

# NEWSLETTER



## ALBANIAN HELSINKI COMMITTEE

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## **1. MONITORING**

### **1.1 Respect for emigrants' rights<sup>1</sup>**

Due to the easter holidays, the border crossings with Greece experienced a flood of Albanian emigrants. During May 2005, the AHC correspondents in Korçë and Gjirokastrë conducted monitoring missions in the border crossing points of Kakavijë and Kapshticë. They contacted the commander of the border crossing post and conducted interviews mainly with Albanian emigrants being sent back by Greek police on the grounds of irregularities in documents, or of illegal border crossing.

### **1.2 Election campaign and respect for citizens' political rights<sup>2</sup>**

During April 2005, the AHC undertook a round of observations regarding the posting of preliminary voters' lists; during June 2005, it engaged in monitoring the electoral campaign in several districts (Tiranë, Durrës, Pogradec, Kukës, Korçë, Fier, Gjirokastrë, Elbasan, Shkodër and Vlorë). The monitors observed: the setup of ZECs, training of their members, the posting of the final voters' lists, the setup of polling stations and of polling station commissions and their training, the setup of the vote counting groups, their training, etc.

## **3 TRAINING ACTIVITIES AND PROVISION OF EXPERTISE**

### **2.1 Training activities**

#### **2.1.1 Training of AHC monitors to observe the parliamentary elections of July 3, 2005**

In order to provide for professional, objective, and independent monitoring of the July 3 elections, the AHC trained 116 longterm observers (14 June 2005). The training, besides issues related to better acquaintance with the Electoral Code, particular attention was devoted to issues such as: monitoring methodology, duties and rights of observers, their attitudes and conduct, as well as the methodology to submit reservations to commissions in the centers where they would observe. The observers received training on monitoring the voting process and the vote counting process.

The activity drew great interest from the print and broadcast media, which provided extensive coverage.

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<sup>1</sup> Enabled by the Norwegian Helsinki Committee, project "Monitoring respect for the rights of Albanian emigrants by Greek border police"

<sup>2</sup> Enabled by the project "Together for a democratic society where human rights are respected," financially supported by the Soros Foundation, and the project "Prison reform and the role of the civil society in Albania," financially supported by the Swedish Helsinki Committee

## **2.2 Provision of expertise**

### **2.2.1 Counseling sessions offered to the General Directory of Prisons regarding reform in prisons, as seen from a human rights standpoint<sup>3</sup>**

During April and June 2005, the Dutch expert Mr. Jan van den Brand, engaged with the AHC, equipped with extensive experience in running penitentiary institutions, and very familiar with the Albanian penitentiary system, conducted two counseling sessions with senior officials of the General Directory of Prisons. Andi Muratej, specialist at the Ministry of Justice, participated in one of the sessions.

Some of the issues addressed in these counseling sessions were: organization of employment for convicts, inspection procedures and main instruments, procedures and instruments for setting up the complaint-demand mechanism for convicts and supervisory boards/committees at the central level and the individual prison level, the organization and provision of the opportunity to vote for convicts, the issue of meetings of candidates for MPs with convicts in rehabilitation institutions. The program “Training of trainers” was also addressed.

These counseling sessions have been considered indispensable for the GDP and very effective by senior officials of this institution.

### **2.2.2 Building capacities of prison administration<sup>4</sup>**

In the framework of building capacities for prison administration, the AHC conducted during April and June 2005 two training sessions (respectively sessions 5 and 6 realized in the context of this project).

During the fifth session of work, senior prison officials and foreign experts worked on drafting a National Code of Conduct for prison administration personnel and discussed about the possibilities for its implementation in every institution. Participants emphasized the need to draft the Code of Conduct, which regulates relations between convicts and the prison administration staff, as well as the relations among the latter.

Senior officials and specialists of the General Directory of Prisons, senior officials of Detention Institution 313 and prison 325 in Tirana participated and helped with their attendance.

Mr. Jan van den Brand, Director and Coordinator of Foreign Relations at the National Dutch Agency of Rehabilitation Institutions and an expert of the Council of Europe on Central and Eastern Europe. The AHC was represented by Ms. Edlira Papavangjeli, program coordinator at the AHC.

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<sup>3</sup> The counseling sessions were offered in the framework of the project “Prison reform and the role of the civil society in Albania,” financially supported by the Swedish Helsinki Committee.

<sup>4</sup> 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.

On June 6-7, the AHC organized the sixth session of work with the administration of two pilot prisons: those of Rrogozhinë and Peqin. Participants and contributors in this activity were Mr. Engjëll Hysi, General Director of Prisons, senior representatives of the General Directory of Prisons, directors and senior staff of the two pilot prisons. Mr. Jan van den Brand, director and coordinator of foreign relations at the National Dutch Agency for Rehabilitation Institutions and Mr. Theo Westerout, regional director in the Netherlands, offered their expertise.

The main topic addressed in the session was employment for convicts, employment functions in their lives, as opportunities to ensure self-respect, in order to make them conscious and capable of boosting their social skills as well as for their reintegration into the society. Participants offered different experiences in encouraging employment for convicts. The privilege system may be employed, or the combination of the convicts' skills to carry out different work with the possibilities for their vocational training. Participants discussed about the possibilities for organizing employment for convicts and the kinds of its organization in the conditions of the Albanian prison system, the system for their reward, the ways for a legal regulation of the employment of convicts, as well as the responsible state structures to ensure the possibilities for employment.

### **2.3 Working meeting regarding the finalization of the first draft of the Code of Conduct for prison administration and other important issues<sup>5</sup>**

On May 3, 2005, the AHC organized a working meeting with Mr. Engjëll Hysi, General Director of Prisons and with representatives of the working group that compiled the first draft of the Code of Conduct. The draft law on internal service and control in the prison system was part of the discussions. By means of examples from countries in Western, Eastern, and Central Europe, Mr. Jan van den Brand presented the potential risk of such services and the best prevailing practices in the field, emphasizing that the best mechanism for preventing incidents and fighting corruption and incrimination of prison staff, as well as to guarantee human treatment of individuals deprived of their freedom, is the improvement of cooperation of all actors working in the justice system, as well as collaboration between the State Intelligence Service and the prison system.

The meeting addressed and agreed upon the priorities, needs, and contributions of the AHC for the coming year. The discussion about the National Code of Conduct for prison administrations took up a special place. The invited expert offered comments on the work done and presented to the Ministry of Justice his congratulations for good work on this document.

### **2.4 Working meeting with senior representatives of the General Directory of Prisons on employment policies of prison convicts**

On June 8, 2005, the AHC organized a one-day working session with directors of detention institutions and prisons in Tirana as well as with senior representatives of the

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<sup>5</sup> This activity was conducted in the framework of the project "Prison reform and the role of the civil society in Albania," financially supported by the Swedish Helsinki Committee

department of education, logistics, and treatment at the General Directory of prisons. Their goal was to discuss policies of employment for convicts and their treatment. The staffs of pilot prisons (Rrogozhinë and Peqin) submitted their comments, conclusions, and suggestions.

Prison representatives and the foreign experts participating in this working session shared the view that the drafting of employment policies by the central prison administration itself in close conjunction with each prison's personnel not only enhances respect for branch employees, but also facilitates the implementation of employment programs in practice.

### **3. SENSITIZING AND EDUCATIONAL ACTIVITIES**

#### **3.1 Meetings with representatives of state institutions, local and foreign NPOs, and international organizations**

##### **Meeting of Mr. Rupel with representatives of political parties and the civil society**

On May 11, 2005, Dr. Dimitrij Rupel, Chairman in office of the OSCE organized a meeting with representatives of political parties and the civil society. The AHC was invited to this meeting as well.

Discussions during the meeting focused on the 2005 parliamentary elections. Representatives of the CEC, the Ministry of Local Government and Decentralization presented a brief overview of measures taken in preparation for the electoral process, and of problems and difficulties encountered. Political party representatives, the government, the opposition, and the LSI raised different concerns regarding the electoral process.

##### **Hearing session of the Parliamentary Commission on National Security regarding respect for human rights in Albania, Tiranë, April 19, 2005**

The Parliamentary Commission on National Security, upon receipt of reports publicized by Amnesty International, the U.S. Department of State on human rights and on narcotics trafficking, organized a hearing session to address the criticism made toward Albanian institutions. The AHC was represented in this meeting by Ms. Vasilika Hysi. The AHC has been active in monitoring part of the areas covered by these reports.

The participating organizations (the Albanian Helsinki Committee, the AHRG, and the AHRC) asked for an increased monitoring role of the National Security Commission in respect for the rights of detained and convicted persons, in the improvement of laws and other sub-legal acts, as well as in better assessing conclusions and recommendations by local monitoring organizations.

##### **Participation in the Meeting of the working group of the International Consortium on legal, penal and judicial reform, subcommittee on juvenile justice**

UNICEF organized in its office the meeting of the International Consortium on Juvenile Justice on April 20, 2005. The purpose of this meeting was to update information on legal reform in the area, trainings in the Magistrates' School for professionals dealing with Juvenile Justice, as well as the activities of the OSCE and UNICEF in this front.

Ms. Vasilika Hysi represented the AHC in this meeting. The AHC has been very active in providing legal critique on juvenile legislation and has been a co-organizer (AHC, Ministry of Justice, and UNICEF) of a round table discussion that addressed reform in this field.

Representatives of the Commission on legal reform informed participants that proposals have been prepared for the necessary changes in the Criminal Code. The proposals will soon be submitted to the Council of Ministers.

The AHC lauds the reform carried out by the Ministry of Justice and respect shown toward views provided by NPOs and the AHC, and hopes for the continuation of this process.

### **Meeting with a group of Austrians**

On June 4, 2005, AHC representatives received a group of human rights representatives from Austria. The goal of the visit was to familiarize themselves with the human rights situation in Albania. The most addressed issues focused on the division of powers in Albania, electoral legislation and process, respect for international standards, etc.

## **4. OTHER PROJECTS**

### **Project "Each citizen may contribute to his/her own future"**

During April-June 2005, the AHC, in collaboration with the (Soros) "Open Society for Albania" implemented the project "Each citizen may contribute to his/her own future." The goal of this project was to offer legal and professional expertise in the field of electoral processes with a view to sensitizing the public opinion regarding their constitutional rights in an electoral process. Activities carried out in the context of this project sought to sensitize the public opinion, make it familiar with changes in the Electoral Code, provide information on legal obligations deriving from provisions in the Electoral Code, and all responsible institutions, starting from election commission members, to local government bodies, to university rectors, faculty deans, and the ordinary voters.

## **5. AHC PUBLICATIONS DURING APRIL – JUNE 2005**

### **5.1 Informative bulletin "Return to society"**

Starting from April 2005, the AHC, in collaboration with the General Directory of Prisons, initiated the publication of a monthly informative newsletter called "Return to society." It targets all convicts serving their prison sentences in Albanian prisons and the administrations of these institutions and the public opinion. The purpose of the

publication of this newsletter is to make convicts aware of their rights, especially on some legal issues of interest to them. The newsletter contains information about reforms under way in the prison system in Albania, and introduces penitentiary institutions to the Albanian public opinion.

The informative newsletter “Return to society” will be published in the coming months and is financially supported by the Swedish Helsinki Committee.

## **5.2 Promotion of the guide book for prison administrations “Managing prisons from a human rights standpoint”<sup>6</sup>**

The AHC translated into Albanian the book “Managing prisons from a human rights standpoint.” For its presentation to the public, the AHC organized a promotion ceremony on May 3, 2005. The book has previously been translated into 12 other languages. The book is of service to the prison administration. It is also of interest to a broader group such as policy-making and decision making institutions, legislative and executive structures that work on prisons, NPOs, researchers, and students interested in the field. The book will contribute to building capacities of prison administrations in terms of managing prisons from a standpoint of human rights standards.

Participating in this activity were representatives of the Ministry of Justice, the Supervisory Commission of the Execution of Penal Decisions in the Ministry of Justice, the General Directory of Prisons, Directors of rehabilitation institutions, the People’s Advocate, the Magistrates’ School, NPOs working in the area of prison systems, international organizations such as the OSCE office in Tirana, etc., as well as members and observers of the AHC.

Mr. Anastas Duro, Deputy Minister of Justice, and Mr. Engjëll Hysi, General Director of Prisons, praised the initiative undertaken by the AHC and especially thanked the financial support of the Swedish Helsinki Committee for making it possible to have this book in Albanian. Afterwards, the book author Mr. Andrew Coyle, introduced the guide book and ways to use it to the prison administration.

## **5.3 Guidebook “Voters in the electoral process”**

In the framework of AHC’s collaboration with the Open Society for Albania Foundation (Soros), the AHC prepared a **guidebook “Voters in the electoral process”** in order to sensitize the public. The book was compiled in the form of questions and answers, in a simple language easy for anyone to comprehend (in Albanian, Greek, and Macedonian). The publication sought to be useful to national minorities that live in Albanian in order to explain in their language particular aspects of the electoral process. The guidebook was printed in 6,000 copies and has been distributed to all districts of Albania, in universities, and in regions where the Greek and Macedonian minorities live. Distribution was done

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<sup>6</sup> This activity was realized in the framework of the project “Prison reform and the role of the civil society,” financially supported by the Swedish Helsinki Committee

through the daily newspaper Panorama, as well as through AHC's correspondents and activists.

## **6. ROUND TABLES AND CONFERENCES**

### **6.1 Press conference<sup>7</sup>**

On June 15, 2005, the AHC organized a press conference on the occasion of the publication of the third report on Albania, prepared by the European Commission against Racism and Intolerance (ECRI). The report presents an overview of the situation of respect for ECRI's recommendations until December 17, 2004, with regard to the rights of minorities and other groups, foreign emigrants and assylum-seekers, as well as some special problems that are related to the treatment of the Roma minority, the Egyptian community, and their participation in the public life, including the political and other sectors. Present in the press conference were a considerable number of the print and broadcast media, which demonstrated special interest in the report.

### **6.2 Introductory session on the book "Managing prisons from a human rights standpoint"<sup>8</sup>**

With a view to introducing the book and its use, on **May 4, 2005**, the AHC invited to a special working session the main group targeted by the book "Managing prisons from a human rights standpoint:" the directors and senior officials of rehabilitation institutions in the Republic of Albania, as well as the highest officials of the General Directory of Prisons.

Mr. Andrew Coyle, the author of the guide book, offered to participants an overview of future international developments in the area of prisons, in terms of the implementation of human rights standards. In his lecture,<sup>9</sup> he focused on two important issues: human rights and prison management, which was accompanied by a practical guide of how prison administrations may implement it in their daily work. The Swedish expert Mr. Per Colliander, focused his attention on disciplinary and punishment procedures, analyzed and illustrated the purpose of the practical use of this book. The activity received extensive interest and coverage by the print and broadcast media.

### **6.3 Round table discussion "Respect for the rights of detained persons – issues of the law and the practice"**

On April 14, 2005, the AHC organized in the Rogner Hotel in Tirana, a working round table discussion on "Respect for the rights of detained persons – issues of the law and the

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<sup>7</sup> This activity was realized with the support of CORDAID

<sup>8</sup> This activity was carried out in the framework of the project "Prison reform and the role of the civil society in Albania," financially supported by the Swedish Helsinki Committee

<sup>9</sup> The lecture of Mr. Andrew Coyle may be found in full on the website of the Albanian Helsinki Committee.



practice”<sup>10</sup>. The goal of this round table discussion was to address some of the problems arising from the implementation of Regulations No. 1075, dated 15.09.1999 of the Ministry of Public Order “On the security and treatment of detainees,” which is in contravention of Law No. 8328, dated 16.4.1998 “On the rights and treatment of persons sentenced to imprisonment,” problems which cause a violation of the rights of detained persons.

The AHC requested the invalidation of Regulations No. 1075, dated 15.9.1999 of the Ministry of Public Order, and the implementation instead of it of the Regulations of the Ministry of Justice. By means of this round table discussion, the AHC drew the attention of relevant state bodies that should undertake the necessary measures to ensure the respect of the rights of detained persons and their treatment in conformity with Law No. 8328, dated 16. 4. 1998 “On the rights and treatment of persons sentenced to imprisonment.”

Invited to the round table discussion were senior representatives of the Ministry of Public Order, the Ministry of Justice, the General Directory of Prisons, senior officials of detention institutions monitored by the AHC, as well as AHC observers.

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

During April-June 2005, the AHC reacted through 15 statements and declarations to the media, which addressed problems dealing with the electoral process and different aspects of it, such as: the posting of the voters’ lists, delays in the setup of ZECs, delays in setting up vote counting groups, the right of voters and electoral subjects to complain, etc. Furthermore, the AHC issued several press releases, such as that on the publication of the report of the European Commission Against Racism (ECRI), on different activities of its own, etc.

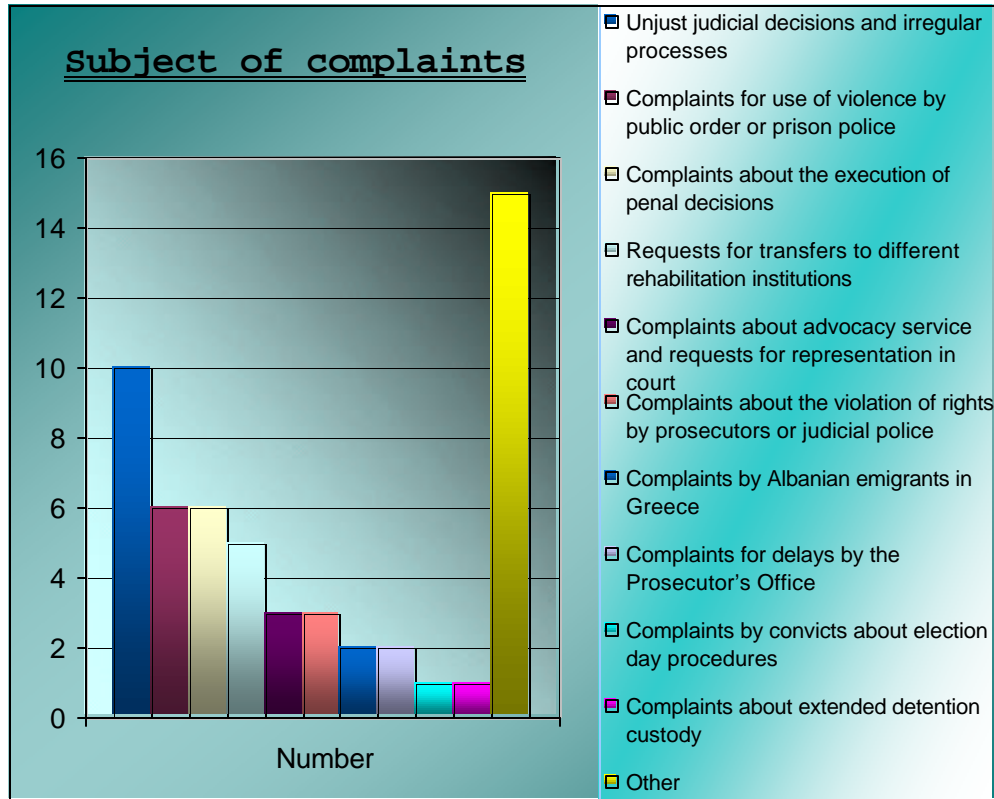
## **8. CITIZENS ADDRESS THE AHC**

### **Citizens’ complaints**

During April-June 2005, the AHC received 54 letters and complaints. The majority targeted irregular judicial decisions or processes, violence used by police, complaints for the violation of the rights of emigrants in Greece, etc. There were also complaints about transfers to different rehabilitation institutions. In the context of these complaints, the AHC collaborated with local NPOs such as Free Legal Advice Service (TLAS), the the Albanian Disability Rights Foundation, as well as state institutions such as the General Directory of Prisons, the General Prosecutor’s Office, the Ministry of Public Order, the Ministry of Justice, etc.

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<sup>10</sup> This round table took place in the framework of the project “Prison reform and the role of the civil society in Albania,” financially supported by the Swedish Helsinki Committee.



### Verified cases

- On **April 11, 2005**, the media made public claims by family members of the citizen Zef Prenga who was being kept in detention rooms of the Mirdita police station, although he had served the sentence rendered by the court. The AHC contacted the People's Advocate, as the family members had contacted that office.
- On **April 15, 2005**, the AHC correspondent in Korçë conducted an observation in detention rooms of the Korçë police station to monitor the respect of detained persons' rights.
- On **April 15, 2005**, the AHC, following a story in the media, conducted a verification mission in the Fier police station regarding conditions in its rooms as well as regarding the custody of 30 persons sentenced through final decisions in these premises. The AHC contacted the General Directory of Prisons to pursue this case.
- Based on some signals, AHC conducted verification missions on cases of maltreatment of Albanian emigrants by Greek police. The Vlorë correspondent contacted citizen C.A. who was maltreated by Greek police. Regarding this case, the Korçë correspondent contacted senior officials of the Bilisht police station, as well as senior officials of the Korçë Prosecutor's Office.
- During June, following the incident in Rehabilitation Institution 302, Tiranë, whereby some convicts got poisoned, the AHC sent an observer to the prison hospital. The AHC held meetings with convicts in the hospital as well as with other staff members of this institution. The AHC sent a letter to the prison authorities making the relevant recommendations.

## **9. COMMUNICATION WITH STATE AUTHORITIES AND ORGANIZATIONS**

During this quarter, the AHC communicated continuously with state institutions and with local and foreign organizations. There were 60 outgoing letters and 27 incoming letters. Correspondence occurred most frequently with the General Directory of Prisons, the Ministry of Justice, the Central Election Commission, etc. The majority of letters involved complaints received from different citizens regarding human rights violations, as well as different activities organized by the AHC.

In general, letters received from state institutions were responses to AHC letters. The correctness and commitment on the part of these institutions in verifying complaints conveyed by the AHC, and in responding to them. Incoming correspondence included invitations for participation in different activities organized by these institutions.

## **10. AHC & MEDIA**

### **10.1 Sensitization and legal education of the public through the media**

The AHC prepared four supplements published in daily *Korrieri*, in conjunction with the Open Society Foundation for Albania (Soros), in the framework of the project “Every citizen may contribute to his/her own future.”

The **first supplement** focused on guaranteeing the constitutional right of voters, the right to vote, and on the responsibility of persons charged with the administration of elections according to the Penal Code. This supplement also included two interviews with leading officials of responsible state bodies regarding the drafting of the preliminary voters’ lists, debates and difficulties in drafting them, as well as with regard to violations of legal deadlines by political parties in setting up election commissions. The **second supplement** was devoted to the right of students to vote in their places of residence and measures undertaken by university rectors and faculty deans to guarantee this right. Numerous interviews with students and university rectors were conducted in different districts of the country for this purpose. The **third supplement** focuses on factors impeding the setup of election commission within the deadlines required by law, the harmful consequences that these delays may cause in realizing free, fair, and transparent elections. Furthermore, this supplement also addresses the issue of the setup of vote counting groups, their duties, as well as the legal deadlines within which proposals of political parties for members of the vote counting groups should be submitted. The **fourth supplement** addresses the start of the electoral campaign, its transparent funding, complaints through administrative and judicial routes. A special material also emphasizes the role of observers in ensuring transparent and objective monitoring of the electoral process, their duties and rights. To this end, the AHC publicized a statement regarding the limitation of the right of domestic observers to monitor in keeping with changes made to the Electoral Code.

### **10.2 Increase of media coverage of AHC activities**

During this period, AHC received support and full coverage in the print and broadcast media. As was noted above, the AHC prepared four supplements focusing on the electoral process, which were published in the daily newspaper “Korrieri.” There were also numerous articles, interviews, and opinions. The electoral process was the main focus of all these.

### **10.3 TV programs**

#### **10.3.1 Participation in the “Good Morning” program of Albanian Radio and Television, Tiranë, April 16, 2005**

Ms. Vasilika Hysi was the guest of RTSH’s daily morning program. The program helped provide an introduction on the Albanian Helsinki Committee, its mission, and role in the Albanian society. Aside from the overview of AHC activities, the public also received information about the most frequent violations of their rights and the way to address complaints to this Committee. The 2005 parliamentary elections and the sensitization of voters to check their names in the voters lists and participate in the elections were part of the discussion.

#### **10.3.2 Participation in the program of Radio Tirana, Channels 1 and 2, on satellite, for Albanians abroad, Radio Tirana, Tiranë, April 17, 2005**

In the context of sensitizing citizens about their role in the 2005 parliamentary elections, Radio Tirana organized a public awareness program. Representatives of different domestic monitoring organizations were invited to the program, and Ms. Vasilika Hysi and Mr. Niazi Jaho represented the Albanian Helsinki Committee.

AHC representatives discussed about the role of the AHC in this process, AHC’s contribution in previous elections, as well as AHC’s activities in the framework of the parliamentary elections.

## **11. CAPACITY BUILDING FOR THE ORGANIZATION**

### **11.1 Study visits in Croatia**

In the context of building professional capacities of the prison administration, AHC organized a study visit to Croatia<sup>11</sup> during May 24-29, 2005. Participating in this study visit were representatives of the General Directory of Prisons, as well as senior officials of security and rehabilitation sectors of some of Albania’s prisons. The leading objective of the visit to Croatia was to get a close look at how prisons were run there<sup>12</sup>, and to look at the organization of special aspects dealing with psycho-social treatment in the context

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<sup>11</sup> This study visit was realized in the framework of the project “Prison reform and the role of the civil society in Albania,” financially supported by the Swedish Helsinki Committee

<sup>12</sup> Note that Croatia has a similar history with Albania in the development of state organization

of rehabilitation and reintegration of convicts such as employment and general and vocational education programs.

The group visited two high security rehabilitation institutions, one half-open institution, and a rehabilitation institution for juveniles. All visits to different prisons helped highlight the fact that a great deal of importance was devoted to the rehabilitation and reintegration of convicts. There was an emphasis on respect for the personality and dignity of convicts as human beings, as well as on an individual treatment program for each convict.

The study visit achieved its goal making it possible for the GDP staff to gain a very good experience in treating convicts in their daily work.

## **11.2 “Project management” training**

During June 1-3, two staff members of the AHC participated in the training organized by NET (Network for Exchange and Training) on “Project Management.” The course addressed important topics that include the project cycle from the planning to the evaluation phase. The course took place in the context of building the capacities of the AHC staff. Ms. Klesta Alikaj, lawyer/administrative asst., and Ms. Etilda Saliu, lawyer/project asst. attended the training.

## **11.3 “Public Relations” training**

During May-June 2005, Klesta Alikaj, lawyer/administrative asst. of the AHC, attended a three-week training offered by the Albanian Media Institute on public relations. The goal of the training program was to provide theoretical and practical instructions on how to enhance public relations at an organization or institution.

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## 12. ANNEX NO.1 - STATEMENTS

### THE LEGAL DEADLINE FOR THE ANNOUNCEMENT OF VOTERS' LISTS WAS NOT RESPECTED

**Tirana, April 5, 2005**

The Albanian Helsinki Committee (AHC) has considered the issue of the announcement of the preliminary voters lists and their amendment one of the most important aspects of the electoral process. In the context of its mission, AHC undertook a partial monitoring regarding the announcement of the voters' lists. Based on the monitoring carried out in **Tiranë, Korçë, Elbasan, Vlorë, Shkodër, Kukë, and Fier, it resulted that:**

- 1 **Until April 4, 2005, with the exception of the district of Fier, and partially Tirana, the preliminary voters' lists result to not have been announced.**
- 2 The voters lists have been announced in some polling stations, but they **have not been posted in visible places possible** to be freely and at any time by voters.

Based on the above, **the AHC finds that** in this concrete case, **item 2 of article 64/2 of the Electoral Code has been violated.** It says that "The process of the voters' lists for the elections for the Assembly of Albania in 2005 shall begin no later than March 15, 2005..." whereas the "preliminary lists shall be announced no later than March 31, 2005."

The Albanian Helsinki Committee is of the opinion that the above delay and any other delay related to this issue may be accompanied with harmful consequences for these reasons:

- 1 **First**, the delayed announcement of the preliminary voters lists shortens the time for voters to get acquainted with the lists.
- 2 **Second**, besides, the time defined in item 1 of article 56 of the Electoral Code is shortened, "Within 30 day sfrom the announcement of the preliminary voters' lists, the chairman of the local government unit shall issue a notification in writing for each voter..." This means htat the chairmen of the local government units cannot begin the notification of voters in writing, as requested by the above provision, unless the preliminary voters' lists have been announced.

In such conditions, **the Albanian Helsinki Committee deems it necessary to call upon all the chairmen of the local government units to undertake immediate measures for the announcement of the preliminary voters' lists, and suggests to the Ministry of Local Government and Decentralization to exercise control in order to deter delays in this process.**

### PUT AN END TO KEEPING IN DETENTION INDIVIDUALS SENTENCED BY FINAL COURT DECISIONS

**Tirana, April 13, 2005**

The correspondent of the Albanian Helsinki Committee notified us that two days ago, **a protest began in the premises of the Elbasan Commissariat by part of the individuals kept in the detention rooms of this police station. They are mainly individuals sentenced by final court decisions.**

According to our correspondent, they are demanding their transfer to institutions where they will serve their terms. According to on-site verifications and conversations with the Director of Regional Police, the custodian of detention facilities, it results that **although the capacity of the Elbasan Police Station is a total of 45 individuals, it is in fact hosting 80 individuals.** This aggravates the situation, especially considering the beginning of the hot season. During the monitoring, it resulted that among the 80 individuals, **16 of them have been sentenced by final court decisions.**

The Elbasan Regional Directory addressed the General Directory of Prisons twice, requesting the transfer of those persons sentenced by final court decisions.

**The Albanian Helsinki Committee, in many occasions, has raised the issue of the urgent need that all persons sentenced through final court decisions be transferred to the institutions where they are supposed to serve their prison terms.** However, as it appears, in spite of measures undertaken, the issue remains problematic. For this reason, the **AHC deems it necessary to address once again the Ministry of Justice and the General Directory of Prisons on this issue.** It is clear to anybody that **keeping those sentenced through final court decisions in detention facilities is a violation of the law that may be accompanied by harmful disturbances and consequences.**

The Albanian Helsinki Committee hereby suggests to the Ministry of Justice, for the sake of transparency, to consider the above case and establish relevant deadlines that would resolve the situation.

#### **PRESS RELEASE Tirana, 14.04.2005**

On April 14, 2005, the Albanian Helsinki Committee organized at the Rogner Hotel a working round table discussion on "Respect for the rights of detained persons – issues of the law and the practice." Invited to this discussion were senior representatives of the Ministry of Public Order, the General Directory of Prisons, senior officials of detention institutions monitored by the AHC, as well as AHC observers. The goal of this round table discussion was to address some of the problems arising from the implementation of Regulations No. 1075, dated 15.09.1999 of the Ministry of Public Order "On the safety and treatment of detained individuals." These problems have been noticed throughout the monitoring missions undertaken by the AHC.

By means of this round table discussion, the Albanian Helsinki Committee also drew attention to the fact that Regulations No. 1075, approved by the Ministry of Public Order, is in contravention of Law No. 8328, dated 16.4.1998 "On the rights and treatment of persons sentenced to imprisonment." From the time this regulation entered into force, the AHC officially presented its reservations with regard to this sub-legal act. Unfortunately, they were not taken into consideration by the relevant state authorities.

Speakers at the discussion focused on concrete issues that limit or deny legally guarantee rights of detained persons due to the enforcement of the Regulation. Some of these problems were:

1. Deterioration of sanitary conditions in detention rooms due to the limited time available to detainees to take care of their personal needs.
2. Lack of relevant provisions that would ensure legally established standards with regard to personal hygiene of detainees.
3. Lack of provisions in the Regulation regarding the guaranteeing of the quality of food and its control.
4. Lack of provisions that guarantee 24 hours of health service as provided for by Law No. 8328, dated 16.4.1998 "On the rights and treatment of persons sentenced to imprisonment."
5. Prohibition of any informative or religious literature in detention rooms. This is a flagrant violation of the legal provision in article 41, of Law No. 8328, dated 16.4.1988 "On the rights and treatment of persons sentenced to imprisonment."
6. Lack of sub-legal provisions regarding the facilitation of educational work in detention institutions.
7. Lack of sub-legal regulations to enable special treatment for juvenile and female detainees.

Furthermore, based on an analysis of these issues, AHC representatives emphasized that the enforcement of this Regulation is unacceptable, especially following the approval of Regulation No. 3750/2, dated 23.7.2003 of the Ministry of Justice "On the organization and functioning of the detention system." The AHC is of the opinion that, although most detention facilities are not under the responsibility of the Ministry of Justice, by law, they are in fact under its responsibility since 2001.

At the end of the round table discussion, the AHC presented the following recommendations:

- a) Law No. 8328, dated 16.4.1998 "On the rights and treatment of persons sentenced to imprisonment" and the Regulation of the Ministry of Justice should be enforced in all detention institutions.
- b) Regulation No. 1075, dated 15.9.1999, of the Ministry of Public Order should be invalidated.
- c) The Regulation of the Ministry of Justice should be sent to all police stations or all detention facilities
- d) Acquaintance of all employees working in detention facilities should be planned for the Regulation of the Ministry of Justice
- e) Detainees should become familiar (using the most appropriate forms) with the contents of the Regulation of the Ministry of Justice.

The AHC hopes that respective state bodies will undertake the appropriate measures to ensure respect for the rights of detainees and their treatment in conformity with Law No. 8328, dated 16. 4. 1998 "On the rights and treatment of persons sentenced to imprisonment."

This round table was organized in the framework of the project "Prison reform and the role of the civil society in Albania," financially supported by the Swedish Helsinki Committee.

## **PRESS STATEMENT**



## **RESPECT FREEDOM OF THE MEDIA**

**Tirana, May 11, 2005**

On May 8, 2005, the municipality police of the district of Korçë blocked the activity of a private bar in the city of Korçë. Two reporters and two cameramen of local Korça TV stations were filming the activity of the Municipal Police. Mr. Ardian Shehu, head of the Korçë municipal police did not allow the filming of municipal police activity. In fact, he even used violence toward Ms. Juliana Dhimitri who is also a correspondent for Top Channel television and also knocked one camera to the ground.

The Albanian Helsinki Committee, through its correspondent in this city, contacted the reporters against whom violence was used and tried several times to contact the head of municipal police Mr. Ardian Shehu without any success.

Considering that this is not the first case of the use of psychological or physical violence by state authority representatives toward reporters, the AHC condemns the violence used toward representatives of the print and broadcast media.

Prohibiting the print and broadcast media to obtain information and convey it to the general public, including different state, political, and social activities, is unacceptable in a democratic and pluralistic society. Such attitudes contain elements of censorship and discrimination. They represent flagrant violations of the right to inform and of the freedom of the media.

## **FREE AND FAIR ELECTIONS WHEN THERE IS POLITICAL WILL AND ENFORCEMENT OF LAWS**

**Tirana, May 18, 2005**

The Albanian Helsinki Committee (AHC) in more than one occasion has publicly expressed its concern for the failure to set up Zonal Election Commissions (ZECs) in a timely manner and for the consequences that might ensue such delays. **According to item 4 of article 34 of the Electoral Code**, ZECs should have been set up **no later than 6 months before the expiry of the mandate of the Assembly, i.e. no later than March 3, 2005.**

**According to CEC announcements**, although 75 days have passed from the above deadline, **they have been set up only partially.** In fact, their first meeting verified marked absences.

***The AHC is of the opinion that the political parties that have the right to propose members for the ZECs are responsible for these delays.***

**The AHC suggests to the CEC to not wait for proposals, but enforce item 6 of article 34 of the Electoral Code**, which notes: *“If political parties of the parliamentary majority and the parliamentary opposition that have the right to propose candidates for ZEC members fail to exercise this right by the deadline established in item 1 of this article, this right passes automatically to the next following parties with the largest number of seats in the Assembly, within the respective group. When this is not possible, proposals are made according to item 2 of this article.”*

**The AHC reiterates once again its concern that the activity of ZECs is of special significance.** Consequently, their delayed, formal and non-qualitative training may have a negative impact on the conduct of their duties established by law.

**The AHC expresses its conviction that the opportunity for free, fair, and uncontested elections exist, but political will and a rigorous enforcement of Electoral Code provisions is necessary for that. *The enforcement of the Electoral Code is obligatory for electoral subjects as well.***

#### **Disrespect for legal deadlines may harm election standards**

***Tirana, May 25, 2005***

The Albanian Helsinki Committee finds with regret and concern that **the setup of ZECs with delays and without justification**, as well as the fact that **18 ZECs have yet to be constituted**, place doubts on the normal continuation of later electoral processes.

There is only **one week left for candidates for members of parliament to** submit to the ZECs the relevant documentation for their registration.

The submission and review of this documentation **in the conditions of a lack of training or in the conditions of formal and non-qualitative training of ZECs, could delay and compromise this process as well.**

**The ZEC, by law, is obliged to verify the accuracy of every data** to be contained in this documentation and should return them for completion when shortcomings are found.

In this context, the AHC also takes into consideration article 80 of the Electoral Code, which notes: Political party candidates and independent candidates for members of parliament who do not possess mandates for the assembly, are obliged to add to the above documentation a list with signatures of 300 voters living in the area and registered in the preliminary voters' lists of that area.

**The AHC is of the opinion that the ZECs should verify the accuracy of this data** and not justify themselves with comments such as "time does not permit," "we are late," etc.

The same thing may be said about **non-parliamentary parties** registered as electoral subjects in the CEC and are, in this case, **obliged to submit a list of candidates for 40 seats in the Assembly.** The list should be supported by the signatures of 7,000 voters registered in the preliminary voters' lists.

With regard to this issue, the AHC considers it necessary to refer to that part of the Code of good conduct for the elections, approved by the Venice Commission, that notes: **"The procedure for the verification of signatures should be done on the basis of clear rules, particularly with regard to deadlines, and should be enforced on all signatures"** (see Albanian translation, page 17).

The AHC is convinced that the ZEC members can successfully fulfill their duties if they consider the law the highest authority, if they are trained through testing as the OSCE/ODIHR and the Venice Commission recommend, and if they are impartial and transparent in the fulfillment of their duties. That is why **the understanding of all electoral subjects** as well as **respect for deadlines and demands established in the Electoral Code** is being sought.

The AHC considers **the rigorous enforcement of the law an important element** that guarantees the fulfillment of standards in parliamentary or local elections.

The **election campaign starts officially on June 3, 2005**. There are still possibilities to repair some of the shortcomings noted. If the political will exists, further difficulties may be overcome and the July 3 elections can show that we know how to hold free, fair, and uncontested elections.

### **Once again on the vote counting groups**

**Tirana, June 6, 2005**

**The Albanian Helsinki Committee and some non-profit organizations**, immediately following the approval of amendments to the Electoral Code, **sent a letter to the Speaker of the Assembly of Albania**, Mr. Servet Pëllumbi. The letter, through arguments, **suggested the need to amend article 95/2, item 1, noting that the ZECs should create the vote counting groups no later than 2 hours before the close of the polls.**

The ZEC, by law, is allowed to create up to five vote counting groups. Consequently, a total of 500 groups, with 3,500 members and 500 secretaries may be set up for the 100 zones. Considering this approximate number and the important task placed upon the vote counting groups by law, **the AHC expresses its view that the setup of the vote counting groups 2 hours before the close of polls would lead to numerous irregularities.**

The Assembly of Albania, in response to our letter, did not undertake any initiative to amend article 95/2, item 1, of the Electoral Code. In these conditions, **the AHC deemed it necessary to address the CEC although it had approved an instruction obliging ZECs to define the number of vote counting groups 5 days before and communicate this decision to the respective political parties that had the right to propose. This deadline, in the opinion of the AHC, does not guarantee not only the verification of data for every member to be proposed, but also the qualitative training of vote counting groups.** This is the reason why the AHC suggested the revision of the CEC instruction and the establishment of different deadlines both for the ZECs and for the political parties. Apparently, the CEC did not consider it necessary to review its own instruction.

Two days ago we became familiar with the **report of the Chairman of the OSCE Office in Tirana, Mr. Vacek**, submitted to the OSCE Permanent Council in Vienna, which addressed the issues of the Albanian elections. It struck us that among other things, **he expressed the concern that the law allows** (that is our Electoral Code) **the delayed appointment of vote counting groups, which represents a potential obstacle to a fast and correct procedure** (see daily newspaper "Albania," June 4, 2005).

In order to overcome this very obstacle, **the AHC, starting from February of this year and later on, through letters and public statements, has suggested that this problem be assessed seriously and in the interest of the good conduct of the elections, fast and appropriate solutions be found.** To date, we know of no steps undertaken or measures established for the deterrence of the potentially harmful consequences.

The AHC considers that **with the July 3<sup>d</sup> election being only 27 days away, the possibilities exist for overcoming this difficulty as well.** It is necessary that **the ZECs urgently determine the number of vote counting groups to be set up and make that decision known immediately to**

**the proposing political parties, and the parties within a few days submit their proposals to the ZECs.**

The AHC is also of the opinion that if the above-mentioned route were taken **real possibilities would be created to respect legal requirements regarding the criteria to be met by the person that would be proposed and appointed a member and secretary of this group.** Besides, this would also make possible **the qualitative training of vote counting group members, an indispensable condition for the correct enforcement of the law,** which would then help with **respecting the legal deadline for the release of election results by the ZECs.**

On this occasion, the AHC **once again appeals to the CEC, as a function of the implementation of its competencies and particularly pursuant to article 153 of the Constitution, to undertake all the necessary measures so that this significant aspect of the elections is not compromised.**

### **Impardonable delays**

*Tirana, June 13, 2005*

**The Albanian Helsinki Committee (AHC) shares the concern raised by CEC Chairman Mr. Ilirjan Celibashi with regard to the delay in providing relevant information on the part of chairmen of local government units regarding the exact number of voters based on zones and each polling station.**

The AHC is of the opinion that the Ministry of Local Government and Decentralization could have preceded.

**The administrative or penal measures that may be undertaken now against violators of the law, although necessary, are not major.** The AHC is of the opinion that preventing the violation was the most important part.

The AHC also shares the concern of the CEC that the above delay is such that it may compromise one of the most important aspects of the elections, that of voting. **Therefore, we request that this problem be addressed with appropriate seriousness.**

**All talk, admit, and declare that the elections of this year will be a test for Albania, that they must meet the requested standards.**

The AHC **has emphasized before that fulfilling these standards is conditional upon two factors:** a) political will, and b) rigorous implementation of the law.

**We are only 20 days away from the July 3<sup>d</sup> elections. Important issues remain to be resolved, deadlines remain to be respected until election day. It should be enough to mention one of the most important moments:** that of the timely setup of the vote counting groups and the qualitative training of their members.

*The AHC calls upon the relevant state bodies, the election commissions, and all political subjects to contribute to the implementation of the law and of CEC instructions. **The electoral process has entered the final phase.*** Let us prove in practice that we also know how to hold free, fair, and uncontested elections.

## **PRESS RELEASE**

**TIRANA, JUNE 14, 2005**

One of the main duties of the Albanian Helsinki Committee as one of the first non-governmental (non-profit) organizations, has been and remains the monitoring of periodic elections in the country. As an experienced organization, the AHC has given its modest contribution to the conduct of free and fair elections and to the further improvement of electoral reform, in the spirit of international documents.

Aware that the July 3<sup>rd</sup> elections of this year for the Assembly of Albania are of special significance, the AHC has decided to engage in the monitoring of this year's parliamentary elections. A good part of our observers have expressed their readiness to monitor on a voluntary basis.

The AHC has received accreditation for 113 longterm observers and 7 short-term observers.

On June 14, 2005, the AHC observers received legal training.

The AHC has prepared in advance all the necessary materials to distribute to the observers, such as: explanation of the most important provisions of the Electoral Code, familiarization with CEC instructions, questionnaires regarding information that the observers will send to the AHC, according to the electoral aspects to be monitored, etc.

Beside problems regarding familiarization with the Electoral Code, the training program addressed especially issues regarding the methodology of monitoring and the duties and rights of observers.

An emphasis was placed in the training also on the attitudes and conduct of the observer in order to guarantee objectiveness and impartiality. No influence on the will of the voter and no violation of the right of the voter to vote secretly should be allowed. The observer shall not remain passive, but his/her reactions shall be in conformity with the law and in a well-mannered fashion, without impeding the normal activity of election commissions.

The AHC will monitor some issues that deal with the electoral campaign, the selection of voting centers, the setup of VCCs, and the training of their members, the setup of the vote counting groups and their training, etc.

In particular, Albanian Helsinki Committee observers shall focus their attention on monitoring the voting process and the vote counting process.

The AHC will monitor in a number of districts, such as Tiranë, Durrës, Fier, Gjirokastrë, Korçë, Kukës, Shkodër, Vlorë, Elbasan, etj.

The AHC will also monitor the voting process in some police stations, detention facilities, and some prisons of low, normal, and high security.

Based on the specific cases, in the course of monitoring, the AHC may issue special statements based on information from the observers, whereas at the end of the process, the Committee will evaluate the elections, the implementation of provisions of the Electoral Code, particularly those aspects of the electoral process that will be monitored.

The AHC hopes that the contribution of domestic observers will be commensurate to the significance of their mission, and will serve drawing fair and founded conclusions.

For the AHC, the monitoring of these elections will be another positive element in enhancing the role of the observers of this organization in Albania, its strengthening, and the further improvement of methodology in the area of election monitoring.

Press Release

The third report of the European Commission against Racism and Intolerance (ECRI) on Albania was made public on June 14, 2005 in Strasbourg. The report provides an overview of respect for ECRI's recommendations until December 17, 2004, with regard to minorities and other groups, foreign emigrants and assylum-seekers, as well as some particular problems related to the treatment of the Roma minority, the Egyptian community, and their participation in the public and political life.

The report is the result of analyses based on a wealth of information from varied, written, national and international sources. The visit to the country of some ECRI members made possible meetings with directly interested parties (government and non-government) as well as the collection of detailed information. Confidential dialogue with national authorities allows the latter to propose, if they deem it necessary, changes in the draft-report, in order to correct potential factic errors included in the text. At the conclusion of this dialogue, national authorities may request, if they so wish, for their views to be presented as an appendix to the final ECRI report.

The summary of the third ECRI report on Albania says, "Since the publication of ECRI's second report on Albania on 3 April 2001, progress has been made in a number of the fields highlighted in the report. A "National Strategy for the Improvement of Living Conditions of the Roma" has been developed that sets out to eliminate discrimination towards Roma in different fields of life. A Special State Committee on Minorities has been established and mandated to make recommendations to the government with respect to the promotion of the rights of minorities. Furthermore a pre-screening procedure has been put in place in order to determine the status of non-citizens caught in the country in an illegal situation and ensure that persons who are trafficked, asylum seekers and those seeking repatriation are each treated in the manner appropriate to their situation. A National Strategy to Combat Trafficking has also been adopted. Moreover police at all levels have been provided with training in human rights.»

Besides positive developments, ECRI points out some problems that are yet to be resolved appropriately. According to it, "a number of recommendations made in ECRI's second report have not been implemented or have only been partially implemented».

In particular, ECRI is concerned about the representation of persons belonging to minority groups in public life and about their participation in the latter; the situation of the Roma and the Egyptians, which has not seen visible improvement; the disproportionate number of Roma and Egyptian children as victims of trafficking; the national population census in order to get concrete data regarding national, ethnic, and religious background. It also raises a number of issues with regard to the legal framework in order to fight direct and indirect discrimination, education in minority languages and the promotion of cultural values, traditions, and tolerance, registration of the Roma in civil registry offices, the housing problem, etc.

In this report, the **ECRI recommends to Albanian authorities** to undertake new measures in some areas, such as:

- 1 Improvement of participation of members of some minority groups in decision making bodies and in political processes, at the national and local level;
- 2 Taking measures to guarantee full and comprehensive integration of the Roma and Egyptians in the social, economic, and political life, at all levels;
- 3 Strengthening measures to fight trafficking in Roma and Egyptian children;
- 4 Caring for the Roma to take part systematically in all fronts for the implementation and evaluation of the "National strategy for the improvement of living conditions of

- the Roma” at the national and local level, and for the Egyptians to not be a target of discrimination regarding their participation and involvement in public institutions.
- 5 Drafting a special national strategy for the improvement of conditions of Egyptians in Albania.
  - 6 Collection of data to study the situation of different minority groups in the country.
  - 7 Undertaking new measures to review more closely complaints regarding maltreatment by the police and to guarantee uninterruptedly the rights of assylum-seekers and foreign emigrants arriving in Albania.

The Albanian Helsinki Committee expresses its appreciation for the ECRI report. In general, the analysis of problems is objective and multi-faceted. The recommendations of this organization are valuable and should seerve the continuation of efforts by state bodies and Albanian civil society actors toward the fulfillment of international standards with regard to the fight against open and indirect manifestations of intolerance and racism in the country and the region.

The AHC expresses its appreciation for the *measures undertaken by the Albanian Government during these years toward improving legislation and the practice of its enforcement* regarding the prevention and fight against forms of open or covert discrimination.

The AHC appreciates *the efforts of the Albanian state, non-profit organizations, and other local and foreign organizations* regarding support programs for certain groups of the population such as the Roma, Egyptians, assylum-seekers, etc., and for building the capacities of specialists and of the beneficiary groups.

On this day, the AHC appeals *to the different state actors to continue their efforts to undertake further measures for the improvement of respect for the rights of special groups of the population, in particular the Roma and the Egyptians, for the implementation of approved strategies in the field of poverty reduction, trafficking in human beings, and improvement of living conditions for the Roma and Egyptian community.*

The AHC *calls upon organizations that represent the interests of minorities and communities in Albania to expand their participation in the implementation of national strategies and their monitoring.*

Considering the role of the print and broadcast media, the AHC suggests that they *increase access of national minorities and other groups to them*, that they cover more extensively the culture, traditions, and customs of minorities and other communities as well as their values in the Albanian society, and to give more coverage to problems they encounter in areas such as participation in political, social, economic, and cultural life.

Being in a pre-election period, the AHC *calls upon political parties to incorporate in their programs concrete supportive measures for the increase of participation and representation of national minorities and other communities in the political, economic, and social life*, to increase the access of special society groups, particularly the Roma and Egyptians, to certain aspects of the electoral process.

The Albanian Helsinki Committee *will continue to contribute to the monitoring of measures and initiatives that the Albanian Government will undertake toward improving respect for the rights of minorities and communities in Albania*, for the prevention of discrimination of any form, as well as toward the better highlighting of values and harmony of minorities and communities in Albania.

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**Two words about the European Commission against Racism and Intolerance (ECRI)**

*The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.*

*One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.*

**Tensioning the situation does not serve the required standards**

***Tirana, June 20, 2005***

The Albanian Helsinki Committee **has applauded the engagement of the political forces to respect the Code of electoral Conduct accepted by all parties** for the July 3<sup>rd</sup> electoral process of this year.

The AHC is of the opinion that this initiative is necessary, particularly in the conditions of our country, whereby extreme political polarization, time after time, has been accompanied by negative phenomena that, among others, have harmed Albania's image to a certain extent. This agreement was necessary also because of the fact that these elections will demonstrate how prepared we are to move forward, with faster steps, toward integration in Euro-Atlantic structures.

The AHC found with satisfaction that **initially, the electoral campaign was balanced**, because electoral subjects mainly aimed at displaying their alternatives to the voters. **The same may be said with regard to some television debates** organized with candidates of the government and the opposition.

Nevertheless, the AHC notes with regret that with the approaching of the election day, some **electoral subjects have not kept in mind the contents of article 134 of the Electoral Code**, which on the one hand, guarantees **the right to make electoral propaganda**, and on the other, requests



that **it be legal**, let alone **the norms of electoral ethics**, which as is known are part of democratic culture.

It is clear to the AHC that the election campaign, because of its very nature and goals, is a race that can hardly run perfectly smoothly.

Nevertheless, we think that **hate speech, personalized insults touching upon the dignity of the person as well as mutual legally-unproven accusations harm the spirit of the law and of the code of electoral ethics.**

For this very reason, **the AHC** calls upon **electoral subjects**, particularly **the two largest parties**, to **give no ground for an aggravation of the political atmosphere in the country**, during these few days before election day, **because that would be of no service to free, fair, and uncontested elections.**

***Voters are attentive whereas political parties are being tested.***

**When will Voting Center Commissions (VCCs) be set up**

Tirana, 23.06.2005

The **Albanian Helsinki Committee** finds that the very delayed setup of ZECs **failed to serve as a positive experience for the members of VCCs to be appointed earlier, within legally-defined deadlines.**

According to article 45, item 2, of the Electoral Code, political parties, **no later than 35 days before election day (that is by May 30, 2005)** should have submitted to the 100 ZECs proposals for members and secretaries of the VCCs.

Should the above deadline have been respected, the VCCs could have been set up from June 5, 2005. **The problem is that the VCCs will not be set up by the final legal deadline, which is June 24, 2005,** (see article 45, item 2, of the Electoral Code).

**Based on information from the observers of this Committee and the notification of the CEC warning political parties to submit** as soon as possible to the ZECs their proposals for members of the VCCs, the **AHC expresses its concern** because instead of having VCCs set up throughout the Republic of Albania the next day, **this legal deadline was not respected because the political parties have not yet submitted their proposals to the 100 ZECs.**

**The AHC deems it necessary to emphasize** that even if party proposals were complete the next day (24.06.2005), **the ZECs might need another five days to verify one by one the data on each proposed member** to see whether he/she met the legal requirements.

If this were to happen, the VCCs will be set up five days before election day.

**According to the AHC, the consequence of this delay is the impossibility to offer the necessary qualitative training** to approximately 38,000 VCC members.

**The view that VCCs will not bear any major burden in these elections** because they will not be involved in the vote count, and as a result, their training will not be difficult, **is completely wrong.**

**To the AHC**, in spite of the above fact, **the VCCs will continue to play an important role**. Respect for the provisions of the Electoral Code during the voting process **is decisive in evaluating the required standards**.

**The AHC has followed** attentively **the attitudes and reactions of the CEC**. We consider them positive for aiming at the good progress of different aspects of the election process. This was the goal of instruction No. 15 of the CEC, dated 28.05.2005, "On the organization and functioning of the voting center commission."

The **AHC**, as an organization engaged in the field of respect for human rights and specializing in monitoring periodic elections carried out in our country, by means of this declaration:

- a) **Calls upon political parties** to immediately submit their proposals for members of VCCs to all ZECs and
- b) **Suggests to the ZECs** to decide on setting up the VCCs immediately after the submission of proposals (without harming the quality of data verification for each proposed VCC member).

The AHC is of the opinion that this is the only way to create the possibility for a relatively qualitative training. **It is worth mentioning that OSCE/ODIHR have continuously expressed concerns about poor training, which has been reflected in a poor fulfillment of duties by members of election commissions.**

#### **WHEN WILL VOTE COUNTING GROUPS BE SET UP AND WHEN WILL THEY BE TRAINED?!**

**Tirana, June 24, 2005**

**The Albanian Helsinki Committee, although only 9 days away from election day**, deems it necessary to express for the last time **its concern that** if vote counting groups are set up just two hours before the close of polls, **the training of 3,200 – 4,000 of their members would be impossible**.

**In the opinion of the AHC, nothing kept the ZECs**, immediately following their setup **from determining the number of vote counting groups and from communicating this decision to the political parties that would make the respective proposals**.

The ZEC decisions would be in keeping with article 95/2, item 1 of the Electoral Code, which notes: "For the counting of votes at the electoral unit level, by decision of the ZEC...no later than 2 hours before the close of polls... up to 5 vote counting groups are set up, including seven members and one secretary each."

**Besides, from March 23, 2005**, the CEC approved **the instruction obliging the ZECs to determine the number of vote counting groups no later than 5 days before election day** and convey this decision to the relevant political parties.

**Nothing kept the ZECs from taking this decision within May or during the first days of June 2005.**

**The AHC is of the opinion that** there is no justification for failing to meet final deadlines regarding article 95/2, item 1 of the Electoral Code, and thus casting doubts upon the training of members of vote counting groups.

The **AHC, as is known**, has submitted from the very start its observations regarding the above provision of the Electoral Code.

The **AHC has expressed** also the view that although from a formal-legal standpoint, the set up of vote counting groups 2 hours before the close of polls would not be considered a violation, the implementation of this final deadline would evidently exclude the possibility for training.

**The AHC continues to consider wrong and with consequences** the view that, given that according to the Electoral Code, contestations that could be verified during the vote counting process, would be resolved by the ZEC, one very quick training of vote counting groups would be sufficient (not to say that this training might not happen at all).

**The AHC can not even conceive this “justification”** and we consider it as having harmful consequences on what might happen: **formal training or no training.**

**The AHC keeps in mind that the law assigns the important and delicate vote counting process**, which requires capability, objectiveness, transparency, and operativeness, **only to the vote counting groups.** In fact, it is worthwhile to mention that they will be the ones to decide **which votes are valid and which votes are invalid, they are the ones to fill out the table of results for each voting center.**

**The AHC is of the opinion that engaging** in this process (by decision of the ZECs) persons proposed by political parties, who do not know their legal duties, is equal to tolerating or accepting the exercise of a duty in a mechanical and irresponsible manner.

**The AHC is of the opinion that**, during these few remaining days from the July 3<sup>d</sup> vote, the above difficulties may be reduced and potential consequences may be prevented.

Exactly for this reason, the **AHC deems it necessary to suggest to** ZECs that have not yet decided upon the number of vote counting groups and to political parties that have the right to propose and have not yet done so, **to assess this problem seriously.**

**On this occasion, the AHC also suggests to the CEC**, pursuant to its constitutional and legal functions, and in the framework of overseeing and verifying different aspects of the electoral process, **to give priority to this issue so that even one or two days before the elections, training for all members of vote counting groups is made possible.**

## **VOTERS AND ELECTORAL SUBJECTS HAVE THE RIGHT TO COMPLAIN**

***Tirana, June 27, 2005***

Based on information from its observers, **the Albanian Helsinki Committee (AHC)** has followed with attention the fact that a considerable number of voters do not find their names on the final voters' lists that have been posted.

**The AHC assesses this issue seriously. Shortcomings in this direction influence the exercise or not of the right to vote as a fundamental right of citizens.**

Although we are 6 days away from election day, *the AHC calls upon all voters not listed on the final voters' lists to go to the court of the respective judicial district with the request to allow them to vote in*

*their voting centers.* It should be clear to the above voters that **the sole competent body to decide on such an issue is the respective district court.**

By means of this statement, **the AHC wishes to notify and make clear to voters that** according to article 60 of the Electoral Code, **they may submit a request** in court until 24 hours before election day, that is, **until Friday, July 1<sup>st</sup>, 2005, 24:00.** Voters should also know that the **court can review these cases even on the last day before election day,** and even on election day, but **no later than 6 hours before the close of polls.**

**It should also be clear to voters of this category that this procedure will be simple and fast,** and all they need to do is **attach the proper certificates to the request.**

The voters have the right to go to the voting center and vote just like anybody else, bringing with them the court decision accepting their request, although their name may not be on the voters' list that the VCC possesses.

Based on the above issue, the AHC deems it necessary to also address the right of electoral subjects, that is political parties, party coalitions, their candidates, as well as independent candidates, to complain to the CEC or the Appeals Court's Electoral College in Tirana, in those cases when they claim that their legitimate interests have been violated.

The OSCE/ODIHR view on the 2001 parliamentary elections was the same as above, recommending that electoral subjects, when they feel their interests are violated, have the right to complain in the country's relevant bodies, and if needed, in the Court of Strasbourg.

The AHC mentions this issue, considering that we are on the verge of elections and complaints to the CEC against ZEC decisions as well as those to the Appeals Court's Electoral College against CEC decisions, are about to begin.

***The AHC is of the opinion that everybody, but first and foremost the two largest political forces, should learn from the negative experience of previous elections that saw pressure or accusations of a political nature toward such constitutional institutions as the Constitutional Court, the Supreme Court, the CEC and, in some cases, even toward the Electoral College of the Tirana Appeals Court, which was set up in 2003.***

These undesirable phenomena have only occurred because this or that political force did not like this or that decision by any of the above bodies.

The **AHC** is conscious that contesting or criticizing a judicial decision is normal, *but pressuring the CEC, the Constitutional Court, the Supreme Court, and the Electoral College, is not acceptable.* These bodies work on the basis of relevant constitutional and legal provisions, in spite of potential errors or violations.

In order to prevent the occurrence of such phenomena that may have a negative influence on heating the political climate in the country in this year's elections too, the AHC considers it necessary to refer to article 145 of the Constitution that says: *"Judges are independent and only answer to the Constitution and the laws" that "Intervention in the activity of the Court or judges leads to responsibilities as stipulated by law."*

**All are obliged to implement this provision.**

## **APPEAL OF THE ALBANIAN HELSINKI COMMITTEE**

Tirana, June 29, 2005

**Honorable voters,**

On July 3, 2005, elections will be held in our country for the Assembly of the Republic of Albania.

The Constitution of the Republic of Albania guarantees to citizens the right to elect. **The AHC, the first non-government institution, whose mission has been and remains the protection of citizens' freedoms and rights,** considering that periodic elections are important factors in the enhancement of democratic reforms, *calls upon all voters to exercise one of their fundamental rights, the right to vote, on July 3 of this year.*

***This is an event of special importance.*** We will be electing Albania's new Assembly, our highest legislative representatives, for a period of four years.

***This is also an important event*** also because Europe and the United States request of the government and the Albanian political class **that the elections of this year be free, fair, and uncontested.**

**It is exactly for the above reasons that the Albanian Helsinki Committee** *calls upon all voters to participate in these elections and vote freely for the electoral subject of their choice.*

**As large a participation in elections as possible will demonstrate the maturity of our people** also because **these elections will be a test for Albania's integration into Euro-Atlantic structures.**

**The AHC also calls upon voters who are not listed in the final voters' lists,** to turn to their district court and request that it decides to allow them to vote in their voting center. *Do not hesitate to do this, there is still time.*

**Honorable voters!**

***The law guarantees to you a free and secret vote. Denounce cases of promises or threats in exchange for a vote in favor of or against a candidate or electoral subject.***

Preserve the secrecy of your vote and do not allow family voting in the secret booth.

If you are not able to vote yourself, chose another person to assist you, an inhabitant of your area who, like you, is listed on the voters' list.

Show care at the moment you vote.

Place the appropriate mark inside the defined box so that your vote will be valid.

The AHC, on this occasion, wishes that all voters, as well as emigrants who have returned to the country to vote, to contribute, through their free and fair vote, to a better life, for the consolidation of democracy and its institutions in Albania.