

The Project “Together against police and prison torture in Albania”, supported financially by the European Union Delegation in Albania

I. Strategic litigation of cases

AHC through its Legal Clinic¹ services has provided several legal advice/counselling, selecting and representing cases that contain strategic litigation elements. Through strategic litigation AHC aimed to establish new grounds in the jurisprudence regarding the protection of the victims’ rights, related to the provisions of article 3 of ECHR.

AHC has prepared the applications as well as the evidence and has provided legal representation for strategic litigation cases, in different levels of national courts, in Constitutional Court of Albania and before the European Court of Human Rights (ECtHR).

Successful stories in the framework of this project

Case of Mr. F. Z. - This applicant is serving the imprisonment sentences in the prison of Krujë since 09.09.2009. At the time of arrest, he was wounded with firearms by the police staff, a condition followed by a careless surgery and a fracture which has led to problems in his left leg. Prison of Krujë has not shown proper care for his continuous medical supervision, without giving the proper medications for which there is a need, and without doing surgical intervention, recommended from all the specialist doctors. Prison of Krujë, the Prisoners’ Special Health Institute or the General Directorate of Prisons have not taken measures for the appropriate treatment and surgical intervention into the inmate’s leg. As a consequence, the applicant was suffering a constant and continuous inhuman treatment in prison for nearly 6 years now.

On 24 September 2014, AHC filed to the Krujë District Court, a Request with the object “*Guaranteeing adequate medical service by the General Directorate of Prisons and the prison of Krujë and interruption of inhuman and degrading treatment as a result of the lack of this treatment*”. During the adjudication resulted that the General Directorate of Prisons has failed to enable for him essential medication at public health institutions, and has treated the applicant only to physiotherapy, analgesic and anti-inflammatory medication. As a result, he suffered worsening health conditions, threat to life, serious and continued pain.

Krujë District Court, by Decision no. 1/151, dated 10.03.2015, which was final on 03.04.2015, fully accepted AHC request. In its arguments, the Court states: “... ***the situation in which the petitioner remained during the years of isolation has been worsening and aggravating, causing major pain to him, which is considered inhuman and humiliating treatment, in violation of article 3 of the ECHR and article 25 and 55 of the Constitution of the Republic of Albania. It was the duty of state bodies to guarantee that the petitioner would serve the sentence in conditions that are compatible with human dignity...***” and then continues “... ***failure to provide adequate medication, in accordance with the petitioner’s needs and medical condition, as well as the serious and continued suffering he has undergone, moreover for over 6 years, represent inhuman and degrading treatment.***”

After these findings, the court says it orders: “***1. The admission of the petition; 2. The guaranteeing of adequate medical services by the General Directorate of Prisons and prison of***

¹ As a joint venture with the other project funded by Civil Rights Defenders

Krujë and the end to inhuman and degrading treatment as a result of the absence of such treatment.”

This successful case represents the first one in Albanian judicial practice, when a applicant demands, directly, through the first instance court, the protection of the right not to be treated in an inhuman and degrading manner, according to the Article 3 of the ECHR and 55 of the Constitution of the Republic of Albania.