

ALBANIA

REPUBLIC OF ALBANIA

Head of state: Alfred Moisiu (replaced Rexhep Meidani in June)

Head of government: Fatos Nano (replaced Ilir Meta in July)

Death penalty: abolitionist for ordinary crimes

International Criminal Court: signed

Detainees, including children, continued to be frequently ill-treated and sometimes tortured during arrest and in police custody, usually to force confessions. Judicial proceedings against police officers accused of ill-treatment were rare. There were instances of illegal detention, and instances where relatives, a lawyer or doctor were denied access to a detainee following arrest. Conditions of detention were often poor, and in some cases, because of severe overcrowding, lack of hygiene and fresh air, amounted to cruel, inhuman and degrading treatment. The authorities took measures to suppress the trafficking of women and girls for sexual exploitation, and the sale of children to criminal gangs, but the conviction rate was low.

Torture and ill-treatment

The ill-treatment of detainees during arrest and in police custody was common. In some cases the ill-treatment was so severe as to amount to torture. In March the Minister of Public Order reportedly stated that a special group would examine the problem of "police violence" against detainees, but no more information emerged. In October and November, monitors from the non-governmental Children's Human Rights Centre of Albania visited a number of police stations and found that police routinely ill-treated, and at times tortured, children to extract confessions.

By the end of 2002 Albania had still not submitted reports, due in 1995 and 1999, to the UN Committee against Torture.

☞ On 5 March Sabaudin Çela from Vlora in southern Albania was returning from work when the chief of crime police of Vlora police station and two other men allegedly forced him into a car at gunpoint. He later stated that they drove him to the outskirts of the city where he was beaten until he lost consciousness. It appears that they believed he had information about a murder case. After he regained consciousness, they questioned him. When he told them that he knew nothing, they allegedly hit him with pistol butts and truncheons and burned him with cigarettes. An AI representative visited him in hospital two days later and found that he had severe bruising on his back, head and legs. The chief of crime police was suspended from service and placed under house arrest. At the end of September he was indicted on a charge of "arbitrary acts" and two civilians were charged *in absentia* with having assaulted and injured Sabaudin Çela.

☞ On 20 October Ardian Muja was arrested on suspicion of placing explosives in the car of the chief of police in Shkodra.

Two days later he filed a complaint alleging that he had been beaten and severely injured by police officers at Shkodra police station to force him to confess. Although he was taken by police to hospital for treatment, his request for examination by a forensic medical expert had reportedly not been granted by 28 October.

Investigation of alleged police ill-treatment

Judicial proceedings against police officers accused of ill-treatment were rare. The limited information available indicated that in the few cases in which officers were convicted, they almost always received non-custodial sentences (fines or suspended prison sentences).

☞ A police officer was tried by a court in Saranda for allegedly torturing an 11-year-old boy whom he wrongly suspected of theft in June 2000. The local prosecutor had previously dismissed the case, but as a result of the repeated intervention of the Ombudsman investigation proceedings were reopened. In July the officer was found guilty of "abuse of office" for detaining the boy beyond the legal time limit and for interrogating him without the presence of a lawyer or guardian. The court found that he had not ill-treated the boy and imposed a suspended sentence of 18 months' imprisonment. The officer was dismissed from the police force following the allegations made against him, but was subsequently given the post of Chief of Municipal Police in Saranda.

Illegal detention and denial of access

There were instances of illegal detention, and instances where detainees were denied access to relatives or a doctor. It appeared to be routine practice for police not to inform detainees of their rights.

☞ On 7 January police in Vlora arrested and allegedly ill-treated Neritan Gjirkondi, a 21-year-old disabled man. He was not brought before a court until seven days later, when a judge remanded him in custody. Under Albanian law he should have been brought before a judge within 48 hours of arrest. Neritan Gjirkondi's father was allegedly denied access to his son when he attempted to visit him at Vlora police station after his arrest.

☞ Two brothers, Zef and Dedë Përgjini, were arrested in Lezha on 5 April and ill-treated and injured by police. They were denied access to a doctor for about three weeks; a prosecutor's order for Dedë Përgjini to be examined by a forensic medical specialist was reportedly ignored. An investigation by the Ombudsman concluded that the two men and another brother, Gjokë, had been ill-treated, and recorded other breaches of the law. The Ombudsman recommended that penal proceedings be started against six police officers and the local prosecutor.

☞ On 6 February police arrested Ilir Hajrullai, aged 22, in Ferras, without an arrest warrant. He was not informed of any charges against him and neither he nor his family were told where he was being taken. On 7 February he reportedly learned that he had been charged with "collaboration with a terrorist organization". Several days later he was remanded in custody by a court. He was allegedly not permitted to choose a

lawyer, but had a court-appointed lawyer, who did not know his case and apparently did not challenge his detention. At the end of April, following publicity about his case, he was released without charge. It appears that the authorities suspected that he might be associated with *al-Qa'ida*. Ilir Hajrullai had been studying at an Islamic college in Kuwait, where his sister was married to a Kuwaiti citizen. They both had been previously detained for three weeks for questioning about her Kuwaiti husband.

Conditions of detention

Conditions of detention were often harsh, and in some cases, because of overcrowding and lack of hygiene, amounted to cruel, inhuman and degrading treatment. In February, 16 prisoners detained in Vaqarr prison reportedly threatened a hunger-strike in protest at the lack of water in their cells. In March there were 204 prisoners in this prison, which has a capacity for 130.

Conditions in police cells were generally held to be even worse than in prisons. Minors were often not detained separately from adults. In May, 10 convicted prisoners went on protest hunger strike in Rrëshen police station in Mirdita district. The Albanian Human Rights Group, a local non-governmental organization, reported that 32 detainees were held there in six cells intended for two, or at most three, detainees. In early October there were over 100 detainees held in Vlora police station in cells with a capacity of 40 to 50. Detainees had no beds or mattresses; cells had minimal light and ventilation; there was no running water and drains were blocked. Detainees, among them six convicted prisoners, were denied reading and writing materials, and access to radio or television. Their only permitted recreation was smoking cigarettes.

Trafficking of women and children

The authorities took measures to suppress the trafficking of women and girls for sexual exploitation, and of children who were forced to beg for criminal gangs. However, the conviction rate in such cases was very low.

AI country reports/visits

Report

- Albania: Alleged ill-treatment of detainees (AI Index: EUR/11/006/2002)

Visits

AI representatives visited Albania in March and September to conduct research.

