

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

***Introduction***

During the period January - December 2011, the Albanian Helsinki Committee (AHC) has conducted 17 rounds of monitoring at Institutions of Execution of Criminal Judgments, "Mine Peza" in Tirana, "Jordan Misja" in Tirana, "Ali Demi" in Tirana, "Shën Koll" in Lezha (3 rounds), "Peqin", "Bënçë", "Tepelenë", "Burrel", "Fushë-Kruje" (3 rounds), "Berat (Pre-trial Detention)", "Rrogozhinë", "Korçë", "Sarandë (Pre-trial Detention)" and "Vlorë (Pre-trial Detention)".

Monitoring have been focused on the living conditions of detainees and prisoners, respect for their rights by the staff of the institution, including other actors of the criminal justice system as prosecutors, courts and police, verification of claims addressed to AHC by telephone, letters or meetings in the office with the family members of prisoners/detainees, asking for provision of free legal services, etc.

Monitoring was carried out periodically and sporadically. Sporadic monitoring were conducted to verify claims that persons deprived of liberty have addressed to AHC under the program "Free Legal Clinic" and signals by the printed and electronic media. During 2011, AHC has received complaints from prisoners collectively in three institutions, namely Shën Koll, Fushë Krujë and Korçë. The object of complaints consisted mainly in bad living conditions in the institution and inhumane treatment by the staff of the institution.

Standards applied for the realization of these monitoring have been those laid down in the Albanian and international legislation, in particular the European Prison Rules, Recommendation of the European Committee for the Prevention of Torture, European Court of Human Rights, Law "On Rights and Treatment of Prisoners and Detainees" (as amended), and General Prisons Regulations (as amended).

Recently there have been improvements on penitentiary system, mainly as a result of investments for improvements on infrastructure, building of new pre-trial detentions and prisons, and increasing the capacities of the staff of these institutions.

***II. ISSUES MONITORED***

***2.1 Infrastructure and Physical Conditions***

During 2011, AHC has noticed almost the same problems related to the infrastructure in Institutions of Execution of Criminal Judgments, noted also during the monitoring held in previous years. There exist still institutions located in old buildings such as IECJ "Tepelenë", "Burrel", "Rrogozhinë", "Berat" and "Saranda". The main problems of these buildings are humidity, excessive depreciation of facilities and lack of natural lighting.

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

In pre-trial detention of Berat improvements have been noticed in the infrastructure of airing place, creating a larger space on this purpose. The infrastructure of meeting places with family members in this institution was inappropriate and violated the privacy of their conversation<sup>1</sup>. Pre-trial detention of Saranda didn't have a special fund to enable the improvement of detention facilities' infrastructure, which does not meet the standards set for respecting the rights of detained persons.

During verification of different claims, including those to IECJ of "Shën Koll"<sup>2</sup>, it was observed that the premises of the institution where the convicted were placed, did not provide the necessary conditions for a humane treatment. In some rooms there was observed the lack of necessary equipment for sleeping, such as pillows, sheets, mattresses and lack of means to ensure hygiene in the rooms, which were provided mainly by family members of prisoners. The windows were amortized and not allow isolation from low temperatures and the terms of bad weather, especially from cold and rainy days. Depreciation, humidity and lack of heat caused many problems especially in the conditions of lower atmospheric temperatures. Infrastructure problems were noted in the common showers and toilets. In some cases the lack of missing toilet doors could cause the violation of the right of prisoners for privacy. Also, there were problems with running water supply due to amortization and malfunctioning of pump system.

AHC noted infrastructural problems in the new Institutions of Execution of Criminal Judgments, build in recent years, such as in Fushë Krujë and Korçë. In October, the monitoring held following a collective complaint from convicted persons in the IECJ – of Fushë – Kruja, showed the lack of showers, running water restrictions and lack of supply with warm water. In common security regime in this institution was found that a part of showers and taps were out of order. The monitoring conducted in July showed that in IECJ of Korca as well the overall infrastructure and living conditions were not in accordance with legal requirements. In this institution there were noted shortcomings in the provision of necessary tools for bed such as sheets and covers, and necessary tools for maintaining personal hygiene. Due to limited hours of water supply, in some cases, the showers could be used at intervals of 10 days.

## ***2.2 Overcrowding***

It was noted particularly high overcrowding during surveys made in IECJ of "Fushë - Kruja", "Vlora" and "Rrogozhina". In IECJ of "Fushë – Krujë, the capacity of rooms observed was 4 persons per room, while due to overcrowding in these rooms held 6 to 7 persons. The problem of overcrowding had caused problems between the offender and the institution. The last one had limited the number of televisions in the rooms,

---

<sup>1</sup> Family members stayed in the external environments of the building and detained persons inside the building in the meeting places. Their conversation was done through a separating glass, depriving them from any physical contact and thus violating the privacy of the conversation.

<sup>2</sup> Collective claim, some convicted persons entered a hunger strike

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

meanwhile that according to convicted persons this restriction has affected the fulfillment of the needs of the people staying in the room.

In IECJ of Rrogozhinë and Berat, the monitoring showed two cases of people who slept with mattresses placed on the ground, because of exceeded of the provided capacity of people in those rooms. This conditions set grounds for different treatment of the prisoners in the same room.

In the section of minors in pre-trial detention in Vlora, in one of the rooms visited during the monitoring were noted that, 7 teenagers were located, due to overcrowding in this institution. AHC considers that holding a high number of minors in the same room is not suitable and as result of their young age as a vulnerable group, the staff of institution should pay more attention to them.

### ***2.3 The structure of staff***

In the majority of institutions surveyed there were observed staff shortages, mainly in the health care sector. Such shortages were observed in IECJ's of "Burrel"<sup>3</sup>, "Berat"<sup>4</sup>, "Lezha"<sup>5</sup> and "Saranda"<sup>6</sup>. Directors of institutions justified the lack of medical staff, mainly full-time doctors, as a result of small payment, which does not motivate people to apply for vacancies.

AHC suggests considering as a priority the problem of staff shortages in the health sector, which is one of the most important sector of the institution, which guarantees and cares of health of persons deprived of liberty. AHC suggests solving this problem, increasing the salary of doctors, particularly of those serving institutions with high capacity, engaging trainee physician's doctors in institutions with low capacities such as "Berat" and "Saranda" or applying other alternative solutions.

### ***2.4 Airing***

During 2011, in the framework of Legal Clinic Program, there were some sporadic cases referred to by telephone, where prisoners have claimed that they are discriminated against in terms of duration of ventilation, in comparison with other prisoners<sup>7</sup>. In most of the observed IECJ such as in "Lezha", "Tepelenë", "Rrogozhinë", "Burrel", infrastructural conditions did not allow a proper airing of persons deprived of liberty, especially in certain atmospheric weather conditions when it was too hot or rainy/snowy weather. The reason was that the ventilation facilities were not covered by the canopy.

---

<sup>3</sup> Lack of a full-time physician

<sup>4</sup> Lack of a full-time physician and of a pharmacist

<sup>5</sup> Lack of medical staff for treatment of 25 patients.

<sup>6</sup> Lack of a full-time physician

<sup>7</sup> According to the alleged claims

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

In Lezha IECJ, it was noted that in premises of observation were newly arrived prisoners who have been staying at the facility over 10 days term provided by law. Because of being under the observation, these people have been deprived from participating in joint activities, including the right to go out for ventilation.

### **2.5 Health Service**

In terms of medical assistance in prisons, the ECHR<sup>8</sup> in its jurisprudence recognizes that *medical assistance available in prison hospitals may not always be at the same level as in the best medical institutions for the general public. Nevertheless, the State must ensure that the health and well-being of detainees are adequately secured by, among other things, providing them with the requisite medical assistance. In the case Gromi vs. Albania ECHR found that " the absence of timely medical assistance, added to the authorities' refusal to offer him the adequate medical treatment prescribed by the civilian doctors, created such a strong feeling of insecurity that, combined with his physical suffering, it amounted to degrading treatment within the meaning of Article 3 "*.

The Law "On the Rights and Treatment of Convicted Persons and Detainees" and the General Regulation of Prisons provide periodic medical examinations of all persons convicted and detained carried out by the staff of the medical service sector. AHC in some cases noted that these provisions were not respected.

In IECJ Burrel, from the monitoring of medical files of the prisoners, was found that the frequency of medical examinations was very rare<sup>9</sup>. Often the prisoners' claims for lack of medical control are not accepted by the medical staff.

AHC considers as very important data' record in the individual medical files of prisoners and detainees, during or immediately after a medical examination, and obtaining the signature of the examined person in the respective file. This is the only way to prove that the medical assistance was provided periodically to convicted persons and detainees.

In IECJ of Fushë-Krujë<sup>10</sup> and Burrel were found chronically ill with severe diagnoses, which due to the specifics of the disease, the climate of the country where the institution is placed and lack of specialized staff for these diseases, should be transferred to the Hospital Center of Prisons (HCP) or other IECJ which have appropriate climate and medical staff for appropriate treatment of diseases of these persons. European Court of

---

<sup>8</sup> See *Kudla vs. Poland, Hurtado vs. Switzerland, Kalshnikov vs. Russia, Gromi vs. Albania*

<sup>9</sup> In the cards observed average frequency is 4-5 months

<sup>10</sup> In the IECJ of Fushë Krujë there is accommodated a convicted person suffering of epilepsy, diabetes and neurogenic high blood pressure; in given moments he becomes very violent causing self injuries and disquietude for room mates and surrounding environment. In IECJ of Burrel, where lacks a full-time physician, during the observation were found 37 chronic patients, of which the majority suffer of neurosis and half of diabetes.

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

Human Rights in its jurisprudence<sup>11</sup> has estimated that " *There are three particular elements to be considered in relation to the compatibility of the applicant's health with his stay in detention: (a) the medical condition of the prisoner, (b) the adequacy of the medical assistance and care provided in detention and (c) the advisability of maintaining the detention measure in view of the state of health of the applicant*".

AHC suggests that the Directorate General of Prisons in cooperation with specialists from the Ministry of Health to conduct an inspection in institutions where are placed people with serious illnesses, in order to assess whether it is possible to provide medical service needed the prisoners/detainees at the conditions of these institutions.

Regarding the supply of medicines, there were noted shortcomings in Institutions of Burrel and Berat. These deficiencies were found mainly in expensive medicines of chronically ill persons, including antibiotics. In the conditions of these shortcomings, they have ensured such medicines and antibiotics by themselves or by their families. In the pre-trial detention of Berat, there was no doctor's room and medicines were kept in an inadequate place, due to lack of facilities for pharmaceutical services.

In IECJ of Korca, at the time of observation were noted 9 diabetic patients, who were provided with food every 10 days and cooked the food in their room by themselves. Due to the specifics of this disease, we consider that these patients should be fed on a diet set by the doctor and take their meals cooked in the kitchen, to avoid possible misuse and abuses.

## ***2.6 Social Treatment – Education***

Limited infrastructure and/or inadequate funding and lack of educational-social activities negatively affect social-education treatment of convicted persons and detainees in some of the institutions surveyed. In IECJ of Tepelenë, the lack of facilities and supporting material basis, constituted an obstacle to full realization of the social-educational activities. IECJ of Burrel did not have a special fund for the implementation of services and activities of socio-educational nature.

IECJ of Lezha and Korca lacked special facilities for sports activities. Such activities have been exercised in the premises of ventilation, which were limited and inadequate. In IECJ of Lezha there was a field with considerable space, but because of the lack of investments it was impossible to transform it into an environment for sports activities. Also, the library section of the juveniles in IECJ of Lezha was very poor with books.

---

<sup>11</sup> *Melnik vs.. Ukraine*, no.722886/01, §94, 28March 2006; *Rivière vs. France*, no.33834/03, § 63, 11, July 2006

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

IECJ of Korca lacked social and educational programs. In this institution did not function any vocational training course. Prisoners claimed also that education staff had no close and systematic communication with them. Also the existence of a single psychologist, while there should be two according to the staff structure, did not provide adequate psychological treatment of prisoners.

In Vlora pre-trial detention, juveniles participated in some activities of social-educational activities such as sports, cinema, computer courses, Italian language, topics related to education, etc. But these teenagers, during their stay in this institution did not follow the relevant educational curricula. Article 37 of the Law "On the rights and treatment of convicted persons and detainees" provides that: *Education and cultural and professional formation is made by the organization of the school, mandatory for minors, and by professional courses according to the operating systems in force.* Taking into consideration that some of these juveniles remain for a long time in this institution, obtaining knowledge about some of the basic subjects of the educational curriculum, would help in faster integration in their school and society, after they will be released from custody

### ***2.8 Claim - Complaint Mechanism / Corrupt Cases***

Claim - Complaint Mechanism is an important procedural guaranty that the law "On the Rights and Treatment of Prisoners and Detainees" offers to persons deprived of their liberty, when they claim that their rights have been violated or request to exercise a legal right.

AHC observers have received complaints about dysfunction of this mechanism in two monitoring conducted in September and October 2011 in IECJ of Fushë-Krujë. Also, in monitoring held in this institution, inmates raised allegations about the corruptive practices followed for issuing rewarding permissions and employment of prisoners.

Complaints of prisoners have been made also about the prices of items sold in shops operating in some IECJ. Such complaints were made by persons deprived by liberty in IECJ of Lezha, Korca and Fushë – Krujë. The prisoners claimed that the prices of the items were higher compared to prices in the area around where the IECJ is located.

### ***2.9 Humane Treatment***

Regarding humane treatment, the ECHR has estimated in its jurisprudence<sup>12</sup> that " *the State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands*

---

<sup>12</sup> *Kudla vs. Poland*

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

*of imprisonment, his health and well-being are adequately secured by, among other things, providing him with the requisite medical assistance”* ECHR estimates also that “*although the question whether the purpose of the treatment was to humiliate or debase the victim is a factor to be taken into account, the absence of any such purpose cannot conclusively rule out a finding of violation of Article 3”* (see *Peers vs. Greece*). The ECHR's conclusion is particularly important in relation to the conditions that the institution provides for persons deprived of liberty, which, even though not substantially affect the aim of his dignity, are in violation of Article 3 of the Convention and constitute inhumane treatment.

Alleged cases of persons detained for lack of communication ethics, use of pressure and psychological violence, and in rare cases allegations of physical violence from staff of the institution, have shaken the confidence of these persons as regards the human aspects of the execution of imprisonment sentences.

In monitoring held in January in IECJ of Lezha and in October in the IECJ of Fushë-Krujë, following the collective complaints coming from prisoners of those institutions, it was found that contacted persons claimed lack of the ethics in communication from the internal regime' staff and lack of respect for their dignity during controls in the rooms. The prisoners in IECJ Lezhë, claimed that during the controls, their personal items have been damaged, meanwhile, the convicts of the IECJ of Fushë-Krujë raised concerns about frequent controls in their rooms, in some cases even in inappropriate hours of the night<sup>13</sup>. The lack of communication ethics by the staff of internal regime to convicted persons was noted by AHC' monitors in IECJ of Fushë-Krujë during monitoring conducted in May of this year. Also, in the monitoring conducted in Korca IECJ, prisoners claimed that were violated psychologically by the staff of the institution.

Regarding the claims for exercise of violence, compared with previous years, in 2011 there was a lower number of complaints for that issue. During observations, monitors of AHC have taken contact with the three prisoners, respectively in the IECJ of Burrel, of Fushë-Kruja and Korçë, who claimed they were beaten by the staff of the institution. In Burrel IECJ the prisoner claimed that after he was physically violated by the institution internal regime' staff, was held for 9 days in former isolation rooms (seclusion rooms) and the toilet needs were done on the floor, because he had no access to toilet. He was visited by a doctor of the institution after 2 to 3 days from the exercise of the violence, but in his medical file it is not recorded to have damages on his body. In the IECJ of Fushë-Krujë, the prisoner claimed that was beaten by employees of the basic role of the institution and was held 21 days in seclusion rooms without disciplinary measure. From the verification, resulted that were not kept the records in the relevant documentation, in order to clarify in detail the circumstances in which the convict was forcefully neutralized, according to the allegation of the staff. Also, from medical files did not turn out that the person was subjected to medical examination. In IECJ of Korça, the inmate

---

<sup>13</sup> The reason of frequent controls relates to the security issue following an attempt of escape some time ago

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

claimed he was beaten by an employee of the internal regime in IECJ of Peqin, from where he was transferred. This last case was referred to the Prosecutor of Elbasan, which had dismissed the case because the transfer of prisoner to another facility, non-transferring the case to the competent office prosecutor.

Regarding the complaints of the prisoners for exercise of violence, AHC suggests that every claim should be carefully examined in an objective way. The role of the Prosecutor and the Internal Control Service (SH,K.B) is very important to resolve these cases. Also very important is the role of the doctor of institution, particularly in terms of keeping medical records. Committee against Torture, in its recommendations for Albania suggests that: *In the file drawn up after a medical examination of a prisoner contains (i) an account of statements made by the prisoner which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) an account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of i) and ii); upon request, the doctor's conclusions should be made available to the prisoner and his/her lawyer.*

Conditions under which persons deprived of liberty are held are very important to determine whether his/her treatment is or is not human. As mentioned above, in IECJ of Rogozhinë and Berat were found two cases of people who slept on the floor. In IECJ of Lezha, the newly arrived prisoners were held on the same floor of the building with persons with disciplinary measure of "separation". Facilities were divided only by a metal mesh. In one observation rooms, where should stay newly arrived prisoners, there was also a person with disciplinary measure "separation". Moreover, some of those 'new' prisoners were staying in observation for more than a month, 10 days after the deadline provided by the General Regulation of Prisons. The newly arrived prisoners were subjected to the same restrictions for joint activities as isolated persons. In two observation rooms, due to the lack of table and chairs, people had laid a blanket on the floor where were eating meals.

### ***III. People with mental health problems***

One of the main problems that AHC has consistently raised in the reports on the situation of human rights in penitentiary institutions and official documents addressed to the responsible state institutions is the placement of the mentally ill category in IECJ which do not have appropriate conditions and staff for treatment of these persons. Despite measures taken by the Council of Ministers and the General Directorate of Prisons to make functional the Mentally Ill Hospital some years ago within the facilities of IECJ of Durres, this institution has not yet begun to function.

During 2011, from the monitoring were noted mentally ill persons in the IECJ of Fushë-Krujë, Vlora, Korça, Rogozhinë and Burrel. Holding these persons in unspecialized institutions, results, in negative consequences, both in terms of inadequate medical treatment as well as regards other prisoner who should coexist with this group of persons.



REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

In some monitored institutions such as in Fushë-Kruje, Lezha and Vlora, these persons were held in the same rooms with other people who had no psychiatric diagnosis. ECHR in its jurisprudence<sup>14</sup> considers that, in particular, *the assessment if certain conditions are either not in accordance with the standards of the European Convention Article 3 (prohibition of torture and inhuman treatment), in cases of mentally ill persons, should be based by considering the vulnerability and their inability, in some cases, to complain coherently in terms of how much they are affected by any kind of special treatment.*

In all the monitored institutions there was no psychiatrist or qualified support staff to treat the mentally ill. AHC wants to bring attention to Recommendation no. (98) 7 of the Committee of Ministers of the Council of Europe concerning the ethical and organizational aspects of health care in prisons, where among other things stipulate that " *There should be a psychiatric team in larger penal institutions. If this is not available as in the smaller establishments, consultations should be assured by a psychiatrist, practising in hospital or in private..*". Also this recommendation follows further that " *Prisoners suffering from serious mental disturbance should be kept and cared for in a hospital facility which is adequately equipped and possesses appropriately trained staff..*" The European Court of Human Rights, in its decisions<sup>15</sup> has drawn attention to the importance of the recommendations of the Council of Europe, regardless of their nature not binding on member states.

#### ***IV. Relations with the court and prosecution***

Delays in issuing orders for the execution of criminal judgments with imprisonment by the prosecutor office have been noted during the surveys in the pre-trial detentions of Vlora and Berat. The situation appeared more problematic in the detention of Vlora, where it was referred the delays in issuing these orders lasting over 5 months. Holding persons sentenced to a final imprisonment decision in pre-trial detention institutions, constitutes not only a violation of their rights but also creates premises for the overcrowding of pre-trial detentions.

In IECJ of Rrogozhinë and Lezha, prisoners had complaints of unfair denial of claims for the application of alternative sentences, conditioned release and sentence reduction. The prisoners of Rrogozhinë IECJ's claimed lack of an objective examination of cases from the District Court Kavaja, lack of transparency, delays in reviewing cases and violations of access to information. A part of the convicts in IECJ-in Rrogozhinë had complaints in terms of international cooperation in the field of criminal justice between Italian and Albanian state. These complaints mainly concerned with violations of the principle *ne bis in idem* and the ignorance of the period of detention or punishment committed in the Italian State for the purpose of carrying out the sentence in Albania.

---

<sup>14</sup> *Aerts vs. Belgium and Herczegfalvy vs. Austria*

<sup>15</sup> See *Riviere vs. France, Naumenko vs. Ukraine, Dybeky vs. Albania*

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

In the detention of minors in Vlora there were many minor detainees who were charged mainly for theft. This category of persons of 14-18 years old came mostly from poor families with social problems. Most of them were recidivist. Some of them stay for a relatively long period in this institution. According to the authorities of this institution, in some cases, for those minors whose families had no financial opportunities, the legal defense offered from the lawyers assigned by the state was not effective. AHC considers that by applying to these minors the security measure of detention on remand, adversely affects their education, the negative stereotypes that society can do after being released from custody, negative patterns that may receive during the stay in custody by establishing bases in the future to restore them in positions of persons in conflict with the law.

AHC wants to bring to the attention of criminal justice system' actors, particularly to the judicial and prosecution authorities, the recommendation of the Committee of Ministers to member states of Council of Europe "On the social reaction to juvenile delinquency (No. R (87) 20, adopted on September 17, 1987, which provides that *"The governments of the states recommended reviewing, if necessary, their legislation and practices with a focus ... to excluding the remand in custody of minors, apart from exceptional cases of very serious offences committed by older minors; in these cases, restricting the length of remand in custody and keeping minors apart from adults; arranging for decisions of this type to be, in principle, ordered after consultation with a welfare department on alternative proposals"*.

## RECOMMENDATIONS

### *Recommendations for the General Directorate of Prisons and the Ministry of Justice:*

- To improve infrastructure in those IECJ which are not reconstructed, especially for improving infrastructure that aims to prevent humidity penetration, softening the impact of depreciation and provision of natural lighting
- Making available to IECJ like Korca and Fushë-Kruja a special fund to ensure continued maintenance of these institutions so that their premises do not go out of operation in the future.
- To improve the infrastructural conditions of ventilation facilities in those IECJ which do not have canopy and do not allow adequate ventilation of persons deprived of liberty, especially in weather conditions with very hot weather or rain/snow .
- Ensure continuous supply of IECJ with means of personal use such as mattresses, sheets, pillows, blankets, beds according to needs of their maximum capacity. AHC recommends better coordination between them and GDP, especially in those establishments where there is overcrowding, to identify the needs in this respect and their right accomplishment.
- To avoid explicitly in those IECJ where there are overpopulated rooms, sleeping of persons deprived of liberty on the floor.

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

- AHC suggests that in cooperation with the Ministry of Health to consider as a priority finding alternative and appropriate solutions to complete the full time medical staff particularly in IECJ's high capacity.
- Conduct ongoing inspections of IECJ with regard to the accomplishment of the duty of medical personnel in the conduct of periodic medical examination of detained persons and recording their medical files;
- Collaborate with specialists in the Ministry of Health to carry out joint inspections to identify the health status of people with serious illness that are held in IECJ, the adequacy of conditions in which these persons are held and medical services offered to them. To enable transfer of such persons in those IECJ that has necessary medical staff and appropriate conditions for treatment of these persons.
- Ensure supply of needed medicines to IECJ, particularly to the institutions of Burrel and Berat, in accordance with the needs of medical staff, based on the diagnoses of patients held in the institution;
- Take immediate measures to start as soon as possible the work of the penitentiary institution for mentally ill prisoners.
- Ensure the transfer of the mentally ill persons held in IECJ that have inadequate infrastructure conditions and lack of specialized medical staff to the Institution of Zaharia, Krujë and to Hospital of Pre-trial Detention of Durres.
- To improve infrastructure and create the necessary conditions for development of social –educational activities for persons deprived of liberty in IECJ of Tepelenë, Burrel, Lezha and Korça. The appropriate social-educational treatment of ensures rehabilitation and integration of convicts by minimizing the consequences of staying in a closed environment.
- Collaborate with the Ministry of Education to enable the provision of certain classes of minors in detention of Vlora, for some of the basic subjects of the educational curriculum, so that these minors do not create long break from school during the stay in detention.
- To carry out detailed controls on IECJ of Fushë-Krujë in regard to the observance of the requirements of law on functioning of the mechanism request-complaint in this institution.
- Ensure that prices of items sold in stores all IECJ not exceed the ceiling price of the surrounding area.
- To work towards capacity building in IECJ uniformed staff on issues such as: respect for the rights of persons deprived of liberty, respect for ethical behavior and communication, etc.
- In cases of alleged violence, persons deprived of liberty should be subjected as soon as possible to medical examination and ensure an objective coverage of their claims and of conclusions of the doctor on the matter. In case of inability, to provide as soon as possible medical examination of the person in a civil hospital.
- To place newly arrived prisoners in Lezha IECJ in appropriate facilities and not in closed environments more than 10 day period.

REPORT ON THE SITUATION OF RESPECT OF HUMAN RIGHTS IN  
INSTITUTIONS OF EXECUTION OF CRIMINAL JUDGEMENTS  
JANUARY-DECEMBER 2011

*Recommendations to the Ministry of Justice, High Council of Justice and Prosecutor General's Office:*

- It is recommended to office prosecutor to review with priority and objectivity any claim for violence exercised against persons deprived of liberty, under the Articles 86 and 87 of the Criminal Code;
- It is recommended to the Ministry of Justice and the High Council of Justice, within their authority, to push through an institutional way, for the increase of number of measures and alternative sanctions, especially for people who have vulnerable serious health problems and/or have social-economic problems, especially minors;
- It is recommended to Prosecutor Office not to delay execution of a final criminal imprisonment and to operate with speed and efficiency in this regard, in accordance with law;
- It is recommended to the General Office Prosecution to exercise control over the activity of the prosecutor offices under its jurisdiction as regards the execution of the criminal judgments, execution of judicial decisions for obligatory cure (treatment) and for prosecution of the cases of violation of persons deprived of their liberty' rights.
- It is recommended to the Ministry of Justice, High Council of Justice and Prosecutor General's Office to have the particular focus of their work addressing and resolving the issue of detained juveniles in terms of reducing the number of applications to measure safety "arrest in prison", speeded trial of their case and increase of issues of application of alternative sentences.