

NEWSLETTER



ALBANIAN HELSINKI COMMITTEE

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1. MONITORING ACTIVITIES OF THE AHC

1.1 Continuation of the monitoring mission in prisons and detention facilities in Albania

As has been mentioned before, the Albanian Helsinki Committee continues its round of monitoring missions undertaken in prisons and detention facilities for the purpose of observing the conditions and the level of respect for the rights of detained and convicted persons.

In more concrete terms, during October 2004, the AHC monitored the detention facilities in the police commissariats of the districts of Kukës, Lezhë, Shkodër, Mat, Gjirokastër, Berat, Pogradec, and Korçë, as well as the detention facility 313 in Tirana. With regard to correction institutions, the Committee observed the high security correction institution No. 302 in Tirana as well as women's prison No. 325.

During November and December, the Committee observed the correction institutions in Peqin, Rrogozhinë, Tepelenë, the special institution in Kruja, as well as the detention facilities in the police commissariat of Durrës, the Vlorë detention facility, as well as the correction institution for juveniles in Vaqarr, Tirana.

During the round of monitoring missions, the AHC kept informed by means of official letters the respective state authorities, civil society actors, as well as the print and broadcast media by means of press statements, with regard to the situation in detention facilities and prisons, as well as regarding the main existing problems. The main objective of this round of monitoring missions is the respect for the rights of detainees and convicts as well as the identification of shortcomings, preparation of recommendations for the relevant institutions as well as the observation of the impact that reform in the penitentiary institutions, undertaken by the Ministry of Justice and the General Directory of Prisons, has had on these institutions. With regard to violations and different problems that the monitoring missions encountered, the AHC has reacted publicly through press statements and is preparing a round table discussion about them.

2. TRAINING ACTIVITIES AND PROVISION OF EXPERTISE

2.1 Assistance through legal expertise and critique

a) Legal critique on Draft acts for the improvement of legislation for juveniles

During October - December 2004, the AHC, based on several years of experience in monitoring respect for human rights, has offered its expertise in improving the draft law on legislation for juveniles.

Through funds from UNICEF and a group of experts, the Ministry of Justice has undertaken the initiative to amend some provisions about juveniles in penal legislation so that these laws are in keeping with international acts and have at their essence the protection of the rights and highest interests of children.

The AHC gave its contribution for the entire package of amendments, analyzing every article and every law involving the draft law on juveniles and provided its recommendations on it. The AHC also took into consideration problems encountered in practice with regard to respect for the rights of juveniles.

b) Legal critique on the status of the Albanian intelligence service officer

During November 2004, the AHC gave its expertise on the draft law "On the status of the State Intelligence Service officer." In that regard, the AHC formulated recommendations for the law in general, as well as for articles in particular, thus

contributing to its improvement. Based on received information, suggestions by the AHC have been appreciated.

2.2 Technical assistance and capacity building

a) Second session of work in the framework of technical assistance offered to the administration of Albanian prisons

In the framework of its mission to protect, sensitize and educate about fundamental human rights and freedoms, the Albanian Helsinki Committee, seeking to support Albanian authorities in their efforts to intensify reform undertaken in penitentiary institutions for a better and more contemporary management of Albanian prisons, organized on **14 - 15 October 2004** the second session of work in the facilities of the Peqin Prison¹. Participating and helpful through their participation in this activity were Mr. Anastas Duro, deputy Minister of Justice and [acting] General Director of Prisons, representatives of the General Directory of Prisons, the directors of two pilot prisons, namely the Prisons of Peqin and of Rogozhina, the senior staff of these prisons, as well as jurists from all of the country's prisons. Three foreign experts also offered their expertise. They were Mr. Jan van den Brand, General Regional Director of several prisons in the Netherlands and Council of Europe expert on Central and Eastern Europe, Mr. Kejs Boeij, General Director with a special duty to draft amendments to penal legislation in the Netherlands, as well as Ms. Tika Veldhuyzen van Zanten, Director of Prisons in the Netherlands. The session concentrated on the duties established in the first session that was held in June 2004, in the facilities of the Rogozhinë Prison.

Issues addressed in this project included **improving the draft internal rules of the Prison of Peqin**, offering a **model on the Code of Conduct for penitentiary institutions**, as well as treating a concrete format of **job descriptions** for prison personnel. Among the issues addressed, special attention concentrated on the draft internal rules of the Prison of Peqin whereby the foreign experts, using Dutch experience, offered a sample structure for the entire legal infrastructure that is necessary for every penitentiary institution in Albania. At the same time, these issues are also priorities of the Ministry of Justice, reflected in the Masterplan that has been approved in the framework of reform undertaken in penitentiary institutions in Albania. At the end of the program, participants suggested the establishment of more concrete collaboration between the working group for issues of management in the framework of the Masterplan project and the Albanian Helsinki Committee and its experts, and considered the event successful in meeting the set objectives.

b) Third session of work in the framework of technical assistance offered to the administration of Albanian prisons

On **13 - 14 December 2004**, the Albanian Helsinki Committee organized in the facilities of the Prison of Peqin and the detention facility No. 313 in Tirana, the third session of work² in the framework of assistance for the administration of Albanian Prisons. Participating in the activity were representatives of the General Directory of Prisons, senior officials and jurists of the two pilot prisons, namely the Prison of Peqin and that of Rogozhinë, as well as the coordinator of the Masterplan at the Ministry of Justice. Two foreign experts, Mr. Kejs Boeij, already known during the second session of work, and Mr. Per Colliander, an independent Swedish expert, offered their expertise.

¹ This activity was implemented in the framework of the project "Prison reform and the role of the civil society in Albania," financially supported by the Swedish Helsinki Committee.

² This activity was implemented in the framework of the project "Prison reform and the role of the civil society in Albania," financially supported by the Swedish Helsinki Committee.

The issue addressed in this session was that of **elaborating the Internal Regulations of the Prison of Peqin**, a topic that was also addressed during the second session of work. To that effect, experts presented different models of internal regulations of correction institutions in order to explain to participants the main principles on which the final version of the Peqin Prison Internal Regulation should be based. In the course of work, participants made comments and launched ideas for the improvement of several articles that were in contravention of international principles and standards. Participants also accepted the need to introduce civil concepts into the Internal Regulation of the Peqin Prison. One of the decisions taken during this session was the inclusion the incorporation of a special chapter on high security regime in the Internal Regulation of the Peqin Prison.

Another topic of discussion was the improvement of job descriptions in order to provide for more room for action and initiative on the part of administration personnel. Job descriptions should be removed from the Internal Regulations of the Peqin Prison and be made part of job contracts that the personnel would enter into with the directory of the respective institution.

The AHC gave its contribution in providing critique for the General Regulation of Prisons for the protection and respect of rights and treatment of persons serving prison terms.

3. AWARENESS AND EDUCATION ACTIVITIES

3.1 Meetings with representatives of state institutions and local and foreign NGOs

a) Meeting of the General Assembly of the International Helsinki Federation (IHF) in Moscow

On 11 - 14 November 2004, representatives of the Helsinki Committee from the OSCE region met in Moscow in the General Assembly of the International Helsinki Federation (IHF), hosted by the Moscow Helsinki Group.

This year, the general assembly of the International Helsinki Federation conducted elections for the new president and the new members of the IHF Executive Committee. The new President of the International Helsinki Federation was Mr. **Ulrich Fischer**, an expert with broad experience in the field of human rights. He was a member and then a President of the German Bundestag. In this capacity, he replaced Ms. **Ludmilla Alexeyeva** who was the president of the National International Federation since 1998. Mr. **Srdjan Dizdarevic**, founder and president of the Helsinki Committee for human rights in Bosnia and Herzegovina, was elected vice president.

The International Helsinki Federation also elected the new Executive Committee, which includes:

Holly Cartner (USA), Bjoern Engesland (Norway), Vasilika Hysi (Albania), Krassimir Kanev (Bulgaria) and Ferenc Köszeg (Hungary).

The Armenian Helsinki Association and the Armenian Helsinki Committee, like the Helsinki Union for human rights in Ukraine, have been accepted as collaborative committees of the International Helsinki Federation. The assembly also addressed a series of issues and established priorities for Helsinki Committees in the OSCE area.

This important meeting for the members of the International Helsinki Federation also awarded the prize "**2004 IHF Recognition Award**" with citation for the Society of Russian-Chechen Friendship stated: "*Your work on behalf of victims and to promote tolerance and peace reflects the transcendent values of our civilization. It evokes feelings of solidarity and sympathy more powerful than hatred, fear and revenge*".

b) Collaboration with state institutions

During December 2004, the senior staff of the AHC and the Committee experts held a series of important working meetings with the Minister of Justice, the General Director of Prisons as well as other representatives of these two institutions. Discussions in the meetings concentrated on the contribution that the AHC will give for the respect of rights and freedoms of persons serving prison terms.

Among things addressed in the meeting were also AHC proposals on future projects for the training and building the capacities of prison administrations.

Emphasis was placed on the need for a better coordination of contribution given by NPOs that are active in the area of human rights with a focus on the penitentiary system.

c) Main directions of continuity and the future of the project "Prison reform and the role of the civil society in Albania"

On 11-12 December 2004, the Albanian Helsinki Committee organized the first meeting of the Evaluation Committee on the project "Prison reform and the role of the civil society in albania." The goal of the meeting was to assess the progress of the project and results achieved in the period May - December 2004. Participants in the meeting praised the achievements of different project activities. Difficults encountered in the course of the implementation of the project were also addressed.

The meeting also helped determine the areas and activities of the AHC in the future in the area of prisons, taking into consideration its priorities and needs. Participating in the meeting were the General Director of Prisons, directors of prisons where the AHC is implementing its project, representatives from the Swedish Helsinki Committee, as well as experts and representatives from the Albanian Helsinki Committee.

3.2 Awareness and education activities

a) "Display of human values"

On the occasion of the International Human Rights Day, on 10 December 2004, the General Directory of Prisons organized an event called "**Display of human values.**" whereby the AHC gave its own contribution. Handicrafts, paintings, and poems by different convicts were displayed in the exhibition. The AHC offered symbolic prizes accompanied by certificates for the best four creations in painting, poetry, and handicrafts realized by different detainees and convicts. The purpose of this activity was the support and promotion of human dignity and values as well as encouragement for detainees and convicts.

4. AHC PUBLICATIONS DURING OCTOBER - DECEMBER 2004

4.1 International Criminal Court, Albania's case

In November 2004, the AHC issued the publication "International Criminal Court, Albania's case."³ The goal of this publication is to inform the public and employees of the judicial system about the role of the International Criminal Court, the application of its statute in domestic legislation as well as to encourage relevant state structures to undertake the necessary steps for improving the Albanian legal context.

³ This publication has been realized in frame of the work of the project "Raising awareness on the implementation of ICC Statute in Albania" financed by World Federalist Movement- Institute for Global Policy and Coalition for International Criminal Court

The publication consists of four separate parts, of which the first one is a detailed study on the Statute of the International Criminal Court and some constitutional aspects of its ratification by the Republic of Albania; the second part includes contributions by experts with regard to the Rome Statute and to criminal legislation and criminal procedure legislation. The third part of the publication includes excerpts from international acts such as the Vienna Convention "On the Law on Treaties" as well as special excerpts from Albanian legislation related to the Statute of this Court as well as the decision of the Constitutional Court on the compatibility of the Rome Statute and the Albanian Constitution. The fourth part of this publication features the main conclusions and recommendations emerging from the round table discussion to state authorities for the purpose of full implementation of the Rome Statute in the Albanian legal context, and which emerged from the round table discussion that the AHC organized on the topic in June.

This study will primarily be of service to members of the Albanian judicial system, prosecutors, lawyers, students of the Faculty of Law and the Magistrates' School, law enforcement members, representatives of state structures charged with policy making and legal reform, the Albanian civil society and human rights activists.

4.2 Calendars to raise awareness about citizens' rights

In the framework of its efforts to sensitize citizens about their rights, the Albanian Helsinki Committee prepared two types of calendars for 2005. The first addresses all citizens whose rights are violated by members of the police, prison administration, public administration, or other state structures. The second one targets individuals detained or arrested in flagrant violation in order for them to know their rights. The AHC, by means of these sensitizing calendars, calls upon citizens to turn to the AHC in cases when their rights are violated.

5. ROUND TABLE DISCUSSIONS AND CONFERENCES

One of the venues that the AHC uses in carrying out its activities in order to improve the practice of law enforcement and respect for citizens' rights is that of conferences and round table discussions on a variety of topics.

5.1 Press Conferences

On October 21, 2004, Amnesty International, in collaboration with Albanian organizations Albanian Helsinki Committee, the Albanian Human Rights Group, the Center against torture and for rehabilitation, the Council for the protection of human rights and freedoms, organized a press conference on the 9th anniversary of the mysterious "disappearance" of Mr. Remzi Hoxha. The purpose of the press conference was to show the solidarity of the mentioned organizations with the family members of the individual who has disappeared since 1996, by calling upon state authorities to clear the case as soon as possible and to bring those responsible to justice. Attending the conference were numerous media outlets that posed different questions to family members of the disappeared and the representatives of the organizations. The conference received extensive coverage in the print and broadcast media.

5.2 Conferences

a) National Conference on "Coexistence of Minorities and respect for their rights"

The Albanian Helsinki Committee, in collaboration with the SOROS Foundation, organized on December 3, 2004 the National Conference on "Coexistence of Minorities and respect for their rights." The goal of this conference was to highlight the role of the civil society in sensitizing about and protecting the rights of minorities as well as to emphasize the coexistence of ethnic groups and problems of their rights in the region. The topics addressed in the conference included the notion "minority," Albanian legislation on minority rights, Albania's international engagements toward the protection of national minorities as well as obligations in the context of Albania's integration into the European Union, the role of the civil society in Albania for the achievement of better respect for the rights of minorities, as well as the sensitization of state authorities on these minorities about the mechanisms for the protection of their rights.

Participating in the conference were representatives from state authorities, the civil society, and minority organizations. Also participating in the conference, besides Albanian participants, were representatives of Helsinki Committees from countries in the region, such as Serbia and Montenegro, Macedonia, and Kosovo. They brought their experience in protecting the rights of minorities. Because of the themes that the conference addressed, interest in it was very great.

5.3 Round table discussions

a) Round table discussions on the respect for minority rights in Shkodër and Korçë

During October 2004, the AHC, in collaboration with the Soros foundation, organized two round table discussions on the protection of and respect for the rights of minorities, in **Shkodër, on October 6, 2004** and in **Korçë, on October 26, 2004**⁴. The round table discussions came as a result of several sporadic observations carried out in these cities by AHC correspondents in the respective cities, as well as following a series of monitoring missions carried out during 2002-2003. The round table discussions had a sensitizing character for the local authorities with regard to respect for the rights of minorities and the fulfillment of international standards.

The round table discussion in Shkodër addressed issues that had to do with respect for the rights of the Montenegrin and Roma minorities, as well as those of the Egyptian community. On the other hand, the round table discussion in Korçë dealt with issues involving respect for the rights of the Macedonian, Aromanian, and Roma minorities, as well as the Egyptian community.

Attendance in both round table discussions was extensive, bringing representatives from local government institutions, minority organizations, experts of the field, as well as individuals interested and active in the field of minorities. Participants were active and brought forth numerous important issues that deserved attention.

6. PUBLIC REACTIONS OF THE AHC TOWARD VIOLATIONS OF HUMAN RIGHTS (PRESS STATEMENTS)

During the last quarter of 2004, AHC reacted toward the most flagrant violations of human rights, aside from its letters and recommendations to state authorities by means of public reactions. The AHC reacted through **8 press statements**. The statements dealt mainly with violence used by public order forces, the necessary amendments that had to be made to the Electoral Code of the Republic of Albania as well as the Family

⁴ Part of the project "The role of the civil society in the protection of and respect for the rights of minorities," financially supported by SOROS

Code, with difficult conditions in prison hospitals and in police commissariats in the districts of Fier and Krujë, etc.

By means of these statements, the AHC calls upon the relevant state authorities, and even the society, to pay attention to these problems. The push for these reactions have been the numerous complaints that the AHC has received, cases verified by the AHC and its correspondents in seven districts of the country, as well as the different issues raised by the media.

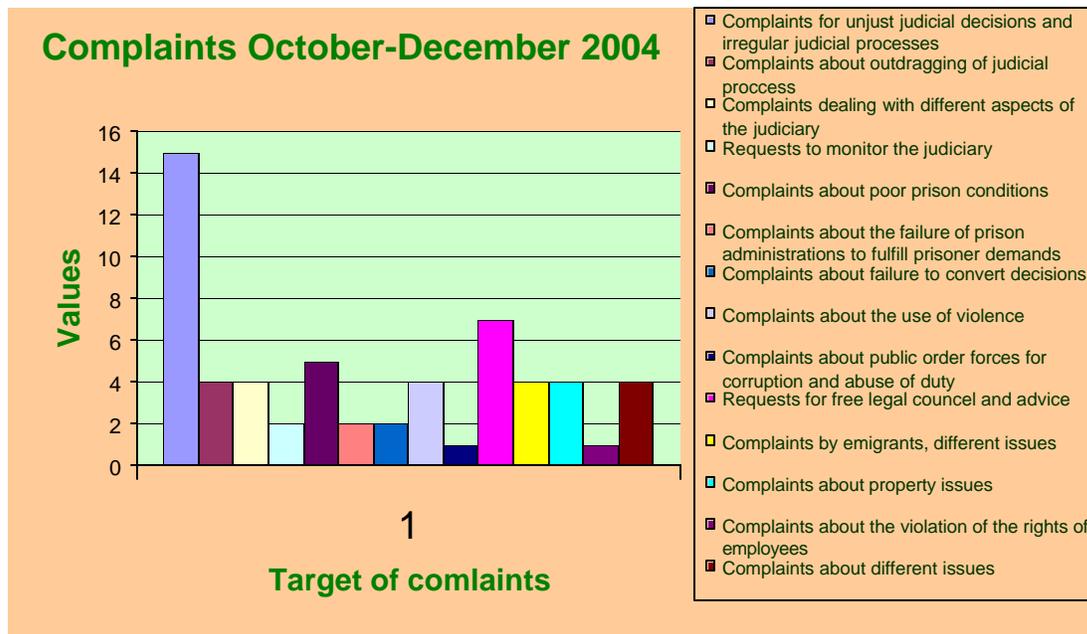
During this period, the AHC issued **3 press statements** in order to provide information to the media and the public on the numerous issues addressed in the round table discussions and conferences that the AHC organizes.⁵

7. CITIZENS TURN TO THE AHC

7.1 Citizens' complaints

During the period October - December 2004, the AHC received a total of **51 complaints**. Complaints came mainly through letters, meetings in the AHC offices, as well as by telephone⁶.

The themes of these complaints mainly deal with unjust judicial decisions, irregular trial processes, by citizens abroad, with the use of violence, poor conditions in the prisons where convicts serve their prison terms, with property issues, etc. The large number of complaints dealing with the judiciary is very disturbing.



In some cases of denunciations for maltreatment of convicts while they have been serving their prison terms, the AHC has reacted immediately by sending its representatives for onsite verifications. The Albanian Helsinki Committee, when it

⁵ In Annex No. 1, you may find the complete statements of the AHC for the period October-December 2004.

⁶ The hotline has been enabled through the project "Prison reform and the role of the civil society ni Albania," financially supported by the Swedish Helsinki Committee

deemed it necessary, has suggested and intervened for the reinstatement of rights and has been ready, in the appropriate cases, to intervene and verify in order to see that measures are taken for the violations it has found. In this context, it is very worth mentioning that there has been very good collaboration with the Ministry of Justice, the Ministry of Public Order, the General Directory of Prisons, the General Directory of the State Police at the Ministry of Public Order, as well as other bodies of the judiciary. The AHC has responded to complainers in all cases and, when necessary, has sent letters to the responsible state authorities.

7.2 Verified cases

⇒ During October 2004, the AHC was very active with regard to the verification of cases of maltreatment of Albanian emigrants, contacting them and forwarding the cases to the Greek Helsinki Group. During this month, AHC representatives met with the families of 30 persons from Dibra who have "disappeared" since 1995, after they had begun a clandestine journey to Italy. The AHC forwarded the representation authorization and the relevant documentation to the Greek Helsinki Group.

⇒ During this month, the AHC verified the case of emigrant Vullnet Bytyçi who was murdered by Greek police. Through its correspondent in Kukës, the AHC contacted family members of the victim to ensure the documentation they possessed with regard to this incident. With regard to cases of maltreatment of Albanian emigrants, the AHC is collaborating with the Greek Helsinki Group. After the AHC receives a representation authorization from family members, clarifies the cases and, in cases of flagrant violations of emigrants' rights, they file suits with the courts in Greece.

⇒ Furthermore, the AHC also contacted the family members of Luan Bërdëllima and proceeded as in the previously mentioned cases.

⇒ In October, the AHC verified with assistance from its correspondent in Gjirokastër the case of the use of violence by public order forces on some inhabitants of Lazarat. The case was very high profile and the AHC met with representatives of the police in the Gjirokastër district to clarify the happening. They told the AHC that individuals declared wanted or who had refused public order forces were hiding in the Lazarat village. Village inhabitants who claimed that violence had been used against them and were in the hospital of Gjirokastër denied refusing to obey the public order forces. The AHC reacted through a public statement calling on the authorities to be mindful of respect for the rights of citizens⁷.

⇒ During November 2004, the AHC verified the case of Ms. Çopani who was the victim of maltreatment by Greek police in Kostur. AHC representatives met with Ms. Çopani at her residence in Tirana. After crossing the border illegally together with her two children, aged 5 and 3 years old, she was detained and taken to a detention facility [or the new prison of Kostur in the city's outskirts]. Ms. Çopani remained for about two days in the cell and during the stay there, Greek police used violence [fists and kicks] as well as torture [refusing to give her water]. The conditions of the cell where she stayed together with her children were very poor and denigrating for the victim. During her stay in the detention facility, police had forced her through violence to sign on some documents that were in Greek and that Ms. Çopani could not understand. A brief trial was conducted for her case and she was declared persona non grata in Greece. She was not offered a lawyer but just an interpreter. She returned to Albania afterwards.

⁷ You may read this statement in Annex No. 1

The AHC provided detailed information on the case to the international organization Amnesty International, which was very interested in clearing up the case.

⇒ During November, AHC representatives verified the case of a detainee in institution 313. The media took up the case. Detainee M.K., 67 years old, had complained for about the failure of medical doctors in the institution to treat him, which posed danger to his life. Based on a meeting that AHC representatives had with the doctor of the institution, it turned out that the detainee had been offered the help that the institution could offer. There was some delay because his transfer to the prison hospital required approval by the prosecutor's office.

8. AHC AND THE MEDIA

8.1 Programs on local TV stations

During October 2004, in collaboration with the Soros Foundation, the AHC participated in several programs of local TV stations, in Shkodër and Korçë, which focused on issues dealing with minorities and presented issues that were discussed in the round table discussions that the Committee organized during this period.

8.2 Media coverage of AHC activities

In general, there was an increase during 2004 in the frequency of placement of AHC statements, activities, and stories in the print and broadcast media. During the period October - November 2004, the AHC addressed a series of problems in different areas, through newspaper stories and opinions expressed to the media. There were a total of **9 interviews** and stories in the print media. Interviews and stories mainly addressed issues of electoral reform, conditions in prisons and detention facilities, etc.

Both statements and numerous activities of the AHC such as conferences, sensitizing round table discussions, monitoring missions, etc., saw frequent coverage in the print and broadcast media.

Annex 1 - Statements

1. Press Release - About the awareness round table on the observance of the minorities and communities rights in the district of Shkodra

October 6, 2004

On October 6, 2004 Albanian Helsinki Committee arranged a round table in the facilities of "Rozafa" Hotel in Shkodra in order to discuss the observance of the Serbian-Montenegrin, Roma minority, Egyptian community in this district.

This meeting besides the representatives of these minorities and communities had the participation of the representatives from the State Committee for Minorities, local power bodies (Municipality, Commune), OSCE office in Shkodra, education directorates, school headmasters, police, courts and locally based NPO representatives.

Albanian Helsinki Committee, by means of its experts unfolded the good experience of the countries in transition as regards the observance of the minority rights. Likewise, there was a complete treatment of the minorities and communities' rights in Albania from the juridical perspective as well as their observance in the district of Shkodra. AHC based on the ongoing monitoring as to the situation of the minorities, submitted the conclusions and recommendations related to the observance of the rights of the Serbian-Montenegrin, Roma minorities and Egyptian community.

The meeting provided the representatives with the opportunity to discuss about the raised issues as well as to submit their claims and concerns, related to the observance of the rights of the minorities and communities they represented.

This table raised the concern of no access to education in the mother tongue in the 8-grade schools for the children from the Serbian-Montenegrin minority. This problem has also been confirmed by AHC, but the Ministry of Education and Science has argued that there is not a substantial number of children from this community, which doesn't meet one of the legal criteria for the opening of the school in the mother tongue. AHC suggested the option of opening courses for learning the Serbian-Montenegrin language if the legal criteria are met.

As regards the domain of education, the representatives of the Egyptian community and the Roma minority highlighted the concern of the high rate of illiteracy of the children belonging to these communities. Meanwhile the deputy Mayor of the Municipality, who was present in the meeting, promised opening of a school for the Roma and Egyptian children in the neighborhood "Iliria".

There was another concern mentioned by the present people, but also by the highest representatives of the local power bodies in Shkodra – the problem of having no accurate official data related to the number of these minorities and communities. The participants highlighted that the accurate official data will serve later for drafting the policies and the accomplishment of the liabilities on the part of the Albanian state.

All the participants accepted the AHC recommendations that the state structures should devote more attention to the Roma minority and Egyptian community and it was also highlighted the idea of a more active and better coordination of the actors of the civil society in this district regarding the minorities.

AHC considers that the relevant state authorities have made efforts and have taken measures and concrete initiatives in cooperation with some non-profit organizations, for the improvement of some of the problematic fields of the observance of the rights of minorities and communities in the district of Shkodra.

2. VIOLENCE, AGAIN!

Tirana, 15 October 2004

The correspondent of the Albanian Helsinki Committee in the city of Korça notified that on 11 October 2004, in the vicinity of the "Valbona" Hotel, Mr. Stathi Lako was maltreated. Following the due verifications, it resulted that the violence against him was exercised by three civilian police officers and the chief of severe crimes of the Police Directory in the Circuit of Korça, Mr. Bajram Hyka. It was said that the cause of the violence was the meeting of Mr. Lako with the daughter of Mr. Hyka. A medical report on the maltreatment is also available. In spite of all interventions made so that this case would not be prosecuted, a denunciation has been filed with the prosecutor's office.

The Albanian Helsinki Committee has reacted publicly several times to not only make police officers exerting violence on citizens bear responsibility, but also to undertake the appropriate corrective and preventive measures.

The AHC, finds with dismay that cases like these are recurring, which shows that the assessment on this negative phenomenon leaves much to be desired. It is a known fact that when something happens, there are interventions, measures are taken, but the most important thing, as is known, is prevention. It is essential to enhance the fight against criminality, but this can in no way justify the violation of citizens' rights, health and lives.

On 14 October 2004, the AHC also verified on the spot another case, whereby there are claims that violence was used against detainee Artan Pjetri in the pre-trial detention facilities of the Durrës police commissariat. The defendant appeared in court with bandages on his head, whereas his mother, present in the proceedings, declared that her son had been maltreated. Artan Pjetri himself told Albanian Helsinki Committee observers that he suffered from epilepsy, that he had fainted and fallen, thus hurting different parts of his face.

The AHC does not wish to prejudice the case, but given that conflicting data was provided in the course of verifications, there is room for further, objective investigations.

It is worth mentioning that during the confidential conversation of Artan Pjetri with AHC observers, he had confided that at the moment of his detainment, although he had turned himself in, violence had been used upon him.

The AHC is of the opinion that although this may be a delayed claim, there is every interest to make the appropriate verifications, because there have been multiple cases when the use of violence at the moment of detainment or arrest in flagrante or immediately after has been verified. We would request that the Ministry of Public Order, spurred by numerous cases of

maltreatment of citizens, order that this problem become an issue of review for all police directories across the country.

3. "The Lazarat event calls for a fast and objective investigation"

Tirana, 29 October 2004

The Albanian Helsinki Committee, considering the information provided by the print and broadcast media with regard to the Lazarat event, immediately notified its correspondent in the city of Gjirokastra to observe the case closely.

The AHC correspondent contacted in the Gjirokastër hospital two individuals wounded during the happening, a village teacher Gentian Pollo and Altin Bejko, owner of the bar. The correspondent also contacted the surgeons who treated the wounded individuals as well as local police officers.

Based on the conversation with the hospital's medical personnel, the correspondent found out that four wounded individuals had been brought to the hospital for treatment. Two of them had been released from hospital after receiving the necessary medication, whereas the other two, one of which was wounded with a fire weapon, still remained in hospital.

According to the initial information that was collected there appear two versions: Gentian Pollo, wounded in the bar, interviewed by the AHC correspondent, declared that the public order forces had hit him and violently taken him into the police van, and maltreated him. Altin Bejko, the bar owner, stated that he had been shot from the back with a fire weapon.

According to a press statement of the Ministry of Public Order, the actions undertaken by the "Renea" Special Forces were legal, as they had been tasked to arrest individuals who were wanted, accused or convicted for committing crimes of major social danger. The press statement of the Ministry also emphasizes that the "Renea" Special Forces had been shot at from inside the bar where the wanted individual was and from out of the bar and that had made them counterreact with the same means.

The Albanian Helsinki Committee supports the intensification of the fight against criminality as well as the measures undertaken for its prevention. However, the AHC, like before, reiterates that every single act should be in conformity with the law and citizens' rights and freedoms should not be violated.

Without prejudice on the case, the Albanian Helsinki Committee calls on the prosecutor's office to conduct a quick and objective investigation of the happening. In this framework, it is necessary to clarify whether the actions of the Renea forces included a surpassing of the limits of self-defense, as well as use of illegal violence.

The AHC also suggests that the results of the investigation be made clear to the public. This would have a positive impact on clarifying the circumstances in which the above happening occurred.

4. PRESS RELEASE On the awareness raising round table for the respect of rights of minorities and communities in the circuit of Korça

Korça, 26 October 2004

The Albanian Helsinki Committee organized on 26 October 2004, in the premises of the "Grand" Hotel in Korça, a round table discussion about the respect for the rights of the Macedonian, Roma, Arumunian/Vllah minorities and the Egyptian community in the district.

Participating in the meeting, besides representatives of these minorities from the district and other regions of the country, were also representatives from the Ministry of Foreign Affairs, the State Committee on Minorities, local government bodies (municipalities and communes), the educational directory, school directors from the commune of Liqenas, representatives from the police, the courts and NPO-s active at the local level.

By way of its local experts, the Albanian Helsinki Committee brought to this round table discussion the best of values of ethnic, cultural and religious coexistence, as an important factor of the social integration of minorities and communities in the region of Korça. Also addressed in the discussion were the issues of minority and community rights in the Korça circuit. On the basis of continuous observations on the situations of minorities, the AHC presented its conclusions and recommendations with regard to respect for the rights of the Macedonian, Roma, and Arumunian/Vllah minorities as well as of the Egyptian community in this district.

Participants in the meeting had the opportunity to discuss on the issues previously raised with the AHC or with local authorities, as well as to present their concerns with regard to the

respect for the rights of minorities that they represented. For the AHC, this activity sought to make an evaluation on the implementation of recommendations that the AHC had made two years ago, when it closely observed the situation of minorities in the circuit of Korça.

Representatives of the Arumunian/Vllah linguistic minority raised the issue of the lack of programs reflecting their culture, history and traditions in the Korça public television, while they praised the good experience of local private stations in the district in increasing access of this minority to the local broadcast media. The AHC recommended that the local broadcast media should create greater space for the recognition and dissemination of the traditions, culture and history of this minority.

With regard to problems in the area of education, representatives of the Macedonian minority raised the problem of the lack of texts in the Albanian language for pupils of schools in the commune of Liqenas, while the primary and secondary 9-year education system has begun to be implemented. Furthermore, they requested the republication of Macedonian language textbooks for pupils of these levels.

Representatives of the Arumunian/Vllah linguistic minority pointed out that children of this community were not provided the possibility to learn in the Arumunian language. With regard to this issue, the representative of the Korça Directory of Education notified that there has been no official request from the minority to open courses to teach the language to minority children. Furthermore, the representative also raised concern about the lack of official statistics on the exact number of children belonging to this linguistic minority, which makes it difficult to take concrete measures in this regard.

The high level of illiteracy of children of the Egyptian community and the Roma minority as well as the phenomenon of school abandonment by these children were concerns raised by representatives of these communities in the round table discussion.

With regard to this issue, the AHC recommended to the relevant state authorities to undertake faster measures to improve the situation in this respect. The AHC requests from the Ministry of Education and Science to implement the strategy that was approved a long time ago for improving living conditions for the Roma minority. Similar measures are indispensable also for the Egyptian community.

Participants in the round table discussion presented a model of a positive initiative for constructing a building for the pre-school education of Roma children, as a cooperation effort of local government bodies and NPO-s representing the Roma minority. While the initiative was lauded, it was also emphasized that it had not been finalized due to the lack of a minor amount of funds, necessary to pay the tax for the construction permit for the building.

Representatives of the Macedonian minority supported the recommendation made by the AHC suggesting the to the Macedonian community and the local authorities to undertake the necessary procedures to have the names of villages written in both languages on road signs.

Representatives of the Macedonian and Roma minorities shared some instances of not very appropriate communication on the part of police forces, considering them discriminating toward representatives of these minorities. The AHC, not being closely familiar with these cases and without wanting to prejudice any of the parties, recommended to the representatives of these minorities to pursue legal paths for filing criminal denunciations against these cases with the prosecutor's office, as well as with organizations protecting human rights.

In support of the concern raised by representatives of the Macedonian minority, the AHC recommended to the pertinent state authorities at the local level to encourage greater participation of the Macedonian minority in political, economic, and social activities.

Participants emphasized the lack of accurate official statistics with regard to the number of these minorities and communities in the Circuit of Korça. Participants noted that accurate official statistics would then serve define policies and fulfil obligations of the Albanian state for better respect for the rights of minorities and communities in this district.

At the closing of the round table discussion, the AHC recommended to local and central authorities to devote more attention to the Roma minority and the Egyptian community. There should be persistence in fighting against discriminating prejudice toward individuals belonging to these communities.

This awareness raising round table discussion of the AHC fulfilled its objectives and received positive evaluations from all participants.

5. Respect the Right to Privacy

November 1, 2004

The Albanian Helsinki Committee, after becoming acquainted with the draft law on an amendment to law No. 9062, dated 08.05.2003, "Family Code of the Republic of Albania", deems it necessary to declare:

Article 19 of the Family Code deals with the obligation of the person seeking the announcement of marriage to submit to the civil registry office clerk, besides the birth certificates of each of the future spouses, any other document necessary that is necessary and proves that there are no obstacles to a marriage bond.

In the aforementioned draft law, the requests of article 19 of the Family Code are equal to medical documents that should be submitted by the persons requesting the announcement of marriage and which certify whether they are or not ill with HIV/AIDS and Talasemy (blood illness).

The AHC, while realizing the good will of the writers of the draft law, is of the opinion that in this concrete cases, tools of a sensitizing and informing character, rather than tools of legal obligations, would be effective and preventive. In this regard, the AHC takes into consideration the conditions in the country as well as the degree of social emancipation, which leave much to be desired. The civil registry office clerk has no right to know about the intimacies or the health conditions of persons seeking to enter into a marriage bond, except for the cases specified by article 12 of the Family Code, which does prohibit marriage bond for persons suffering from severe mental illnesses or from handicapped mental development, which make them incapable of understanding the purpose of marriage.

The AHC is of the opinion that this requirement of the draft law is in contravention with article 8 of the European Convention on Human Rights as well as with article 35 of the Constitution of the Republic of Albania.

The European Court of Human Rights has devoted special attention to addressing issues that deal with the respect for the right to privacy. In some of its decisions, the Court has emphasized that the obligation of the state to withhold personal data includes medical secrets. In this aspect, it would suffice to mention two decisions and one report by this Court: Decision of "Z" against Finland of 15.02.1997, the "Costello-Roberts" report against Great Britain of 25.05.2000, as well as decision on "X" against Austria, of 13.12.1979. All these emphasize exactly that: "the preservation of medical data is of fundamental importance for the exercise of the right to respect for private and family life". The decision refers to documentation on protection from the HIV virus. The preservation of medical information "represents an important principle of juridical systems of the countries of the Convention" and that "assaults on the physical integrity against the will of the interested party, even when minimal, should be considered an intrusion". The example mentioned is the "obligatory curing of the person deprived of liberty, being subject to analysis that lead to a need to conduct blood tests", etc., (see "About the European Convention", Albanian translation, 2003, p. 249, by Marek Antoni Nowicki).

The very reasons mentioned above make the AHC ask the Albanian Parliament not to approve the above draft law.

6. Grave Situation in the Tirana Prison Hospital

Tirana, 25 November 2004

In the framework of a round of monitoring missions undertaken by the Albanian Helsinki Committee in detention facilities and in prisons, on November 17-18, 2004, a monitoring mission was conducted in the Tirana Prison Hospital. The purpose of the monitoring mission was to observe from up close respect for the rights of sick arrested and convicted persons.

During the monitoring, it resulted that care by medical personnel was relatively satisfactory. Nevertheless, the monitoring group found marked deficiencies, which seriously damage the rights of sick individuals in this institution.

Items (beds, mattresses, sheets, etc.,) were too old and unclean. Some rooms lacked tables and food cupboards. Food items were kept under the bed. The rooms were cold and no heat was provided. There were common bathrooms and WCs which the ill used according to a set schedule. The institution hosts 5 women, one of whom is pregnant, 3 children and 13 paralyzed individuals. Children had no appropriate facility to hang around in and spend free time. They would stay together with their mothers in the very same room where the mentally ill woman was kept. The children were not vaccinated and pediatricians did not conduct the regularly visits, although it is known that children up to one years of age should be visited once every week.

The keeping of children under such conditions is a serious harm to the rights of children sanctioned in the Convention "On Children's Rights", which stipulates in article 3 that in treating children, the highest interests of the child should be taken into consideration. At the same time,

there was serious harm to the requirements of article 17 of the law "On the rights and treatment of individuals convicted to imprisonment", which says "Mothers are allowed to keep with them children up to 3 years of age, and special daycare centers are operated as a function of care for and assistance to them".

The fact that the Prison Hospital hosts 55 mentally ill individuals is also very disturbing. Keeping them in the Prison Hospital together with other ill individuals is a serious violation of article 82 item 1 of the document of the United Nations "Minimal regulations for the treatment of prisoners", which sanctions that mentally ill persons should not be locked up in prisons; measures should be taken to transfer them as soon as possible to institutions for the mentally ill.

It is worth mentioning that the treatment of mentally ill individuals who have been declared irresponsible also violates law no. 8331, dated 21.4.1998, "On the execution of penal decisions", "Medical measures of obligatory medication are executed in the specialized medical institution...(article 45) as well as law no. 8328, dated 16.4.1998 "On the rights and treatment of persons convicted to imprisonment", which notes that ill individuals or persons suffering from mental or psychic disturbances are placed in special medical institutions or special sections of prisons or hospitals outside the prison system, which serve for their medication (article 16).

The keeping of the mentally ill in the Prison Hospital is also a grave violation of article 46 paragraph three of the Penal Code, which sanctions that medical measures are ruled by the court on irresponsible individuals who have committed criminal offences and this decision in cases anticipated by the law may not only be revoked, but the court is also obliged to revisit its decision one year from its ruling. Senior officials at the institution claimed that the court has not reviewed its initial rulings.

The AHC has called on the Ministry of Justice and the Ministry of Health even before, calling on them to take the necessary measures for the improvement of conditions in the Prison Hospital as well as to transfer the mentally ill to specialized institutions. However, in spite of promises, the situation remains the same.

Another disturbing problem is the keeping of 13 stationary paralyzed mentally ill individuals. They are totally incapable of taking care of themselves and there were not sufficient medical personnel to treat them. The AHC is of the opinion that keeping them in the Prison Hospital is inappropriate. They need specialized treatment.

With regard to this category, the AHC suggests to the Ministry of Justice and the President of the Republic of Albania to consider the possibility of pardoning convicted individuals who are in grave health conditions without any hopes of improvement.

The Albanian Helsinki Committee suggests to the Ministry of Justice, the Ministry of Health, the prosecutor's office and the court to treat these problems with seriousness and to undertake measures to resolve them in keeping with the law, their duties and competencies.

7. Document of historical significance

Tirana, 10.12.2004

56 years ago, on December 10, 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. The fundamental principles, on which it is based, are still authentic nowadays. The European Convention of Human Rights adopted in the year 1950 and entered into force in the year 1953 is the further continuation, materialization and enrichment of the principles sanctioned in the Universal Declaration of Human Rights.

Albania, as a member state of the United Nations and the Council of Europe has for about 14 years joined the road of democratic changes. The provisions sanctioned in the Universal Declaration of Human Rights take a conspicuous part in the Constitution of the Republic of Albania, such as: equality before the law, prevention of torture, inhuman punishment and treatment, free movement of people, entitlement to all the rights and freedoms without distinction as to race, color, sex, nationality, right of defense for every charge etc.

Albanian Helsinki Committee confirms with pleasure that after the collapse of the communist regime, the country has entered the road to progress and Euro-Atlantic integration. Despite the conditions of a difficult transition, there are considerable achievements. They are witnessed in all the fields of life, and also in the field of the observance of human rights and freedoms of the citizens. Generally speaking there is an up-to-date and democratic legislation. There are ongoing efforts for the further intensification of the democratic reforms.

Nevertheless the Albanian Helsinki Committee (AHC), as an organization having as its own main mission the protection of citizens rights and freedoms, in the spirit of the international instruments and our Constitution, identifies that apart from the achievements there is too much

to be done. There have been identified reiterated cases of violations of citizens rights and freedoms. Criminality is still concerning, the anticorruption action is still weak, the state administration lacks the necessary transparency, which negatively affects the confidence of the citizens in the state bodies. There are delays in the investigations and the judgment of the cases as well as in the execution of the judicial decisions etc.

On the occasion of the 56 anniversary of the Universal Declaration of Human Rights, AHC appeals to the Albanian Government, the other state bodies and institutions to practically implement the principles of this historic instrument by prioritizing the observance of the citizens rights and freedoms.

AHC also suggests to all the political forces to give their contribution in the greatest and the most difficult challenge of the European integration of the country by prioritizing the common interest. AHC hails the steps undertaken for the arrangement of the coming parliamentary elections and hopefully believes that our political class responsible to the people and its own country will seriously assess the requirements for holding free, fair and uncontested elections

8. Serious violations of citizens' rights in the police commissariats of Fier and Kruja

Tirana, 11 December 2004

During the period 19-27 November, groups of monitors of the Albanian Helsinki Committee conducted observations in the Police Commissariats of Fier and Kruja to take an on-site look at respect for the rights of detainees. Based on contacts with the personnel of commissariats and persons being held in detention facilities, it results that:

- 1 **The overcrowding of detention facilities remains disturbing.** While the capacity of detention facilities in the Fier police commissariat is for 48 persons, the monitoring mission found that a total of 114 persons were being held in the detention rooms; 13 persons were being held above the capacity limit in the Kruja commissariat.
- 2 As a consequence of the overcrowding of detention rooms, **there were difficulties with sleeping and hygiene in these rooms, as well as the placement of juveniles together with adults.** Detainees slept in inappropriate conditions, on the ground and using very old mattresses.
- 3 **There is only one bathroom,** which creates difficulties in meeting personal needs and in maintaining personal and collective hygiene.
- 4 **Both observed commissariats had persons convicted through final decisions and who continue to be kept in detention rooms,** in spite of efforts made for their transfer to the appropriate prisons.
- 5 The facilities of the Kruja commissariat are part of an old building constructed in 1936; **the corridors are humid and unpainted.**
- 6 **Health care is also unsatisfactory.** Detainees complain that there are delays in the provision of medical visits and assistance.
- 7 The group of monitors held meetings with detained individuals in both commissariats. **The largest part of detainees contacted said that at the time of their detention or arrest they were not notified of the rights** they enjoy according to the Code of Penal Procedures.
- 8 **Detainees are deprived of some rights that they should enjoy according to the law "On the rights and treatment of persons convicted to imprisonment".** Article 75 of this law says that its provisions also cover detainees, with the exception of exemptions provided for by law".
- 9 Due to the overcrowding of detention facilities, **there have been some cases of limitations on meetings of detainees with family members or cousins, as well as cases of the failure to allow detainees to walk out to get fresh air.**

The Albanian Helsinki Committee points out that during these years, **it has reacted publicly several times to this situation that violates the rights of citizens** as well as the minimal standards established by international documents and Albanian legislation. However, we find that the situation remains the same.

The Albanian Helsinki Committee is of the opinion that it is primarily up to the **Ministry of Justice to take the appropriate measures for the improvement of this situation**. In that regard, placing detention facilities under the responsibility of the Ministry of Justice quickly and the exploitation of all opportunities for legal provisions in force to find complete application would be a considerable contribution.

The Albanian Helsinki Committee calls upon the Ministry of Public Order to undertake the proper measures **to alleviate the problems that currently exist in the detention facilities**. The fact that these facilities are still in the premises of the police commissariats and are overseen by police officers, **obliges this Ministry to enforce the law and respect the rights of arrested persons**. **The AHC reiterates the fact that the arrested individuals, until there is a final court decision, are considered innocent**.

The Albanian Helsinki Committee **calls upon the prosecutor's office and Albanian judiciary organs to increase their effectiveness and the speed of penal proceedings**, in order to avoid cases of keeping arrested persons in detention facilities up to the very end of maximal legal limits.

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