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NATIONAL ACTIVITY DAY

# Albanian Helsinki Committee

## BULLETIN

NO. 4

SEPTEMBER - OCTOBER

## Legal clinic

### THE LEGAL CASE OF PËLLUMB MARNIKOLLAJ



The Albanian Helsinki Committee was informed by the Greek Helsinki Monitor that the progress of the investigative and judicial process for solving the alleged case of torture by Greek police against the Albanian citizen, Pellumb Marnikollaj is not positive. The deceased's family lawyer, who died in the premises of a police station in the Greek state, informed the Greek Helsinki Monitor that the trial judge charged with conducting a criminal trial did not undertake any investigative actions but returned the court file in the prosecution, two years later, recommending that the case will be archived. AHC, based on these data, expresses concern over the progress of this event by the Greek justice authorities, where Albanian citizens who are injured or violated by police, or family members of victims of police violence, do not receive deserved justice. AHC will continue to follow the progress of the issue with the assistance of the Greek Helsinki Monitor. [LINK](#)



### MONITORING OF THE CONVICTED'S COMPLAINT FOR VIOLENCE IN DRENOVA IEVP

On October 12, 2018, at 10:00 am (morning), the convicted M.Th, accommodated in the Criminal Decisions Drenova Institution, Korça, informed the Albanian Helsinki Committee (AHC) by telephone about his complaint. According to the convict, on the evening of 11 October 2018, around 23:00 (evening), security staff at the prison had exercised physical violence against him.



### A SERIOUS ACT OF VIOLENCE IN FUSHË-KRUJË PRISON

The Albanian Helsinki Committee (AHC) through the media on 31 July 2018 was informed that in the Prison of Fushë Kruja, the prison police group had exercised violence against the convicts A.L. For the verification of the event, on August 1, 2018, two AHC representatives went to the Prison of Fushë Kruja. During this verification, a meeting was held with the head of this institution, the prison doctor, other staff and the staff of the security group, as well as the person suspected of being a victim of violence: [ARTIKULL](#)

## PRESS CONFERENCE

The Albanian Helsinki Committee (AHC) strongly condemns the armed assault on the residence of known journalist Klodiana Lala and her family members. AHC considers this not only a bandit-like act, but also a cowardly one that seeks to exert pressure and intimidate free speech. Journalist Klodiana Lala has carried out her mission as a professional journalist with honesty, integrity and courage, to obtain information and convey it to the public, thus encouraging debate and critique and helping intensify the fight against criminality. Her criticism of politicians and public representatives have sought not only to criticize every unlawful act, but also to help preserve their cleanliness. [Article](#)



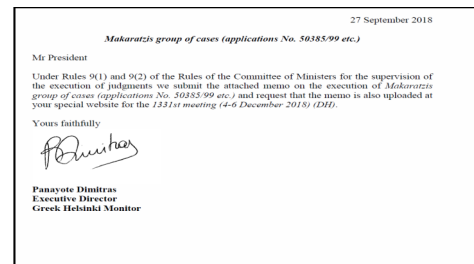
The Administrative Court of Appeal of Tirana decided to give effect to the decision rendered by the First Instance Administrative Court, through which the claim filed by AHC was accepted. Among other things, by this decision, the Court has expressed the obligation of the Commissioner for the Protection of Personal Data and the Right to Information to conduct an administrative investigation and to make a decision on the non-disclosure of information by the Ministry of Health Care on the Procedure of Koklear Implant Implementation: [ARTICLE](#)

## CHANGES IN THE ELECTORAL CODE CALL FOR CONSENSUS AND AVOIDANCE OF FORMALIZATION IN PUBLIC CONSULTATION



The Albanian Helsinki Committee (AHC), on 13 November 2017, welcomed the establishment of the Special Parliamentary Commission on Electoral Reform. In our public statement it was emphasized the need for this process to be inclusive, qualitative, but not overdue. After the end of the six month mandate of this commission and postponing the deadline for its activity, as it turned out that no concrete results were achieved during this time, on 13 April 2018, AHC reacted again publicly, evidencing the fact that delays in the changes needed in the Electoral Code could have harmful consequences, especially in the conditions when the threshold for preparations for the upcoming local elections in our country was close. AHC notes that over 10 months have passed since the Election Reform Commission was established. It is true that with various local and international actors several consultative meetings have been organized, where some models of other countries are discussed. But even after these meetings no announcements have been made about the activity of the Commission and especially if consensus is reached on this or that issue. This also for the fact that approval by the Assembly of these changes requires a qualified majority voting. Yesterday, on October 4, 2018, Co-Rector of the Reform Commission Mr. Bledi Çuçi sent some civil society organizations (including AHC), draft of the draft law on some additions and amendments to the Electoral Code. This draft was not accompanied by a companion relation. The draft law has 51 articles with important content that requires a profound study of the fact that there are new and controversial changes and additions. [ARTICLE](#)

## Greek Helsinki addresses the Council of Europe for the cases of torture and non-human treatment including Albanian citizens



The Greek Helsinki Monitor, addresses to the President of Council of Ministers, of the Council of Europe, requesting among others, reopening of investigations for 12 cases obtained at the Strasbourg Court, with the defendants from Greece. One of these cases is Çelniku against Greece (Ilir Çelniku was killed from the Greek police forces in November, 2001). Furthermore, the Committee of Ministers is required to investigate the death of the Albanian citizen, 28 years old Pëllumb Marnikollaj, who lost his life in August 3<sup>rd</sup> 2016, in the premises of the Patisias Police Station (in Aghias Lavras street, Athens). Two weeks after the incident (August 18), The Greek police authorities pretended that the person who has lost his life jumped from the second floor of the Police Station. Furthermore, the authorities did not inform anyone from the victim's family, who located his body in August 11, when he will be buried as an undeclared person. For more; [Article](#)



The progress of the vetting process in justice is of particular importance for the creation of new institutions, for the fulfilment of constitutional and integrative obligations of the country, for the unblocking of the cracks created in the process of filling vacancies with the Constitutional Court and the High Court, and to meet timely and quality public expectations of reform implementation. The positive results achieved during June-July 2018, marking the development of a large number of hearings and a high number of decision-making were expected to have the same pace and qualitative improvements in the new phase of other priority list subjects, resumed in September. We, as representatives of civil society, note with concern that unlike expectations and reform needs, the last two months have seen a significant slowdown in the vetting process, in relation to the dynamic pace that this process has had with the Independent Commission Qualification (KPC) in June and July of this year. [ARTICLE](#).



## CONNECTION OF JUDGES AND PROSECUTORS WITH ORGANIZED CRIME FOR VETTING PROCESS, SOME OF THE CHALLENGES OF THE PROCESS

### MONITORING VETTING PROCESS

The Albanian Helsinki Committee (AHC), in the framework of monitoring the Vetting process, from November and onwards has shared with the public the findings of monitoring of hearings with judges and prosecutors who are subject to the vetting process. Public co-operation and transparency of the process towards the public is one of the most important components of vetting.

AHC invites you to get acquainted with the AHC observer monitoring schedules for the transitional re-assessment subjects. These subjects pass through the lottery. Click the link below to see the preliminary findings of the entities monitored so far and in the following periods.

### [VETTING OF JUDGES AND PROSECUTORS](#)

This monitoring was carried out under the project No.2 "To increase transparency, inclusiveness and accountability in the process of Vetting" - a project funded by the Foundation for Open Society Albania (OSFA) and implemented by the Albanian Helsinki Committee.

The first decisions of the Independent Qualification Commission (KPC) on the dismissal of several judges and prosecutors were mostly based on the on the issues of asset criterion. Until a few days ago, in the reasoned decisions of the CCK it turns out that only one subject (decision no. 39 for the TN subject, a judge at the High Court) has been dismissed from office, among other things because inaccuracies in the fulfilment of the form for the criterion of purity of the figure or as otherwise known, the links of the judges / prosecutors with persons involved in organized crime.

### STUDY REPORT

MONITORING THE JUDGES AND PROSECUTORS 'ELECTION PROCESSES BETWEEN JANUARY 2017 - JUNE 2018

AHC presents some of the main findings of the monitoring of the Vetting process for the period January 2017 - June 2018.

### [STUDY REPORT](#)





## VULNERABLE GROUPS

### DISCRIMINATION OF MEDICAL MEASUREMENT PERSONS, "MEDICAL DEMONSTRATION IN A MEDICAL INSTITUTION" AND INSURANCE PATIENTS "PROVISIONAL SHORT IN A PSYCHIATRIC HOSPITAL".

On 19 October 2018, AHC addressed to the Commissioner for Protection from Discrimination, through a complaint with the object: On discrimination of persons with medical measure, "Medical treatment in a medical institution" and patients with a measure of security "Temporary hospitalization in one psychiatric hospital", illegally accommodated in penitentiary institutions. [Article](#)

#### NATIONAL ACTIVISM DAY

Within the National Day of Activism, AHC carried out an awareness raising activity on October 22, 2018, at 11:30, in the Old Village of Patos. Judicial prosecution of this issue is carried out within the framework of the Project "Strategically Fighting for Effective Protection of Health Rights", funded financially by the Open Society Foundation for Albania.



Ju presim në panair!

22 Tetor

Panairi i Shoqërisë Civile  
Sheshi 'Skënderbej'  
Ora 10.00



**TRANSPARENCY AND WHEN CASE, THE ABILITY OF ANY NOTIFICATION OR DATA THAT DOES NOT CONSTITUTE THE TRUTH IS NECESSARY.**

During the execution of the "Volvo 4" operation a considerable number of detentions and arrests have been carried out. According to the media, it is reported that the citizen Mimoza Ndoka has been arrested, accused of disposing of property. According to media reports, dated October 25, 2018, the prosecution asked for the citizen M. Ndoka, a security measure "arrest in prison", while the court imposed the measure "Obligation to appear in the judicial police". Referring to media reports, M. Ndoka was allowed by the court at the time when the security measure to breastfeed her child was examined.

#### STRATEGIC LITIGATION FOR THE PROTECTION OF HEALTH RIGHTS

In the next monitoring, the Albanian Helsinki Committee observes the disturbing pollution of the Gjanica River. The inhabitants of Mallakstra and Fier are unable to coexist with the heavy aroma of oil and the hydrocarbon and inert waste left in the Gjanica River, directly affecting the quality of life and health. In fulfilling its mission, AHC will pursue the follow-up of the judicial road to addressing the situation.

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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