



REPUBLIC OF ALBANIA  
MINISTRY OF INTERIOR

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**ACTIONS AND PROGRESS FOR THE IMPLEMENTATION OF THE  
CONVENTION AGAINST TORTURE, INHUMAN AND DEGRADING  
TREATMENT AND CONVICTIONS, OF THE "CAT" AND OMBUDSMAN  
RECOMMENDATIONS**

One of the main priorities of State Police mission is to respect human rights and especially the rights and freedoms of the persons deprived of liberty in the premises of State Police such as escorted, arrested and detained ones.

In order to plan, and monitor and implementation of the actions and tasks of State Police to prevent maltreatment, improve treatment and respect human rights in the police premises pursuant to the EC, CAT and the Ombudsman recommendations, State Police has drafted and adopted the Working no. 1800, dated 02.04.2012 "On the fulfilment of the recommendation no. 12 of the Analytic Report of European Commission and of the Ombudsman".

By Order no. 145, dated 04.04.2012 of the General Director of State Police it has been established the central group on the implementation of tasks for the fulfilment of the 12<sup>th</sup> EC Recommendation and of the Ombudsman Recommendations. This working group is headed by the Deputy General Director of Public Security.

In this working program have been defined actions and tasks which will be fulfilled by central and local structures of State Police, the deadlines and structures in charge such as:

- Improvement of infrastructure and conditions of the premises where are kept and treated the escorted/arrested/detained persons.
- Drafting and development of specialised treatment programs with police staff serving for the security and treatment of escorted/arrested/detained persons at police premises of first management level and operational level.
- Planning and inspections by central structures of Police Departments and Directorate of Professional Standards towards the local ones to control and verify the situation and the level of measures in order to respect and guarantee the rights of this category of persons.
- Review and preparation of draft acts necessary for the improvement of legal and sub-legal infrastructure of police in order to respect and guarantee the rights of persons at the police premises.

- Cooperation with the Ombudsman and the organisations representing civil society on the implementation of their recommendations.
- Analysis and treatment of any case of abuse of human rights.

#### **ACTIONS AND TASKS THAT HAVE BEEN ACHIEVED:**

##### **1. On the improvement of conditions in the security and detention rooms:**

- a) It has been achieved the allocation of funds by State Police budget in order to reconstruct the premises for the escorted/arrested/detained persons at the Regional Police Directorate of Tirana and the Police Commissariat of Durres. Actually after the conclusion of procedures of procurement will begin the respective works. The premises of the Regional Police Directorate of Tirana will be used for the detention and treatment of arrested/detained persons of Police Commissariats no. 1, 2, 3, 4, 5 and 6 of this Regional Police Directorate.
- b) There have been drafted the respective projects on the installation of camera systems for the surveillance and security of the security and detention rooms in the Regional Police Directorate of Tirana and Police commissariats of Durres. These efforts will be implemented together with the reconstruction of these premises.
- c) It is ongoing the drafting of the projects on the installation of camera systems for the surveillance and security of the security detention rooms in the Police Commissariats of Lezha, Fieri, Korça, Gjirokastra, Kukës, Kavaja and Police commissariat no. 5 in Tirana. These premises have been reconstructed according to the Standards of the Convention for the Prevention of Torture during 2008 - 2011 and they have not been equipped with such camera systems. The installation and the functioning of this system has been planned for the period July - September 2012 by foreign donations (Albanian and foreign businesses and companies).
- d) It is ongoing the preparation of projects and bills of quantities for the reconstruction and construction of suitable premises for escorted/arrested/detained persons in the Police Commissariats of Vlora and Dibra according to the specifications to point "3" of Article 103 of the Law for "State Police" and the CPT standards. The funds during 2013 for the reconstruction and construction of premises will be delivered by State Police budget, according to PBA.
- e) It is being worked on the painting, repair, cleaning and maintenance of the existing premises (inherited by the former pre-detention system of the Ministry of Public Order). Also we are working to create some minimal conditions such as the construction of showers, the provision of beds, etc in the Police Commissariats of Elbasan, Pogradec and Shkodër.

##### **2. On the increase and improvement of technical- professional level of police staff in order to respect human rights of such category of persons:**

- a) In the annual training program of State Police there has been planned the training of police staff of local structures and mainly that of the general patrol regarding the respect of human rights of escorted/ detained and arrested persons with the participation of 100 police employees. In February and April 2012 this training has been conducted with the staff of regional police directorates of Berat and Tiranë. In June, September and November 2012 this training will be conducted with the structures of regional police directorates of Elbasan, Lezhë and Korça.
- b) In cooperation with the short term experts of PAMECA III in February 2012 it has been conducted the training of 45 police employees of first management level of the local police structures. The topic of the training was the acknowledgement with legal and sublegal acts that sanction the human rights of escorted/arrested and detained persons and their implementation in the daily working routine. These employees have been certified as "trainers" who will conduct the training of the police staff who carries out tasks such as the protection, security and treatment of persons in the police premises.
- c) In April 2012 the Central Structures of ASP and the Police Educational Centre have drafted the learning program and the respective training curricula on the "Acknowledgement and respect of human rights of the persons deprived of liberty in the premises of State Police". This program is in the adoption process by the authorised authorities.

This training will be conducted with all police employees who carry out tasks for the security and treatment of escorted/arrested and detained persons of first management level and operational level with about 500 police employees. This training has been planned to be conducted during May - September 2012, it will be a two days training for each learning group of 20 employees

The learning program of this specialized training contains the following topics:

- o Acknowledgement of International Legal Acts that sanction and protect human rights in general and especially for the persons deprived of liberty.
- o (UN and EC Conventions) .
- o The definitions in the Constitution of the Republic of Albania, the law "For State Police" and in the Criminal Procedure Code on the rights of arrested, detained persons, legal obligations of State Police to respect and guarantee the rights of these persons.
- o The rights of the arrested/detained persons during their detention and stay in these premisses according to the definiton in the manual no. 763, dated 27.09.2011, the rules for the control, treatment and administration of their personal items.
- o The documentation is completed and administered in the security rooms for the arrested/detained persons by the police staff, as well as the data for these persons registered in the electronic system ADAM.

- The conditions, norms and technical parameters of construction, for the functioning and security of security rooms in the police directorates and commissariats, the legal and sublegal acts.
- The rules and procedures for the control and inspections in the security rooms.

**3. Planning and inspections to the local structures of police regarding the treatment and respect of human rights of escorted/arrested, detained persons:**

- a) During February - April 2012 have been conducted the following inspections:
- The Department of Public Security has conducted inspections in the Police commissariats of Shkodër, Malësi e Madhe, Durrës, Shijak, Peqin, Elbasan, Librazhd, Pogradec, Korçë, Devoll and in the Police station of Perrenjas.
  - The directorate of Professional standards has conducted inspections in the Police commissariats no. 1, 2, 3,4, 5, 6 and Kavaja in the Regional Police Directorate of Tirana, in the Police Commissariats of Fier, Lushnjë, Berat, Skrapar, Kuçove, Durrës and Kukës.

The topic of the inspections has been the verification and control of the implemented measures regarding:

- The respect and guarantee of legal rights for escorted persons such as the respect of legal deadline of the stay as an escorted person. The communication of the reason for the escorting, notification of a family member, the necessary data of the person, his telephone number, the time of notification, the signing of the escorted person when he is free, as well as all the claims he might have regarding his treatment.
- The respect and guarantee of the rights of the persons arrested/detained in the security premises such as: communication of rights and providing these persons with a copy of the written declaration with their rights (in Albanian and in other foreign languages) as well as its signing by the arrested/detained persons, the medical check, the legal protection of these persons by an attorney, providing food according to the standard adopted by the Minister of Interior and Minister of Health, the stay and treatment of minors in the premises separated from the older ones, the transfer of the arrested/detained at the IEVP system of the Ministry of Justice, etc.
- The stay conditions of the detention and security rooms like the hygiene, airing and full natural light, suitable room and space per person, sitting conditions (furnished with chairs and tables) sleeping conditions (beds, clean blankets and pillows), continuous availability of drinking and washing water, uninterrupted access to toilets, conditions

- in the medical room and in the interviewing/interrogation room, shower conditions, etc.
- o Display in the premises of police directorates and commissariats as well as in the interior escorting and security facilities of posters on the human rights of the escorted and arrested/detained persons.
  - o Direct interviewing of the arrested/detained and escorted regarding their stay and treatment provided by the police personnel, etc.
- a) For the period April-September 2012 according to the Work Plan no.1800 dated 02.04.2012, apart from the above-mentioned inspections, other inspection missions are planned to take place in the police commissariats of Kavaja, Kruja, Lushnja, Dibër, Lezha, Puka, Mat, Gjirokastër, Tropoja and Saranda.
  - b) Beside these planned inspections, the Directorate of Professional Standards will conduct unwarned inspections depending on the situation and issues that may arise related to the respect and guarantying of human rights of these persons.

**With regard to the improvement of the treatment and respect of human rights of these persons as well as the implementation of the recommendations of the Ombudsman, Albanian Helsinki Committee and NGOs operating in the field of human rights, there have been conducted the following activities:**

- a) In cooperation with OSCE and PAMECA III Mission, it was made possible to fund the production of 1000 (thousand) copies of "Manual of Rules and Standard Procedures for the treatment and safety of persons arrested and detained in police stations" approved by Order of the General Director of Police no. 763, dated 27.09.2011.
- b) In February 2012, 1000 copies of this manual were distributed as planned to all central and local police units.
- c) In February 2012, in cooperation with OSCE Presence and PAMECA III Mission, there were produced 800 (eight hundred) posters on human rights of arrested/detained and escorted persons. The posters were plastic-coated, framed and in big sizes.
- d) During March 2012, 800 posters were distributed to all local police units and they were displayed in all premises of police units as well as in the interior facilities of the escorting and security rooms.
- e) During April 2012, the latest Periodic Report of the Committee for the Prevention of Torture and Degrading Treatment (CPT) of EC was published in the official site of State Police.
- f) On 27.03.2012 and on 07.04.2012 Senior Managers of State Police had meetings with the Ombudsman informing on the planned measures and tasks to be taken and also demanding a constant cooperation in order to realise in time and qualitatively the tasks and recommendations laid down by the Ombudsman. In these meetings it was decided to have a representative of

Ombudsman to attend the GDSP Working Group meetings tasked with the implementation of the recommendations.

- g) On 25.04.2012 a joint meeting took place between the senior managers of State Police and representatives of NGOs/NPOs operating in the field of human rights in order to enhance the level of cooperation and grant full access to conduct inspections and visits to police premises to monitor and check the respect of human rights of persons deprived of liberty in police units. This meeting was attended by the Director of Torture Prevention Unit of Ombudsman's Office. In this meeting, it was decided to draft and approve a Memorandum of Understanding which will be approved by May 2012.
- h) In implementation of the recommendations of the Ombudsman, the new register of evidence of the data on the escorted persons was formatted. This was done following the Order no. 158, dated 12.04.2012 "On Re-formatting of the Register of the Evidence of the Data on Persons escorted to Police Directorates and Commissariats" of the GDSP. The new drafted template determines and leaves ample space to record in all the data in compliance with the column requirements of this register, especially regarding the data related to the notification of the family/relatives of persons escorted as well as to the specification of reasons/causes of the escorting.
- i) The production of 4000 (four thousand) flyers on human rights of the arrested/detained persons, published in six foreign languages, namely in English, Italian, Greek, French, Macedonian and Rumanian, was made possible in cooperation with and funded by OSCE Presence. In February 2012, these flyers were distributed to all local police units, including the Border Crossing Points.
- j) In January 2012, the central structures of the GDSP prepared and sent to all local police structures An Admonition Letter no. 60, dated 06.01.2012 recalling the attention of managers of police services and of all the rest of police personnel to the violations observed regarding the respect and guarantying of the rights of persons arrested/detained in the facilities of police directorates and commissariats and to the measures that need be undertaken to eliminate the shortcomings and improve the situation.
- k) In the framework of the evaluation and implementation of the recommendations of the Albanian Helsinki Committee regarding the findings of inspections conducted in police directorates and commissariats during November and December 2011, the Circular Paper no. 1635, dated 12.04.2012 "On understanding the report on inspections conducted by AHC and tasks laid down to eliminate the shortcomings observed regarding the respect of human rights of escorted and arrested/detained persons" was prepared and distributed to all police units.
- l) A working group is set up at the GDSP which is tasked to prepare the project "On some additions and amendments in the Law no. 9749, dated 04.06.2007 "On State Police".

The drafted project consist in :

- o Amendment and improvement of the content of the definition of the term "Escorting" foreseen at point 6 of article 11, in adaptation and harmony with the cases of escorted persons foreseen in articles 101 and 105 of the law "On State Police" because there is a contradiction in the definition of the term "escorting" and "cases of escorting".
  - o Additions and improvements in article 100 related to the forceful escorting of person who, without any justifiable reason, does not present themselves after receiving the Notification for Presenting himself to Police.
  - o Increase of the number and legal cases for escorting persons to police stations in article 101 of the law in cases of: conflicts/disagreements and contradictions in order to prevent other serious events.
  - o Sanctioning by law of the right that the escorted, arrested and detained persons should enjoy to **file complaints and requests** regarding the treatment and violation of their rights in police facilities, as well as procedures how to deal with them.
  - o Definition in article 4 of the Law "On State Police" of the responsibility : "Protection, safety and treatment of the arrested/detained persons until the Court deals with the case and decides on the security measures".
  - o In the process of the restructuring of State Police, it has been taken into consideration the possibility of adding the function of a "psychologist" in the central police commissariats and in those which constitute judicial districts, in that actually this service is centralised only at the regional police directorates.
  - o Work is ongoing to format and prepare a register/logbook to evidence the request-complaints of escorted and arrested/detained persons during their stay and treatment in police stations.
  - o The approval of the Agreement between the Ministry of Interior and Ministry of Justice "On temporary detention and treatment of persons arrested/detained in the police commissariats of Berat, Tropoja and Saranda, in the facilities of IEVP of the system of the Ministry of Justice is under way. This is considered necessary because the conditions of the facilities, where these persons are kept, do not meet even the minimum stay and living requirements.
- m. Work has already started to draft and format the Register of Complaints & Requests of the escorted and arrested/detained persons" as well as the determination of rules and procedures to fill it in, to administer it and how to address and solve the complaints/requests, etc. Once the register, together with the relevant procedures, is completed it will be a working document for all local police structures, namely directorates, commissariats and stations.

## 1. ON DOMESTIC VIOLENCE :

1. During the period January-March 2012, the structures of the fight against domestic violence have evidenced :
  - a) A total of 473 cases of domestic violence.

b) Court charges in 316 cases.

2. Domestic violence cases referred to the prosecution office and courts for the years 2009, 2010 and 2011, are as below :

Year	Referred to Prosecution	Referred to Courts
Year 2009	472 cases	841 charges' requests
Year 2010	439 cases	1234 charges' requests
Year 2011	495 cases	1345 charges' requests

Lately, the Criminal Code has been amended to toughen the fight against domestic violence (according to the definitions in the Action Plan of the National Strategy on Gender Equality). No official notification has been received regarding these amendments.

## 2. ON SERIOUS CRIMES :

During the period January-March 2012, there are evidenced 29 murders, none of which for "blood-feud" motives.

## 3. DISCIPLINARY PUNISHMENTS OF POLICE OFFICERS FOR CONDUCTING ARBITRARY ACTIONS FOR THE PERIOD JANUARY-MARCH 2012:

- a) A total of 6 disciplinary measures have been taken, out of which:
- o Expulsion from police for 4 officers.
  - o Other disciplinary measures for 2 officers.

More concretely :

- 2 cases have been investigated administratively for violations foreseen at point 5 of the Discipline Regulation in State Police, namely for "Conducting unbecoming actions" and "abuse of duty for private benefits". The disciplinary measure given in both cases is "Expulsion from Police".
- Moreover, another 2 cases have been investigated for violations foreseen at point 5 and 12 of the Discipline Regulation, namely "Conducting unbecoming actions" and "Violation or omission of the exercise of police powers". The disciplinary measure given also in these cases is "Expulsion from Police".
- 2 other cases have been investigated for violation of point 5 of article 11 of the Discipline Regulation, namely "Conducting unbecoming actions"

and the disciplinary measure given is "Unpaid suspension from service for 15 days" in one case and "postponement of promotion period" in the other case.

