

# NEWSLETTER



## ALBANIAN HELSINKI COMMITTEE

June 2004

Monthly Newsletter No. 6

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ANEX No. 1 - STATEMENT

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## **1. MONITORING ACTIVITIES OF THE AHC**

### **1.1 Monitoring of the respect of citizens' rights in the prison system (prisons of Peqin and Rrogozhina)**

The AHC, as a monitoring organization for the respect of detained, arrested and convicted individuals, has carried out regular monitoring missions in the prisons where the largest number of complaints or requests for meetings with AHC representatives have originated.

Between *4 and 7 June 2004*, the AHC conducted several monitoring missions in the prisons of Rrogozhina and Peqin. Experts assigned by the AHC received and handled a considerable number of complaints dealing with various issues, such as unjust decisions of judicial organs as well as requests for the review of decisions. Based on the observations and verifications on site, the AHC has provided legal counseling to the complaining individuals as well as publicly reacted to cases of violations through statements or official letters to pertinent authorities.

## **2. AWARENESS AND EDUCATION ACTIVITIES**

### **2.1 Sensitizing the society through announcements in the print and broadcast media regarding the establishment of a dedicated hotline for citizens to file their complaints**

The AHC is an organization for the protection of human rights and, as such, it handles various complaints by citizens.

In order to be of assistance to citizens and their families for a better respect of their rights, the AHC has established a dedicated hotline whereby every citizen may file his/her complaint or concern. A group of lawyers of the AHC is engaged with the handling and verification of these complaints. They provide counsel to citizens on legal issues as well as orient them on who to turn to for the reinstatement of the rights that they claim have been violated.

During this period, the AHC organized an awareness campaign in the print media (daily "Korrieri", several consecutive editions) and the broadcast media (on TV Klan for several days in a row), with regard to the availability of this hotline. The AHC has appealed that citizens use this hotline to alert the AHC to cases of violations of their rights. This sensitizing practice also helps look from up close at the respect for the rights of arrested, detained and convicted individuals by police officers, prison administrations and other state structures.

This initiative of the AHC also seeks to deter the violation of citizens' rights and sensitize the relevant state organs to undertake concrete measures to reinstate those rights that have been violated by employees of the state administration. At the same time, the AHC, by way of official correspondence, has addressed the responsible state organs with concrete recommendations for the undertaking of measures for a better respect of citizens' rights by them.<sup>1</sup>

### **2.2 Meetings with state authorities**

During June 2004, the leading staff of the AHC carried out a series of business meetings with the Minister of Justice, the General Director of Prisons, senior representatives of the Ministry of Justice, of the General Directory of Prisons as well as with other senior officials of institutions where sentences are served. The intensification of correspondence and relations with these state institutions seeks to bolster collaboration in the framework of enhancing reform in the penitentiary institutions and improving the respect for the rights of arrested and convicted

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<sup>1</sup> The establishment of a dedicated hotline for citizens to file their complaints is done in the framework of the project "Prison reform and the role of civil society in Albania", financed by Swedish Helsinki Committee.

individuals. It also seeks to provide support to the prison administration in its efforts to manage penitentiary institutions.<sup>2</sup>

### **3. AHC PUBLICATIONS DURING JUNE 2004**

#### **3.1 Information on the poster**

In collaboration with SOROS and in the framework of the project “Role of the civil society in protecting and sensitizing the public on national minority rights”, the AHC published posters featuring knowledge about and respect for minority rights. The poster sought to sensitize the minority and the non-minority populations with a view to achieving both, better knowledge of the law guaranteeing their rights and to help them in the reactions to cases of violation of these rights.

#### **3.2 The publication “Electoral Reform! Wait? Till when?”**

During June 2004, the Committee published the book “Electoral Reform! Wait? Till when?” The publication is a collection of some of the articles and essays written by Mr. Niazi Jaho, legal Advisor to the AHC. Considering the broad scope of problems existing in the Albanian practice of electoral processes, the author presents several analyses and research on legislation and the electoral process. He sought to address some of the most debatable problems. These are: the makeup of the Central Election Commission and of other commissions, their role and functioning, the compilation of voters’ lists, issues related to complaint procedures and the electoral college of the Appeals Court, etc.

Although the study of cases was made on the basis of reports by international organizations, the author succeeded in penetrating into the logic of the problems and concretized them with what Albanian practice offers.<sup>3</sup>

### **4. ROUND TABLE DISCUSSIONS AND CONFERENCES**

One of the forms in which the AHC carries out its activity with regard to improving the practice of law enforcement and respect for citizens’ rights is that of meetings of experts and round table discussions focusing on specific topics.

#### **4.1 Press conference “Clarifications on the request to the Constitutional Court to annul article 34 of the law on assets disclosure”**

On June 9, 2004, the AHC held a press conference for all media outlets in its premises. The purpose of the press conference was to clarify the position of the AHC with regard to the request filed with the Constitutional Court to annul article 34 of the law on the disclosure of assets by official persons.

In the press conference, the Committee provided media with the reasons that urged the AHC to make article 34 of the law on assets disclosure the target of review by the Constitutional Court.

Numerous questions were fielded by journalists and responses were offered by Ms. Vasilika Hysi, Executive Director, and by Mr. Niazi Jaho, legal advisor of the AHC.

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<sup>2</sup> These meetings were organized in the framework of AHC’s three-year strategy as well as in the framework of the project “Reform in prisons and the role of the civil society in Albania”, funded by the Swedish Helsinki Committee.

<sup>3</sup> The publication of this book was made possible through the financial support of the Swedish Helsinki Committee in the framework of the project “Improving the human rights situation through monitoring, studying, lobbying and protection, for better respect of constitutional principles.”

## **4.2 Round table discussion “The International Statute of the Court of Rome”**

On June 4, 2004, the Albanian Helsinki Committee organized a round table discussion on **“The International Criminal Court, enforcement of the Rome Statute in Albania”**, at the Rogner Hotel.

The main goal of this round table discussion was to achieve the sensitization and better knowledge in the society and different government circles of the functioning of the International Criminal Court, its jurisdiction and the problems that existed following the ratification of this Statute by the Assembly of Albania. The round table discussion featured an analysis of the steps undertaken until that time by the Albanian state as well as of steps that need to be taken toward completing the Albanian legislation and practice in the framework of international cooperation in keeping with the principles and requirements of the Statute.

Participating in the round table were senior representatives and specialists of the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Integration, chairpersons of parliamentary commissions of the Assembly of Albania as well as representatives from international institutions, experts of criminal law and international criminal law as well as representatives of the civil society.

Besides a better knowledge of the criminal and procedural aspects of the Rome Statute, emphasis was placed on the implementation of the principles of international law such as the principle of sovereignty and the degree of transfer of some competencies of the judicial power to an international court. In the case of this court, the sovereignty of the state that has ratified the statute is not affected. Other issues were also discussed at the round table, such as the issue of immunity of senior officials that commit offences, the principle of avoiding double conviction for the same offence, etc.

The conclusions of the study on the legislation and the steps to be undertaken with a view to implementing the Rome Statute are to be published soon in a separate edition.<sup>4</sup>

## **4.3 3-DAY TRAINING SEMINAR FOR PRISON PERSONNEL**

Pursuant to carrying out its mission of protecting, sensitizing and educating about human rights, for the purpose of improving respect for the rights of arrested and convicted persons, the Albanian Helsinki Committee began the provision of assistance for a more contemporary management of Albanian prisons, better treatment of convicted persons and for building correct relations between prison personnel and the convicts. The project aims at building a strategy for prison management in conformity with international standards and the enforcement of this strategy in practice. The technical assistance will be provided in several phases and the assistance project will benefit the institutions of Rrogozhina and Peqin where convicts serve their sentences. The first session was held on 7, 8 and 9 June 2004 in the facilities of the Rrogozhina Prison. The session featured the definition of the vision and mission of Albanian prisons and a concrete action plan was drafted in keeping with the needs and particularities of each prison. In order to bring their experience to this session, three foreign experts, namely two general regional directors from the Netherlands and a Swedish expert had been invited.

This collaboration session between Albanian specialists of institutions where prison terms are served and foreign experts, was assessed as the first constructive and necessary step in the long process of seeking good management of Albanian prisons. Four working groups were set up

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<sup>4</sup> This round table discussion took place in the framework of the project “Increasing awareness on the implementation of the International Criminal Court statute in Albania”, financially supported by the world federalist Movement Institute for global policies and the Coalition for the International Criminal Court (CICC)

during this session. They will work on different areas with regard to the issues of prison administration and for a better management of prisons.

Participating in this event were Mr. Përparim Sanxhaku, Deputy Minister of Justice, Mr. Ramadan Hasanaj, General Director of Prisons, and representatives from the Ministry of Justice and the General Directory of Prisons, as well as representatives from the management level of the two pilot prisons, namely the Prison of Rrogozhina and that of Peqin, as well as lawyers from the other prisons of Albania.

#### **4.4 Regional seminar “Alternative report on minorities”**

During 17 – 20 June 2004, the regional seminar “Alternative report on minorities” was held in Ohrid, Macedonia. Participating in this seminar were all regional countries engaged in the compilation of an alternative report on minorities. The AHC has been engaged for one year now in writing such an alternative report on minorities in Albania. The report was drafted in the framework of the regional project “Promotion of minority rights and increasing international cooperation”. Each participating organization made a brief presentation and recommendations were issued in the seminar. The participating countries in this project were: Albania, Macedonia, Croatia, Serbia-Montenegro, Bosnia-Herzegovina, Bulgaria and Kosovo. A general report on the status of minorities in the region will be published in the following period.

#### **4.5 Round table discussion: “Sensitizing the society and state structures on minority rights and the respect for those rights”**

On June 30, 2004, the Albanian Helsinki Committee organized in collaboration with the Soros Foundation in Gjirokastra, a round table discussion on increasing the level of awareness of state structures for better respecting minority rights in this district.

The AHC provided a presentation of the situation of minority rights in this region as seen from the standpoint of an organization that has experience in the field of monitoring the respect for minority rights.

At the round table discussion, different minority representatives presented a series of concerns such as the population census, improvement and completion of the legal framework on minorities, increasing the attention of the state toward minorities, particularly toward the Roma, Vlach, etc. minorities.

The AHC also rendered some conclusions regarding some measures undertaken by state authorities although a lot remains to be done in this direction.

Participating in this round table discussion were two specialists invited by the AHC, who spoke with regard to existing problems, AHC board members, representatives of local authorities, Ms. Kostandina Bezhani, chairwoman of the State Committee on Minorities, representatives of the OSCE Field Office in Gjirokastra, representatives of some NPO-s in the region, as well as local media representatives.

At the completion of the round table discussion, following the presentation of pertinent recommendations by the AHC, the chairperson of the State Committee on Minorities Ms. Bezhani as well as representatives of local state authorities promised to undertake measures to improve the situation of minority rights.

## 5. WITH REGARD TO THE LAW “ON ASSETS DISCLOSURE” (CHRONOLOGICAL OUTLINE)”

### 5.1 Target of the request (summarized)<sup>5</sup>

On 21 April 2004, the AHC submitted to the Constitutional Court its request to annul as anti-constitutional article 34 of the law No. 8049, dated 10.04.2003 “**On the disclosure and control of assets, financial obligations of elected officials and some public servants**”.

The target of this request was the annulment of article 34, which reads: “*Data obtained from the disclosure according to this law are allowed to be published in keeping with law No. 8503, dated 30.06.1999 “On the right to information on official documents”.*”

The AHC backs the above law on assets disclosure, the verification of data, the denunciation of individuals who intentionally failed to disclose their real assets as well as their publication. The only remark is that article 34 of the law No. 9049 (Publication), should refer to law No. 8517, dated 22.07.1999 “On the protection of personal data” and namely article 10 of this law, which reads, “*The treatment of personal data by other persons shall only be permitted in the case when the subject of the data has provided express consent on this treatment*”. According to this law, there are also cases when this consent may not be obtained. The AHC request is based on article 8 of the European Convention on human rights and on article 35 of our Constitution.

### 5.2 Reaction of the media to the AHC request

The print and broadcast media carried several reactions to the request that the AHC submitted to the Constitutional Court. The AHC was politically assaulted although the issue addressed by the request was of an exclusively legal nature, which was also proven during the review of this case in the Constitutional Court. The AHC, in order to clarify the essence of the problem as well as its own position, organized a press conference.

The Constitutional Court is yet to announce its decision with regard to this issue.

## 6. PUBLIC REACTIONS OF THE AHC TOWARD VIOLATIONS OF HUMAN RIGHTS

The AHC has made public reactions to the most flagrant violations of human rights, beside the letters and recommendations to state authorities. During June 2004, the AHC issued a public statement with regard to the draft agreement between the Albanian government and an Italian company for the import, recycling and destruction of hard waste. In that statement, the AHC called upon the government to clarify the public with regard to this draft agreement in order to avoid any prejudice.<sup>6</sup>

## 7. CITIZENS ADDRESS THE AHC

During June 2004, the Albanian Helsinki Committee received **20 letters and complaints**.

During this month, there was a drop in the number of complaints coming from prisons, while there was an increase of complaints coming from citizens as compared to May 2004. Part of these complaints deal with irregular court processes as well as with unjust decisions. There have also

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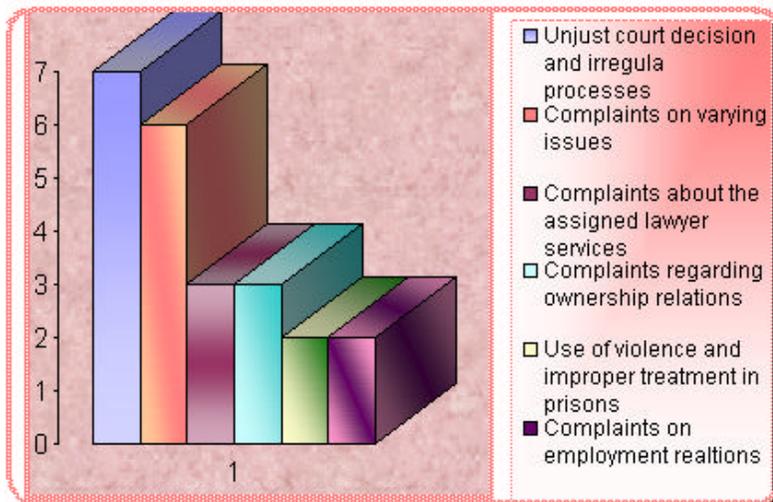
<sup>5</sup> You may find the complete request sent to the Constitutional Court on our Internet site [www.ahc.org.al](http://www.ahc.org.al)

<sup>6</sup> The statement may be found at the end of this newsletter, Annex 1. You may also find all statements by the AHC on our Internet site [www.ahc.org.al](http://www.ahc.org.al)

been complaints for lawyers' services, employment relations, the exercise of violence and the improper treatment of convicts in prisons, etc.

The following graphics are a better representation of the topics of these complaints.

*The first graphic presents complaints according to their topics*



*A division of the complaints coming from convicts and those coming from citizens into two different groups would look as follows:*



## 8. AHC AND THE MEDIA

During June 2004, the main activities of the AHC found coverage in the print and broadcast media. During this month, as was mentioned earlier, the AHC has been at the focus of attention from the media because of the request of the AHC to the Constitutional Court. Some of the media gave a fair coverage of what the AHC asked for and other outlets politicized it.

The AHC press conference, held on 9 June 2004, saw extended coverage in the print and broadcast media.

AHC statements also saw extensive coverage in the print and broadcast media.

During this period, the AHC conducted **9 interviews/op-ed pieces and articles in the print media**, whereby AHC senior representatives gave their views on a variety of issues.

The **round table discussions and seminars** organized by the AHC during June 2004 found full coverage in a considerable number of broadcast and print media outlets.

### *The announcement in the media*

As was mentioned earlier in this newsletter, during June, the AHC regularly ran an announcement in daily Korrieri and on TV Klan about the establishment of the dedicated hotline available to citizens to file their complaints.

## **Announcement**

### ***Arrested, detained or convicted individuals.***

If you think that your rights are violated by the police, the prison administration or other state structures, there is a place you may complain to or seek legal assistance from.

Call **04 23 36 71 Monday to Friday** between 9-11 and 17-18. A lawyer of the AHC will provide legal assistance to you.

If you do not have the possibility to call, you may write to us at the following address:

**Albanian Helsinki Committee**

**Street: "Gjia Eus Shpata", Pall. 5/1, Ap. 4,**

**Tirana, Post Office Box No. 1752.**

## **9. PARTICIPATION OF AHC IN DIFFERENT ACTIVITIES**

During this period, AHC representatives and staff members participated in a variety of activities organized by local and foreign organizations active in Albania.

## **10. CAPACITY BUILDING FOR THE AHC STAFF**

### **Staff training on "Meeting the stakeholders"**

On June 2, 2004, the AHC staff was trained in the organization's premises on "How to organize a meeting with the stakeholders", in the framework of the increase of AHC activity, the organization of a large number of meetings and round table discussions. The training course was done in order to improve the work of the AHC staff in organizing and carrying out these events. It was realized in the framework of capacity building for the AHC staff, which is financially supported by CORDAID.

## **ANNEX NO. 1 – STATEMENT**

**Tirana, June 1, 2004**

### **Transparency is indispensable**

These recent days, the daily press reported about different reactions related to a **draft-agreement between the Albanian government and an Italian company on importing, recycling and disposal of the solid waste.**

It is true that the **Parliament of the Republic of Albania has adopted the law Nr. 9010, dated 13.02.2003 "On Environmental Management of Solid Waste"**, but the problem of their import is laden with risks that can be **harmful to the life and health of our citizens.**

In this respect **AHC** has taken into consideration not only the fact that **in the territory of our country there are lots of such waste that must indispensably be disposed of, but also the level of the available techniques and technology that as we already know is not at the required level.**

**AHC is not biased against the draft-agreement, because what's more it is not aware of its content. However, AHC considers necessary to appeal to the Government that for transparency reasons to make publicly known the content of this draft-agreement, and especially article 26 of the Law Nr. 9010, mentioned above that states: " In the Republic of Albania it is forbidden to import waste as for storing and depositing or disposing".**

**AHC also appeals to the Ministry of Environment to rigorously apply article 29, item 2 of the law where it is highlighted: "Ministry of Environment is the national responsible and coordinating authority of all the international agreements for the environmental management of waste where Albania is a party."**

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