



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

October 27, 2023

PRESS STATEMENT

SERIOUS INCIDENT AT DRENOVA PRISON

Some days ago, I.J. who is serving an imprisonment sentence at the Drenova prison addressed the Albanian Helsinki Committee (AHC) with the following complaint:

- a) An unfair measure has been imposed on me. They imposed special supervision on me for three months.
- b) They used handcuffs and chains to tie me to the bed for six days. I have the times noted down.

To verify this measure, AHC tasked a group of observers, including a medical doctor, to verify this complaint on 19.10.2023.

Regarding the first complaint:

According to the incident report dated 31.08.2023, the convict I.J. punched another convict. For that reason, he was taken to the isolation room. After following relevant procedures, by decision of 13.09.2023, the Inmate Evaluation Commission at the General Directory of Prisons, based on article 68/1 letter “a” of law no. 81/2020 decided: “Transfer the inmate I.J. to the special supervision regime, for a period of three months, starting from 31.08.2023 at 12:30.”

Article 68, paragraph 1, letter “a” of law no. 81/2020 reads: “*The inmate may be placed under special supervision regime for a period no longer than three months, when he jeopardizes the life of the institution’s personnel, or when there is a risk of the person harming himself or others.*” In fact, the incident report mentioned above does not speak either about a threat to the safety of the institution’s personnel or the risk of harming oneself or others.

That is why the decision taken against I.J. is unlawful and arbitrary. Another disciplinary measure could have been taken against him, a more appropriate one, especially since, according to the personal medical file, he suffers from “borderline personality disorders” and receives sedatives and anti-depressants. In fact, before this measure was taken and during its execution, he should have been subjected to a medical checkup in order to judge his health situation and determine whether he could put up with such a measure or not.



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Regarding the second complaint:

In the meeting that the monitoring group had with inmate I.J., he said that he had been kept in his bed, tied with chains and handcuffs for 4, 6, 24, and 48 hours. The citizen told observers that out of despair, concern, and maltreatment, he ate pieces of glass. IEPD staff allowed the observers team to look in the column (place where police officers remain while on duty) and it saw hanging on the wall, two black, fixed handcuffs, which had the part isolating the hand and an extension up to 25 cm, a chain, and in a corner, a black helmet that had only the letters "...ICIA," apparently a police helmet. I.J. told AHC observers that these were the items he had been kept tied up with.

The medical doctor, Director, and education principal in the IEPD confirmed the tying up of the inmate, justifying it as a preventive measure so that he would not harm himself,¹ but they denied that he had been kept tied for six days. For this action, they did not have any documentation (process-verbal). In fact, the doctor had not been told in advance about this measure; he had not checked up on the inmate; and, asked by the AHC monitoring group, he said that he had seen I.J. tied up to his bed.

Referring to monitoring data, AHC considers that such very serious, undocumented, unlawful actions, which run counter to international standards referred to above, create reasonable and founded suspicions that the handcuffing and tying of this citizen in chains, in his mental health condition and for a long period of time, led to I.J. being subjected to treatment containing inhuman and degrading elements in the isolation premises of IEPD Drenova.

In the case of *Kucheruk v. Ukraine*, the Strasbourg Court found violations of Article 3 of the European Convention of Human Rights (prohibition of torture), against a pre-trial detainee suffering from chronic schizophrenia, who complained, among others, that he had been kept handcuffed when in isolation. The ECtHR said that there had been violations of Article 3 (prohibition of torture) of the European Convention (ECHR), finding especially that keeping in chains a citizen with mental health issues, for a period longer than seven days, without a justified psychiatric opinion and medical care, should be considered inhuman and humiliating treatment. Moreover, the very isolation and handcuffing of the petitioner pointed out that national authorities had not offered appropriate medical treatment and assistance to him.²

In its report of 2017 on Albania, the Committee for the Prohibition of Torture (CPT) recommended the removal of hand and ankle cuffs in the Prison Hospital Center and IEPD Kruja, replacing them

¹ The medical doctor stated that the inmate had been handcuffed because he had broken the window glass with his head and risked his life.

² https://www.echr.coe.int/documents/d/echr/fs_detention_mental_health_eng , p. 2



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immediately with restrictive professional equipment (possibly, filled cloth strips) to minimize the risk of harm to and/or suffering from pain for the patient.³ In its 2018 report, for a citizen not suffering from mental health illnesses (foreigner, kept in the Karec Center), the CPT underscored that the person in question should not be handcuffed to fixed objects (such as the bed), but instead, should be kept under close surveillance in a safe environment and, if necessary, should be granted medical assistance. According to the CPT, such actions should be documented in the logbook.⁴

The use of constraint measures should not go beyond the restrictions established in article 71, paragraph 2 of law 81/2020. The General Regulations of Prisons also indicates that the use of force for purposes of torture or inhuman and degrading treatment is forbidden. Handcuffs may be used if indispensable for preventing violent behavior, or when the inmate makes efforts to escape (article 96, paragraph 5 of the Regulations) that “Isolation in a special room as temporary restriction measures is only used exclusively and not for more than 24 hours (article 96, paragraph 7 of the Regulations). Aside from the violation of these provisions, AHC notes with concern that I.J. was tied in chains and handcuffs without obtaining the opinion of the institution’s medical doctor, which runs counter to paragraph 9, article 96 of the General Regulation of Prisons.⁵

Convinced about the serious violation of international standards compulsory for Albania and domestic legislation, AHC suggests to the General Directory of Prisons not only to conduct an administrative investigation of this case; depending on the results of the investigation, it should also implement the requirement of paragraph 10, article 96 of the General Regulations of Prisons, which state **“In cases when the institution’s personnel surpasses the measure of the use of force, measures are undertaken toward them in keeping with legal provisions in force.”**

We deem it necessary to also suggest that the legal violations mentioned above in IEPD of the Drenova Prison require the taking of relevant measures of a preventive nature in all other institutions for the execution of penal decisions, issuing to them instructions that provide necessary guidelines for the use of restrictive measures, in keeping with international standards, the provisions of law no. 81/2020, and the General Regulations of Prisons.

³ <https://rm.coe.int/16808ae48f>, p.21

⁴ <https://rm.coe.int/168097986b>, p.26

⁵ In case of self-injury of the inmate, the institution uses special physical confinement measures, but “On the length of the physical confinement, the opinion of the institution’s medical doctor shall always be obtained. The doctor assesses whether the use of restrictive measures should continue or not and documents the case in the medical file...”