



ALBANIAN HELSINKI COMMITTEE

NEWSLETTER

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Constitutional Court does not legitimate the fight against corruption thus violating the constitution and human rights

All are equal before the law and are entitled without discrimination the right to work

The Constitutional Court on 7.11.2006 issued the final form decision about the request made from the Albanian Helsinki Committee, Ombudsman and the Albanian Group of Human Rights, for the abrogation as incompatible with the R.A. Constitution, of three decisions of Council of Ministers, for avoiding nepotism in the public, tax and customs administration.

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Meetings of the executive committee of IHF and Albanian Helsinki Committee with high representatives of the state and of the Albanian government as well as constitutional institutions

The executive committee of International Helsinki Federation for Human Rights (IHF) met in Tirana during June 23-25, 2006, and together with the Albanian Helsinki Committee met with representatives of the Parliament, of the government and of the civil society.

The executive committee of IHF was hosted by Mr. Alfred Moisiu, President of the Republic of Albania, Mr. Fatos Beja, Vice chairman of the Assembly of Albania and Chairman of the Parliamentary Commission for Legal Issues, Public Administration and of Human Rights; Mr. Aldo Bumçi, Minister of Justice; Mr. Sokol Olldashi, Minister of Public Order; z. Ermir Dobjani, Ombudsman. *For more check the material on page 6*

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1. RESPECTING THE RIGHTS OF CITIZENS

1.1 Measuring the people's access to AHC activities

May through June 2006, AHC took a poll in order to measure the access that citizens have in the activities, programs and areas of operation of AHC, as well as to learn their expectations.

The poll was taken in the districts of Tirana, Korça, Fieri, Elbasan, Shkodra, Gjirokastra and Vlora where 500 citizens and 50 journalists were surveyed. The data gathered by the poll will serve to create a strategy¹ for a better definition of the areas and services that AHC will offer in the future, and to determine the expectations of the beneficiaries in the area of the human rights.

1.2 Recognition of the rights of Albanian emigrants at the border checkpoints, in the focus of AHC.

In the scope of the protective, educative and sensitizing mission concerning human rights, in April 2006, AHC conducted a round of observation missions² at some border checkpoints. The purpose of this round of observation missions, was to monitor the respecting of the right of Albanian emigrants by the native and foreign police forces, the way they are treated and also to evidence the main problems that are encountered at these border checkpoints with the purpose of compilation relevant recommendations and suggestions for the respective state organisms, to thus guarantee a better respecting of the rights of Albanian emigrants. This round of observation missions took place at several checkpoints, namely: Muriqan, Kakavijë, Kapshticë, Qafë-Thanë as well as in Vlora's port.

The observation missions were carried out in April to take advantage of the greatest movement of Albanian emigrants during Christian celebration of Easter of the organization of this observation missions round in April, is to make use of the time when there is the greatest flux of movements of Albanian emigrants because of Christian celebrations (Easter). AHC correspondents in different districts made these observations. As far as observation methodology is concerned, the correspondents of AHC met directly with the chiefs and some members of the police staff of the observed border checkpoints. They talked and kept note of the opinions of the Albanian emigrants that were at that were there at that time and observed first hand the infrastructure of the counters and hosting facilities.

1.3 Respect of the rights of minorities in the city of Korça

In the scope of the project "Monitoring of the Respect of the rights of the minorities in the municipality of Korça", the Council of Municipality, in the meeting on May 23, 2006, decided to cooperate in the implementation of the project: "The Monitoring of the respect of the Rights of Minorities in the Municipality of Korça", and expressed its willingness for a successful implementation of the project. During this time period, a questionnaire was prepared and the process of its distribution and filling out by the administrative staff of the Municipality of Korça, citizens, representatives of the respective minorities, intellectuals, students, etc. was completed. Through the filling out of these questionnaires, the administration of the Municipality, made a self-assessment of its work concerning the respect of the minority's rights. The Council of the

¹ The process of the preparation of AHC's strategy for the period 2007 – 2010 has started since the beginning of the year 2006 and is made possible through the financial support of CORDAID

² The observations were made financially possible by the project "The monitoring of the respect of the Albanian emigrant's rights by Greek Border Police", financially supported by Norwegian Helsinki Committee

Municipality, also created a work group composed of 5 members of the Council, who supervised the process of the filling out of these questionnaires.

On June 28-29, 2006, a round of observations was undertaken by the project's staff to observe the course of the process for the distribution and filling out of the questionnaires by the citizens of Korça as well as other target groups. Several work meetings were held in the city of Korça with the representatives of Korça's Municipality, selected experts, and with the correspondent of AHC in Korça.

At the end of this process, based on the results of the questionnaires, a report will be compiled in order to assess the work that the local authorities have done to meet the international standards in respecting the rights of the minorities. All-inclusiveness of the citizens of the Korça municipality in general and of the representatives of minorities in particular, is an important element for a successful closing up of this process and for an maximum objective assessment of the state of the rights of the minorities in this municipality.

2. OFFERING EXPERTISE IN THE LEGISLATION AREA AND ON ITS IMPLEMENTATION

2.1 All are equal before the law and are entitled without discrimination the right to work

On 7.11.2006, the Constitutional Court decreed its final decision about the request presented by the Albanian Helsinki Committee, Ombudsman and Albanian Group of Human Rights, to abrogate as incompatible with the Constitution of R.A., three decisions of the Council of Ministers, in order to avoid nepotism in the public, tax and customs administration.

The main reasons presented by the addressers for the abrogation of the decisions of the Council of Ministers, were the bridging of the principle of equality; the principle of non-discrimination and the right of the workers to earn themselves the necessities for living with legal working that they themselves choose or agree; the incompetence of the Council of Ministers for issuing of lesser laws for the restriction of the rights of the citizens; the retroactive effect of these decisions.

In providing the reasons for the decision made by the Constitutional Court, it is agreed with the arguments submitted by the addressers, upon the reasoning that the constitution guarantees the individual concerning the right to work and about the professional freedom, and it purposes their protection by the unjustifiable restrictions from the state, by not excusing interferences or hindering from the state during its practice.

Also, in the decision of the Constitutional Court it is argued that the rights and the freedoms of the individual may be restricted only by law and by referring to the way the Article 17 of the Constitution is formulated, it has not been given any chance of delegation to any other organ besides the Assembly as a representative organ. The Constitutional Court has expressed its view about and for the effects that flow from the decisions made by the Council of Ministers on the working relationships established earlier as well as for the disrespect of the principle of proportionality by labeling them as anti-constitutional, because to the employee that are impacted by these decisions no other jobs are provided. The above-mentioned principles, must be respected even if these restrictions were made by law.

You may find the full decision on our website www.ahc.org.al

2.2 Offering expertise and legal opposition

During this period, AHC has offered expertise and has addressed recommendations to the state institutions as well as to different international and foreign organizations. In June 2006, AHC

gave its opinion through a questionnaire sent to the immigration and refugees Board in Canada for issues like: violence in the family, the rights of homosexuals, blood feuds, pluralism in Albania

Based on its experience in this field, AHC mentioned also the issue of blood feuds and that of the political climate in the country, addressing the other issues to organizations which have expertise in these fields.

AHC has expressed its views at different round tables and meetings³ organized concerning problems such as: juveniles, minorities, prisons, constitutional and legal issues, etc..

During May, AHC participated in a meeting organized by the Albanian Group for Human Rights (AGHR) about the bill of law of discrimination.

2.3 Establishing the capacities and training activities for the public administration

2.3.1 Offering technical assistance

- **Report concerning the improvement of the Training Center of the Administration of Prisons in Albania**

On April 7, 2006, in the facilities of Vaqarr prison, AHC organized a work session with the Training Center of Prisons Administration. The participants in this work session were the staff of the Training Center, the expert Mr. Jan van den Brand, General Director of Prisons in Nederland. The purpose of this activity was the fostering of discussions for the development and improvement of the actual status as well as the structure and curriculum of this Training Center by referring to the models offered by other countries. The representatives of the Training Center presented their needs and the challenges they face concerning the status, the structure of this center and training curriculums.

The foreign expert presented the participants with a snapshot of the status, tasks and development of the Training Center in Nederland, the situation of the main modules of the training for the prison's staff as well as those of other extra professional training for the middle and high sectors of the uniformed and civil staff of prisons. The participants were acquainted with the main models of basic training, which may help the director of this center in the further improvement of the curriculums. During the working session, recommendations were made about how to improve the status of the Training Center as well as the compiling of a strategic plan for at least 3 years where the steps of the development of this center will be determined for that time period.

- **Session four of work with the administration of Lezha prison⁴**

In the scope of the increase of the level of capacities of prisons administration, AHC on June 5-6, 2006, organized the fourth work session with the administration of Lezha prison. The main objectives of this work session, were the improvement of the daily regime of the activities in prisons, the structure of the communication between different sectors for the realization of this daily regime, the increase of the professional capacities of the high and middle directive staff of the prisons in the process of management of the daily regime as well as the finding of the

³ For details look at page 15, the list of activities on which representatives of AHC have attended and given their contribution through its comments or recommendations.

⁴ This activity was implemented in the scope of the AHC project "Reform in the prisons and the role of the civil society in Albania – The monitoring of the human rights in prisons and in pretrial sectors as well as the increase of awareness of the public administration and their familiarization with the human rights and the implementation of laws in this area". Financially supported by Swedish Helsinki Committee.

possibilities for the employment of the prisoners in the prison of Lezha as an integral part of the future daily regime program. Among the recommendations presented to the General Prison Directorate were the lowering of overcrowding to make possible the employment of the convicted, and also the cultural activities, and the establishment of special working groups according to their respective sectors for the employment of the convicts. In this session, Mr. Jan van den Brand offered his expertise.

2.3.2 Legal counseling offered to the administration of the General Directorate of Prisons⁵

Counseling meetings.

May through June 2006, AHC held some counseling meetings with convicts that are serving their time in re-education institutions of Rrogozhina, Kosova, Burrel, Tepelena and Kruja. The purpose of the counseling meetings was to offer of legal advice at no charge to the convicts about the rights and obligations defined in the legislation.

The legal topics discussed with the convicts were selected based on the preliminary needs presented by the personnel of these institutions as well as based on the demands of the convicts themselves. The legal help was given to the convicts in groups as well as individually. During the counseling meetings, the lawyers' group met with the directors of these institutions.

2.3.3 Work meetings with representatives of different state institutions

- **Work meetings with the General Director of Prisons**

With the intention of evaluating the results achieved from the working sessions organized with the administration of the Lezha prison and of the first coordinative meeting for presenting the new project in the pretrial institution of Lezha⁶, AHC realized a work meeting with Mr. Sajmir Shehri, General Director of Prisons⁷ where important issues relating to the Lezha prison were discussed, and raised some concerns evidenced by the administration of this institutions like: making possible the necessary facilities for the prison's staff who work far from the work-place, the finding of possibilities for the transfer of some of the juveniles that actually are in this prison, to the institutions designed for them. In this meeting, appreciations were expressed for the efforts made by the prison's administration concerning the employment of the convicts.

During this meeting there were also discussions about the activities that will be organized in the future, especially for the Training Center of Prisons like training and counseling for the administration of two prisons that will be opened in Fushë Kruja and in Korça. Mr. Shehri expressed the interest of the institutions that he represents for co-operation as serious partners in the process of improving the status of human rights in prisons.

3. SENSITIZING AND EDUCATIVE ACTIVITIES

1 Rallying citizens and state institutions against child-labor

⁵ This activity was made in the scope of the AHC' project: "The Reform in Prisons and the Role of the Civil Society in Albania – The Monitoring of the Human Rights in Prisons and in Pretrial Facilities, the increase of the awareness of the public administration, their familiarization with the human rights and the implementation of the laws in this area", financially supported by Swedish Helsinki Committee.

⁶ For further information, refer to the reports concerning themes of activities in the Lezha prison and the launching of the 1 year project for the pretrial situation in Lezha.

⁷ In this work meeting participated Mr. Jan van den Brand, foreign expert and representative of AHC.

Awkward- maybe “On the international day against child-labor AHC, acting within the scope of the international campaign against child-labor, joined with the Center for Protection of the Children's Rights in Albania (CRCA) to participate in a sensitizing campaign. (or public awareness campaign).

As part of this campaign, CRCA organized a peaceful protest in front of the Ministry of Labor and Social Issues building, calling on the government to take urgent measures toward the prevention of this phenomenon. They were joined in this protest by other native organizations and citizens, as well as children who gathered to support their peers. There were streamers on which were written messages addressed to the government, and some people blew whistles in order to draw attention⁸.

Taking advantage of this occasion, the organizations addressed the Albanian government, relevant institutions, and the public with a common plea. They asked that they prevent this phenomenon, which is not only harmful to the children involved and to their families, but also to the future of the Albanian state. The labor-abuse of children leads to their becoming involvement in criminal acts and organized criminal groups, to their exploitation by other people, to a lack of proper education, etc.

3.2 Meetings of IHF and the Albanian Helsinki Committee with upper representatives of the state, the Albanian government, and constitutional institutions.

The executive committee of the International Helsinki Federation for Human Rights (IHF) met in Tirana from June 23 to 26, 2006 and, together with the Albanian Helsinki Committee, met with representatives of the Parliament, government, and civil society.

The executive committee of IHF was hosted by Mr. Alfred Moisiu⁹ - President of the Republic of Albania; Mr. Fatos Beja - Vice Chairman of the Assembly of Albania and Chairman of Parliamentary Commission for Legal Issues, Public Administration and the Human Rights; Mr. Aldo Bumçi - Minister of Justice; Mr. Sokol Oldashi - Minister of Public Order; Mr. Ermir Dobjani - Ombudsman.

In these meetings there were discussions about the situation of human rights in Albania, legal reform and respect for human rights, and the role of civil society in the monitoring of respect for human rights and the integration of Albania into the European family. The executive committee of IHF expressed its concerns regarding the respect of human rights as measures are taken to fight organized crime and corruption, as well the need to respect the independent powers of, and to increase the effectiveness of, Albania's juridical system.

4. NEW PROJECTS

4.1 Running the pretrial institution from a human rights perspective

With the financial support of the Found for Human Rights and Democracy, of the Department of the State, U.S.A., in cooperation with the Ministry of Justice and the General Directorate of Prisons (DPB), AHC launched the implementation of the one-year project for the increase of the level of awareness and familiarization with the human rights and the implementation of laws by the administration of the pretrial sector in the prison of Lezha.

⁸ For more information check out our website: www.crca.org.al

⁹ In the scope of this project, the presidency made an announcement on June 23, 2006. For more information check out the website: www.president.al

Some of the main objectives of the planned activities are:

- the improvement of the human rights' standards in the pilot pretrial institution;
- An increase of the level of theoretical knowledge, and more especially of practical knowledge, within the administration of the pretrial sector in Lezha
- The fostering and support of the changing of mindsets regarding the treatment of pretrial citizens
- The habilitation of the pretrial sector administration for putting together an action plan aimed at making the running of the pretrial sector from a human rights perspective possible
- Education of pretrial people about their rights and the protective mechanisms of these rights, offering legal advice free of charge to pretrial people in this institution

For the implementation of the project AHC will involve foreign experts with much experience directing penitentiaries, qualified penal lawyers, human rights activists and observers, and a committed and experienced staff. One of the project's goals is for the pilot pretrial sector in Lezha to serve as a model for the other pretrials dependent on the Ministry of Justice, toward a proper management of penitentiary institutions in which human rights and the dignity of the people are respected.

4.2 Project: “The monitoring of the respect of the rights of minorities in the municipality of Korça”¹⁰

AHC started the implementation of the new project in the Municipality of Korça titled: “Monitoring of the exercise of the rights of the minorities in the municipality of Korça”. The purpose of this project is the assessment of respect for the rights of minorities in this city, the revealing of possibilities for their development, the increase of minority participation in local decision-making and the strengthening of their relationship with local authorities. The implementation of this project will give citizens another opportunity to benefit from the activities of the local administration, and to propose improvements in minority legislation. Simultaneously, it will be a self-assessment tool for the local authorities for improvement of their capacities about the problems addressed by the citizens.

To implement this project AHC will cooperate with the local government, specifically with the Municipality Council of Korça. The inclusion of all citizens of the Municipality of Korça, in particular the representatives of minorities, will be an important element towards a more objective assessment of the state of minority rights in this Municipality.

Korça's Municipality is the first experience of this kind, experience that can be considered to be spread also in other cities of Albania where there are communities of minorities.

4.3 Project “Monitoring of the rights of the Albanian emigrants and the returned people”¹¹

In June of 2006, AHC began the implementation of a one-year project observing how the rights of Albanian emigrants and returned peoples are respected, in accordance with the re-acceptance agreement. Some of this project's main objectives include the protection of the rights of Albanian emigrants and returned peoples within the scope of the re-acceptance agreement, the observation of emigrant rights in cooperation with the Albanian state authorities (especially those at the border) and cooperation with the Albanian media concerning information dissemination and

¹⁰ This project is made possible with the financial support of Friedrich Ebert Stiftung.

¹¹ This project is made possible with the financial support of the Norwich Helsinki Committee and it will be implemented in close cooperation with the main experts in this field.

proper treatment of issues pertaining to emigration and respect for the rights of Albanian citizens, contributing to the observation of emigrant rights in Albania and abroad and their treatment in accordance with international standards.

The target group for this project is Albanian citizens who have returned to Albania from abroad. It focuses on respecting their rights and exposing cases of violations of these rights by border authorities, both Albanian and those of neighboring countries, or by those of other governmental structures in and outside of Albania.

5. AHC PUBLICATIONS

- **Leaflet regarding the right of movement of Albanian citizens, and their treatment at border checkpoints.**

To come to the aid of Albanian emigrants and foreign citizens that cross the border, AHC has prepared a leaflet. It includes information regarding the rights of movement which Albanian citizens have at the border, the role of Albanian diplomatic or consulate services outside of Albania, the rights of Albanian and foreign citizens regarding their treatment by border police, and the procedures that can be followed when an Albanian or a foreign citizen falls prey to breaches of their rights by the native or foreign police. The leaflet is written in Albanian, English, Italian and Greek and is distributed at all land and sea checkpoints, as well as at the Rinas International Airport.¹²

- **Publication “Election reform; Late again”**

In May 2006, AHC published “Election reform; Again Late”, authored by Mr. Niazi Jaho, Legal adviser at AHC.

This is the third publication about the issues of election reform, in which articles and interviews published in the daily press between August 2004 and February 2006 are included. In this publication are treated issues that have to do not only with the dispositions of the Election Code, but also with their compatibility with the Constitution. In some of these essays and interviews the attention has been focused on those problems that continue to be subject to discussions. They are issues like: the electoral system, the composition and function of GEC and the lower election commissions, the “Dushk” phenomenon and its ramifications, the election lists, the procedures of appealing, etc.

In the text of this publishing, there are not only ascertainments, comments and remarks issues, but also suggestions for a more qualitative work toward a further improvement of the election legislation.

The articles included in this publication may be utilized in the compilation of the draft changes of the election code in accordance with the recommendations of OSCE/ODIHR, not to mention that this publication may also have an impact on the election education of citizens.

¹² The leaflet is prepared by the Albanian Helsinki Committee in cooperation with the Border and Emigration Directorate and with the financial support of the Norwich Helsinki Committee, in the scope of the Project: “The Monitoring of the respecting of the rights of Albanian emigrants by Greek border police”

- **The publication of the report is based on AHC's observances**

After a round of monitoring at border checkpoint, AHC prepared a report based on their main conclusions from these observations. The report deals with different issues, such as: the flux of emigrants that cross the border, the treatment of emigrants by border police, the infrastructure of emigrant reception facilities and the facilities of cross-border points, the phenomena of clandestine border crossing and the capacity for workers at cross-border points and their working conditions.

This AHC report is published on their website and is accompanied by concrete recommendations for how to improve work at cross-border points.

- **THE STUDY: “The Albanian Emigrants in Greece”**
(Cases of their maltreatment by Greek police)

In April through May 2006, AHC conducted research regarding cases of maltreatment of Albanian emigrants during the years 2000-2006. This research is based on cases known to AHC, the cases forwarded to Amnesty International and to the Greek Helsinki Monitor. It contains their conclusions, and recommendations for the measures that Albanian and Greek state authorities and the border patrols for the two countries should take to insure free movement of the citizens and the prevention of illegal border-crossing. The research is published at AHC's website in Albanian and English.

6. ROUND TABLES AND CONFERENCES

6.1 Round tables

- **Round table to discuss the employment of convicts in Albanian prisons**¹³

On April 6th, 2006, AHC organized a round table concerning the organization and enactment of, and means of rewarding, work done by convicts in prisons. AT this round table, the current Albanian legal framework was discussed, as well as the Council of Ministers' bill of law “For the conduction of working activities on the intitutions of executions of penal punishment and the criteria of its reward”. Also covered were the position and competencies of the Work Commission, compensation for employed workers, the management of this process by legal prisons and the number of convicts that apply for work in relationship to employment possibilities considering the requests, their skills, and the threat they pose to society.

In accordance with the suggestions and recommendations offered by foreign experts, the General Directorate of Prisons set up a work group that that worked more closely with the bill of law, purposing to make it as successful as possible in its practice.

Within this framework AHC plans to organize a workshop in a pilot prison in order to implement a project for the employment of convicts, based on feasibility studies and in conjunction with the experience of foreign experts. Among those who contributed by their participation were representatives from the Ministry of Justice¹⁴, Mr. Lelëzim Kodra, Vice General Director or

¹³ This activity was implemented within the scope of the AHC project: “The reform in prisons and the role of the civil society in Albania. The monitoring of the human rights in prisons and pretrial situations as well as the increase of the awareness of the public administration and their familiarization with the human rights, and the implementation of laws in this area”, financially supported by the Swedish Helsinki Committee.

¹⁴ Respectively from the Directorate of Codification and of Penitentiary Institutions of Ministry of Justice.

Prisons, Director of Re-education Institutions¹⁵, and some other representatives from the General Directorate of Prisons. In this round table the foreign experts Mr. Jan van den Brand and Mr. Peeter Naks¹⁶ offered their expertise.

- **The Albanian Helsinki committee will continue to be a constructive critic, in order to promote a greater respect for human rights in Albania.**

On June 6th, 2006 the Ministry of Public Order organized the round table “Human Rights- opened cooperation toward the same goal.” The purpose of this activity was the establishment of cooperation between civil society and the Ministry of Public Order in their efforts toward a better respect of human rights in Albania. The Minister of the Public Order, Mr. Sokol Olldashi, the Director of State Police, Ombudsman, the Albanian Helsinki committee¹⁷, and other civil society actors active in the protection of human rights participated.

In this meeting representatives from the Ministry of Public Order presented the idea of creating a forum within civil society that would institutionalize its cooperation with that Ministry, with the expected results of lowering the crime rate and promoting human rights.

6.2 Promotion activities

- **Promotion of the documentary “To feel equal” – In Greece among emigrants¹⁸**

As part of its mission to sensitize people to human rights issues the Albanian Helsinki committee organized for the first time, on May 11, 2006, a screening of the documentary movie “To feel equal- in Greece among emigrants”, a production of AHC and Art Studio Grishaj.

The documentary talks about the life of Albanian emigrants in Greece, and their effort to integrate into Greek society. It deals with the difficulties they face, the positive experiences of their integration and their efforts to realize their own rights. The movie is based on interviews with Albanian emigrants and Greek citizens. The interviews tackle different problems that Albanian emigrants living in Greece face concerning employment, education and the way they are treated by Greeks. It also discusses the way Greek Border Police treat Albanians.

Within the movie Greek citizens express their appreciation for the Albanian emigrants. A special portion of this movie is reserved for showing the work of human rights organizations in Greece and Albania, mainly organizations dealing with Albanian emigrants and the Albanian Helsinki committee. The documentary endeavors to convey an optimistic spirit about life and a better respect for human rights.

Invited to this event were upper level representatives of state institutions, embassies accredited in Tirana, non-profit organizations both Albanian and international, etc.

- **Promoting activity “The monitoring of the rights of the minorities in the Municipality of Korça”¹⁹**

¹⁵ The Governor of the Kosova Prison and the Governess of Ali Demi Prison in Tirana participated in this round table respectively.

¹⁶ Expert for penitentiary issues in Euralius Mission in Albania.

¹⁷ This activity was made possible with the financial support of CORDAID

¹⁸ The promotion of the documentary, was made within the scope of the project: “Monitoring and the respect of the rights of the Albanian emigrants by the Greek border police”, with the financial support from the Norwich Helsinki Committee

¹⁹ This project is made possible by Friedrich Ebert Stiftung

On May 4, 2006, the Albanian Helsinki Committee (AHC) organized an activity to promote the launching of the implementation of the new project: “Monitoring of the respect of the minority’s rights in the Municipality of Korça and in the city of Korça. The representatives of AHC, organized a meeting with the Council of the Municipality where the objectives of the project and the activities that will be held in its framework were presented. The Municipality Council of Korça district, expressed its commitment and support for the implementation of the project in the Municipality of Korça. In this meeting were present also the local media of Korça. In the framework of this activity, a press announcement was made, which was handed to the media at the end of the meeting.

A television program was also made in one of the main local televisions of Korça, TV “Lobi”, where the project and the objectives were presented. Present on this program were representatives of AHC and the Chairman of the Council of Municipality of Korça.

- **Coordinative meeting to promote the new one-year project in the pretrial institution of Lezha**

In June 7th, 2006, AHC organized a coordinative meeting for the launching of the new one-year project, in the Pretrial Institution of Lezha²⁰. In this meeting participated representatives from the American Embassy, the directors of Lezha prison, the pretrial administration as well as the expert invited by AHC: Mr. Jan van den Brand²¹. The purpose of this one-year project, is the increase of the level of awareness and familiarizations with the human rights and the implementation of laws by the pretrial administration in the prison of Lezha.

Besides the promotion of the program, the purpose of the realized meeting, was brainstorming about the pretrial administration and its directors and concerning priority issues that must be treated in the future work sessions in the pretrial institution of Lezha. The methodology of its completion was discussed too. At the end of the meeting, some of the priority themes were identified to be realized with the pretrial administration of Lezha in the future work sessions such as 1) the process of admission of the pretrial people, their medical and educative treatment as well as the preparation for the transition to prison, 2) the training of the officers and of the base role personnel that work for the interior security of the pretrial sector, 3) organizing of a program for training the trainers, 4) efficient functioning of the mechanism request-appeal, 5) the communicative and cooperative inter-sector structures, and the cooperation and communication of the administration of the pretrial sector with the environment outside of the pretrial institution.

6. CITIZENS ADDRESS AHC

7.1 Complaints

During this time period, AHC has examined **87 letters and complaints**. Their object consists on the breaching of the rights of the inmates in prisons, requests for transfers of the prisoners into other institutions where they can serve their time, violations of their rights by the prison’s

²⁰ This project will be accomplished with the financial support of the American State Department, and in close cooperation with the Ministry of Justice and the General Directorate of Prisons.

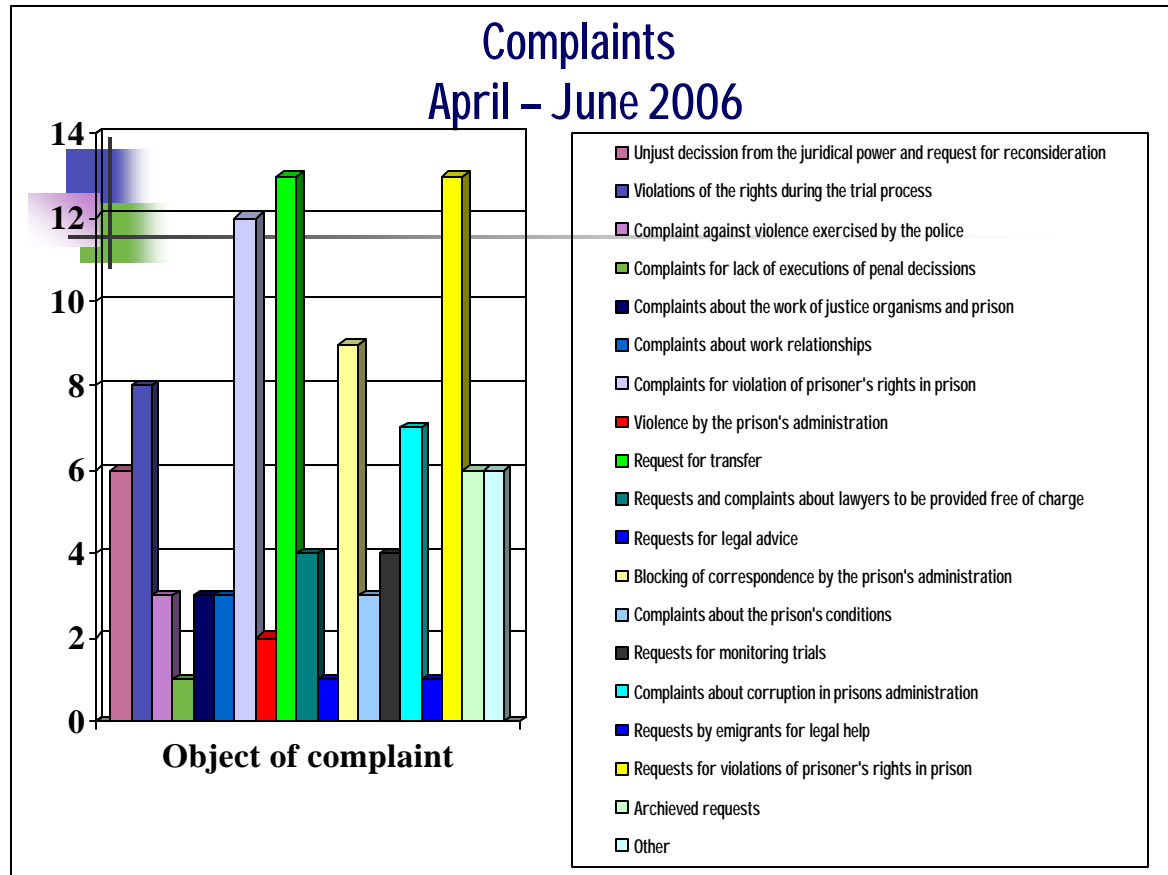
²¹ In this meeting participated Mr. Charles Morrill, Political Officer, representative of the American Embassy, Mrs. Edlira Papavangjeli, Program Coordinator in AHC and project director, and Mr. Jan van den Brand, General Regional Director in Nederland.

administration, blocking of their right to correspondence, violation of the rights during the legal processes, requests for legal advice and free lawyer, etc.

The complaints are recorded during the meetings in the offices of lawyers of AHC, through letters addressed to AHC, legal advices etc.

AHC has answered citizens with the relevant advices and has asked the state authorities to intervene in solving this concrete issue.

A graphic display of the complaints:



7.2 Cases verified by AHC

Beside the treatment of letters and complaints of citizens, AHC has verified cases in which flagrant violations of human rights are claimed.

- On April 14th, 2006, AHC** based on some information presented by the daily "Shekulli" concerning the maltreatment of the prisoners that had gone on hunger strike, accomplished a verification mission in the Rrogozhina prison. Based on the observation conducted and through the contacts with the convicts and with the personnel of this reeducation institution, it was not possible to verify as true the information presented in

the media. An observation group of AHC also discussed with both the prisoners on the hunger strike and with the directors of the institution concerning the main causes and factors that led to the strike of the prisoners, to find a solution compatible with the legal framework. For some of the requests presented on the hunger strike, such as the updating of the prison's library, the improvement of the norm of food, AHC has several times addressed the relevant state organisms, to undertake steps in solving of these issues.

- **On April 21st, 2006**, based on a telephonic complaint in AHC, a verification mission was conducted in the Lezha prison to verify the case of a complaint by a convict who asked to be transferred from the sector where he was placed because he felt like his life was in danger there. The observation group met with the convict and with the directors of this institution for giving an answer to the problem raised by this complaint.
- **On June 9th, 2006**, KShH realized an observation mission in the **Prison's Hospital** for verification of some complaints made over the phone by the convicts or their family members, as well as some information by the printed media. From the observation, it turned out that some positive moves had been made concerning the reduction of the number of the stationary ill people and concerning the hygienic conditions, putting in a state of efficiency the laboratory of the institution, etc. However, a concerning and unresolved issue in the Prison's hospital is the keeping of mentally disturbed convicts in the institution, when they in fact should be transferred to other specialized institutions in order to be treated.
- **On June 16 to 20, 2006**, AHC realized a sporadic observation mission at **pretrial institutions no. 302 and 313 in Tirana**. The purpose of the missions was the monitoring of the general situation and the respect of the rights of the pretrial in the observed institutions. By the verifications that were made, it resulted that a part of the former recommendations made by AHC to the Directorate regarding the respect of the rights of the pretrial, were taken into consideration. So, the pretrial people were allowed the television sets and refrigerators in their cells, the libraries were equipped with new books, and the relationships with the personnel in general were better. A difficult and concerning problem, however, remains the issue of overcrowding of the observed institutions, the improvement of the infrastructure in them, the medical supplies and equipment as well as the problem that pretrial people have with the justice organs in dragging the trial processes, not notification on time of the defendants from the accusation part, the lack of implementation of alternative sentences etc.
- **On June 22nd 2006**, based on a phone call complain by a convict from Peqini prison, AHC undertook the monitoring of his trial process on the Appeal Court of Shkodra. This monitoring was made by the correspondent of AHC in Shkodra. The purpose of the monitoring was the observation of the respect of human rights during the legal process. From the report of monitoring, it resulted that the proceeding of the legal process from the procedural point of view of this convict, was done in accordance with the law
- In the scope of the monitoring with the object the respect of the rights of the convicts, on **July 4th, 2006**, AHC undertook an observation mission in **prison No. 325 in Tirana**. By the observation resulted that the rights of the convicts in this institution were deeply violated because of the overcrowding of the prison, the infrastructure and bad conditions of the facility, the not proper hygiene and sanitary conditions, the lack of special

treatment for the mentally disturbed people, as well as the lack of specialized treatment through concrete services toward female convicts.

7. PUBLIC REACTIONS OF AHC

During January - March 2006, AHC through **6 public declarations and 3 press announcements**, has reacted concerning some issues such as: election reform, violation by the media of the rights of the defendants and juvenile witnesses accused or harmed, non-violation of the principle of innocence assumption, reactions against child-labor and exploitation in Albania, reactions against the use of physical, psychological violence, against the torture and other inhumane and degrading actions by the police forces²².

8. COMMUNICATIONS WITH STATE AUTHORITIES AND ORGANIZATIONS

AHC has maintained constant contacts with state institutions²³, basically for treating the complaints that are addressed to AHC, to show the problems that were evidenced during the observations, giving of different recommendations for the resolution of different legal and practical issues etc.

During this period, AHC has communicated with institutions such as Assembly of R.A., The Commission for legal issues, public administration and human rights, for issues that concern the public administration, with the General Directorate of Prisons, Ministry of Justice, etc.

9. THE ALBANIAN HELSINKI COMMITTEE AND THE MEDIA

The activities of AHC held during the time period January – March 2006, are broadly covered by the media, through essays, interviews and TV programs. The statements of AHC during this period have been covered **7 times** by the printed and electronic media. AHC was invited in **1 television** program, has given **6 interviews, opinions and essays**. The most crucial problems treated thereof being: the election reform, the conditions and the respect of the rights of pretrial people and prisoners, Albanian emigrants in the welcoming countries, the reform in the judicial system and in prisons etc.

10. THE INSTITUTIONAL DEVELOPMENT OF THE ORGANIZATION

10.1 The strategic plan and the business plan of AHC for 2007 - 2010

The preparation of the concept strategic plan

The AHC during the time period March – May 2006 started the preparation of the concept strategic plan. During March 2006, AHC organized a 1-week workshop with the assistance of Mr. Klaas Astma, Dutch expert in defining of concepts of the strategic plan and that of the business plan.

All staff of AHC participated in this workshop. The staff of AHC did an inventory of the fields of strategic activities on which it will work on for the 3 coming years, worked on issues that concern

²² For more, see appendix no. 1

²³ During April – June 2006 there have been 46 outgoing letters and 10 incoming ones.

the financial development for fund raising and the increase of the independence from donators. In conclusion, a draft action plan was compiled for the strategic plan and for the business plan.

During May 2006, a 2-day workshop was organized to discuss concerning field upon which will be worked on the future, the work methodology, the services that AHC will offer, the programs and activities, etc.

The staff of AHC has also organized some work meetings to push further this idea. The concept of the strategic plan will be finalized within October 2006.

Analysis of AHC' stakeholders and beneficiaries

In the scope of compilation of the strategy, two independent experts initialized the analyzing of the beneficent and collaborators. The experts had several meetings²⁴ with different representatives of state institutions and non profit organizations, international organizations and donators.

The data gathered will serve for an evaluation of the role that AHC plays, the expectations of beneficents and collaborators in the fields where AHC will have to work in the future. This Analysis will be attached to the final concept of the strategic plan.

The inner development of the organization

In the scope of the strategic plan 2007 – 2010, on June 20 and 21, 2006, another 1 ½ day long workshop was organized. The purpose of this workshop was the improvement of the inner organization according to the European model EFQM. In this process, AHC was assisted by experts from SNV. Before the organizing of the workshop, the experts of SNV met with the AHC staff to figure out the expectations from the workshop. During the workshop, a brief presentation of the results of the report of self-assessment was made, the priorities concerning the evaluation of organizing the organization, the presentation of the concepts and method SMART. The staff was also organized in two work groups to on work later with main priority issues for the development of the strategy.

During June and the months following, the AHC staff will work on issues that were identified during the workshop, the job profile and the methodology of work.

10.2 ESTABLISHING OF THE CAPACITIES OF AHC

TRAININGS

- **On May 26-28, 2006**, the Swedish Helsinki Committee, organized in Budva (Monte Negro) a regional training concerning the implementation of the Articles 2 and 3 of the European Convention of the Human Rights, as well as the practice of the Strasbourg Court concerning these Articles. The training was interactive because alongside crucial presentations by the lecturers of the training, practical examples were given as well by the concrete experiences of different organizations of the region regarding issues presented to the Court of Strasbourg. In this training there was a brief presentation from the representative of AHC, Ersida Sefa, Lawyer, concerning the topic of the trainings and about the contribution that AHC has given and will continue to provide regarding the improvement of the right of citizens and the strengthening of the State of Justice.
- **On May 28 – 29, 2006**, representatives of AHC participated in the training “Main Management and Leadership Skills.” Issues concerning how to run an organization, the

²⁴ 44 different meetings were held with different representatives.

management of the activities and the management of human and financial resources were treated in this training. The planning, implementation and monitoring of the activities, policies making and strategies for the management of human resources were topics discussed too. In this training participated Mrs. V .Hysi, Executive Director and Mrs. E. Papavangjeli, Programs Coordinator.

- **On May 30, 2006**, AHC participated in the training “Time Management”, organized by Coplan, and financed by CORDAID. The main purpose of this training is the best management of time to provide the most efficient work at minimal stress. In this seminar participated Mrs. V.Hysi, E.Papavangjeli, K.Alikaj, E.Saliu & E.Sefa.

▪ **PARTICIPATION IN DIFFERENT ACTIVITIES**

1. In April 6th, 2006 there was a meeting in which the architectural project of the building of Serious Crime Court, financed by the Program CRADS of the European Union. Participated Mrs. K.Alikaj, Lawyer/Asst. Administrator
2. In April 6th, 2006, IOM organized a meeting for the presentation of the project: “The war against illegal migration.” Participated Mrs. E.Saliu, Lawyer/Project Coordinator
3. In April 8th, 2006, The Union of Gypsies of Albania “Amaro-Drom” and State Committee for the minorities, organized with the occasion of the National Day of Gypsies a symposium on the topic: “Gypsies today and tomorrow.” In this activity participated Mrs. K.Alikaj, Lawyer/Asst. Administrator
4. In April 10 – 11, 2006, a conference on the topic “The alternative sentences for juveniles in Albania”, by UNICEF, Ministry of Justice, European Union, SIDA and Terre des Hommes. In this conference participated Mrs. E.Saliu, Lawyer/Project Coordinator who talked about the situation of the rights of the children in Albania from the point of view of Albanian Helsinki Committee.
5. In April 25th, 2006, the Center of Gender Alliance for Development, Ministry of Work, Social Issues and Equal Chances, organized an activity in which was presented the report: “The Domestic Violence – A Picture of the Actual Situation.” Participated Mrs. K.Alikaj, Lawyer/Asst. Administrator
6. In May 24th, 2006, a round table was organized concerning “Legal Issues in preparation of election list of the voters for the next elections” from the Ministry of Public Order and OSCE. In this meeting participated Mr. N. Jaho, Legal Counselent of AHC.
7. In May 29th and in June 7th 2006 a meeting for the international day against child abuse in labor by CRCA was organized. Participated Mrs. E. Saliu, Lawyer/Project Coordinator
8. In June 6th 2006, the program of Juridical State organized an activity for presentation of the conclusions of a survey about the corruption in Albania. Participated Mrs. K. Alikaj, Lawyer/Asst. Administrator

9. On June 7 – 8, 2006, a round table was organized called “Restoring Justice for Juveniles” from UNICEF, Ministry of Justice, European Union, SIDA, the Center for Solving Disputes and Conflicts. Participated Mrs. E. Saliu, Lawyer/Project Coordinator
 10. On June 9th, 2006, AHC participated in the conference “Albania, not a Ghetto”, organized by ACAC. Participated Mrs. E. Saliu, Lawyer/Project Coordinator.
 11. In June 8th, 2006, a round table was organized for presentation of the report about how to help the women in need, organized by the Gender Alliance for women. In this round table participated Mrs. E. Saliu, Lawyer
 12. In June 16th, 2006 was organized a round table on “Social Policies and Decentralization” by the Association “The Forum of the Independent Albanian Woman” and two other Italian organizations. In this meeting participated Mrs. E. Saliu, Lawyer.
 13. In June 27th, 2006, IOM organized the third network meeting of the Albanian organizations. In it participated Mrs. E. Saliu, Lawyer/Project Coordinator.
 14. In June 28th, 2006, the Ministry of Foreign Affairs, organized the meeting for the protection of minorities. In this meeting participated Mrs. E. Papavangjeli, Program Coordinator.
 15. On June 30th, 2006, the Foreign Affairs Ministry organized the meeting with the topic “Albania and its membership in the NATO structures.” Participated Mr. Niazi Jaho, Legal Advisor.
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Annex – Press releases

1. Elections: Delays That Lead to Consequences

Tirana, April 5, 2006

1. *Considering that we have become acquainted with the OSCE/ODIHR Report and Recommendations on the July 3, 2005 elections, and the fact that the Special Parliamentary Commission on electoral reform has not undertaken any concrete step,*
2. *Considering that the mandate of three CEC members expired on March 31, 2006, and that elections for local government bodies will be held in December this year or in January 2007,*
3. *Considering that it is not advisable to enact amendments to election legislation during the six-month period before the elections, and also that important amendments need to be made to the Electoral Code in force,*

The Albanian Helsinki Committee deems it necessary to address once again the Assembly of Albania and all parliamentary parties the appeal: *With dialogue and understanding, take measures to urgently overcome the parliamentary impasse that has considerably tarnished the reputation of the highest lawmaking body. Otherwise, hasty amendments to the Electoral Code may be accompanied by serious consequences in the preparation of various aspects of the electoral process and in achieving the required standards.*

The AHC is of the opinion that no political party, and primarily the two largest government and opposition parties, in spite of reciprocal accusations, can justify this continuing disturbing situation.

The AHC considers it appropriate to highlight the fact that the President of the Republic and international organizations have sent significant signals of such concerns, while the electorate follows with attention the attitude of its representatives.

2. The Media, Too, Should Respect the Law

Tirana, April 13, 2006

The print and broadcast media often publicizes photos of minor defendants and witnesses, accused of, or damaged by different criminal offences. *The law prohibits such publications.* Namely, article 130, item 4, of the Criminal Procedure Code reads: *“It is prohibited to publish personal details and photographs of minor defendants and witnesses, accused or injured by the criminal offence. The court may allow the publication only when the interest of the minor requires so or when the minor has reached the age of sixteen years.”*

The Albanian Helsinki Committee deems it necessary to suggest to the print and broadcast media to respect the above provision in the future. The issue involves defendants or persons (or victims) damaged by this or that criminal offence who are minors. Otherwise, failure to respect this legal requirement may be accompanied by harmful consequences of a psychological, family, and social character, which, in certain cases, may even violate the right to privacy.

AHC is also of the opinion that the media should be more attentive in those cases when there is information, or when it is known, that suicide occurred due to psychological depression, because such phenomena may have a negative impact on other individuals.

In spite of the above objections, *AHC appreciates the important role of the media and its incontestable right to obtain and convey relevant information to the public opinion.*

3. Principle of Presumption of Innocence Should Not be Violated

Tirana, April 18, 2006

The **Albanian Helsinki Committee** has appealed on several previous occasions to **our officials and politicians that, when they claim to possess facts or evidence on the commission of any criminal offence, they should file the relevant report to the competent bodies.** In fact, according to article 300 of the Criminal Code, *reporting an offence known to have been committed or being committed is mandatory.*

Public statements, whoever they come from and that impose the stamp of guilt on this or that person, at a time when no final court decision has been issued, runs contrary to the principle sanctioned in article 30 of the Constitution of the Republic of Albania, which says: "Anyone shall be considered innocent until his/her guilt has been proven through a final court decision."

With a view to a correct understanding and implementation of this principle, AHC organized two months ago, together with other non-governmental organizations, a round table discussion, during which this issue was extensively debated.

Recent public statements that make the Prosecutor General of the Republic of Albania guilty, by pretending possession of facts that prove his links with organized crime, corruption, and other affairs, **directly violate the abovementioned constitutional principle. Consequently, harmful consequences may result from such attitudes.**

In this reaction, AHC has in mind the right of the Assembly, pursuant to article 149 of the Constitution of Albania, to propose to the President of the Republic of Albania to dismiss the Prosecutor General for violating the Constitution or for serious violations of the law in the course of exercising his duties, for mental or physical incompetence, for acts or conduct that seriously discredit the position and figure of the Prosecutor. ***This fact, however, does not legitimize imposing the stamp of guilt for the commission of an offence without a review of the case by competent bodies and particularly without a final court decision.***

In closing, AHC considers it necessary to highlight the consistent position of the Court of Strasbourg regarding respect for the principle of presumption of innocence sanctioned in paragraph two of article 6 of the European Convention for Human Rights. For instance, in one of its decisions of February 10, 1995, it emphasizes: presumption of innocence is not only a procedural guarantee in the penal process, but its role is much broader. It is about ***the protection of anybody from being treated as guilty by state bodies or officials of committing a penal offence before the court proves it.*** ("About the European Convention," 2003, Albanian translation, p. 206, decision *Allenet de Ribbemont* against France)

4. Press Statement

Tirana, May 8, 2006

The Albanian Helsinki Committee is the first non-governmental organization, founded on December 19, 1990, as the Forum for the Protection of Fundamental Human Freedoms and Rights. On March 22, 1992, the organization became a member of the International Helsinki Federation for Human Rights, under the name Albanian Helsinki Committee. The primary mission of the AHC is to monitor respect for human rights and freedoms, reinstate violated rights, make citizens aware of the protection of their rights and freedoms, and improve the legislation and practice of law enforcement through critiques and recommendations. Raising the awareness of the public administration to correctly enforce laws through building the capacities of this administration is part of this mission.

One of the main directions of the Albanian Helsinki Committee's activity is the protection and promotion of minorities' rights in Albania. As the country's first non-governmental organization, the AHC has a long, almost 15-year long, experience in the area of minorities.

In the context of its activity in the area of minorities, ***the AHC will begin the implementation of a new project at the Korça Municipality called "Monitoring the Exercise of Minority Rights at the Korça Municipality."*** A city with three minorities (Macedonian, Roma, Aromanian) and the Egyptian community, Korça was selected as the first model city for the project's implementation.

The goal of the project is to assess respect for minority rights in the city and highlight opportunities for their development. Furthermore, through this project, the Committee seeks to increase the participation of minorities in local decision-making and enhance their relations with the local government. The implementation of this project will give citizens a tool for benefiting from the local administration and proposing improvements to its policies on minorities. At the same time, the project will also offer a tool to local government for self-assessment and also serve as a way to improve their capacities in handling problems addressed by citizens.

In implementing this project, the AHC will have a close cooperation with the local government, namely the Korça Municipal Council. The project will be based on polling citizens. The involvement of citizens in the Korça municipality in general and of minority representatives in particular will be a significant element for assessing as objective as possible the situation of minority rights at this Municipality.

At the end of the project's implementation, the AHC will draft a report based on the processing of data deriving from the polls. In December 2006, the Committee will organize a round table discussion to submit the main findings of the report. Invited to the round table discussion will be various actors of the Korça Municipality who contributed to the project's implementation and/or individuals interested in this area.

5. Albanian Helsinki Committee Starts One-Year Project At the Lezha Detention Institution With U.S. Department of State Support

The Albanian Helsinki Committee (AHC) monitors respect for human rights and freedoms and reacts for their reinstatement; sensitizes citizens on the protection of their rights and freedoms; helps improve legislation and practice of enforcement of laws through critique and recommendations during the drafting and implementation phases.

The AHC mission includes respect for the rights of detainees and persons sentenced to imprisonment and their treatment according to international standards and domestic legislation. The rights of detainees and convicts are an important part of fundamental human rights. AHC has worked since 1998 in the area of the pretrial detention system through monitoring, awareness, training, counseling, and lobbying programs, legal critique, and publications.

With financial support from the Human Rights and Democracy Fund of the U.S. Department of State, in close cooperation with the Ministry of Justice and the General Directory of Prisons (GDP), AHC will begin in May the \$50,000 one-year project to increase the awareness and knowledge of human rights and enforcement of laws among the detention administration in the Lezhë prison.

Some of the main objectives of planned activities are:

- Improve human rights standards in the pilot detention institution;
- Increase the level of theoretical and particularly practical knowledge of the detention section administration in Lezhë;
- Encourage and support a change of mentalities in the treatment of detainees;
- Enable the detention administration to take initiatives for drafting an action plan that would make possible running detention facilities from a human rights standpoint; and
- Make detainees aware of their rights and protection mechanisms of these rights; offer detainees at this institution free legal counsel.

AHC will engage in the project foreign experts with extensive experience in running penitentiary institutions, qualified lawyers in penal law, human rights activists and observers, and a dedicated and experienced staff.

One of the goals of the project is that the Lezhë detention facilities become a model for other detention facilities under the responsibility of the Ministry of Justice in terms of good management of penitentiary institutions where detainees' human rights and dignity are respected.

6. Use of Physical or Psychological Violence is Intolerable and Punishable

Tirana, June 19, 2006

According to press reports, on June 17, 2006, juvenile Amarildo Përfundi, a third-year student at the high school of the Pîrg village in Korçë put an end to his life. *The Albanian Helsinki Committee wishes to express its condolences to the family of the deceased and, at the same time, expresses concern over the young man's loss of life.*

In spite of circumstances and motives that led the victim to this painful tragedy, **AHC appeals to the Korçë District Prosecutor to give priority to the unbiased investigation of this case, verifying to the end and comprehensively the claims of his parents that the victim was maltreated by police forces.**

On this occasion, AHC wishes to bring to the attention of the public and responsible institutions that in recent years, citizens' complaints for use of violence by police officers have not been scarce.

Without being prejudiced on the case of the victim A.P., considering he was a juvenile who decided to put an end to his life, **deems it necessary to point out the legal obligations stemming from Albanian legislation and the international one ratified by Albania regarding the treatment of juveniles coming in contact with police and justice bodies, in spite of their position.**

In any case and for any case, police officers, judicial police officers and agents *are obliged to show special care toward juveniles* suspected of having committed any penal offence, who may be witnesses or victims of a crime, by rigorously enforcing Penal Procedure Code norms and legislation on juveniles.

The juvenile's family claimed there were marks of violence on their son's body. AHC, without being prejudiced toward these claims, wishes to cite **the decision of the European Court of Human Rights in the case "RIVAS vs. FRANCE"**, whereby it says **"when a person is under police custody, the state takes upon itself the positive obligation to ensure his wellbeing. This principle is a fortiori (even more) applicable to juveniles. Any harm inflicted during police custody is automatically charged to the state except for when the Court is convinced that the latter offered an acceptable explanation to refute this presumption"**. In fact, *the European Court of Human Rights views as inhuman and degrading the treatment that inflicts physical and mental suffering, and, considering the age, creates in a juvenile the feeling of fear, anxiety, and inferiority, such that would despise and subdue him and possibly break his physical and moral resistance.*

According to article 49 of the Penal Procedure Code, when the person has not reached the age of 18 years, he is necessarily assigned a defender and questioning should take place in his/her presence. Furthermore, police bears the obligation *to notify family members or relatives immediately upon the juvenile's detention and the juvenile is informed about the reasons for the detention, his rights, and the possibility of psychological and legal assistance.*

This legal obligation is also provided for in international legislation. Concretely, article 10 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice: *"Upon the apprehension of a juvenile, her or his parents or guardian shall be immediately notified of such apprehension, and, where such immediate notification is not possible, the parents or guardian shall be notified within the shortest possible time thereafter."* Further on, *"Contacts between the law enforcement agencies and a juvenile offender shall be managed in such a way as to respect the legal status of the juvenile, promote the well-being of the juvenile and avoid harm to her or him..."*. This is important as contact may have a deep impact on the juvenile's attitude.

AHC calls upon the Ministry of Interior, particularly the State Police to:

- 1** *Accurately respect the law and treat any person coming in contact with them with dignity and according to the law and their age.*

- 2 *Show care for all persons in contact with them, whether they are suspects, perpetrators, or witnesses.*
- 3 *Show more care and attention to juveniles and crime victims.*
- 4 *Not allow the existence among their ranks of police officers who still use physical and psychological violence.*

7. Use of Torture – Inhuman and Humiliating Act

Tirana, June 26, 2006

The Albanian Helsinki Committee, as a non-profit organization whose mission has been and remains the protection of citizens' rights and freedoms, on the international day against torture, reemphasizes the need to prevent this phenomenon, which is as harmful, as it is inhuman and humiliating. *On this occasion, we appeal on specialized bodies that work against crime in general, and organized crime in particular, to respect the life, health, and dignity of persons suspected of committing this or that crime.*

AHC deems it necessary to highlight the fact that a better concept of the notion of torture also requires amendments to our legislation so it is rapproached with international documents and contemporary democratic legislation.

From this standpoint, AHC applauds the initiative of the People's Advocate to have a more accurate definition of the notion of torture. This is so also because, in practice, there have been cases when some arbitrary actions that included elements of torture were considered ordinary actions harmful of a person's health or abuse of office.