



# ALBANIAN HELSINKI COMMITTEE

## BULLETIN

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JUNE - JULY 2018

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## LEGAL CLINIC

### CASE OF TËRKUZË

"The air and water pollution", the environmental massacre that is being done in Kamza

11 kilometres from Tirana, in the area called Zall Herr, is located this landfill site which is very close to the River Tërkuza and very close to the apartments of this area. Hospital waste, plastic items, tires, bags, are some of the objects that can be seen along the river's flow. The Albanian Helsinki Committee has raised this concern by taking into account the complaints of residents who are unable to live there, but also the ecological damage that is happening in the area, helping the inhabitants by bringing this issue in court. For more: [ARTIKULL](#)



### FIRST ALBANIAN COURT DECISION ON LACK OF DRINKING WATER FOR RESIDENTS OF VISOKA VILLAGE



The Albanian Helsinki Committee (AHC) for more than a year has been following the legal issue of the lack of drinking water for residents of the village of Visoka, Mallakstra Municipality. Lack of drinking water is inseparably linked to the fundamental right to life and the basic right to a quiet family and private life. Therefore for the violation of these rights, AHC has initiated on behalf of the residents a judicial process, which is being prosecuted and represented by the lawyers of the Legal Clinic of our organization.



The judicial process for seeking violated rights of residents of Visoka lasted about 8 months at Vlora First Instance Administrative Court, which recently concluded with a final decision that the long absence of drinking water for these citizens caused harm to them. The court ordered the compensation of the damage caused to residents, jointly by the responsible state bodies. This is the first judicial decision in Albania of this kind and constitutes in part a positive model of direct judicial protection of individuals in need. For more : [ARTIKULL](#)



## TRAINING ON THE ACCESS OF CSO-s IN THE CONSTITUTIONAL COURT AND PUBLISHING THE PRACTICAL MANUAL



With the amendments that have taken place in the law “On the organization and functioning of the Constitutional Court”, the approach given to CSOs is greater compared to the approach they had in the previous system. Practice has revealed that CSOs do not have the right capacities to put in motion the Constitutional Court based on their mission and the rights and freedoms of their groups. AHC has a very good experience in representing individual cases before this court as well as appealing against the constitutionality of some laws and other normative acts before the Constitutional Court. AHC, within the framework of the project "Improving the Human Rights Situation in Albania through Strengthening the Rule of Law - Legal Clinic XII", supported financially by the Civil Rights Defenders organization, with funds from the Government of the Swedish Kingdom, organized a one-day training to increase the capacity of active civil society organizations to protect human rights and provide legal assistance to vulnerable groups. For more: [ARTIKULL](#) and [HAND-BOOK](#)

*AHC, in view of that the violations found are repeated and with consequences, it suggests to the Ministry of Justice, to intervene to improve the situation. AHC also suggests to the Prosecutor's Office, on its own initiative, to initiate criminal proceedings for "inhuman and degrading treatment" provided for in Article 86, letter d) of the Criminal Code.*

## MENTAL HEALTH

Notification of the initiation of monitoring sessions in hospitals / psychiatric corps in order to verify the conditions, treatment and respect of the rights of persons suffering from mental health disorders



### NJOFTIM

Në kuadër të rikonfirmimit të Marrëveshjes së Bashkëpunimit ndërmjet Komitetit Shqiptar të Helsinkit dhe Ministrisë së Shëndetësisë dhe Mbrojtjes Sociale, "Në fushën e të drejtave shëndetësore të shtetasve, në institucionet e kujdesit shëndetësor", njoftojmë iniciimin e sesioneve monitoruese në Spitale/Pavione Psikiatrike, me qëllim verifikimin e kushteve, trajtimit dhe respektimit të të drejtave të personave që vuajnë nga çrregullime të shëndetit mendor

Këto misione monitoruese realizohen në kuadër të Projektit "Të litigojmë në mënyrë strategjike për mbrojtje efektive të të drejtave në fushën e shëndetit", mbështetur financiarisht nga Fondacioni Shqëria e Hapur për Shqipërinë



### “Grave condition of persons with mental health problems in the prison system”

In the Prison Hospital (IVSHB), the situation is extremely disturbing. The capacity of the institution is 99 persons, while in fact accommodated there were 112 persons, so 13 persons over capacity. 92 people are suffering from mental health disorders, of which 34 are in the form of temporary respite insurance, 54 are in the medically compelled "compulsory medicine" and 4 inmates with different illnesses. Overcrowding in this facility was found in some of its rooms, where up to 5 people were accommodated, where 1-2 people slept on the floor with sponges. While in a room with a surface of about 14m<sup>2</sup> stood 7 persons, 3 of which in the foam sponge. It is worth noting that sponges and bedding were misused and contaminated. For more: [ARTIKULL](#)





AHC on 14 June 2018 organized a Concluding Conference: "Presentation of Findings and Conclusions Outlined by Monitoring the Verification Process". Because of the importance and volume of the vetting process, which are expected to be reassessed in a transitional period of around 800 subjects, AHC is aware that this process is complex and difficult. However, AHC estimates that this high volume of work requires a swift and dynamic pace of activity by independent constitutional bodies of vetting but without compromising the quality of vetting. Read: [Raport](#)

## THE PROCESS OF VETTING

CISD OPENS UP TRANSPARENCY FOR THE DATA REQUIRED FOR THE FIGURE OF SUBJECTS IN THE FRAME OF VETTING

On February 5, 2018, the Commissioner for the Right to Information and Protection of Personal Data at the request of AHC issued a decision for three auxiliary bodies of the vetting, whereby two of them, respectively for CISD and ILDKPKI are ordered to make available of AHC the required statistical information. CISD has appealed to the Tirana First Instance Administrative Court, the Commissioner's decision, where AHC intervened as a Third Person in this process. On dt. 18.06.2018, the Court has ruled over the CISD claim suit by leaving the Commissioner's decision in force. See: [Artikull](#)



"Helsinki" criticizes the Prosecutor's Office: None investigated by the dismissal of Vetting

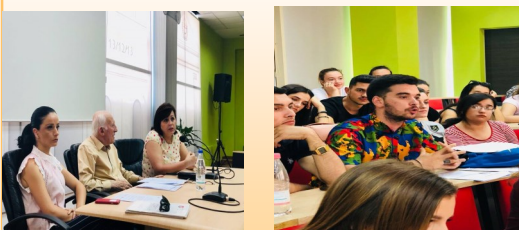
According to the Code of Criminal Procedure, when administrative organs such as IQC, during the administrative investigation, look at facts or circumstances that have a criminal offence are obliged to refer the materials in the prosecutor's office. From the information obtained from the District Prosecutor's Offices, we have resulted in the case of 1 case referenced by IQC, for one of the priority subjects that the Prosecution has decided to "fail to investigate" .. For more: [Interviste](#)

## COUNTERING VIOLENT EXTREMISM

### THE PHENOMENON OF VIOLENT EXTREMISM, TERRORISM AND RADICALIZATION

Work continues also during the second day for the drafting of the **Protocol Against Violent Violence in Prisons** where employees from different prisons with the assistance of Mr. Jack Burger, an international expert on the fight against violent extremism, is drafting the first draft of this protocol that will unify the practice of prosecuting cases related to the phenomenon of violent extremism in prisons.

AHC organized at the Faculty of Social Sciences of the University of Tirana a discussion forum with students on the phenomenon of violent extremism, terrorism and radicalism.



For more: [Artikull](#)



Today at Aleksander Moisiu University in Durrës, with students from the Faculty of Law, Political Science and Communication to discuss the different perceptions they have on issues related to the phenomenon of violent extremism, radicalism or terrorism at the closing forum of the academic year. For more : [Artikull](#)

The Albanian Helsinki Committee organized on June 6, with students from the European University of Tirana, the forum "Violent Extremism, Major Challenge of our Time". For more: [Artikull](#)

# VULNERABLE GROUPS

## RESPECT OF THE RIGHTS OF ASYLUMS AND EMIGRANTS IN ALBANIA

### AHC' STUDY: ALBANIA MAY NOT AFFORD THE EMIGRANTS

"Albania needs to take concrete measures to address problems such as unemployment, poverty and insecurity, to reduce the number of asylum seekers in European countries," this is the conclusion of the Albanian Helsinki Committee study on migration issues and asylum. According to this study, the Albanian government has not managed to find a solution that gives concrete results in managing the massive departure of Albanians from the country. In these 25 years, about 33% of Albanians have left Albania, meanwhile, the biggest departure our country has known in recent years. According to the study, we rank among the first places by the number of asylum applications, comparable to the countries in the war. But despite high demands, European countries accept very few Albanians to recognize them as asylum seekers. According to the report, the number of Albanians who have been admitted as asylum in these years has been less than 1%, while the demand for each of the last five years has been thousands. For more :

[Artikull](#)



Following the project "Better Contribution to Respect for the Rights of Asylum and Refugees in Albania", implemented during the period October 2016 to January 2018 with the financial support of the Embassy of the Netherlands in Tirana, AHC carried out a monitoring mission at Border Crossing Qafe Bote, at the Police Station Livadhja which covers the Border Crossing at Rips, the Border and Migration Police Station in Saranda and the Border Crossing Kavijë.



This bulletin has been realized in the framework of the project "Improving the human rights situation in Albania by strengthening the rule of law - Legal Clinic XII", implemented by the Albanian Helsinki Committee and financially supported by the Civil Rights Defenders organization, with funds from the Government of the Swedish Kingdom.



The content of this bulletin is the full responsibility of the Albanian Helsinki Committee and does not reflect the attitude of the Swedish Government or the Civil Rights Defenders organization.

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