

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. M. I. – Mr. M. I. suffers from a serious illness "*Linfoma of the skin in B cells*" and was not receiving any medication, because the prison and public health institutions did not possess the necessary tools. While he was sick, he was serving a prison sentence at prison of Lezhë.

On 25 November 2014, AHC filed an official Request along with relevant documentation to the Ministry of Justice, for the remission of the rest of the sentence of imprisonment from the competent authority, the President of the Republic. The Ministry of Justice didn’t inform officially AHC about addressing this application which was based on the law.

On 15 July 2014, M. I., through his appointed private lawyer presented to the court a Request with the object "*Release from prison*". During this judicial process, AHC made available to his lawyer the monitoring Report of 16.10.2014, in prison of Lezhë, about the lack of adequate health treatment in prison. With Decision dated 13.01.2014, the District Court of Lezhë decided to drop the Request of the applicant.

AHC took the responsibility of the case and on 19.11.2014 prepared the appeal for the above mentioned decision of the District Court of Lezhë, by representing the petitioner in the Court Appeal of Shkodra, which, by Decision of 08.01.2015 agreed to release him from prison sentence 3 months ahead of the full sentence term, because of his serious illness, he didn’t receive adequate health care from the prison system.

Through this successful case, AHC proved before the Court, the shortage of proper medical treatment for the applicant M. I. in prison of Lezhë and in other specialised medical institutions, depended from General Directorate of Prisons and enabled to him, to continue the necessary medications in other health institutions, outside the prison system.

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