years' imprisonment, Liriam Servet Veliu to two years' imprisonment and Gani Korro to three years' imprisonment, 18 months of which were suspended. The verdict was confirmed by the Court of Appeal. According to the source, Sulejman Rrahman Mekollari and Liriam Servet Veliu are still in prison, Gani Korro has been released and Dilaver Ibrahim Dauti has escaped.

7. It follows from the above that the allegations that the above-mentioned four persons were detained for having distributed pamphlets have not been challenged. By distributing pamphlets in a non-violent manner they were merely engaging in the free exercise of their right to freedom of opinion and expression, guaranteed by article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, to which the Republic of Albania is a party.

8. In the light of the above, the Working Group decides:

The detention of Sulejman Rrahman Mekollari, Dilaver Ibrahim Dauti (notwithstanding his escape), Liriam Servet Veliu and Gani Korro (notwithstanding his release) is declared to be arbitrary being in contravention of article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, to which the Republic of Albania is a party, and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

9. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned four persons to be arbitrary, the Working Group requests the Government of Albania to take the necessary measures to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Adopted on 16 September 1996.