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Amnesty International

Albania

Covering events from January - December 2004

There were complaints that detainees were ill-treated immediately on arrest or in police custody and, more rarely, in prison. Investigations into some complaints were started, but tended to be delayed and inconclusive. Detention conditions, particularly for remand prisoners held in police stations, remained harsh, although steps were taken to reduce overcrowding. Domestic violence was common. The trafficking of women and children for forced prostitution and cheap labour continued, although arrests and prosecutions for trafficking markedly increased.

Background

Poverty, unemployment, widespread corruption and official indifference undermined efforts to promote the rule of law. In November the UN Human Rights Committee called on Albania to eradicate ill-treatment by law enforcement officials; to ensure that perpetrators "are punished in a manner proportionate to the seriousness of the crimes committed; and to grant effective remedies including compensation to the victims". The Committee also urged Albania to reinforce remedies against trafficking, domestic violence and the abuse and exploitation of children. The Committee further called for guarantees for the independence of the judiciary, and for protection of minority rights.

Torture and ill-treatment

Police officers were alleged to have tortured or ill-treated detainees during arrest and in police custody. Such practices were facilitated by violations of legal procedures, in particular the denial of the detainee's right of access to a lawyer from the moment of arrest.

- On 29 July, Klajdi Yzeiri and two relatives were detained overnight in police custody in Vlora. The three men were refused access to a lawyer and Klajdi Yzeiri was severely beaten by one or more police officers. On release he underwent a medical forensic examination which confirmed that he had severe bruising behind both ears, and on his neck and shoulders.

Complaints of ill-treatment by remand and convicted prisoners were less frequent, but in September a group of prisoners held in Prison 302 in Tirana complained of ill-treatment by prison guards, and there were similar complaints by remand prisoners held in Laç, Kukës and Fier police stations.

There were also several incidents in which police appeared to have used excessive force during operations to capture criminal suspects.

- Gentian Pollo, a schoolteacher, alleged that police beat and kicked him while driving him, handcuffed, to Gjirokastër police station, and again at the police station. He was among a number of people who were injured and required hospital treatment after masked police units entered two bars in the village of Lazarat to arrest a convicted criminal in October.

Impunity

Prosecutors did not always investigate complaints of ill-treatment or did so only after delay. Even when an



Albania

REPUBLIC OF ALBANIA

Head of state: Alfred Moisiu

Head of government: Fatos Nano

Death penalty: abolitionist for ordinary crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Further information

[Albania: Inhuman and degrading detention conditions in police stations – steps towards reform](#)
(AI Index: EUR 11/001/2004)

[Albania: What happened to Remzi Hoxha?](#)
(AI Index: EUR 11/004/2004)

[Albania: Disability and the right to marry](#)
(AI Index: EUR 11/005/2004)

[All AI documents on Albania](#)

investigation was formally opened, it was often inconclusive. Prosecutors were reluctant to apply articles of the Criminal Code dealing with torture and “any other degrading or inhuman treatment”, preferring to invoke lesser charges, such as “arbitrary acts”.

- On 13 May Beqir Kaba was arrested and held overnight in Peshkopi police station after he was wrongly accused of theft. He alleged that police officers beat his back, legs and hands with rubber truncheons, twisted and pulled his beard and his ears with pliers, and threatened to kill him. He was released the following day. A forensic medical examination later confirmed injuries inflicted by a “heavy instrument”. Two police officers were reportedly later referred for investigation on a charge of “arbitrary acts”.
- In July Eriguert Ceka, aged 17, a remand prisoner in Rrëshen police station, suffered an injury to his head; three days later he died in Tirana military hospital. Shortly after, two police officers were arrested in connection with his death on charges of “arbitrary acts”, “abuse of duty” and infringing the rules of service. In separate trials in November and December the officers were convicted of contravening service rules and sentenced to seven months’ and eight months’ imprisonment respectively. The court failed to establish how Eriguert Ceka came to be injured.
- In May, two former state security officers were released. They had been arrested in 2003 in connection with the “disappearance” in 1995 of Remzi Hoxha, an Albanian from Macedonia then living in Tirana, and the torture of two other men. Investigation proceedings found that they had committed the offences of “abuse of office” and torture, but these offences were covered by a 1997 amnesty law. The prosecution did not find evidence to support charges of murder or “torture with serious consequences” – crimes not covered by the amnesty. The fate of Remzi Hoxha remained unknown at the end of 2004.

Conditions of detention

In July all prisoners convicted in final instance held in police stations were transferred to prisons to serve their sentences. This temporarily reduced the severe overcrowding in police stations, although it increased overcrowding in prisons. In other respects the conditions of detention in police stations, with very poor sanitation and diet, and no heating or access to television, radio or reading materials, remained largely unchanged and often could be considered as inhuman and degrading. A European Union-assisted prison reform plan for the construction of new remand and prison facilities was announced in September.

Trafficking

Poverty, lack of education, family breakdown and crime networks at home and abroad contributed to the continuing trafficking of women and children for sexual exploitation and cheap labour. In March a law on witness protection was adopted, although lack of supporting legislation and funding meant it could not be implemented. Most victims of trafficking did not report their traffickers for fear of reprisal.

- In February a woman who claimed that she had been trafficked for forced prostitution at the age of 14 withdrew her previous testimony after being confronted with the defendant at his trial by Shkodër district court. He had reportedly earlier openly threatened her. She was immediately arrested in court and charged with perjury.

Nonetheless, prosecutions for the trafficking of women and children for forced prostitution, cheap labour or use as beggars, doubled by comparison with the previous year, and heavy sentences were imposed. Official zeal to obtain convictions may sometimes have resulted in police and courts using or condoning coercion or other illegal means to obtain evidence of trafficking.

- In March Gjergj Bedulla was convicted by Korça district court of trafficking three children to Greece for cheap labour. However, before testifying in court, the children had reportedly been illegally detained by police for five days or longer and questioned without the presence of a lawyer or a guardian. The children subsequently withdrew their testimony, alleging they had given it under police coercion. In June the case was sent back for retrial on appeal.

Violence against women

Independent studies concluded that domestic violence was common. The law did not adequately protect victims, for whom there were limited support services provided by non-governmental organizations. The Criminal Code did not specifically criminalize domestic violence. Under the Family Code, adopted in 2003, a spouse who has been subjected to domestic violence may ask a court to ban the perpetrator from the home, but this measure could not be applied by courts for lack of supporting legislation. In October an initiative was launched by 10 Albanian non-governmental organizations to draft legislation against domestic violence.

AI country visits

In June, AI representatives visited Albania to conduct research.

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