

ALBANIA

Torture and ill-treatment - an end to impunity?

E.Sh., an 11-year-old orphan:

...while detained in the police station, E.Sh. was physically ill-treated, being beaten with a rubber truncheon, [cut]with a knife on his right arm, and burned with a cigarette on his body, facts which are not only alleged by the victim, but have also been confirmed by the staff of Saranda orphanage, who saw him and gave him medical care after he left the police station.¹

Tonin Kolthi, an opposition activist:

"...I raised my hands for [police officers] to search me when at that moment they struck me on the head with their rifle butts. One of the officers asked for my name and when I told him...they continued to beat and kick me and put me, handcuffed, into one of their vans...they threw me out of the van into a field, still handcuffed, and continued to beat me with their rifle butts, and I heard them say that they would kill me".²

Illir Stërgu, a criminal suspect, admitted to hospital in a critical condition following his arrest and ill-treatment:

On the basis of his clinical notes and our examination we observed a condition of partial paralysis with contraction of the two lower limbs, of traumatic origin, this confirmed by EMG which shows injury to the anterior cornus of the spinal cord, shock to the brain and haematoma around the eyelids.³

INTRODUCTION

Amnesty International is concerned that torture and ill-treatment of detainees by police is widespread in Albania. This is not a new phenomenon; it has a long and ugly history under communist rule (*Albania: Political imprisonment and the Law*, AI Index: EUR 11/04/84). The transition to a pluralist system, however, has seen the persistence of grave violations by the police, both under the previous government of the Democratic Party (see Amnesty International's reports: *Albania: Failure to end police ill-treatment and deaths in custody*, AI Index: EUR 11/04/95 and *Albania: Detention and ill-treatment of government opponents - the elections of May 1996*, AI Index: EUR 11/17/96), and the present government of the Socialist Party. Torture and ill-treatment are often used by police to force confessions from

¹ Report of the People's Advocate to Parliament, February 2001

² From a notarized statement, dated 25 March 2000

³ From a medical forensic report, dated 15 January 2000

criminal suspects; they are also used arbitrarily, simply to intimidate and humiliate, and as a form of revenge.

The present report, outlining Amnesty International's concerns relating to the torture and ill-treatment of detainees by police is based on a variety of sources: press reports, the work of Albanian NGOs in the field of human rights, interviews with victims and their lawyers, and official sources, including police and prosecutors. Valuable additional information and clarification were obtained during a visit by two Amnesty International delegates to Albania in March 2001; the delegates met with cooperation on all sides, both official and unofficial.

The report is divided into four sections, of which the first concerns the torture and ill-treatment of children, methods which are reportedly used routinely by police to force children to confess to crimes.

The second section of the report concerns the torture and ill-treatment of opposition supporters and activists, and the ill-treatment of a number of opposition journalists. The victims whose cases are described in this section are almost all members or supporters of the Democratic Party, or work for media affiliated to opposition parties.

A third section details three individual and unrelated cases, one of which is a particularly clear illustration of the persecution that may await victims of torture and ill-treatment (in this case a Rom) who attempt to bring complaints against the police.

The fourth section focuses on one, perhaps not exceptional, city - Elbasan in central Albania. Elbasan has seen repeated cases of police torture and ill-treatment of detainees, as well as official - and often public - toleration of such violations. Recent reports, however, give rise to hopes that action by victims, NGOs and the media and human rights training for law-enforcement officials may have had positive effects in reducing such abuses.

Lastly, Amnesty International's recommendations to the Albanian authorities on how to combat torture and ill-treatment are set out.

Background

In Albania state control in some parts of the country is still uncertain and law and order and accountable state authority have not been fully established. The immediate post-communist period (1991) saw major upheaval and a breakdown of authority; this was followed by a further traumatic period in 1997, when following the collapse of financial pyramid schemes law and order again broke down. Armies throughout the country were pillaged, leading to the uncontrolled proliferation of arms, the consequences of which are still felt, despite official efforts to round up illegal weapons. The crisis in neighbouring Kosovo in 1999, and the resulting refugee

flows, brought great additional strains. The growth of organized crime, trafficking in drugs, clandestine emigrants, women and children, has posed further serious challenges.

The extreme political antagonism between government and opposition, stilled during the Kosovo conflict, revived for municipal elections in October 2000 which were won by the Socialist Party. The Organization for Security and Co-operation in Europe (OSCE) monitored the elections and concluded that despite irregularities and some incidents of intimidation they were generally valid. However, opposition parties, in particular the Democratic Party, the main opposition party, complained that the elections were rigged, and disputes over this issue and conditions for national elections to be held in June this year, have maintained political tension.

Nevertheless, the past 10 years have also seen achievements, including those which relate to human rights. To name just some of these: Albania acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1991, to the UN Convention on the Rights of the Child (CRC) in 1992, and to the United Nations Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in 1994. In August 1996 it acceded to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In September 2000 it ratified Protocol No.6 to the ECHR concerning the abolition of the death penalty, although the Penal Code has not yet been correspondingly amended.

A further key step was the adoption of the Constitution of the Republic of Albania by Parliament in 1998. In February 2000 Parliament elected the country's first national People's Advocate (Ombudsman). Additionally, there is now a considerable body of legislation in place covering the courts and justice system, the police, prisons and prisoners.

These 10 years have also seen the growth of "civil society", including a range of non-governmental organizations (NGOs) with expertise in many of the problems facing the country, including in the field of human rights.

THE PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT - ALBANIA'S HUMAN RIGHTS COMMITMENTS UNDER INTERNATIONAL AND NATIONAL LAW

International law

Articles 7 and 4 of the ICCPR prohibit torture or cruel, inhuman or degrading treatment or punishment in all cases and under all circumstances. Article 2 of the UN Convention against

Torture contains a similar absolute prohibition, as do Articles 3 and 15 of the ECHR. Albania is party to all these treaties.

Article 13 of the UN Convention against Torture obliges the authorities to investigate "promptly and impartially" complaints of torture and ill-treatment while Article 12 obliges states parties to conduct a "prompt and impartial investigation" whenever there is reasonable ground to believe that torture or ill-treatment has occurred, even if there has been no complaint. Article 7 (1) of the Convention requires the authorities to bring to justice those suspected of being responsible for torture. Article 14 (1) of the Convention requires each state party to "ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible".

Amnesty International is concerned that Albania has been neglecting its duty to report to UN bodies charged with monitoring the implementation of human rights treaties to which it is party. Thus, Albania has yet to submit a report to the UN Committee against Torture on its implementation of the Convention against Torture which was due on 9 June 1995, and its report due on 9 June 1999 is similarly overdue. Reports on its implementation of the ICCPR (due on 3 January 1993, and 3 January 1998) have also not yet been submitted.

In addition, the UN Special Rapporteur on torture has noted that Albania did not respond to his interventions regarding a number of cases transmitted in 1999.⁴

Delegations from the Council of Europe Committee for the Prevention of Torture (CPT) visited Albania in 1997 and 1998; the Albanian government has yet to give authorization for their reports to be made public. A third visit by the CPT took place in 2000.

International legal standards also oblige Albania to ensure that penal procedures and conditions of detention are not conducive to torture and ill-treatment, by protecting basic rights of detainees, including:

- the right of every detainee to "have prompt access to a lawyer" (Principle 7 of the UN Basic Principles on the Role of Lawyers. See also Principle 8 thereof, and Principle 17 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment);
- the right of every person charged with a criminal offence "to a fair and public hearing by a competent, independent and impartial tribunal established by law" (Article 14(1) of the ICCPR);
- the right of every person charged with a criminal offence "to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing" (Article 14(3)(b) of the ICCPR);

⁴ Report of the Special Rapporteur on torture, UN Doc.E/CN.4/2001/66, 25 January 2001, para.20

- the right of every person charged with a criminal offence “not to be compelled to testify against himself or to confess guilt” (Article 14(3)(g) of the ICCPR)
the right of every person in custody to humane prison conditions, including accommodation, food, hygiene, medical care, and appropriate provisions for the needs of specific groups, such as women and children (Article 10 of the ICCPR, Standard Minimum Rules for the Treatment of Prisoners, UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, UN Basic Principles for the Treatment of Prisoners, UN Standard Minimum Rules for the Administration of Juvenile Justice [“The Beijing Rules”]).

National Law

Article 25 of the Albanian constitution stipulates that: “no one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment”, and this is echoed in Article 5 (2) of the Code of Penal Procedure (CPP) which like the Penal Code (PC) came into force in 1995. Article 86 of the PC punishes "torture or any other inhuman or degrading act" with imprisonment from five to 10 years; when this crime results in crippling, disfigurement or any other permanent damage to the health of a person, or his\her death, the penalty is 10 to 20 years' imprisonment (Article 87). Article 314 makes the use of force by a person charged with carrying out an investigation with the purpose of obliging a citizen to make declarations, give evidence or admit his or another's guilt, an offence punishable by imprisonment from three to 10 years. In practice, it appears that other provisions of the PC, which provide for lighter sentences, tend to be used to prosecute police officers accused of torture or ill-treatment, in particular Article 248 dealing with “Abuse of office” and Article 250 dealing with “The perpetration of arbitrary acts” (both offences punishable with a fine or up to seven years' imprisonment). Senior police officers are prosecuted under the Military Penal Code, - in the cases known to Amnesty International, under Article 70 dealing with “Abuse of office”, an offence punishable by a fine or up to 10 years' imprisonment.

Legislation relating to arrest and detention

Torture and ill-treatment most frequently take place during arrest and during detention in police custody, although there are also reports of the ill-treatment of convicted prisoners serving sentences in prisons. Lawyers and human rights organizations have repeatedly protested about the violations of domestic legal provisions relating to arrest and detention, and have stressed that such violations facilitate torture and ill-treatment.

Some of the key provisions in Albanian law are as follows: police may detain a person for up to 10 hours for the purpose of checking identity and to seek information; they may detain a suspect or a person arrested in the act of committing a crime for up to 48 hours before bringing him or her before a judge. (Article 258 of the CPP stipulates that a prosecutor must within 24

hours of a person being arrested send a request to a court to review this measure, while Article 259 provides that the court's decision on this request must be made within 24 hours of receiving it.)

However, under Article 28 (2) of the Albanian constitution, "*The person who has been deprived of his liberty...must be sent within 48 hours before a judge, who shall decide upon his pre-trial detention or release him not later than 48 hours after he receives the documents for review*". It appears that police frequently interpret this article as giving them the right to detain a person in police custody for 96 hours before he or she goes to court.

Article 28 (1) states: "*Everyone whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him. The person whose liberty has been taken away shall be informed that he has no obligation to make a declaration and has the right to communicate immediately with a lawyer, and he shall also be given the possibility to realize his rights*". These rights are also guaranteed in Article 53 of the CPP.

Article 27 of the Law on the State Police, adopted in November 1999, provides the following restrictions on the use of force:

- 1 *In carrying out their duties police officers should show the necessary decisiveness to achieve the desired or permitted end, but in no case should they use more force than is reasonable.*
- 2 *While carrying out their duties police officers are not allowed to commit acts against individuals which are not based on the law, such as punishment or inhuman or degrading treatment or any form of torture.*

Law enforcement and the police

The Albanian police forces come under the the General Directorate of Police in the Ministry of Public Order, and are divided into departments: Public Order Police, Crime Police, Border Police, Traffic Police and Special Forces. There is also a "Judicial Police" responsible for investigating crime under the direction of the Prosecutors' Offices.

Although the security situation has greatly improved since 1997, law and order is still weak in certain areas of the country. The police forces are confronted with major problems; they are said to be inadequately trained and equipped, but are required to maintain law and order in a country where the illegal possession of arms is widespread, and where crime is increasingly organized and financially powerful. In the year 2000, 16 police officers were murdered while

carrying out their duties and 20 others were wounded.⁵ Albanian police are also poorly paid. Corruption is recognized to be widespread in public institutions in Albania, and the police forces are not exempt.

The mutual intolerance of “position and opposition” as they are often referred to, is sometimes reflected in police conduct, despite attempts, including legislative means, to “depoliticize” the police, which have on occasion resulted in arbitrary dismissal of police officers, undermining the goal of creating a professional force dedicated to law enforcement. Relations between police forces and the judiciary are often described as poor, with police accusing prosecutors and courts of releasing criminals without justification, and being criticized in turn for failing to provide evidence to substantiate arrest and detention.

MEASURES TO CURTAIL TORTURE AND ILL-TREATMENT BY POLICE

Professional and human rights training for police forces

All observers agree that professional training and human rights education have a key role in eradicating torture and ill-treatment. Both professional training and human rights education for police recruits is provided at the Academy of Public Order in Tirana. Other training programs include the Multinational Advisory Police Element (MAPE) which has been deployed in Albania since 1997 with a mission to advise and train the Albanian police, and the International Criminal Investigation Assistance Program (ICITAP) of the USA. These programs have a human rights component.

NGOs are also active in the field of human rights education. The Albanian Centre for Human Rights (ACHR) runs a project providing human rights training for police in cooperation with the Danish Centre for Human Rights and the Albanian Ministry of Public Order. The project, lasting three years, has since January 2001 carried out training in the Prefectures of Tirana, Dibra, Korça, Elbasan, Fier and Gjirokastra. As part of this project, in late January 2001 a group of senior police officers, together with police and law experts from the Police Academy, and a representative from the Prosecutor General’s Office, spent a week in Denmark on a study tour.

The Albanian Centre for the Rehabilitation of Torture Victims, which provides specialised medical and psychiatric treatment, social and legal support for torture victims, also organized training seminars for police officers in Kruja and Durrës in 2000. Other NGOs which offer human rights training for police include two NGOs specialising in childrens’ rights, the Children’s

⁵ Data of the Ministry of Public Order

Human Rights Centre of Albania (CRCA), and the Legal Clinic for Minors (these NGOs also offer free legal assistance to children).

Increasing public awareness of human rights

The NGOs referred to above, and others, including the Albanian Helsinki Committee, also provide human rights education directed towards other sectors of society, including prison staff, schools and medical experts.

In March 2001 the Ministry of Public Order promoted public awareness of legal provisions relating to the police with a series of full-page advertisements in the press, which included key constitutional provisions such as the right not to be *subjected to torture or cruel, inhuman or degrading punishment or treatment* (Article 25).

Monitoring of the observance of human rights

All the above NGOs are involved, in one way or another, in monitoring and reporting on the observance (or violation) of human rights, and at least two - the Albanian Helsinki Committee and the Albanian Group for Human Rights - have specific "call lines" or complaints centres where victims can bring complaints which, where appropriate, are brought to the authorities' notice and publicized; legal advice is also available. The Albanian Helsinki Committee has a long-term program monitoring prisons, police stations and detention centres, and other NGOs have also monitored these institutions.

In February 2000 parliament elected the first People's Advocate (Ombudsman), thus establishing a further institution dedicated to the monitoring of human rights observance and to seeking appropriate redress for violations. Press reports about a number of cases of torture and ill-treatment show that recommendations made by the People's Advocate have led to the dismissal or suspension of certain police officers and to the initiation in some cases of criminal proceedings. This institution is still in its early days; it is to be hoped that it will continue to gain the support and confidence of the public and authorities.

Further steps needed - an end to police impunity

The measures referred to above are all to be welcomed and have put in place a framework which is capable of creating a law enforcement system that is both effective and respectful of human rights. In Amnesty International's view, however, what is still lacking is a clear determination by the authorities to end toleration of human rights violations by police. Legislation, training and education are vital, but so are thorough investigations, redress and ending impunity. Where there is pressure to reduce crime levels and official and public toleration of police abuses, the temptation to obtain information and confessions (whether true or false) by torture and ill-

treatment rather than by skilled and conscientious investigation may be strong. To ensure that this does not happen, police officers who abuse their authority must know that they are not above the law, and that they, like other citizens who commit crimes, can be brought to justice.

The press rarely reports trials of police officers accused of torturing or ill-treating detainees, and the public has accordingly little information about such prosecutions. In March 2001 Tirana District Prosecutor's Office stated that six cases of alleged police ill-treatment were under investigation, and that during the year 2000 investigations into at least six cases, involving charges against 12 police officers, were completed and sent to court, where they had either already been tried or trials were under way (it appears that at least half of these cases had been transferred to Tirana from Elbasan). Also in March 2001 the Prosecutor General informed Amnesty International that at a recent meeting of district prosecutors he had instructed them to give prompt attention to the investigation of complaints of torture and ill-treatment by police. Amnesty International welcomes this. It remains to be seen whether this policy will be consistently implemented.

THE TORTURE AND ILL-TREATMENT OF CHILDREN

E.Sh., an 11-year-old orphan, was arrested in June 2000 in Saranda on suspicion (which turned out to be unfounded) that he had stolen a handbag. The boy was detained in Saranda Police Station where a police officer beat him and burned him with cigarettes.

The case of E. Sh. was investigated by the People's Advocate, who in his annual report to Parliament on 16 February 2001 provided the following information:

"...On 26 June 2000, Rrapo Xhavera, an officer of the Crime Police took E. Sh. to the Saranda Police Station and detained him there from 4.30pm that day until 12.30pm of the following day, that is, for 20 hours, which is clearly illegal...On the one hand, E. Sh., being a child aged 11, is not a person to be arrested or taken to a police station, since he has not reached the age of penal responsibility, which is 14 years (Article 12 of the Penal Code). Additionally, there was no evidence that he might have committed the theft of a handbag containing money belonging to citizen F.M.

While held in the police station, although he was not there in the capacity of an accused person, being under the legal age, he was in reality treated like one, being questioned about the theft...as is described in the police station service report of 26 June 2000. What is more, this was done without the presence of a guardian or lawyer to ensure objectivity ... and the free and voluntary giving of explanations on the part of the person being questioned. As a result, E.Sh. accepted responsibility for

this crime, although in fact he was not the perpetrator, but rather, as it turned out, another person.

Furthermore, while detained in the police station, E.Sh. was physically ill-treated, being beaten with a rubber truncheon, [cut]with a knife on his right arm, and burned with a cigarette on his body, facts which are not only alleged by the victim, but have also been confirmed by the staff of Saranda orphanage, who saw him and gave him medical care after he left the police station. The knife-cut on his right arm and the cigarette burns on his body were also confirmed by one of our staff who was sent to investigate this case, although nearly a month had passed since [these injuries] had been inflicted.

From the above it is clear that the Saranda police officer, Rrapo Xhavara, acted in a brutal manner contrary to the Constitution and the Code of Penal Procedure, violating the freedom and rights of E. Sh...The Chief of Saranda Police Station also bore responsibility, since he should have stopped this grave violation of rights by his subordinate when he learned of it.

Given that the serious violation of the rights of E.Sh. contained the elements of a crime, we requested the Saranda District Prosecutor to start proceedings, and...recommended the dismissal of police officer Rrapo Xhavara.

Whereas the Ministry of Public Order responded correctly, and acted on this recommendation, the Saranda District Prosecutor acted irresponsibly, dismissing the case, without even informing us of this decision. After we learned of this, we requested the Prosecutor General to reopen the investigation of this case, but we have not yet received an answer. Additionally, Saranda District Court, in an irresponsible way, issued an administrative decision that the police officer should be given a year's pay, but on the appeal of the Minister of Public Order, the Gjirokastra Appeal Court annulled this decision and sent the case back for re-trial by Saranda District Court."

In March 2001 Amnesty International was informed by the Prosecutor General's Office that the decision dismissing the case had technical defects which might give grounds for appeal.

The case of E.Sh. makes deeply disturbing reading, not only because of the youth of the victim (an orphan), and the particularly sadistic torture inflicted on him, but also because of the apparent reluctance of the local authorities to bring the police officer alleged to be responsible to justice. However, it is unusual mainly in that it was reported in the press and thus came to the attention of the People's Advocate.

Two Albanian NGOs working in the field of children's rights cited below claim that police routinely physically ill-treat children during arrest or in police custody. While the sample of cases on which these claims are based may not be large, the fact that allegations of ill-treatment - some very serious - were made by all children interviewed during a "spot check" in police

stations in six different districts of Albania, and that the same allegations are made by children detained in Tirana, gives rise to very serious concerns.

Factors which are said to contribute to the routine torture and ill-treatment of children in custody include the rather wide-spread view that the “stick” is an effective means of disciplining children, and the reported prevalence of violence in the home in rural and deprived areas.

The fact that a specialised juvenile justice system does not yet exist in Albania, and that police are not specifically trained to deal with minors, also contributes to this problem. Failure to respect provisions of the CPP relating to minors - such as the right of minors to have a guardian or lawyer present when questioned by police - also facilitates abuses, as well as violations of procedures which apply to all detainees, such as deadlines for detention in police custody prior to being brought before a court.

International treaties to which Albania is party oblige it not only to refrain from any torture or ill-treatment whatsoever of detained children, but also to provide them with conditions and procedural guarantees geared to their special needs. These include procedures which must take account of children’s age [ICCPR, article 14(4)], the treatment of children in a manner consistent with the promotion of their sense of dignity and worth [CRC, article 40(1)], and the rights to have legal or other appropriate assistance [(CRC, article 40(2)(b)(iii)], and to prompt and fair procedures [(CRC, article 40(2)(b)(iii)]. Albania is also under obligation to “promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law.” [(CRC, article 40(3)).

Amnesty International is concerned that Albania has failed to respect these obligations.

Torture is widely used by police officers in police stations as a means of forcing children to confess to offences

This is the conclusion of a report *Awaiting Trial* issued in May 2000 by the Children’s Rights Centre of Albania (CRCA), based on a fact-finding mission in police stations in six districts (Gjirokastra, Vlora, Fier, Korça, Lezha and Shkodra), carried out between 23 and 29 March 2000. “All 13 children that we talked with said that the police officers had used violence and torture against them during their arrest and also inside the police stations.”

According to this report, researchers had encountered more than once forms of torture such as beating children on their heads, backs, arms, legs and feet with hard sticks or chair legs, and hanging children upside down and putting their heads in water. None of the children interviewed had attempted to file complaints about their ill-treatment, for fear of exposing themselves to further abuse. The report noted that police officers the researchers had interviewed denied that torture was used in police stations.

Cases cited in the report include that of a 15-year-old boy who was detained in Vlora police station on the night of 27 March 2000 on suspicion that he had stolen a fax machine. (The police register incorrectly stated that he had been brought in at 9am on 28 March.) He was interviewed on 28 March by CRCA researchers who recorded that he was unable to walk normally because of the beatings he had suffered. According to the boy, on the night of 27 March: “...*They put me on a chair on its back and told me not to move. One of them held my legs close to the chair legs. Then the police investigator T.L. took the baton and started to beat the soles of my feet. It was so sore. The others [police officers] did the same. I started to cry and begged them to stop. T.L. kept asking me: ‘Say that you got the fax machine. Tell me what you did with it.’ I was swearing to them that I hadn’t stolen any fax machine. They wouldn’t listen. It went on for at least 30 minutes.*”

The boy stated that the next morning he was beaten again: “*At 10am I met again the same investigator. There were two other police officers in the room. He asked me if I had changed my mind and said he could release me if I assured him I was going to tell who stole the fax machine. I said that I hadn’t stolen any fax machine. Then he pushed me to the floor, face down. He and his friends beat me again. This time it was on my legs, arms and backside. I was screaming but nobody came to tell him to stop.*”

Another boy, a 17-year-old from Devolli, told the CRCA that he had been arrested on 29 April 1999 after he had brought a young man he had found injured in the mountains to hospital in Korça. When he returned to his village, police arrested him and accused him of shooting the man and of armed robbery and theft. “*I told them that I just met the young man while collecting wood. I also said to them that if I was the one who shot him with a gun why would I have brought him to hospital? They didn’t listen. They hung me upside down on the side of the bunk beds and put my head in a bucket of water. One of them punched me in the stomach, while the other held my head in water for a few minutes. They kept asking me: ‘Tell us who injured the man? Where did you put the gun?’ I kept telling them that I had never touched a gun in my life. They wouldn’t listen. They wanted to find their truth that never existed.*” When interviewed by the CRCA this boy had already been held in custody in Korça for 11 months, and although some court hearings had taken place his trial had still not finished.

The Legal Clinic for Minors reports similar findings. In the first six months following its founding the Clinic provided legal assistance to some 45 minors in detention in Tirana. In a paper published in March 2001 which described the procedural and technical problems encountered by juveniles in the Albanian justice system, it states: “99% of the minors detained in custody or serving sentences which our Clinic has interviewed say that they were subjected to physical violence, beatings, in police stations, and that, as we all know, is nothing other than *torture*”.

Minors arrested during opposition demonstrations in November and December 2000

Throughout November and part of December 2000 there were daily demonstrations by the opposition in Tirana. During this period the Legal Clinic for Minors contacted some 30 minors who had been arrested on charges of taking part in these demonstrations, which had not been officially authorized, and throwing stones. According to the Clinic, almost all reported that they had been ill-treated at police stations.

A 14-year-old wrote the following statement: *“On 11 November I took part in the Democratic Party demonstration. The rally was peaceful and [after it was over] like the other participants I dispersed. At that point, I went to the playground with two cousins and a neighbour. I was playing when I heard my cousin call: Police. Two men in plain clothes came up from behind and caught me and pushed me to the ground, and swearing in the worst way, dragged me, kicking and punching me, and put me in a police van.*

They took me to Police Station No. 2, and there they questioned me: ‘Who told you to go to the demonstration and throw stones?’ I told them I went like all the others for a peaceful demonstration for the right to vote. The Chief took me up to the second floor and repeatedly slapped me till I cried...A police van came and took me to Police Station No.1. [There] ...three police officers punched and kicked me, they took off my shoes and beat me with rubber truncheons, saying ‘We will beat you until you admit you threw stones’. Because of the torture, I had no other way out and I said I had...They held me for three days in the cell, I was dressed in short trousers and a thin pullover...since that day I urinate without knowing it, from the inhuman police torture. When they took me to court, I didn’t have a lawyer. The prosecutor said I was to report every Monday to the Prosecutor’s Office, but because of the torture I suffered I was frightened to go”.

Another boy, a 16-year-old, arrested the same night, wrote: *“I was arrested at 8pm; the police put me in a van and drove me to Police Station No.1. The police beat me a lot. They injured my ribs and hand. After 24 hours they released me and I went to hospital for four days”.*

Yet another 16-year-old wrote: *“On 20 November at 7pm, after the demonstration was over, we four cousins were in a taxi when the police arrested us. Two or three plainclothes police hit us with rubber truncheons, they dragged us out of the taxi and put us in a police van and there the beating continued. At Police Station No.3 they beat us so savagely that I have been confined to bed with my family looking after me. We spent 20 hours in the police station. My neck still hurts. They insulted us and swore at us...I am still today, on 10 December, not in good health”.*

The Clinic noted numerous serious violations of the CPP during the detention and trial of these minors, in particular that almost all had been detained longer than allowed by law, and that many were denied the assistance of a lawyer during their questioning at police stations, although under Article 49 (2) of the CPP such assistance is a legal obligation in the case of persons under 18 years. Lastly, according to the Clinic, courts had imposed security measures on many of the minors, without sufficient evidence to warrant the restriction of their freedom.

TORTURE AND ILL-TREATMENT OF OPPOSITION ACTIVISTS AND JOURNALISTS

The cases described below almost all concern members or supporters of the Democratic Party, which is particularly strong in the north of the country. Like past governments, the present authorities are often reluctant to accept that human rights cannot be implemented without granting those with opposing views the same guarantees and protection as those who share the convictions of the ruling party. In addition to the injury to victims, the effect of such intolerance has damaging wider repercussions on political life, perpetuating grievances and divisions.

Early 2000 saw the start of election campaigning in Albania (for municipal elections held in October 2000), and an end to the political truce between the government and the opposition brought about by the refugee crisis arising out of conflict in neighbouring Kosovo. Tensions between the ruling Socialist Party and the opposition grew throughout the year, continuing beyond the elections.

In November and part of December 2000 there were daily demonstrations in Tirana by supporters of the Democratic Party and other opposition parties in protest at alleged rigging of the elections. On a number of occasions demonstrators threw stones and other objects at police and public buildings and there were also incidents when incendiary objects were thrown. Most observers have stated that police generally showed restraint during the actual demonstrations, sometimes in the face of considerable provocation. However, as the demonstrations ended and participants dispersed from the centre of town, police arrested considerable numbers of demonstrators (reportedly over 1,000 during this period), and there were many reports that during arrest and detention at Tirana police stations police beat and otherwise ill-treated detainees, many of whom appear to have been identified as likely Democratic Party supporters by the place of birth shown on their ID-cards and their northern accents. There were demonstrations and arrests in other towns, including Korça.

The following are among some of the cases of police ill-treatment of which Amnesty International has learned through press reports, the Democratic Party's "Human Rights Forum against Police Violence", and interviews with victims or their lawyers.

Tonin Kolthi

In a notarized and signed statement dated 25 March 2000 Tonin Kolthi, aged 37, the Democratic Party secretary for the village of Spiten near Lezha, described how he was beaten by masked police officers near the town of Laç.

According to this statement, on 22 March 2000 he and three other Democratic Party supporters from Spiten (Gëzim Mark Doda, Pjeter Zef Nekaj and Ndue Zef Keci), were returning from a Democratic Party rally in Tirana, when they were stopped by masked police officers of the Rapid Intervention Force about a kilometre outside Laç. The police officers ordered the men out of their vehicle at gunpoint.

“Seeing that they were police we obeyed the order and got out of the car, and I raised my hands for them to search me when at that moment they struck me on the head with their rifle butts. One of the officers asked for my name and when I told him I was Tonin Kolthi and asked why they were beating me, they continued to beat and kick me and put me, handcuffed, into one of their vans...” He was then driven to a spot on the road to Patok village on the coast. *“...they threw me out of the van into a field, still handcuffed, and continued to beat me with their rifle butts, and I heard them say that they would kill me”*. Bleeding and muddy, he was driven back to the main road where *“they removed my handcuffs, stopped a car driving towards Milot, and told the driver that they had found me injured and to take me to hospital.”*

Tonin Kolthi was later treated in Lezha hospital for bruises and abrasions about his head and body. His three companions were also allegedly beaten by police at the place where they were stopped.

“...I went to the police station in Lezha to report this incident but no one would accept my complaint so I went to the notary’s offices to file this complaint and I am ready to appear before the organs of justice to recount this incident...” The names and signatures of his three friends appear on his statement as witnesses.

Tonin Kolthi © Private

Amnesty International understands that Tonin Kolthi subsequently filed his complaint with the Laç prosecutor’s office, and that it was investigated by a Tirana prosecutor who dismissed the case, concluding that Tonin Kolthi’s injuries were caused by a car accident. Amnesty International, however, continues to be concerned about this incident, since other information indicates a pattern of ill-treatment of Tonin Kolthi by the police in similar circumstances. A year

earlier he was beaten while being being detained in police custody for three days on charges of insulting a police officer after attending a Democratic Party rally. In a decision (no. 379, dated 24 March 1999) Tirana District Court ordered that he report weekly to the judicial police but also noted that at the court hearing he appeared “very injured by police ill-treatment”; the same day a judge signed a decision requesting that Tonin Kolthi be forensically examined. In October 1999 he was brought to trial, and was reportedly acquitted.

According to an article in the Albanian press, other Democratic Party supporters from the Lezha area had been ill-treated by the police earlier in 2000. They included two brothers named Dedgjonaj who allegedly required hospital treatment after being beaten by police in January, and Tonin Kolthi’s brother who was said to have been ill-treated at the beginning of March 2000.

Cases of ill-treatment arising out of opposition demonstrations in November 2000

Ismet Margjeka, a journalist working for a private television company *Shijak TV*, and his brother, **Astrit Margjeka**.

According to Ismet Margjeka, at about 8pm on the evening of 28 November 2000 (after the daily demonstration had finished) he was walking past parliament in central Tirana, together with his brother Astrit, when they were stopped and searched by masked police who asked for their ID-cards. When they presented their passports, and Ismet his press card, police began to punch and beat them about the face and body with rubber truncheons. The two brothers were handcuffed and then put into a police van, where police continued to beat them: “*One of them [police officers] forced me to crouch down between the seats. Another climbed onto my back, and a third beat me with a truncheon. My brother was in the back.*”

They were taken to Tirana Police Station No.1, where Ismet says they were not ill-treated. They were put in a cell, which had bloodstains on the floor, with two other men, who had also been beaten. Other men were brought into the cell - “all guys from the north”. The chief of the station, on learning that Ismet was a journalist, called him into an office. “*He asked me what had happened, and I told him...He asked me if I knew any of the police officers who had beaten us, and I replied that the ones who arrested us were masked, and that the police officers in the van held us in such a way that we couldn’t see them*”.

Astrit Margjeka. Acknowledgment: Human Rights Forum Against Police Violence (Democratic Party)

Ismet Margjeka spent two hours in the station and was then released, but Astrit was reportedly held for 18 hours and became feverish and lost consciousness. The following day he was taken to Prison 313 hospital for treatment, and then returned to Police Station No. 1. He

was released in the afternoon of 29 November. Another Democratic Party activist, Sokol Mulosmani, who was arrested the same day and held in Police Station No. 1, recalled in an interview: *“The journalist Ismet Margjeka and his brother were in a very bad state from the police torture...In the cell we asked for medical aid for the brother of the journalist, but they didn’t respond until he lost consciousness and we protested.”*⁶

Ismet Margjeka claims he tried to file a complaint with Tirana District Court, but was informed that his complaint could not be accepted unless he could name the police officers who had ill-treated him, which he was unable to do.

Besnik Sali Papa

Besnik Sali Papa, aged 38, a Democratic Party supporter living in Tirana, took an active part in the demonstrations in November, calling out slogans over a megaphone.

On the evening of 29 November 2000, he was driving home with his wife on a motorbicycle when the way was suddenly blocked by a car bearing private number plates. Two armed men, in plain clothes, informed him they were police officers and ordered him to accompany them. He showed them his ID-card, and asked what they wanted, but they pulled him off the motorbicycle, overturning it and damaging it. He told his wife to go home, got into the car and was driven to Police Station No.1. There, after he was taken out of the car, he was beaten with rifle butts and kicked, while police officers asked him: “Where have you put your megaphone? Why do you swear at the government?” and urged him to shout: “Down with Sali Berisha![leader of the Democratic Party]” He refused.

“One of them loaded a gun and put the barrel in my mouth, the others beat me and ordered me to say that I would not go to any more demonstrations. I remember that I said ‘I’ve gone to demonstrations and I will go to demonstrations, I’ll take the megaphone and I’ll shout all the more...’ Then they said they would fix my mouth so that I couldn’t speak. They hit me with the barrel of the gun on my mouth, they broke several teeth, the blood was streaming. At that moment I lost consciousness and when I came round I found myself in a room on the first floor of the station. At about midnight, when I was still losing blood, some police in masks came and took me out, I don’t know where, I remember there was a woman’s voice who said: ‘There’s no need for painkillers, we are putting in stitches, he can take it’. I was in terrible pain, they were stitching inside my mouth as though I were animal, not a human being...The next day they took me to an officer of the judicial police on the second floor of the station. He carried out the formalities without using violence... Shortly afterwards they took me to Prison 313 hospital...”

⁶ *Rilindja Demokratike*, 12 December 2000

Besnik Papa. Acknowledgment: Human Rights Forum Against Police Violence (Democratic Party)

The following day Besnik Papa was taken to a court hearing, and released, although charges of taking part in illegal demonstrations were not dropped. Some friends took him to the "Mother Theresa" hospital, where he spent four days (from 1 to 5 December 2000). His records show that he was suffering from perisplenic haematoma and lumbar bruising. On 5 December he returned home, but was confined to bed for a further period.

Besnik Papa claims that a gold chain, a watch and some money were stolen from him while he was held at Police Station No.1. He says that since his release he has on four occasions been visited by police officers, most recently on 9 March 2001, when an officer entered his house carrying a gun and, when asked for an explanation, gave as a reason that Besnik Papa was a Democratic Party supporter.

Azgan Haklaj

Azgan Haklaj, President of the local branch of the Democratic Party for Tropoja, and President of the Municipal Council of the northern town of Bajram Curri, was arrested at home on the night of 20/21 January 2001. He was brought to Tirana, where on 21 January Tirana District Court ordered that he be detained in custody for investigation on charges under Articles 231 and 262 (1) of the PC dealing with "Violence against property...which aims gravely to disturb public order" and "Taking part in illegal demonstrations". The charges, which he denies, relate to events which took place in Bajram Curri on 28 November 2000. On that day the Democratic Party held a rally in the town, which began peacefully but escalated into violent clashes between armed men and police, in which the police station in Bajram Curri was reportedly attacked and at least one man (a civilian) was shot dead by police and others were wounded.

Following his arrest Azgan Haklaj was taken to Tirana. On 22 January 2001 he filed a formal complaint with the Prosecutor General in which he requested that penal proceedings on charges of "Abuse of office", "Perpetrating arbitrary acts" and "Violence against a residence" (Articles 248, 250 and 112 of the PC) be initiated against a named judicial police officer and others under his command.

In his complaint, Azgan Haklaj described the events of that night as follows:

"...There was a knock at the door of my apartment, and suddenly the door burst open, and without waiting for a reply, about 30 uniformed police wearing masks entered my home, and grabbed me - I had just risen from bed in my nightwear - and beat me with rifle butts, causing injuries and bleeding, as a result of which I lost

consciousness. They struck my wife, also injuring her and causing her to bleed, they didn't even stop short at hitting my one-year-old child. They searched the house, turning everything upside down. When I and my wife requested to be shown a court decision for these acts, they gave us a cruel blow as answer. After they had searched the house, as described above, they took me away by force, dressed only in nightwear, and barefoot, dragging me down the stairs of the apartment block while hitting me. They put me in one of their vans, and pulling two masks over my head they made me lie on the floor of the van and drove off to Tirana. On the way, as I lay on the van's floor, they kicked and hit me with whatever they had to hand. As a result, for most of the journey I was unconscious. This treatment continued at Police Headquarters in Tirana".

An investigation was started and a forensic medical expert examined Azgan Haklaj at Tirana Prison 313 at the request of Tirana District Prosecutor's Office. The forensic medical report no.45, dated 23 January 2001, listed numerous injuries, including a wound to the head, bruises and abrasions on the head and face, bruises on the lumbar region, the left arm, left buttock and thigh, the right shin, and toes of the right foot. The report concluded that: "These wounds have been caused by hard objects such as rubber truncheons, kicks, rifle butts, other hard objects".

On 25 January Azgan Haklaj was visited in prison by his wife, his lawyer and two representatives of the OSCE. On 30 January the OSCE press office in Tirana issued a statement which confirmed that Azgan Haklaj "had received injuries, bruising and lacerations which are consistent with his allegations of police assault whilst in police custody"; the OSCE had made a formal request to the Albanian authorities to undertake a full and thorough investigation into the allegations and had received assurances that such an investigation would be conducted.

On 27 January 2001 *Gazeta Shqiptare* reported that sources at the Ministry of Public Order denied that Azgan Haklaj's wife or child had been ill-treated by police and stated that force had been used against Azgan Haklaj only because he had violently resisted arrest.

The investigation of Azgan Haklaj's complaint has been transferred to the Prosecutor's Office of Tropoja (Bajram Curri, where his initial ill-treatment is alleged to have taken place, comes within this jurisdiction) and the investigation continues (Penal case no.112). However, in early April 2001 his lawyer stated that Azgan Haklaj had been formally questioned in connection with his complaint only once, on 21 February 2001, and claimed that no other investigation work had been yet undertaken by police or prosecutors.

Çlirim Proko

Çlirim Proko, aged 28, from the village of Lazarat in the south of Albania, was arrested on 16 March 2001 in connection with an incident in September 2000, when Makhbule Çeço, Minister of Labour and Social Affairs, attempted to visit the village, a stronghold of the opposition, during the municipal elections campaign. At the entry to the village, the Minister and her escorting party were reportedly confronted by a group of armed men, who fired shots in the air, and forced them to depart. Çlirim Proko is also reportedly accused of wounding a police officer.

According to Democratic Party sources, following his arrest and detention in Gjirokastra Police Station, several police officers took Çlirim Proko from the police station and drove him up to the village of Antigone in the hills outside the city and there brutally ill-treated him. At a press conference in Gjirokastra his lawyer complained that he had been denied access to Çlirim Proko for two days. He later informed the Albanian Human Rights Group (AHRG) that when he finally succeeded in visiting Çlirim Proko, three days after his client's arrest, he observed clear marks of ill-treatment on his hands and feet. A doctor who examined him on 25 March reportedly saw marks of ill-treatment on his body, and representatives of the AHRG who visited Gjirokastra from 27 to 29 March and spoke with Çlirim Proko in detention have confirmed that bruises on his arms were still clearly visible more than 10 days after his arrest. A complaint has been filed with Gjirokastra Prosecutor's Office requesting that penal proceedings be started against the police officers responsible.⁷

Amnesty International welcomes the news that on 21 and 22 April the Albanian Centre for Human Rights held a seminar for police officers in Gjirokastra Prefecture. At the same time the Director General of Police announced that an office for complaints by the public would be opened at Gjirokastra police headquarters.⁸

Journalists

The press has over the past year reported on a number of occasions that journalists working for newspapers, television companies or radio stations affiliated to opposition parties have been harassed, threatened or physically ill-treated by police officers apparently in retaliation for their journalistic activity. The following are cases in which journalists are reported to have been physically assaulted by police.

On 1 June 2000 **Flamur Hasbegu**, a cameraman for *ATNI*, a private television company, was filming in Berat where police had evicted the local Democratic Party branch from disputed premises. According to a press report he filmed some interviews with local Democratic Party

⁷ AHRG: *Report on a visit to Gjirokastra 27-29 March 2001*

⁸ *Gazeta Shqiptare*, 22 April 2001

leaders, and then, accompanied by a female colleague, went to the local police headquarters with the intention of obtaining an official statement from the police.⁹ He had just started to film the outside of the police building when a police officer, the station's Chief of Crime Police, shouted at him, asking if he had authorization. According to Flamur Hasbegu, he showed his ID-card, but commented that authorization was not necessary. The police officer then dragged him by the wrist into the station, punching him in the nose, and shouting at him. Inside the building he ordered Flamur Hasbegu to hand over the video tape from his camera, which he did.

“My nose was bleeding, and the police officer said: ‘Go and wash your face’. When we reached the stairs [he] punched me a second time. Then he pulled me into the bathroom and slapped my face. At that point the Chief of the Police Station, who was standing in the doorway to the bathroom, also punched me in the face. After that, five other men came into the bathroom and started to slap and kick me. Two of them were in police uniforms and three in plain clothes. All the while the Chief of the Police Station was standing in the doorway, looking on. Also the five men tried to get my camera...After about 20 minutes the Chief of the Police Station gave orders to take me to a detention cell, I don't remember how long they kept me there, some 10 to 20 minutes. Then I was taken to the back entrance of the police station and released.”

Police later returned to his colleague the video tape from Flamur Hasbegu's camera. Part of the above incident was reportedly filmed, as the camera was on automatic. Apart from injuries to his face, Flamur Hasbegu's right arm was also injured and his doctor recommended him to take six weeks' sick leave.

ATN 1 on 2 June 2000 protested to the Ministry of Public Order; the Ministry reportedly replied that Flamur Hasbegu had entered the police station without an ID-card, and started to film without permission. After it was explained to him that this was not allowed, he had been released; the whole incident had lasted no more than 10 minutes.

Other incidents

Several other similar incidents are reported to have taken place in the town of Korça. On 5 March 2000 **Armando Baze**, the director of a local private radio station *Radio ABC*, was physically ill-treated by a traffic police inspector in the centre of Korça, on the pretext that he had failed to pay a fine. At the same time, the officer threatened him that the days of *Radio ABC* were numbered. The incident was reportedly witnessed by several of the radio station's journalists and employees.¹⁰

⁹ *Albania*, 2 June 2000

¹⁰ *Shekulli* and *Koha Jone*, 6 March 2000

This incident was reported to be linked to programs recently broadcast by the radio station which had criticized local economic conditions and corruption. Two weeks earlier some of the staff were said to have received threats. The Korça police reportedly responded to a complaint by *Radio ABC* by denying that physical violence had been used; they stated that Armando Baze's conduct was unlawful, and that they had simply sought to enforce the law. However, it was later reported that the officer who had assaulted Armando Baze had been dismissed from service.¹¹

On 16 February 2001 *Rilindja Demokratike* reported that **Pëllumb Çuni**, a correspondent for the newspaper 55, had been physically assaulted the previous day by a police officer in the immediate vicinity of the Korça District Police Station. At the time Pëllumb Çuni was accompanied by another journalist, Roland Beqiraj. The police officer reportedly complained that Pëllumb Çuni "was making trouble" and kicked and punched him, then drove off, leaving him lying on the pavement. The newspaper had recently published an article alleging corruption on the part of the police officer.

OTHER CASES OF TORTURE AND ILL-TREATMENT

Rushit Korteshi, a Rom, was beaten and injured by police officers in 1999; a court sentence suspending the officers from work for two years is reported not to have been enforced.

In a report by the European Commission against Racism and Intolerance (ECRI), a body of the Council of Europe, made public on 3 April 2001, the ECRI noted: "*Amidst a turbulent and often complex recent history, issues of ethnic discrimination are not recognised as a primary concern for members of Albanian society, either majority or minority, and thus there is little awareness concerning such issues. A positive climate of tolerance is generally considered to prevail with respect to minority groups, however some negative prejudices and stereotypes exist...which may lead to discrimination in individual cases*".

The ill-treatment of Roma by police is not often reported in the Albanian press; it is difficult to assess whether this reflects the true situation or whether it is partly due to the lack of awareness referred to above, and to the reluctance of Roma communities to publicize such incidents.

In the case described below, the ill-treatment of Rushit Korteshi appears to have arisen primarily out of envy of his relative prosperity, an envy marked, however, by racist overtones.

¹¹ *Koha Jone*, 7 November 2000

According to press reports, on 8 August 1999 Rushit Korteshi, a Rom living in Yzberisht on the outskirts of Tirana, was detained by police officers Sadush Dingo and Krenar Veizi without explanation and taken to a police station in the Kombinat quarter of Tirana. There, the two officers and Hamza Plaku, Chief of the area Crime Police, beat him with a metal bar until he lost consciousness. After dousing his head in a washbasin (to revive him), they took him out into the courtyard of the police compound and while continuing to beat him, demanded money and land from him, and racially abused him (calling him a “rich gypsy with bags of money”). When he finally promised to give them what they wanted, they let him go.

Rushit Korteshi immediately filed a complaint against these police officers with Tirana District Prosecutor’s Office and obtained a forensic medical report certifying his injuries. The three officers were subsequently charged with “Perpetrating arbitrary actions ” under Article 250 of the PC. At the trial before Tirana District Court, the prosecutor reportedly called for them to be sentenced to imprisonment and three years’ suspension from their jobs. However, on 28 April 2000 the court argued that such a sentence might have tragic consequences (apparently on the grounds that it might provoke the convicted men to take revenge) and sentenced the police officers instead to fines. The prosecutor immediately appealed and on 7 July 2000 the Court of Appeal (decision no.274) changed the sentence to two years’ suspension from their work and 18 months’ conditional imprisonment.

This ruling was sent for execution to the Minister of Public Order on 11 July 2000 (protocol no. 2823/1), and two officials from the Ministry subsequently questioned Rushit Korteshi about this matter, but reportedly did not suspend the officers, although the Appeal Court’s ruling is final and binding. On 18 July 2000 Rushit Korteshi filed an appeal for the execution of this sentence with the Prosecutor General’s Office, but on his way home from the Office several police officers, friends of the convicted officers, attempted to arrest him. He managed to evade them but on reaching his home he found it surrounded by police vans from where shots were fired at the roof of his house; he was again arrested without charge and detained for 32 hours at Tirana Police Station No. 2, where pressure was put on him to cease his efforts to obtain the enforcement of the court sentence against the three officers.¹²

In the meantime the convicted police officers reportedly continue to remain in their posts and Rushit Korteshi reportedly continues to be persecuted by them. One of them is said to have forced Rushit Korteshi to make over to him 200m² of land.

<p>Ferit Beqir Çepi, aged 40, suffers from speech and hearing defects. He left his village, Xhyra in Librazhd district, to find work unloading lorries in Vlora, in order to support his large family. His handicaps did not spare him from torture and ill-treatment by police.</p>

¹² *Koha Jone and Albania*, 28 July 2000

Ferit Beqir Çepi. Acknowledgment: Gazeta Shqiptare

Ferit Çepi and two friends from his village (Veli Mona and Ilir Mona) were arrested on 12 November 2000 after a man who had been staying at the same workers' hostel in Vlora reported to the police that his money had been stolen. A drunken police officer came to their place of work and arrested Ferit Çepi and the Mona cousins, without informing them of any charges. He drove them - in a private car with the registration number VL 7706A - to Vlora police station, where he, together with other officers, beat and otherwise ill-treated them. According to Ferit Çepi: "They hung us upside down for about two hours".

They were released, after the stolen money was found in the possession of another man, and made their way to the hospital in Vlora where they say they were refused treatment because they could not pay for it. They returned to Librazhd, where Ferit Çepi was admitted to hospital, remaining there for two weeks. Ferit Çepi was treated for an injury to his left eye, caused by the ill-treatment he had experienced in Vlora, which, according to an eye specialist, has resulted in the permanent loss of sight in that eye. Veli and Ilir Mona are said to have suffered fractured ribs and cuts to their faces. On 26 November 2000 the three men reportedly filed a complaint with the Prosecutor's Office in Elbasan for forwarding to the Vlora Military Prosecutor's Office.¹³

In March 2001 an official of the Prosecutor General's Office stated that an investigation into these allegations had been started, but that Ferit Çepi had failed to respond to a summons to go to Vlora to give evidence to the prosecutor. He said, however, that in certain circumstances a prosecutor could go to the complainant's home to take evidence.

Ill-treatment of homosexuals

Nasser Almalak and Amanta Bakalli were kicked and punched by four members of the Republican Guard in Tirana on 7 April 2001. When they complained about this physical assault, they were subjected to sexual taunts and threats.

Until 1995 homosexual relations between men constituted a criminal offence in Albania, punishable by up to 10 years' imprisonment. In March 1994 *Shoqata Gay Albania* (SGA - Gay Albania Society), was founded in Tirana, but in October that year three of its members were detained and severely beaten in Tirana Police Station No.1, as a result of which one man was admitted to hospital unconscious and with a broken leg. During their detention police reportedly accused them of belonging to an illegal organization and demanded the names of the SGA's

¹³ *Gazeta Shqiptare*, 28 November 2000

members. However in 1995, with the adoption of the present penal code, homosexual relations between consenting adults were decriminalized, and the SGA was officially registered with the Ministry of Justice. Nonetheless, homosexuals continue to suffer from public prejudice and discrimination, which has led some to leave the country.

On 7 April 2001 a Jordanian citizen, Nasser Almalak, who is the SGA Secretary General, and a friend Amanta Bakalli, a transvestite, were assaulted in Tirana by four members of the Republican Guards (a force responsible for the security of government officials and buildings).

According to Nasser Almalak's account, on the morning of 7 April he and Amanta Bakalli went to meet a friend who was serving as a conscript with the Republican Guard. They gave his name to the guard on duty at the main gate of the barracks. As they were waiting for him to come out to join them, two jeeps with government registration plates drove out of the barracks and came to a sharp halt in front of them. Four men in plain clothes got out of the jeeps and, without speaking, proceeded to punch and kick Nasser Almalak and Amanta Bakalli. They shouted for help, but no one present moved to assist them.

Following this incident, they saw a doctor and then went to the headquarters of the Republican Guard to complain, and to ask for the names of the men who had assaulted them, with the purpose of starting legal proceedings against the men. Here they were subjected to sexual threats, but nonetheless were eventually permitted to make a formal complaint. Amanta Bakalli shortly afterwards left the country.

Nasser Almalak subsequently informed the newspaper *Gazeta Shqiptare* which published a report of the incident on 10 April; the same day the Albanian Human Rights Group (AHRG), having learned of the incident, sought (unsuccessfully) a meeting with the Commander of the Republican Guard. The AHRG then issued a statement condemning the ill-treatment of Nasser Almalak and Amanta Bakalli, and calling on public opinion and the authorities to show tolerance and to put aside homophobic prejudices and discrimination.

AN END TO POLICE IMPUNITY?

The city of Elbasan, in central Albania, is frequently cited as an oasis of peace, where since 1998 crime has been drastically reduced and the criminal gangs said to have terrorized inhabitants following the collapse of law and order in 1997 have been crushed. The merit for these achievements is attributed to the Director of Police of Elbasan District, Colonel Edmond Koseni, and the police forces under his orders. In December 2000 Elbasan Municipal Council awarded Colonel Koseni the title of "Citizen of Honour" in recognition of these services.

However, Colonel Koseni is a controversial figure; his name and that of a number of his police officers have been linked to a series of serious incidents of assault and ill-treatment. The

authorities, although aware of these incidents, have apparently judged that the means justified the end. Although some of his police officers have been dismissed or brought to trial, and although he himself has been personally the subject of a number of complaints of ill-treatment, Colonel Koseni has retained his position. In an interview in which he was asked about a suspected violent criminal, Dritan Kateshi, who following arrest is said to have appeared in court severely injured, Colonel Koseni replied that the mothers of Elbasan who mourned their sons killed by Dritan Kateshi were deeply grateful to him. He added: “*It is true that I beat Kateshi. But not in the cell. In detention no one is ever harmed... I beat Kateshi before sending him to the cell to tell Elbasan that the state is stronger than crime.*”¹⁴

As noted above, international law prohibits torture or cruel, inhuman or degrading treatment or punishment *in all cases and under all circumstances*. It is also clear, as can be seen from the cases described below, that Elbasan police have not confined their ill-treatment to detainees suspected of violent crime.

Within Albania the violations of human rights perpetrated by the Elbasan police have not gone unnoticed, and have met with criticism. In October 1999 the Albanian Helsinki Committee issued a statement informing the public of the ill-treatment of Ilir Stërgu (see below). In early April 2000, the Albanian Human Rights Group (AHRG) visited Elbasan, where they spoke with police and court officials and visited the detention centre. In a report the AHRG concluded: “Although the Elbasan police force has increased its effectiveness in uncovering various crimes or combating organized gangs, in many cases the methods used by its employees have infringed and violated the basic principles of Human Rights.”¹⁵ Later in April 2000 the newspaper *Gazeta Shqiptare* published a series of reports documenting instances of alleged ill-treatment by Colonel Koseni and police in Elbasan.

The combined effect of these reports provoked a statement by the Prosecutor General: “There was earlier a case which was ...dismissed, but we are now going to investigate [recent allegations of ill-treatment]. We are doing this because there are instances of ill-treatment which have even caused death. One case was death, we have a case where a citizen was maimed. If the chief of police is responsible for these cases, he will bear penal responsibility”.¹⁶ The following day, the press officer of Elbasan police issued a statement making a public apology to “all those whom we have wrongly injured by beating them or taking them into Police Headquarters in Elbasan”.¹⁷

¹⁴ Interview in *Klan*, 24 December 2000

¹⁵ *Public Order in Tirana and Elbasan - December 1999 to May 2000*

¹⁶ *Koha Jone*, 27 April 2000

¹⁷ *Gazeta Shqiptare*, 28 April 2000

Nonetheless, further incidents were reported. In June 2000 it was reported that an internal police investigating team had been sent by the Ministry of Public Order to Elbasan after A. Curri, a police officer of the Rapid Intervention Forces complained that he and a driver had been struck by Colonel Koseni (see below). In September 2000, the People's Advocate intervened following yet another incident in which Elbasan police officers (not Colonel Koseni) were alleged to have beaten and seriously injured a man. On this occasion, the Deputy Minister of Public Order reportedly stated: "The Ministry is disturbed by repeated incidents of ill-treatment in Elbasan. We have sent a team to investigate... those who have beaten citizens. We have reminded police forces not to ill-treat any citizen even if the person has committed a crime".¹⁸

In the meantime, two trials have taken place of Elbasan police officers accused of ill-treating detainees, resulting in convictions. Further investigations are under way, although "to avoid conflicts" these have been entrusted to Tirana District Prosecutor's Office, rather than being carried out by local prosecutors. The Albanian Centre for Human Rights has given human rights training to the Elbasan police and Colonel Koseni was reportedly among a group of police officers who received human rights training in Denmark in January 2001. There have not, to Amnesty International's knowledge, been further reports of torture or ill-treatment by the Elbasan police since September 2000 and a local prosecutor in March 2001 commented that the conduct of the Elbasan police force had improved. If this improvement is lasting, this will be largely due to the combined pressure and activity of the press, NGOs and the People's Advocate, and the efforts of a number of victims to bring their cases to court.

Seeking redress for ill-treatment through the courts

Several informants have remarked to Amnesty International that in Albania a victim of ill-treatment who is intent on redress is more likely to seek personal vengeance than to rely on court justice. Moreover, in the view of many victims of ill-treatment, to file a complaint with a prosecutor or with the police authorities is to risk exposing oneself to further persecution. That this fear may be justified can be seen from a number of cases cited in this report. Not only have victims complained that police officers have attempted to intimidate them into withdrawing complaints, but in one case Amnesty International learned that a journalist who had reported a case of police ill-treatment had received death threats by telephone.

Prosecutors in Albania, on the other hand, point to the difficulties inherent in investigating complaints of police ill-treatment, when often the only witnesses are other police officers, who are likely to be reluctant to testify against their colleagues. In the absence of such testimony, forensic medical evidence may be crucial, and this usually, though not always, requires a prosecutor to issue a written order for a forensic medical examination. Unless the victim has prompt access to a prosecutor, and unless the prosecutor acts promptly - neither of which two

¹⁸ *Koha Jone*, 17 September 2000

conditions is always fulfilled, for varying reasons - the marks of injuries may well fade. In almost all the cases which Amnesty International documents in this section, the victim suffered injuries - in two cases apparently fatal - which resulted in their being admitted to hospital. As a result medical records document their injuries, as do the forensic medical reports which they subsequently obtained. Without such evidence, it is doubtful whether many victims would consider filing complaints.

The investigation of complaints of ill-treatment brought against officers of the Elbasan police force

The following cases are given in chronological order, according to date of alleged ill-treatment, or, where this is not known, the registration date of the dossier at a Prosecutor's Office. This is not a complete list of complaints of ill-treatment formally filed (according to Prosecutors' Offices in Tirana and Elbasan there have been others, including at least two complaints filed against Colonel Koseni himself, both dismissed), much less a complete list of those ill-treated by Elbasan police.

14 October 1998. Gazmend Noga - case dismissed

Gazmend Noga, an experienced police officer with the grade of lieutenant colonel, was in July 1998 transferred from Tirana to Elbasan Police where he worked as an inspector of the Crime Police. According to his account, on the morning of 14 October 1998 during a roll-call in the police compound, Colonel Koseni approached him, swore at him, and then, in full view of some 80 to 100 police officers, struck him several times about the head with a large radio handset, knocking him to the ground.¹⁹ Injured and bleeding, Gazmend Noga left the compound in a state of physical and mental shock. Shortly afterwards he lost consciousness and was taken by two passers-by to a hospital in Tirana, from where he was discharged 12 days later.

According to the doctor who examined him in hospital, Gazmend Noga had suffered "first grade damage to the central brain", a fractured lower jaw and partial paralysis of the lower lip. In his view, these injuries could have been caused by being struck by a hard object. While in hospital Gazmend Noga informed the doctor that he had been beaten by his commanding police officer. Within the next few days, Gazmend Noga wrote a complaint about his ill-treatment to the President of Albania and to the Ministry of Public Order. He also filed a formal complaint with the Military Section of the Prosecutor General's Office on 17 October. The following day a forensic medical commission examined him, on the orders of the Prosecutor's Office. A few days later a colleague informed Gazmend Noga that he had been dismissed from service.

¹⁹ *Gazeta Shqiptare*, 26 April 2000

Gazmend Noga's complaint dossier was forwarded to the Military Prosecutor's Office in Korça (which has jurisdiction over Elbasan district) on 16 December 1998 and an investigation was started on 28 December. Gazmend Noga, Colonel Koseni and witnesses were questioned by investigators. In January 1999 Gazmend Noga still suffered from health problems - headaches, pain in the jaw, and visual disturbance. In late January 1999 the Military Prosecutor's Office in Korça reportedly stated that the investigation was being delayed due to the lack of a forensic medical report.

On 7 April 1999 the Military Prosecutor's Office in Korça sent formal notification of the decision to dismiss the case to Gazmend Noga at Police Headquarters in Elbasan, on the grounds that it had been found that the accused did not commit the crime or that it could not be proved that he had committed it (Article 328 of the CPP). According to Gazmend Noga he did not receive this notification, and learned of the case's dismissal only later, and indirectly. In the meantime he received a letter from the Ministry of Public Order which confirmed that he had been an employee of the Ministry of Public Order from 6 July 1993 until 16 October 1998, and that he had been dismissed from service by an order dated 8 October 1998, for having violated Law no. 7492 on the depoliticisation of state organs. However, according to Gazmend Noga, he was not a member of any political party, although he had been a member of the Association of Former Politically Persecuted Persons, many of whose members are Democratic Party supporters.

Various aspects of this investigation appear to be unsatisfactory and give rise to concern. It is not clear why the investigation was not started until two months after Gazmend Noga's complaint was filed, nor why the forensic medical report compiled in October 1998 - clearly a key piece of evidence - had apparently not reached Korça by the end of January 1999. Colonel Koseni reportedly denies having struck Gazmend Noga. However, it is not clear what alternative explanation was found for the injuries which Gazmend Noga suffered on 14 October 1998. Additionally, given that Gazmend Noga had been dismissed from the Ministry of Public Order in October 1998, it was inappropriate, in Amnesty International's view, to send the notification of the decision to dismiss his case to the address of the Elbasan Police Headquarters, and would have delayed any appeal against this decision.

5 January 1999. Kastriot Bega (death following detention) - this case was reportedly being tried in March 2001

A 19-year-old suspect in a murder case, Kastriot Bega from Vishaj village, Peqin, was detained by police on 5 January 1999; he died some three hours later after having been brought to hospital from the police station. Hospital staff allegedly stated that his body bore multiple marks of ill-treatment. Two days later, the Ministry of Public Order issued a statement that Y. Z, an agent of the judicial police in Peqin police station and R.F., officer of the same police station, had been

arrested on 6 January in Elbasan, and charged with “Perpetrating arbitrary acts” against Kastriot Bega.

In September 1999 the Ministry of Public Order reportedly stated that charges against them were dropped after it was found that the young man’s death had been due to natural causes. They were released and resumed work. However, in July 2000 it was reported that the Prosecutor General’s Office was reviewing this case, and in March 2001 Amnesty International was informed that it was being tried by the District Court of Elbasan.

April 1999. Kujtim Çapja (death following detention) - two police officers convicted.

In April 1999 the press reported that Kujtim Çapja, a lorry driver aged 56, had died some hours after being taken into Elbasan police station for questioning, and that officials of the Prosecutor General’s Office had gone to Elbasan to investigate his death. Police reportedly stated that he had died of sudden heart failure while waiting to be questioned by police. His relatives had rejected this explanation, pointing to marks of ill-treatment on his body.²⁰

According to information received by Amnesty International, the police had taken Kujtim Çapja in for questioning in connection with the theft of spare car parts from a shop. One of these spare parts had been given to him by a younger relative, but as it was not the right make for his vehicle, he tried to exchange it (apparently unaware of its origin) at the shop from which it had been stolen, thus arousing suspicion.

Later in the year the Ministry of Public Order reportedly stated that Kujtim Çapja had died 50 hours after release from the Elbasan police station; it had been established the cause of his death was cerebral thrombosis, and the police did not bear responsibility for his death.

However, in March 2001 Amnesty International was informed that two police officers had been sentenced to 12 and 14 year prison sentences respectively, in connection with his death, and that these sentences had been confirmed on appeal.

10/11 October 1999. Ilir Stërgu, aged 28, from Lushnja - no investigation undertaken

On the night of 10 October and the early hours of the morning of 11 October 1999 police forces from Elbasan, Fier and Lushnja rounded up some 20 to 30 men. Ten of these, among them Ilir Stërgu, were subsequently remanded in custody on charges of being members of an armed criminal gang, known as the “Lushnja gang”. Ilir Stërgu and nearly all his co-defendants are

²⁰ *Republika*, 21 April 1999

accused on multiple counts of murder and other grave offences. Their trial before Elbasan District Court started on 19 February 2001. Ilir Stërgu reportedly denies the charges against him.

According to a statement issued by three defence lawyers, almost all of the suspects were brutally beaten by masked police in Lushnja and Elbasan following their arrest. In the case of Ilir Stërgu this is confirmed by witnesses who were present at the time of his arrest in Lushnja when he was thrown into a police van, and later at Elbasan Police Station where the detained were bound to fruit trees in the compound and beaten.

As a result of the injuries he suffered, Ilir Stërgu was admitted to Elbasan hospital. At a court hearing in Librazhd three or four days after his arrest, he was not brought to court, despite protests by his lawyer. His family, lawyer and even a prosecutor were in the meantime unable to locate him. On 18 October he was sent to Tirana Prison 313 hospital in a critical condition, where, well over a week after his arrest, his family and lawyer gained access to him, and found him unable to stand and speaking with difficulty. Shortly afterwards, the three defence lawyers informed the Prosecutor General's Office of these and other violations of the law, but reportedly received no answer.

On 26 October two representatives of the Albanian Helsinki Committee visited Ilir Stërgu in hospital, where they spoke with medical staff, who confirmed that he was still unable to get out of bed and walk, and still bore marks of ill-treatment on his body. The Albanian Helsinki Committee issued a public protest.

On 12 January 2000, the three defence lawyers wrote an open letter addressed to the Albanian President and Albanian government officials informing them of the brutal ill-treatment of their clients, and listing a series of serious violations of the law that had accompanied their arrest and detention. This letter also reportedly received no response.

Ilir Stërgu remained in Tirana prison hospital for about 30 days, before being moved to pre-trial detention in Elbasan and then to Librazhd; while he was still in Tirana, his lawyer filed a request with the Prosecutor's Office that he undergo a forensic medical examination, but this request was reportedly ignored.

However, on 15 January, at the request of the three lawyers, a commission of forensic medical experts of the Central Service for Forensic Medicine examined Ilir Stërgu and his hospital clinical records. In their report they recorded:

On 10 October 1999 Ilir Stërgu was detained by police forces and after being ill-treated he was sent to Tirana prison hospital. On the basis of the clinical dossier no.460 of Tirana prison hospital, it is established that he was admitted to the

hospital on 18 October, with the diagnosis of *Contusio corporis et comotio cerebri* [bruising on the body and concussion]...

The report continued with a summarised chronicle of his clinical notes and concluded:

1. *On the basis of his clinical notes and our examination we observed a condition of partial paralysis with contraction of the two lower limbs, of traumatic origin, this confirmed by EMG which shows injury to the anterior cornus of the spinal cord, shock to the brain and haematoma around the eyelids.*
2. *The categorization of the injuries should be made at least six months after the trauma, in order to determine the degree of permanent loss of capacity for work.*
3. *The mechanism of the cause of injuries must be linked to the trauma, but since the patient was not examined by us at the beginning, it is not possible to give an exact explanation for the mechanism, the localisation of the injuries etc.*
4. *Illir Stërgu needs periodic medical examination, qualified health care and assistance in rehabilitation.*

Amnesty International understands that Ilir Stërgu has not yet fully recovered his health, that conditions in detention in Librazhd are extremely poor and that he has had minimal medical care. He continues to have difficulty in walking. In mid-March 2001 Ilir Stërgu was again brought to Tirana prison hospital for treatment (apparently not connected with his previous injuries).

Amnesty International is concerned that the authorities have reportedly ignored all requests to take action against the police officers responsible for the injuries inflicted on Ilir Stërgu. However grave the charges against him, he has a constitutional right to the presumption of innocence, and his ill-treatment constitutes a clear violation of Albania's commitment to the absolute prohibition of torture or cruel, inhuman or degrading treatment *in all cases and all circumstances*.

November 1999. Dritan Shehu - case under investigation

Dritan Shehu reportedly filed a complaint with Elbasan District Prosecutor's Office in November 1999, stating that he had been beaten at a police checkpoint in Elbasan. A forensic medical report (no.928, dated 4 November 1999) confirmed that he had a bruised right eye, injuries to the back of his head, causing persistent pain, and back pain.²¹ On 16 March 2000 the complaint was forwarded to Tirana Prosecutor's Office. According to this office, the case was still being investigated in March 2001.

²¹ AHRG: *Public Order in Tirana and Elbasan, December 1999 to May 2000*

7 February 2000. Gentian Bici - police officer Tahir Çaushi convicted, 2 February 2001

Tahir Çaushi, a police inspector of Elbasan police station, was brought to trial before Elbasan District Court on 2 February 2001, on charges of “Torture” under Article 86 of the PC.

According to the court’s verdict (Registration no.159/11, decision no.17 of 2 February 2001), Gentian Bici, residing in Elbasan, was arrested on 7 February 2000, after a person complained to the police that he had been tampering with a cable supplying electricity in order to supply his mother’s apartment. At the police station Tahir Çaushi struck Gentian Bici two or three times and two unidentified plainclothes officers beat him repeatedly; Gentian Bici fell, hitting his head against a metal part of a car and lost consciousness. A doctor at the station ordered him to be taken to hospital immediately, where he was admitted to the emergency ward. According to his medical notes, he had been struck on the head and various parts of the body. He was admitted to the surgical ward at 10pm. His mother learned only the next day that he was in hospital, where she found him in intensive care.

The verdict states that Tahir Çaushi visited Gentian Bici in hospital and took a statement from him withdrawing his complaint; at the trial Gentian Bici denied this and said that Tahir Çaushi had repeatedly threatened him, demanding that he withdraw his complaint.

A forensic medical report, no.53 of 12 May 2000, by the Central Service for Forensic Medicine in Tirana, characterized the injuries inflicted on Gentian Bici as “light”, making him unfit for work for nine days.

Tahir Çaushi pleaded innocent, but the court found him guilty - of a lesser offence, that of “Perpetrating arbitrary acts” under Article 250 of the PC - and sentenced him to a fine of 150,000 leks (about 1,000 USD). Tahir Çaushi has appealed against his conviction.

15 May 2000. Shpëtim Hasa - case under investigation

Shpëtim Hasa has a small business selling car-tyres in Elbasan. According to his account, he buys a newspaper every day from a boy at the same kiosk. On the morning of 15 May 2000 he told the boy that he would pay the next day, because he had no small change. A little later, a small child came and asked for the money, but not knowing the child, he refused, and went to work. Some time later, two police officers came to Shpëtim Hasa’s place of work and, he claims, without even asking his name, began to beat him with rubber truncheons about the head, chest and back. He lost consciousness. Two witnesses are said to confirm this account. The officers, seeing that he was injured, drove him to hospital in Elbasan, where he was given first aid, and then to the police station, where he spent only a few minutes, without being questioned, or a report being filed, before being released. One of the police officers followed him out of the

station and made him pay a small fine. The following day, the same officer visited him and apologized for ill-treating him.²²

Shpëtim Hasa reportedly met with reluctance on the part of prosecutors of the Elbasan Prosecutor's Office when he tried to file a complaint against the police officers, but he nevertheless obtained an order that he undergo a forensic medical examination. The forensic medical report (no.102 of 18 May 2000) issued by Elbasan hospital, reportedly noted bruises of 14x5, 14x4 and 18x6cm on his torso, injuries on his legs and high blood pressure. It testified that he was unfit for work for nine days. He subsequently filed his complaint with the Tirana District Prosecutor's Office. In September it was reported that the two officers, however, had failed to respond to a summons for questioning by a Tirana prosecutor. After it became known that he had filed a complaint in Tirana Shpëtim Hasa received threatening visits from a police officer.

In January 2001 Colonel Koseni, in a response to Amnesty International, forwarded a letter, dated 22 December 2000, from the Chief of Crime Police in Elbasan and the Chief of the Police Station, in which they stated:

“ The citizen Shpëtim Hasa owns a shop selling car tyres in the new quarter of Elbasan...On several occasions he has taken newspapers from a small boy who sells newspapers without paying for them. The last time this happened the boy informed a police patrol and complained as above. The police patrol went to the shop and told Shpëtim Hasa to pay, but he denied the facts, although he had the newspaper in his shop. The police patrol told Shpëtim Hasa that he would be fined, but he resisted (verbally) the patrol, who told him to accompany them to the station; he again resisted, whereupon, acting within the law, the officers forcibly took him to the station for several hours and fined him. The police did not use violence against this citizen”.

Information received by Amnesty International about the status of this case is contradictory, and it is not clear whether it has been dismissed or is still being investigated.

11 September 2000. Naim Pulahu - case under investigation

On the evening of 11 September 2000 Naim Pulahu (his family name appears in several spellings), and four other men, including his two brothers, were arrested and detained in Elbasan Police Station; according to an official police statement, they were suspected of theft and possessing unlicensed fire-arms.

²² *Koha Jone*, 16 September 2000

Naim Pulahu and his two brothers allege that the next morning they were beaten by five masked police officers in the compound of the police station. They were then taken to an officer of the judicial police for questioning and remanded in custody. Later that day Naim Pulahu was brought to hospital where he underwent surgery to his sexual organs as a result of injuries which he claimed were due to the ill-treatment he had suffered.

On 16 September the Prosecutor General ordered that an investigation be started into this incident, and the same day the Ministry of Public Order sent a team to Elbasan to investigate.

According to a press report, following this incident the deputy Minister of Public Order ordered the suspension of the police officers alleged to have ill-treated Naim Pulahu and stated that Colonel Koseni had received a written reprimand and been summoned to the Ministry of Public Order, where he had apparently admitted that an officer had made “mistakes”.²³

In their letter of 22 December 2000 (see above) the Chief of Crime Police in Elbasan and the Chief of the Police Station also referred to Naim Pulahu:

“His injuries were not caused by police violence or torture because the police did not use violence against him or his brothers. Citizen Naim Pulaha, together with two others, stole some ...very valuable car tyres...He lives in a building with his brothers and when the police approached the house and knocked on the door, two pistols were thrown out of the window, which the police confiscated as material evidence.

The three Pulaha brothers were taken to the station for theft and possessing unlicensed arms, where the necessary investigating procedures were carried out and they were formally arrested...Naim Pulaha at first resisted being taken to the station, claiming he was innocent, and consequently he was forcibly put into the police car, but without using violence. We carried out our duties and there were no violations of the law.

Naim Pulaha was remanded in custody at 12.00 on 12 September and did not complain, but three hours later, at 15.00, he said he was ill, and was consequently visited by the station’s doctor, and then taken to the town hospital. His injuries may have been incurred at work, while committing the theft or he may have damaged himself while being put into the police car, but no violence was used, because the [police officers] who accompanied him knew he had a heart condition”.

In January 2001 the Prosecutor General’s Office informed Amnesty International that on 19 September 2000 the Military Prosecutor’s Office of Korça had started an investigation into

²³ *Koha Jone*, 17 September 2000

this incident (Penal case no.74), and that three police officers were under investigation, two on charges of “Abuse of office”, under Article 70 of the Military Penal Code, and a third on a charge of “Perpetrating arbitrary acts” under Article 250 of the PC. Details of these charges are not known to Amnesty International, other than that the investigation has established that the guard on duty on 11 September 2000 had not taken Naim Pulahu’s two brothers into police cells, but had handcuffed them to fruit trees in the police station compound, and as a result had been charged with “Abuse of office”. The investigation is reportedly still continuing.

Alternative ways of seeking redress for ill-treatment

The following are examples of cases in which people who have been ill-treated have sought redress by other means, - by an internal police investigation, and by informal complaint to a government minister.

On 6 June 2000, **A. Curri**, a chief of a section of the Rapid Intervention Forces (special police forces) stationed in Elbasan was being driven by a local businessman on the road linking Elbasan and Tirana. Noticing that the vehicle in front was that of Colonel Koseni, the driver decided not to overtake him, but after seeing what he took to be a signal to overtake, he went ahead. Shortly afterwards, Colonel Koseni’s vehicle overtook and stopped them. Colonel Koseni approached the driver and allegedly physically assaulted him, whereupon A. Curri got out of the car to intervene and was himself slapped by Colonel Koseni, who then drove off. A. Curri informed the Director of the Rapid Intervention Forces of this incident, as a result of which the Minister of Public Order sent a team to investigate.²⁴ The outcome of this investigation is not known to Amnesty International.

In an unrelated case, **Irakli Koçollari**, a former director of the Albanian intelligence service, the National Information Service (in the first post-communist government) was driving back from Korça to Tirana at the end of February 2000. According to his account, he was driving at a normal speed when his car was overtaken by that of Colonel Koseni, who signalled him to stop.

“I approached him to speak to him and present myself. But he angrily asked me: “Who are you?” “A citizen”, I replied... he yelled at me and punched me in the eye. I told him not to behave like that, that I was old enough to be his father. But this was followed by another punch and kicks...I told him that I was a former cadre of the National Information Service... but after every word I managed to say, he continued to hit me. Finally I told him that my name was Irakli Koçollari...he snarled and again he punched me. Injured and choking, I got back into my car and slumped against the dashboard. Maybe he finally realized what he had done, for he

²⁴ *Gazeta Shqiptare*, 10 June 2000

got back into his car with his entourage and drove off rapidly in the direction of Tirana. At the time a passer-by helped me, and later I was treated in hospital, because he had really beaten me badly. I sought a meeting with Spartak Poçi [Minister of Public Order at the time] who received me well andsaid he would take measures against [Colonel] Koseni. The Prime Minister Meta took the same view. I did not file a formal complaint at the time only because I believed that the incident would be solved by institutional means as I was promised".²⁵

RECOMMENDATIONS

Amnesty International calls on the Albanian Government to ensure that its obligations under international human rights standards are *implemented*, by:

- ensuring that torture and ill-treatment are unequivocally and publicly condemned by officials at all levels, and that officials make it clear that such actions will not be tolerated and that those committing them will be punished according to the law;
- ensuring that prosecutors exercise their legal competence to initiate investigations whenever a person brought before them alleges torture or ill-treatment and whenever there are reasonable grounds to believe that an act of torture or ill-treatment has occurred, even if no formal complaint has been made;
- ensuring that all complaints of torture or ill-treatment by police are investigated promptly, impartially and thoroughly, and that both the methods and the findings of such investigations are made public;
- bringing to justice those responsible for torture or ill-treatment, in procedures that meet international standards of fair trial;
- ensuring that the complainant and witnesses are protected from all forms of ill-treatment and intimidation as a consequence of his/her complaint or any evidence given;
- ensuring compensation for victims of torture and other ill-treatment, or their families;
- ensuring that particular attention is given to the protection and the rights of minors who are detained in police custody, and that expert advice is sought in this field;

²⁵ *Gazeta Shqiptare*, 26 April 2000

- initiating legislation introducing a juvenile justice system and pending its introduction, ensuring that police, prosecutor and judges are given guidelines and training for work with children;
- reinforcing existing training programs for all police officers aiming to ensure that they are given a thorough understanding of national and international human rights standards;
- ensuring that human rights which are guaranteed under constitutional provisions and under international human rights law are enjoyed by all citizens, regardless of their political, religious or other convictions.

Amnesty International further calls on the Albanian authorities to fulfil Albania's international commitments to submit reports to UN treaty monitoring bodies, including to the UN Human Rights Committee on its implementation of the ICCPR, and to the UN Committee against Torture on its implementation of the UN Convention against Torture. Amnesty International urges the Albanian government to cooperate fully with other UN mechanisms monitoring the implementation of international human rights standards, in general, and those relating to torture and ill-treatment, such as the UN Special Rapporteur on torture, in particular; and to allow the publication of CPT reports on Albania.