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## **Albania: The Albanian State Police (ASP), including its structure and locations; police corruption; police misconduct; procedures to submit a complaint against police and responsiveness to complaints (2011-2015)**

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### **1. Police Structure**

Albania's 2007 Law on State Police (Law No. 9749, Date 04.06.2007, On State Police) indicates that the ASP is an institution under the jurisdiction of the Ministry of Interior (Albania 2007, Art. 6). According to Article 12 of the law, the police are organized centrally and locally; the General Directorate oversees the central level, while the Regional and the Regional Border and Migration directorates administer functions at the local level (*ibid.*, Art. 12, 13). The General Director of the Police, who is appointed by the Council of Ministers at the recommendation of the Minister of Interior, is in charge of the General Police Directorate (*ibid.*, Art. 13, 20). According to the government of Albania, in a document published on the Interpol website, the General Directorate of the ASP comprises the following departments: the Criminal Investigation Department, the Public Security Department, the Border and Migration Department, the Support Services Department, and the Police Training Department (*ibid.* n.d.b).

Regional Police Directorates, which are composed of Commissariats, carry out the directions of the General Director, coordinate training and personnel matters, and supervise the Commissariats and police stations within their region (Albania 2007, Art. 14, 15). Sources report that there are 12 Regional Police Directorates in Albania (*ibid.* n.d.b; OSCE 21 Aug. 2015). According to the government of Albania, there are 43 Commissariats within the ASP; each Regional Directorate comprises between 3 and 6 Commissariats (Albania n.d.b). Sources indicate that the number of Regional Border and Migration Directorates in the country is between 7 (OSCE 21 Aug. 2015)

and 8 (Albania n.d.b). For more information on the structure of the ASP, see Response to Information Request ALB103820.

In correspondence with the Research Directorate, a representative from the Organization for Security and Co-operation in Europe (OSCE)'s Presence in Albania stated, without providing further detail, that "the Albanian State Police is under restructuring, following the adoption of the new Law on State Police on 31 July 2014" (OSCE 21 Aug. 2015). According to the European Commission's Albania Progress Report for 2014, the Albanian Law on State Police was amended in September 2014 "to provide for the creation of a National Bureau of Investigation, tasked with investigating corruption-related offences" (EU Oct. 2014, 43). A copy of the amended Albanian Law on State Police could not be found by the Research Directorate within the time constraints of this Response.

## 2. Police Locations

Article 13 of the 2007 Albanian Law on State Police indicates that the General Directorate of the Albanian State Police is located in the capital city of Tirana (Albania 2007, Art. 13). The government of Albania indicates that the locations of each of the 12 Regional Police Directorates and their respective Commissariats are as follows:

Berat District: Berat, Kuçovë, Skrapar

Diber District: Dibër, Mat, Bulqizë

Durres District: Durrës, Shijak, Krujë

Elbasan District: Elbasan, Librazhd, Gramsh, Peqin

Fier District: Fier, Lushnjë, Mallakastër

Gjirokaster District: Gjirokastër, Permet, Tepelenë

Korçe District: Korçë, Pogradec, Ersekë, Devoll

Kukes District: Kukes, Tropoje, Has

Lezhe District: Lezhë, Mirditë, Kurbin

Shkoder District: Shkodër, Pukë, M.Madhe

Tirane District: Nr.1, Nr. 2, Nr. 3, Nr. 4, Nr. 5, Nr. 6, Road Police, Kavajë

Vlore District: Vlorë, Sarandë, Delvinë. (ibid. n.d.b)

## 3. Police Corruption and Misconduct

### 3.1 Police Corruption

Sources state that corruption persists within the ASP (IDM 7 Jan. 2015, 174; US 25 June 2015, 7). Sources report that low salaries for police officers remains a factor influencing corruption in police practices (PECOB 2013; US 8 May 2015, 4), despite the government having increased the ASP's pay rate (ibid., 3). The US Department of State's Country Reports on Human Rights Practices for 2014 states that, in addition to low pay, "poor motivation and leadership," as well as a "lack of diversity in the workforce" exacerbate the issue of police corruption (ibid. 25 June 2015, 6-7). The same source states that there are "widespread reports that police sometimes accepted

bribes in return for not issuing citations or not entering personal information into crime databases" (ibid., 19). According to a survey conducted by the Institute for Democracy and Mediation (IDM), an Albanian NGO that works to promote democracy and sustainable development (IDM n.d.), in which 1,100 Albanian nationally-selected respondents over the age of 18 were interviewed, 32 percent of respondents indicated that they had been asked by police to pay a bribe, and 31 percent of respondents indicated that they had paid a bribe to a police officer (ibid. 7 Jan. 2015, 15, 174).

### 3.2 Police Misconduct

According to Freedom House, "[p]olice reportedly engage in abuse of suspects during arrest and interrogation" (2015). In a report published in 2014 on the situation of detained people in Albania, the Albanian Helsinki Committee (AHC), a human rights organization that conducts monitoring on police institutions in Albania, similarly notes that individuals arrested or detained by police have been exposed to psychological and physical violence and that the AHC "is aware of cases of alleged mistreatment and torture" by police (AHC Dec. 2015, 5, 19). After conducting prison visits across Albania from May to December 2014, the AHC noted that the police stations of Berat, Vlora, Saranda, Tropoja, as well as police stations no.1 and no.3 of Tirana were the "most problematic" in terms of problems of alleged violence against respondents during police interrogation (ibid., 19). Country Reports 2014 further reports that there were "occasional instances when police detained persons for questioning for inordinate lengths of time without formally arresting them" (US 25 June 2015, 8). According to the 2015 survey carried out by IDM about police corruption in Albania, 18 percent of public citizen respondents stated that, in their view, police use excessive force "very often" (IDM 7 Jan. 2015, 83, 152).

Further information on police misconduct could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3.3 Government Initiatives

According to a report by IDM that included the above-mentioned survey, a national anti-corruption strategy was adopted by the Albanian Council of Ministers in 2008 "as a multi-year (2008-2013) political instrument with the aim of addressing the problem of corruption at political and sectoral level[s]" (ibid., 55). The same source indicates that this strategy was followed by a national plan (National Plan for Implementation of the Stabilization-Association Agreement (SAA) 2009-2014) which allowed for the establishment of the Internal Control Service (ICS) and the Inspection Department within the ASP, which aim to eliminate corruption within the police force (ibid., 59-60).

The US Department of State's Overseas Security Advisory Council (OSAC)'s Albania 2015 Crime and Safety Report states that "[t]he government is making a concerted effort to improve the country's law enforcement and security infrastructure and reduce corruption" and in 2014, "Albania increased both the numbers and pay" of the ASP (US 8 May 2015, 3). A 2014 report on corruption in Albania by the European Commission similarly notes that the ASP started recruiting new employees in March 2014 and, despite a "difficult budgetary situation," police salaries increased by 10 percent in 2014 (EU 4 June 2014, 6).

The Albania 2015 Crime and Safety Report indicates that law enforcement capabilities "continue to improve," notably in the areas of counter-narcotics and organized crime training, and the police have a "visible presence" throughout Tirana and other large cities (US 8 May 2015, 4). According to Freedom House, the Albanian government has "replaced a number of prison officials and police commanders, and disbanded several police units, to combat corruption and rising crime rates" (2015). Balkan Insight, a news website covering the Western Balkans region that is published by the Balkan Investigative Reporting Network (BIRN), a regional charitable

organization (Balkan Insight n.d.), similarly indicates that in 2013, the top officers in Albania's 12 administrative regions were replaced, including the head of the General Directorate of the ASP, while several units, such as the traffic police, were "completely disbanded as part of a restructuring effort" and their duties were taken over by other units (ibid. 11 Oct. 2013).

#### 4. Complaint Mechanisms

##### 4.1 Submitting Complaints Against the Police Through the ASP General Directorate and Ministry of Interior

The IDM report states that complaints about police actions may be made by the public to the Internal Control Service (ICS), which operates under the authority of the Minister of Interior, and to the Professional Standards Department (PSD), an office within the ASP General Directorate (IDM 7 Jan. 2015, 67-69). The same source notes that

[i]n the case of minor disciplinary infractions, the punitive measures are put by the direct superior of the police officer that has committed the violation. PSD sanctions punitive measures for serious disciplinary violations. In case it is suspected that the violation contains elements of a felony, the case is filed with the ICS, which may return the case for review to the PSD when the offense does not constitute a felony. In case the offense qualifies as a felony, the ICS in collaboration with the Prosecutor's Office conduct an investigation and file the case with the court. (ibid., 68)

Sources indicate that complaints against the police can be made in person or by phone (ibid.; OSCE 21 Aug. 2015), to "any" of the 12 Regional Police Directorates (ibid.). IDM reports that complaints can be made at a police station or the ICS at a Commissariat (7 Jan. 2015, 68). Sources state that there is a toll free telephone number to report complaints about police misconduct (Albania 11 Aug. 2015; OSCE 21 Aug. 2015; CLO Legal Solutions 12 Aug. 2015). According to the IDM, the most common means of filing a complaint is by phone (IDM 7 Jan. 2015, 68). Sources also state that an individual can file a complaint by mail or email (ibid.; CLO Legal Solutions 12 Aug. 2015).

Sources report that there is also an online anti-corruption portal that allows Albanian citizens to report instances of government misconduct, including police misconduct (Albania 11 Aug. 2015; The Guardian 26 June 2015). In correspondence with the Research Directorate, an official at the ASP International Cooperation and Coordination Directorate noted that Albanian citizens can now also download an "app" to report government misconduct (Albania 11 Aug. 2015).

##### 4.2 Submitting Complaints Against the Police Through Other Agencies

Sources indicate that complaints against the police can be made to the People's Advocate of Albania (Ombudsman) (IDM 7 Jan. 2015, 68; US 25 June 2015, 7), the country's "main governmental institution for promoting and enforcing human rights" (ibid., 21). Country Reports 2014 notes that the Ombudsman "lacked the power to enforce decisions," and acts instead as a "monitor for human rights violations" (ibid.). For further information on the mandate of the Ombudsman and how to file a complaint with the Ombudsman's Office, see Response to Information Request ALB103820.E.

Country Reports 2014 states that "the Ombudsman's Office has the authority to inspect detention and prison facilities" and that it "may initiate an investigation in some cases where a victim is unable to come forward to do so" (ibid.). The website of the People's Advocate of Albania (Ombudsman) indicates that under the National Mechanism for Prevention of Torture (NPM) division, regular inspections of the "institutions of the State Police, [p]enitentiary (prisons and jails), [p]sychiatric and [i]nfectious hospitals,[and] military bases and units" are carried out in

order to monitor "the situation of human rights in these institutions, to prevent violations and hold an official stand on the problems encountered" (Albania n.d.a).

## 5. Effectiveness of Police Complaint Mechanisms

Sources indicate that complaints made against police officers are routinely investigated (OSCE 21 Aug. 2015; CLO Legal Solutions 12 Aug. 2015) by the ICS (ibid.). According to the ICS's Annual Report 2013, in 2013, 134 criminal charges involving 170 police personnel (in a range of functions) were referred to the Prosecutor's Office (Albania May 2014, 9). The report indicates that of these 134 charges involving police employees, 87 were related to corruption; 13 to "arbitrary act[s]" and 34 to "other" offences; as a result, 23 police personnel were immediately detained or arrested (ibid.). The report also notes that the regional ICS offices with the highest number of criminal charges against police employees for 2013 were Tirana (40 criminal charges involving 44 police employees) and Korca (20 criminal charges involving 21 police employees) (ibid., 11). Punitive measures against police employees in these cases ranged from disciplinary measures including "expulsion" from the ASP, to imprisonment for periods of 6 months to over 3 years (ibid., 12-13). The report further notes that the number of referrals for penal offences by the ICS to the Prosecutor's Office between 2009 to 2013 has increased by 15.2 percent for "corruptive offences"; referrals of "other" offences has increased by 34.7 percent; while the number of referrals of "arbitrary acts" offences has decreased by 47.8 percent (ibid. 14).

According to the European Commission's 2014 report on corruption in Albania, "the number of corruption cases referred to the prosecution by the State Police increased by 16% in the period from October 2013 to March 2014 compared to the same period of the previous year" (EU 4 June 2014, 5). According to Country Reports 2014, as of July 2014, the ICS had received 3 complaints of "abusive conduct by police staff" during the 2014 reporting period (US 25 June 2015, 3).

The European Commission's 2014 report states that "[c]onvictions [of police corruption] at District Courts decreased by 8 percent during October 2013 to March 2014, whereas convictions at Appeal Courts increased by 81%" (EU 4 June 2014, 5). According to Country Reports 2014, "[a]lthough the government's [ICS] investigated and referred for prosecution a significantly higher number of police officers during [2014] than in 2013, courts convicted few of them" (US 25 June 2015, 19). The European Commission notes that 39 police officers were dismissed from September 2013 to June 2014 for "disciplinary reasons" (EU 4 June 2014, 6).

The Guardian indicates that from February to June 2015, the online anti-corruption portal launched by the government of Albania, "which covers 12 key sectors including police, health, and customs," logged 6,840 complaints, with 777 cases directly related to accusations of corruption (The Guardian 26 June 2015). Of these complaints, 35 were referred to prosecutors (ibid.).

The European Commission's Albania Progress Report for 2013 also indicates that in 2013, the Office of the Ombudsman filed prosecution requests against 13 police officers; two of these were considered by the prosecution to be cases of "torture" (EU Oct. 2014, 45). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Without providing details, the European Commission further notes that of 79 recommendations by the Ombudsman in 2013 "relating to the prevention of torture and ill-treatment, and detention standards," 36 were "addressed" by prisons and the ASP (ibid.).

According to Country Reports 2014, as of September 2014, the Ombudsman received 103 complaints from detainees alleging that "police officers physically abused, unlawfully detained, illegally searched, or unlawfully fined them; violated their privacy; or failed to give them needed information" (US 25 June 2015, 3). The same source notes that the Ombudsman found "30 of

these complaints to be justified, 37 unjustified, and three outside the ombudsman's jurisdiction" and was reviewing 33 additional complaints at the time of the 2014 reporting period (ibid.). The source also notes that the Ombudsman's Office was "underfunded" (ibid., 21). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Albania - Embassy in Ottawa, People's Advocate Institution (Ombudsman); Albanian Helsinki Committee; Albanian Institute for International Studies; Human Rights in Democracy Centre, Albania; nine law firms in Albania; Organization for Security and Co-operation in Europe (OSCE) Presence in Albania; Regional Anti-Corruption Initiative.

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