



CPT/Inf (2009) 6

**Report to the Albanian Government
on the visit to Albania carried out
by the European Committee for the
Prevention of Torture and Inhuman
or Degrading Treatment or Punishment
(CPT)**

from 16 to 20 June 2008

The Albanian Government has requested the publication of this report.

Strasbourg, 21 January 2009

CONTENTS

Copy of the letter transmitting the CPT's report	5
I. INTRODUCTION	7
A. Dates of the visit and composition of the delegation	7
B. Context of the visit and establishments visited	8
C. Co-operation received and consultations held by the delegation.....	9
D. Immediate observations under Article 8, paragraph 5, of the Convention	10
II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED.....	11
A. Establishments under the authority of the Ministry of the Interior.....	11
1. Ill-treatment.....	11
2. Conditions of detention.....	12
B. Establishments under the authority of the Ministry of Justice.....	14
1. Preliminary remarks	14
2. Ill-treatment.....	15
3. Conditions of detention.....	16
a. pre-trial detention centres	16
b. Prison No. 313 in Tirana.....	18
4. Health care	19
5. Other issues	22
a. staff.....	22
b. contact with the outside world.....	22
C. Involuntary hospitalisation in psychiatric establishments	23
D. Concluding remarks	25
APPENDIX: List of the CPT's recommendations, comments and requests for information ..	26

Copy of the letter transmitting the CPT's report

Ms Margarita GEGA
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Albania to the
Council of Europe
2, rue Waldteufel
67000 STRASBOURG

Strasbourg, 4 December 2008

Dear Ambassador

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of Albania drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Albania from 16 to 20 June 2008. The report was adopted by the CPT at its 67th meeting, held from 3 to 7 November 2008.

The various recommendations, comments and requests for information formulated by the CPT are listed in the Appendix to the report. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Albanian authorities to provide:

- **within three months**, an account of the action taken to implement the recommendations in paragraphs 12, 14 and 27 of the report;
- **within six months**, a response giving a full account of the action taken to implement the other recommendations formulated in the report.

The CPT trusts that it will also be possible for the Albanian authorities to provide, in the above-mentioned response within six months, reactions to the comments formulated in this report as well as replies to the requests for information made. As regards more particularly the requests for information in paragraphs 17 and 19 of the report, the CPT would like to receive the information **within three months**.

The Committee would ask, in the event of the response being forwarded in Albanian, that it be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely

Mauro PALMA
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Albania from 16 to 20 June 2008¹. The visit was one which appeared to the CPT "to be required in the circumstances" (cf. Article 7, paragraph 1, of the Convention).

2. The visit was carried out by the following members of the CPT:

- Renate KICKER, 1st Vice-President of the CPT (Head of delegation)
- Marija DEFINIS-GOJANOVIĆ
- Mario FELICE.

They were supported by Michael NEURAUTER, Head of Division, and Elvin ALIYEV of the CPT's Secretariat, and assisted by:

- Eric DURAND, medical doctor, former Head of medical services at Fleury-Mérogis Prison, France (expert)
- Adelina ALBRAHIMI (interpreter)
- Maksim DAIU (interpreter)
- Albana LILAJ QAZIMI (interpreter)
- Teuta BARBULLUSHI (interpreter)
- Rudina XHILLARI (interpreter).

¹ The CPT has previously carried out three periodic visits (December 1997, December 2001, May/June 2005), as well as four ad hoc visits (December 1998, October 2001, July 2003, March 2006) to Albania. The reports on these visits and the responses of the Albanian authorities have been published under the following references: CPT/Inf (2003) 6 to 12; CPT/Inf (2006) 22 to 25; CPT/Inf (2007) 35 and 36.

B. Context of the visit and establishments visited

3. In the report on the 2005 visit², the CPT expressed its serious concern about the fact that the majority of its recommendations made after the previous visits to Albania had not been implemented. Subsequently, an ad hoc visit was carried out to Albania in March 2006. In the report on that visit, the CPT observed a number of positive steps taken by the Albanian authorities, but also stressed that a great deal remained to be done to render the situation acceptable (in particular, as regards conditions of detention in pre-trial detention facilities). The Committee indicated that it would follow closely future developments and the action taken by the Albanian authorities, while keeping the possibility of initiating the procedure provided for in Article 10, paragraph 2, of the Convention under review³.

The main objective of the 2008 visit was to review whether progress had been made as regards the implementation of the recommendations made by the Committee following its 2005 and 2006 visits to Albania. In this connection, particular attention was paid to the treatment of persons detained by the police and conditions of detention in remand prisons and pre-trial detention centres.

4. The delegation visited the following establishments:

Establishments under the Ministry of the Interior

- Police Directorate General, Tirana⁴
- Police Station No. 3, Tirana⁴
- Police Station No. 4, Tirana⁴
- Korca Police Station
- Vlora Police Station⁴

Establishments under the Ministry of Justice

- Prison No. 313 (Jordan Misja Street), Tirana⁴
- Durres Pre-Trial Detention Centre⁴
- Korca Pre-Trial Detention Centre
- Vlora Pre-Trial Detention Centre⁵.

² CPT/Inf (2006) 24, paragraph 8.

³ CPT/Inf (2007) 35, paragraph 34.

⁴ Follow-up visit.

⁵ At the time of the 2005 visit, the detention centre was located on the old premises.

C. Co-operation received and consultations held by the delegation

5. The degree of co-operation received throughout the visit from the Albanian authorities at central level was excellent. In the course of the visit, the delegation had fruitful consultations with Enkelejd ALIBEAJ, Minister of Justice, Gent STRAZIMIRI, Deputy Minister of the Interior, Gazmend DIBRA, Director General of Prisons, and Ahmet PRENÇI, Director General of the State Police, as well as with other senior officials of the relevant ministries. It also met Ermir DOBJANI, People's Advocate, and representatives of the OSCE, the European Assistance Mission to the Albanian Justice System (EURALIUS) and non-governmental organisations active in areas of concern to the Committee. The CPT also wishes to express its appreciation for the assistance provided before and during the visit by the Committee's liaison officer, Ms Suela MENERI, from the Ministry of Foreign Affairs.

6. With the exception of the Police Directorate General and Police Station No. 3 in Tirana, the co-operation received at the places visited (including those which had not been notified in advance) was on the whole very good. The delegation enjoyed rapid access to the establishments, was provided with the information necessary for carrying out its task and was able to speak in private with persons deprived of their liberty. However, at the Police Directorate General, the delegation was only able to enter a particular room within the confines of the detention area after a considerable delay. Further, at Police Station No. 3 attempts were repeatedly made to mislead the delegation through the provision of inaccurate information. **The CPT trusts that the Albanian authorities will take the necessary steps to avoid any repetition of such situations.**

D. Immediate observations under Article 8, paragraph 5, of the Convention

7. During the end-of-visit talks with the Albanian authorities on 20 June 2008, the delegation made four immediate observations under Article 8, paragraph 5, of the Convention:

(a) In respect of several cells at Police Stations Nos. 3 and 4 in Tirana, which measured less than 2 m² and did not have any access to natural light, the delegation emphasised that such cells were, by virtue of their size alone, unsuitable for holding anyone for any length of time, and it requested that they be immediately withdrawn from service as detainee accommodation.

(b) As regards the total lack of outdoor exercise for adult remand prisoners at Prison No. 313 in Tirana and the lack of outdoor exercise on Sundays in the pre-trial detention centres visited, the delegation called upon the Albanian authorities to take all necessary measures to ensure that all prisoners, including adult remand prisoners, at Prison No. 313 in Tirana, as well as in all pre-trial detention centres, are granted at least one hour of outdoor exercise per day.

(c) With regard to a number of allegations of deliberate physical ill-treatment of juvenile prisoners at Prison No. 313 and remand prisoners at the Korca Pre-Trial Detention Centre, the delegation requested the Albanian authorities to carry out thorough and independent inquiries into the above-mentioned allegations and to provide information on the outcome of these inquiries and, if appropriate, on the action taken.

(d) With regard to the extremely poor level of health care provided to prisoners at the Korca Pre-Trial Detention Centre, the delegation requested the Albanian authorities to:

- carry out a comprehensive review of the health-care service at Korca Pre-Trial Detention Centre to ensure that it can deliver proper care to inmates;
- take the necessary steps to ensure that all inmates receive a proper medical examination on admission and, thereafter, are able on request to have access to a doctor without delay.

The above-mentioned immediate observations were subsequently confirmed by the President of the CPT in a letter of 3 July 2008, in which the Albanian authorities were requested to provide within three months detailed information on the measures taken in response.

8. By letters of 17 July, 2 September and 4 November 2008, the Albanian authorities provided comments on various issues raised by the delegation at the end of the visit, including the above-mentioned immediate observations. This information has been taken into account in the relevant sections of the present report.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Establishments under the authority of the Ministry of the Interior

1. Ill-treatment

9. In contrast to the findings made during the 2005 and 2006 visits, the majority of persons interviewed by the delegation stated that they had been treated correctly whilst in police custody. However, the delegation received a number of credible allegations of recent physical ill-treatment, some of which were of a very serious nature (e.g. severe beatings, blows to the feet (so-called "falaka") and/or to the palms and backs of the hands with objects such as batons). Most of the allegations made related to ill-treatment during police questioning and, more particularly, during interrogation by officers of the criminal police. The most serious allegations were received in respect of the police stations in Korca, Pogradec and Elbasan⁶.

The CPT noted that, following the 2006 visit, the Prime Minister of Albania had publicly condemned acts of torture and other forms of ill-treatment and had indicated that the Government would pursue a policy of "zero tolerance" in this respect. To this end, instructions had been delivered by the Ministry of the Interior to all police officers. The delegation was also informed that numerous police officers had been dismissed for misconduct.

The CPT welcomes the above-mentioned measures taken by the relevant authorities after the 2006 visit with a view to combating the problem of ill-treatment by the police. The reduction in the number of allegations received during the 2008 visit would indicate that these measures are beginning to bear fruit. However, it is also clear from the information gathered during the visit that additional vigorous action is still required to combat ill-treatment by the police, which often appears to be related to an overemphasis on confessions during criminal investigations. In this connection, appropriate selection at recruitment stage and training (both initial and ongoing) of police officers is essential. Further, crime investigation should not rely exclusively on confessions to secure a conviction; greater emphasis should be given to scientific methods of crime investigation, through appropriate investment in equipment and skilled human resources.

The Committee recommends that the Albanian authorities redouble their efforts to combat ill-treatment by the police, in the light of the above remarks. In particular, all police officers should be reminded, at regular intervals, that all forms of ill-treatment of detained persons are not acceptable and will be punished accordingly. Further, it should be made clear that the force used by police officers when performing their duties should be no more than is strictly necessary and that, once persons have been brought under control, there can be no justification for striking them.

⁶ One prisoner alleged that he had been beaten by police officers in the presence of a prosecutor.

2. Conditions of detention

10. At the outset of the visit, the delegation was informed that the transfer of responsibility for pre-trial detention centres from the Ministry of the Interior to the Ministry of Justice had been completed and that several pre-trial detention facilities which had been criticised by the CPT in the past on account of their very poor material conditions had been taken out of service (in particular, at Shkodra, Elbasan and Fier). The Committee welcomes these developments.

That said, at Vlora Police Station and at all the police stations visited in Tirana, persons remanded in custody were frequently still kept in custody cells for prolonged periods (for as long as one month), pending their transfer to a remand prison or pre-trial detention centre. This state of affairs is not acceptable. Such cells are not designed for lengthy stays. Further, continued detention in police establishments, even after the person concerned has been brought before a judge, prolongs the risk of intimidation and physical ill-treatment. Therefore, **the Committee calls upon the Albanian authorities to take immediate steps to ensure that persons remanded in custody are always promptly transferred to a pre-trial detention centre or remand prison.**

11. As regards material conditions, the CPT is very concerned that, with the exception of the provision of food⁷, hardly any progress has been made to improve conditions of detention in police detention facilities, despite the specific recommendations made by the Committee after the 2005 and 2006 visits.

In particular, conditions under which detained persons were held in the custody cells (in principle, for detaining persons for up to 72 hours) at the Police Directorate General in Tirana are totally unacceptable. All the cells were very small (3.5 m²), in a poor state of repair and hygiene, and had little or no access to natural light and fresh air. Further, on occasion, the number of detained persons in one cell was so high that it was impossible for all of them to lie down at the same time. It is also noteworthy that the delegation met two persons who had been held together in one of these cells for about a month without being offered any outdoor exercise or access to a shower.

Further, at Police Stations Nos. 3 and 4 in Tirana, some of the cells which measured less than 2 m² and had no access to natural light were on occasion apparently still being used despite the explicit assurances given to the contrary by the Albanian authorities in their response to the report on the 2006 visit⁸. At the end-of-visit talks, the delegation recalled that such facilities are, by virtue of their very size, unsuitable for holding anyone for any length of time, and made an immediate observation requesting the Albanian authorities to dismantle the above-mentioned cells.

The CPT understands from the Albanian authorities' letter of 4 November 2008 that the above-mentioned cells have been withdrawn from service. In the same letter, the authorities also indicated that various measures had been taken to improve the material conditions of detention in police stations in Tirana (e.g. painting, enlarging the windows in cells and improving ventilation and the state of hygiene) and to provide personal hygiene products to detained persons.

⁷ In January 2008, regulations were adopted concerning the provision of food in police custody, in accordance with the Council of Ministers Order No. 494 of 1 August 2007 and the Joint Order by the Ministries of the Interior and Health No. 76/1.

⁸ CPT/Inf (2007) 36, page 5.

12. The CPT welcomes the steps taken so far to improve the material conditions of detention in police custody cells. That said, additional measures are required throughout Albania to render the situation satisfactory. For this purpose, **the CPT recommends that the Albanian authorities review material conditions in all police establishments in Albania.** In particular, **steps should be taken to ensure that:**

- **custody cells have adequate lighting and ventilation;**
- **persons obliged to stay overnight in custody are provided with a clean mattress and clean blankets;**
- **persons in police custody are allowed access to the toilet when necessary, in clean and decent conditions, and are offered adequate washing facilities.**

13. As regards the custody cells measuring some 3.5 m² at the Police Directorate General in Tirana, the Albanian authorities indicated in their letter of 4 November 2008 that an order had been issued by virtue of which the cells of the Police Directorate General in Tirana shall only be used for single occupancy. This is a welcome development.

That said, **the CPT wishes to stress that single-occupancy cells used for overnight stays should be larger than 3.5 m². Ideally, such cells should measure in the order of 7 m², with at least 2 metres from wall to wall and 2.5 metres from floor to ceiling.**

14. Holding cells (for detaining persons for up to ten hours) at Korca and Vlora Police Stations, as well as at the Police Directorate General and Police Station No. 3 in Tirana, were still not equipped with any means of rest (such as a chair or bench), despite the specific recommendations made by the CPT after the 2005 and 2006 visits. Further, at Vlora Police Station, the delegation was informed that up to eight persons had on occasion been held in one of the two holding cells (which measured some 4 m² each). Such a state of affairs is not acceptable. It should also be added that, at Korca and Vlora Police Stations, most of the holding cells had limited access to natural light and no artificial lighting.

In their letter of 4 November 2008, the Albanian authorities informed the CPT that measures had been taken “for the painting, cleaning, hygienisation, putting the necessary equipment such as chairs, stools and working tables” in the holding cells in the police stations visited.

Whilst acknowledging the steps already taken by the Albanian authorities, **the CPT recommends that:**

- **all holding cells at Korca and Vlora Police Stations be fitted with artificial lighting;**
- **occupancy levels in the holding cells at Vlora Police Station be significantly reduced.**

More generally, **steps should be taken to ensure that holding cells in all police stations in Albania are equipped with a means of rest (e.g. a chair or bench).**

B. Establishments under the authority of the Ministry of Justice

1. Preliminary remarks

15. At the outset, the CPT wishes to emphasise that its delegation observed a number of significant improvements since the 2006 visit regarding conditions of detention in pre-trial detention facilities. Firstly, with the recent completion of the transfer of responsibility for pre-trial detention centres from the Ministry of the Interior to the Ministry of Justice, all remand prisoners are now subject to the same rules (in particular, as regards regime activities and contacts with the outside world). Secondly, as already indicated (see paragraph 10), several pre-trial detention facilities which had been criticised by the Committee in the past have been taken out of service. Thirdly, major investments have been made to construct new detention facilities (for instance, in Durres, Fushe Kruja, Korca and Vlora), which will undoubtedly alleviate the prevailing problem of overcrowding in many prison establishments. Fourthly, food standards in the prison system have been improved.

16. The CPT noted with interest that a new establishment for sentenced juvenile prisoners was under construction in Kavaja and that new pre-trial detention centres would soon be constructed in various parts of the country (e.g. Berat, Dibr, Fier, Gjirokastra). In addition, there were intentions to build a new remand prison in Tirana, which would then replace the existing premises of Prison No. 313.

In the CPT's view, detailed plans for the construction of new prison premises should be drawn up hand-in-hand with the development of a strategic policy that addresses a range of issues which permit decent conditions of detention, taking into account climatic conditions, appropriate management of prison establishments, and an opportunity for prisoner rehabilitation. More particularly, the strategic policy should address the issue of in-cell screened toilets, arrangements and facilities for out-of-cell association activities (including educational and vocational training and areas for workshops), outdoor exercise facilities, visiting rooms (both open and closed), reception units, and a range of other units allowing for appropriate classification of prisoners. **The CPT trusts that the Albanian authorities will take these precepts into account when pursuing the above-mentioned construction plans.** Further, **the Committee would like to receive a time-table for the implementation of those plans.**

2. Ill-treatment

17. No recent allegations of deliberate physical ill-treatment were received at the pre-trial detention centres in Durres and Vlora; in regard to Durres in particular, this constitutes a significant improvement compared to the situation found during the previous two visits to the establishment. Equally at Vlora, several prisoners indicated that the general atmosphere had improved in recent times.

However, at Prison No. 313 in Tirana, the delegation heard several allegations from juveniles of physical ill-treatment, all of which were related to one particular prison officer working in the juvenile unit.

The CPT is very concerned about the information gathered at the Korca Pre-Trial Detention Centre. The delegation received a number of consistent allegations of instances of deliberate physical ill-treatment by prison officers. It is all the more worrying that, in at least two cases, the Director of the establishment had allegedly been actively involved in such acts (pulling a prisoner's hair and hitting a prisoner's head against the wall). One of the prisoners who alleged he had been subjected to ill-treatment also claimed that as a "punishment" he had been locked up for two days in the room where the prisoners' lockers were located and that on both days he had been handcuffed from 7 a.m. to 7 p.m. Further, the delegation received several allegations from prisoners that they had been subjected to reprisals in the form of beatings, following the recent visit to the establishment of a representative of the People's Advocate in his capacity as the National Preventive Mechanism⁹. It is noteworthy that, in his report on that visit, the People's Advocate also refers to numerous allegations of ill-treatment by staff.

During the end-of-visit talks, the delegation made an immediate observation and requested the Albanian authorities to carry out thorough and independent inquiries into the above-mentioned allegations of ill-treatment regarding Prison No. 313 and the Korca Pre-Trial Detention Centre.

By letter of 2 September 2008, the Albanian authorities informed the CPT that, following an inquiry carried out by the Directorate General of Prisons, disciplinary procedures had been initiated against the prison officers/officials involved at the Korca Pre-Trial Detention Centre. As a result, both the Director and two prison officers at Korca were subjected to the disciplinary sanction of "warning to remove from function". Another officer was suspended from work for one week. **The CPT would like to receive more detailed information on the investigative steps taken, the findings made and the reasoning behind the above-mentioned disciplinary sanctions.**

To date, no information has been provided by the Albanian authorities on the outcome of the inquiry carried out in respect of Prison No. 313. **The CPT wishes to receive this information without further delay.**

⁹ Recently established under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

3. Conditions of detention

a. pre-trial detention centres

18. At the *Vlora Pre-Trial Detention Centre*, all prisoners had been transferred to the new establishment some two weeks prior to the visit, while, at the same time, the old premises had been closed down. In the new premises, material conditions were of a very high quality. Cells were of a good size for the intended rate of occupancy, had generous access to natural light and good ventilation, were well equipped (beds, table, chairs, cupboards, television set and small refrigerator), had a fully-partitioned toilet and a wash-hand basin and were fitted with a call system.

That said, it is a matter of concern that the establishment's male section was operating above capacity from the very beginning, with 90 prisoners for an official capacity of 84 places¹⁰.

19. The CPT welcomes the fact that measures have been taken to alleviate the poor material conditions at the *Durres Pre-Trial Detention Centre*¹¹ (especially in terms of ventilation¹²), pending the transfer of all prisoners to the new premises.

In their letter of 2 September 2008, the Albanian authorities indicated that the new premises of the pre-trial detention centre in Durres would be operational by the beginning of October 2008 and that all prisoners would be transferred there. **The CPT would like to receive confirmation that this transfer has been completed and that the old premises have been closed down.**

20. Material conditions in the *Korca Pre-Trial Detention Centre* were quite simply appalling. It was in a very poor state of repair and also overcrowded¹³. However, due to the imminent closure of the establishment, the CPT will refrain from any detailed remarks in this respect.

In their letter of 2 September 2008, the Albanian authorities informed the CPT that all prisoners had been transferred to the newly-opened Korca Prison and that the old premises had been closed down. The CPT welcomes this development.

21. As regards regime activities, it is a positive development that all remand prisoners are now subject to the same rules, are thus able to benefit from various in-cell activities, and are permitted to have a television set¹⁴, board games and reading material in their cells.

¹⁰ With an official capacity of 20 places, the juvenile section was accommodating 19 prisoners at the time of the visit. The female section (capacity: 15 places) was not yet operational.

¹¹ At the time of the visit, the Durres Pre-Trial Detention Centre was accommodating 143 prisoners (including twelve juveniles).

¹² Cells had been equipped with fans, and devices had been fixed to the cell doors allowing them to be kept open several centimetres, in order to facilitate the circulation of fresh air.

¹³ With an official capacity of 74 places, the Korca Pre-Trial Detention Centre was accommodating 93 prisoners at the time of the visit (including twelve juveniles).

¹⁴ At Vlora, television sets were provided by the prison administration.

Further, the delegation observed an improvement in all the pre-trial detention centres visited regarding the provision of outdoor exercise. All prisoners were able to go outside for at least two hours per day, as stipulated by law. In most of the establishments visited, prisoners were able to spend considerably more time in the open air. However, it is a matter of concern that, due to staff shortages, outdoor exercise was still as a rule not granted on Sundays in all the establishments visited.

During the end-of-visit talks, the delegation made an immediate observation and called upon the Albanian authorities to take all necessary measures to ensure that all prisoners in pre-trial detention centres are granted at least one hour of outdoor exercise per day.

By letter of 2 September 2008, the Albanian authorities informed the CPT that on 30 July 2008 the Directorate General of Prisons had adopted new regulations in order to allow the necessary organisational measures to be taken to enable prisoners in all prison establishments to take outdoor exercise also on Sundays. This is a welcome development. **The Committee wishes to receive confirmation that prisoners are now effectively granted outdoor exercise every day of the week, including Sundays, in all prison establishments in Albania.**

22. Whilst acknowledging the above-mentioned improvements in terms of outdoor exercise, the CPT is concerned by the fact that, with a few exceptions¹⁵, no other out-of-cell activities were offered to remand prisoners. Thus, for most of the day, prisoners remained locked up in their cells, their only occupation being reading, playing board games, and (for those who could afford them) listening to the radio or watching television. It should be added that the outdoor yards were often too small to allow prisoners to exert themselves physically. In the CPT's view, this problem could be alleviated at the Vlora Pre-Trial Detention Centre by exploiting the large football field (which was rarely used) for the purposes of outdoor exercise.

On a positive note, it should be added that, at Vlora, arrangements were being made to set up workshops for prisoners.

The CPT reiterates its recommendation that the Albanian authorities devise and implement a comprehensive regime of out-of-cell activities (including group association activities) for remand prisoners in all the pre-trial detention centres visited and, as appropriate, in other prison establishments in Albania. Further, the Committee must recommend once again that the outdoor exercise areas in all the establishments visited be enlarged, in order to enable prisoners to exert themselves physically.

23. As regards, more specifically, juvenile prisoners, they were kept separate from adult prisoners¹⁶ in all the pre-trial detention centres visited. At Durres, two teachers were employed to provide basic educational activities to juvenile prisoners. At Korca and Vlora, the delegation was informed that classes would be introduced at the beginning of the new school year; **the CPT would like to receive more detailed information on this matter.**

In all the pre-trial detention centres visited, the access of juveniles to recreational activities (such as sports) was very limited (in contrast to what was observed at Prison No. 313, see paragraph 24). **Steps should be taken to remedy this shortcoming.**

¹⁵ Some prisoners were offered work (maintenance of the establishment).

¹⁶ All juveniles were accommodated in a separate section at Vlora. The delegation was informed that the same will be the case at Durres and Korca, once prisoners are transferred to the new premises.

b. Prison No. 313 in Tirana

24. Conditions of detention in Prison No. 313 varied considerably from one unit to another. The delegation was impressed by the high standard of material conditions in the *unit for juvenile prisoners* (all seven cells were well equipped with three beds, a table and chairs, cupboards, refrigerator and a television set). In addition, all juvenile prisoners (21 at the time of the visit) could move freely within the unit during day and were offered a range of educational and recreational activities (usually, two hours of schooling and four hours of outdoor exercise/sports every day).

25. Conditions of detention were on the whole satisfactory in the *unit for female prisoners* (which was accommodating 38 prisoners at the time of the visit), both in terms of material conditions and regime activities (eight prisoners worked in the prison, various training courses were being organised for the other prisoners, and four hours of outdoor exercise was usually offered during per day).

However, some of the cells were severely overcrowded (e.g. up to four prisoners in a cell measuring 7 m²). The delegation also received allegations that, on occasion, more prisoners were held in a cell than the number of beds available. Further, the sanitary facilities in the unit were very dilapidated and in a very poor state of hygiene.

26. Material conditions in the detention areas for *male adult prisoners* remained very poor. Many cells (in particular, on the ground floor) were dilapidated and poorly ventilated, and access to natural light was often limited. In addition, overcrowding remains a major problem in the establishment¹⁷ (e.g. four prisoners in a cell measuring 9 m²). Further, the sanitary facilities were in an appalling state throughout the establishment.

27. The CPT is very concerned by the fact that male adult prisoners were still not offered outdoor exercise on a daily basis, despite the assurances given by the Albanian authorities after the 2006 visit that this would be the case “by the end of 2007”. At best, such prisoners could go outside for one to two hours twice a week¹⁸. In this connection, the Committee must stress once again that allowing prisoners to spend some time every day in so-called “airing rooms” (i.e. rooms with windows) can by no means be accepted as a substitute for outdoor exercise in the open air.

During the end-of-visit talks, the delegation made an immediate observation and called upon the Albanian authorities to take the necessary measures to ensure that all prisoners, including adult remand prisoners, at Prison No. 313 in Tirana are granted at least one hour of outdoor exercise per day.

¹⁷ With an official capacity of 320 places, the establishment was accommodating 462 prisoners (the vast majority of whom were on remand). The delegation was informed that, until shortly before the visit, the number of inmates had been close to 500.

¹⁸ Vulnerable and/or ill prisoners were permitted to spend more time in the open air.

By letter of 2 September 2008, the Albanian authorities informed the CPT that it was planned to increase the capacity of the existing outdoor exercise facilities and that arrangements had been made to secure the necessary funds in the 2009 budget. The authorities indicated that the above-mentioned plan would be implemented in the course of 2009. Whilst acknowledging the steps taken by the Albanian authorities, **the CPT calls upon the Albanian authorities to implement without further delay the long-standing recommendation concerning the provision of outdoor exercise for male adult prisoners at Prison No. 313.**

28. As regards the provision of other regime activities for male adult prisoners, the situation remained unchanged since the 2006 visit. Thus, the prisoners concerned were confined to their cells for most of the day, without being offered any organised out-of-cell activities. In this connection, **the recommendation made in paragraph 22 equally applies to Prison No. 313.**

29. As already indicated in paragraph 16, the CPT welcomes the plan to build a new remand prison in Tirana, which will replace the existing premises of Prison No. 313. The Committee is aware that this project will inevitably involve significant financial outlay. However, this can be no justification for the persistence of the unacceptable conditions before prisoners are transferred to the new location; the decision to deprive a person of his or her liberty entails a correlative duty upon the State to provide decent conditions of detention. Regardless of the timetable for the implementation of the above-mentioned plans, **the CPT recommends that the necessary steps be taken to ensure that all prisoners at Prison No. 313 have acceptable conditions of detention. In particular, action should be taken throughout the prison to improve sanitary and hygiene conditions. Efforts should also continue to be made to reduce the cell occupancy levels in the establishment.**

4. Health care

30. The CPT welcomes the fact that health-care staffing levels have been increased at the Pre-Trial Detention Centre at Durres, where a doctor and three assistants have recently been recruited.

During the end-of-visit talks, the delegation expressed its concern that no psychiatrist was present on a regular basis at Prison No. 313 in Tirana and that at both the Korca and Vlora Pre-Trial Detention Centres, prison doctors were also the treating doctors of police officers. Further, it urged the Albanian authorities to take the necessary steps to ensure that the vacant post of doctor at the Vlora Pre-Trial Detention Centre is filled without delay.

By letter of 2 September 2008, the Albanian authorities informed the CPT that the vacant post of doctor at the Vlora Pre-Trial Detention Centre had been filled and that arrangements were being made to recruit a psychiatrist at Prison No. 313. In addition, an order was issued by the Directorate General of Prisons on 30 June 2008, according to which prison doctors at Korca and Vlora would henceforth only treat prisoners. The CPT welcomes the steps taken by the Albanian authorities; **it would like to receive confirmation that a psychiatrist is now present on a regular basis at Prison No. 313.**

31. Regrettably, nursing staffing levels at Prison No. 313 have not been increased, despite the specific recommendation made by the Committee after the last visit to the establishment. Given the size and type of establishment (remand institution), the a complement of four nurses is clearly insufficient. Therefore, **the CPT reiterates its recommendation that nursing staffing levels be increased at Prison No. 313.**

32. The provision of general health care appeared on the whole to be adequate in most of the establishments visited. However, the situation found at the Korca Pre-Trial Detention Centre gave rise to particular concern. In fact, the level of health care provided there was so poor that it can only be described as amounting to neglect. Many inmates met by the delegation indicated that they had never been examined by the doctor (even weeks or months after their arrival). In addition, a number of inmates complained about health problems and claimed that they were not able to receive any medical treatment.

During the end-of-visit talks, the delegation made an immediate observation and requested the Albanian authorities to carry out a comprehensive review of the health-care service at the Korca Pre-Trial Detention Centre to ensure that it can deliver proper care to prisoners.

By letter of 2 September 2008, the Albanian authorities informed the CPT that, following a review of the health-care service at Korca, a disciplinary procedure had been initiated against the establishment's doctor, which had resulted in the dismissal of the latter. In the meantime, a new doctor had been recruited (on a full-time basis). **The CPT trusts that prisoners at Korca Prison will henceforth receive proper care and be able on request to have access to a doctor without delay. Further, the Committee would like to be informed of the number of qualified nurses now employed at Korca Prison.**

33. As regards specialist care, shortcomings were found regarding the provision of dental care in all the establishments visited. At Durres in particular, no dentist was present on a regular basis. Both Prison No. 313 and the Vlora Pre-Trial Detention Centre employed a dentist on a full-time basis, but at the latter establishment he lacked the basic equipment to provide proper treatment for prisoners. In addition, at Korca, dental treatment was limited to extractions. **The CPT recommends that the arrangements for the provision of dental care be improved in all the establishments visited, in the light of the above remarks. More particularly, dental treatment should not be limited to dental extractions.**

34. Further, the provision of psychiatric care was clearly insufficient at Vlora¹⁹ (as regards Prison No. 313, see paragraph 30). **The CPT recommends that steps be taken at the Vlora Pre-Trial Detention Centre to ensure the regular presence of a part-time psychiatrist.**

35. The CPT has repeatedly emphasised the crucial role that medical examinations on admission to pre-trial detention facilities play in the prevention of ill-treatment by police officers, in addition to the prevention of suicide and the spread of transmissible diseases²⁰.

¹⁹ The Centre was only very rarely visited by a psychiatrist.

²⁰ See CPT/Inf (2006) 24, paragraph 30, and CPT/Inf (2007) 35, paragraph 22.

Although some improvements were observed at the Durres Pre-Trial Detention Centre and at Prison No. 313, medical screening on admission remains a particularly problematic area in the Albanian prison system. As already indicated in paragraph 32, medical screening upon admission was virtually non-existent at the Korca Pre-Trial Detention Centre, and at the Vlora Pre-Trial Detention Centre medical screening appeared to be infrequent²¹. In the other establishments visited, prisoners were usually seen by a doctor within 24 hours. However, such medical examinations were often carried out in a perfunctory manner (without a proper physical examination). Further, in none of the establishments visited were newly-arrived prisoners screened for transmissible diseases, nor was information provided to prisoners regarding the prevention of such diseases. And with the notable exception of the Durres Pre-Trial Detention Centre, medical examinations were usually performed in the presence of prison officers in all the establishments visited.

Regrettably, the delegation once again found a number of deficiencies in all the establishments visited regarding the recording of injuries, despite the specific recommendations made by the Committee after all its previous visits to Albania. In particular, injuries were not always recorded in a precise manner, and the statements made by the prisoners concerned, as well as the doctors' conclusion as to their consistency with the injuries recorded, were usually missing.

In the light of the above, **the CPT calls upon the Albanian authorities to take the necessary steps in all prison establishments in Albania to ensure that:**

- **all newly-arrived remand prisoners are subject to a comprehensive medical examination on admission (including screening for transmissible diseases) and that all prisoners are provided with information regarding the prevention of transmissible diseases;**
- **an individual medical file is opened for each prisoner;**
- **all medical examinations of prisoners (whether on arrival or at a later stage) are conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers;**
- **the file drawn up after a medical examination of a prisoner contains (i) an account of statements made by the prisoner which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) an account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of i) and ii); upon request, the doctor's conclusions should be made available to the prisoner and his/her lawyer.**

Further, **the Committee suggests that special training be offered to prison doctors on the manner in which medical screening of newly-arrived prisoners is performed and observed injuries recorded.**

²¹ No medical file had been opened for about two-thirds of the prisoners.

5. Other issues

a. staff

36. The CPT welcomes the recruitment of specialist staff such as psychologists and educators at the Durres and Vlora Pre-Trial Detention Centres. It also acknowledges the efforts being made to recruit custodial staff for the new establishments. In this connection, **the Committee encourages the Albanian authorities to take the necessary steps to ensure that all new prison officers benefit from appropriate initial training and that on-going training is organised for all prison officers already working in the prison system. Particular attention should also be paid at the recruitment stage to the selection of persons with the appropriate personal qualities.**

b. contact with the outside world

37. The CPT welcomes the fact that the outdated restrictions which were previously applied to remand prisoners in pre-trial detention facilities (such as the general prohibition of correspondence with persons other than their lawyer or of telephone calls) have been abolished since the 2006 visit. According to the relevant regulations, all prisoners (sentenced and on remand) are now allowed to make at least one telephone call per week and to receive at least four visits of 30 minutes per month. In practice, the latter entitlements were often exceeded in the establishments visited.

However, at the Korca Pre-Trial Detention Centre, many prisoners claimed that their visits were usually limited to a couple of minutes. **The CPT recommends that steps be taken to ensure that prisoners in the new prison in Korca effectively benefit from the visit entitlements provided for by law.**

38. At Prison No. 313 and the pre-trial detention centres in Durres and Vlora, prisoners (including juveniles) were only allowed to have closed visits (i.e. with a glass partition). **The CPT invites the Albanian authorities to review the arrangements for visits at Prison No. 313 and the pre-trial detention centres in Durres and Vlora, and, as appropriate, in other prison establishments in Albania, so that prisoners are able to receive visits under more open conditions.**

C. Involuntary hospitalisation in psychiatric establishments

39. During the visit, the delegation held consultations with the relevant authorities concerning the situation of persons who had been declared not to be criminally responsible and were thus subjected to the medical measure of “obliged medical treatment in a forensic institution” (under Section 46, paragraph 1, of the Penal Code). As a matter of fact, all persons concerned (78 at the time of the visit) were still being kept in the Prison Hospital, due to the lack of an appropriate facility outside the prison system. The delegation was informed that the construction of the new forensic psychiatric institution in Durres (capacity: 70 beds) would be completed by the beginning of October 2008 and become operational by the end of 2008 (under the authority of the Ministry of Health). In the meantime, a number of issues would be resolved jointly by the Ministries of Health and Justice (in particular, as regards staff, security and certain administrative matters). **The CPT encourages the Albanian authorities to make all the arrangements necessary to ensure that the forensic institution is opened without delay.**

40. From the above-mentioned consultations, it became apparent that, with a few exceptions, courts were still not carrying out *ex officio* judicial review procedures as required under Section 46, paragraph 3, of the Penal Code. Such a state of affairs is not acceptable.

By letter of 17 July 2008, the Albanian authorities informed the CPT that, since January 2007, only four cases had been reviewed by the competent courts *ex officio*. It was further stated that the Director of the Prison Hospital had requested the relevant courts to initiate a review procedure and that subsequently many courts had already contacted the Prison Hospital in order to verify the need for further treatment. **The CPT would like to receive confirmation that a judicial review procedure has been carried out in respect of all forensic patients who have been subject to involuntary treatment under Section 46, paragraph 1, of the Penal Code for more than a year, as well as information on the outcome of these procedures.** Further, **the Committee recommends that the High Council of Justice be requested to remind judges of their obligation under Section 46, paragraph 3, of the Penal Code.**

41. As regards involuntary placement of a civil nature, the delegation was informed that all involuntary patients who were being held in a psychiatric hospital (including those chronic patients who had been hospitalised on an involuntary basis before May 2006²²) had undergone a judicial placement procedure, in accordance with the relevant provisions of the 1996 Mental Health Act. The delegation was also provided with detailed written information (including copies of related court decisions) on these cases (dating from May 2006 to June 2008).

From the above-mentioned information, it transpired that the patients concerned were not always seen by a judge. **Appropriate steps should be taken to remedy this shortcoming.**

Further, it remained unclear as to whether the patients concerned always received a copy of the court decision on involuntary placement (which contained a specific provision on the modalities to lodge an appeal). **The CPT would like to receive further clarification on this matter.**

²² Following the issuance by the Minister of Health of Instruction No. 166 of 9 May 2006, psychiatric hospitals began to notify involuntary admissions to the competent court.

42. Already in the report on the 2005 visit²³, the CPT had expressed its concern that the Mental Health Act lacked certain basic safeguards for involuntary psychiatric patients (in particular, courts are not required to review at regular intervals the need for involuntary hospitalisation, nor has the patient concerned a legal right to request such a review²⁴).

During the visit, the delegation was informed that a working group had been established to prepare draft amendments to the Mental Health Act, in order to remedy the above-mentioned shortcomings in the law and to further develop the rights of psychiatric patients. **The CPT trusts that, in this connection, the relevant standards of the Committee²⁵ will be fully taken into account. Further, the CPT would like to be kept informed of the progress made in preparing the above-mentioned draft legislation.**

²³ CPT/Inf (2006) 24, paragraph 157.

²⁴ According to the law, the involuntary placement is of indefinite duration until the patient is discharged by the hospital. A judicial review can only be requested by a family member or the guardian of the patient concerned.

²⁵ CPT/Inf (98) 12, paragraphs 51 to 57.

D. Concluding remarks

43. In the course of the visit, the delegation observed a number of significant improvements in various areas since the 2006 visit. In particular, as regards ill-treatment by the police, the general trend suggested the beginning of an improvement and, as far as conditions of detention in pre-trial detention centres were concerned, a page was close to being turned. As a matter of fact, situations in several pre-trial detention facilities as described in the reports on the 2005 and 2006 visits now definitely belong to the past.

That said, there are a number of issues which remain unresolved; they should be addressed as a matter of urgency. In this connection, particular reference is made to conditions of detention in police establishments and the persistent lack of outdoor exercise for adult remand prisoners at Prison No. 313 in Tirana.

The CPT trusts that the Albanian authorities will pursue their efforts to improve the situation in the light of the Committee's recommendations, in accordance with the principle of co-operation which lies at the heart of the Convention.

APPENDIX

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Co-operation

comments

- the CPT trusts that the Albanian authorities will take the necessary steps to avoid the repetition of instances of delayed access for its visiting delegations to facilities within the detention areas of law enforcement establishments and of the provision of inaccurate information by police officers (paragraph 6).

Establishments under the authority of the Ministry of the Interior

Ill-treatment

recommendations

- the Albanian authorities to redouble their efforts to combat ill-treatment by the police, in the light of the remarks made in paragraph 9. In particular, all police officers should be reminded, at regular intervals, that all forms of ill-treatment of detained persons are not acceptable and will be punished accordingly. Further, it should be made clear that the force used by police officers when performing their duties should be no more than is strictly necessary and that, once persons have been brought under control, there can be no justification for striking them (paragraph 9).

Conditions of detention

recommendations

- the Albanian authorities to take immediate steps to ensure that persons remanded in custody are always promptly transferred to a pre-trial detention centre or remand prison (paragraph 10);
- the Albanian authorities to review material conditions in all police establishments in Albania. In particular, steps should be taken to ensure that:
 - custody cells have adequate lighting and ventilation;
 - persons obliged to stay overnight in custody are provided with a clean mattress and clean blankets;
 - persons in police custody are allowed access to the toilet when necessary, in clean and decent conditions, and are offered adequate washing facilities (paragraph 12);

- all holding cells at Korca and Vlora Police Stations to be fitted with artificial lighting and occupancy levels in the holding cells at Vlora Police Station to be significantly reduced (paragraph 14);
- steps to be taken to ensure that holding cells in all police stations in Albania are equipped with a means of rest (e.g. a chair or bench) (paragraph 14).

comments

- single-occupancy cells used for overnight stays should be larger than 3.5 m². Ideally, such cells should measure in the order of 7 m², with at least 2 metres from wall to wall and 2.5 metres from floor to ceiling (paragraph 13).

Establishments under the authority of the Ministry of Justice

Preliminary remarks

comments

- the CPT trusts that the Albanian authorities will take the precepts set out in paragraph 16 into account when pursuing the plans for constructing new prison establishments (paragraph 16).

requests of information

- a time-table for the implementation of the plans for the construction of the new prison establishments referred to in paragraph 16 (paragraph 16).

Ill-treatment

requests of information

- detailed information on the investigative steps taken in the course of the Directorate General of Prisons' inquiry referred to in paragraph 17, the findings made and the reasoning behind the disciplinary sanctions imposed on the Director and prison officers at the Korca Pre-Trial Detention Centre (paragraph 17);
- the outcome of the inquiry carried out into the allegations of physical ill-treatment of juvenile prisoners at Prison No. 313 (paragraph 17).

Conditions of detention

recommendations

- the Albanian authorities to devise and implement a comprehensive regime of out-of-cell activities (including group association activities) for remand prisoners in all the pre-trial detention centres visited as well as at Prison No. 313 and, as appropriate, in other prison establishments in Albania (paragraphs 22 and 28);
- the outdoor exercise areas in all the establishments visited to be enlarged, in order to enable prisoners to exert themselves physically (paragraph 22);
- the Albanian authorities to implement without further delay the long-standing recommendation concerning the provision of outdoor exercise for male adult prisoners at Prison No. 313 (paragraph 27);
- the necessary steps to be taken to ensure that all prisoners at Prison No. 313 have acceptable conditions of detention. In particular, action should be taken throughout the prison to improve sanitary and hygiene conditions. Efforts should also continue to be made to reduce the cell occupancy levels in the establishment (paragraph 29).

comments

- steps should be taken in all the pre-trial detention centres visited to provide more recreational activities to juveniles (paragraph 23).

requests of information

- confirmation that the transfer of the Durres Pre-Trial Detention Centre to new premises has been completed and that the old premises have been closed down (paragraph 19);
- confirmation that prisoners are now effectively granted outdoor exercise every day of the week, including Sundays, in all prison establishments in Albania (paragraph 21);
- detailed information on the educational activities offered to juveniles at Korca Prison and Vlora Pre-Trial Detention Centre (paragraph 23).

Health care

recommendations

- nursing staffing levels to be increased at Prison No. 313 (paragraph 31);
- the arrangements for the provision of dental care to be improved in all the establishments visited. More particularly, dental treatment should not be limited to dental extractions (paragraph 33);
- steps to be taken at the Vlora Pre-Trial Detention Centre to ensure the regular presence of a part-time psychiatrist (paragraph 34);
- the Albanian authorities to take the necessary steps in all prison establishments in Albania to ensure that:
 - all newly-arrived remand prisoners are subject to a comprehensive medical examination on admission (including screening for transmissible diseases) and that all prisoners are provided with information regarding the prevention of transmissible diseases;
 - an individual medical file is opened for each prisoner;
 - all medical examinations of prisoners (whether on arrival or at a later stage) are conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers;
 - the file drawn up after a medical examination of a prisoner contains (i) an account of statements made by the prisoner which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) an account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of i) and ii); upon request, the doctor's conclusions should be made available to the prisoner and his/her lawyer (paragraph 35).

comments

- the CPT trusts that prisoners at Korca Prison will henceforth receive proper care and be able on request to have access to a doctor without delay (paragraph 32);
- the Committee suggests that special training be offered to prison doctors on the manner in which medical screening of newly-arrived prisoners is performed and observed injuries recorded (paragraph 35).

requests of information

- confirmation that a psychiatrist is now present on a regular basis at Prison No. 313 (paragraph 30);
- the number of qualified nurses now employed at Korca Prison (paragraph 32).

Other issues

recommendations

- steps to be taken to ensure that prisoners in the new prison in Korca effectively benefit from the visit entitlements provided for by law (paragraph 37).

comments

- the CPT encourages the Albanian authorities to take the necessary steps to ensure that all new prison officers benefit from appropriate initial training and that ongoing training is organised for all prison officers already working in the prison system. Particular attention should also be paid at the recruitment stage to the selection of persons with the appropriate personal qualities (paragraph 36);
- the Albanian authorities are invited to review the arrangements for visits at Prison No. 313 and the pre-trial detention centres in Durres and Vlora, and as appropriate, in other prison establishments in Albania, so that prisoners are able to receive visits under more open conditions (paragraph 38).

Involuntary hospitalisation in psychiatric establishments

recommendations

- the High Council of Justice to be requested to remind judges of their obligation under Section 46, paragraph 3, of the Penal Code (paragraph 40).

comments

- the CPT encourages the Albanian authorities to make all the arrangements necessary to ensure that the forensic institution in Durres is opened without delay (paragraph 39);
- steps should be taken to ensure that psychiatric patients who are subject to an involuntary placement procedure of a civil nature are always seen by a judge (paragraph 41);
- the CPT trusts that the relevant standards of the Committee (cf. CPT/Inf (98) 12, paragraphs 51 to 57) will be fully taken into account in the preparation of amendments to the Mental Health Act (paragraph 42).

requests of information

- confirmation that a judicial review procedure has been carried out in respect of all forensic patients who have been subject to involuntary treatment under Section 46, paragraph 1, of the Penal Code for more than a year, as well as information on the outcome of these procedures (paragraph 40);
- clarification as to whether psychiatric patients always receive a copy of the court decision on involuntary placement (paragraph 41);
- the progress made in preparing draft legislation to amend the Mental Health Act (paragraph 42).