

NEWSLETTER



ALBANIAN HELSINKI COMMITTEE

JULY – AUGUST 2004

MONTHLY NEWSLETTER No.7 & 8

This publication is prepared in the framework of transparency with the public and is made possible through the financial support of CORDAID “CATHOLIC ORGANISATION FOR RELIEF AND DEVELOPMENT”

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1. MONITORING AND VERIFICATION ACTIVITIES OF THE AHC

1.1 Monitoring respect for citizens' rights in the detention and prison system

As an organization striving for the protection of human rights, the AHC has always engaged in monitoring respect for those rights in different areas. Therefore, during July 2004, based on signals received from different sources, the AHC carried out a verification mission on the case of Erigert Ceka, a juvenile detainee, who died in the Tirana Military Hospital. For the verification of this case, the AHC contacted senior officers of the Rrëshen police commissariat where the juvenile was held. During the verification, it resulted that he had hit his head against the wall of the cell he was kept in, following a quarrel with his cellmate. The AHC conducted observations also in the Tirana military hospital and held meetings with its staff in order to obtain information on the causes of his death. The AHC reacted with a public statement conveying its concern over the fact that it is still the case in detention facilities for juveniles, whereby proper care is not shown and relevant measures are not undertaken not only for their treatment, but also for preventing fights between detainees.¹

1.2 Respect for citizens rights against environmental pollution

During July, the AHC undertook a monitoring mission in the Zall village of Fushë-Krujë, in order to take a close look at the situation, following a petition originating from the village inhabitants. They raised their claims regarding environmental pollution from the cement factory, which is located in the vicinity of the village. In order to verify the complaint, besides the observation, the AHC also held several meetings with village inhabitants and representatives of the local authorities of the municipality of Fushë-Krujë. At the very village entrance, the AHC noticed a large dust cloud that covered the entire area. During meetings with the village inhabitants, it resulted that they had complaints regarding the activity of this factory, which was damaging not only to the vegetable plants they cultivated, but also to their own health. The AHC also met with the mayor of the Fushë-Krujë municipality who said that after the dismantling of the current factory, another one would be built with advanced technology. However, it was not known how long the dismantling of the current factory would take while the environmental pollution problem was still disturbing. In the meantime, it was expected that the mayor would negotiate with the village inhabitants. The AHC has monitored and reacted in numerous similar cases because it has considered the phenomenon disturbing. It did the same in the case of refuse in Porto Romano.

1.3 Respect for the rights of emigrants by Albanian and Greek border police forces

During July, the AHC contacted individuals sent back to Albania by Greek police. They pretended that the Greek authorities violated their rights.²

During the monitoring, the AHC also called on all individuals that it learned had spoken of use of violence by Greek police to direct their complaints to the AHC, the police or the prosecutor's office in order to denounce and clarify these cases.

¹ This monitoring was conducted in the framework of institutional support received from CORDAID

² This monitoring was financially supported by the project "Monitoring respect for human rights of emigrants by Albanian and Greek border police forces", financially supported by the Norwegian Helsinki Committee

On this mission, the AHC is closely collaborating with the Greek Helsinki Group, which verifies on site cases presented by emigrants to the AHC or other organs. The AHC is also collaborating with Amnesty International with regard to these cases.

1.4 Cases of Albanian emigrants addressed by the Albanian Helsinki Committee in collaboration with the Greek Helsinki Group and Amnesty International

During this period, the AHC has addressed several cases of maltreatment of Albanian emigrants in Greece and has closely assisted them in preparing the necessary documentation for criminal cases initiated or planned to be initiated in Greek courts soon.

The majority of cases have to do with the maltreatment of Albanian emigrants by Greek police and accidents in workplaces in Greece.

In collaboration with the Greek Helsinki Group and Amnesty International, the AHC has facilitated the preparation of cases for victims F. Ceka, F. Deda, and has contacted family members of victims of Greek police violence. These cases have been covered by the Albanian media, after being presented by the Greek Helsinki Group and Amnesty International.

The AHC notes that Albanian emigrants – victims of human rights violations – have scarce knowledge of their own rights and do not report incidents to Albanian authorities in timely fashion. On the other hand, we notice that the Albanian state does not show proper care in handling such cases.

The AHC notices that numerous very valuable evidences for criminal processes either have not been secured or, when secured, deadlines and procedural rules for their obtainment have not been observed.

2. AWARENESS AND EDUCATION ACTIVITIES

2.1 Meetings with state authorities

Considering the importance of constructive collaboration with state authorities as well as concrete contribution toward improving prison management, the AHC has undertaken several meetings with the acting General Director of Prisons, with other personnel of the General Directory of Prisons as well as with directors of prisons in Rrogozhina and Peqin. These meetings have been held in the framework of the supportive visits that the AHC has undertaken in pilot prisons.

Participating in these meetings has also been Mr. Jan van den Brand, a Dutch expert involved in the project “Prison reform and the role of the civil society in Albania”³, which the AHC is implementing currently. The frequent meetings with senior officers of these state institutions have been useful for constructive cooperation with the civil society and for the coordination of efforts to enhance reforms in institutions where sentences are served.

2.2 SUPPORTIVE VISIT IN A PILOT PRISON

As was mentioned above, during August 2004, the Albanian Helsinki Committee organized a supportive visit to the premises of the Peqin Prison⁴. The visit came as a result of what had been achieved during the first phase of the work organized by the AHC on 4-7 June, in the facilities of

³ This project is funded by the Swedish Helsinki Committee

⁴ This visit was organized in the framework of the project “Prison reform and the role of the civil society in Albania,” financially supported by the Swedish Helsinki Committee

the Rrogozhina Prison. The visit also helped determine the list of issues to be addressed in the second phase of work, which will be carried out on 14-15 October 2004, in the facilities of the Peqin Prison. In the next session of October 2004, the main issues to be addressed will be changes to the draft of internal regulations in the Peqin Prison, procedures and criteria for recruiting new personnel based on the duties they will be carrying out and the skills they need to have. Furthermore, there will be a discussion of a draft code of conduct for the employees of these institutions. The idea of a survey to be conducted with the administration of prisons and convicts will also be introduced. It is worth mentioning that the AHC initiative is in keeping with directions defined by the masterplan that has been prepared in the framework of the CARDS project of the EU.

3. LEGAL OPPONENCE ON DRAFT LAWS OR VARIOUS SUB-LEGAL ACTS

Throughout its activity, the AHC has provided its legal assistance through legal expertise and critique for the improvement of Albanian legislation. During August, the AHC received three requests from the Ministry of Justice for legal critique. There was one request regarding the masterplan prepared in the framework of the CARDS project of the EU with regard to detention facilities. AHC representatives offered their expertise with regard to legislation on detention facilities and also provided relevant recommendations.

The AHC is currently working on planned changes to the justice system for juveniles. With regard to this issue, the AHC is also conducting a study that has been financially supported by the Swedish Helsinki Committee.

In spite of the load of daily activities, the AHC has not spared its expertise in order to ensure laws that are as close to European standards as possible.

4. AHC PUBLICATIONS DURING JULY-AUGUST 2004

4.1 Report on “Respect for citizens’ rights in the Albanian judicial system”⁵

Recently, the AHC issued a report on the respect for citizens’ rights based on observations conducted in the judiciary in the country’s seven main districts. The report addresses different issues encountered during observations in the courts of first instance and the Appeals courts (in districts that have these) in the districts of Elbasan, Kukës, Korçë, Fier, Gjirokastër, Vlorë, and Shkodër. The report presents in a summarized manner encountered problems, conclusions at the end of observations as well as the relevant recommendations for improving respect for citizens’ rights. Issues addressed in the report include: how the judicial administration of these courts functions, publicity of court sessions, the principle of solemnity of court sessions, requests to exclude judges from trial processes and the reasons for that, respect for schedules of these processes, also seen from a human rights standpoint.

5. PUBLIC REACTIONS OF THE AHC TO HUMAN RIGHTS VIOLATIONS

Aside from letters, signals and recommendations to state authorities, the AHC has also reacted publicly by way of statements to human rights violations.

During July and August 2004, the AHC issued **4 public statements** regarding different problems in the field of human rights, mainly in the areas of freedom of the media, the penitentiary system, detention and prison facilities, as well as on cases of the use of violence in police stations, etc. By

⁵ The complete report may be found in Albanian and in English on our internet website www.ahc.org.al

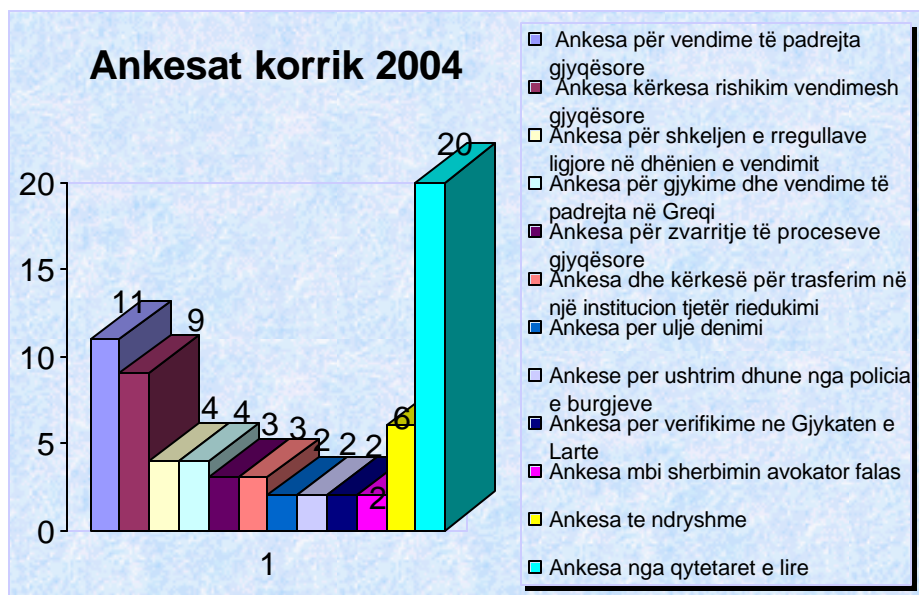
way of these reactions, the AHC has aimed at sensitizing state institutions, the media and the public about the reinstatement of violated rights.⁶

6. CITIZENS ADDRESS THE AHC

The Albanian Helsinki Committee continues to receive numerous letters and complaints from citizens. A good part of these are complaints received from persons in detention or serving sentences in different imprisonment institutions. They complain about unjust judicial decisions, review of judicial decisions, violations of legal regulations in the issuance of decisions, outdragging of court processes, use of violence by prison personnel, requests for free legal counsel, etc. Also, there is no shortage of complaints and letters from free citizens in all districts⁷ who complain about different problems, such as property rights, unjust dismissals from jobs, violations of emigrants' rights, etc.

The AHC has often undertaken sensitizing campaigns on denunciations by citizens in cases of human rights violations. Complaints are received at the AHC through letters, telephone and direct meetings with experienced jurists of the AHC.

During **July 2004** the AHC received a total of **46 letters and complaints**⁸, which the Committee has responded to. In cases when the AHC deemed it essential to intervene, it reacted by addressing competent state institutions, partner organizations as well as by public statements. 26 complaints came from detainees and convicts and 20 from other citizens.



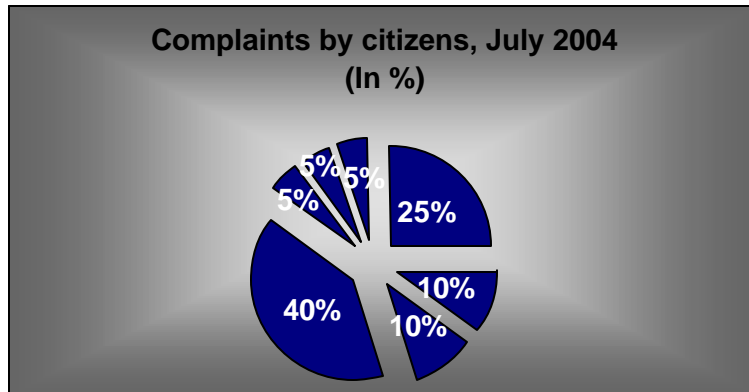
The legend ::::: Complaints for unjust judicial decisions; Complaints for review of judicial decisions; Complaints for violation of legal regulations in issuing decisions; Complaints for unjust judgments and decisions in Greece; Complaints for outdragging of judicial processes; Complaints and requests for transfers to other rehabilitation institutions; Complaints for reduction

⁶ You may see the exact statements of the AHC during these two months in annex no. 1.

⁷ Correspondents in the country's seven main districts, a project supported financially by the SOROS Foundation, gave great help in receiving and verifying complaints in the districts.

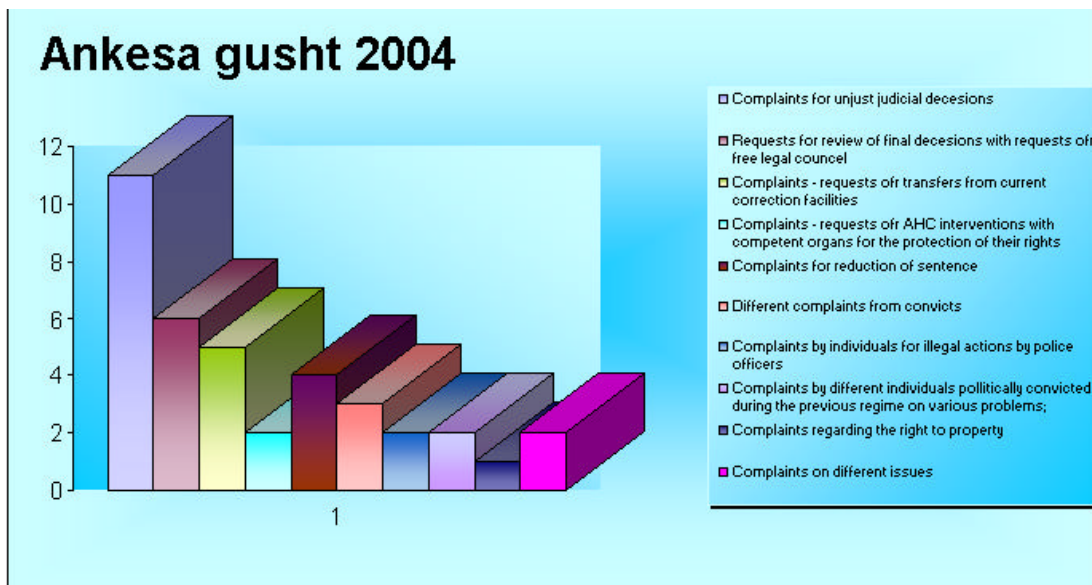
⁸ The number of letters from complainers does not match the number of complaints by topic as a letter from the same citizen may include 23 complaints. For statistical purposes, the listing is done by number of letters (by person), not the number of complaints by topic.

of sentence; Complaints for use of violence by prison police; Complaints for verifications in the Supreme Court; Complaints for free legal counsel; Different Complaints; Complaints by other citizens.



Complaints from citizens for July dealt with different targets; of the 20 complaints received from these citizens, 25% of them dealt with ownership issues, 10% with violations of rights of Albanian emigrants in Greece⁹, 10% from persons in uniform; 5% for outdragging of judicial processes, 5% for use of violence; 5% for trafficking and 40% for different issues.

During **August 2004**, the AHC received a total of **23 letters and complaints** through the telephone, letters and meetings in person in the AHC offices.



Among these **16 complaints came from persons or about persons who are serving sentences in prisons** in Albania, whereas **8 of them came from ordinary citizens** claiming violations of their rights by the state administration.

⁹ In collaboration with the Greek Helsinki Committee, the AHC is following issues of emigrants murdered in Greece due to violence by Greek forces, also with support by the Norwegian Helsinki Committee.

During this period, the AHC has addressed state institutions such as the Ministry of Justice, Ministry of Public Order, the General Directory of Prisons, etc., on a variety of issues, by reacting or by verifying disturbing cases raised with the AHC through letters and complaints by citizens. There were also quite some alerts and non-formal verifications in conjunction with directors of Correction Institutions.

Furthermore, the directors of these institutions were correct in sending responses on different issues raised by the AHC and showed willingness to solve problems.

7. AHC AND THE MEDIA

The main activities of the AHC carried out during this period found coverage in the print and broadcast media.

AHC statements on different issues saw **19 stories in the print media** and about **10 stories in the broadcast media**¹⁰.

Seven interviews/op-ed pieces/articles appeared in the print and broadcast media during this period, featuring evaluations by AHC senior staff on a variety of problems.

During July 2004, the AHC also published *1 supplement in the Korrieri newspaper* on the electoral process, called “Why free vote is in danger?”¹¹

8. AHC PARTICIPATION IN DIFFERENT ACTIVITIES

During this period, AHC representatives and staff members participated in different activities organized by local and foreign institutions and organizations operating in Albania.

This had a positive impact on strengthening collaboration between the AHC, local and foreign organizations as well as state authorities.

9. CAPACITY BUILDING FOR THE AHC STAFF

During July 2004, the Executive Director and the accountant of the AHC attended a training course on issues of financial management in a non-profit organization. The training took place in the framework of the AHC’s three-year strategy (2003 – 2006),¹² with one of the main issues being capacity building for the AHC staff.

ANNEX NO. 1 – STATEMENTS

1. Extremely severe situation in detention facilities

Tirana, 1 July 2004

On **28 June 2004**, around midday, detainees in the Vlora police commissariat, protested to request improvement in respect for their rights. **According to the AHC correspondent in Vlorë as well as to meetings with detainees, it resulted that the cause of the protest was poor sanitary conditions,**

¹⁰ The figure is the result of monitoring on a few leading print and broadcast media outlets. The most accurate number is that on the print media as the AHC keeps a record of stories that appear.

¹¹ For more information, please read the supplement on our internet website www.ahc.org.al

¹² Financially supported by CORDAID

overcrowding of cells which makes living there unbearable, as well as very high temperature in recent days. The Albanian Helsinki Committee has reacted over and over again publicly and has alerted verbally and in writing the relevant organs, including the Council of Ministers, with regard to grave conditions in detention facilities of some police commissariats, including that of Vlorë.

The Albanian Helsinki Committee does not deny the fact that **certain measures have been taken in this regard, but it does note that they are insufficient and such that they influence the respect for the human rights of detained or convicted persons held in these facilities.** The happening of these recent days testifies very well to that very effect.

It should suffice to mention the fact that, based on the latest monitoring by the Albanian Helsinki Committee in police commissariats of the districts covered by the Committee's network of correspondents, including detention facilities in Vlorë that are now under the supervision of the Ministry of Justice, the situation in these facilities has been getting worse.

It is no justification to the Albanian Helsinki Committee that detention facilities are not yet fully under the supervision of the Ministry of Justice, as specified by the law "On the organization of the Ministry of Justice" and the decision of the Council of Ministers on the taking of measures for the transfer of responsibility over detention facilities.

In the opinion of the Albanian Helsinki Committee, this considerable delay has had a negative impact on the grave situation of detention cells and on respect for the detainees' rights, not to mention the other very disturbing fact that there is still a considerable number of individuals who have been sentenced by final decision but are still kept in detention facilities.

The Albanian Helsinki Committee notices with great concern that the law "On the organization and functioning of the Ministry of Justice" was not accompanied by the allocation of necessary sufficient funds and by the undertaking of concrete measures of a technical and organizational character to guarantee their enforcement in practice.

The AHC calls upon the Ministry of Justice and the Ministry of Public Order to undertake urgent measures to alleviate the negative effects of overcrowding in cells and the impact of high weather temperatures.

The AHC calls upon relevant organs at the local level to show care in treating arrested individuals, permanently ill, and to undertake measures for their transfer to more appropriate facilities where health care is possible.

The AHC calls upon the prosecutor's office and the courts to avoid the outdragging of judicial processes, to conduct preliminary investigations and judicial examinations in the quickest way possible, thus alleviating the overcrowding of cells for subjective reasons.

The AHC turns to the Albanian Government to accelerate the process of the real transfer of responsibility over detention facilities to the Ministry of Justice, while allocating appropriate facilities and sufficient budgets.

The Albanian Helsinki Committee deems it necessary to reiterate a call upon all competent state organs to give serious attention to the issue by undertaking measures to prevent the occurrence of such phenomena in the future.

2. Press Release

Tirana, 6 July 2004

At last, the Ministry of Justice decided on the transfer of all convicts serving final sentences that are kept in detention facilities.

The Albanian Helsinki Committee, as an observing and reacting organization in the field of human rights, has regularly monitored detention facilities, police commissariats and prisons, in order to have a close look at the level of respect for the human rights of detained, arrested and convicted persons.

In all cases, following monitoring missions, besides informing the media and the public, the AHC has also reacted to the poor conditions in these institutions as well as to cases of violations of human rights in detention facilities and prisons, by requesting relevant state authorities to undertake the pertinent measures.

The latest case of AHC's reaction to the violation of human rights of arrested and detained individuals deals with the extremely grave conditions in the Vlora detention facilities, whereby overcrowding (almost twice the allowed capacity), poor conditions, and high weather temperatures led to the revolt of arrestees and detainees in that detention facility.

Following an on-site verification through its correspondent, meetings with arrested and detained individuals held in that police commissariat, as well as meetings with relevant local authorities, the AHC reacted publicly through a statement that called upon state institutions, namely the Albanian Government, the Ministry of Justice, the General Directory of Prisons and directors of detention and prison facilities, to undertake immediate measures to resolve the acute problems existing in these facilities, particularly in terms of overcrowding and the high summer temperatures.

Following frequent reactions by the Albanian Helsinki Committee, Mr. Fatmir Xhafa, Minister of Justice, set up a working group for the transfer to the prisons of Rrogozhina and Peqin all convicts serving final sentences that are currently kept in detention facilities. The deadline established for the transfer of these convicts is 31 July 2004.

The Albanian Helsinki Committee expresses its conviction that this measure will lead to respect for the rights of convicted persons and will also lessen problems caused by overcrowding in police commissariats, whereby conditions, as is well known, are much worse than in institutions for serving sentences.

The Albanian Helsinki Committee applauds the initiative undertaken by the Ministry of Justice and reminds it that the initiative should be accompanied by other measures to affect facilities for serving sentences so that the transfer of these persons will not lead to a worsening of conditions in the facilities for serving sentences.

On the other hand, the Albanian Helsinki Committee reiterates once again the need to undertake measures in order to make the Peqin Prison fully functional and to start the use of the Lezha prison.

The Albanian Helsinki Committee will continue to carefully monitor the respect for the human rights of persons deprived of their freedom.

3. Press statement "A grave case that calls for a fast and objective investigation"

Tirana, 9 July 2004

According to press reports of 9 July 2004, **juvenile Erigert Ceka passed away yesterday, on 8 July 2004, at the Tirana Military Hospital**, due to an illness in his head that is suspected to be the result of a blow on his head while he was being kept in the Rrëshen detention cells. As the press reports say, there had been a quarrel for minor reasons between Ceka and his cellmate. The intervention of guards helped the two reconcile. After being taken to his cell, he hit his head against the cell wall, but it is not clear whether this was intentional or not. After that, the 17 year old was sent immediately to the Rrëshen Hospital.

The **Albanian Helsinki Committee evaluated the reports** and, besides information obtained from Rrëshen, **also sent its group for an on-site verification (at the Tirana Military Hospital) where juvenile Erigert Ceka had been hospitalized and his death had occurred.**

Based on the review of documentation, it results that:

- **For 4-5 days, the juvenile had suffered from a temporal fracture of the bone behind his ear.**
- **The diagnosis at the time of the hospitalization of juvenile Ceka had been cerebral coma. The juvenile had brain edema and haematome, swelling and thrombosis in the brain. After scanning, the diagnosis was lominous parietal fracture.**
- **The coma had been caused by injuries with hard objects and that made the situation hopeless.**

The AHC has no competence to make an evaluation of the above data or to conclude on the real causes that led to the death of Erigert Ceka. **This is an issue that is up to forensic experts to resolve.**

What is of concern to the Albanian Helsinki Committee is the fact that in detention rooms, where juveniles are kept, there is still insufficient care toward their treatment in keeping with laws and internal regulations, and what is worse, no proper measures are being taken to prevent conflicts that could harm their health and even life.

This is the very reason why the AHC requests of the relevant organs to analyze these problems more in depth.

We would also suggest to penal prosecution organs (prosecutor's office), that if the observed information represent sufficient criminal elements, they should start a criminal case, which would not only help clarify the real reasons that led to the death of 17-year old Erigert Ceka, but also the circumstances and conditions that imposed his hospitalization.

August 2004

1. Respect freedom of the media and information

Tirana, 26 August 2004

In a letter to some international organizations, domestic institutions and Albanian NPO-s, **the editorial office of "NEWS 24" presented the difficult position that this TV station finds itself in due to the lifting of accreditation by the Democratic Party.** It notes that **from two months, "NEWS 24" TV journalists have been banned from attending DP press conferences.** This fact has been confirmed in a DP news release, dated 20.08.2004, which lists the reasons why "NEWS 24" TV has been "rid of" accreditation at this party.

The Albanian Helsinki Committee, as a non-governmental organization whose mission has been and remains respect for citizens freedoms and rights in all fields, in the spirit of principles that sanction freedom of the press and of information, with objectivity and without any prejudice, deems it necessary to declare the following:

1. Without going into an evaluation and analysis of the causes that, according to the DP news release, conditioned the party's position toward "NEWS 24" TV, or into the claims presented in the letter of "NEWS 24" TV, **the AHC expresses its disappointment that in this concrete case, in an evident manner, the right to obtain and give information was violated, a right that is guaranteed by article 19 of the Universal Declaration of Human Rights, article 10 of the European Convention for Human Rights, articles 22 and 23 of the Constitution of the Republic of Albania, etc.**

Failure to allow the print and broadcast media to obtain information and then convey it to the general public, including different state, political and social activities, is unacceptable in a democratic and pluralistic society. Such attitudes carry with them elements of censorship and discrimination.

2. International documents very often draw the attention of Governments of certain countries to respect freedom of the press, enable the giving of information, be transparent and tolerant toward reporters. The AHC expresses its disappointment that in the case of "NEWS 24" TV, the largest opposition party violated the principle of obtaining and giving information.

3. On this occasion, the AHC considers it necessary to emphasize that the multi-year practice of the European Court of Human Rights shows how attentive and sensitive this Court has been with cases involving the violation of the freedom of the press and information, sanctioned by article 10 of the European Convention of Human Rights. It should suffice to cite only two verdicts issued by this Court. One of them says: *"Freedom of expression is one of the pillars of a democratic society. It cannot only include information and opinions perceived positively or considered harmless, but also those that insult, perturb or represent concern for the state or a certain group of the society. Such are the criteria of pluralism, tolerance and openness, without which a democratic society cannot exist."*

Another decision of this Court says *"freedom of the journalist includes the possibility to use to a given extent exaggeration, and even provocation."*

Exactly the above reasons and concretely the respect for the principle of freedom of the press and of information make the *AHC to deem it appropriate to suggest to Democratic Party officials to revisit their position toward "NEWS 24" TV, reinstating accreditation, and thus treat this TV station equitably like other media outlets, print and broadcast.*

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