



ALBANIAN HELSINKI COMMITTEE

MONITORING REPORT

**ON THE SITUATION OF RESPECT FOR THE RIGHTS AND FREEDOMS
OF INDIVIDUALS ACCOMPANIED, DETAINED AND ARRESTED IN
POLICE COMMISSARIATS**

*Referring to findings of monitoring missions conducted during the period February-June
2018*

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1. EXECUTIVE SUMMARY

Pursuant to its mission, AHC has monitored continuously the respect for the rights and freedoms of accompanied, detained and arrested persons who are kept in State Police premises.

This report is a summary of the most important findings and conclusions of the monitoring missions that AHC has undertaken during the period February – June 2018, in the premises of police directories and commissariats in some of the country's cities, where persons deprived of their liberty are kept. AHC monitoring extended over 28 State Police Commissariats, namely police commissariats no. 1, no. 2, no. 3, no. 4, no. 5, no. 6 in Tirana, the Police Commissariat in Vora, Kavaja, Durrës, Fushë-Krujë, Krujë, Fier, Vlorë, Sarandë, Gjirokastër, Tepelenë, Lezhë, Shkodër, Malësi e Madhe, Elbasan, Përrenjas, Librazhd, Korçë, Ersekë, Pogradec, Berat, Dibër and Kukës.

Prior to publication, a draft of this report was sent for feedback to the General Directory of State Police. The suggestions and comments submitted by this Directory were compared again to the findings of each monitoring report, and in the end, those suggestions deemed as relevant have been reflected in this report.

The purpose of AHC monitoring was to observe the situation of respect for human rights and freedoms of persons who were accompanied, detained and arrested in flagrante, including infrastructure conditions, respect for the rights and procedural guarantees as envisaged in the Criminal Procedure Code and the Law on State Police, provision of health care services, verification of cases in which there were claims of violence, etc.

In the course of the monitoring missions, access by AHC observers generally did not pose any problems or delays by responsible personnel in the relevant institutions. Overall, we found that the monitored institutions respected the cooperation agreement between AHC and the General Directory of State Police, except for the monitoring conducted in the Durrës Police Directory, where observers were not granted immediate access to monitor, claiming that the official hours had concluded.

Based on information obtained during the monitoring missions, it appeared that the nature of the criminal offenses differs from one district to the other. The most widespread offenses in all districts were those against life and health, domestic violence, offenses against wealth, and cultivation and sale of narcotics. **However, there were also cases when individuals are accompanied, detained or arrested also for criminal offenses that pose a lesser social threat, as was the case of some women of the Roma minority, accompanied to Commissariat no. 4 in Tirana for illegal connection of electricity.** AHC contacted the minor children of the two citizens, who were unaccompanied by adults and had traveled on their own, on foot, the long distance between their home to the police commissariat where their mothers were being held.

None of the persons contacted by AHC during the planned monitoring missions had any complaints from persons in state police institutions, with regard to the use of violence or

maltreatment by state police officers. However, during the period January – July 2018, AHC received complaints by telephone, letters or during visits to the prison system, by persons who claim that violence was used on them by security forces, during the time of their accompaniment and stay in the police commissariats. Reporting of violence in these cases was done several days or weeks afterwards, while their penal decisions were being executed in the prison system.

One aspect that makes it difficult to verify these claims is the lack of the necessary infrastructure for the audio-visual recording of their questioning, failure to conduct medical examinations on time, as well as the fact that in some cases, claims exist that the violence was exercised during the time of the transport of these citizens to police custody premises. Such was the case of convict Luan Taipi who claims that he was violated by police forces in the police van while being transported from the site of the arrest to the Durrës Regional Police Directory.

Based on the correspondence that AHC had with the Internal Control and Complaints Service and the prosecutor’s office, regarding complaints that were received about the use of violence, it appears that the prosecution office decided to drop the criminal cases. Also, we have noticed that there is no approach for a full, objective and comprehensive investigation by the prosecution body, which violates article 3 of the European Convention of Human Rights that requires an effective investigation of these cases. In fact, in some cases when the person claims to have been violated, the prosecution office has registered criminal proceedings for charges of “Opposing the employee carrying out a state duty or public service.” Meanwhile, in some cases, the Internal Control and Complaints Service did not admit that it resulted that violence was used on those citizens.

Furthermore, we would like to point here to the complaint by the family members of the late Enea Ftoi, on whom there are claims that he lost his life due to violence exercised by police officers. AHC observers were not granted immediate access to the forensic expertise act on the body of the victim while, referring to media reports, the Korça Prosecution Office dropped the case on the deceased by reaching the conclusion that the police did not exercise violence, but the late citizen suffered from a lung disease.¹

Verifications conducted by AHC observers on the documentation maintained by the personnel of the monitored institutions highlighted that the legal obligation to immediately communicate to the person the reason for the accompaniment, detention or arrest at the very first moments of contact of the responsible police personnel with the person is not always fulfilled. This resulted to be an issue in the verification realized with the Tirana Regional Police Directory as well as commissariat no. 3 regarding the protesters of the nation’s road.

The accompanied, detained and arrested persons are not always equipped with a copy of the rights that they enjoy. This problem was highlighted in the monitoring conducted at the Tirana Regional Police Directory, at Commissariat no. 3 regarding the protesters for the nation’s road, or Commissariat no. 2, where the rights were communicated verbally and they were not given a copy of the statement. It is a positive fact that the notification of family members is done regularly when

¹ <https://balkanweb.com/vdiq-nga-problemet-ne-mushkeri-pushohet-ceshtja-per-enea-ftoin/>

adult persons desire and request this, while notification is done on every instance, in accordance with the law, for minors.

It resulted from the monitoring missions that in general, individuals are guaranteed their right for notification of family members and the right to defense. The right to defense by a lawyer was applied by a good part of the commissariats, **however, it remains disturbing that in some such (commissariats no. 1 and no. 4 in Tirana as well as the commissariats of Kruja, Fushë-Kruja, Fier, Kavaja, Librazhd and Elbasan), deadlines for flagrant arrests were miscalculated.** The time was calculated based on the moment the individuals entered the commissariat premises and not at the moment of their flagrant arrest. Persons were assigned a lawyer from the list of lawyers when they could not afford a lawyer of their choice. In the police commissariats of Ersekë, Pogradec and Korçë, there was no posted list of lawyers; in fact, we noticed that the personnel of these commissariats lacked clear concepts of the lawyers that could be assigned.

The phenomenon of the overlapping of the positions of the lawyer and the psychologist appeared problematic, with these functions covered by one single person in local police structures. In other words, the employee was a psychologist and had not studied law or vice versa, varying from place to place. This phenomenon violates one of the basic legal guarantees for the provision of psychological services, particularly in the cases of minors, persons with mental disabilities, or victims of serious crimes, with the law envisaging the mediation through a psychologist during communication with them. Also, in some cases, special rooms for holding minors, women and girls were lacking. (This was the case in commissariats no. 2, 4 and 6 in Tirana, as well as those in Tepelenë, Malësi e Madhe, Krujë, Fushë Krujë, Librazhd, Pogradec, Sarandë, Ersekë).

Medical services generally are provided by doctors of the Local Police Directories that are subordinate to the General Directory of Police and Regional Hospitals. We found that some of the staffing patterns of commissariats envisaged a doctor's position and others did not. **AHC observers noticed that there was no doctor at Commissariat no. 2 and 6 in Tirana, in Fushë-Krujë, Krujë, Elbasan, and Librazhd. Also, it resulted that some of the commissariats had envisaged in their staffing patterns only an assistant doctor and not a doctor (such as for instance in Kukës, Dibër, and Përrenjas). Moreover, some commissariats continued to have problems with lack of medicaments or necessary tools/equipment for carrying out medical services.**

The request-complaint mechanism for accompanied, detained and arrested persons is not a mechanism that guarantees effective treatment of requests and complaints by the responsible personnel of Police Commissariats/Directories as well as supervision by more superior mechanisms within state police as well as monitoring conducted by the People's Advocate and human rights organizations. Accompanied, detained and arrested persons, in the majority of cases, addressed their requests-complaints verbally to security personnel; these did not ensure that the procedure followed by the commissariat to address and resolve them would be documented. **At Commissariat no. 6 in Tirana and the Pogradec Police Commissariat, we found that there was no register of request-complaints. At the Përrenjas, Elbasan, Librazhd, Fushë-Krujë, Krujë, Dibër, Kukës and Sarandë police commissariats, we found that the**

request-complaint register contained no complaints, although the relevant sections existed. In this regard, personnel told observers that the potential complaints were logged into the entry-exit register. The majority of requests mostly involved requests for meetings with defense lawyers.

Problems remain with transfers of persons who have been issued remand measures or those convicted to imprisonment to institutions for the execution of penal decisions (IEPD), with delays and beyond legal deadlines. The average length of stay of this category of citizens in police commissariats varies between relatively long periods, 6-7 days, while part of these commissariats lack even the minimal conditions for the accommodation of these citizens even for a few days.

In spite of improvements during the last decade in the infrastructure of premises for detention and arrest in state police institutions, still, part of the commissariats and directories that we visited in our opinion contain elements of inhuman and degrading treatment, in reference also to standards elaborated in the jurisprudence of the Strasbourg Court. AHC observers encountered instances when persons slept on the floor either due to overcrowding, as was found in the case of the protesters of the nation's road, at the Tirana Local Police Directory as well as in commissariat no. 3 in Tirana, or due to the lack of beds, such as for instance in Commissariat no. 1, no. 3, and no. 5 in Tirana and the Shkodra Local Police Directory. Some of the rooms in these institutions are way below standards and should be closed.

AHC monitoring highlighted lack of hygiene conditions in some of the premises for the accompaniment, detention and arrest of individuals, as well as in showers and toilets (Police Commissariat in Dibër, Tepelenë, Gjirokastrë, Malësi e Madhe, Krujë, Fushë-Krujë, Shkodër and Lezhë). In some cases, conditions in these premises were in miserable conditions due to lack of natural or artificial lighting, lack of air because of humidity, lack of wall maintenance that were not painted or plastered, lack of windows, which placed individuals in almost the same conditions as in outside premises, lack of heating or cooling, etc.

There were also problems with the lack of special airing premises for persons who had been arrested in flagrante or detained. In most commissariats, persons were set free for some minutes to enable airing in the corridor between rooms, putting them out by turns in case of overcrowding.

2. RESPECT FOR THE RIGHTS AND PROCEDURAL GUARANTEES OF ACCOMPANIED, DETAINED AND PERSONS ARRESTED IN FLAGRANCE

2.1 The right to be informed about the cause of the accompaniment, detention and arrest

Every individual who is deprived of his/her liberty, for reasons envisaged in the law, has a right to be informed about the reasons for the accompaniment/detention/arrest from the very first moments of deprivation of liberty as prescribed in the law "On state police," article 109, item 3, and article 34/a, item a, of the Criminal Procedure Code.

In general, based on monitoring, it results that the right to be informed about the cause for the accompaniment, detention and arrest was respected. However, there were cases when state police did not respect this right, as was the case of the accompaniment and detention of some of the protesters at the nation's road. According to them, they were not told the reason for their accompaniment and detention from the very first moments of deprivation of liberty. *Based on correspondence with the General Directory of Police, it is claimed that local structures of the Kukës Local Directory of police fulfilled the right to notify individuals about the cause of their accompaniment after the event that took place at the Kalimash Tunnel, Kukës, during the protest held at the Nation's Road, because they were implementing detention orders issued by the prosecutor's office.*

2.2 The right to be informed about the rights that the person enjoys during accompaniment, detention and arrest

As envisaged in the law "On state police," article 109, item 3 and article 34/a of the Criminal Procedure Code, citizens have the right to be informed about the rights they enjoy. Detained/arrested persons should be given a copy of the detention/arrest process-verbal of personal control and a copy of the statement of his/her rights.

In some cases, AHC observers noticed that detained and arrested citizens were not communicated their rights at the first moment of deprivation of liberty. This was encountered in Police Commissariat no. 1, 3, 6 in Tirana, Korçë, Vorë, Kavajë and the Police Commissariat in Lezha. *Regarding this finding of AHC, correspondence with the General Directory of State Police claims that all persons who are detained and arrested, from the very first moments, are made aware and communicated their rights at this phase, and are given a copy of the declaration of their rights for them to sign and hold.*

2.3 Respect for the deadlines for accompaniment, detention and arrest in flagrance

In reference to law no. 108/2014 "On state police," namely article 109, it is said that the deadline for reasons envisaged in the law is no more than 10 hours. Based on verification of log books of accompanied and detained/arrested persons, it appears that these deadlines were respected, except for the police commissariats of Fushë Krujë, Krujë, Vlorë and Kavajë, where we found that there was a surpassing of these deadlines, and in some cases, individuals were kept from 12 to 15 hours in the police commissariat. Besides, in some cases, we found corrections in the hour logs, which may indicate corrections by personnel due to lack of respect for legal deadlines. Furthermore, verification on the protesters of the Nation's Road at the Tirana Police Directory and Commissariat no. 3 in Tirana, it appeared that citizens were kept for over 15 hours as a result of their transfer from Kukës to Tirana. *Regarding these findings, the General Directory of Police, through a communication that issues its opinions and comments on this draft report, states that necessary verifications would be conducted regarding the surpassing of deadlines for accompanied persons.*

With regard to respect for the deadline of detention and arrests, AHC found that in general, these deadlines were respected. However, we found that police forces do not have the right understanding of the situation of flagrance according to article 252 of the Criminal Procedure

Code. Thus, in commissariats such as no. 4 and no. 1 in Tirana, and in the commissariats of Dibra, Fushë Krujë, Krujë and Kavaja, arrest in flagrante was done after the citizen was accompanied to the police premises and not the location where the person was caught by police. Persons were dispatched to commissariats as accompanied persons and, afterwards, when interviewed by judicial police officers, after several hours had gone by since they were deprived of their liberty, they were arrested in flagrante. **Aside from affecting the prolongation of deadlines, this situation also does not match the procedural regulations of flagrante arrests and of the concept envisaged by the Criminal Procedure Code on ‘arrest in flagrante.’** *Based on correspondence with the General Directory of Police, it is claimed that the calculated time of detention and arrest also includes the time at which the person is accompanied and remains accompanied in police premises, with the detention or flagrante arrest process-verbal featuring the time of detention/arrest as the actual time when the person was deprived of his/her liberty, which is the time when the person was caught on the street, at home or accompanied.*

2.4 Equipment of persons with the detention/arrest process-verbal

Articles 34/b. item 2 and 251 of the CPC envisages that the detainee/arrestee should be given and should hold with him/her a copy of the detention/arrest process-verbal.

In the majority of monitored commissariats, it resulted that for persons accompanied by the police officer, a sample process-verbal called “Accompaniment or detention/arrest report form” was filled out. However, we found deficiencies and material errors in the reflection and correction of data in this form, namely in commissariat no. 2 and no. 5 in Tirana and in the commissariats of Kruja and Lezha.

2.5 The right to notify family members

The right to notify family members of individuals who are detained and arrested in flagrante is envisaged in article 34/b item 1/c of the Criminal PC. During the monitoring, we found that the notification of family members generally took place in the first moments of the detention/arrest by police officers (usually by the information officer); especially when the detained/accompanied individual is a minor, notification is compulsory.

AHC found with concern, and reacted publicly about the failure to notify family members of detained citizen, the late Enea Ftoi, who lost his life while he was in the Korça Commissariat. **The observation of the logbook showed that the family members had not been notified about the event and they were faced with the shocking fact at the judicial hearing where the detention would be assessed and a security measure on him had been requested.**

2.6 Respect for the right to communicate immediately with the lawyer and to defense during questioning procedures

The Criminal Procedure Code, in articles 34/a, letter “c” and 34/b letter “a,” as well as the law on state police, in item 3 of article 109, envisage that every citizen has a right to communicate immediately with the defense lawyer. During verifications in logbooks for “Meetings with lawyer” as well as based on meetings with detained and arrested persons, AHC observers found that this

right was respected. These persons generally had immediate access to legal aid offered by a lawyer, after they requested a lawyer.

It is worth mentioning that not all police commissariats and stations were equipped with lawyer lists from the Chamber of Advocates in the districts, to assist persons who could not afford to pay a private lawyer. Police officers in the police commissariats of Erseka, Korça and Pogradec were not aware that a lawyer could be provided by authorities for citizens who lacked the financial means to hire a private lawyer.

2.7 Right to airing

The Convention for the Prohibition of Torture, Inhuman and Degrading Treatment of the CoE envisages that detained and arrested persons in police premises should be granted the right to airing. With regard to volumes and inappropriate airing (considered a form of torture), we clarify that not all commissariats have been restructured and, as a result, security premises that do not meet the conditions for full natural airing and lighting, it is necessary to create an opportunity for airing for no less than two hours per day.

It resulted from the monitoring missions that in many cases, police premises lack the appropriate infrastructure for enabling the exercise of this right, such as in commissariats no. 4 and 5 in Tirana, as well as in the Commissariats of Lezha, Elbasan and Shkodra. Airing in these commissariats took place in corridors. *Based on correspondence with the General Directory of Police, it is claimed that detained/arrested persons are kept in reconstructed premises that have been built according to parameters established in the Convention for the Prevention of Torture, Inhuman and Degrading Treatment.*

2.8 The right to food

Decision no. 189, dated 15.03.2017 “On the treatment with food of employees, students and interns in education institutions of state police, as well as of detained and arrested citizens until their situation is clarified,” envisages that 3 free meals per day should be provided to convicts and arrestees.

With regard to food supply, a good solution was the use of catering services, which was offered upon contracts with private companies three times a day. In all monitored commissariats, we found that this service was provided by catering, except for the Commissariats of Berat and Saranda, which, located near institutions for the execution of penal decisions, obtained meals from the kitchens of these institutions. Detained/arrested persons generally had positive comments about the quality of food.

2.9 Right to health services

The main rights of citizens sanctioned in the Constitution and in international conventions applicable in the Republic of Albania and in the law on State Police (article 89) includes the right to enjoy equally, the right to medical care and health insurance from the state.

In general, the monitoring found that police directories do have medical personnel (doctors and assistant doctors) who cover all subordinate police commissariats with medical services, based on cooperation agreements with civilian hospitals. However, AHC observers found that there was no doctor in the police commissariats no. 2 and no. 6 in Tirana, Fushë-Krujë, Krujë, Elbasan and Librazhd. Medical services for detainees/arrestees in the Elbasan Commissariats was provided by the Elbasan Local Police Directory while for detainees and arrestees in police commissariats no. 2 and no. 6 in Tirana, they were provided by the local police directory. *Regarding this finding by AHC, the General Directory of Police said that the facts are valid and noted that the doctor has been envisaged in the staffing pattern of local police directories and not of police commissariats. With regard to commissariats in Librazhd and Krujë and the police station in Fushë-Krujë, the GDP says these police stations do not hold detainees/arrestees; these persons are transferred immediately after a security measure has been issued to the Durrës police commissariat since the security rooms at the Fushë-Krujë police commissariat have been closed and are not used for that purpose. The GDP says that lack of medical personnel in the staffing patterns of local police directories have to do with the change of functions of medical personnel from mid-level (chief nurse) to specialty doctor and their replacement is yet to take place because the public administration is yet to conclude procedures for the appointment of these employees.*

Deficiencies in the staffing patterns or failure to fill vacancies deprives accompanied, detained and arrested individuals of immediate access to a doctor, which is in contravention of standards of the CPT (Committee for the Prevention of Torture); the CPT has drawn the attention of the Albanian state on the issue. The CPT, in periodic reports on Albania, has recommended that the provision of medical assistance is immediate to identify potential instances of the use of violence.

In addition, because of the lack of a doctor in the commissariat-staffing pattern, we found that in most cases, medical examinations are not regularly highlighted in the medical visit logbook. AHC observers contacted detained and arrested persons who suffer from various diseases that require continued medical attention, such as blood pressure, heart, diabetes, etc. We found this situation in the police commissariats of Korçë, Vorë and Kavajë.

AHC observers, based on complaints by family members of the late Enea Ftoi, who lost his life during his stay in the Korça Police Commissariat on May 17, 2018, conducted on the same date a monitoring mission in the premises of this commissariat. Based on contact with the chief nurse of the commissariat, the late Ftoi received medication and the nurse himself checked up on him every day, while AHC observers found that relevant logbooks only indicated a medical examination on May 15, at 15:00, only. Medical examinations were not conducted by a doctor due to the lack of such a position in the staffing pattern. Also, AHC observers noticed that on the day the late person had passed away, there was a discrepancy in the service handover logbook and the letter to the Korça judicial district court. The service handover logbook, on May 17, from 6:00 until 7:45 am, it appears that at the time of the shift change, the situation of all detainees and arrestees appeared normal and without problems. Meanwhile, the letter to the Korça judicial district court from this commissariat noted that citizen Enea Ftoi passed away at 7:30 am on May 17, 2018. In addition, the contacted employees were not able to provide information on the conditions and circumstances in which the death of this citizen had taken place.

2.10 The right to submit requests and complaints

Article 115 of the law “On state police” envisages expressly the right to requests and complaints for persons deprived of their liberty in police premises, **“Every individual who is accompanied, detained or arrested in police premises, as any other citizen toward whom police officers carry out actions according to the provisions of this law or who are harmed during the carrying out of these acts, shall have the right to present a verbal or written request/complaint to senior police officials or other state institutions...”**

AHC observers found that the personnel of monitored institutions did not maintain or document regularly the documentation that specifies the nature of request-complaints by these persons. In addition, we found that for the most part of complaint-requests, the manner in which they were addressed and resolved was not noted down. Detained and arrested citizens were not aware adequately about this right and the majority of requests, according to personnel, needed to be presented verbally to personnel in the security rooms.

There was no request-complaint logbook in commissariat no. 6 and the Pogradec police commissariat. We found that the request-complaint logbooks in the police station in Përrenjas, police commissariat in Elbasan, police commissariat in Librazhd, police commissariat in Fushë-Krujë, Krujë, Dibër, Kukës and Sarandë, the request-complaint logbook did not contain any complaints, although the relevant sections therein existed, which brings into question the efficiency of this mechanism. In some cases, the request-complaint logbooks one could see with a plain eye the note *“there are no complaints”* in the same handwriting and not individualized for each person, which raises doubts about the register being filled out formally by police officers. We found that in the Ersekë police commissariat, the logbook for noting and addressing request-complaints for individuals deprived of their liberty, though protocolled since 2012, had never been filled out.

3. CASES OF THE USE OF VIOLENCE

At the time of the monitoring missions, AHC observers contacted a small number of accompanied, detained or arrested persons. This is the case because there are not always such individuals in police premises at the time of the monitoring. None of the persons contacted by AHC during the planned monitoring missions had any complaints with regard to violence or maltreatment by state police officers.

However, during the period January-July 2018, AHC received complaints by telephone, letters or other forms from persons deprived of their liberty in pre-trial detention institutions and prisons, who claim that at the time of their accompaniment and stay in police commissariats, violence was used on them. Because such complaints came after a relatively long period from the day of their transfer from the commissariat to the pre-trial detention facility or prison, it was not possible for AHC to verify them.

Some of the reasons that make it difficult to verify claims of violence toward these citizens are as follows:

- a) failure to conduct medical examination immediately after they are placed in police premises;
- b) failure to maintain regular medical documentation of examinations and visits on these persons during their stay in police custody; or
- c) failure to conduct immediate examination or problems with documentation of medical examination immediately after the transfer of individuals who are remanded to ‘arrest in prison’ in the prison system;
- d) lack of camera systems throughout the premises of commissariats and the relatively short period of time for which video footage from these cameras is preserved.

Also, one aspect that makes it difficult to verify such claims is the lack of the necessary infrastructure for audio-visual taping of their questioning or of the fact that in some cases, there are claims that violence was used during the transport of these citizens to police premises, as was the case of convict Luan Taipi who claims to have been violated by police forces in a van while being transferred from the arrest spot to the Durrës local police directory.

Based on data published in the media, AHC conducted special monitoring on the case of Egyptian citizen E.F. His family members claimed that physical violence had been used on him, leading to his death in the Korça commissariat facilities. It was not possible to verify the family members’ claims because AHC observers did not have access to the expertise documentation. AHC reacted through a public statement also in other cases, such as the claims of use of violence by police toward protesters in the Nation’s Road.

Every cases of claims of use of violence requires a full, fast and comprehensive investigation by the prosecution office. Based on correspondence that AHC has had with the internal control service and the prosecution office regarding complaints received from citizens regarding these cases, it appears that the prosecution office decided to drop the criminal cases. Also, we noticed that there is no approach to a full, objective and profound investigation. In fact, for some of the persons who claimed to have been violated, the prosecution office decided to start criminal proceedings against these very persons for “opposing the employee carrying out a state duty or public service.” Meanwhile, there was no case in which the internal affairs and complaints service admitted the use of violence. *Based on correspondence with the General Directory of Police, there were claims and requests to provide concrete examples of the use of violence by police personnel. The report does reflect concrete cases.*

4. CONDITIONS OF PREMISES IN WHICH ACCOMPANIED, DETAINED AND ARRESTED INDIVIDUALS ARE KEPT

Monitoring by AHC highlights that in most commissariats, infrastructure conditions do not meet the minimal requirements and standards for respect of the dignity of the accompanied, detained and arrested individuals. As mentioned further, in some of these commissariats the situation was very grave and placed individuals in the conditions of inhuman and degrading treatment.

In some of the commissariats that have been renovated recently, security rooms for one person in fact had more than one detained/arrested persons. We found this situation in commissariats no. 1, 2, 3 and 5 in Tirana. According to standards published by the Committee for the Prevention of

Torture, desirable parameters for premises per person in a security room for several hours should be 6 m², at a distance of 2 meters between walls or more, and 2.5 meters between the floor and the ceiling. In many cases, security and accompaniment rooms did not meet the legal standards of space per person. In some commissariats (no. 1, 3, 5, 6 in Tirana), there were rooms of up to 4m², where there were 2 mattresses on the floor that were used for detained or arrested persons, thus taking up the entire free space of the room. In the commissariats in Saranda, Fushë Krujë, Malësisë së Madhe, Librazhd, Elbasan, Pogradec, Erseka, commissariat no. 4 and no. 6 in Tirana, lacked special accompaniment rooms. In these commissariats, verification actions with accompanied persons were conducted in the administration offices or the corridor of the security rooms. *Regarding the above, the General Directory of State Police stated that as long as the stay of accompanied persons is up to 10 hours, it is not necessary to have beds for sleeping or resting in these premises.*

The majority of monitored commissariats did not have a special security room for minors, or a room for females as found in the commissariats no. 1 and no. 4 in Tirana, the police commissariat in Malësisë e Madhe, Ersekë, Librazhd, Kruja, Berat, Elbasan, Pogradec and Saranda. In some cases, there was only one room for both categories and in some cases there was no such room at all.

For the most part of monitored institutions, we found that living conditions in accompaniment rooms and security rooms were much worn out and in grave situation. One of the reasons has to do with the fact that the buildings in which commissariats are located are old and not renovated, such as commissariats no. 1, 2, 3, 5, in Tirana, the police commissariat in Ersekë, Shkodra, Malësi e Madhe, Elbasan, Kavajë, Berat, Krujë and Fushë Krujë. Some of the problems encountered regarding these conditions included marked humidity, no maintenance on walls, lack of natural lighting and poor artificial lighting (commissariats no. 3 and 5 in Tirana, Krujë, Lezhë, Sarandë, Dibër, Tepelenë, Gjirokastër, Ersekë, and Malësi e Madhe).

Accompaniment rooms were generally damaged; persons who could be under the influence of alcohol or narcotics were kept there and were placed in these premises due to the threat they posed to public safety and order. Conditions in these rooms left to be desired and the minimal conditions were lacking for staying or lying down for a few hours. Generally, there were metallic stools fixed on the floors.

Also, transportation vehicles of commissariats (Gjirokastër, Tepelenë, Lezhë, Malësi e Madhe, Dibër) are very old and worn-out, which violates the normal conduct of work, particularly in the Ersekë police commissariat where transportation is conducted with animals.

In some of the mentioned institutions, hygiene conditions left to be desired, due the lack of cleaning personnel, a position that was not planned in the staffing pattern. Due to this absence, sanitary services were realized by service officers. There was a lack of detergents, which police officers often bought themselves. Toilets and showers were in miserable conditions, both in terms of hygiene, lighting and worn-out hardware, namely in commissariats no. 1, 2, 4 and 5 in Tirana, Kruja, Tepelena, Dibra and Gjirokastra.

5. CRIMINALITY

The monitoring also focused on the situation of criminality and obtaining information from personnel as well as from individuals as to what category of criminal offenses they had been detained or arrested for by police. Based on information that we collected, the nature of criminal offenses varies from district to district. The most widespread criminal offenses in all districts were those against life and health, domestic violence, against wealth, and the cultivation and sale of narcotic substances.

However, there are also cases when individuals are accompanied, detained or arrested for criminal offenses that pose a low level of social threat, as was the case off some women of the Roma minority, accompanied in Commissariat no. 4 in Tirana. The women had been accompanied because it was suspected that they had illegal electricity connections to their homes. During the monitoring, AHC contacted the minor children of these two citizens who were unaccompanied by adults and had traveled alone from the remote location of their home to the police commissariat.

6. PERSONNEL IN POLICE DIRECTORIES/COMMISSARIATS

As mentioned earlier in this report, observers noticed deficiencies in medical staff, absences of a psychologist or lawyer, as well as deficiencies in sanitary personnel. *With regard to deficiencies in medical staff or the lack of a lawyer and psychologist, the General Directory of State Police says that by order no. 177, dated 13.03.2018. “On the approval of the structure and staffing pattern of the General Directory of State Police,” it has been established that the functions of psychologist, lawyer, medical specialist are separate from one another and shall be appointed depending on the relevant education and profile.*

With regard to the female – male ratio, AHC finds as positive the increase in the number of female officers in uniform in the personal of monitored institutions. The number of female employees in institutions varied from 2 to 30 female employees, depending also on the overall number of personnel or the size of the Police Commissariat/Directory. However, it remains disturbing that in some commissariats, the personnel of the institution does not include female employees (commissariats no. 5 in Tirana, Fushë-Krujë, Tepelenë and Gjirokastër). This situation is disturbing with regard to accompaniment, detention or arrest of female individuals, for their physical control and during the time, they are in police premises and their use of toilets. *In this regard, the General Directory of State Police claims that the personnel of these police commissariats and stations include female officers who serve in the general patrols, assistant-specialists for community policing and criminal police structures.*

7. RECOMMENDATIONS

A. AHC suggests the undertaking of measures to document the taking, address and resolution of all request-complaints by accompanied, detained and arrested persons. Furthermore, we recommend that every police station, commissariat or directory maintain and fill out regularly a request-complaint register.

B. AHC recommends the review of the staffing patterns of police commissariats in order to create the possibility for adding the positions of a doctor, psychologist and the inclusion of at least one female personnel in each commissariat.

C. AHC recommends that each detained and arrested individual is immediately subjected to medical examination and the results of such examination are documented in the individual's medical card. During the stay of these individuals in commissariats, they should be visited regularly and periodically by medical personnel and these visits should be documented in the medical cards.

D. We recommend to the prosecution office to carry out a full, objective and comprehensive investigation of any instance of claims about use of violence by police forces on accompanied, detained or arrested persons. We also suggest to the internal affairs and complaints service to conduct an objective and impartial investigation of these cases and strengthen sanctions for encountered violations.

E. We recommend to the General Directory of Police to enhance measures for the referral and highlighting of cases of violence on accompanied, detained and arrested persons, looking at the possibility of adding security cameras and their presence in the premises for questioning.

F. AHC suggests that aside from the increase of control and punishment of maltreatment cases continued training of State Police personnel in uniform continue and that training curricula is updated or enriched with cases from the Strasbourg Court jurisprudence.

G. AHC recommends to the General Directory of Prisons to highlight delays in the issuance of orders for the transfer of persons convicted in absentia who remain in police custody for 6-7 days after being caught. We also recommend to the General Directory of State Police better coordination to find an effective solution to address this problem.

H. Regarding the treatment of special groups, such as minors, women, mentally ill persons, those belonging to minorities, the LGBTI community or narcotics users, etc., AHC suggests the training and capacity building of state police personnel in order to sensitize them about the rights that citizens in conflict with the law enjoy, taking into consideration non-discrimination and human treatment in respect of national and international legislation in this area.

I. We suggest to all commissariats to avoid the practice of flagrant arrest of citizens in commissariat premises after they are caught and accompanied in premises outside commissariats, which leads to the prolongation of deadlines and disrespect for the situation of flagrance in accordance with the criminal procedure code.

J. AHC suggests the consideration of the possibility to use partitions for the toilets and showers in the commissariats of Gjirokastra, Lezha, in order to respect as much as possible the privacy of persons during their stay in toilets and so that it is not fully and easily accessible by personnel.

K. We recommend that commissariats that have poor infrastructure conditions be granted funds to enable the conduct of some essential refurbishment such as painting, repairs, maintenance, sufficient lighting, beds and mattresses, heating/cooling system, windows and fly nets, etc.

L. We recommend that new vehicles are made available to the commissariats in Gjirokastrë, Tepelenë, Lezhë, Malësi e Madhe, Dibër to guarantee the normal conduct of work, particularly the Ersekë Police Commissariat where transportation is carried out by animals.