



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

REPORT ON THE SITUATION OF HUMAN RIGHTS IN PRE-TRIAL DETENTION FACILITIES AND PRISONS

OCTOBER – DECEMBER 2008

Introduction

1. The Albanian Helsinki Committee (AHC), the first human rights organization founded in 1990, has as its mission the protection, education, and sensitization of the public opinion and state bodies for better respect for the rights of citizens. Monitoring respect for the rights of arrested, detained, and convicted persons is one of the main areas of AHC's observations.
2. During the period October – December 2008, AHC conducted observations in the pre-trial detention facilities: “Jordan Misja” in Tirana, “Mine Peza” in Tirana, Berat, Durrës, Vlorë, and institutions for the execution of penal decisions for imprisonment in “Shën Koll” in Lezhë, Vaqarr, Fushë-Krujë, Krujë, “Ali Demi” in Tirana, and the Prison Hospital in Tirana. The monitoring missions were made possible thanks to the financial support of the Swedish Helsinki Committee in the context of activities conducted under “For better respect for the rights of victims in Albania.”
3. The goal of monitoring was to assess the situation of the rights of detained persons in general, the physical conditions of life in institutions, the general atmosphere prevailing in these institutions, social and health care offered in these institutions, as well as other aspects related to the rights of detainees and convicts in general.
4. In the course of the monitoring missions, observers kept in mind minimal international standards, rights and regulations established in the Albanian legislation, namely the Constitution of the Republic of Albania, the Penal Procedure Code, law no. 8328, dated 16.04.1988, “On the rights and treatment of persons sentenced to imprisonment,” law no. 8331, dated 21.4.1998 “On the execution of penal decisions,” Regulations “On prison police,” 2006 regulation on detention, recommendations of the Council of Europe's Committee for the Prevention of Torture on Albania, recommendations of the People's Advocate, and of AHC.
5. During the observations, we held direct meetings with detainees, heads of detention institutions, security officers and specialists, specialists of the social care, juridical, health, and personnel sectors. The observations were carried out by experienced AHC monitors who are lawyers and medical doctors by profession.



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

6. The report presents the most general problems encountered in the observed institutions. During the observations, AHC observers had the possibility to meet with detainees and convicts and communicate freely with them.

7. Overcrowding was a disturbing problem in almost all detention facilities and prisons observed by AHC, especially in the prisons of Rrogozhinë and Lushnje, and the detention institution Durrës. Overcrowding was disturbing in the detention institution “Jordan Misja” in Tirana and the convicts’ sector in the institution for serving prison sentences “Ali Demi” in Tirana. Regarding the situation encountered, AHC reacted through open letters and public declarations.

8. The infrastructure of the internal and external premises of institutions and the possibilities they offer for a normal life by persons deprived of their liberty were also the target of observations. During the observations, we encountered improvements in the infrastructure of the premises of some institutions that were monitored. There were problems in some of the institutions for the execution of penal decisions (IEPD) and in some detention institutions (DI) that were recently transferred under the responsibility of the Ministry of Justice. In some of them, there was lack of electricity and 24-hour running water and the buildings were entirely wornout and showing humidity (IEPD “Ali Demi” in Tiranë, DI Durrës, DI Berat, IEPD Rrogozhinë, DI “Jordan Misja” Tiranë, mainly the first floor, IEPD Lushnje), which has a direct impact on the health of persons deprived of their liberty.

9. At almost all visited sites, infrastructure conditions did not offer real opportunities for facing overcrowding. Therefore, there was no respect for the space or volume that every person deprived of liberty should have. At the Rrogozhinë IEPD and the Burrel IEPD, at the detention section, there could be between 6 and 12 persons per room.

10. Another problem highlighted as disturbing were the roads leading to the IEPD Krujë and the IEPD Lushnje. Their extreme depletion created numerous problems for the normal conduct of work at the institution (daily supplies, escorting to the courts, health emergencies), as well as for family members coming to visit their kin in these institutions.

11. The hygiene of the internal areas was another problem encountered at some of the observed institutions, caused by the lack of running water and 24-hour electricity supply. At some of the institutions, common showers did not function. Detainees and convicts took showers in inappropriate conditions.

12. Based on the observations, we found a poor condition of personal use items of persons deprived of their liberty, such as: mattresses, pillows, or other items that, due to use and misuse, were in poor conditions. Most of the persons received clothing from their



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

families. At the time of the monitoring, the DI Durrës featured a total lack of the above items and detainees slept on the floor.

13. Overcrowding at the Prison Hospital Center remains a disturbing problem, affected also by the fact that persons with mental problems and part of persons needing special care are also kept in these premises.

14. In spite of the fact that AHC has raised it often as a problem, the situation at the IEPD “Ali Demi” in Tirana still appears disturbing. In the section where women and girls are kept, physical conditions are extremely poor, worn out, humid, and inappropriate for facing the overcrowding that this institution has. Also disturbing is the condition of sanitary infrastructure of this regime with no investment for many years.

15. The food ratio offered to deprived persons met the requirements of the daily food norm. Also, there was a special food norm for persons with diabetes, respecting the specific dietary requirements of this group of people. Nevertheless, on-site findings showed that a part of the deprived persons did not take the food offered by the institution and preferred the food supplied by their family members. The reasons varied: existence of the mentality related to food offered by the institution, some persons claimed that some items offered by the institution (rice, beans) were old, the inappropriate way of cooking and its distribution.

16. The employment of persons deprived of their liberty was also observed. At some of the institutions, there were persons employed in cleaning, maintenance, kitchen, etc. At the IEPD “Shën Koll” in Lezhë, there were about 200 convicts who were employed. A disturbing problem was failure to recognize work days for conviction purposes at the IEPD of Burrel, the only institution where the law was not observed, as well as the minor payment of employed convicts, which was based on the old system of payments still in force in the Albanian prison system (APS). To date, the decision of the Council of Ministers regarding adequate payment for the work of convicts has not been approved.

17. The health service was another aspect observed by the AHC monitoring group. The observed institutions had functioning 24-hour health service. There were supplies of medicaments at the pharmacies of institutions. Detainees and convicts had health records and there were medical records for those suffering of different illnesses. Detainees and convicts were allowed to choose medical service out of the institutions, but the procedure for the approval of this request was extremely long and made approval very difficult.

18. At some of the observed institutions, stomatology was a disturbing problem. The Fushë-Krujë IEPD featured a total lack of stomatology equipment and medicaments for



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

that service. Persons with stomatology problems were sent out of the institution to receive the service. The Krujë IEPD only offered the service 3 times a week and the Burrel IEPD only 2 times a week, which limited access to this medical service.

19. The lack of adequate medical and sanitary staff was another aspect that created overburden for the existing staff and had a direct impact on meeting the requirements of these services. The problem was encountered at the “Shën Koll” IEPD of Lezhë, where there was only one general doctor, 4 nurses, and 800 detainees and convicts; the Fushë-Krujë IEPD included medical services as well as sanitary services for ill persons and the disabled; at the “Ali Demi” IEPD, there was no gynecologist (although there was an agreement of the GDP and the ASHR that a gynecologist from health clinic no. 4 would conduct gynecological checkups at least one time a week in the institution; in reality, the agreement did not function). Another real problem, raised by senior officials of the observed institutions was the employment of doctors, stomatologists, and the other medical staff as there were no persons wishing to work in these institutions.

20. The social and educational care service is an important element for the rehabilitation of convicts. All observed institutions had completed the psycho-social files on each detainee and convict as well as the accompanying documentation. Nevertheless, the institutions such as that of Fushë-Krujë had social care rooms that had no equipment to facilitate the work of the specialists of this service; sports premises were lacking for detainees and convicts to carry out sports activities, which at the time, they were doing in the outside walking area.

21. In every observed institution, libraries were poor in books and needed renovation, especially in legal and social literature. At the “Shën Koll” IEPD in Lezhë, Vaqarr, and Burrel, there was a lack of specific programs for special groups that need more specialized treatment. Most observed institutions featured a lack of vocational courses for deprived persons.

22. The target of monitoring also included the right of deprived persons to contact their family members and relatives. Based on observations and on-site interviews, it resulted that this right was generally respected. They had the right to two telephone calls per week and four meetings per month; however, in spite of this rule, it was possible to do more calls and meetings, upon approval of the institution director. One problem encountered in this aspect was the quality of premises where meetings with family members/relatives took place, which, in some institutions, were inappropriate and offered no possibility for contact with them (e.g. at the IEPD of Fushë-Krujë, the premises for meetings for convicts requiring ordinary security; meetings took place in a normal room for convicts requiring high security). At the Shën-Koll, Lezhë, IEPD, the mailbox system did not function, which creates unnecessary delays and violates the legal right of convicts to maintain contact with the outside.



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

23. The enforcement of disciplinary measures issued by the Disciplinary Commission of the observed institutions – for violations by the deprived persons – functioned according to legal provisions in force. Nevertheless, during interviews with AHC’s monitoring group, detainees raised concerns about failure to be notified of disciplinary measures on them (e.g. at the Fushë-Krujë institution). Another problem was the failure to remove the disciplinary measure from the detainees or convicts’ file, upon expiration of the 6-month deadline, when there was no repetition of the disciplinary violation. This fact had a negative impact on reductions of sentences issued by the courts for them. This problem was particularly emphasized at the Shën-Koll, Lezhë, IEPD.

24. The deprived persons’ right to demands-complaints is recognized in the Albanian legislation on this area. Based on on-site observations and the monitoring of procedures of the demand-complaint mechanism at the detention and IEPD institutions, it resulted that this right was observed. The monitoring group highlighted problems such as: delays in receiving responses from the institution’s internal sectors, the General Directory of Prisons. This problem was raised by many persons deprived of their liberty. The interviewed persons clearly highlighted an atmosphere of distrust regarding the potential resolution of their demands or complaints, which was mainly noticed in the Fushë-Krujë IEPD.

25. Findings on site showed the lack of a unified control system at all the observed institutions regarding the return of responses by different sectors for demand-complaints of persons deprived of their liberty. In general, the head of the institution tasked the social care sector to monitor the return of responses, mainly those to be provided by the juridical sector, which is incompatible with the goal of the social care sector’s work.

26. Through contacts with the juridical office, the monitoring groups learned that there were delays in the issuance of orders for the execution of decisions by the prosecutor’s office. According to them, in some cases, execution orders are unclear and evasive, which created confusion for the juridical office representatives, especially in cases of persons for whom charges include more than one offense. Problems were also highlighted regarding long periods of pre-trial detention for arrested persons.

27. Deficiencies were also highlighted in maintaining contact between convicts and representatives of the juridical sector. According to this sector’s personnel, the situation was created due to the workload at this sector, which often was carried by one person only. However, AHC deems it necessary to highlight the professional level and scarce experience of part of this sector’s staff.

28. The contacted convicts presented complaints regarding procedures for the review of requests for release on bail or reduction of sentences. Regarding release on bail,



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

envisioned by article 64 of the Penal Code, as resulted from observations at different institutions, there are different interpretations of the term “special reasons” by the court.

29. The AHC monitoring group also observed the rooms used for accompaniment and detention of citizens. It resulted that the physical conditions of these premises were poor, lacking in necessary items for accommodation, and lacking sufficient natural light. These premises, in the Vlorë Commissariat, had none of the necessary items for the 10-hour stay of accompanied citizens. The total lack of airing and wornout infrastructure had led to a high level of humidity.

30. Another problem encountered on site consisted in violations of legally established deadlines for the stay of individuals in police commissariat premises. Based on interviews with personnel of these stations, observers highlighted delays by the GDP for issuing official letter specifying the institution for the execution of penal decisions, in which deprived persons are to be transferred. The Vlorë commissariat had no special premises for the detention of juveniles or women and girls. It was positive that juveniles in this institution were granted the right to have the presence of their parents and of a psychologist through cooperation with the Regional Police Directory.

31. It is worth mentioning that one detainee in the Burrel commissariat had not had any food for 3 meals. Only the intervention of AHC observers with the commissariat chief made it possible to provide lunch to the detainee.

Some suggestions for improving respect for human rights:

1. Assessing the concrete situation at some of the observed institutions, AHC supports the need for investments to improve the infrastructure of detention rooms in police commissariat premises.

2. AHC recommends that measures be taken to change the infrastructure and physical conditions situation at detention and accompaniment premises at police commissariats. We hereby recommend a full restructuring of these premises and equipping them with the necessary living items.

3. It is necessary to create the premises for juveniles and equip them with the necessary items at detention institutions.

4. We recommend to the General Directory of Prisons, on the basis of periodical assessments of actual capacities in institutions, to take the necessary measures for diminishing overcrowding and the transfer of persons to the appropriate institutions.



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

5. AHC appreciates the application of new food rules at detention institutions and prisons, while recommending that the GDP organize periodical inspections on whether the norms are applied in practice.
6. AHC encourages police and prosecutor officials to take measures for their subordinates to respect the right to information of persons deprived of their liberties regarding their rights at the moment of detention or arrest.
7. Appreciating the importance of social programs for the social rehabilitation of convicts in general, it is recommended that institutions increase their cooperation with civil society actors and other institutions to organize social/cultural activities and create more educational opportunities through different vocational courses, etc.
8. Regarding detained and convicted women, it is recommended that their treatment be according to standards defined in the European Prison Regulations, ensuring all hygienic conditions and items in keeping with their needs. It is also recommended that measures be taken for the agreement between the Ministry of Justice and the GDP to function regarding gynecological checkups by the doctor of polyclinic No. 4.
9. Appreciating the importance of professional and standard-based health treatment required in this area, we hereby recommend the speedy opening of the institution for the treatment of mentally ill persons in Durrës.
10. In order to improve health and legal services, we recommend that the necessary personnel be ensured and that sectors including pre-trial detention sections be complemented with jurists and juridical specialists, also including measures for boosting their professional capacities.