

Albanian Immigrants in Greece

(Cases of ill-treatment by the Greek law enforcement authorities)¹

¹ This report is based on cases reported by the GHM and Amnesty International, as well as other cases addressed by the Albanian Helsinki Committee.

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Introduction

1. The last decade of Albanian history is closely linked to migration, mainly economic. The absence of a practical national immigration strategy to follow the democratic changes of the '90s, and failure to recognize the ramifications of such a phenomenon, lead to another failure, that of the inability to take efficient preventive measures against it. Therefore, after the year 1991, immigration took great proportions. The massive exodus of Albanians towards Italy resulted in tragic loss of life, such as in the tragedy of Otranto Channel, which will always be the darkest and saddest part of our country's past.
2. In order to eradicate such a phenomenon and respect its international commitments, the Albanian Government took stringent measures to reestablish full control over maritime traffic. Under such circumstances, Greece became the newest destination for the majority of Albanian immigrants. Illegal immigration to Greece, favored by its geographic positioning to Albania, was very difficult to control and the flow of illegal immigrants was hard to contain due to the rough borderline. Many Albanian immigrants used mountainous routes to enter Greece illegally.
3. The plague of immigration, which has befallen the Albanian society, on many occasions, breaks out other negative phenomena such as the ill-treatment of Albanian immigrants. We would like to mention here the so-called "sweeping operations" carried out by Greek police in order to evict Albanian immigrants from the Greek territory. These operations have often served as a substitute for an immigration or crime prevention policy on the part of the Greek Government. Many cases of violation of fundamental human rights and freedoms of Albanian immigrants have occurred during these operations. But, not all of these cases been made public and nor have the violated rights been restored.
4. The most severe violations of human rights involve use of force against Albanians living and working in Greece, legally or illegally. Cases of psychological violence exerted against them have emerged as another form of violation of human rights, apart from the use of physical violence. Documented cases speak of incidents involving even the use of firearms against Albanians attempting to cross the border illegally. These cases have often proved fatal for the illegal immigrants. Use of firearms by the Greek police in such incidents is a violation of international standards, which limit the use of firearms to life threatening situations and/or serious injury or define them as a means of last resort.

Some of the violations of human rights of Albanian immigrants in Greece

5. Ill-treatment of Albanian immigrants by the Greek police has long been a serious concern. Speaking in a press conference on the matter, the Greek ombudsman said "the Greek police does not properly observe disciplinary sanctions and has, on many occasions, used violence against Albanians and other citizens as well"².
6. Ill-treatment cases, reported to AHC, show that the major part of ill-treatment cases occur at the Kapshtica border-crossing point. It is also safe to also say that according to the records, the majority of illegal immigrants seem to have used this border-crossing to enter Greece illegally.

² "Panorama" Daily Newspaper, dated 19th of March 2005

7. Reports also speak of violations of human rights in employment arrangements, or criminal proceedings, etc. There have been cases of Albanian workers who due to poor working conditions, have been seriously injured, mutilated or even have lost their lives.
8. Furthermore, cases of human rights violations have been identified in criminal proceedings against Albanians. Albanian immigrants have complained to Greek justice bodies about serious violations of their rights, such as the right to a translator, or of receiving harsher penalties than provided for by the law or compared to the sentences given to Greek citizens for the same offense. They claim that criminal proceedings are biased and there are clear displays of xenophobia³.
9. AHC has continuously received complaints of Albanian prisoners convicted and serving sentences in Greek prisons or Albanian prisoners extradited to Albania. During the period of 2000-2005, AHC received about 21 written complaints and many telephone calls from Albanian convicts serving or having served sentences in Greek prisons. Reasons behind these complaints were:
 - **The failure of Albanian Courts to recognize labor days of Albanian prisoners in Greek prisons, for the purposes of converting the sentences given to them by the Greek courts.** AHC has in fact been unable to verify these claims. On the other hand, according to empowered legislation, Greek courts are obliged to convert labor days upon receiving the transfer request, and prior to transferring prisoners' files to the Ministry of Justice of the Republic of Albania. Many transferred prisoners, have referred to Albanian courts claiming their labor days in the Greek prisons were not recognized.
 - **Human rights violations in the criminal proceedings against Albanian citizens in Greece.** Claimants addressing AHC claim to have been prone of discrimination during these proceedings and in several cases, to have been denied the right to translation in their native language;
 - **Harsher sentences than provided for by the law, for a criminal offence prescribed in the Albanian legislation.** In this context, Albanian immigrants claim Greek courts have imposed on them sentences which do not concur with the Albanian legislation for the same criminal offense;
 - **Many Albanian citizens** serving sentences in Greece, have requested the assistance of AHC to contact the Albanian authorities in order to find out the status of their request for extradition to Albania. AHC was contacted after the Albanian authorities had failed to respond to these citizens within the official deadline.
 - **Many transferred Albanian prisoners, contacted by AHC representatives, claim they receive harsher sentences than Greek offenders for the same criminal offense.**
10. Albeit the negative experience often related by Albanian immigrants in Greece, it is imperative to mention one of the most recent cases adjudicated by Greek justice. A Greek

³ No such cases are mentioned in this report. The courts will decide whether any right was violated and must be restored in these cases.

court gave the harshest sentence to a Greek citizen for shooting to death on 22 October 2003 the Albanian immigrant Vullnet Bytyçi, 18 year old.

11. Despite of numerous problems identified in the treatment of Albanian immigrants, there exist positive developments. The Greek government has shown its commitment to facilitate immigrants' movement in various ways. The fact that the Greek state admits the existence of ill-treatment and violation of immigrants' rights in criminal proceedings, etc. is an indicator of awareness and willingness to bring about positive changes in this respect. On the other hand, there exist many positive examples of assistance given to Albanian immigrants in Greece, being this medical, social, etc. as well as efforts to improve their integration with the rest of the population.

Typical ill-treatment cases of Albanian immigrants in Greece

12. An analysis of the complaints made by Albanian immigrants and of the AHC observations in the Albanian-Greek border-crossings, shows that the majority of ill-treated Albanian immigrants are from the rural areas of Albania. This is explainable by the fact that the majority of Albanians living in these areas has no other income sources and therefore is obliged to immigrate. Financial difficulties, unemployment, the absence of a national strategy supporting the agricultural economy, have forced the rural population to choose immigration.
13. The majority of ill-treated immigrants belong to the age group of 26-40 year old. A considerable number of this group belongs to the sub age group of 18-26 year old. This is explainable by the fact that male members of many Albanian families who are fit to work will try to find any possible way to immigrate in order maintain their families, even if this means crossing the border illegally.
14. Data gathered by AHC, especially from 2000-2005, show that a series and various violations of rights affected the physical and moral integrity of Albanian immigrants and in some cases proved fatal for their life.
15. On 26 July 2001, border management authorities opened fire against a speedboat transporting Albanian illegal immigrants. Four immigrants, two of whom females, were injured. Greek border authorities claimed the incident was caused by one of the speedboat passengers who fired a AK 47. The Albanian passengers, on their way back to Albanian, denied to have had on board a firearm. A Greek court dismissed the criminal charges brought against the Greek border guards by the court order no. 91/2002.

Massive expulsions of Albanian immigrants

16. Greek law enforcement bodies have carried out numerous operations of massive evictions of Albanian illegal immigrants. The legal bases for this forced return are to be found in the "readmission" clause of the Mutual Cooperation signed between Greece and Albania.
17. On 6th of April 2006 alone, about 140 illegal immigrants were returned to the Kapshtica border crossing. This is simply one of the record-breaking numbers of evicted illegal immigrants returned to this border crossing for this reporting period. According to the Albanian government and the media, massive eviction of Albanian immigrants caught in midland Greece possessing no documentation, has now become a ritual of some kind.

18. Massive eviction operations have also been extended to Albanian immigrants who have lived and worked in Greece possessing the required residence and work permits. These operations may have been the cause for several tragedies, such as the suicide of **F. D., 30 years old, resident of Tepelenë**, who jumped out of the balcony of his fourth floor apartment. F.D committed suicide after the Greek police stopped and notified him on the decision for his repatriation with no right to return to Greece for a period of 5 years. After being repatriated and having left all of his savings in Greece, the 30-year-old succumbed to depression.
19. In some cases, Albanian immigrants living and working legally in Greece have been forcefully evicted to Albania likewise the of illegal Albanian immigrants.
- **4-5 September 2003, A.T. 35 year old, resident of Gramsh** was beat up and insulted by a Greek customs police officer at the Kapshtica border crossing who claimed his passport was forged. A. T was beat up and evicted from the Greek territory after refusing to fill out a form presented to him in Greek language, which he could nor read or understand. According to Korca customs authorities, his passport was not forged and valid.
 - On 13th of November 2003, within 24 hours, 8 (eight) persons arrived at the Albanian border crossings having ill-treatment signs on their body. One of them **Sh. Sh., 28 year old, resident of Shegan, Lushnja**, although equipped with the necessary documentation, was detained by the Greek police. Sh.Sh. was submitted to physical violence after his detention by the Greek police. He was beat up and kept for three days in jail, before transported to the Kapshtic a border crossing where he reported the incident to the police authorities.
 - **L. T. resident of Plug, Lushnja**, although legally working and living in Greece for more than three years, was taken and placed against his will in detention where he was physically ill-treated. He was kept in a humid cell, with no food, under inhumane detention conditions.

Beatings and other violent acts

- 20 Ill-treatment of Albanian immigrants prior to their forceful and massive eviction from the Greek territory is the most disturbing aspect of this phenomenon. Cases of incidents involving Greek police authorities ill-treating Albanian immigrants, have been quite commonplace. Below, there are some of the most typical cases of violence used against Albanian immigrants, listed in a chronological order:
- **16 November 2000, K.Sh., 17 year old, resident of Frashtan village, Fieri district**, was beat up by Greek police forces. Greek authorities conducted no investigation on this incident.
 - **13 June 2001**, Greek border guards arrested **A.Lli from Rukaj village, Burreli district, K. R. from Arrëz village, Mirdita district, and D. T. from Fieri district**, while attempting to cross the Greek border illegally. They beat them up, and then took their money and all of their possessions, which they gave back later.
 - **28 October 2002**. In its 31st report on Greece, the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment, mentioned the two cases of Albanian immigrants ill-treated by Greek police forces. Two Albanian prisoners kept in the police station of Igumenca, were brutally beat up during their detention, after being charged for

smuggling of drugs. Greek police reportedly arrested them on 28th of September 2002, near the Albanian-Greek border. During the investigations, one of the Albanian prisoners claimed the Greek police beat him up with a baton on the back and one of his legs. The forensics examination confirmed his statement. The other prisoner claimed the police hit his feet soles. Greek authorities dismissed these claims as ungrounded and stated that there was a discrepancy between the claims of the allegedly ill-treated immigrants and the conclusions of the investigations conducted on this incident. Greek authorities also noted that none of the two Albanian prisoners had filed a report on any type of ill-treatment during their detention.

- ***In July 2003, Lefter Kalivaci resident of Bistrovicë village, Berat district***, crossed the Kakavija border crossing point. He claims that a Greek police officer, and a civilian, asked him to pay them off in order to allow him to pass the border, although he did have all the necessary documentation. After his refusal, they took him to a cell, where he was beat up unconscious. Upon his return to Albania, Kalivaci was hospitalized and treated at the public hospital of Elbasan. The Albanian police did not take his statement on the incident.
- ***15 September 2003, L. Ilko 29 year old from Hoshtë village, Pogradec district together with D. B, 26 year old from Miras, Devollit district, and G. D., and L.K.***, became victims of physical ill-treatment. Their case drew the attention of various international organizations such as Amnesty International, which received no response from the Greek authorities despite the great concern it expressed on this incident.
- ***November 2003, meant for Ilir Ura 23 year old from Shkafan village, Durrës district***, the 8th consecutive year of work and residence in Greece. According to Ura, at the time of his detention by the Greek police, he was equipped by the Greek authorities with other substitute documentation while his temporary residence permit was being renewed. According to Ura, the Greek police officers said his documentation was invalid which led to his detention. During his detention, Ura was beat up with a police baton.
- ***B.L. 19 year old, resident of Durrës***, was also arrested inside the Greek border. After two days of ill-treatment inside the detention rooms of the police station, B.L. was transported to the Kapshtica border crossing. The forensics medic, found signs of injuries in his body, especially damages to his ribs and right leg.
- ***I. Z. resident of Dëshiran village, Durrës district***, was arrested, beat up and evicted from Greece as well. He claims his liver was damaged because of the violent beatings of the Greek police. The signs of violence were obvious upon their arrival at the Albanian border. Albanian police officers took their statements on what had happened.
- ***V.M., resident of Plug village, Lushnja village*** became the next victim of physical ill-treatment after being caught crossing the Greek border illegally.
- ***A.P., resident of Kozar village, Kukës district*** was brutally beat up unconscious.
- ***O. Osmani resident of Kolonja district***, had been working in the Larisa area for about three years and had paid all the necessary taxes for his work and residence permits, something which was not taken into consideration by the Greek law enforcement forces. He was ill-treated as soon as he was stopped by the Greek police and this did not change for 5 days which he spent in detention in prison, where he was fed only once a day and was left only on his short-sleeved shirt. O.Osmani arrived almost naked at Kapshtica border crossing. In his

report to the police, he states that at the moment of his arrest, the Greek police officers dragged him on, tearing his clothes off. Osmani was taken immediately to the hospital of Bilisht for treatment as soon as he sat foot at the border crossing.

- **19 November 2003**, the Greek police evicted **three Albanian citizens**. It has been reported that the three of them were arrested and ill-treated although they possessed the necessary documentation to stay and work in Greece.
- **P.D, 31 year old from Tirana, had been working in Greece** since year 1994. He was on his way to work when he was stopped and ill-treated by the Greek police. The police officers continued to ill-treat him throughout the ride to the police station and while transporting him to the Albanian border crossing. He was hit with hard objects causing serious injuries to his back.
- **P.H. 42 year old from Tirana**, had been working in Greece since year 1993. Not paid by his employer for services already delivered, he tried to ask for the assistance of the Greek police but he was beat and locked up in the detention rooms for three days before being evicting to Albania, instead.
- **B. P. 26 year old**, although legally working and residing in Greece, was stopped by the Greek police forces and kept in detention for 5 days where he was ill-treated and then expelled from the Greek territory.
- Greek police forces arrested **S. Gj, 37 year old from Ujemisht village, Kukës district**, after a dispute with his employer, who refused to pay him for his work. After he was forcefully transported to the border crossing of Kapshtica, he reported to have been beaten at the police station. Police sources stated that there were obvious bruises in his head and other parts of his body.
- **26 March 2004, V.B. 43 year old, resident of Menkulas village, Devolli district**, was arrested in midland Greece after entering the country illegally. V.B explained to the Greek border police forces that the reason why he entered the country illegally was to look for his 13 year-old son who was missing for several days. But his reasons were not taken into consideration. According to the media, V.B was beat up and bit several times by the dog of the guards. He was hospitalized immediately upon his return. Devolli police forces confirm that at the moment of his repatriation, the signs of violence used against him were still visible in his face and body
- **26 January 2005, S. V., resident of Berzezhda Qukës, Librazhdi commune** in his attempt to cross the border illegally, placed a 50 euro bill inside his passport which he gave to a Greek border police officer for the control procedures. This act of his was considered as provocative by the border police officer. The police officer beat him up and destroyed his ID documentation.
- **On 17 February 2005, V. Sh.**, was an Albanian immigrant in Greece released on parole and ordered by a Greek court not to leave the country. On 4th of September, during the soccer match between Albania and Greece held in the latter country, V. Sh. was ill-treated by a Greek police officer. V.Sh. pressed charges against him but two days before the trial, he was evicted to Albania as "a dangerous and persona non grata".

- **On 30 March 2005, K. M. year old 37, resident of Maminas village, Durrës district,** crossed the Albanian-Greek border illegally. The Greek border police caught and hit him with hard objects. The Albanian doctors found signs of violence and bruises on the back and various parts of his body. The case is being handled by the Korça District Prosecutor's Office.
- **A. Ç., 32 year old, resident of Laçi city,** Greek forces detained him for illegal residence in the country. He was kept for three days in the police station where he submitted to violence and ill-treatment.
- **7 April 2005, E.P, 21 year old and A. K., 17 year old, residents of Librazhdi district,** claimed that Greek police forces dragged them around on dirt with a vehicle pertaining to the Greek police. They were only two of a greater number of immigrants of about 145 Albanian immigrants evicted from the Greek territory in two days.
- **26 July 2005, I. G., 19 year old, resident of Kodra e Danit Bulqizë.** He claims greek forces beat him up while handcuffing him. Police sources stated that he was traumatized at the moment of his arrival at the Albanian-Greek border, he was hungry and in a very bad shape due to the violence used against him. One of his arms was broken. He was sent to Bilishti hospital for treatment.

Cases of violence against women

21. There have been cases of reported violence against women.
 - **28 October 2000, F. D., resident of Tepelena.** The woman was pregnant when detained charged for working illegally in Greece. F.D claims to have been kept in a cell with very poor conditions which deteriorated her health and affected her pregnancy. After the deterioration of her health she was taken to the hospital where an abortion against her will was conducted. The documentation issued by the hospital denies the fact that she was pregnant and among other things, it stated that a huge cyst was taken out of her womb. F.D was returned to her cell where she received no post-surgical medical attention.
 - **23 November 2004, K. Ç., 26 year old,** became a victim of ill-treatment by Greek police forces. While detained at a police station she was submitted to physical and psychological violence. She was punched and kicked and together with her two children, a 5 and 3 year old, were deprived of food. They were kept in a cell with no heat or beds. She claims to have been deprived of her right to a counselor during the criminal proceedings against her.

Intentional light and serious injuries

22. Ill-treatment comes in all kinds of forms and shapes. On 23 July 2001, the Ministry of Public Order in cooperation with the General Public Prosecutor's Office took measures to deter this phenomenon by registering in the form of a signed statement all the claims and complaints made by ill-treated immigrants. These records have been submitted to the Greek authorities which have taken action only on few special cases.
23. One of the reasons behind the failure to prosecute the offenders of these ill-treatment cases has to do with the incorrect legal classification of such actions which are considered as

beatings. Ill-treatment cases which go unreported and lack of evidence allow offenders to go unpunished. But, as we will see below, the severity of consequences of violence used against Albanian immigrants can very well be classified as injuries or even serious injuries.

- ***L. H., 46 year old, together with M. H., 43 year old, residents of Zavalinë, Elbasani district and R. P., likewise resident of Elbasan district*** were illegally detained, and stabbed with bayonets in various parts of the body. Their personal items were seized by Greek border police before their return to Kapshtica border crossing. The medical examination released by Elbasani public hospital states that L.H. had her spleen and damage damaged, associated with a hemorrhagy. Consequently, she underwent a surgical operation for the removal of her spleen. The medical examination report stated that R.P. had several ribs broken.
 - ***On 16 December 2003, G., 43 year old from Pogradeci,*** was caught by Greek border police in her attempt to illegally cross the Greek border. He was brutally beat up. Although in a very bad physical and health condition as a result of the violence used, he was kept for two nights in detention where he received no medical attention. Upon his arrival at the Kapshtica border crossing, the medic examining him found serious body injuries and a hemorrhage in the genital organs. G. underwent a surgery at the hospital necessary to save his life.
 - ***1 April 2005, A. C., 30 year old, born and raised in Radovickë village, Ersekë district dhe resident of Laç.*** A.C was punched, kicked off and brutally beat up by Greek police forces although he did explain to them he was waiting for the approval of his residence permit. 24 hours later, A.C entered into a coma because of the violence used against him. At the moment of his arrival to the Kapshtica border crossings, signs of violence in his legs and back were obvious. The case has been referred to the Korça Prosecutor's Office.
 - ***On 16 April 2005, Ç. A., 33 year old, resident of Panaja, Vlora district,*** was caught and physically ill-treated by Greek border police forces while attempting to cross the border illegally. Ç. A. was kicked in his stomach and other parts of the body. His health condition further deteriorated while kept in the isolation rooms where he suffered a stomach crises associated with an internal hemorrhage. Consequently, he underwent a very difficult surgery.
24. The most arbitrary cases involve use of firearms by Greek police forces.
- ***On 4 July 2001, A.S., resident of Plangaricë village, Graca commune, Elbasani district,*** was shot against with a fire arm and consequently paralyzed. According to Greek border police forces this was an accidental discharge. They claim to have fired several warning shots for Albanian immigrants attempting to cross the border illegally. Greek authorities stated that "this case has been recorded and archived for further legal and disciplinary action".
 - ***In March 2002, F C., a retiree,*** was wounded with a firearm while attempting to cross the Greek-Albanian border illegally. His, is one of those few cases in which Greek authorities attempted to bring the offenders before justice. Initial military and administrative inquiries concluded that the action of the soldier was simply failure to handle his firearm properly. The soldier was sentenced to 10 days in prisons, thus relieved from criminal responsibility. After a administrative inquiry found a series irregularities and raised questions about the lack of criminal responsibility of the soldier, it was decided that the case was to court marshaled at the Military Court of Thessaloniki. Efforts made by the Greek Helsinki Monitorers made it

possible for Ferhat Çeka to testify on 11th of June 2003, opening thus the way to deeper investigations on this case of his ill-treatment. In September 2004, a Greek military court found one of the two Greek soldiers under trial guilty and sentenced as such to imprisonment or a 3-year probation sentence. The hearing session was monitored by both AHC and GHM, which at the end of the trial gave their own statements for the Greek and Albanian media.

- ***On 21 April 2002, S. M. 26 year old, born in Lekbibaj, Tropojë, resident of Tirana*** was shot with a handgun by a Greek soldier near Kapshtica border crossing. As a result, he had to undergo a surgery to save his life.
- ***In September 2003, G.R, 35 year old, resident of Mafshëz village, Kruja district,*** was shot against and wounded in one of his arms while attempting to run away from Greek police forces which were on his trail after he crossed the Greek border illegally. A medical examination performed on him after his repatriation found the entrance and exit wound of a firearm bullet in his right arm. His case has been referred to the International Organization against Torture.

Criminal Acts against Life

25. Quite often violence has taken its extreme shape and has proved fatal for Albanian immigrants.
 - ***B. Q., 23 year old,*** died allegedly in a fire exchange with Greek police forces, although the firearm was never found. Six other Albanian immigrants involved in the incident claim to have been forced to testify against the victim. The Greek Ministry of Order stated the case is recorded for further legal and disciplinary action.
 - ***H.M., from Markat village, Saranda village,*** was shot to death. Greek authorities claim his death was a result of a fire exchange between Greek forces and two Albanians attempting to steal cattle. Although the surviving Albanian immigrant was sentenced for cattle theft and illegal possession of firearms, no action was taken against the offender of the murder. The court decided the Greek soldier was acting in self-defense.
 - ***On 22 October 2003, V. B., 18 year old from Muc village, Has,*** was shot to death at the Kapshtica border crossing, trying to avoid arrest by the Greek forces for illegal crossing of the border. According to some indications, V.B. had stopped running and did not pose any real danger to the Greek police forces at the moment they opened fire against him. Greek authorities assured the Albanian party they would take the legal action against the offender. The initial charges brought against the Greek police officer was “murder as a result of negligence” but the nature of the criminal offense was later changed from that of a crime into a minor offense. AHC closely monitored this case, considering it as one of the most serious offenses, and was informed that none of the family members of the victim was allowed to testify in court.
26. Quite often, Albanian immigrants have become victims of xenophobia and racism leading to violence, which in some cases has taken innocent lives.

- The most typical case is that of *G.P., who on 4 of September 2004* was stabbed to death by a Greek citizen because he was cheering the Albanian soccer team which had just won a match with the national Greek soccer team.
AHC in cooperation with the Helsinki Greek Monitorers paid special attention to this case. In a joint press conference, AHC and HGM condemned the decision of the Greek court to proclaim the offender as mentally unstable and called for the responsible persons to be hold accountable for their act. Unfortunately, this was not a unique case. In May 2006, a Greek court found the Greek citizen guilty and sentenced him to 40 years in prison.
- *25 May 2005, A. L., 30 year old, resident of Korça*, was executed after celebrating his birthday with some of his friends. His mutilated and naked body was found 15 km away from Athens, in a suburban street. The autopsy performed on him found several signs of violence in his body. The cause of death, according to the autopsy report, was violent blows on the neck with sharp objects.
- *31 March 2005, K D. 29 year old from Berati*, decided to immigrate illegally so he could join his wife. His path was cut short and his dead body was found within the Greek territory by a Greek shepherd. Although the Greek police report, which is based on their forensics examination, states that K.D. died of a heart attack, family members of the victim are not convinced in this cause of death. They claim to have found a scar in the forehead and several injuries in the head of the victim at the moment of his identification. They believe the truth is still to be discovered and it is known by the persons whom K.D. was traveling with and through joint investigations of Albanian and Greek authorities.

The role of the Albanian Helsinki Committee in protecting the rights of Albanian immigrants

27. The Albanian Helsinki Committee, being a human rights organization, among other things focused its activities also in protecting the rights of Albanian immigrants, the violation of which remains an open wound for the Albanian society. Monitoring the observation of Albanian immigrants rights in Greece makes a distinctive field of activities for AHC. There are several reasons to why Albanian immigrants in Greece were chosen as an object of observation:

Firstly, Greece houses the greatest number of Albanian immigrants.

Secondly, it has been concluded that Albanian immigrants living and working in Greece suffer the majority of human rights violation cases among all Albanian immigrants all over the world.

And thirdly, the contact between AHC and Albanian immigrants in Greece is more frequent due to complaints or letters submitted by them or through continuous in-field monitoring carried out by AHC at the border crossings of Kapshtica and Kakavija.

28. AHC received and continues to receive information about cases of ill-treatment of Albanian immigrants in Greece. AHC, through its district correspondents network, has attempted to verify the content of letters addressed to AHC. It has also contacted family members or relatives of ill-treatment victims and the relevant state bodies in order to be informed on how ill-treatment cases were handled and on their progress.

29. AHC has played an active role in providing its legal expertise to the Parliamentary Commission on Legal Issues, State administration and Human Rights. It has followed with great interest and also given its arguments on several criminal proceedings held against Albanian immigrants in Greece although the defendants were not provided with a translator or with a legal counselor who spoke Albanian. AHC has addressed this issue on several letters sent to the Albanian Ministry of Justice and Ministry of Foreign Affairs.
30. AHC cooperates with the Greek Helsinki Monitorer (GHM) and other human rights organizations in handling letters and complaints of Albanian immigrants in Greece. In September 2004, AHC in cooperation with the Greek Helsinki Monitorer attended a judicial hearing of F.C. against the Greek State held in Thessaloniki, Greece. Monitoring of judicial hearings by Albanian organizations in Greece was a first experience for the Albanian civil society. AHC and GHM have closely cooperated also for the trial of G.P. and L.B.
31. AHC, being a non-profit organization, has played a positive role in raising the awareness of state authorities about the accumulating problems to be solved and in the restoration of violated rights by Greek authorities. This was accomplished through constructive cooperation with the GHM active in Greece as well as Amnesty International.
32. AHC has carried out several fact-finding missions at the Kapshtica and Kakavija border crossing. These missions were fact-finding missions on the treatment of Albanian immigrants by Greek and Albanian police, identification of ill-treatment cases and possibilities for a more humane treatment of Albanian immigrants in these border crossings, etc. Apart from several meetings held with the representatives of Bilishti police station, representatives of the Border Checkpoints and interviews carried out with Albanian immigrants, AHC representatives also met with representatives of Korça Prosecutor's Office.
33. AHC correspondents operating in Korça dhe Gjirokastra carry out frequent monitoring missions in order to measure the observation of the rights of Albanian immigrants at the border crossings. They have been "attentive" in the identification of ill-treatment cases of Albanian immigrants and in the verification of these cases.

Conclusions and Suggestions

34. At the end of a series of meetings, AHC has arrived to its own conclusions regarding the work and efforts made by state structures in the treatment of victims and how these cases are legally handled. AHC has made known its conclusions and respective suggestions in a letter addressed to the Albanian Ministry of Interior.
35. During its activities, the Albanian Helsinki Committee has arrived at the conclusion that albeit efforts made in these last years, cases of violation of the rights of Albanian immigrants living and working in Greece continue to occur.
36. In the majority of case, massive evictions of Albanian immigrants by the Greek police have been associated with other actions infringing the human rights and dignity of Albanian immigrants.
37. The rights of Albanian immigrants are violated especially at the moment of their arrest and detention, during the investigations as well as criminal proceedings against them.

38. Contacts with Albanian immigrants evicted to Albania as well as Albanian police authorities and district Prosecutor's Offices show that the mechanism bringing offenders to justice, has failed to function. Incorrect forensics examinations performed on victims of ill-treatment, insufficiency of evidence and in some cases reluctance shown by the victim to testify have led to delays in the criminal proceedings or even dismissal of charges.
39. Cases of ill-treatment of Albanian immigrants identified by the Border Police have been sent to the respective Public Prosecutor's Office for further action and later discussed between the relevant authorities of both governments, nevertheless legal actions taken on these cases have proved to be ineffective.

As for the above, AHC suggests:

40. necessary measures must be taken to improve the work of Albanian border police structure for a better treatment of legal or illegal Albanian immigrants who are repatriated.
41. better coordination between those structures receiving, treating and seeing off Albanian immigrants ensuring thus better treatment of these cases by the Albanian party.
42. measures must be taken by the government to provide all the necessary assistance to the victims of ill-treatment at the moment of their repatriation, such as first aid, and also to ensure further action will be taken on these cases.
43. Albanian authorities must cooperate with the Greek authorities to prevent and extend the most severe punishments for act of racism and discrimination against Albanian immigrants. Special attention must be paid to increasing the efficiency of Albanian justice in handling such cases and in improving the protection of victims of ill-treatment reporting to the police or Albanian prosecutor's offices.
44. Diplomatic representation corpuses or consular representations must, in compliance with their legal authority, play a more pro-active role in the protection of the rights of Albanian immigrants. In this context, we believe diplomatic corpuses and consular representations must intensify their contact with Albanian citizens immigrating in other countries. This would enable them to recognize the problems Albanian immigrants face with and consequently a better protection of their rights. AHC also thinks that diplomatic and consular representations must become more aware of the problems Albanian immigrants are faced with, especially in cases of violations of their rights.
45. We would like to underline the fact that this situation is a direct result of the lack of a real immigration policy between the two countries. An immigration policy could have had prevented the emergence and development of some crimes, such as trafficking in humans, illegal immigration and could have had deterred xenophobia and discrimination against Albanian immigrants which, unfortunately, sometimes emerge from the within of state structures as well.
46. An important aspect of such immigration policy could be employment agreements, which need not only be encouraged but also implemented.
47. The civil society must be more active in raising the public awareness about the necessity of immigration policies in order to give an end to such phenomena as ill-treatment, and

insecurity of Albanian immigrants, and to raise the awareness of the citizens on the benefits and importance of legal immigration and prevention of illegal border crossing.

48. The bitter past of immigration of Albanians, filled with suffering, ill-treatment and even death, is quite obvious from what was related above. We should all reflect on it, in order to choose a different future.