

NEWSLETTER



ALBANIAN HELSINKI COMMITTEE

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1. MONITORING ACTIVITIES OF THE AHC

1.1 Monitoring by AHC representatives of the trial session of Ferhat Ceka in Salonica

On 16 September 2004, representatives of the AHC and of the Greek Helsinki Group monitored the trial case of Albanian emigrant Mr. Fergat Ceka against two Greek soldiers. This is the first trial held against violence toward an Albanian emigrant.

One day before the trial session was held, representatives of the Greek Helsinki Group and the AHC gave a joint press conference. The two organizations presented concerns in the press conference, relating to the discriminating actions against Mr. F. Ceka while he was trying to obtain a Greek visa in order to be able to testify in court, the lack of an appropriate vehicle at the Athens Airport for his transportation, the phenomenon of xenophobia and Albanophobia by a number of Greek citizens toward Albanian emigrants, the maltreatment of emigrants at the Greek border, the violation of Albanian emigrants' rights in trial processes, such as the right to a lawyer, the right to an interpreter, the issuance of harsher verdicts for Albanians than for the Greeks, etc. The conference generated extensive coverage in the Greek print and broadcast media and there was some coverage by the Albanian media as well.

1.2 Round of monitoring missions in police commissariats, detention facilities and prisons

Pursuant to the sensitizing and educating mission with regard to respect for human freedoms and rights, the rights of arrested and convicted individuals, the Albanian Helsinki Committee has initiated a round of monitoring missions in police stations, detention facilities and prisons. This round will be conducted until December. The purpose of the monitoring is to take a close look at the respect for the rights of convicts and detainees, their treatment by the administration of penitentiary institutions, the identification of violations and institutional drawbacks, as well as the undertaking of concrete measures.

The monitoring process covers all prisons as well as 16 detention facilities (in police commissariats) out of the existing 25 throughout the territory of the Republic of Albania. This round of monitoring missions will involve 40 observers who are specialists and students of different professions, such as lawyers, medical doctors, psychologists, and sociologists.

At the end of the monitoring missions, the AHC will draft a final report on the findings of observations in detention facilities and prisons. The report will include respective recommendations to the relevant state structures with a view to improving the situation and to achieving better respect for the rights of detainees and convicts. The AHC will publicize the findings of the monitoring missions upon completion of the round.

2. AWARENESS AND EDUCATION ACTIVITIES

2.1 Meetings with state authorities and other actors of the civil society

During September 2004, AHC representatives held meetings and maintained regular contacts with different representatives of state authorities.

In the course of the month, the AHC addressed 12 state institutions with regard to addressing different problems encountered in the activity of the AHC. The different institutions responded with regard to issues raised by the AHC. The Committee held such contacts mainly with the

Ministry of Justice, the General Directory of Prisons, the Ministry of Public Order, the prosecutor's office, the administration of detention facilities and prisons, etc.

The AHC maintained satisfactory collaboration in different ways not only with local institutions and organizations, but also with foreign partner or counterpart organizations, such as the Norwegian Helsinki Committee, the Swedish Helsinki Committee, the Greek Helsinki Group, Amnesty International, IHF, etc.

2.2 Meetings with family members of Albanian emigrants who have been victims of Greek police violence

During September, the Albanian Helsinki Committee contacted family members of Albanian emigrants in Greece who went through serious mishaps and some of who also faced tragedies. In this context, AHC representatives held meetings with family members of Luan Bërdëllima, an Albanian emigrant claimed to have been killed by Greek police, and of Gramoz Palushi. Following the grave incident that happened in Greece, representatives of the Albanian Helsinki Committee met with his family members.

29 family members of persons from Maqellarë, Dibër, disappeared in 1996 and claimed to be in Greece, visited the offices of the AHC.

The AHC advised and instructed these persons to prepare the proper documentation that was afterwards sent to the Greek Helsinki Group, which is investigating on site the causes of these tragic events.

2.3 Meetings with emigrant representatives in Greece and representatives of the Albanian Consulate in Salonica

In the context of the visit to Salonica, Greece, AHC representatives met with representatives of the Albanian Consulate in Salonica, Greece, as well as with representatives of emigrants' associations. The purpose of the meetings was to discuss about problems of concern to Albanian emigrants and the role of Albanian missions in protecting the rights of emigrants. The representatives of these organizations raised concerns with regard to long and expensive procedures for renovating their residence permits in Greece, with regard to respect for their rights in the workplace, protection at work, treatment by Greek police, etc.

Mr. Ilirjan Zhupa, Albanian consul general in Salonica, as well as representatives of Albanian emigrant associations in Salonica, participated in the meeting.

3. AHC PUBLICATIONS DURING SEPTEMBER 2004

3.1 Sensitizing and informative leaflet "Can final court decisions be reviewed? What path to follow and who to turn to?"

Recently, the AHC publicized the leaflet KSHH "Can final court decisions be reviewed? What path to follow and who to turn to?" The AHC has received several complaints by convicts or family members of convicts dealing also with the review of final court decisions. In order to help these citizens, the AHC prepared the leaflet "Can final court decisions be reviewed? What path to follow and who to turn to?" The leaflet presents a set of questions on different situations and provides the clarifying responses in keeping with the law, using simple language. The goal of this publication is to come to the rescue of convicts and counsel them with regard to the legal paths they should follow in order to present a request to the Supreme Court for

the review of final judicial decisions, in keeping with legal provisions provided for in the Penal Procedural Code.

They may also receive advice in the cases when the review of a final judicial decision is required, who has the legitimate right to file such a request, where the request should be submitted and what elements it needs to include. The leaflet is being disseminated in all detention facilities and institutions where convicts serve their sentences in the Republic of Albania as well as to all those interested about the issue¹.

4. ROUND TABLE DISCUSSIONS AND CONFERENCES

The AHC organized meetings with experts and round table discussions as well as news conferences on a variety of topics with a view to improving laws and the practice of enforcement of laws and respect for citizens' rights.

4.1 Press conference "Electoral reform"

On September 20, 2004 the AHC held a press conference for the media on some issues of concern with regard to electoral reform. Two were the main problems addressed in the press conference: the accurate and complete preparation of the Voters' Lists, guaranteeing the exercise of the right to vote as a fundamental right and the establishment of independent, unbiased and non-partisan election commissions that only obey the law.

The AHC emphasized that in order to resolve these problems, political will for consensus is not enough. Rather, it is required that an Electoral Code be established that will shut down any lanes for manipulation and will inspire the trust of not only electoral subjects, but also of every single voter.

In order for independent, unbiased, and non-partisan commissions, which will only obey the law according to OSCE/ODIHR and Venice Commission recommendations, to exist, it is obligatory that no later than 180 days before the elections, the Central Election Commission trains all members of electoral commissions (ZEC, LGEC, VCC), tests all of them, and in the end equip them with the respective certificate that will testify to their capability to carry out this duty.

By way of this conference, the AHC called upon all political forces and the government to seriously assess the situation that has been created. In the conference, aside from the media, there were also representatives of local non-governmental organizations.

4.2 Evaluation meeting on the activity of the correspondents' network in seven districts of the country

On September 25, 2004, the Albanian Helsinki Committee (AHC) organized an evaluating meeting on the activity of and contribution by the network of AHC correspondents who, during the period between January 2002 and September 2004, have closely observed the human rights situation in seven districts of the country, namely in Kukës, Gjirokastër, Fier, Vlorë, Korçë, Elbasan, and Shkodër².

¹ The publication of this leaflet was done in the framework of the project "Reform in prisons and the role of the civil society in Albania," financially supported by the Swedish Helsinki Committee.

² The network has functioned thanks to the financial support given to the AHC by the SOROS Foundation, Tirana.

Participating in the round table discussion, besides the AHC staff and its correspondents, participated also board members of the Committee who have seen and evaluated closely the work of correspondents in the course of joint supportive missions.

A presentation of the colorful activity of AHC correspondents in the districts was made in the evaluation meeting. Those present became acquainted, among other things, with the areas of human rights that have been monitored in the judicial system institutions, police commissariats and detention facilities, local government bodies, those responsible for the administration of elections for the local government, etc. There were also concrete figures that highlighted the increasingly growing number of cases addressed and verified by AHC correspondents in the districts, which clearly speaks to their increasing presence nearby ordinary citizens in the districts.

Speakers in the meeting underscored that aside from their monitoring activity, AHC correspondents, in various awareness forms, have given their contribution to raising awareness of ordinary citizens to the need to denounce cases of violation of their rights by the state administration.

At the end of the meeting, participants discussed about the future of the network and the areas in which it will be active. Those present in the meeting emphasized that the existence of the network of AHC correspondents is necessary in the future. The network will not only continue to strengthen the AHC's monitoring and reacting activity, but will also serve as an important pressure factor on local government bodies with a view to achieving better respect for citizens' rights by them. The network will continue to contribute to raising legal knowledge in the districts as well as to nourishing civic courage to denounce and hold legally accountable those who violate citizens' rights.

4.3 Training of AHC observers for the round of monitoring missions in detention facilities and prisons

The Albanian Helsinki Committee (AHC), as mentioned above, has planned to monitor soon conditions in detention facilities and prisons as well as respect for the rights of those arrested and convicted by the administration of these institutions.

Pursuant to this monitoring mission, the Committee has selected as observers 10 experienced specialists as well as 18 new graduates and students in fields such as law, medicine, sociology, psychology, and social work.

On **24 September 2004**, a one-day training course was organized including all observers, the staff and correspondents of the AHC in seven districts of the country³.

In the course of the training, observers became acquainted with the mission and activity of the AHC, as well as with the objective and concrete activities of the project 'Reform in prisons and the role of the civil society in Albania.' The training course addressed issues related to monitoring in penitentiary institutions, the legal framework and special aspects of the law, such as respect for procedural schedules in detention, respect for some rights of detainees and convicts guaranteed by law, which are the very axis of this round of observations. There was a session of questions, discussions, and clarifications on different issues that were addressed. All those present valued the training as indispensable and useful.

5. PUBLIC REACTIONS OF THE AHC TO VIOLATIONS OF HUMAN RIGHTS (PRESS STATEMENTS)

³ This activity was conducted in the framework of the project "Reform in prisons and the role of the civil society in Albania," made possible through the financial support of the Swedish Helsinki Committee

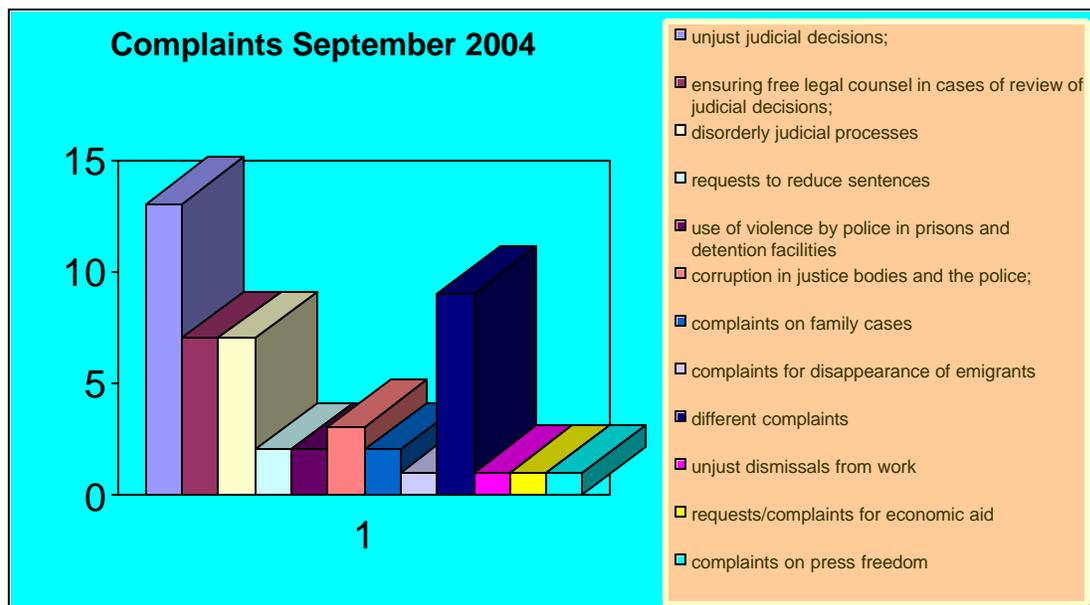
The AHC reacted publicly with **4 press statements** to violations of human rights, aside from letters and recommendations to state authorities, during September. They addressed press freedom, electoral reform, and maltreatment of Albanian emigrants by Greek border police. Through these statements, the AHC calls upon respective state authorities and the public opinion to pay attention to these problems. The signals about these problems have come from numerous complaints arrived at the AHC, from cases verified by AHC correspondents in seven districts of the country as well as from problems raised by the media.⁴

6. CITIZENS TURN TO THE AHC

During September 2004, the AHC received a total of 38 complaints, 23 of which came from persons currently at detention facilities and prisons.

The topic of these complaints is usually that of unjust judicial decisions and the request for their review. According to the complaints, this occurs due to a series of factors, of which the most important is corruption in the justice system, in judicial bodies and administration, etc.

You may take a more concrete look below and follow the areas presented in the graphic.



In order to resolve the problems raised, there is a need for good collaboration between the AHC and numerous government authorities and different non-profit organizations.

Verification cases

Besides receiving complaints, the AHC also verifies and addresses cases signalled by AHC correspondents, the media, and citizens, etc.

During September 2004, following the grave incident that occurred in Greece involving the murder of Albanian emigrant Gramoz Palushi, representatives of the Albanian Helsinki Committee met with family members of his. The meeting was undertaken in the context of the AHC initiative to denounce, in collaboration with the Greek Helsinki Group, cases of maltreatment of Albanian citizens, and to demand the reinstatement of their violated rights.

⁴ More concretely, see Annex 1 in this newsletter

Furthermore, a series of verifications were carried out in prisons and detention facilities by the AHC staff and its correspondents. In September, the Committee observed on site (in the Elbasan police commissariat) the reason why one of the detainees had gone on strike and it resulted that the reason was the frequent postponements of the judicial process against him.

7. AHC AND THE MEDIA

In general, during 2004, there was an increase in the publication of AHC statements, in reports on its different activities in the print and broadcast media. During September 2004, members of the AHC addressed a series of issues by way of articles and op-ed pieces in the media. The interviews and stories mainly targeted problems of the electoral reform, cases of maltreatment of Albanian emigrants, etc.⁵

ANNEX 1 – Statements

1. Culprits be held accountable

Tirana, 6 September 2004

The Albanian Helsinki Committee condemns the vicious and fatal assault, in island Zakynthos, Greece, against Albanian emigrant Halil Palushi simply because he demonstrated his natural and legitimate joy over the victory of the Albanian national soccer team in the match between Albania and Greece, which took place in Tirana on 4 September 2004.

According to reports of foreign news agencies and the Albanian media, because of the same reason, several Greek cities saw the maltreatment of other Albanian emigrants. There were even cases of hospitalization. The AHC expresses its deep condolences for the family and relatives of the victim and wishes the wounded fast recovery.

The AHC considers these acts of violence to be very negative phenomena, which tarnish the healthy atmosphere between our two peoples and carry elements of sick patriotism, extremism, xenophobia and rowdiness. Such acts have nothing in common with the sportive climate that serves as a connecting bridge between peoples, whereby fair and professional competition calls for support, respect, and encouragement. The AHC, on this occasion, applauds the statement by the spokesman of the Greek Government, which openly and categorically condemns the verified incidents and promises the undertaking of appropriate measures to hold those guilty legally responsible.

The AHC would wish that such cases never be repeated in the future, whereas the ones that already occurred, not be accompanied by other harmful consequences.

The AHC deems it necessary to recall the fresh message of the Olympic Games for peace, equality, and fraternity, for the display of culture, achievements, and traditions of each country for friendship and understanding between peoples.

2. Press release – On the joint press conference of the Greek Helsinki Group and the Albanian Helsinki Committee, in Thesaloniqi

Tirana, 15 September 2004

Today, on 15 September 2004, at 11.30, a joint press conference was held **in the Balkan “Media” Center** in Thesaloniqi, between the Greek Helsinki Group and the Albanian Helsinki Committee. Participating in the press conference were the Executive Director of the Albanian Helsinki Committee Ms. Vasilika Hysi, Mr. Panayote Dimitras, representative of the Greek Helsinki Group, and Ferhat Çeka, one of

⁵ For statistical information, please look under Annex 2 of this newsletter

the victims of maltreatment by Greek border police. Representatives of the Greek Helsinki Group and the Albanian Helsinki Committee will follow the judicial process.

The press conference was held one day before the criminal case was held at the Salonica Criminal Military Court against Greek military authorities. This is the first trial of this kind, being held against violence used on Mr. Çeka on March 8, 2002.

In the press statement, Mr. Dimitras expressed his revolt with regard to some facts that were interpreted as discriminating actions against Mr. Çeka, such as *the difficulty of Mr. Çeka to obtain a Greek visa in order to be able to testify in court.*

Because of a previous accident, Mr. Çeka is handicapped and has difficulty with walking. *Nevertheless, he was not provided any facilitative transport means at the Athens airport, while such service is provided for Greek citizens.*

Ms. Vasilika Hysi, Executive Director of the Albanian Helsinki Committee, took the floor afterwards. In her remarks, after *thanking the media present, she expressed the engagement of the Albanian Helsinki Committee to denounce, in collaboration with the Greek Helsinki Group, cases of maltreatment of Albanian emigrants by Greek employees and police.*

In her remarks, Ms. Hysi expressed *concern over the xenophobia and Albanophobia of a part of Greek citizens toward Albanian emigrants. "The Albanian Helsinki Committee does not support Albanian emigrants who commit crimes, in fact, in such cases, they should be brought before justice; however, this should be always done while respecting rights established and ensured by international documents and Greek legislation. Cases of maltreatment of Albanian emigrants continue,"* Ms. Hysi said. *In this context, she mentioned the recent tragic incidents that occurred in Greece, as is the case of Luan Bërdëllima (who died due to maltreatment by Greek police) as well as the case of Gramoz Palushi (killed a few days ago in the island of Zakynthos, Greece).*

Ms. Hysi expressed her concern over the cases of maltreatment of Albanian emigrants at the border, as well as other flagrant cases of the violation of their rights in judicial processes, such as the issuance of harsher sentences for Albanians than for Greeks, for the very same criminal offences. Furthermore, Ms. Hysi also mentioned other cases of the violation of human rights as is the conviction of Albanians in Greece without a lawyer, the provision of an interpreter that does not know Albanian, etc. *Ms. Hysi said that Albania and Greece have many things that unite them. Albanian emigrants in Greece and the Greek minority in Albania should serve as connecting bridges and not as division bridges between the two peoples.* She said that the trial case, which is the very first trial against the Greek state, would happen the following day and would serve to minimize cases of maltreatment of Albanian emigrants in Greece.

Mr. Ferhat Çeka then took the floor and explained what had happened. The media was particularly interested in knowing what Mr. Çeka would ask for in the next day's session. Mr. Çeka said that he would request the punishment of those responsible and demand material, moral, and psychological remuneration.

3. Press release on the progress of electoral reform in Albania

Tirana, 20 September 2004

The Albanian Helsinki Committee has followed and continues to follow with special attention preparations for the coming parliamentary elections and mainly those dealing with improvements to the Electoral Code. The Albanian Helsinki Committee, as a non-governmental organization that has monitored almost all elections that have taken place in our country, expresses its disappointment and concern over the marked and unjustifiable delay with regard to the changes that need to be made to the Electoral Code pursuant to the recommendations by OSCE/ODIHR and the Venice Commission.

So far, there has not been any concrete results, while it is known that according to OSCE/ODIHR and Venice Commission recommendations, it is necessary that about 84 articles, or about 46% of all the articles, of the Electoral Code be reviewed or reformulated.

Two are the main issues of concern to the Albanian Helsinki Committee:

First of all, the accurate and complete preparation of the Voters' Lists in order to guarantee the exercise of the right to vote as a fundamental right. Political will for consensus alone is not enough. There is a need to build an electoral code that will shut the paths to any manipulation and inspire trust not only from electoral subjects but also from every voter.

According to article 55 of the Electoral Code in force, the civil registry offices, should no later than seven months before the mandate of the Assembly expires (that is, beginning from November 2004), begin work to draft preliminary voters' lists. However, in order to begin that, it is mandatory to correct all defects and absences certified during the local elections of October 12, 2003.

Secondly, the establishment of independent, unbiased, and non-partisan electoral commissions that only obey the law.

According to recommendations by OSCE/ODIHR and the Venice Commission, no later than 180 days before the elections (that is, by December 2004), the Central Election Commission must have trained all members of electoral commissions (ZEC, LGEC, VCC), must have tested them and, in the end, must have equipped all of them with the appropriate certificate that testifies their ability to carry out this duty.

In order to fulfill this recommendation, proposals or selection of the above electoral commissions need to be completed by the end of November 2004.

Considering the effectiveness of the special bipartisan parliamentary Commission on electoral reform and the fact that **the mandate of this Commission expires on October 5, 2004, there are doubts on not only the drafting and approval in due time of draft amendments to the Electoral Code, but also on its quality from a professional legal and constitutional standpoint.**

Before the draft amendments to the Electoral Code are approved by Parliament, **the AHC recommends that the draft be published and that an even brief period be allowed for remarks and suggestions, for its discussion in specialist circles, the print and broadcast media.** Otherwise, we might have a repetition of the negative procedure that was followed for the approval of the Electoral Code of year 2003, when significant defects, or even anti-constitutional provisions, were allowed.

The International Community has expressed in a clearcut manner that the upcoming parliamentary elections are a test for Albania's integration into Euro-Atlantic structures.

On this occasion, **the Albanian Helsinki Committee deems it necessary to call upon all political forces and the Government to seriously assess the created situation.**

4. Press release – MORE TOLERANCE TOWARD THE MEDIA, MORE CARE IN LIFTING IMMUNITY

Tirana, 25.09.2004

Some time ago, the spouse of the Prime Minister Ms. Xhoana Nano turned to the court with a request against MP Mr. Nikollë Lesi for libel.

Yesterday, on 24 September 2004, the Supreme Court reached the conclusion that the legal conditions exist to request from Parliament the lifting of the immunity of Mr. Lesi, in order to enable the complete judicial consideration of claims by the accuser.

It is not a competence of the Albanian Helsinki Committee to assess the legal grounds of the decision of the Supreme Court. **However, with regard to the consideration of this decision by Parliament, we consider it necessary to state the following:**

The AHC is of the opinion that the handling of this problem should not be seen from the formal legal standpoint.

It is the belief of the AHC that Parliament will assess it by first referring to the **principle of tolerance that senior state and social personalities should demonstrate** toward the media **even** in those cases **when it crosses the line even when it overdoes it or does not show appropriate care to verify facts and the source of information.** This is also the consistent stance of the European Court of Human Rights. In this aspect, **the AHC has made public announcements in other similar cases of this nature.**

The AHC is aware that the accusation against Mr. Lesi has been raised not by the Prime Minister but **by his spouse who is not considered part of personalities.** Nevertheless, the AHC is of the opinion that **as the accuser has a special status in the society, the issue indirectly also implicates the Prime Minister of Albania.**

Considering the above, the **AHC calls upon the Assembly, in granting authorization or not for penal prosecution against Mr. Nikollë Lesi, known not only as a publisher but also as a professional journalist, to show objectivity.**

The AHC is of the opinion that not granting authorization would not diminish the responsibility of the print and electronic media toward the general public, nor would it be interpreted as a right to step on human dignity or intimacy and privacy.

Beside the above, the AHC proposes to the Assembly to respond to a problem that has been on the table for a long time: that of approving a media law that does not serve to penalize journalists but rather to protect more effectively press freedom. The AHC is also of the opinion that the approval of this law would raise even more the awareness of the media's contribution to a democratic society, of its moral responsibility, as well as journalistic ethics.

ANNEX 2

AHC statements during this month saw extensive placement in the print media. They were published **18 times**.⁶

AHC activities, conferences, awareness-raising round tables, observations, etc., have been reported on **14 times** in the print and broadcast media.

A total of **5 interviews** were given and published during this month in the print media. They appeared in the following media outlets: Koha Jonë (5.09.04), Zëri i Popullit (21.09.04), Panorama (21.09.04), Korrieri (26.09.04) and TV Klan (15.09.04).

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⁶ AHC monitored several daily newspapers