

REPORT ON THE HUMAN RIGHTS SITUATION AT ACCOMPANIMENT AND DETENTION ROOMS IN SOME POLICE COMMISSARIATS

Introduction

The **Albanian Helsinki Committee (AHC)**, the first human rights organization established in 1990, has as its mission the protection, education, and sensitization of public opinion and state bodies about better respect for the rights of citizens. The monitoring of respect for the rights of arrested, detained, and convicted persons in penitentiary institutions has been for years under AHC's special attention.

During July 2009, AHC observed the accompaniment and detention rooms in police commissariats in the districts of Berat, Fier, Vlorë, Sarandë and Burrel.¹

The main objectives of these observations were: monitor living conditions of detained and accompanied persons at police commissariats, monitor respect for the rights of these persons by commissariat personnel and direct contact with detained or accompanied persons, and the verification of complaints and claimed violations.

The AHC's group of experts and its staff participated in the observations. **The methodology employed in these observations entailed:** meetings with representatives of the administration of the institutions and their personnel, field observations of the premises, equipment in detention and accompaniment rooms and joint premises in the observed commissariats, as well as meetings with detained and accompanied persons.

Unlike the hospitality encountered in almost all visits, it is worth mentioning a negative fact: AHC observers were not allowed to observe the detention rooms in the Fier District Directory, although AHC had obtained the relevant permit by the General Directory of Police. AHC observers met with the deputy director of the Fier District Police Directory outside the premises of this institution. They were left for several hours outside the premises while being promised they would be allowed to observe, although they were being given the runaround.

1. Infrastructure and physical conditions

As a result of the observations, AHC found that except for the Fier Commissariat, the infrastructure of detention and accompaniment premises in police commissariats had not undergone improvements. ***Infrastructure did not meet the minimal conditions for human and dignified treatment of detained and accompanied persons.*** The presence of humidity, the lack of airing and natural lighting, the absence of essential items such as beds, mattresses, and blankets, the very small size of the detention and accompaniment rooms continue to be existing problems, although they have been encountered in the regular observations that AHC has conducted.

¹ The monitoring missions were made possible thanks to the financial support of the Swedish Helsinki Committee, in the context of the program "For better respect for the rights of victims in Albania – Legal Clinic 3"

Poor infrastructure and physical conditions were found in the commissariats of Vlorë, Burrel, and Sarandë. In these institutions, the detention and accompaniment rooms did not meet the minimal living conditions. There was a lack of airing and natural lighting, humidity in beds and other furniture; detained/accompanied persons staying on beds and blankets due to the lack of premises.

Some commissariats, such as those of Vlorë, Sarandë, and Burrel **had had no refurbishment whatsoever, thus making the stay of detained and accompanied persons in such conditions simply inhuman and degrading.** AHC has reacted several times through public statements on the serious condition of these institutions. Nevertheless, refurbishments remain only plans.

The Berat commissariat, due to the lack of premises, held accompanied persons (up to 10 hours) in its building, in two assigned premises, while it sent detained persons to the Fier Police Directory, causing major difficulties to the police force in their daily work.

The Fier Commissariat which only kept detained persons was in good infrastructure conditions because it is a new institution. The premises of this commissariat had armchairs and tables. There were two premises functioning in Fier: **the Fier District Police Directory (FDPD)** that included the detention rooms for the citizens of the prefectures of Fier and Berat, which kept those detained citizens on whom the court had given remand measures, and the **Fier Commissariat** which included the accompaniment rooms. Based on the information we received, the pre-trial detention rooms in the FDPD were in the same conditions as many years before; in fact, they were even more worn out due to the absence of maintenance work.

2. Capacity

AHC sees as **problematic the capacity that the premises of observed Commissariats offer; such capacity is inadequate,** particularly when there is an influx of detained and accompanied persons while remand measures given by the courts are “arrest in prison.” Detention and accompaniment rooms in police commissariats were small in size and scarce in number. Even in those commissariats where the number of rooms was large due to their previous function as pre-trial detention premises, the majority of rooms were out of use, **as was the case of the Burrel Commissariat.**

The **Vlorë Commissariat** had 2 accompaniment rooms, 2 detention rooms for adults, and 1 detention room for juveniles. The detention rooms held an average of 4-8 persons. Although criminality in the Vlorë district had fallen compared to previous periods, this did not exclude the possibility of an increase.

In the **Sarandë Commissariat,** due to very low capacity and poor conditions (2 rooms), AHC was informed that detained and accompanied women and juveniles were kept in other premises of the commissariat, such as in the information office or the office for receiving citizens.

In the **Burrel Commissariat,** as was mentioned above, the situation appears different as it only includes 2 accompaniment rooms. Persons detained in this district were sent to the Fier Police Directory due to the lack of premises in the Berat Commissariat. Up to 3 detained persons per day were transferred from the Berat Commissariat to the Fier Police Directory. The solution was inappropriate, not only because of the lack of personnel that would enable the transfers, but also tiresome for all parties involved, including the persons’ family members. AHC was informed that the reason for the transfer was the termination of the agreement between the General Directory of Prisons and the State Police Directory, whereby the Berat Commissariat used as detention rooms two rooms of the Berat pre-trial detention institution, which also featured very poor conditions and a marked lack of premises.

The *Fier Commissariat* had a low capacity, up to 24 persons. Meanwhile, the capacity of the pre-trial detention rooms in the Fier Police Directory had 110 persons. The situation will become particularly worse because the pre-trial detention rooms of the Fier Police Directory were soon to be transferred to the Fier Commissariat premises, which did not have the necessary capacity to cope with the transfer.

3. Personnel

In the course of the observation, AHC obtained information that there were *deficiencies in the personnel structure of some Commissariats*. There was no doctor or psychologist in the Vlorë Commissariat; there was no psychologist in the Berat Commissariat. Completion of the Sarandë Commissariat personnel with female staff was an urgent need.

Based on obtained information, there were absences of police forces in the Burrel Commissariat. The specifics and dynamics of criminality in the district necessitate an increase in the number of police forces. The number of officers in this commissariat was low compared to the number of inhabitants. Furthermore, adding female officers remained a priority.

4. Hygiene conditions

The observation showed that the hygiene conditions in some of the observed commissariats left to be desired, namely in the Commissariats of Sarandë and Vlorë. Furthermore, the Sarandë Commissariat featured uncleanliness not only in the internal premises but also the external ones, which had large amounts of garbage. The stay of detained and accompanied persons in such conditions puts in jeopardy even their health as they may be a source of infections and diseases.

5. Detention and accompaniment schedules

AHC observation groups found that there was *a prolongation beyond schedule in keeping persons convicted in absentia in the detention rooms of commissariat premises*, particularly in the Commissariats of Vlorë and Berat (which were sent to the Fier Police Directory). *In meetings with representatives of the Commissariats, we were informed that a relatively long time gap existed from the moment of detention of persons convicted in absentia up to the approval of the site for serving the sentence by the General Directory of Prisons and their transfer to prisons*. There were cases when these persons remained in the detention rooms up to 10 days.

6. Food

AHC continues to find that in the majority of observed commissariats, persons were not provided food, namely in the Commissariats of Sarandë, Berat, and Vlorë. In these commissariats, police officers were the ones who offered food to the detained or accompanied persons, particularly in those cases when families abandoned them.

In the Berat Commissariat, although the building of this institution included the kitchen of the Berat detention facility, the Commissariat itself did not have a kitchen and accompanied persons were not given food. In almost all commissariats, police officers were the ones who offered different food items to detained and accompanied persons with their own money.

7. Assistance with sensitizing/informative materials

AHC found that there were no posted sensitizing and informative materials in the premises of some commissariats. Therefore, we consider it important that sensitizing and informative materials are posted in commissariat premises in order for detained and accompanied persons to become familiar with their legal rights and obligations.

Recommendations to the Directory of State Police and the observed Commissariats

1. Accelerate the process of refurbishing and improving conditions in the detention and accompaniment rooms of the Commissariats in Vlorë, Sarandë, and Burrel as well as detention rooms in the Fier District Police Directory. AHC stresses that this concern should be given priority and all is done to enable a fast solution.
2. Take measures to resolve as soon as possible the issue of the immediate transfer of persons convicted in absentia in order to avoid their prolonged stay in commissariats. To that end, AHC proposes the signing of a cooperation agreement between the Directory of State Police and the General Directory of Prisons so that persons convicted in absentia who are caught later be transferred immediately to institutions for serving prison terms. This would improve considerably the situation of respect for the rights of these persons and, at the same time, would facilitate the work of police staff that work and stay in these rooms.
3. Conduct continued training of police personnel in almost all commissariats, especially on issues of human rights.
4. Also, it is necessary to assist the Vlorë, Burrel, Sarandë, and Berat Commissariats with sensitizing and informative materials on human rights.
5. Allocate a fund for commissariats that do not offer food for detained and accompanied persons in order to enable them to purchase clothes and food items, particularly for persons abandoned by their families.
6. AHC recommends that a solution be found for the situation between the General Directory of Prisons and the Directory of State Police regarding detention rooms so that persons are no longer transferred from Berat to Fier.
7. Create the possibility to increase the number of police personnel, which would ensure better respect for human rights but also ease the work of police personnel, namely in the Fier District Police Directory, the Commissariat of Burrel, and the Commissariat of Sarandë. Or, we would suggest a better division of work among the existing staff.
8. AHC recommends that personnel be completed immediately by adding female officers in the Sarandë Commissariat.

Tirana, November 9, 2009