



KOMITETI SHQIPTAR I HELSINKIT
ALBANIAN HELSINKI COMMITTEE

**REPORT ON THE SITUATION OF RESPECT
FOR HUMAN RIGHTS IN ALBANIA
FOR THE YEAR 2012**

JANUARY 2013



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Prepared by: Av. Vjollca Meçaj, Executive Director, AHC
MA. Av. Etilda Saliu Gjonaj, First Program Manager, AHC
MA. Av. Erida Skendaj, Lawyer, AHC

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Author: ©Albanian Helsinki Committee

Albanian Helsinki Committee

Address: Rr. “Gjin Bue Shpata”,
Pall. 5/1, Ap.4, Tirana, Albania
Tel: 04 2233671
Cel: 0692075732
E-mail: office@ahc.org.al;
Web site: www.ahc.org.al



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PREFACE

Respect for fundamental human rights and freedoms in Albania has been and remains the very essence of the mission of the Albanian Helsinki Committee (AHC) during the 22 years of its activity. To that end, the organization has continually undertaken activities that have contributed to the encouragement, promotion, and respect for the fundamental human rights and freedoms of citizens; the conduct of free and fair elections; increased transparency on the activities of the public administration and its proper functioning; increased citizens' access to the judiciary and to the decision-making process of state institutions and local government; the consolidation of the rule of law and respect for the principle of the checks and balances system, as premises for the empowerment of the democratic state and the creation of an environment conducive to the real enjoyment of rights; improved legislation and the incorporation of better standards to guarantee human rights and freedoms, etc. Based on this activity, it is now a practice that the AHC drafts every year a report on respect for human rights in the country and issues encountered in that regard.

The purpose of this report is to inform and sensitize the entire public opinion, the public administration, and interested international subjects on the situation of the sanctioning of and respect for human rights in Albania for 2012, and to present our suggestions on how to improve the situation. The report also seeks to inform the public about an important part of the work for one year by AHC, realized mainly through the project, "*Better respect for human rights through strengthening the rule of law,*"¹ which is financially funded by the Swedish organization Civil Rights Defenders (*former Swedish Helsinki Committee*). In drafting the report, we also made use of significant findings in activities carried out during this year by other AHC programs and projects.²

On this occasion, we wish to express our profound thanks for: members of the AHC Assembly, particularly for *Ms. Aurela Anastasi, Mr. Artan Hoxha, Mr. Sokol Sadushi, Mr. Arben Puto, Mr. Jorgo Bulo, Mr. Kujtim Çashku, Elvis Koçi, etc.*, who provided valuable juridical and other consultations, as well as for their useful information and suggestions. We thank the monitors that collaborated with us, in particular: lawyers *Gramoz Çela, Ms. Mimoza Preça, Ms. Valbona Tahiraj, Ms. Edis Ibrahim, Ms. Mirjana Dora, Mr. Ilir Miti, Mr. Klodian Gjermani, Ms. Arjana Reli, etc.*, for their impartiality, objectiveness, and professionalism; we also wish to thank our district correspondents: *Ms. Kaliopi Bici, Mr. Frederik Jorgaqi, Ms. Keti Qirinxhi, Mr. Klajdi Mone, Mr. Ymer Leksi, Ms. Anila Karanxham, and Mr. Artan Reçi*, for following with dedication the issues that are subject of this report and the valuable information they have supplied us with. We also wish to send well-deserved thanks to the organization staff engaged in this regard.

I. EXECUTIVE SUMMARY

The year 2012 marked further growth of the organization's monitoring capacity with a view to better evaluate the situation of respect for fundamental human rights and freedoms. To that end, we carried out monitoring and on site verifications; we intervened with relevant authorities to

¹ This project was implemented by the Free Legal Clinic, part of Program I of the AHC "*Legal and Institutional Reform, free and democratic elections, citizens' access to justice bodies.*"

² Program 2, "*Observing respect for human rights, with a focus on persons deprived of their liberty and vulnerable groups, as well as encouraging citizens' access to local government,*" funded by OSI Budapest, UNICEF, CRD, etc.



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enable the reinstatement of violated rights; we took measures and addressed concrete complaints and requests from citizens; we reacted publicly to flagrant cases of human rights' violations; we engaged in the lawmaking process by offering opinions and suggestions in order to improve draft laws from the standpoint respecting and better guaranteeing human rights; we collaborated with various state structures, particularly those handling persons deprived of their liberty, in order to ensure that the rights of this category of persons, sanctioned by law, are better respected, etc.

In order to assess the situation and collect the proper information, we carried out sporadic and planned monitoring missions and focused particularly on significant rights such as: the right to life; prohibition of torture and inhuman and degrading treatment; the right to liberty and safety; the right to equality in and before the law; protection against discrimination; the right to due legal process; the right to benefit free protection; the right to access to bodies of the state administration and local government,³ etc. We devoted special attention to respect for these rights for persons deprived of their liberty, persons in difficult social and health conditions, as well as national and cultural minorities.

After a long period, during this year AHC engaged again in monitoring the activity of the Prosecution Office and the Courts of the judicial districts of Tiranë and Durrës, focusing on the implementation of procedures to not initiate or to drop investigations and to object to these decisions in Court,⁴ as well as procedures for the execution of imprisonment decisions.

On the basis of our observations, we noticed a series of achievements, particularly in the context of better legally sanctioning citizens' rights and freedoms. Many legal provisions were approved, and numerous international acts were ratified, which have helped in this regard. However, the implementation of laws and international acts remains a disturbing problem; new institutions have been established and existing ones have been strengthened further to better respect human rights, however their activity remains limited. The People's Advocate was elected and the cooperation of this institution with the civil society and the public administration was further enhanced; however, many of its recommendations are not taken into consideration by relevant institutions. There have been investments in schools, hospitals, roads, prisons, detention centers, and police commissariats; yet, there are still major needs in this regard and the level of services offered to citizens by these institutions needs further improvement. Based on observations, it results that in general, institutions where imprisonment sentences are served offer more safety for convicts and detainees, particularly physically speaking. There has been a lower number of incidents involving suicide attempts or self-injuries by persons deprived of their liberty; schooling has begun for juveniles deprived of their liberty and who have not completed compulsory education; special sections have been established to better train persons deprived of their liberty who are ill or face various social problems. We encountered higher awareness and sensibility among prison, detention center, and police commissariat personnel with regard to respect for the human rights of persons deprived of their liberty. There has been further improvement of personnel working in this sector. However, problems, shortcomings, and great needs persist in this sector. Important steps have been undertaken toward decentralization, but this has not been accompanied with the necessary financial and technical means to enable obtaining the expected results from this process. In spite of the above

³ Monitoring I, conducted in 7 districts of the country.

⁴ Findings from monitoring and studying decisions/cases of the Prosecutor's Office and Court will be reflected in a special report that is to be publicized in the beginning of 2013.



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achievements, we still notice numerous violations of human rights, which are mostly caused by the public administration. The majority of violations are related to the following rights:

During 2012, the state did not meet to the extent and in the manner it should toward guaranteeing the right to life and, in some cases, various persons lost their lives, or their health was harmed, while under the care of state bodies. A large number of crimes, highly dangerous to the society, have taken place and they have led to harm to the health and loss of life of many citizens, such as: murders; serious injuries; armed robberies; domestic crimes or violence; serious traffic accidents; accidents at work; sexually transmitted diseases; illnesses caused by environmental pollution, etc. We also have to mention cases of self-sacrifice due to profound despair caused upon citizens by failure of the state to solve correctly or on time issues presented by them to state authorities. Responsible state structures did not undertake any studies, or research, to find the causes and circumstances that lead to such consequences; they did not always take measures to bring before justice those responsible; they did not take the necessary preventive measures in order to protect the right to life and the effective investigation of cases when this right was violated, particularly when the right to life was violated or jeopardized as a result of actions or inaction by state institutions that had custody over them.

During 2012, AHC,⁵ carried planned monitoring missions in 50% of IEPDs, 11 police commissariats throughout the country, and 24 sporadic monitoring missions, spurred by complaints received from citizens deprived of their liberty. In spite of improvements, we still encountered overcrowding⁶ in some institutions, which was somewhat alleviated following the amnesty approved by the Assembly, in the context of the 100th anniversary of independence. We found a lack of specialized medical staff and custodians, lack of medicaments, and poor quality dental service, offered to persons deprived of their liberty in general, and persons suffering from mental illnesses in particular. Furthermore, the situation of persons under “Compulsory Medication” remains unchanged although it has been raised several times as a concern by international bodies. These persons are still kept in prison although the court has ordered their compulsory medication at a specialized health institution.

AHC received 12 complaints about violence by persons in penitentiary institutions and 10 complaints from persons treated in police commissariats. We were not always able to prove the claimed violence, but in many cases we encountered the traces of violence on the bodies of persons deprived of their liberty; meanwhile, the People’s Advocate, the media, and other civil society organizations, also raised concerns in this regard and showed concrete cases of documented violence. The medical services of penitentiary institutions does not respond immediately to the demands of convicts/detainees for medical examination when they claim violence; that would help them recover, prove violence, find perpetrators, and put them before justice.

Based on our police monitoring, we encountered problems such as: pursuit of wrong practices with regard to the accompaniment, detention, and arrest of persons; inaccurate log on the moment of entrance or exit of an accompanied, detained, or arrested person; failure to make accompanied, detained, or arrested persons aware of their rights; failure to notify their families, etc. Flagrant cases were frequent and unmotivated accompaniments of former politically

⁵ With financial support from Civil rights Defenders, sub-program of Program I “Legal and Institutional Reform, free and democratic elections, citizens’ access to justice bodies (or Free Legal Clinic)”

⁶ IEPD Fushë – Krujë, IEPD Vaqarr, and IEPD Shën Koll



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persecuted persons by various Tirana police commissariats, which creates insecurity for these persons and violated their rights. The State Police also did not respect appropriately the law with regard to the strike of the formerly politically persecuted, openly violating the group's right to assembly.

The Roma minority has been among the most discriminated groups of the Albanian society. We notice with regret that governing bodies did not take the necessary measures in order to improve the living conditions of this minority, which suffers from the lack of housing, infrastructure, lack of health and other social services, lack of opportunities for their children to attend schools and kindergartens, etc.

During 2012, victims of various, direct or indirect, acts of a discriminating nature were particularly women, children, persons with disabilities, and the LGBT community. We would like to draw attention to discrimination toward the community of persons with disabilities, which for months has not been receiving monthly allowances established by law. Discrimination in labor relations remains and is mainly manifested through unjust dismissals.

During this year, AHC handled 30 complaints about judicial activity, assisted in 26 hearing sessions about these complaints. Through direct contact with judicial processes, we found that sessions begin after long delays due to poor scheduling and lack of supervision; sessions are postponed for long periods of time; adjudications take place in numerous sessions and often in small premises, which hamper public access, etc.

The right to property ownership still faces numerous violations. The processes for the legalization of illegal constructions and the compensation of former owners are not complete. This situation is caused by legal confusion, improper implementation of laws, corruption or incompetence of employees dealing with these procedures, malfunctioning of the office for the registration of immovable properties, as well as delays in the execution of judicial rulings.

During 2012, AHC received complaints also about the activity of some public and private institutions, such as concerns about the establishment and disbursement of economic aid, pension, or various compensations of payments; massive interruptions of electricity and drinkable water, not to mention the payment of bills, etc. With regard to the local government, we found that the way they address citizens' complaints leaves to be desired; this government is equipped with new competences thanks to the decentralization process, but that process was not accompanied with the transfer of adequate budgets to resolve relevant issues, ensure necessary human resources, or build their capacities.

In a more detailed manner, this report presents the issues and situation of respect for the issues we have followed, grouping them by fundamental rights that AHC was engaged in during this year.

1. THE RIGHT TO LIFE

The right to life is a fundamental right sanctioned by the Constitution and international acts applicable in the Republic of Albania. During 2012, there was a large number of socially very dangerous crimes, which led to harm to the health and loss of life of numerous citizens, such as: armed robberies, domestic crimes or violence, serious traffic accidents, accidents at work, sexually transmitted diseases, diseases caused by environmental pollution, etc. We should also



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mention cases of self-sacrifice due to profound despair over failure to resolve justly or on time issues presented by the victims to state authorities. The coefficient of criminality per 100.000 inhabitants continues to grow.⁷

The killing of 24 women was a macabre crime, as was serious injury to the health of 4 others, as a result of domestic violence, during 2012. One of the women was under court protection orders. There was the death of convict A.R., who had been shot by another convict in the Shën Koll IEPD. There was the killing in the line of duty of Shijak Commissariat Police Chief. There was the killing of G.B., who was under house arrest, in Elbasan. There were over 11 blood-feud related killings,⁸ among which the killing of juvenile Marie and her grandfather. There was the killing of pastor D.Prroni.⁹ There was the self-sacrifice of citizen T.O., a victim of the Gërdec tragedy. There was the unprecedented case of the self-immolation of three hunger strikers, former political prisoners, leading to the death of one of them and the serious injury to the two others, as well as the degrading and inhuman treatment of the strikers by police, which removed last vital means such as medicaments, coffee, sugar, and serums.¹⁰ There was the injury of the health of 26 Roma community children and elderly due to their illegal removal from their dwellings, during the period January-February 2012, by Tirana Municipality employees, etc.

We hereby bring to your attention the fact that, according to an IDM research study on the situation of murder crimes in the Western Balkans, Albania ranked first for 2011 with 4 murders per 100.000 inhabitants.

These serious crimes were often spurred by weak motives, blood feuds, revenge, or domestic disagreements. However, AHC has noticed an increasing number of traffic accidents, numerous reports of accidents at work, particularly in the mining and construction sectors, deaths during care in health institutions, accompanied by claims of carelessness of medical staff. There is also an increasing number of persons who have disappeared and have not been found by relevant bodies. AHC has encountered sporadic, but very disturbing, cases of persons losing their lives while under custody of police and state authorities, such as the case of G.B. who was shot and killed with a fire arm, on August 15, 2012, in Elbasan, while he was under house arrest and being watched by State Police officers. On August 21, 2012, due to the serious incident in IEPD Shën Koll, where convict A.R. had died after being hit by another convict in airing premises with hard items, and upon verification of another complaint, by another convict in the very same institution, claiming he'd been violated by other convicts, AHC addressed the General Directory of Prisons through a letter that raised our concern about safety in this institution and suggested the undertaking of immediate measures to improve the situation. Another serious event that shocked the entire public opinion was the killing on the line of duty on September 13 of Shijak Police Commissariat Chief, the late Adem Tahiraj.

With regard to these cases, the European Court of Human Rights has interpreted in its jurisprudence that *“Persons under police/prison custody are in a vulnerable position and authorities are obliged to be accountable about their treatment. Therefore, when a person under supervision in good physical health then dies, it is the obligation of the state to provide*

⁷ Annual Report of the General Prosecution Office, 2011; in 2010, the coefficient of criminality per 100.000 inhabitants was 529; it grew to 695.12 during 2011; premeditated murder increased by 24% during 2011 compared to 2010.

⁸ Shqip newspaper 13 September 2012- 11 killed due to bloodfeuds in Dukagjin and Pukë during this year only

⁹ From 1998, a total of 2,600 persons have been killed; of which 225 for blood feuds (IDEA newspaper, referring to a Shkodër conference on the phenomenon).

¹⁰ See denunciation of the People's Advocate with the Prosecutor's Office



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explanations about the circumstances that led to his death.” (see Ognyanova and Choban vs. Bulgaria, para 94).

During 2012, there was a considerable number of suicides, or attempted suicides, motivated by social-economic causes. A very flagrant and unprecedented case that draw the attention of the entire public opinion, domestically and internationally, was the self-immolation of three hunger strikers, former political prisoners, who set themselves on fire as a protest to the deafness of competent state bodies that had not agreed to meet with this community and dialogue with them about issues of an economic nature that they were preoccupied about. Due to serious injuries caused by the burning, one of the former political prisoners lost his life in hospital. We also hereby mention the order of authorities of Tirana Municipality for the forced demolition, in the middle of winter, of improvised dwellings (barracks) of some Roma families and leaving them without any shelter, which led to harm to the health of these inhabitants, including 26 children and elderly persons.

AHC has reacted publicly in 10 cases during 2012,¹¹ through press statements or interviews for the print and broadcast media, particularly in those cases when we found that the right to life was violated or jeopardized by the actions or inaction of state authorities that had custody over these persons, as well as in those cases when citizens suffered harm to their health or lost their lives as a result of very flagrant and unlawful actions that could have been prevented if state authorities had better supervised roads, health service institutions, work safety rules, quality of the environment, or if they had undertaken research about social problems the society faces and measures to resolve or alleviate them, etc. AHC is of the opinion that part of these deaths or harm to health are united in the fact that they could have been prevented if the state had better fulfilled its positive and negative obligations deriving from the constitutional and conventional sanctions with regard to the right to life.

For these reasons, we continue to call upon the state to not only sanction the right to life better, but also to undertake research in this regard, in order to find the causes and circumstances that lead to such serious consequences, take measures to avoid them, hold accountable those responsible, through impartial and effective investigation, as well as to increase preventive measures that aim at protecting the right to life.

2. RESPECT FOR THE RIGHTS OF PERSONS DEPRIVED OF THEIR LIBERTY AND THE RIGHT TO NOT BE SUBJECTED TO INHUMAN AND DEGRADING TREATMENT AND TORTURE

The right to not be subjected to torture, inhuman and degrading treatment has been sanctioned in article 25 of the Constitution and article 3 of the European Convention of Human Rights (ECHR). This is a right that has an absolute character and, therefore, limiting or violating it cannot be justified in any circumstance. According to our Penal Code, torture and any other action that causes severe, physical or mental, suffering is considered a penal offence, punishable by up to 10 years of imprisonment, and, when it leads to serious consequences, it is punishable by up to 20 years of imprisonment. Based on the jurisprudence of the European Court of Human Rights, it results that persons deprived of their liberty in police commissariats, prisons, and detention facilities, are more exposed to torture, inhuman, and degrading treatment. The Court has ruled in the ruling *Kudla vs. Poland*¹² that ***“The state must ensure that a person is detained***

¹¹ See AHC press statements at www.ahc.org.al

¹² *Kudla vs. Poland* (Applicatino no. 30210/96, Decision dated October 26, 2000)



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in conditions that 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 or an intensity exceeding the unavoidable level of suffering inherent in detention.”

Through the years, AHC has focused continuously on the promotion of and respect for the rights of persons deprived of their liberty. During 2012, in the context of its activity,¹³ AHC carried out planned monitoring missions in 50% of the IEPDs, 11 police commissariats in the country, and 18 sporadic monitoring missions in Institutions for the Execution of Penal Decisions (IEPD) and 6 monitoring missions in Police Commissariats. The monitoring missions focused on observing the living conditions of persons deprived of their liberty and respect for their rights by institution staff, verification of complaints received by AHC,¹⁴ provision of free legal services, etc.

With regard to complaints by persons deprived of their liberty, we handled *103 complaints/requests by persons deprived of their liberty in prisons/detention facilities* and *17 complaints/requests by persons deprived of their liberty or free citizens who raised problems regarding the police.*¹⁵ From the 18 monitorings in the IEPDs, 5 of them were thematic ones, carried out in the Special Institution of Zaharia and the Prison Hospital Center. Thematic monitoring focused mainly on the treatment of inmates in special conditions, those who were ill or whom the court has ordered “compulsory medication” for or “temporary hospitalization in a psychiatric institution.”

Our observers had good access during monitoring at Institutions for the Execution of Penal Decisions and in Police Commissariats. Monitoring in the IEPDs are done in the context of an agreement that AHC has with the General Directory of Prisons; monitoring in Police Commissariats are carried out in the context of provisional permits that the General Directory of State Police has granted to AHC observers. The process of achieving a one-year agreement for monitoring in cooperation with State Police has been suspended for reasons that remain unclear. In spite of good practices of cooperation with regard to AHC observers’ access to carry out monitoring, during 2012, there were sporadic cases of AHC observers being obstructed or their access being limited by staffs of the monitored institutions.¹⁶

▪ *Overcrowding*

Based on the monitoring and verifications carried out in some of the institutions of imprisonment and pre-trial detention, we noticed overcrowding, namely in IEPD Fushë – Krujë, IEPD Vaqarr and IEPD Shën Koll.¹⁷ There were cases when overcrowding has affected the fulfillment of living conditions as prescribed by law. AHC notes that although law no. 10494, dated 22.12.2011 “*On the electronic supervision of persons deprived of their liberty by judicial decision*” has entered into effect on April 1, 2012, not all necessary measures have been taken for its implementation; the necessary by-laws have not been drafted and no budget

¹³ Supported financially by Civil rights Defenders, a sub-program of Program I “Legal and Institutional Reform, free and fair elections, citizens’ access to justice bodies (sub-program Free Legal Clinic)”

¹⁴ Complaints and requests have been addressed to AHC by phone, letters, the media, or meetings in the office with family members of inmates/detainees.

¹⁵ For more information, please see Annex I of this report as well as work reports reflected in AHC’s website

¹⁶ On May 9, 2012, two AHC observers were obstructed from monitoring IEPD Vaqarr by the head of this institution; on December 7, 2012, two AHC observers were obstructed from monitoring Police Commissariat no. 3 in Tirana by the Commissariat Chief;

¹⁷ Respectively monitoring of May 7, June 26, and November 22, 2012;



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planning for this purpose has taken place. Article 20, paragraph 1 of the law provides that, “*The law, immediately upon entering into effect, starts to be implemented on the subjects envisioned by article 4 of this law, whose adjudication is the competence of the Tiranë Judicial District Court and Court of Appeals, which order the use of the OS, upon information by the Probation Service on the technical possibilities to realize it.*” AHC notes that the implementation of this law would particularly help reduce overcrowding in pre-trial detention sectors, as well as in prisons as the law is applicable on overseeing alternatives to imprisonment sentences. The amnesty approved by the Assembly in the context of the country’s 100th anniversary of independence, alleviated the situation somewhat; however, it is necessary to undertake research and determine institutional, organizational, and legal ways and tools that would help improve the situation continuously.

▪ *Health Services*

Monitoring at the Special Zaharia Institution and the Prison Hospital Center (PHC), as well as elsewhere, have primarily focused on the conditions and quality of health services offered to persons deprived of their liberty. One of the problems encountered in these two institutions that offer medication to persons diagnosed with various health problems, is the lack of specialized medical personnel. The Krujë Zaharia Institute housed 97 mentally ill persons while there was only one psychiatrist. The medical staffing pattern of the institution includes two psychiatrists, but one of the two is vacant due to the lack of applications by other institutions in Tiranë, Durrës, and Krujë for lack of personnel.¹⁸ The PHC’s staffing pattern lacks a cardiologist and, temporarily, the cardiologist of the Mother Teresa University Hospital Center offered such services on a part-time basis. We also noticed a small number of caretakers who need to take care of and help maintain personal hygiene for mentally ill persons and those with physical disabilities. We are of the opinion that the low level of salaries for the senior specialized staff, the middle education level staff, and cleaning personnel serving in these institutions face a high degree of difficulty at work, which leads to the lack of applications by candidates for employment in these jobs; this was confirmed by senior staff of the institution.

With regard to the supply of penitentiary institutions with medicaments, problems were encountered in the IEPD Peqin, DI Durrës, IEPD Shën Koll,¹⁹ etc. Based on contacts of AHC monitors with convicts and detainees in these institutions, monitors received complaints about the lack of medicaments, including the lack of those medicaments used for those chronically ill.²⁰

Based on decision no. 337, dated 06.04.2011 of the Council of Ministers and the joint instructions of the Ministry of Justice and the Ministry of Health, signed on May 24, 2012, “*On the incorporation of prisoners and detainees in the compulsory health insurance scheme,*” convicts in institutions such as those in Shën Koll Lezhë, Fushë Krujë, Zahari Krujë, are being equipped with health insurance booklets. AHC has recommended such a process for many years in a row. However, we note that medical personnel of these institutions is still unclear about procedures to be followed for the inclusion in this scheme of persons with confined liberty due to the lack of training by the Health Insurance Institute. Therefore, we would recommend that

¹⁸ AHC, 2012, Report, “*On the situation of human rights of persons deprived of their liberty in institutions of detention and the execution of penal decisions*”

¹⁹ Monitoring of November 22, 2012

²⁰ Observers met one person in this institution whose blood pressure pills had run out five days before although he needed to take them regularly on a daily basis.



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the HII prepare detailed instructions on the implementation of this CMD to help medical personnel of closed institutions and train relevant staff of prisons and pre-trial detention centers about the correct implementation of the CMD and other acts applicable in this area.

Another problem encountered in the PHC, which is obliged to provide health services and enable the treatment of convicts diagnosed with various illnesses, is that no medical examinations can be carried out in this institution due to the lack of equipment and tools. All examinations, surgeries, or micro-surgeries are carried out in the civil hospitals of the Tiranë UHC. AHC found that due to overburdens in the civil hospital, interventions of convicts in the PHC were postponed or carried out late because the public hospital would give priority to its own patients. Due to the diversity of illnesses of convicts accommodated in the PHC, we judge that this institution should be empowered further with doctors of various specializations.

The database of complaints of AHC's Legal Clinic indicates that during 2012, the Clinic handled 21 complaints received from persons deprived of their liberty in penitentiary institutions about issues related to health services. The complaints have to do with failure to provide health services in a periodical and regular fashion, disallowing inmates to conduct investigations in private hospitals even with their own expenses, failure of the institution's health personnel to carry out accurate diagnostications, requests for transfers to the Prison Hospital Center, etc. When deemed necessary, AHC addressed the IEPD and/or the General Directory of Prisons (GDP) to take measures and resolve the complaint.

▪ *Medical measure “compulsory medication at a psychiatric institution”*

For some years now, AHC has considered it illegal to place and keep mentally ill persons in penitentiary institutions although the court has ordered “*Compulsory medication in a medical institution.*” The persons in question are not convicted and the court, due to their mental irresponsibility at the time of the commission of the penal offence, has acquitted them of the penal case and has ordered compulsory medication **in a specialized medical institution.** Persons ordered with “Temporary hospitalization in a Psychiatric Hospital” face the same situation;²¹ due to the lack of a specialized medical institution, they are kept in penitentiary system institutions although they are not convicted and do not have any punishment to serve.

With regard to this issue, AHC has reacted in different forms, such as through periodical reports, made known to relevant institutions and the media, through raising public awareness through interviews in the print and broadcast media, through official letters to responsible institutions, and through discussions at national and international round tables and conferences held about the rights of persons deprived of their liberty.

During 2012, AHC found that in the special Zaharia Institute in Krujë, about 64% of the patients are persons whom the court has ordered “Temporary medication in a medical institution;” the same category as well as those under “Compulsory medication in a medical institution” make up for 52% of patients. The special Zaharia Institute in Krujë and the PHC are special institutions subordinate to the General Directory of Prisons; the first houses persons convicted by a final court decision and elderly persons; the PHC is the institution that cures

²¹ Article 239 of the Penal Procedure Code provides that, “*When the person to be arrested is mentally ill and, for that reason, his/her capability to comprehend or of will is excluded or reduced considerably, the court, instead of pre-trial detention may order temporary hospitalization in a psychiatric institution, ordering the necessary measures to prevent the risk of escape.*”



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convicts diagnosed with various illnesses. Thus, these two institutions are not psychiatric health institutions that may accommodate and cure these persons. Therefore, we are of the opinion that this is a wrong and illegal practice, which not only deprives this category of persons from their suffering from the same illnesses and are cured in specialized hospitals, but also reduces the possibility of the penitentiary institutions in question being used by persons with confined liberty and increases their overcrowding.

AHC judges that the placement in Institutions for the Execution of Penal Decisions of persons ordered with “Compulsory medication in a health institution” and persons ordered with “Temporary hospitalization in a Psychiatric Hospital” is in contravention with article 27 of the Constitution and article 5 of the European Convention of Human Rights, which explicitly and exhaustively envision the cases when a person’s liberty may be confined, as well as with provisions of the law “On mental health” approved in recent years by the Assembly of Albania.

▪ *Human Treatment*

During 2012, AHC received 12 complaints from persons deprived of their liberty in IEPDs, who claimed physical or psychological violence was used on them by institution personnel or other inmates. In some cases, AHC carried out sporadic monitoring for the verification of these complaints in penitentiary institutions; detailed information on some of them is provided below:

On March 8, 2012, we conducted a sporadic monitoring mission in the Juvenile Institution in Kavajë. Some of the juveniles contacted in the institution claimed they were maltreated physically and verbally by uniform staff of the institution. We also contacted two juveniles who were in separation rooms and who, unlike stipulated in articles 51 and 52 of the General Regulations of Prisons, had been in these premises for 8-9 days in the absence of a disciplinary measure. The institution staff was not able to prove the provision of measures through relevant documentation when we requested it. On this case, AHC notified the GDP with an official letter.²² With regard to keeping juveniles in the separation sector, the GDP officially clarified that the Disciplinary Commission had met about one of them but did not clarify whether disciplinary measures were issued for the juvenile by the Commission.

On May 9, 2012, we carried out a sporadic monitoring mission in the Fushë-Krujë IEPD in order to verify the complaint of a convict who claimed that he had attempted suicide because his request for transfer to another institution was ignored. Based on the verification, it resulted that the person had been neutralized, during moments of agitation, by institution staff through the use of handcuffs. On this case, AHC notified the GDP and stressed that the use of handcuffs on agitated patients or those attempting suicide to tie them to their beds has been considered by the Committee for the Prevention of Torture (CPT) as equal to inhuman and degrading treatment and has recommended to Albanian authorities an end to this practice. In its response of 02.07.2012, the GDP clarified that the inmate was categorized as a person with adaptation disorder, verbal aggressiveness toward others, etc., but no clarifications were provided for the use of handcuffs on this person and the measures taken.

On June 26, 2012, AHC carried out a verification mission in the Vaqarr IEPD on the complaint, received by telephone, from an inmate in this institution. He claimed having been verbally and physically violated, with a baton, by uniform staff of the institution due to a debate that had

²² Letter dated 18/04/2012



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arisen due to the high volume of the room TV set. Based on the physical check of the person, we found bruises and haematomas on foot fingers, left ankle, and the right knee. We also noticed haematomas on his back. Due to the absence of the institution doctor at the time of the observation, AHC observers did not have access to medical files that, according to CPT recommendations, should reflect the claims of the inmate for the use of violence and objective medical findings upon full examination. After this monitoring, AHC notified the GDP, the People's Advocate, the Internal Control Service in the Prison System, and the Tirana Judicial District Prosecution Office. On 18.07.2012, the Internal Control Service of the Prison System, through an official letter thanked AHC and informed us about measures taken to verify the complaint. The GDP, in its letter of 01.08.2012, informed us that based on their verification, they had not verified that physical violence had been used on the petitioner.

On July 11, 2012, AHC carried out a monitoring mission in the Shën Koll IEPD to verify, among others, the complaint of an inmate about physical violation by another inmate. The verification found signs of cuts on the hands and back of the petitioner. The inmate claimed that he had been checked up 12 hours after the violation and had paid himself for medications. On this case, AHC notified the General Directory of Prisons, which has not provided a response.

▪ *Separation and observation premises in Institutions*

Another problem encountered during the sporadic monitoring missions carried out by AHC was keeping inmates in separation rooms in the absence of disciplinary measures. The practice, which is in contravention with penitentiary legislation, was massively encountered in all sporadic and planned monitoring missions in IEPD Shën Koll, IEPD Rrogozhinë, Peqin and the Juvenile Institution in Kavajë, etc. The administration of monitored institutions justified the use of this practice with the problems that these inmates have with adaptation and conflicts with other inmates, revenge, or because, in their view, the inmates had asked to stay in such premises, separated from other inmates. AHC has found that this category of persons, in spite of the motives for their isolation, is subjected to almost the same limitations as separated persons under disciplinary measures, *such as limitation to participate in joint activities, airing for limited time, deprived of access to print/broadcast media, etc.* Verifications indicated that at the IEPD of Shën Koll and Peqin, there were persons who had been in isolation premises for over 1 month. There was overcrowding in observation and separation premises in IEPD Shën Koll and in some of the rooms, due to the lack of beds and chairs/tables, persons slept and ate on the floor.

With regard to these issues, AHC considers as important respect for human dignity and the accompaniment of treatment with human feelings, in accordance with principles sanctioned in international acts and the law "On the rights and treatment of inmates sentenced to imprisonment and detainees." AHC has written officially several times to the General Directory of Prisons on the violations it has encountered. In the letters, AHC recommended to the GDP to find a solution in accordance with legislation in power and, if necessary, change legislation in order for the category of persons with limited liberties to be offered all legal guarantees that enable respect for their rights. On this issue, the GDP has not provided information on the referred cases or the measures it plans to undertake.

During 2012, AHC has received 10 complaints from persons deprived of their liberty in Police Commissariats who claimed physical or psychological violence was used on them by staff in



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uniform. In some cases, AHC conducted verification of these complaints with the District Police Directories and/or Police Commissariats.

On April 16, 2012, AHC and the People's Advocate set up a working group²³ for the verification of an event in Vlorë, related to actions by special police forces that, according to allegations, were masked and armed, and violently stopped some youngsters accused of a series of robberies. The verification group met with various representatives from the Vlorë Judicial District Prosecutor's Office, the Vlorë Judicial District Court, the Vlorë Pre-Trial Detention Institution, and the Vlorë District Police Directory. The group also interviewed the 5 arrested citizens who had been transferred from Vlorë District Police Directory premises to the Vlorë Pre-Trial Detention Institution. The five arrested persons claimed they had been physically and psychologically maltreated during their arrest, during their stay in police custody, as well as during questioning by uniform and civilian police officers. They claimed that while handcuffed, they were placed lying on the floor of the police building, with their face down, up to 3-4 hours and had been kicked, hit with batons, punches, and slapped, on various parts of their bodies. Although one week had passed since the maltreatment, two of them still showed signs of violence such as haematomas and scratches on their hands, leg shins, and thighs. The People's Advocate recommended to the Vlorë Judicial District Prosecutor's Office to start the penal prosecution of police officers of the operational force of the General Directory of State Police, the Fier Special Intervention Force, and the Vlorë District Police Directory for participating in and undertaking police and procedural actions with the arrested persons, for the penal offence of "Torture" conducted in cooperation with others.

Furthermore, on September 13, 2012, AHC received a complaint from a detainee who claimed that during the stay in the Velipojë Police Commissariat, he was hit cruelly by police officers. AHC wrote to the People's Advocate and the Internal Control Service to carry out relevant verifications and resolve the complaint. On this complaint, we have not received a response from any of the two institutions.

On September 28, 2012, AHC conducted a sporadic observation at Police Commissariat No. 6 in the Tiranë District Police Directory. The verification took place upon notification of AHC by a reporter who claimed a citizen had been maltreated by the chief of Police Commissariat No. 6 in a public venue while working at his business. The verification found that the person was someone detained by police. He claimed the police commissariat chief had punched and kicked him. Bruises on the person's face were found. The People's Advocate had acted on the case in parallel and, upon verifications, had recommended to the Tirana Judicial District Prosecutor's Office to initiate the penal prosecution against the police commissariat chief.

On November 26, 2012, a monitoring group was set up with representatives of the Institution of the People's Advocate and the Albanian Helsinki Committee to verify a case publicized in the media and on the internet through a video that showed a juvenile being brutally violated by State Police officers after attempting to steal a flag from a street pole. The working group carried out verifications and interviewed the police officers who had detained the two juveniles and the two juveniles involved in the incident. Upon conclusion of investigations into the case, the People's Advocate recommended to the Tiranë Judicial District Prosecutor's Office to start investigations on the 2 State Police officers, working at Police Commissariat No. 2 in Tiranë,

²³ in the context of the implementation of the cooperation agreement between the Institution of the People's Advocate and the Albanian Helsinki Committee



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for the “Commission of arbitrary actions.” Meanwhile, AHC notified the highest officials of State Police and recommended the taking of disciplinary measures toward the Commissariat officers in order to prevent such incidents from recurring in the future.

Aside from relevant verifications that AHC has conducted on various complaints it has received about use of physical and psychological violence, inhuman treatment and torture, our organization has followed with great attention the review of penal judicial cases about the offence of torture. Namely, the organization monitored the penal judicial process under review in the Tiranë Serious Crimes Court of First Instance against indicted persons Arben Sefgjini, Avni Koldashi and Ilir Kumbaro, who were accused, among other things, of the penal offence of “Torture with grave consequences, conducted in cooperation with others.” *The adjudication of this case lasted four and a half years and a total of 125 judicial hearings took place.* At the end of the adjudication, the court decided to cease the penal case against those indicted because the penal offences they were accused of were amnestied, cease the adjudication for some others because it was not proven they committed a penal offence, and punished for the crime of torture with serious consequences only defendant Ilir Kumbaro who was sentenced to 15 (fifteen) years of imprisonment, in absentia.²⁴

With regard to this issue, AHC supported the declarations of the international organization Amnesty International, which considers that the family members of the late Remzi Hoxha were denied justice and the state has not enabled the finding of the remains of the late person in order for them to rebury him. Furthermore, AHC considers that the adjudication of this case did not take place within a reasonable deadline, in the context of article 6 of the ECHR, thus violating one of the main principles, that of due legal process.

Based on the above, it results that compared to previous years, the number of complaints and cases of violence in penitentiary institutions has seen a decrease. Nevertheless, with regard to cases of violence reported by penitentiary institutions and in Police Commissariats, AHC deems that much more work should go into these offences in order to have a full, impartial, objective, and professional investigation by the prosecution office and by internal specialized services, such as the Internal Control Service at the Ministry of Interior and the Internal Control Service at the Prison System, the Ministry of Justice, etc. AHC emphasizes that the investigation and adjudication of these cases should be done within a reasonable deadline and that procrastination of processes seriously damage the interests of victims and their family members. It also makes it difficult to hold accountable those responsible. We underscore that the medical doctor of penitentiary institutions and of District Police Directories or Police Commissariats could play an important role in documenting cases of violence. Every person that claims to have been violated should be examined immediately by the doctor and any claim of use of violence, together with the doctor’s conclusions, should be reflected in the personal medical files. The medical documentation of violence cases, from a procedural aspect, represents a very important proof in the hands of the prosecutor’s office or the damaged individual to use it in arguing for the filed charges. It is particularly important to have medical examination immediately upon the detention, accompaniment, or arrest of the person by Police Commissariats, as well as immediately upon his/her transfer to pre-trial detention sectors under “arrest in prison.”

3. *THE RIGHT TO LIBERTY AND SAFETY*

²⁴ I pandehuri Ilir Kumbaro është zhdukur në adresë të panjohur pasi Mbretëria e Bashkuar refuzoi ekstradimin e tij në Shqipëri.



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The right to liberty and safety is sanctioned in article 27 of the Constitution and stipulates, “*Nobody shall be deprived of his/her liberty except for the cases and procedures prescribed by law*” and article 5 of the ECHR. With regard to this right, the ECHR has deemed that for the limitation of liberty to be legitimate, in the context of article 5/1 of the Convention, the procedure prescribed by law should be respected.²⁵ The Convention refers to the national legislation of state parties and defines their obligation to obey substantial and procedural rules they have created, by underscoring that any limitation of liberty should be compatible with the intent of article 5 in order for individuals to be protected against arbitrariness.

Based on monitoring carried out in some police commissariats, AHC has noticed that police forces follow “*wrong practices*” that come in contravention of the provisions of the Penal Procedure Code and the law “On State Police” with regard to the accompaniment, detention, and arrest of citizens in flagrante, which deprives and keeps these citizens from enjoying the right to liberty and safety. On the basis of contact with state police officers, during sporadic monitoring missions, it has resulted that there is a confusion of the concept of accompaniment of citizens with their detention and arrest due to poor knowledge of legislation and the legal concepts of them.

Another issue encountered is the inaccurate reflection of data in relevant log-books, particularly of the moment of the entry and exit moment of accompanied, detained, or arrested persons to/from Police Commissariat premises. The accurate reflection of data is an important indicator that guarantees respect for deadlines prescribed by law for the accompaniment, detention, and arrest of citizens.

With regard to the above, on *October 9, 2012*, AHC carried out a sporadic verification mission at the Police Commissariat No. 1 in Tiranë about the verification of legal procedures of the arrest in flagrante of one of the participants in the hunger strike of the formerly politically persecuted, due to an incident that had occurred the day before, during which one of the formerly persecuted had been injured by fire flames. AHC found that procedures of the arrest in flagrante of the citizen P.Sh. were not in accordance with article 252 of the Penal Procedure Code, which stipulates, “*There is in a state of commission the one who is caught whilst committing the criminal offence or the one who immediately after the commission of the offence is traced by the judicial police, the injured person or other persons or the one who is caught with objects and real evidence which indicate that he has committed the criminal offence.*” The verification led to the finding that from the moment the event had taken place to the moment the arrest in flagrante of the person had been logged into the book, 6 hours had gone by, while the person was not being pursued by police or other persons.

On December 7, 2012, AHC carried out a sporadic monitoring mission in the Police Commissariat No. 3 in Tiranë, based on information published by print media, according to which, in the morning of that day, five former political prisoners had been arrested. AHC was not able to carry out a full verification of this case as we were not allowed to get into the commissariat, but based on information obtained from the commissariat chief, it resulted that the persons had been taken to the Commissariat in order to prevent a violent activity they could have committed (throwing tomatoes at the car) against the President of the Republic, before he would enter the High Council of Justice. Then, the commissariat chief stressed that the

²⁵ Case *Benham vs. United Kingdom*



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individuals, while in police custody, had not been placed in security rooms, but had been kept as accompanied persons. In fact, according to article 11 of the law on State Police,” *“Accompaniment in this law will be interpreted as the case when a person breaches an administrative rule and for identification purposes it is necessary to accompany the person to Police premises, willingly or not.”* Article 101 of this law envisions, *“The Police officer accompanies persons to Police premises or to the premises of the body that issued the order, in the following cases: a) for the supervision of a minor for purposes of education or for escorting him to a competent body; b) when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society.”* Looking at these provisions, it emerges clearly that in the verified case above, we were dealing with a detention, envisioned by article 253 of the Penal Procedure Code and not their accompaniment. *Article 253 of the Penal Procedure Code envisions that the person may be detained when suspected of a crime, for which the law stipulates punishment no less than 2 years of imprisonment,* which the police had not filed charges and never did, nor did it carry out any procedural act. On this case, on December 7, 2012, AHC reacted by a press statement and notified through official letters the General Directory of State Police and the Internal Control Service of the Ministry of Interior.

4. EQUALITY BEFORE THE LAW AND PREVENTION OF DISCRIMINATION

Equality before the law and prevention of discrimination is another important right we focused on during 2012. Both article 18 of the Constitution of the Republic of Albania and article 14 of the ECHR, by sanctioning this right, prohibit discrimination on the basis of reasons such as sex, race, color, language, religion, political or any other views, national or social background, ethnicity, wealth, birth, or any other status. In the context of rapproaching domestic legislation with that of the European Union, the Assembly of Albania passed law no. 10221, dated, 4.2.2010 “On protection against discrimination.” Below are some findings in this area.

▪ Discrimination against the Roma minority

AHC deems that the Roma minority is among Albanian society’s most discriminated groups. During 2012 too, we found that governing bodies in Albania did not take all necessary measures aiming at non-discrimination and the improvement of living conditions of this minority, given that lack of housing is one of the leading problems this minority is faced with. due to extreme poverty and unemployment, Roma families migrate from one areato another and settle in areas owned by the state or by third parties. Furthermore, even when they are in stable dwellings, the lack of infrastructure poses serious problems such as lack of drinkable water, lack of electricity, sewage systems, etc., while lack of registration with civil registry offices leads to problems with lack of health services, other social services, or the inability of their children to attend kindergartens or schools.

On January 25, 2012, following a sporadic verification, in the vicinity of the Tirana Artificial Lake, the place where some Roma families lived, AHC reacted with a press statement and expressed its concern that these Roma families had voluntarily obeyed an order by Tirana Municipality to demolish their barracks, but then had not been accommodated elsewhere as promised by that Municipality. For some days, in the midst of cold and rainy days, tens of Roma families stayed in the open without any shelter or assistance. The group included about 26 children and elderly persons who complained about poor health conditions. On January 31, 2012, AHC carried out a second sporadic monitoring mission in order to see whether any measures had been taken to accommodate this community in a more proper location for living.



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We found the same serious situation. AHC notified Tirana Municipality about both missions' findings and asked it to take measures for sheltering the Roma families; AHC reminded the Tirana Municipality, but also the Ministry of Labor, Social Affairs, and Equal Opportunities, that such behavior and actions toward this community, leaving them for days in an unsafe situation and in difficult weather conditions, represented a violation of the right to life, inhuman, degrading, and discriminating treatment of them, as well as a violation of the right to respect for the private and family life of citizens, all sanctioned in the Constitution of the Republic of Albania and the European Convention of Human Rights.

AHC had to react again on February 3, 2012, due to the lack of a reaction and action by the competent bodies. In the statement, AHC supported the immediate interest by the People's Advocate, its interventions with public authorities, and the sheltering in its premises of some Roma families, whose barracks had been destroyed in another area of Tirana. AHC and a network of civil society organizations put out a joint statement,²⁶ calling on Tirana Municipality and other responsible institutions in the country, at the national and local level, to find an immediate and sustainable solution for the Roma families that were now without a shelter; on February 7, 2012, together with a Hungarian organization and the European Roma Rights Center (ERRC),²⁷ AHC sent an open letter to the Tirana Municipality and the MOLSAEO. In the letter, all three organizations called on the authorities to stop the ousting of Roma people from their dwellings and act urgently to find for the minority appropriate housing, in accordance with weather conditions, and consult the Roma minority in the context of a regular legal process in order to find a longterm solution that would enable both their housing and health safety. We never received a response on this public reaction by the institutions we addressed.

On May 4, 2012, AHC carried out another monitoring mission at the site near the artificial lake that sought to look at the living conditions of the Roma families and measures taken by state institutions as had been promised publicly several times. The verification showed the Roma families had not been contacted by any representative of the MOLSAEO or Tirana Municipality to discuss about their move and housing in new premises. They said they had only been contacted by some municipal police officers who asked them to go somewhere else. Although 4 months had gone by, no solution had been found to the problems that the Roma families faced while settled near the artificial lake. We regret to note that until the end of 2012, there was no positive development toward this issue, although recommendations came also from various international authorities.

With regard to the situation of the Roma minority, on April 14 and 18, 2012, AHC carried out two monitoring missions in the city of Gjirokastrë, triggered by the need to verify the request received at our address by some Roma families settled on the banks of the Drino river, who complained about the lack of drinkable water and electricity. Based on the verification, it resulted that the citizens had moved from the city of Korçë to that of Gjirokastrë. They lived in plastic tents and their living conditions were very difficult. The families had serious problems with drinkable water and electricity supply, which they received through unsafe connections, far from any technical conditions, from private persons, and this posed a risk to their lives. Regarding this finding, AHC, in cooperation with the Swedish organization Civil Rights Defenders, addressed the Gjirokastrë Municipality and MOLSAEO, and informed the People's Advocate, suggesting the finding of safe solutions in order to guarantee continued electricity

²⁶ Statement of February 3, 2012, Please visit the website www.ahc.org.al for more

²⁷ Organization known for its activity in protecting the rights of the Roma minority. See www.errc.org for more



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and drinkable water supply for this community, in order to enable it to live in normal living conditions, and their prior consulting. On May 23, 2012, in its official response, the Gjirokastrë Municipality said among other things that it considered the suggestion of the two organizations just and it would undertake all necessary steps to study the area of the Zinxhira Neighborhood and draft the necessary projects to accommodate the 30 Roma families. In its letter, the Municipality stressed that it has drafted and sent to the Ministries and Central Institutions, some projects for the Roma community living in its territory, but they were not funded and supported by the national government.

Another event that violated the rights of the Roma minority in Tirana was that of July, whereby the Tirana Municipal Police undertook an operation and sequestered tools and products (*carts, plastic and metallic materials, etc.*) which various members of the Roma minority worked and made a living from. AHC became part of the ‘ad hoc’ working group that the People’s Advocate established to discuss this problem and on August 6, 2012, reacted through a press statement, requesting that the problems of this community be resolved through appropriate measures of a social-economic character, while respecting the equality between Roma citizens and others.

- ***Pursuing cases of discriminating actions for other vulnerable groups***

During 2012, women, children, and disabled persons were direct or indirect victims of various acts of a discriminating nature. AHC, individually or together with other civil society organizations, reacted publicly in order to pressure state institutions to take measures for the reinstatement of violated rights.

Based on reports in the “Fiks Fare” TV program and numerous reports in the print media, testimonies by women sheltered in the National Center for the Rehabilitation of Victims of Domestic Violence, as well as employees of this center, it emerged clearly that some of the orders issued by the director of this public institution were discriminating and in contravention with the right to a human treatment and the principle of administrative accountability. On April 23, 2012, together with a network of civil society organizations, AHC reacted through a letter to MOLSAEO about the unprofessional and discriminating manner in which women and children were treated in the National Center for the Rehabilitation of Victims of Domestic Violence by the director of this institution. The letter also requested MOLSAEO to dismiss the mentioned director, a suggestion that was taken into consideration.

In the beginning of December 2012, AHC followed with concern the statements by disabled persons and organizations focusing on the protection of their interests that, for three months, this very vulnerable category of the Albanian society had not received monthly payments recognized by law. Although AHC lauds the ratification by the Assembly of Albania on November 15, 2012, of the UN Convention “*On the rights of persons with disabilities*” and hope that the implementation of this international act will enhance and expand the rights of persons with disabilities, we underscore that while the Albanian state undertakes new international engagements, it is unacceptable that the domestic legal framework is not implemented in granting disabled persons their monthly payments.

- ***Discrimination in labor relations***



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During 2012, in the context of the Free Legal Clinic, AHC received 9 complaints from persons who claimed they were discriminated in various areas. The complaints mainly had to do with discrimination in labor relations, discrimination in the differentiated treatment of persons deprived of liberty by the prison/detention facility administration, claims of the existence of passive corruption practices, discrimination in enjoying other rights of an economic-social nature, etc. One of the complaints received by AHC has to do with dismissal from work for discriminating reasons. The petitioner had previously written to the Commissioner for Protection against Discrimination (CPD), who had found discrimination of the petitioner by the Fier Regional Health Directory, in the form of victimization, due to her denunciations about activities of the Directory. The CPD had recommended to the institution to reinstate the petitioner to her job, but the decision had not been implemented. Based on correspondence between AHC and the CPD on this case, we were informed that pursuant to its legal competences, the CPD had fined the institution that was the subject of the complaint. In spite of this, the petitioner was not reinstated to her position and never received compensation for unjust dismissal. Through the Free Legal Clinic, AHC is helping the citizen find further legal ways for protection against discrimination.

5. *THE RIGHT TO DUE LEGAL PROCESS*

Neni 42 i Kushtetutës dhe neni 6 i KEDNJ-së sanksionojnë të drejtën për një proces të rregullt ligjor. Në ndryshim nga të drejtat e tjera themelore, kjo e drejtë ka, përgjithësisht, natyrë procedurale dhe është absolute²⁸. E drejta për një proces të rregullt ligjor në gjykatë është pjesë thelbësore e kësaj të drejte dhe mbron edhe aksesin e shtetasve në organet e drejtësisë.

In the context of the program Free Legal Clinic, AHC handled 30 complaints addressed to judicial power bodies.²⁹ Some complaints had to do with failure to execute final judicial decisions, which in most cases were sent to the judicial power, requesting protection for the right to due legal process, which caused delays in the execution of the decision. The citizens' complaints for undue legal process or unjust judicial decisions, are mainly related to penal cases and civil cases having to do with property ownership issues.

Based on contacts with this category of petitioners, it appears that citizens' trust in justice bodies is very low; there is a broad perception that judges are corrupt, biased, and in some cases, petitioners maintain that the sole way to have justice in Albania is self-justice.

With regard to these complaints, in respect of the principle sanctioned in article 145 of the Constitution that "*Judges are independent and obey solely to the Constitution and the law,*" AHC has suggested to petitioners to address the High Council of Justice to express their reservations with regard to the performance of judges or to exercise their right to complain in the highest court. However, in some cases, we have carried out monitoring of judicial processes, in the context of various complaints received from citizens, or have undertaken free legal defense.

During the year, AHC observers monitored **26 judicial hearings on some of the most sensitive cases during 2012**, including the penal case with defendants three former members of the Guard of the Republic, accused of the murder of 4 victims of the demonstration of January 21,

²⁸ It may not be limited in any circumstance.

²⁹ 7 complaints about undue legal process and 17 complaints about unjust judicial decisions;



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the penal case initiated by family members of the victims of the Gërdec tragedy against the former Defense Minister and the penal case against the former director of Municipal Police, accused of violation of two former employees of Tirana Municipality in their workplace.

Some of the general issues encountered in our monitoring included: long delays in initiating case hearings and failure to respect court-determined schedules; failure of the case judge or panel of judges to make public the cause for the delay, as requested by law; overlapping of scheduled judicial hearings on various cases adjudicated by the same panel of judges; conduct of hearings in small halls, obstructing citizens' access to the court, which is in violation of the principle of publicity of adjudication; failure to use appropriate attire during hearing sessions; postponement of cases abusively by the involved parties, which obstructed the fast adjudication of cases, within reasonable deadlines, failure of case lawyers or prosecutors to appear, etc.

Our findings included the following. The monitoring of 9 hearing sessions of the penal case against defendants three former members of the Guard of the Republic, accused of the murder of 4 victims of the demonstration of January 21, 2011, it appears that the adjudication, until the moment of monitoring, had been regularly and time distances between hearing sessions were reasonable, considering the complexity, dynamics, and high number of evidence administered in the adjudication. A considerable number of witnesses and some experts of various areas were summoned to the monitored hearings. The small size of the hall and the high participation of the public in the hearings led to some of them not having access to the judicial hearing. Furthermore, refusal to accept for review a civil suit, for compensation, submitted in this penal process by the family members of the victims of January 21 due to their impossibility to pay the lawsuit tax, worth 3% of the amount of the requested compensation, in our opinion, deprived the family members of access to the judiciary. Based on our information, the violation of this right was submitted to the ECHR for review through the "Res Publica" Center.

AHC monitored 4 hearing sessions in the penal case against former Director of Tirana Municipal Police, accused by prosecution of physically violating, in the premises of Tirana Municipality, of two female employees of this institution. The monitoring showed there had been postponements of hearings, upon request of the defendant, or his lawyer; in one session, the high presence of municipal police officers, colleagues of the defendant, cause confusion during adjudication. Furthermore, colleagues of the defendant, through offensive gestures, were involved in an exchange with the petitioner. These unprofessional acts, which seriously harm the solemnity of adjudication, and cause further suffering in victims, are particularly dangerous, especially when they are carried out by police officers whose duty is to preserve calmness and order. After many months of adjudication, postponed constantly through requests of the defendant, on November 14, 2012, the court decided to drop the case with the argument that the case should not have started because it was a penal contravention and should have been pursued in court by the petitioner's request and not the prosecutor's office. In this case, we are of the opinion that the court had all the procedural possibilities to obtain the damaged party's consent and proceed with adjudication, which had begun and was going on for a long time.

AHC also monitored 5 hearing sessions in the case heard by the High Court, which was initiated by family members of the victims of the Gërdec tragedy against the former Defense Minister, accused of the penal offence "Serious injury due to carelessness." On December 10, 2012, the High Court ruled to drop the case because of the entry into force of the amnesty law, which included the penal offence the former minister was accused of.

With regard to these monitored cases, we wish to emphasize that the independence, impartiality, and professionalism of the prosecutor's office and particularly the judicial power are essential



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indicators of the existence of the rule of law. In particular, when authors of penal offences carry state functions, the state, through penal justice bodies, should take all necessary measures in order to demonstrate to the entire public opinion that no crime goes unpunished and that we are all equal before the law. Impunity of public officials seriously harms the justice system and the standards of the rule of law.

▪ *Principle of juridical security*

Jurisprudence and doctrine now admit that one of the fundamental aspects of the rule of law is the principle of juridical security. Based on some complaints received by former military officers, beneficiaries of preliminary pension who complained that from October 2011, the Social Insurance Institute had considerably reduced the amount of their pension, AHC met with representatives of the institution and exchanged official correspondence with them. The verification showed that on this issue, the Albanian Government has approved legal and sub-legal acts,³⁰ which are in contravention of the decision of the Constitutional Court no. 33, dated 24.06.2010. By means of this decision, the Constitutional Court had ruled to invalidate as unconstitutional item 2 of article 14 and article 27 of the law no. 10142, dated 15.05.2009.³¹ In the ruling, the Constitutional Court said, *“The purpose of provisions of article 29 of the law under review, based on its context, and the general context of this law, is that the re-calculation of the rights earned pursuant to previous laws or of court rulings shall only be done solely if it changes positively, i.e. improves the situation of the beneficiaries. It shall not be permitted in any case to conduct a re-calculation that would lead to the worsening of the positive situation or violation of earned rights. Otherwise, ... we would be looking at a violation of the principle of juridical security.”* With regard to this issue, it is very disturbing that the legal and sub-legal acts approved after the issuance of this ruling by the Constitutional Court are in open contravention of what the Court ruled and argued, violating again therefore, the principle of juridical security. Therefore, the above-mentioned legal acts were opposed again by an association of former military officers at the Constitutional Court and its adjudication is pending. AHC expresses concern because while the Constitutional Court has issued some rulings to protect the rights of former military officers to benefit from social insurance, they are still faced with legal and sub-legal acts that violate their rights and interests, which places them in a situation of insecurity by creating living difficulties.

On October 19, 2012, AHC reacted through a press statement about the decision of the Tirana Judicial District Court, of 17.10.2012, ordering the dispersal of the strike of former political prisoners. AHC pointed out serious procedural and material irregularities of this decision and, upon request by the interested party, prepared a complaint to the Tirana Court of Appeals. In its request, AHC stressed that such judicial decisions represent dangerous precedents that are harmful for the enjoyment and exercise of the citizens' right to manifest because the court had spoken in its decision about an issue that was not under its jurisdiction and resolved the essence of the request without first summoning the sued party and without first granting it the right to

³⁰ Law no.10367, dated 23.12.2010 “On the approval of the normative act, with the power of a law, no. 5, dated 10.11.2010 of the Council of Ministers “On some additions and changes to law no. 10142, dated 15.05.2009” and CMD no.793, dated 24.09.2010 “On the implementation of the law no. 10142, dated 15.05.2009”

³¹ “On supplementary social insurance for military officers of the Armed Forces, officers of the State Police, of the Guard of Republic, of the State Informative Service, of Prison Police, of Police for the Protection and Rescue Against Fire, and of employees of the Internal Control Services of the RA”



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express itself during the adjudication. The Tiranë Court of Appeals is yet to review the complaint although it is a special one and should be given priority according to law.

On November 9, 2012, AHC monitored at the Court of Appeals, the judicial review of another case against a striker, former political prisoner. Striker A.P. opposed the remand measure “arrest in prison” issued against him by the Tiranë Judicial District Court about a penal charge filed by the Prosecutor’s Office. One serious violation highlighted by the defendant’s defense lawyer was that the defendant’s request for the replacement of the judge had been heard by the same judge, unlike the Penal Procedure Code prescribes.

The object of the activity of AHC’s Free Legal Clinic is to provide free legal services for various citizens who cannot afford to have immediate access to justice bodies. In order to help these citizens as much as possible, given that the state free legal service has not functioned to the extent and in the way it should have, AHC lawyers have provided a series of legal services such as: handling cases, legal counseling (179 cases), assistance with completing documentation (10 cases), intervention with state institutions (202 cases), public reactions (14 cases), etc. In certain cases, AHC represented and continues to represent some cases at various court instances. Cases represented by AHC are mainly those having to do with strategic litigations and aim at breaking through new judicial practices or amending legislation, by helping a broader category of persons than direct beneficiaries.

One such case was the penal one involving defendants A.Lika and V.Laska.³² The Penal College of the High Court, on March 7, 2012, after reviewing the petition by inmates A.Lika and V.Laska represented by AHC³³ for the review of the final penal decision issued on them, on April 5, 2012, ended efforts of many years by the two citizens and ruled that the guilty verdict be reviewed by the Shkodër Court of Appeals as it was the result of an undue legal process, a finding of the ECHR relevant decision previously. This decision by the High Court was of special importance not only for the defendants, but also for the entire judicial practice in the country because it created a real opportunity for the implementation of ECHR decisions with regard to finding undue legal process on cases heard by our judicial system, in violation of article 6 of the ECHR. The solution could have come from legal amendments but the political class in the country found it impossible for a number of years to create the necessary majority of votes in the Assembly to carry out improvements in Penal Procedure Code provisions, while failure to execute ECHR decisions had become a disturbing fact for citizens who had won trial in Strasbourg, as well as in the context of the fulfillment of requirements for EU integration.

A new work practice used in this adjudication was the preparation by independent experts and the submission to the High Court of a Legal Opinion (Amicus Curia) about the juridical possibilities offered by the Albanian legal system for the review of penal judicial decisions, declared as the result of an undue legal process by the ECHR, as well as practices applied in other democratic countries for this purpose. The High Court accepted such an advisory material for the first time.

³² In 2002, petitioners A.Lika and V.Laska were sentenced by the Pukë judicial district court by 13 years of imprisonment each for the penal offence of armed robbery and illegal possession of weapons, a decision upheld by the Shkodër Court of Appeals and the High Court. Considering serious violations noticed during the adjudication of the case, in 2004, the case was presented to the European Court of Human Rights in Strasbourg. In April 2010, the Strasbourg Court decided that the right of the petitioners to due process had been seriously violated by Albanian judicial authorities and that the readjudication of the case at the national level represented the sole effective means of redress for the reinstatement of their violated rights. After the decision, the interested parties addressed in November 2010 the High Court for the direct execution of the Strasbourg Court in the absence of legal provisions in the Penal Procedure Code.

³³ Following this case was supported financially by and with the expertise of the Open Society Foundation Albania (Soros)



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However, we need to note that since September 2012, the case is being reheard at the Shkodër Court of Appeals and is still represented by the lawyers of the Albanian Helsinki Committee's Legal Clinic.

Another case that AHC has been following since 2011 is the representation of a person who lost his life in inhuman conditions in the facility of a public hospital where he was hospitalized for medication, during the time he was imprisoned and serving a penal sentence. The prosecutor decided to refuse prosecution on this case, although the victim's autopsy provided clear signs of the possibility of torture or inhuman treatment (*signs of handcuffs on wrists, lack of medicaments in his blood although he was being cured for a number of days, serious lack of hygiene in the victim's body, etc.*). Aside from opposing in court the prosecutor's decision to not start penal prosecution, AHC filed a complaint with the Prosecutor General's Office and requested administrative inspection on the decision of not starting the prosecution. The case is still under review by the High Court and the Prosecutor General's Office after the Tiranë Judicial District Court refused to legitimize the victim's brother as having the right for such a complaint and the Court of Appeals upheld that decision. Based on the high legal responsibility of state structures for the protection of the life of persons serving prison sentences, as noted previously in this report, AHC is of the opinion that it is in the interest of the victim, his heirs, as well as in the public interest that such cases be fully investigated and not refuse prosecution without any investigation. ECHR practice and human rights doctrine features an abundance of cases that provide orientation in this regard. Therefore, AHC is representing the case at the High Court³⁴ and will exhaust, if needed, all possible legal tools.

6. GOOD GOVERNANCE AND CITIZENS' ACCESS TO NATIONAL AND LOCAL GOVERNMENT BODIES

Good governance in a democratic state is also related to the way in which state institutions administer cases and use public means to guarantee and respect human rights, while this concept is also linked with citizens' participation in governance, guaranteeing transparency over the activity of governing bodies, their accountability, effectiveness, etc. In a democracy, power not only is generated by the people's free vote, but in exercising it, governance bodies are obliged to interact with citizens, for the good of the country, for preserving peace and stability, and for increasing the citizens' well-being.

Based on the above, one of the main objectives of the organization's program is better protection of the rights of vulnerable individuals and groups in their interaction with state institutions. In this context, aside from receiving complaints from citizens, we have carried out a series of sporadic monitoring, some of which were mentioned in the above sections, mainly in the chapters dealing with handling and verifying violations claimed and addressed by citizens. Besides, AHC carried out planned monitoring to observe citizens' access to local government bodies.

This activity has shown that in spite of improvements in recent years, the public administration continues to have shortcomings with regard to the level of competence, transparency, and accountability in listening to the public and resolving the issues it raises. This was also found

³⁴[1] The Tiranë Court of Appeals has upheld the Tiranë Judicial District Court ruling.



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and highlighted in the European Commission's latest Progress Report on Albania (October 2012).

During 2012, AHC has received different complaints from citizens about the activity of public administration institutions. 18 complaints were addressed for irregular or non-transparent procedures by the national and local administration bodies, 3 were about the allocation of economic assistance and pensions and their amounts, 2 had to do with the violation of the right to be informed by public administration institutions.

AHC has carried out verifications on site, spurred by signals or complaints from citizens, as well as from the print and broadcast media. On June 28, 2012, AHC conducted a sporadic verification mission in the communes of Bushat and Bërdicë of the Shkodër District, based on protests by inhabitants of the Trush village, Bërdicë Commune, protesting against the non-implementation of a CMD on the payment of compensation for damages to agricultural facilities and businesses caused by the flooding in the end of 2010 and the beginning of 2011. The verification showed that none of the inhabitants in the flooded areas of the Shkodër District had been compensated for damages caused by the flooding although the damage assessment process had been completed by relevant commissions pursuant to the Council of Ministers' pertinent decision. Based on the very serious situation encountered, on July 2, 2012, AHC reacted with a press statement and emphasized that the government should better evaluate and respond in a timely fashion to the troubles and concerns of its citizens, particularly when state structures are directly or indirectly responsible for the damages caused. The obligations that the state takes upon itself through the legal acts it approves should be necessarily fulfilled; otherwise, that not only reduces the public's trust in governance bodies, but also demonstrates that the rule of law does not function properly. Another issue highlighted by this verification on site was that, due to the floods, the irrigation system canals of the Bërdice Commune had been damaged and, as a result, inhabitants could not irrigate their agricultural plants to thus ensure living means. AHC notified the Ministry of Agriculture and the Shkodër Irrigation Board about this. On August 1, 2012, the Shkodër Irrigation Board responded to inform us that it was aware of the situation of the irrigation canals. In their view, the situation did not obstruct the work of the area inhabitants and that in the future, measures would be taken for research and projects to rehabilitate damaged parts.

Dring September 2012, some citizens and representatives of the Association of Renters of State Houses, formerly private property, filed complaints with AHC about the negative consequences deriving from the implementation of the Normative Act of the Council of Ministers no. 3, dated 1.08.2012, "*On vacating the homes of legitimate owners from houseless citizens, living in homes of former expropriated subjects,*" which violated these persons' right to shelter in the homes they had contracted with the state for over 20 years and differentiated their treatment vis-à-vis other citizens with regard to housing, realized through a public contract. With regard to this issue, AHC cooperated with the People's Advocate and made its suggestions on how to intervene to resolve the issue. On 10.09.2012, the People's Advocate sent a letter to the Assembly of Albania noting that the Normative Act of the Council of Ministers no.3, dated 1.08.2012, is incompatible with the Constitution as the Constitutional Court had twice rule in favor of the petitioners and the deadline established in the normative act for the petitioners to vacate the homes (within the month) and means envisioned for their pursuant housing (partial bank loans) had been established without first studying the concrete conditions of these citizens. In spite of this reaction, the Assembly of the Republic approved the mentioned normative act, by law no. 82/2012 on 13.09.2012. Meanwhile, the Association of Renters filed a new request



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with the Constitutional Court, requesting the invalidation of the mentioned law, but the Court rejected the association's petition. At present, they have turned to the Strasbourg Court and are awaiting the petition's review. AHC notes that during the drafting of these legal acts, there was a complete absence of transparency and consultation with interest groups and that the acts were approved without first being aware of the concrete situation and conditions of citizens to be affected by their implementation. There are thousands of citizens affected by this normative act; for some of them it is impossible objectively to find new housing through bank loans, as provided by law, due to the lack of collateral and insufficient incomes, which would guarantee the payback of the loan.

Another case is that of public complaints that in many districts of the country, particularly in villages, there were continued electricity cuts, for long periods of time, although inhabitants had paid bills regularly. On November 7, 2012, we conducted an observation in the Lezhë District. During the mission, AHC met with inhabitants of the Kolsh and Zejmen Communes, heads of local government bodies, and the district prefect. The monitoring showed the cuts were real, massive, including inhabitants who regularly paid their bills of consumed electricity. Due to the problematic situation, AHC reacted on November 8, 2012, with a press statement and suggested to relevant state authorities to intervene urgently to stabilize the situation that was worsening by the day in the conditions of the cold winter. Meanwhile, it was suggested to penal prosecution bodies to initiate, upon their own initiative, penal prosecution of those who had acted in contravention of the law and the electricity supply contract, thus seriously violating citizens' legitimate interests.

AHC has supported all political initiatives to realize the decentralization of local government. The implementation of this process, as expected, placed more responsibilities on the local government for offering basic services to Albanian citizens. In order to observe respect for such rights by local government bodies, during the period October – November 2012, AHC conducted several monitoring in the Municipality of Shkodër, Kukës, Elbasan, Korçë, Fier, Vlorë, and Gjirokastër. The monitoring engaged the organization's permanent district correspondents who looked at aspects such as: number of complaints to the municipality by citizens and their categories; the manner in which complaints were resolved and the communication with the petitioners; meetings of citizens with the Mayor or Commune Chair; respect for meeting days and times; conduct of meetings of municipal council meetings and public access to them; issues regarding decentralization problems, funds accompanying this process, etc.

It was found that citizens had submitted a large number of requests and complaints to the Municipality of Elbasan, Korçë, Fier, and Vlorë. The Kukës Municipality had received a lower number of requests/complaints. The Gjirokastër Municipality made available partial data, while the Shkodër Municipality provided no statistics. With regard to the way citizens were received and their complaints were obtained, most municipalities had different systems; only the Shkodër Municipality lacked premises for receiving and informing citizens. As pertains to meetings of the municipal council, we found that the citizens' interest and level of participation in these meetings is still very low. The decentralization process continued in these municipalities, but their employees complained that the process has not been accompanied by the transfer of sufficient budgets, with ensuring the necessary human resources, and their capacity building. The monitored municipalities also requested that, in the framework of decentralization, they be granted greater responsibilities and competences, in order to fulfill the needs and interests of



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local communities. Municipality personnel and citizens also addressed other problematic issues of concern to local communities in these municipalities.



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ANNEX I

STATISTICAL DATA ON COMPLAINTS RECEIVED AND LEGAL SERVICES PROVIDED (JANUARY – DECEMBER 2012)

1.1 DATA COMPLAINTS ACCORDING TO CATEGORY/SUB-CATEGORY

Category of Complaints	Sub-Category	Number of Complaints
<i>Prison/Pre-trial Detention</i>	Violation (physic or physiological) exercised from the staff/ other inmates	12
	Poor conditions in prisons and pre-trial detention	7
	Lack of the supply with the health and social services in prison	21
	Lack of information from the administration of prison as regards the amnesty and pardon	3
	Detainees Employment	1
	Violation of rights in pre-trial detentions/prisons	48
	Others	2
	Complaints regarding the transfers from one institution to another/ within the same institution	9
Total Prison/Pre-trial Detention		103
<i>Different civil rights</i>	Complaints regarding the property law	16
	Complaints for violation of access to information	2
	Complaints regarding the non-transparent procedures from the center and local public administration	18
	Requests for economic aid/pensions	3
	Others	12
Total Different civil rights		51
<i>Judicial Power</i>	Non-adjudication of medical measure within the deadline	1
	Lack of access to information by the courts	3
	Undue legal process	7
	Exceed of the pre-trial terms	1
	Unfair judicial decisions/ claims for innocence	17



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Length of judicial process		1
Total Judicial Power		30
<i>Employment Relations</i>	Complaints for discrimination in employment relations	2
	Complaints for unfair dismissals	2
Total Employment Relations		4
<i>State Police</i>	Violation (physic or physiological) exercised from police staff	10
	Others	4
	Unfair and arbitrary acts from police staff	3
Total State Police		17
<i>Prosecutor Office</i>	Procedural violation of investigation process	1
	Unfair and arbitrary acts from the prosecutor organs	8
Total Prosecutor Office		9
<i>Advocacy Services</i>	Complaints for the state or private advocacy services	2
	Assistance for fulfilling the documentation	3
	Requests for free legal aid services (representation before the court)	10
	Free legal Counseling	36
Total Advocacy Services		51
<i>Others (Justice system)</i>	Complaints as regards the non execution of the judicial decisions from Bailiff office	4
	Request for damage compensation for unfair imprisonment	1
Total Others (Justice System)		5
Total		270

1.2 DATA COMPLAINTS ACCORDING TO CITIES/INSTITUTIONS

Cities	Prisons	Free Status	Police Commissariats	Pre-Trial Detentions	Other	Total
BERAT	0	3	0	0	0	3
DURRES	0	4	0	1	0	5



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ELBASAN	0	2	0	0	0	2
FIER	0	2	0	0	0	2
FUSHE-KRUJE	15	0	0	0	0	15
GJIROKASTE R	0	11	0	0	0	11
KAVAJE	5	2	0	0	0	7
KORCE	6	4	0	0	0	10
KRUJE	22	2	0	0	0	24
LAC	0	1	0	0	0	1
LEZHE	45	0	1	6	0	52
LIBRAZHD	0	1	0	0	0	1
LUSHNJE	4	0	0	0	0	4
PEQIN	13	0	0	0	0	13
POGRADEC	0	1	0	0	0	1
PUKE	0	1	0	0	0	1
RROGOZHIN E	9	0	0	0	0	9
SHKODER	1	18	0	0	0	19
TEPELENE	1	0	0	0	0	1
TIRANE	21	43	2	3	2	71
TJETER	0	4	0	0	1	5
VLORE	3	4	0	6	0	13
Total	145	103	3	16	3	270

1.3 DATA COMPLAINTS ACCORDING TO THE VIOLATED RIGHTS

Violated Rights	Total
Access to Information	7
Prohibition of Discrimination	9



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Prohibition of Torture, Inhuman and Degrading Treatment	55
Right to freedom and security	4
Due Legal Process	27
Right of Property	9
Others	159
Total	270

1.4 DATA COMPLAINTS ACCORDING TO LEGAL SERVICES PROVIDED

Shërbimet Ligjore të Ofruara	Total
Assistance in filling the documentation	10
Legal Counseling	179
Monitoring of the hearing sessions	13
Intervention to State Authorities	202
Representation before the courts ³⁵	7
Public Statements	14
Treatment of the complaint	403
Verification ³⁶	180
Total	1,008

³⁵ This number is referred to number of the persons (legal or physical) that AHC attorneys have represented before the courts and not to the number of hearing sessions

³⁶ This number is referred to number of the persons of which complaints have been verified and not to the number of monitoring missions.



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ANNEX II

STATISTICAL DATA ON SPORADIC, THEMATIC AND PLANNED MONITORING JANUARY – DECEMBER 2012

2.1. PRISONS

Number	Institution of Execution of Criminal Judgments (IECJ)	Date
1	Institutions for Minors, Kavaja	8 March 2012
2	IECJ Vaqarr	9 April 2012
3	IECJ Vlora	16 April 2012
4	IECJ Fushë - Kruja	7 May 2012
5	IECJ Shën Koll	8 May 2012
6	IECJ Fushë - Kruja	9 May 2012
7	Special Institution of Zahari, Kruja	10 May 2012
8	Special Institution of Zahari, Kruja	25 May 2012
9	Special Institution of Zahari, Kruja	11 June 2012
10	IECJ Rrogozhina	15 June 2012
11	IECJ Vaqarr	26 June 2012
12	IECJ Shën Koll	11 July 2012
13	IECJ Peqin	12 July 2012
14	Hospital Center of Prisons	17 July 2012
15	IECJ Durrës	26 July 2012
16	IECJ Korça	3 September 2012
17	IECJ Shën Koll	22 November 2012
18	IECJ Fushë - Kruja	December 2012

2.2 POLICE COMMISSARIATS

Number	Police Commissariats	Date
1	Regional Directorate Police of Vlora	16 April 2012
2	Police Commissariat no.6 Tirana	7 September 2012
3	Police Commissariat no.1, Tirana	9 October 2012
4	Police Commissariat no 1, Tirana	19 October 2012
5	Police Commissariat no.2, Tirana	26 November 2012
6	Police Commissariat no.3, Tirana	7 December 2012

2.3 OTHER HR FIELDS' SPORADIC MONITORING MISSIONS

Number	Object of Monitoring	Date
1	Verification of the claims for weapon robberies in the village Luz i Madh, Kavajë	18 January 2012
2	Verification of shelters' demolish of some Roma families placed near Artificial Lake of Tirana	25 January 2012



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3	Verification of the hunger strike of 6 former oilmen of the company Gorisht – Kocul (Vlorë)	27 January 2012
4	Verification of shelters' demolish of some Roma families placed near Artificial Lake of Tirana	31 January 2012
5	Verification of the living conditions of some Roma Families placed near Drino River in Gjirokastra	14 and 18 April 2012
6	Verification of the living conditions of some Roma Families placed near Artificial Lake of Tirana	4 May 2012
7	Verification in the Institution of Social Securities for the early pensions of former militaries	7 June 2012
8	Verifications for the delays of the compensation payments towards the submerged families in the Communes of Bushat, Trush and Bërdicë (Shkodër)	28 June 2012
9	Verifications for the hunger strike of the former political persecuted	9 October 2012
10	Verifications for the collective interruptions of electricity in the Communes Kolsh and Zejmen in the district of Lezha	7 November 2012

2.4 SPORADIC MONITORING IN THE COURTS

Judicial District Court	Appeal Court	High Court
1. Criminal case against the journalist of written media (16.04.2012)	1. Civil Case regarding to the detainee' employment (20.07.2012)	1. Criminal case Durdaj v.Mediu (17.09.2012)
2. Criminal Case of "21 January" (04.06.2012)	2. Criminal case for objection of the evaluation of security measure (09.11.2012)	2. Criminal case Durdaj v.Mediu (05.10.2012)
3. Criminal Case of "21 January" (20.06.2012)		3. Civil case for Roma ownership issues (15.11.2012)
4. Criminal Case of the former employees of the Municipality of Tirana (03.07.2012)		4. Criminal case Durdaj v.Mediu (19.11.2012)
5. Criminal Case of "21 January" (19.09.2012)		5. Criminal case Durdaj v.Mediu (23.11.2012)
6. Criminal Case of "21 January" (26.09.2012)		6. Criminal case Durdaj v.Mediu (10.12.2012)
7. Criminal Case of the former employees of the Municipality of Tirana (18.10.2012)		



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8. Criminal Case of the former employees of the Municipality of Tirana (01.11.2012)		
9. Criminal Case of the former employees of the Municipality of Tirana (14.11.2012)		
10. Criminal Case of "21 January" (14.11.2012)		
11. Criminal Case of "21 January" (21.11.2012)		
12. Criminal Case of "21 January" (05.12.2012)		
13. Criminal Case of "21 January" (10.12.2012)		
14. Criminal Case of "21 January" (26.12.2012)		
Total number of the hearing sessions monitored	26 hearing sessions	



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2.5 PLANNED MONITORING MISSIONS IN PRISONS AND POLICE COMMISSARIATS³⁷

No.	Place of Monitoring	Date of Monitoring
Institution of Execution of Criminal Judgements		
1	IECJ Vaqarr	6 July 2012
2	IECJ 'Ali Demi'	14 June 2012
3	IECJ 'Jordan Misja'	12 November 2012
4	IECJ 'Mine Peza'	16 October 2012
5	IECJ Lezhë	3 October 2012
6	Special Institution of Zahari, Kruja	17 July 2012
7	Special Institution of Zahari, Kruja	30 October 2012
8	Hospital Center of Prisons	18 October 2012
9	IECJ Vlora	3 July 2012
10	IECJ Durra	5 November 2012
11	IECJ Korça	20 July 2012
12	I IECJ Peqin	24 July 2012
13	IECJ Tepelena	13 September 2012
14	IECJ Fushë-Kruja	11 July 2012
Police Commissariats		
15	Police Commissariat of Korça	20 July 2012
16	Police Commissariat of Lezha	4 October 2012
17	Police Commissariat of Tepelena	14 September 2012
18	Police Commissariat of Kruja	18 July 2012
19	Police Commissariat of Durrës	20 September 2012
20	Police Commissariat of Vlora	19 June 2012
21	Police Commissariat of Gjirokastra	20 June 2012
22	Police Commissariat of Shkodra	19 September 2012
23	Police Commissariat no.2, Tirana	3 October 2012
24	Police Commissariat no.3, Tirana	16 October 2012
25	Police Commissariat no.4, Tirana	31 July 2012
26	Police Commissariat no.5, Tirana	11 October 2012

³⁷ Monitoring of these institutions was held in the framework of the project "For more empowered Human Rights Defenders in Albania" which is financially supported by Civil Rights Defenders.



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Annex III Press Statements, Press Releases and Open Letters January - December 2012

- 13 January 2012** *Government institutions should take serious immediate action to provide people with disability with delayed disability payments*
- 25 January 2012** *Hasty Actions with Harmful Consequences*
- 1 February 2012** *Open letter addressed to Tirana Municipality and Ministry of Labor, Social Affairs and Equal Opportunities as regards the eviction of Roma Families*
- 3 February 2012** *To prevent any discrimination against Roma Minority*
- 3 February 2012** *Concern and insecurity for citizens due to criminality*
- 7 February 2012** *Open Letter in cooperation with ERRC regarding to the situation of Roma Housing*
- 15 March 2012** *Albanian Helsinki Committee contributes for strengthening the Human Rights Defenders*
- 23 March 2012** *Strengthening the protection of human rights in Europe: states must assume their fair share of responsibility*
- 21 March 2012** *Organization measures should not hamper the life of retirees*
- 2 April 2012** *Speedy discovery of perpetrators of criminal offences helps prevent crime and increases public confidence in police bodies*
- 5 April 2012** *Civil Society contributes to the establishment of a new standard with regard to the European Court of Human Right*
- 19 Prill 2012** *A consensual president is to the benefit of the people and the country's democratic development*
- 15 May 2012** *Macedonian Hackers Attack Albanian Committee's Website*
- 21 May 2012** *Public letter addressed to the Members of the Assembly of the Republic of Albania regarding the election of the President of the Republic*
- 6 June 2012** *Roundtable regarding the Reform of European Court of Human Rights*
- 22 June 2012** *Events with harmful dimension in Lazarat*
- 1 July 2012** *World celebrates the 10th anniversary of foundation of ICC*
- 3 July 2012** *Implement Council of Ministers' Decision No. 842, of December 6, 2011*
- 6 August 2012** *Greater Care and Attention for the Roma Minority*
- 7 August 2012** *A very serious and barbaric act*



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

14 August 2012	<i>The People also exercises its sovereignty directly</i>
15 Gusht 2012	<i>A murder with grave consequences that might be prevented</i>
17 August 2012	<i>The 'Nazmie Visha' case requires profound analysis and reflection</i>
14 September 2012	<i>A very serious and barbaric act</i>
29 September 2012	<i>Greater attention towards the politically persecuted</i>
8 October 2012	<i>A painful act, shocking to the broad public opinion</i>
19 October 2012	<i>Assembly and manifestation – a fundamental right of citizens; dialogue – the right tool for a democratic state</i>
8 November 2012	<i>Collective Punishment is openly Unlawful</i>
15 November 2012	<i>Ultimatum of CEZ requires immediate government response and intervention</i>
7 December 2012	<i>Flagrant violation of the law</i>
21 December 2012	<i>Press conference “Situation of Respect for Human Rights in Albania from the Standpoint of AHC’s Activity during 2012 year”</i>