

# NEWSLETTER



## ALBANIAN HELSINKI COMMITTEE

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## **1. MONITORING MISSIONS**

### **1.1 Respect for emigrants' rights at the border crossing points with Greece**

During the period October – December 2005, AHC correspondents and local experts engaged by the AHC monitored respect for Albanian citizens' rights by Albanian and foreign border police, in Kapshticë, Kakavijë, and the Port of Vlorë. Besides interviews with emigrants, AHC monitors met with commanders of border crossing points in Gjirokastër and Korçë, with the captain's office and the head of the port customs in Vlorë. Among the issues monitored were respect for emigrants' rights, cases of their maltreatment by border police, quality of service, etc. AHC correspondents also made possible contacts with family members of Albanian emigrants who were maltreated by border police.

### **1.2 Respect for detainees' rights in some districts police commissariats<sup>1</sup>**

Based on complaints and media reports, AHC correspondents conducted verifications and observations in the police commissariats of Korçë, Elbasan, Gjirokastër, Shkodër, Fier, and the Vlorë detention facility. Correspondents met with persons responsible and other personnel in the commissariats. The AHC addressed the issues with the relevant institutions depending on the encountered problems. AHC correspondents, upon request of the arrestees', monitored **3 trial sessions** regarding respect for the rights of detained individuals to a due legal process.

### **1.3 Monitoring mission on respect for convicts' rights in the prison hospital**

On **October 3, 2005**, the AHC conducted a monitoring mission in the Tiranë Prison Hospital. The purpose of the mission was to verify encountered problems and to take a look at the implementation of recommendations regarding the treatment of elderly persons and individuals suffering from incurable illnesses.

Based on meetings and verifications, it resulted that a series of AHC's recommendations had been taken into consideration, including: appointment of a psychologist, increase in the number of custodians, transfer of mothers with children to institution no. 325, etc.

Nevertheless, the issue of the transfer of convicts who are mentally ill to specialized institutions, improvement of living conditions in this institution, and the problem of persons suffering from stationary diseases have not been resolved.

### **1.4 Monitoring of respect for Roma minority's rights in Albania**

The implementation of the national strategy "On the improvement of living conditions of the Roma minority" has been at the focus of AHC. During **July and October 2005**, AHC correspondents conducted a series of monitoring missions in Fier, Korçë, Shkodër, and Elbasan<sup>2</sup>, in order to take a close look at the implementation of the strategy on Roma individuals in the field of education. Correspondents held meetings with representatives of Roma associations, prefectures, municipalities, and communes in these cities.

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<sup>1</sup> Monitoring missions in police commissariats were conducted in the context of the project "Together for a democratic society where human rights are respected," financially supported by the SOROS Foundation

<sup>2</sup> These monitoring missions were made possible by the project "Together for a democratic society where human rights are respected," financially supported by the SOROS Foundation and the project "Promotion of minorities' rights and enhancing international cooperation" ADI

During the supportive and evaluation missions undertaken by the AHC, the correspondents' network assessment group<sup>3</sup>, special attention was devoted to different policies designed for employment, education, and housing of the Roma minority.

### **1.5 Respect for workers' rights in private firms**

AHC correspondents in Vlorë and Gjirokastrë, during October – November 2005, conducted 2 monitoring missions in several private firms on how workers' rights were respected. Based on correspondents' recommendations<sup>4</sup> and a previously prepared questionnaire, respect for workers' rights in private firms and improvements were monitored. In the context of the monitoring, correspondents made contacts with citizens, private firms' administrators, local government bodies, such as: Labor inspectorates, Health and Primary Health Care Directories, the Regional social and health insurance directories, regional employment offices, municipalities, etc.

### **1.6 Respect for citizens' rights in other human rights areas**

During the period October – December 2005, the *Elbasan* district correspondent conducted a *monitoring mission in the city's property registration office*, based on complaints from Elbasan inhabitants. Complaints targeted prolonged delays in issuing property ownership documents. The correspondent met with the director of the Elbasan property registration office in order to convey this complaint.

The violation of human rights in the *area of the environment in Elbasan* remains a concern. The AHC correspondent in the city received constant complaints from citizens regarding this concern. This time, the complaint came from operators working in the Kurum and cement factory firms, which are located in the premises of the former metallurgical plant. The AHC correspondent and AHC staff held meetings with the Elbasan Prefect on the issue.

Following some citizens' complaints, the Shkodër correspondent undertook a *monitoring mission in the Shkodër regional hospital* (December 2005), mainly in the dialysis pavilion. The malfunctioning of the dialysis process caused a series of problems for citizens, thus violating their right to life. With regard to this concern, the AHC correspondent met with patients and hospital doctors.

## **2. PROVISION OF EXPERTISE IN THE AREA OF LEGISLATION AND ITS ENFORCEMENT**

### **2.1 Legal expertise on the National Strategy “Improving the living conditions of the Roma minority”**

In the context of a Soros Foundation (OSFA) operational project, the AHC engaged in monitoring the National Strategy “Improving the living conditions of the Roma minority.” Through this cooperation, the Committee monitored the implementation of the Roma strategy in five main areas, namely: education and schooling, cultural and family heritage, economy and social protection, health and infrastructure, and justice and the public administration.

AHC correspondents in the districts of Tiranë, Fier, Korçë, Elbasan, and Shkodër, were engaged to collect facts and information. The purpose of the study is not only to highlight measures

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<sup>3</sup> See chapter 3.4 of this Newsletter, Assessment missions and support for the correspondents' network, conducted during November-December 2005

<sup>4</sup> AHC publication, “Respect for citizens' rights in some districts of the country, AHC correspondents,” Kristalina-KH publishing house, 2003

undertaken to implement the strategy, but also to make concrete recommendations to state organs. The Albanian Helsinki Committee has also undertaken the coordination of the project's activities.

## **2.2 Legal critique on the draft regulations on the detention system in Albania**

In the context of the initiative undertaken by the General Directory of Prisons (GDP), the AHC studied and expressed its views on the draft regulations of the detention system in Albania. AHC considers the drafting of the regulations a positive step and noted that it was compiled based on European standards and in keeping with international acts.

On December 6, 2005, the AHC participated in the round table discussion organized by the General Directory of Prisons and offered its suggestions and remarks with a view to improving the regulations further.

## **3.0 Capacity building and training activities**

### **3.1 Capacity building for the prison administration in the context of improving the prison system**

#### **3.1.1 "Train the trainers"<sup>5</sup>**

Between October 31 and November 2, 2005, the AHC organized a "training of trainers" program. The purpose of the program was to create a group of Albanian trainers that can train the Albanian prison administration and build a program on these topics: communication, code of ethics, and rights and obligations of persons deprived of their liberty.

The group included 12 specialists from the General Directory of Prisons, the Prison Administration Training Center, and several prisons. They came from different sectors, including those of security, education, the legal sector, etc. Three foreign experts who have experience in the penitentiary system field and in training of prison administrations offered the training. They were Mr. Jan van den Brand<sup>6</sup>, Mr. Stef van de Lande<sup>7</sup>, and Ms. Monique Lejenue<sup>8</sup>. The training was targeted the theoretical and practical levels. Participants worked in working groups by theme and organized a training model on a given topic from the program.

Participants evaluated the training program as very important and of practical use, in keeping with the needs and reality that prevails in Albania's penitentiary system. Furthermore, participants appreciated their active involvement in the training and the offering of conclusions and opinions on how to resolve different situations in their daily work.

The organizers handed out certificates to the participants.

#### **3.1.2 First session of work with the Lezhë prison personnel<sup>9</sup>**

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<sup>5</sup> The activity was organized as part of the second phase of the project "Prison reform and the role of the civil society in Albania – monitoring respect for human rights in prisons and detention facilities, and raising public administration's awareness and knowledge on pertinent human rights and laws," supported financially by the Swedish Helsinki Committee.

<sup>6</sup> Director of Foreign Relations in the National Dutch Agency of Rehabilitation Institutions, and Council of Europe expert for Central and Eastern Europe

<sup>7</sup> Psychologist in the Netherlands' penitentiary system

<sup>8</sup> Director of the Management and Organization Center ELVE, specialized in training penitentiary institutions' administration.

<sup>9</sup> This event was part of the AHC project "Prison reform and the role of the civil society in Albania – monitoring respect for human rights in prisons and detention facilities, and raising public administration's awareness and knowledge on pertinent human rights and laws," supported financially by the Swedish Helsinki Committee.

In the context of raising the level of awareness and knowledge on human rights and enforcement of laws among the prison administration, AHC organized on October 6-7, 2005, the first session of work with the senior and mid-level staff of the Lezhë prison. Participating in the session were representatives of the General Directory of Prisons, responsible for the treatment of convicts and the training of the prison administration. Foreign expert Mr. Jan van den Brand, offered his expertise.

Considering that the administration is new, the issues selected for this session were: good management of penitentiary institutions, the mission and vision of a local prison, the process of changing mentalities in prison management from a human rights standpoint, issues of the request-complaint mechanism in a local institution, and how that mechanism can work within state structures.

The foreign expert shared the Dutch experience regarding criteria and requirements in selecting and training prison administration.

A positive element that characterized the entire session was the participants' motivation to learn new things related to their daily work, which represents a promising start for the continuation of work.

### **3.1.3 Second session of work offered to the Lezhë prison administration<sup>10</sup>**

On December 27, 2005, the AHC organized the second session of work with the senior and mid-level directing staff of the Lezhë prison. Foreign expert Mr. Jan van den Brand offered his expertise in this session<sup>11</sup>.

The methodology used in this session was the participatory technique, in which theoretical concepts were intertwined with practice. Participants shared their challenges, main issues of concern, and the reality in prisons, as well as the way to improve this situation in the future.

The session of work concentrated on some important issues that are closely connected with the principles and best practices that make it possible to ensure security, quietness, and order in a prison. The focus was placed on the definition of basic concepts, which referred to articles written by international professionals on improving communication and cooperation methods in order to guarantee a humane and fair treatment of persons deprived of their freedom, different countries' experience, etc.

Another important topic was the opportunity offered to participants to work together on a very important assessment of deficiencies and challenges encountered in this special rehabilitation institution.

Each sector presented the issues that were then forwarded to the General Director of Prisons through a letter drafted by Mr. Jan van den Brand. This will be an instrument for positive pressure and lobbying with structures that draft policies and make decisions in the Albanian prison system with a view to further improving the situation and conditions in the Lezhë prison, in order to make it a secure and orderly prison.

## **3.3 Counseling meetings**

During the reported period, AHC held a series of counseling meetings with convicts serving their sentences in the rehabilitation institutions of Rrogzhinë, Peqin, Kosovë, Lezhë, Burrel, and Tepelenë. These meetings sought to provide them with free legal counsel and make convicts aware of their legally defined rights and obligations.

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<sup>10</sup> This activity was part of the AHC project "Prison reform and the role of the civil society in Albania – monitoring respect for human rights in prisons and detention facilities, and raising public administration's awareness and knowledge on pertinent human rights and laws," supported financially by the Swedish Helsinki Committee.

<sup>11</sup> Director of Foreign Relations in the National Dutch Agency of Rehabilitation Institutions, and Council of Europe expert for Central and Eastern Europe.

Legal issues addressed with the convicts were selected on the basis of needs presented by the staff of these institutions and on the requests of convicts themselves. Legal counsel was provided to convicts in groups and individually.

A group of AHC lawyers who have experience in the penal area conducted the counseling meetings. In all counseling meetings, the lawyers' group also met with directors of rehabilitation institutions.

In the end of the counseling meetings, through a letter to the Ministry of Justice, the General Directory of Prisons, and the Lawyers' National Chamber, AHC provided a series of concrete recommendations and suggestions that aimed at improving the situation of convicts' rights with regard to living conditions in the prisons, improvement of relevant legislation and practice, as well as building the professional capacities of the administration in these institutions.

#### **4. SENSITIZING AND EDUCATIONAL ACTIVITIES**

##### **4.1 "Display of human values"**

On December 10, 2005, the International Human Rights Day, the General Directory of Prisons organized an event called "Display of human values." The event sought to demonstrate appreciation for the values and skills of detainees and convicts, which were reflected in the best crafts and artwork (crafts, handmade items, painting, poetry) of convicts.

The Albanian Helsinki Committee, as it did the previous year, deemed it appropriate to contribute to this activity by offering symbolic prizes, accompanied by a certificate for the best four creations of detainees and convicts. By means of this event, the AHC sought to express support and appreciation for human dignity and human values.

The print and broadcast media showed a lot of interest in the activity. In this context, Ms. Edlira Papavangjeli, AHC Program Coordinator, was invited to a television program called "Killer Artists" on A1 Television. The program was a discussion on the importance of such creative activities toward convicts' reintegration in the society.

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

On October 14, 2005, AHC representatives met with Mr. Aldo Bumçi, Minister of Justice, and Mr. Sajmir Shehri, General Director of Prisons. In these meetings, the Committee provided an overview of its activities in areas such as: legal reform in the penal field, juvenile justice, the Masterplan for detention facilities, the Action Plan of the Ministry of Justice, the Internal Regulations of the Peqin Penitentiary Institution, and the Code of Conduct for prison administrations, etc.

AHC outlined its activity during the past years toward improving respect for the rights of persons deprived of their freedom, capacity building for prison administrations, and lobbying activities in areas such as: bailiff's office service and execution of final court decisions, free legal counsel, and other justice reform issues.

In these meetings, AHC described its activities and cooperation possibilities in the future. The above representatives shared the same views regarding the problems and challenges that Albanian justice encounters in the above-mentioned areas and priorities in this field.

AHC found the support of the Minister of Justice and the General Director of Prisons in carrying out its activities, particularly those in the area of capacity building for prison administrations.

Ms. Vasilika Hysi, AHC Executive Director, and Ms. Edlira Papavangjeli, AHC Program Coordinator participated in the meeting.

### **4.3 Different activities in the context of cooperation**

The International Consortium, of which AHC is a member, held its regular meeting on December 5, 2005. Issues discussed in the meeting included witness protection and organization of work to that effect.

### **4.4 Evaluation and support missions for the work of correspondents' network**

AHC representatives, board and staff members, conducted three evaluation and support missions for the work of the correspondents' network in Fier, Elbasan, and Shkodër (November – December 2005). Their goal was to assess the human rights situation in these districts, AHC correspondents' work, and to express support for them.

The group met with relevant local authorities and local NPOs, which contributed to strengthening AHC contacts with local actors, such as: chief justices of courts, district prosecutors, police commissariat chiefs, district police directors, mayors, prefects, representatives of the local civil society and support staff of these institutions.

In carrying out these missions, correspondents made a special contribution.

## **5. AHC PUBLICATIONS**

### **5.1 Research study on “Juvenile penal justice system in Albania” (Reflections on the present and its future)<sup>12</sup>”**

The publication seeks to inform interested persons, state authorities, the civil society, and the public, with regard to some aspects of the organization and functioning of the juvenile penal justice system in Albania, the problems it presents in practice, and efforts underway to improve its effectiveness.

The research study addresses the organization of juvenile penal justice and legislation in force, and provides ideas regarding changes proposed by the Ministry of Justice, problems such as: judgment of juveniles by special sections or courts, provision of specialized free legal aid, application of alternative sentences for juveniles, inclusion of a psychologist and a social worker in a penal process, etc.

Furthermore, the publication also presents recommendations and conclusions on specific aspects of the juvenile penal justice system.

### **5.1 Final report “Respect for the rights of persons in detention and prisons”<sup>13</sup>**

The report includes conclusions of monitoring missions conducted by the AHC in several detention facilities and prisons, particularly in areas such as: respect for the rights of detained and convicted persons, enforcement of laws, identification of human rights violations, etc. The report includes recommendations on some of the most important issues in this field.

The publication is of interest to decision-making and executive institutions, the civil society, and the public interested in this area.

### **5.2 AHC annual report, 2004<sup>14</sup>**

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<sup>12</sup> This publication was published in December 2005, in the context of the project “Improving the human rights situation through monitoring, studying, lobbying, and protection for better respect of Constitutional principles,” Swedish Helsinki Committee.

<sup>13</sup> This publication was published in December 2005, in the context of the project “Prison reform and the role of the civil society in Albania,” financially supported by the Swedish Helsinki Committee.

<sup>14</sup> A copy of this publication may be found in Annex No. 6

In the context of transparency and increasing public access to AHC activities, the Committee published its 2004 report, which reflects all of the organization's activities. The report is published in Albanian and English.

### **5.3 Final report on the monitoring of the parliamentary elections, July 2005<sup>15</sup>**

Upon conclusion of the electoral process, the AHC published its final report on the monitoring of the electoral process for the July 3, 2005, parliamentary elections. The report is published online in the Committee's website in Albanian.

The report addresses AHC's conclusions regarding problems encountered during the pre-election period, such as: voters' lists, setup of zonal election commissions, polling station commissions, and vote counting groups, training of commission members, and the electoral campaign, as well as during the election process, including the voting process and its problems, and the vote count.

The report also includes some recommendations on how to improve work in the future<sup>16</sup>.

### **5.4 BROCHURES – GUIDES - LEAFLETS**

#### **▪ Publication "Guide – AHC in 15 years"<sup>17</sup>**

The publication presents AHC's activity in 15 years (1990-2005), its mission, strategy, and vision; AHC areas of activity through the years; indicators of its work; AHC publications through the years; collaborating local and foreign organizations, its main supporters, the staff and organizational structure of the AHC, and the correspondents' network.

The publication is available in Albanian and English also on CD.

#### **▪ Pocket book: Rules of conduct for detention system and prison employees**

Aside from its role in drafting rules of conduct for detention system and prison employees, AHC also made possible the publication of these rules.

The rules of conduct were approved by order of the Minister of Justice, No. 3052/1, dated 25.5.2005, and seek to be of assistance to the entire personnel of penitentiary system, persons in contact with these institutions, and the civil society.

#### **▪ Sensitizing 2006 calendar**

The Albanian Helsinki Committee prepared **2 kinds of calendars** for 2006. These calendars target all citizens whose rights are violated by police organs, prison administration, or the public administration. These persons may address the AHC to report violations of their rights. Furthermore, another message of these calendars targets citizens detained or arrested in flagrance.

#### **▪ Summary of AHC statements 2001 - 2005**

In the context of AHC's 15<sup>th</sup> anniversary, the Committee prepared copies of a collection of AHC statements between 2001 and 2005 and its newsletters as a continuation of the organization's tradition through these years. These collections present the situation of the human rights situation

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<sup>15</sup> Botimi I këtij raporti u mbështet financiarisht nga CORDAID

<sup>16</sup> Për më shumë shih faqen tonë të internetit [www.ahc.org.al](http://www.ahc.org.al)

<sup>17</sup> Ky publikim u mbështet financiarisht nga CORDAID, SOROS, Komiteti Suedez I Helsinkit dhe Komiteti Norvegjez i Helsinkit

from AHC's standpoint. They will be useful to all Albanian and foreign organizations and researchers working in the field of human rights to assess the human rights situation during this period.

## **6 ROUND TABLE DISCUSSIONS AND CONFERENCES**

### **6.1 AHC through the years – AHC 15<sup>th</sup> anniversary<sup>18</sup>**

On the occasion of AHC's 15<sup>th</sup> anniversary, on December 19, 2005, the Committee organized an event with participants from state institutions, national and local, local and foreign NPOs, representatives of foreign embassies and international organizations active in Albania, representatives of the print and broadcast media, members, the organization's board, correspondents, previous AHC representatives, observers, and its staff.

By means of photographs and other illustrating materials, participants had the opportunity to learn more about AHC's activity through the years. On this occasion, the organization published "15 years of AHC." Two stands featuring AHC publications remained open during the ceremony. One featured publications distributed to participants and the other was a display of numerous AHC publications that make up the organization's publications archive.

### **6.2 People's Advocate National Conference "All together in protection of children's rights."**

On December 15, 2005, the People's Advocate, with support of UNICEF and Save the Children, organized the national conference "All together in protection of children's rights." Representatives of state institutions and of some local organizations active in the field of human rights participated in and contributed to the conference.

AHC made a presentation of the juvenile justice system, respect for the rights of juveniles in detention facilities, those in contact with justice organs, etc.

The conclusion of the conference included participants' recommendations for improving the children's rights' situation in Albania.

## **7 CITIZENS ADDRESS THE**

During October – December 2005, AHC handled **168 complaints and letters** that dealt with different issues, including unjust judicial decisions and requests for their review, violations of rights during judicial processes, requests for transfers, requests for free legal counsel and lawyers, use of violence in prisons, poor prison conditions, requests for extradition to Albanian prisons, complaints by Albanian emigrants convicted by Greek justice bodies, corruption, etc. A number of complaints came from persons who were detained or convicted through final court decisions.

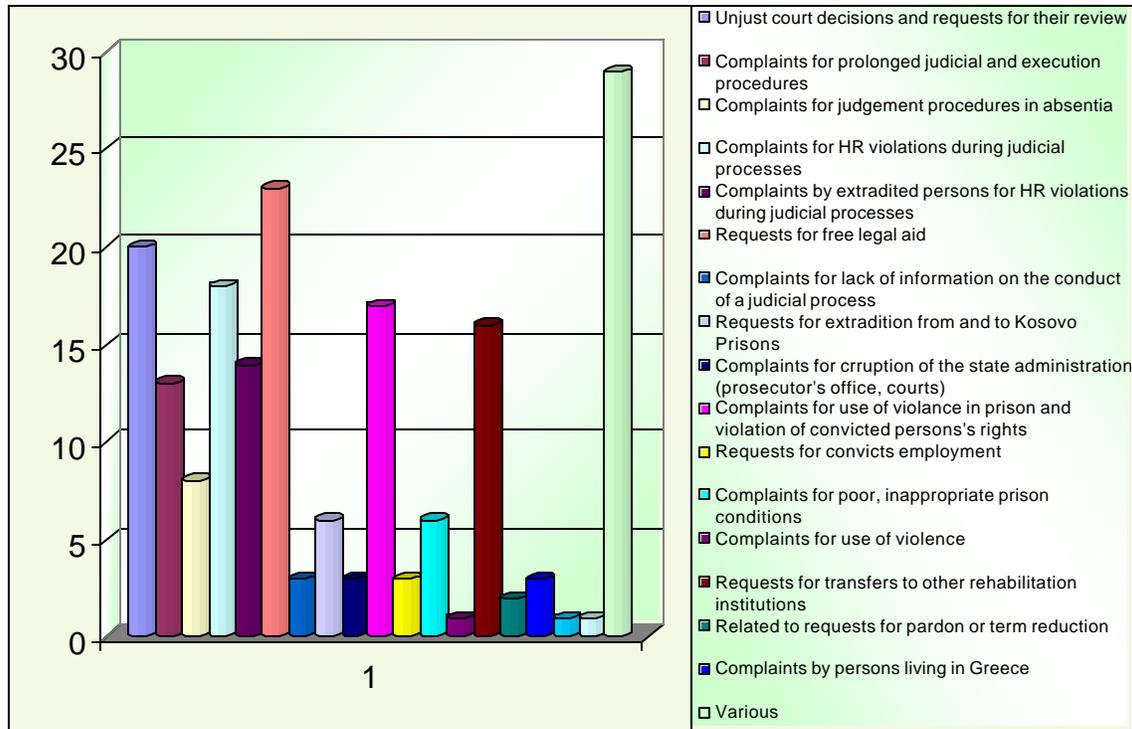
Complaints were received through meetings with AHC lawyers in the Committee's offices, letters addressed to the AHC, legal counseling, etc.

AHC clarified complainers about the issues raised and gave relevant recommendations. It also asked authorities to intervene and resolve concrete issues.

*A graphic display of complaints follows:*

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<sup>18</sup> Kjo veprimtari u mbështet financiarisht nga 4 mbështetësit kryesorë të KSHH-së në vite, CORDAID, Fondacioni SOROS, Komiteti Suedez i Helsinkit dhe Komiteti Norvegjez i Helsinkit.



## 8. Cases verified by the AHC

Aside from handling citizens' letters and complaints, the AHC verified cases in which there were claims for flagrant human rights violations.

- On **October 24, 2005**, based on information from the print media, the AHC carried out a verification mission in prison no. 302 in Tiranë regarding the suicide attempt of a person convicted for denying the right to exercise religious rites. Following verifications, contacts with the person and the institution director, the AHC found that the problem was that the Appeals Court's judicial decision was not becoming final. As a result of the court's action, the person was kept unjustly in detention premises.

- On **November 10, 2005**, based on information it had received, the AHC conducted a verification mission in the Lezhë prison regarding a violent incident that had taken place between some convicts in the institution and the service personnel. AHC made direct contact with convicts involved in the incident, the director of the institution, and the prison personnel. The General Directory of Prisons, through concrete measures it had undertaken, had also intervened to normalize the situation and restore order in the prison aside from the institution's directory.

Based on contacts with this institution, the AHC also found other problems, such as: marked lack of electricity, lack of water, very poor condition of toilets and showers, which directly affected the sanitary conditions of the prison and particularly of the convicts.

- On **November 24, 2005**, AHC conducted a verification mission in prison no. 302 on a three-day hunger strike of some convicts. From contacts with convicts involved in the hunger strike and institution officials, it resulted that the main causes for the strike had been the poor living conditions in the prison, the request for more frequent contacts with family members, and expansion of their rights to an equal level as that of convicts.

Detainees complained about procrastination of judicial processes, distrust in assigned lawyers, as well as delays in the execution of final judicial decisions, which led to delays in the transfer of convicts to prisons.

- On **November 24, 2005**, based on a considerable number of convicts' requests, AHC conducted a verification mission in the Peqin prison. Complaints came from a group of persons convicted by Greek courts who were at the time serving sentences in the Peqin prison. From meetings with convicts, it resulted that the common target of their complaints was the request to reduce the sentence according to legal conditions, requests for early release on bail, and denunciation of corruption and abuse of laws by Albanian courts.

To that end, AHC sent a letter to the Minister of Justice, the People's Advocate, and the Citizen's Advocacy Office on improving the situation.

- On **December 23, 2005**, based on some telephone alerts, AHC conducted a verification mission in the Peqin prison. The target was the claim for maltreatment of some convicts in the institution by prison personnel. In spite of measures undertaken, AHC did not manage to carry out the verification of convicts' claims due to security reasons, considering the situation in the prison was very tense, according to information from Peqin prison senior officials.

AHC sent a letter to the Ministry of Justice and the General Directory of Prisons to verify the concrete situation and to take the necessary measures. AHC also alerted the People's Advocate to a verification of the concrete case.

- In **November 2005**, the AHC Elbasan correspondent received a group of inhabitants of the Letan (Elbasan) area. They complained over the impossibility to obtain ownership certificates although they possessed ownership documentation. In order to verify the complaint, the correspondent held meetings with area inhabitants and conveyed the concern to the commune chairman.

## **9. AHC PUBLIC REACTIONS**

During the October-December 2005 period, AHC reacted through **7 public statements**, which echoed some major problems concerning the public opinion and dealt with: freedom of the press and the media, the electricity crisis, the fight against xenophobia and racism, reimbursement of medicaments for pensioners and invalids, the blocking of works in some of Tirana's main streets, violence against reporters, etc.<sup>19</sup>

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

As an organization offering constructive opposition to the government, AHC maintained regular contact with state institutions. Correspondence consisted mainly of requests to resolve complaints received by the AHC, raising issues emerging from monitoring missions, recommendations to resolve various legal and practical issues, etc.

Issues over which AHC communicated with institutions such as the Interior Ministry, the General Prosecutor's Office, the Ministry of Education, were: monitoring the national strategy for the improvement of living conditions of the Roma minority in the educational aspect, monitoring at the Kapshticë border crossing, etc. AHC also communicated with these institutions in order to offer expertise on electoral reform, the rights of persons extradited from Greece, etc.

## **11. AHC AND THE MEDIA**

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<sup>19</sup> See annex 1 for further information

During this period, AHC activities were covered by different print and broadcast media, which helped sensitize the entire public opinion regarding various issues. They received 13 reports in the print and broadcast media during this quarter.

About 16 articles and opinions by AHC staff were given to the media, which include three television programs in which AHC was invited. In these articles, interviews, and television programs, AHC gave its views on various issues such as electoral reform, the human rights situation in Albania, constitutional issues, minorities, emigrants, convicts, and detainees, etc.

## **12. CAPACITY BUILDING FOR AHC**

### **▪ Training on the “European Convention on Human Rights”**

On October 20-21, 2005, the Council of Europe organized a training program on the European Convention on Human Rights, procedures before the European Court of Human Rights in Strasbourg, procedures to be followed by lawyers to send a case to this Court, etc.

Klesta Alikaj, Lawyer/Administrative Assistant, and Etilda Saliu, Lawyer/Project Coordinator participated from AHC.

### **▪ Training on “Project management”<sup>20</sup>**

During November 3-5, 2005, Ersida Sefa, Lawyer/Project Assistant at AHC, participated in the training on “Project management,” organized by NET (Network for Exchange and Training). The training addressed important issues including the project cycle from the planning to the evaluation phase. The course was organized in the context of building capacities for AHC.

### **▪ Training on “Financial managing for non-accountants”<sup>21</sup>**

During November 7-9, 2005, Ms. Vasilika Hysi, Executive Director, and Ms. Edlira Papavangjeli, Program Coordinator at AHC, participated in the training course on “Financial management for non-accountants,” organized by NET (Network for Exchange and Training), which addressed some of the basic concepts of an organization’s financial management.

### **▪ Training on “Financial Management”<sup>22</sup>**

During November 14 – 18, 2005, Ms. Katerina Sherko, AHC accountant, participated in the training course on “Financial management,” organized by NET (Network for Exchange and Training), which addressed specific and professional themes of an organization’s financial management.

### **▪ Regional training on “Access to justice and reform in the lawyer service”**

The Swedish Helsinki Committee, in collaboration with the Public Interest Law Initiative, organized during November 11-12, 2005, in Budva, Montenegro, a regional training course on access to justice and reform in free legal aid services. Participating in the training course were

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<sup>20</sup> This training course was made possible by the project “Capacity building for the organization and enhancement of internal organization,” funded by Cordaid

<sup>21</sup> This training course was made possible by the project “Capacity building for the organization and enhancement of internal organization,” funded by Cordaid

<sup>22</sup> Ky trajnim u mundësua nga projekti “Ngritja e kapaciteteve të organizatës dhe forcimi i organizimit të brendshëm”, financiar nga Cordaid

representatives from the Ministry of Justice, the National Lawyers' Chamber, and AHC representatives. Etilda Saliu, Lawyer/Project Coordinator, and Alma Tafani, lawyer working in the AHC project with prisons attended the training program.

- **Regional training on “International Criminal Court”**

During December 15-16, 2005, the Swedish Helsinki Committee organized in Belgrade, in collaboration with the International Criminal Court Coalition, a regional training program on the role and functioning of the International Criminal Court. The goal of the two-day training program was to provide general information about the International Criminal Court, its purpose, role, and functioning, as well as to encourage effective cooperation between the region's countries in creating a joint coalition regarding the implementation of this Court's Statute in legislation of the respective countries. Ersida Sefa, Lawyer/Project Assistant at AHC, participated in the training program.

### **13. PARTICIPATION IN DIFFERENT EVENTS**

- On October 10, 2005, the Albanian Ministry of Foreign Affairs, with support from the Institute for International Studies and the Friedrich Ebert Stiftung Foundation, organized the meeting regarding Albania's foreign policy and security policies, in which the Albanian government's priorities for these areas were outlined. E. Papavangjeli, AHC Program Coordinator, participated in the round table discussion.

- On October 18, 2005, the Ministry of European Integration, in collaboration with the European Commission Delegation in Tirana, with the support of the German Association for Technical Cooperation (GTZ), organized the Conference on “Albania's Participation in Neighborly Relations,” in the context of promoting the Call for Project-Proposals for the CADSES Neighborly Relations Programs, Italy-Adriatic and Greece-Albania. E. Papavangjeli, AHC Program Coordinator attended the meeting.

- On October 20, 2005, AHC participated in a round table discussion organized by a group of civil society representatives. The purpose of the meeting was to enhance cooperation between different civil society actors, particularly between non-profit organizations, with a view to enhance pressure against human rights violations. E.Sefa, Lawyer/Project Assistant at AHC, participated in the discussion.

- During September 27-28, 2005, the Council of Europe Advisory Committee organized a follow-up meeting to evaluate the implementation of the Framework Convention “On the protection of national minorities.” Participating in the meeting were Ms. V. Hysi, AHC Executive Director, E. Papavangjeli, AHC Program Coordinator, and K.Alikaj, Lawyer/Administrative Assistant at AHC.

- On October 27, 2005, IOM organized the second meeting on the drafting of the working document “Assessment of the closed center for receiving irregular migrants in Albania,” of which AHC was a part. The meeting was a follow-up of the first working meeting held in July 2005 with representatives of the network set up for this purpose. E.Sefa, AHC Lawyer/Project Assistant, participated in the meeting.

- On November 4, 2005, the “Amaro Drom” Union organized a round table discussion to debate Roma community children and women trafficking problems. AHC was represented at the

meeting as an organization that worked and collaborated with the Union on the Roma minority. K.Alikaj, Lawyer/Administrative Assistant at AHC, participated in the meeting.

- On November 17, 2005, the Gender Alliance for Development Center organized an activity on the study that the Center had carried out on “Gender analysis of elementary school textbooks, at the Rogner Hotel. E.Saliu, AHC Lawyer/Project Coordinator, participated in the event.
- On November 25, 2005, AHC participated in the round table discussion on “Legal cases during processes in Albanian courts,” organized by the Albanian Human Rights Group. K.Alikaj, AHC Lawyer/Administrative Assistant, participated in the discussion.
- On December 1, 2005, the International HIV/AIDS Day, the Coalition for Children with HIV/AIDS, consisting of more than ten non-profit organizations, organized a national campaign for this category of children with the motto “A better life for children with HIV/AIDS in Albania.” The campaign included a special hearing session on children infected by HIV/AIDS with the Parliamentary Commission on Labor, Social Affairs, and Health. E.Sefa, AHC Lawyer/Project Assistant, participated in the meeting.
- On December 14, 2005, AHC participated in the workshop organized by UNICEF on the implementation of the three-year project on the juvenile justice system. Main actors in the field of children's' rights were invited to the workshop. E.Saliu, Lawyer/Project Coordinator at AHC, attended the event.
- On December, 15, 2005, AHC participated in the round table discussion “The issue of Roma education in Albania and beginning the strategy for the Roma minority,” organized by the Soros Open Society Foundation, Tirana. E. Papavangjeli, AHC Program Coordinator participated in the meeting.
- On December 23, 2005, Albania’s Roma Union “Amaro – Drom” organized a round table discussion on “Policies stimulating the development of the Roma minority in Albania.” the implementation of the national strategy “On improving living conditions of the Roma minority in Albania” was the leading theme in the discussion. E.Sefa, AHC Lawyer/Project Assistant, attended the event.

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## Anex. 1 - Statements

### 1. Tolerance Toward Criticism by Reporters

Tirana, 24 October 2005

The Albanian Helsinki Committee (AHC), after becoming familiar with order of October 13, 2005, of the Prime Minister of the Republic of Albania, considers it a measure that would serve to greater transparency toward criticism made by media representatives or specific journalists.

However, regarding the contents of this order, the Albanian Helsinki Committee deems it necessary to highlight the part demanding political officials to not file any criminal or civil charges (against reporters). This might be an understandable and founded recommendation, but the order to do so appears inappropriate.

The Albanian Helsinki Committee is of the opinion that such a categorical order fails to consider the fact that even the political official or senior state official is a citizen whom the Constitution guarantees the right of complaint. Item 2 of article 42 of the Constitution of the Republic of Albania says: " Everyone, to protect his constitutional and legal rights, freedoms, and interests, or in the case of an accusation raised against him, has the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law".

The AHC, even in the past, in cases when state officials have filed criminal or civil suits against various reporters, has reacted publicly calling for greater tolerance on the part of senior officials and has suggested the objective trial of such cases by the pertinent courts.

In this aspect, the AHC has kept and keeps in mind the consistent position of the European Court of Human Rights. For instance, in the case of reporter Lingens against Austria, the above Court, in its decision, said: "The permissible limits of criticism are broader for politicians and their political actions than for other private individuals". Further on, it notes: "Politicians willingly and unavoidably expose themselves to the reaction caused by any word of theirs and toward anything they do today, and even toward what they have done in the past. However, they must be by all means more tolerant, even toward brutal attacks".

In the very same decision, the Court emphasizes: "This naturally does not mean that somebody, for being a public person, may be downtrodden unless convicted, without even having the opportunity to defend his good name (reputation)". (*See "Milestones", published in 2000, Albanian translation, pages 411-412*).

The Albanian Helsinki Committee also deems it necessary to mention that decisions of the European Court of Human Rights represent a binding precedent for our country too, a member state that has ratified the European Convention on Human Rights.

In closing, the AHC suggests the quick discussion and approval of the draft-law "On Freedom of the Press" and, in that spirit, suggests the review of relevant provisions of the Criminal Code and the Criminal Procedure Code. In this respect, it should suffice to mention the fact that, according to item 3, article 159 of the Code of Criminal Procedure, when data to verify the commission of a criminal act are indispensable, the court may order the reporter to reveal the source of his/her information.

On this occasion, the AHC expresses its special appreciation for the role of the press toward the intensification of the fight against corruption.

The AHC hopes for the understanding of every reporter with regard to the contents of this statement.

### **2. Press Statement**

Tirana, November 16, 2005

The Albanian Helsinki Committee finds that, in spite of measures that have been taken, the electricity crisis that has engulfed the country, remains serious, very disturbing and posing grave tangible consequences to the detriment of the legitimate interests of citizens and the economy as a whole.

People are not clear as to how long this situation will continue and what its solution will be in the future.

In this public reaction, the AHC relies not only on press reports, but also on on-site observations. We also find that statements of recent days about a reduction of electricity outages by up to 40 percent are not concretized in practice, neither in Tirana, or, worse, in other cities and urban areas.

This is the reason why the AHC deems it appropriate to call upon the government and in particular on senior officials of the Energy Corporation (KESH) to be more transparent toward citizens in their statements or publications of electricity outages, in spite of objective difficulties.

In meetings with citizens of different society groups, students, lecturers, health sector employees, businessmen, etc., the AHC has reached the conclusion that these groups are very little interested in who is responsible for this situation. They want electricity, they seek the improvement of the situation, and those responsible, whoever they are, be held accountable legally.

The AHC, while appreciating efforts being made to lessen the crisis, suggests more effective measures to overcome it as soon as possible.

### 3. Greek Courts Have the Opportunity to Demonstrate Their Effectiveness in Fighting Racism and Xenophobia

*Tirana, November 24, 2005*

The criminal case on the murder of Albanian emigrant Gramoz Palushi will take place in Patras, Greece, on November 25, 2005.

One year ago, on September 4, 2004, a Greek citizen in the Zakinthos island of Greece stabbed Albanian emigrant Gramoz Palushi fatally. The event took place on the day the Albanian national soccer team won a match against Greece. The fatal assault took place only because Albanian emigrant Gramoz Palushi demonstrated his joy for the victory of the Albanian national team in a soccer match by waving the national flag.

The public opinion, the Albanian and Greek media, the state authorities of both countries harshly condemned this barbaric act as an expression of xenophobia and racism. The Albanian Helsinki Committee reacted toward this act through its public declaration of September 6, 2005, and called upon Greek authorities to undertake relevant measures to hold those guilty legally responsible.

Following the progress of investigations on the murder of the Albanian emigrant, the Albanian Helsinki Committee, in conjunction with the Greek Helsinki Monitor, expressed their concern in a joint press conference in September 2005. They emphasized, "The investigation of the case of Gramoz Palushi, murdered by a racist immediately after the Albania-Greece soccer match in September 2004 appears to have found a 'comfortable' psychiatric assessment of the author of the crime, which is scientifically wrong." Today, one year after, on the eve of the start of a judicial process on the author of this macabre crime:

- Believing in the values of a democratic country, a member of the European Union, as Greece is;
- Stressing the importance of respect for principles sanctioned in the European Convention on Human Rights, ratified by Greece, with regard to the conduct of a due, legal process;
- Appreciating the importance of a judicial system's independence in democratic countries;
- Appreciating the importance of the fight against expressions of xenophobia and racism in Europe, in general, and in Greece, in particular;
- Appreciating the need for cooperation and the spirit of friendship existing between the two neighboring countries;
- Appreciating the importance of respect for victims' rights;
- Drawing the Greek judicial authorities's attention to conclusions of international monitoring institutions such as ECRI, which emphasized in its third report on Greece, issued in July 2004, "ECRI recommends to Greek authorities to strengthen legal provisions and their enforcement in criminal, civilian and administrative laws, with a view to fighting racism and discrimination," and

to "strengthen efforts to raise the awareness of civilian employees, the public in general, and the media, about human rights and problems of racism and intolerance."

*The Albanian Helsinki Committee believes that:*

1. Greek judicial authorities will carry out a regularly, unbiased, and objective judicial process against the author of the crime that took the life of Albanian emigrant Gramoz Palushi;
2. Greek justice, in enforcing criminal policies, will keep in mind the dangerousness of the offence and the author as well as the grave consequences arising from the committed criminal offence;
3. The Greek court will keep in mind the very serious, racist motives that led to the commission of the criminal offence;
4. The victim's interests will be observed in keeping with European standards regarding the treatment and remuneration of victims.

The Albanian Helsinki Committee once again reiterates the idea that violent acts of xenophobia and racism severely harm the healthy atmosphere between our two peoples.

Greek justice has the opportunity to demonstrate it is committed to the harsh condemnation of any demonstration of racism and intolerance by anybody.

#### **4. A Problem Seeking Immediate Solution**

*Tirana on December 2, 2005*

It has been a number of days not since the print and broadcast media runs stories about concerns created among pensioners, invalids, and veterans regarding failure to collect reimbursable medicaments based on medical prescriptions. The Albanian Helsinki Committee has followed the problem closely. It also heard complaints by a number of citizens. The AHC is also aware of pharmacists' claims that the Health Care Insurance Institute (ISKSH) has failed to transfer to them considerable amounts of money, which is the value of reimbursed prescriptions.

The fact that the Health Care Institute appears to have a deficit (financial debt), estimated at millions of dollars, can in no way justify the endless dawdling or the impossibility to obtain necessary reimbursable medicaments among citizens that enjoy this right legally.

The AHC is of the opinion that different kinds of abuse that may have been committed by officials, medical doctors, pharmacists, or certain patients can in no way justify delays in resolving this problem, while it is known that these delays have a direct impact on the health of a large needy part of the society.

This is why the AHC calls upon the government, the Ministry of Health, the Ministry of Finance, and the Health Care Institute, to undertake measures to hold legally accountable persons responsible for this situation, and to authorize the rigorous implementation of laws guaranteeing the reimbursement of medicaments for a specific category of the society. Otherwise, any delay or negligence would violate the citizens' legitimate interests and, as a result, their health.

#### **5. A Procrastination with Consequences**

*Tirana, December 6, 2005*

The Albanian Helsinki Committee, the Albanian Human Rights Group, and the Albanian Human Rights Center, join the concern of part of Tirana's citizens that they are encountering great difficulties in going through several streets, whose reconstruction has been blocked, such as the Zogu i Zi overpass, Rruga Elbasanit, etc., particularly in the current winter season. As a result, traffic is extremely heavy and could lead to dangerous consequences. It is pitiful that instead of finding a solution for the situation, the

spokesman of the Ministry of Transport and the spokesman of Tirana Municipality organize press conferences that make public reciprocal accusations.

*Such statements do are of no use in comforting citizens. On the contrary, they produce indignation and anger.*

The Albanian Helsinki Committee, the Albanian Human Rights Group, and the Albanian Human Rights Center are of the opinion that the relevant state structures should be transparent in front of citizens. They must be told in a clear-cut manner what has been decided. Whether construction works that have begun will be cancelled, or whether they will be unblocked, and when.

The Albanian Helsinki Committee, the Albanian Human Rights Group, and the Albanian Human Rights Center support attitudes and actions pursuant to a rigorous enforcement of laws and bylaws in force, but in this case, that cannot justify the endless procrastination of the issue. After all, suspension itself is a temporary measure, but even in such cases, consequences must be prevented, or alleviated.

*Anybody who violated the law should be held legally accountable, but citizens cannot simply wait until the guilty is found.*

Albanian Helsinki Committee

Albanian Human Rights Group

Albanian Human Rights Center

## **6. Priority should be given to finding the violators of the journalist**

Tirana, December 13, 2005

According to press reports, Mr. Engjëllush Serjani, correspondent for several media outlets, was attacked suddenly by unknown persons and was hurt. Considering his capacity as a journalist, the Albanian Helsinki Committee suggests to the responsible authorities to conduct full and immediate investigations on the act, eventhough the motives of the attack are yet to be discovered.

The AHC deems it necessary to recall that this is not the first instance of violation of journalists. The AHC also considers that the legitimate protection of journalists is related to protecting free speech and encouraging critique and transparency.

## **7. Criminal Act Poses Dangerous Social Threat**

*Tirana, December 19, 2005*

According to press reports, in the evening of December 18, 2005, around 21:30, unknown individuals threw an explosive amount on the balcony of the first floor of the building housing the editorial offices of "Shekulli" newspaper, on Tirana's "Don Bosko" street.

*The Albanian Helsinki Committee powerfully condemns this grave, dangerous, and bandit-like act that jeopardizes the lives of people and reporters of this newspaper.*

Eventhough criminal proceedings are underway, the AHC suggests to relevant organs to devote priority to it, to discover and hold the perpetrators of this crime penally accountable.

Like before, the AHC denounces violent acts against journalists in any form they are demonstrated. In a society like ours, *the print and broadcast media play an important educational, sensitizing, and evil-preventing role.*

The AHC finds with satisfaction that the press, with each passing day, is assuming the characteristics of an irreplaceable tool characterized by transparency and courage as a function of constructive opposition.

Although the motives of this shocking and socially dangerous act are still unknown, the AHC remains convinced that such acts are directly or indirectly addressed against free press.

The AHC, in this case, expresses its happiness that the above act accidentally was not accompanied with any harm to the health and life of reporters.

*The AHC joins the concern of Shekulli's reporters and wishes that they will continue to fulfill their important and useful mission with dignity in the future.*