

ALBANIA

Alleged ill-treatment of detainees by police

BACKGROUND

In May 2001 Amnesty International published a report: *Albania - Torture and ill-treatment - an end to impunity?* (AI Index: EUR 11/001/2001). The report documented the organization's concerns that torture and ill-treatment remained widespread in Albania, and that few police officers responsible for these violations of human rights were brought to justice. In the report Amnesty International examined incidents of ill-treatment, sometimes amounting to torture, by police. The organization has since learned that criminal proceedings in several of these cases have resulted in the conviction of police officers. The outcome of these trials has generally not been reported in the national press, and Amnesty International has not always been able to obtain information from other sources about the sentences imposed. However, the limited information available indicates that (except in cases where ill-treatment resulted in the death of the detainee) courts have imposed non-custodial sentences (fines). In one case a conviction was overturned on appeal.

In the past year there have been further reports of incidents in which police officers in Albania are alleged to have tortured or ill-treated detainees, including the seven cases featured below.

These grave human rights violations have persisted despite steps taken to improve the professional and human rights training of police. Since 1997 various internationally-sponsored police training programs for the Albanian police have included a human rights component, and a number of Albanian non-governmental organizations (NGOs) have also provided human rights training for police.¹ In September 2001 the Ministry of Public Order opened a telephone complaints line. Within the first month the Ministry reportedly received 33 complaints, many of them from Tirana and Elbasan, from people who alleged that they had been subjected to physical ill-treatment or verbal abuse. As a result, eight police officers were reportedly suspended from duty or dismissed for these or other violations. However, the Ministry has not continued to publicize statistics concerning such complaints.

On 9 March 2002 the press reported that the Minister of Public Order had ordered police stations to undertake an analysis of their work, on the basis of which measures would be taken to improve police training. The Minister also reportedly stated that a special group was to undertake an examination of the problem of "police violence" against detainees, which would reveal whether the human rights violations reported by Amnesty International were true.² To Amnesty International's knowledge no further information about either of these initiatives has yet been published.

¹These NGOs include the Albanian Human Rights Centre (AHRC), the Albanian Centre for the Rehabilitation of Torture Victims (ARCT), the Children's Human Rights Centre (CRCA) and the Legal Clinic for Minors.

²*Koha Jone*, 9 March 2002

According to the Albanian Ombudsman's report for 2001, the Ombudsman's Office received 198 complaints against the police, of which 49 were complaints concerning ill-treatment.³ Of these nine were found to be justified, six were still under investigation, 15 were found to be without basis, and 19 were outside the Ombudsman's competence. Ten police officers were punished with disciplinary measures, following recommendations made by the Ombudsman in the nine cases found to be justified. However, the Ombudsman concluded that these measures were lenient (it appears that they were generally disciplinary reprimands), and stated that in future the competent police authorities would be recommended to take more severe measures. The report also contained recommendations for the prevention of torture and other ill-treatment. They included:

- measures to ensure that detainees are granted the rights to notify relatives of their detention, to have access to a lawyer and to a doctor, and to information about their rights;
- the drafting of a code of conduct for interrogations by police;
- instructions to be issued to police to maintain an exact register concerning persons held in police custody, and to respect legal provisions requiring a detainee to be brought before a judge within 48 hours of detention;
- the improvement of conditions of detention in police custody, and the separation of minors from adult detainees;
- improved professional training for police;
- a clear message to be given by the government that the ill-treatment of detainees is unacceptable and will be severely punished;
- judges and procurators (public prosecutors) to order immediately a medical forensic examination if they have reason to believe a detainee has been ill-treated, even if no complaint has been made by the detainee;
- unannounced visits by procurators to police establishments to monitor the work of police during investigation proceedings.

The Ombudsman also called on the Albanian authorities to ensure that Albania fulfilled its duty to report to United Nations bodies charged with monitoring the implementation of human rights treaties to which Albania is party. In this connection, Amnesty International notes that Albania has yet to submit a report to the UN Committee against Torture on its implementation of the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (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 International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child, the International Covenant on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Form of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights, have also not yet been submitted.

³In February 2000 the Albanian Parliament elected the country's first Ombudsman

Delegations from the Council of Europe Committee for the Prevention of Torture (CPT) visited Albania in 1997, 1998, 2000 and 2001; the Albanian government has yet to give authorization for their reports to be made public. However, on 26 July 2001 Albania submitted its First Report about its implementation of the Framework Convention for the Protection of National Minorities.

ALLEGATIONS OF THE ILL-TREATMENT OF DETAINEES BY POLICE

Vlora

At approximately 8pm on 5 March 2002 **Sabaudin Çela**, aged 33, from Vlora in southern Albania, was returning home from work, when the Chief of Crime Police of Vlora police station (Z), and another man, allegedly approached him, and threatening him with a gun, made him stand with his face to a wall while they searched him.⁴ He was then handcuffed, blindfolded, forced into a car, and driven to a private parking lot on the outskirts of the city. A second car followed. At or near the parking lot, Sabaudin Çela was reportedly severely beaten by Z and 6 or 7 other men in civilian clothes until he lost consciousness. When he regained consciousness, Z and his companions began to question him. It appears that they suspected that he had information about a murder. In particular, he was questioned about two men who had earlier been arrested on murder charges but in January 2002 had succeeded in escaping from detention in Vlora police station. One of these men came from the village in which Sabaudin Çela was born. When Sabaudin Çela denied any knowledge of the murder and the whereabouts of the suspects, one of Z's companions allegedly fired a pistol near his head. Z and his companions allegedly also kicked him, hit him with pistol butts and truncheons and burned him with cigarettes. He was then blindfolded again, put in the car and left in the street near his house. Sabaudin Çela was later found lying unconscious by a neighbour, who took him to hospital.

A representative of Amnesty International and the director of a local human rights organization, the Albanian Human Rights Group, visited him in hospital on 7 March 2002 and reported that Sabaudin Çela had severe bruising on his back, head and both legs; he reportedly could not move his left leg, and may have suffered a fracture. He also had marks on his body which appeared to be consistent with his allegations that he had been burned with cigarettes.

While in hospital, Sabaudin Çela gave a television interview concerning the above incident. Immediately after the program was broadcast, on 6 March 2002, Z reportedly went to the hospital and insulted Sabaudin Çela and threatened to "eliminate" him and his family if he brought a complaint against him. Despite these threats, Sabaudin Çela filed a complaint with the Military Procurator in Vlora, and an investigation has been started. On 9 March it was reported

⁴The names of Z and of other police officers referred to in this text by letters or initials are known to Amnesty International

that Z had been arrested and on 12 March he was remanded in custody on charges of “Torture” under Article 86 of the Albanian Penal Code, an offence punishable by five to 10 years’ imprisonment. Vlora Procurator’s Office is reported to have issued arrest warrants for three other men (civilians) on the same charges. Vlora Police Director had earlier, on 7 March, suspended Z from service.

Amnesty International welcomes the prompt launching of an investigation into this incident, and urges that all those responsible for the torture and ill-treatment of Sabaudin Çela be brought to justice, and that he be granted fair and adequate compensation.

This was reportedly the second time that Sabaudin Çela had been ill-treated by police officers when he failed to provide information in connection with the murder case. According to his account, he had earlier, on 12 February 2002, been detained at Vlora police station for questioning. On this occasion he was allegedly held for some 24 hours without charge (in violation of Albanian law which stipulates a maximum period of 10 hours’ detention for persons held for the purpose of checking identity or from whom information is sought). During his detention he was questioned by Z and three other men in civilian clothes who allegedly brutally beat him on the palms of his hands and on his feet before releasing him.

There have been other allegations that police in Vlora have ill-treated detainees. One alleged victim is **Neritan Gjikondi**, aged 21, a young man who was disabled in 1997 when a hand grenade exploded near him in the street, as a result of which he reportedly lost a hand and has a permanently injured leg. He was arrested at his home on 7 January 2002, apparently on charges of theft, and taken to Vlora police station. According to Neritan Gjikondi’s parents, following his arrest he was severely beaten at Vlora police station. He was allegedly not brought before a court until seven days later, when a judge ordered that he be remanded in custody for investigation. Under Albanian law, he should have been brought before a judge within 48 hours of his arrest.⁵

Neritan Gjikondi’s father, Ramazan Gjikondi, filed a complaint with the Military Procurator in Vlora on 12 January 2002, requesting that penal proceedings be started against police officer X on charges of “Abuse of office”, under Article 248 of the Albanian Penal Code, an offence punishable with a fine or up to seven years’ imprisonment. In the complaint, Ramazan Gjikondi wrote as follows:

“... On 7 January 2002 Neritan was at home and we were having a meal when a police officer, under the command of X, arrived. He informed me that he wished to carry out a

⁵Articles 258 and 259 of the Albanian Penal Procedure Code state that a Procurator must within 24 hours of a person’s arrest send a request to a court to review this measure, and the court must decide on this request within 24 hours of receiving it.

search of my home...I asked to see the relevant search warrant, but he did not answer and began to carry out the search against my wishes. When he finished I asked him to give me a copy of the record of the search, but he did not do so. Then he said he would take my son to be checked [at the police station], and after arresting him he pushed him against the wall and then took him away.

The next day, 8 January, since my son had not returned home, I made inquiries [at the police station] and at 11am I saw my son being dragged along by two police officers since he could not stand on his own two feet because he had been ill-treated by them. On 9 January I invited X for coffee; he came and said he would pay for the coffee - which in fact he did - and he then explained to me that my son had been ill-treated, but not by him, and that he was not responsible for the person who had ill-treated him. He said to me they had not finished [with my son], there was still work to do. My son is an invalid and he has been held much longer than...allowed by law, since he has been detained for more than 100 hours in a police cell. As I was unable to contact him I approached the Vlora Procurator's Office on 11 January, asking to be informed about the fate of my son. On 11 January 2002 I also sent a telegram to the Minister of Public Order, the Procurator General and the Director of Police in Vlora. As of this date - 12 January - my son is still detained in the police station and the documents for his detention or arrest in flagrante have not reached the District Procurator's Office. In this situation I am asking for penal proceedings to be started against those responsible."

On 20 January 2002, the press reported that Neritan Gjirkondi's mother had also complained to Vlora Procurator's Office and to the Vlora Director of Police that not only had her son been beaten by police, but that another police officer, Y, had attempted to extort money from her, with a promise that if she paid him a bribe the charges against her son, whom she believed to be innocent, would be dropped.⁶

A local lawyer was reported in the same newspaper article to have commented that police resorted to violence when they lacked the necessary evidence and professionalism to prove charges. The Procurator's Office claimed that an investigation into the allegations made by Neritan Gjirkondi's parents would be started. However, by February 2002 criminal proceedings had apparently not yet been initiated against any police officer. The Albanian Ombudsman was said to have been informed of this incident. In early March 2002 Neritan Gjirkondi was reportedly being held in a severely overcrowded police cell in Vlora. (According to press reports, building works have since been carried out to increase capacity and improve conditions for detainees held in pre-trial detention in Vlora.)

Lezha

⁶Koha Jone, 20 January 2002

On the evening of 5 April 2002 three brothers, **Dedë, Zef and Gjakë Përgjini** were arrested by police in the town of Lezha (north of Tirana) and reportedly severely ill-treated at the local police station. According to their account, they were arrested in reprisal for an incident involving some relatives of theirs earlier that day. The following is an account of this incident, and the subsequent arrests of the Përgjini brothers, as related in an Albanian press report, based on an investigation carried out by commissioners of the Ombudsman's Office.⁷

At about 6pm on 5 April 2002 police officer LL, who was on duty outside a hotel for tourists in the town of Lezha, wanted cars parked there to be moved away as they were blocking the town's promenade. He saw two cars parked nearby and beside them three men. When he asked the men if the cars belonged to them, one of the men, NZ, began to insult him and to grab at his clothes. LL stepped back and pulled out his pistol. One of the two other men, Dukë Përgjini, at this point intervened and said: "Stop, or someone will get killed" and took the pistol away from LL. Meanwhile a relative, Petrit Përgjini, came out of a nearby barbershop, and said to LL: "Leave this to me, I'll deal with it". The pistol was then returned to the police officer, and Petrit Përgjini drove off. Several police officers, thinking that NZ was in the car, followed in pursuit, but apparently did not succeed in apprehending NZ, Petrit Përgjini or the other men.

Later that evening, at about 10pm, police officers carried out a search at a bar and found a pistol belonging to Zef Përgjini, a relative of Petrit Përgjini. They took Zef Përgjini to Lezha police station and detained him. Shortly before 11pm another brother, Dedë Përgjini, went to the police station to make inquiries about his brother. Instead of receiving an answer to his queries, he was himself detained by police, reportedly beaten and subsequently accused of having resisted a public official (police officer). At about 11.30pm a third brother, Gjakë Përgjini, was arrested at his place of work and also held at the police station, apparently on the same charge. Gjakë Përgjini was subsequently released.⁸

Further details about these incidents were provided by a report issued on 21 April 2002 by the Democratic Party's Forum For Human Rights against Police Violence.⁹ The President of the Forum visited Lezha and met Gjakë Përgjini, as well as his two brothers who were still detained in the police station. Dedë Përgjini confirmed that he was detained after going to the police station, on his own initiative, to enquire about his brother. He alleged he had been beaten at the station by officers of the Rapid Intervention Force, most of whom were unrecognizable

⁷*Koha Jone*, 4 May 2002

⁸The exact date of his release is not known to Amnesty International, but he had been released by 21 April 2002

⁹The Democratic Party is the main opposition party.

because they had pulled stockings over their heads. However, he claimed to have recognized one officer, SM. Dedë Përgjini was reportedly still bruised and complained of broken ribs. He alleged that he was being held at the police station until the marks of his injuries had disappeared. Dedë Përgjini has filed a complaint with the Procurator of Lezha concerning his ill-treatment at the police station.

Zef Përgjini reportedly stated that he was arrested by masked police and then taken to the second floor of the police station where he was allegedly severely beaten by police officers. As a result of this beating, one of his legs was injured. The brothers declared that they had been arrested and held “as hostages” as a reprisal, after police had failed to arrest their relatives earlier that day. The three brothers further alleged that their arrest and ill-treatment was partly politically motivated - that they had been targeted as Democratic Party activists.

In his report, the President of the Forum also described the very poor conditions of detention in Lezha police station, where at the time of his visit 67 detainees were reportedly held in 12 cells intended to hold 24 persons. The recently appointed Director of Police of Lezha Prefecture had informed him that he had requested funds to build additional capacity for holding detainees.

The commissioners of the Ombudsman’s Office who also investigated these complaints reportedly concluded that all three brothers had been ill-treated at Lezha police station. They noted that the brothers had requested to be examined by a doctor. Although a local procurator on 12 April 2002 signed an order for Dedë Përgjini to be examined by a medical forensic expert, he failed to specify where this examination should take place; by 24 April Dedë Përgjini had still not been examined. On 25 April 2002, an orthopaedic doctor (not a medical forensic expert) came to the police station to examine Dedë and Gjokë Përgjini.

The commissioners also scrutinized the police station’s records for 5 April 2002 and found that Dedë Përgjini’s detention had been incorrectly recorded by the station’s Chief of Crime Police as having occurred on 6 April. The commissioners additionally examined a report drawn up by five police officers which provided the basis for Dedë Përgjini’s detention and his subsequent remand in custody by a court. They found that the report conflicted not only with Dedë Përgjini’s account, but also with the statements of other police officers; they concluded that the report was false. The commissioners further criticized the local procurator for failing to order the immediate release of Dedë and Gjokë Përgjini and for the fact that the judicial decision remanding the three brothers in custody was not issued in court but at the police station, in violation of the law.

Following this investigation, the Ombudsman recommended that penal proceedings be started against six police officers, including the Chief of the Crime Police of Lezha police station, and against the local procurator. It was also recommended that investigation proceedings be carried out by a procurator from a different district.

Rrëshen (Mirdita district)

In March 2002 a representative of Amnesty International interviewed five men in the town of Rrëshen, some 40 kilometres from Lezha, who alleged that they had been beaten by police working at Rrëshen police station. Some of these allegations had already been published in the press.¹⁰ During the interviews, a police van repeatedly drove past the café where they were taking place, which the interviewees interpreted as a tactic to intimidate them. Two police officers, T and L, were mentioned by several of the men interviewed.

Mark Preng Ndoja alleged that he was beaten by T and L on 5 June 2001. According to his account, on 4 June 2001 a police officer called at his home to ask him to report the following day to an arbitration bureau dealing with land conflicts, as he had a land dispute with a relative. At the time Mark Ndoja was out, and his son took the (oral) message, but forgot to inform his father. The next day Mark Ndoja met T and L on the street, who asked him why he had failed to present himself as requested. Mark Ndoja alleged that the police officers assaulted him in the street, then pushed him into a police van, where they continued to punch him. He was detained at the police station in Rrëshen for some three hours where he was allegedly subjected to further ill-treatment. On 11 June 2001 Mark Preng Ndoja complained to the Ombudsman about his ill-treatment, and two commissioners from the Ombudsman's Office subsequently investigated his complaint. While the investigation did not fully confirm Mark Preng Ndoja's account of the background to his arrest, it confirmed that on the date in question he had indeed been detained in the street and taken to the police station. Lack of testimony by a witness or other supporting evidence meant that it was not possible to establish whether Mark Preng Ndoja had been beaten by police. The commissioners, however, presented his complaint to the Chief of Rrëshen Police Station, with a request that he examine it and that police officers under his command be more stringently required to respect human rights.

The same two officers are alleged to have ill-treated another man, **Gjet Mark Gjoka**, aged 39. According to his account, on 9 February 2002 he went to Rrëshen police station to make a complaint against a neighbour, about whom he had also previously complained. However, at the police station he was allegedly ill-treated by L and T. In particular, T allegedly punched him and struck him with a radio. Gjet Gjoka claimed that he then took his complaint to the local public prosecutor, who ordered the arrest of the neighbour, but did not take any action against the police officers. Gjet Gjoka also alleged that the two officers subsequently threatened him with further violence.

¹⁰*Koha Jone*, 26 February 2002

A third man, **Prend Kolë Keli**, alleged that he was detained for some hours at Rrëshen police station and beaten by T and another officer on 24 February 2002.¹¹

Tirana

There has also been another report of an incident in which a police officer is alleged to have ill-treated a disabled person - **Ali Plaka**, a member of the Albanian Association of Paraplegics. The incident took place in the country's capital, Tirana, in April 2002. Earlier, in February 2002, members of the Association went on hunger-strike in protest at the government's alleged failure to give consideration to their repeated requests that their status as invalids be fully recognized and implemented. They also made other related demands. After five days they met with an official of the Ministry of Labour and Social Affairs, who undertook to satisfy their requests, and they ended their hunger-strike. However, when some two months later their demands had still not been met, they threatened a further hunger-strike and were then invited to a meeting at the Ministry.

Accordingly, on the morning of 18 April 2002 several members of the Association went to the Ministry of Labour and Social Affairs to discuss their demands with the Minister. At the Ministry, the receptionist informed them that an official would come out to discuss the matter with them and asked them to wait in the courtyard. Shortly afterwards, B.H., the Minister's bodyguard, who is a police officer and a member of the Guard of the Republic of Albania (a force entrusted with the protection of government officials and property), allegedly approached them and began to swear at them and insult them, and then slapped and kicked Ali Plaka. Ali Plaka sent a complaint about this incident the same day to the Albanian authorities and to the Ombudsman. Members of the Association subsequently went on hunger-strike, which lasted 10 days, and which they interrupted only after their complaint was investigated by the Ombudsman.

On 4 May 2002 it was reported that the Ombudsman, following investigation, had requested Tirana Procurator's Office to start investigation proceedings against officer B.H. on charges of "Arbitrary acts" under Article 250 of the Albanian Penal Code, a criminal offence punishable with a fine or up to seven years' imprisonment.¹²

¹¹The overcrowded conditions in detention cells in Rrëshen police station have on several occasions been criticized. Most recently, on 10 May 2002 the Albanian Human Rights Group (AHRG) wrote an open letter to the authorities in connection with a hunger-strike there by convicted prisoners detained in violation of the law, which requires convicted prisoners to serve their sentences in prisons. In its letter AHRG stated that 32 pre-trial detainees and convicted prisoners were being held at Rrëshen police station in six cells with a capacity for 18 people.

¹²*Koha Jone*, 4 May 2002

An earlier incident, which also took place in Tirana and was investigated by the Ombudsman's Office, concerned two young men **Sokol Çullhaj**, aged 19, and **Erando Sallaku**, aged 18. They complained that on 24 November 2001 a (named) police officer arrested them and took them to Tirana Police Station no.1, where they were held overnight. During their detention the officer reportedly punched them and beat them with a truncheon in order to force them to confess to having committed a theft from a shop in their neighbourhood. They were released the next morning. However, they were again detained in police custody on the evening of 30 November, during which the same police officer allegedly again beat and kicked them. They were released the following day. On 3 December Erando Sallaku was examined by a forensic medical expert who found bruising on both of Sallaku's hands, which he concluded had been caused by beating with a hard instrument. Following investigation the Ombudsman's Office concluded that these allegations were founded, and recommended that the police officer be suspended from duty and that penal proceedings be started against him on charges of "Abuse of office".

Korça district

According to press reports, on Sunday 12 May 2002 Ymet Xhuti, aged 47, from the village of Zvezdë in Korça district (south-eastern Albania), drove with several friends to the nearby lake of Prespa, where they spent some hours. In the afternoon, they were driving home when they were stopped by N.A., a police officer attached to Korça police station, who reportedly bears some private family grudge against Ymet Xhuti. He ordered Ymet Xhuti and his friends to get out of their car and then began to swear at Ymet Xhuti. He next pulled out his pistol and fired two shots in the air in the direction of Ymet Xhuti. At this point, one of Ymet Xhuti's friends caught hold of the officer's arm to prevent him firing again, whereupon N.A. summoned by mobile phone two or more men (civilians), who shortly afterwards arrived on the scene. N.A. and his companions then proceeded to assault Ymet Xhuti, in the presence of the latter's friends. When Ymet Xhuti fell to the ground unconscious, N.A. and his companions left the scene, and Ymet Xhuti's friends drove him to Korça hospital where he was admitted, severely injured, to the intensive care unit.

Ymet Xhuti reportedly sustained injuries to his head and to an ear, and bears severe bruises on his face and various parts of his body. It appears he may also have suffered a leg fracture. The hospital informed Korça police of this incident and Ymet Xhuti has been examined by a forensic medical expert. N.A. (who it appears had previously on several occasions physically or psychologically ill-treated Ymet Xhuti), has been arrested and suspended from service. Criminal proceedings have been started against him, and arrest warrants issued for two of his companions.¹³

¹³The information on this case is based on articles in *Shekulli* and *Koha Jone*, 14 May 2002

As in the case of Sabaudin Çela described on page 3, in this case too Amnesty International welcomes the promptness with which criminal proceedings have been started, calls for a thorough and impartial investigation, and urges that all those responsible for the ill-treatment and injury of Ymet Xhuti to be brought to justice, and that he be granted fair and adequate compensation.

Amnesty International's concerns:

The cases described above raise the following concerns:

Allegations of torture and ill-treatment

Amnesty International is concerned about allegations that the above men, including two disabled men, were tortured or otherwise ill-treated by police officers. Torture and ill-treatment are prohibited under international treaties ratified by Albania, which include the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Torture and ill-treatment are also prohibited under Article 25 of the Albanian Constitution and Article 86 of the Albanian Penal Code.

Amnesty International calls for these allegations to be promptly, thoroughly and impartially investigated, and for any police office reasonably suspected of having committed acts of torture or ill-treatment to be brought to justice and victims of torture or ill-treatment to be granted fair and adequate compensation.

Illegal detention in police custody

Amnesty International is concerned about allegations that Neritan Gjickondi was not brought promptly before a judge following his arrest, but was detained in police custody for at least five days longer than is allowed by Albanian law. Article 9 (1) of the ICCPR, ratified by Albania in 1991, states: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law." Further, Article 9 (3) stipulates: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge... and shall be entitled to trial within a reasonable time or to release..".

Denial of access to relatives and to medical treatment or medical forensic examination

Amnesty International is concerned that Neritan Gjickondi's father was reportedly denied access to his son when he attempted to visit him at Vlora police station following his arrest. Rule 92 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) states: "An untried prisoner shall be allowed to inform immediately his family of his

detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution”.

The organization is also concerned that Zef and Dedë Përgjini were allegedly denied access to a doctor for some three weeks following their arrest, and that Dedë Përgjini was reportedly not examined by a forensic medical specialist, although such an examination had been ordered by an authorized official. Under Principle 25 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: “A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.”

Amnesty International is further concerned that it appears not to be routine practice for a detainee to be informed by police of his or her rights immediately following detention. Principle 13 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: “Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information on and an explanation of his rights and how to avail himself of such rights.”

Conditions of detention

Amnesty International is concerned that the severely overcrowded conditions of detention in Lezha police station may amount to inhuman and degrading treatment. The overcrowded, harsh and unhygienic conditions in which detainees are frequently reported to be held in police stations in Albania is partly due to the fact that convicted prisoners are often held in police cells because of a lack of prison accommodation. Since the beginning of 2002 new prisons have been opened in Kruja and Rrogozhina, and it is to be hoped that this will result in an improvement of the conditions of detention for both convicted prisoners and detainees in police custody. Rules 10 to 26 of the Standard Minimum Rules set down international standards for conditions of detention. In particular, Rule 10 states: “All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”

Recommendations

Amnesty International calls on the Albanian authorities to take the following measures, in line with national and international law:

- to conduct a prompt, thorough and impartial investigation into the above allegations and to bring any police officers reasonably suspected of torture or other ill-treatment to justice;
- to ensure that complainants and witnesses are protected from all forms of ill-treatment and intimidation as a consequence of their complaints or any evidence given;
- to ensure fair and adequate compensation for all victims of torture and other ill-treatment;
- to ensure that police are informed of, and required to adhere to, Articles 258 and 259 of the Albanian Penal Procedure Code under which a detainee must be brought before a judge within 48 hours of arrest;
- to reinforce existing training programs to ensure that police officers acquire: a) a thorough understanding of national and international human rights standards; b) the professional expertise to combat and investigate crime without violating human rights;
- to ensure that detainees are immediately informed of their rights following arrest, and that they are promptly granted access to lawyers, to relatives, and if they so wish, to a doctor. If the detainee alleges torture or ill-treatment he or she should be promptly examined by a medical forensic expert;
- to continue to take steps to improve conditions of detention in prisons and police stations, including those in Lezha, in line with international standards.

Amnesty International further calls on the Albanian authorities to implement both the general recommendations of the Albanian Ombudsman as set out in the Ombudsman's report to Parliament in March 2002, and specific recommendations relating to complaints investigated by the Ombudsman.

Lastly Amnesty urges the Albania authorities to allow the publication of CPT reports on Albania, and 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.