

NEWSLETTER



ALBANIAN HELSINKI COMMITTEE

April 2004

Monthly Newsletter 1-4

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1. PROJECT ACTIVITIES (MONITORING MISSIONS)

1.1 Monitoring missions in the police stations of some districts of Albania

During the period of January – March 2004, AHC correspondents carried out numerous observations in the police stations of the districts where they operate.

In the course of these observations, they monitored different aspects of the conditions in the police stations of these 7 districts as well as held meetings with senior officials of the police, lawyers, prosecutors, convicts, as well as with relatives of the convicts in order to get acquainted with the concerns and problems that exist in practice.

The failure to transfer persons serving final decisions, the overcrowding of police station cells, the improper hygiene conditions in detention rooms, the lack of respect from police station staff for the rights of convicts as well as the inadequate knowledge of rights by the convicts themselves were some problems that were encountered.

The conclusions and recommendations have been summarized in a report which may be found in Albanian and in English on our website www.ahc.org.al

These monitoring missions were carried out in the framework of the project “Network of correspondents in 7 districts of Albania”, funded by SOROS.

1.2 Missions in support of the staff

During the period March-April 2004, several missions were undertaken in support of the correspondents in districts such as Vlora, Fier, Shkodra, and Elbasan.

The purpose of these missions was to strengthen relations between the AHC and local government bodies with a view to further and more fruitful cooperation as well as the evaluation of the work by correspondents at the local level.¹

1.3 Research study on respect for the rights to the free and the assigned legal counsel

During the period February – April 2004, a research study was undertaken on free legal counsel and the assigned one. The study will address theoretical and practical problems related to this service.

Besides the research study, several observations on practical problems and interviews with detainees, convicts, lawyers, prosecutors, and judges were conducted during April.

The findings of the law, the observations and the survey will be presented in a report. During May, a round table discussion will be held with experts of the field to discuss the pertinent conclusions and recommendations on free legal counsel.

This research study has been carried out in the framework of the project “Improvement of human rights by way of monitoring, researches, and lobbying for better respect for Constitutional principles”, funded by the Swedish Helsinki Committee.

1.4 Observations on respect for the rights of convicts in prisons 325, 302 and the Vaqarr prison

During March – April 2004, the AHC visited several prison institutions such as 325, 302, the Vaqarr prison as well as the high security detention facility 313.

The purpose of the visit was to conduct a survey on the free legal counsel and the assigned one.

¹ *These observations were carried out in the framework of the project “Network of correspondents in 7 districts of Albania”, funded by SOROS.*

AHC representatives met with the directors of these prisons, lawyers, educators and other prison administration employees. Meetings and interviews were also conducted with about 350 convicts. The visiting group received numerous complaints on different problems, mainly in the judicial system as well as in the free and the assigned legal counsel.

The observations were carried out by lawyers who are staff members of the AHC and a special methodology was employed.

The problems noticed with regard to the free and the assigned legal counsel were varied.² Problems were also noticed in the infrastructure of these institutions. One of them was the overcrowding, with the majority of these institutions hosting numbers of convicts that were way beyond the permitted capacities. The number of convicts in each room sometimes reached up to 14 persons, unlike the norm that goes up to 8 persons (larger rooms). The physical conditions of these institutions had problems, but there were also sections like that for women in prison 325, in which conditions were good and infrastructure offered more rehabilitation than conviction.

There were also problems with regard to hygienic conditions, food, and meetings with family members, but these varied and were not the same in the observed institutions.

2. AWARENESS AND EDUCATION ACTIVITIES

2.1 Programs on local radio stations

In the course of the supportive AHC missions in the districts of Fier, Elbasan, and Shkodra, several programs were organized in local television and radio stations.

The goal of these programs was to sensitize and familiarize the public with the mission, strategy and activity of the AHC, its activity in the districts. The programs also addressed the status of detention facilities in these institutions and the conclusions drawn from the monitoring missions conducted in the police stations of these districts.

3. NEW PROJECTS

3.1 Project “Reform in prisons, civil society in Albania”

In March 2004, the AHC initiated the implementation of the one-year project, “Reform in prisons and the civil society in Albania”. The purpose of this project is to contribute to improving the situation of human rights in detention facilities and prisons, as well as to support the prison administration in its efforts to manage penitentiary institutions well. The project as a whole seeks to enhance the respect for the rights of detainees and convicts. Observation missions have been planned for prisons and detention facilities so as to take a close look at the measures and their impact as well as to observe how the rights of convicts are respected. The project includes also assistance for two pilot prisons and the organization of a round table discussion that will serve as a forum for ideas in the framework of intensifying reforms in the penitentiary system.

This project has been funded by the Swedish Helsinki Committee.

3.2 Project “Role of the civil society in protecting and sensitizing the public on the rights of national minorities.

² More details may be found in the report on the free and the assigned legal counsel, which the AHC will publish in the future.

In January 2004, the Albanian Helsinki Committee began the implementation of the one-year project, “The role of the civil society in the protection and sensitization of the public about the rights of national minorities”. By means of this project, the AHC aims at better informing the public in general about minorities and in particular about the Framework-Convention for the protection of national minorities; the encouragement of the Albanian government to fulfill the obligations deriving from the Framework-Convention for the protection of national minorities; the encouragement of local government authorities (in areas where these minorities are concentrated) to increase the access of the minority populations to these authorities; the improvement of the existing legislation as well as its more rigorous enforcement, the encouragement of the Albanian government and other actors for the successful implementation of the strategy for the improvement of the Roma minority.

This project has been made possible through the financial support of the “SOROS” foundation and is being implemented in partnership with it.

4. AHC PUBLICATIONS DURING APRIL 2004

4.1 Execution of penal decisions (problems of theory and practice)

In recognition of the importance of the execution of penal decisions as well as of the concerns of citizens for justice, the Albanian Helsinki Committee carried out a research study on the legislation and practice of the execution of penal decisions³. The publication addresses the study of legislation on and the practice of the execution of penal decisions. The purpose of this study is the improvement and practice of the execution of penal decisions, thus creating all the necessary legal spaces for the respect for the rights of arrested and convicted individuals as well as the minimization of cases of abuse and corruption. The analysis of legislation, the identification of legal deficiencies and misinterpreted parts of the law, and recommendations for their improvement, take up an important place in this publication. They have been submitted to lawmaking institutions.

5. ROUND TABLE DISCUSSIONS AND CONFERENCES

5.1 Round table discussion on “Study of the legislation on and practice of the execution of penal decisions”

On **19 February 2004**, the Albanian Helsinki Committee organized a round table discussion addressing the conclusions and recommendations emerging from the study of the legislation and practice of the execution of penal decisions. Present at the round table discussion were experts, representatives of the Assembly of the Republic of Albania, senior representatives of the court of the Judicial District of Tirana, of the bailiff’s offices of the judicial districts of Tirana and Durrës, the People’s Advocate, the General Directory of Prisons, the Correction Institution 313, the Ministry of Public Order, the civil society, etc. The round table discussion was of particular interest for those institutions that are involved in the chain of the execution of penal decisions.

5.2 Round table discussion “Electoral Code – What can we improve?”

³ This publication is made in frame of the ACAC Albanian coalition against corruption, MSI–USAID.

On **29 April 2004**, the Albanian Human Rights Center, the Albanian Helsinki Committee and the Center of Constitutionalists organized a conference on **“The Electoral Code – What can we improve?”**. The main target of this conference was the discussion of such important issues as:

1. The voters’ lists – an important factor in exercising the right of citizens to vote;
2. An independent or a politically-balanced CEC;
3. The independence and unbiased ness of the lower commissions, ZEC, LGEC and VCC;

Participating in this conference were experts of the field such as CEC members, senior leaders of government bodies, the Ministry of Local Government and Decentralization, specialists of the field as well as representatives of the civil society.

One thing that all participants highlighted was that in spite of the good will to guarantee an electoral process in keeping with international standards, our electoral legislation and practice present numerous serious problems whose resolution calls for political will.

Participants made very valuable suggestions.

6. VARIUS LEGAL PROBLEMS

6.1 AHC request to the Constitutional Court

On 21 April 2004, the AHC addressed the Constitutional Court with a request for the annulment of article 34, law No. 8049, dated 10.04.2003 “On the disclosure and control of assets, financial obligations of elected officials and public servants”, as incompatible with the Constitution.

The case is yet to be taken up for review.

6.2 Articles, critiques on various juridical problems

The legal advisor of the Albanian Helsinki Committee, Mr. Niazi Jaho, has written and published a total of **21 articles**, in which he addressed various problems of the Electoral Code, including those related to the CEC, the lower level election commissions, the electoral college, the role of election monitors, the voters’ lists, etc. It is worth mentioning that some articles of these recent months refer to both the OSCE/ODIHR report on the elections of 12 October 2003, and the recommendations of the Venice Commission of 23 April 2004. Special attention is devoted in all the articles to the respect for constitutional provisions and the problem regarding improvements in the electoral code.

7. PUBLIC REACTIONS OF THE AHC TOWARD VIOLATIONS OF HUMAN RIGHTS

Brief summary of statements issued during the period of January – March 2004

- | | |
|---|------------------|
| 1. Severe violation of the freedom of expression and of peaceful assembly | 5 January 2004 |
| 2. A tragedy with very grave consequences | 11 January 2004 |
| 3. Controls and sequestration – only based on the law | 20 January 2004 |
| 4. On the improvement of health care for pregnant mothers and children
(AHC& WAC) | 28 January 2004 |
| 5. News release on the meeting of the AHC with the Minister of Health | 29 January 2004 |
| 6. A crime presenting a marked social danger
(AHC, Independent Women’s Forum, WAC, Women’s Center & Albanian Human Rights
Center) | 5 February 2004 |
| 7. Rallies are legal, but free of violence | 9 February 2004 |
| 8. More care, humanism and professional treatment of HIV/AIDS patients | 11 February 2004 |

Open Letter regarding the incorrect language of MPs (in conjunction with several organizations)	13 February 2004
10. No collective energy outages	16 February 2004
11. Respect competencies, do not infringe upon the principle of the presumption of innocence	17 February 2004
12. Selenica - a warning for more effective preventive measures	25 February 2004
13. News release on changes to the electoral code	26 February 2004
14. The health and life of people may be endangered	10 March 2004
15. Violent rallies or revolts are anti-constitutional	29 March 2004

Complete statements of April 2004

During the month of April 2004, the AHC reacted publicly 3 times with regard to different areas of human rights.

Below you will find the complete statements.

8. CITIZENS TURN TO THE AHC

During the period of January-April 2004, the Albanian Helsinki Committee received **83 letters and complaints**.

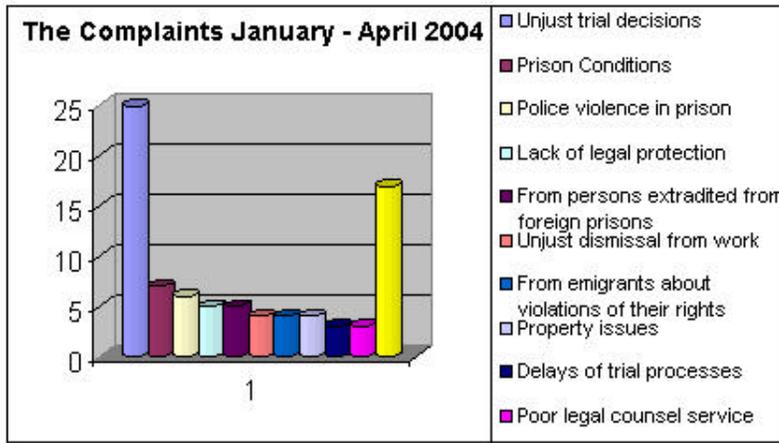
The majority of these came from convicted persons serving their sentences in Albania's prisons. Following are the complaints according to their topic:

➤ Complaints about unjust trial decisions	25	complaints
➤ Complaints about prison conditions	7	complaints
➤ Complaints about police violence in prisons	6	complaints
➤ Complaints about the lack of legal protection	5	complaints
➤ Complaints from persons extradited from foreign prisons	5	complaints
➤ Complaints about unjust dismissal from work	4	complaints
➤ Complaints from emigrants about violations of their rights	4	complaints
➤ Complaints about property issues	4	complaints
➤ Complaints about delays of trial processes	3	complaints
➤ Complaints about poor legal counsel service	3	complaints
➤ Complaints about different problems	17	complaints

The greatest number of complaints includes those about the judiciary, mainly targeting unjust trial decisions, irregular processes as well as corruption in the judiciary.

A considerable number of complaints arrived from persons extradited from foreign prisons as well as by Albanian emigrants. There were also complaints about civil and administrative issues, property-related, unjust dismissals from work, etc.

The Albanian Helsinki Committee addressed the responsible state institutions according to the complaints. The Committee had fruitful collaboration with the General Directory of Prisons, the Ministry of Justice, the Ministry of Public Order as well as with the directories of prisons, the National Chamber of Lawyers, etc.



9. AHC AND THE MEDIA

During the period of January-April 2004, all activities of the AHC received coverage in the print and broadcast media outlets.

AHC statements appeared about **38 times in different outlets** of sizeable readership/viewership, which are among the print and broadcast media outlets that the AHC has monitored.

This period saw the **realization of 10 programs and interviews whereby** senior AHC officials were present or gave their views on a variety of issues.

Conferences organized by the AHC received coverage in the electronic media.

10. TRAINING AND EDUCATING SEMINARS (A BRIEF SUMMARY)

10.1 Training course “Project cycle from idea to implementation”

In the framework of the 3-year strategy for building the capacities of the AHC staff, some members of this staff, Edlira Papavangjeli, Program Coordinator, Klesta Alikaj, Administrative Assistant, and Etilda Saliu, Project Assistant/lawyer, participated in the training course “Project cycle from idea to implementation” during 28 – 30 April 2004. The training program was organized by the Women’s Center with trainers from “Team 2000”.

The purpose of this training program was to become familiar with the way of drafting and writing project proposals according to the standards of the European Union and other donors.

The training course relied on the methods and criteria that NPO-s must fulfill in keeping with the requirements of donors.

The program also provided the path to be followed, beginning from the idea of the project, the drafting and its implementation.

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