

CPT/Inf (2003) 8

**Responses of the Albanian Government
to the reports of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visits to Albania**

**from 9 to 19 December 1997
and
from 13 to 17 December 1998**

The Albanian Government has requested the publication of the CPT's reports on its visits to Albania in December 1997 (see CPT/Inf (2003) 6) and December 1998 (see CPT/Inf (2003) 7) and of its responses. The responses of the Albanian Government are set out in this document.

Strasbourg, 22 January 2003

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to the reports of the European Committee
for the Prevention of Torture and Inhuman
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A. Ministry of Justice

B. Ministry of Health

C. Ministry of Public Order

A. Ministry of Justice

**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE**

Tirana, 4 June 1999

**RESPONSE BY THE MINISTRY OF JUSTICE OF THE ALBANIAN
GOVERNMENT IN RESPECT OF THE TWO VISITS CARRIED
OUT IN 1997 AND 1998 IN ALBANIA BY THE COMMITTEE FOR
THE PREVENTION OF TORTURE AND INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT (CPT).**

**(The Albanian text of this response which was sent under cover of the letter from the
Deputy Ministry of Justice dated 4 June 1999 is only authentic text. The accompanying
English text was sent only to assist CPT).**

CPT - report on visit of 9 to 19 December 1997.

INTRODUCTION

Section C, paragraph 11 and 12

The Ministry of Justice apologises to CPT for the delay experienced at Prison 313 and for the failure to provide information about disciplinary matters and incidents registered to Tirana Prison Hospital. The Minister of Justice has issued an order to staff about the responsibilities to cooperate in all the aspects of the CPT work.

Section D, paragraph 13

i-iv) All of recommendations are answered in detail under these specific paragraph headings in this reply to CPT.

Paragraph 92. We can confirm that the "Reserve Squad" is no longer in operation. Both the Director General and the Governor who were in post in 1997 are no longer in the prison service. In these circumstances it would not be possible to carry out a detailed investigation.

The prison authorities, in common with other Prison Services in Europe, are likely to find it necessary from time to time to control violent prisoners with a professional system of appropriate control. A system based on the doctrine of the minimum use of force is being considered. A system of control and restraint, similar to the one used in the United Kingdom with appropriate trainers and supervision by prison managers is one of the options available.

The Albanian Government shares the view that the physical ill treatment and verbal abuse of prisoners by staff is not acceptable. The Director General has issued an order (Appendix 1) to the Governors and staff of all establishments and not only Prison 313 as

recommended by CPT, that any allegation of such behaviour will be investigated by the senior member of the prison service. If the allegations are of criminal behaviour than the matter will be referred to the civilian police for investigation and prosecution if necessary. Disciplinary action, which can result in dismissal, will be taken whenever appropriate.

Paragraph 94 An order issued by the Minister of Justice has been issued (Appendix 2) prohibiting the use of cuffs at the hands and feet and the use of protective head gear.

An order has been issued (Appendix 2) by the Minister of Justice that prisoners under the sentence to death will be allowed at least one hour of outdoor exercise every day.

Paragraph 95 The Ministry of Justice accepts the CPT invitation to remain attentive to the conduct of nursing and custodial staff towards patients at the Tirana Prison Hospital.

Paragraph 96 The positive remarks made by the CPT are noted. The Director General and the Governors will continue towards the work of establishing relationship based a trust between patients and nursing and custodial staff.

Paragraph 108 The occupancy level on 31 May 1999 at Prison 313 was :

277 male prisoners on remand

15 female prisoners on remand

9 sentenced males (employed in kitchens)

Total 301

Following the destruction of the prison in 1998 by rioting prisoners it has been possible to refurbish all areas of the prison including toilets and showers, but excluding heating and lighting. The only outstanding work is the improving of the security between the cells by strengthening the walls. To improve the heating and lighting will require an investment well in excess of any fund which might become available in future years.

So far as the particular questions asked by CPT on upgrading are concerned, the position is that all the points are accepted in principle. All prisoners are provided with a bed, mattress, sheets and blankets which are cleaned at appropriate intervals.

All prisoners are provided with soap, towel etc. Toothbrush and toothpaste are normally provided by family/friends. A budget will be made for the next financial year with a view to providing toothbrush and toothpaste.

All prisoners can have a hot shower at least once a week.

All prisoner are provided with necessary products to keep their cells clean and in a good state of hygiene.

Staff have been instructed to allow prisoners to leave their cells during the day to use the toilets.

The state of hygiene has been improved and the sanitary facilities repaired.

As stated earlier in this paragraph it is not possible to make any improvement in the heating and lighting because of the substantial funds required and the critical financial position which is facing the Government.

All prisoners do receive at least 1 hour out of cell to exercise. All female prisoners receive outdoor exercises. For reasons of security and safety it is not possible to provide male prisoners with outdoor exercise at this time. The principle of outdoor exercises is accepted and does take place at all prisons except Prison 313. The position is being kept under continuous review and outdoor exercise will be permitted when it is considered safe to do so.

Paragraph 109

The principle of appropriate regime activities for prisoners to spend 8 hours or more outside their cells is accepted. At this time prisoners are given outside exercise, recreational activities and some basic education. These will be gradually improved and other regime activities added subject to the provision of additional finance and a satisfactory evaluation of regime components.

Prisoners detained on remand are now given access to reading and writing material. A copy of the Director General order is attached at Appendix 3.

Paragraph 115

It is accepted that the material condition and state of repair of the men's section of Prison 325 must be improved. The priority for the financial allocation was given to Prison 313. It is not known when it will be possible to allocate further funds but when such an allocation is made the refurbishment will be carried out.

As recorded in paragraph 108 there are no funds available in foreseeable future to bring the heating up to a correct standing. In the winter months arrangements have been made to provide the prisoners with extra blankets.

Paragraph 117

The intention of the Albanian Government to improve regimes is explained, in detail, in paragraph 109. The ceramics workshop in Prison 325 never reached completion for a variety of reasons. A sewing machine/textile party has now been put in place. The machines are in place and the possibility of contracts/partnerships with the private sector are being explored.

Paragraph 121

The water supply at Lushnja has now been fully improved. The position about heating the dormitories is explained in paragraph 108.

Paragraph 124

The development of a suitable regime with a range of activities is explained in paragraph 109.

- Paragraph 127** Action is being taken at this time to ensure that there is no occupancy of cells measuring less than 6 m².
- Paragraph 128** The position about the heating of all dormitories and cells is explained in paragraph 115, and 108.
- Paragraph 129** As confirmed in paragraph 109 the principle of regime activities is accepted. That paragraph also explains the intentions of the Albanian Government in this matter.
- Paragraph 131** The Albanian Government is awaiting a report on health care issues which is being prepared by an expert appointed by the Council of Europe. That report will be considered and a general policy on prison health care will be prepared. The policy will take account of recommendation in the various Council of Europe documents.
- Paragraph 132** After consideration of the expert report described in paragraph 131 the Albanian Director of Health Care will put forward proposals to the Director General concerning the professional supervision of doctors and nurses.
- It is accepted that prison medical and nursing staff should be closely aligned to the community health provision. Joint seminars, training and work exchanges will be arranged.
- Paragraph 133** At the time of the CPT visit in 1997 the conditions in the prisons and the behaviour of some prisoners caused serious problems for the medical staff. The Government of Albania consider the behaviour as described in the allegations to be totally unacceptable. However, the doctor is no longer in post and in view of the length of time which has passed it is not considered that an investigation would serve any useful purpose. The situation is now greatly improved and no complaints of this nature are being made by prisoners.

Paragraph 134 The prison infirmary has been totally refurbished. The financial problems do mean that there these are some equipment and medicine shortages. These will be rectified when funds are increased.

Paragraph 135 The nursing complement at each prison has been increased to 3. The Director General has issued an order (Appendix 6) to all Governors and Prison Officers that :

- prisoner orderlies will not be permitted to handle any medication;
- prisoner orderlies will not be allowed to see the medical records of other prisoners.

Orderlies will continue to be used to assist patients but they will not carry out professional duties.

Paragraph 136 It is accepted the men's facilities at Prison 325 requires to be improved. The artificial lighting in the consulting room will be improved. Improvements to heating and lighting can not be made at this time because of the reasons set out in paragraph 108. The Ministry of Justice is asking for financial assistance from NGO's to improve the medical equipment and stock of medicines.

Paragraph 138 A doctor was appointed to Lushnja Prison but resigned within a short period of time. The post is being filled by the temporary transfer of doctors from Tirana Prison Hospital. The doctors work 8 hours each day. As indicated in paragraph 135 the nursing complement has been increased to 3 nurses at each prison.

Paragraph 139 The position regarding the improvement of the heating and lighting is set out in paragraph 108.

Paragraph 140 All necessary planning arrangements were made at prison before the medical services begin to operate.

- Paragraph 141** The size of the accommodation has been increased. No patients are accommodated in rooms less than 6 m².
- Paragraph 142** Only one prison does not have a dentist appointed and action is being taken to correct that shortage. The principle is accepted and that is the policy in most establishments subject to the allocated budget. Prisons will always provide the basic service for the treatment of dental infection and the relief of pain.
- Paragraph 143** There is a psychiatric service supported by 3 psychiatrists at the Tirana Prison Hospital. Prisoners requiring treatment are transferred to that Hospital. Once the report on the healthcare experts described in paragraph 131 is received and considered a review will then be carried out to determine the psychiatric and psychological need of the service.
- Paragraph 144** The CPT recommendation of an immediate medical screening of prisoners on admission is accepted. An order from the Director General (Appendix 5) is attached.
- Paragraph 146** The Director General has issued an order (Appendix 5) introducing individual and confidential medical files for each prisoner. When the prisoner is transferred to another establishment all these files will also be transferred to the new establishment.
- Paragraph 148** Following the consideration of the healthcare experts report described in Paragraph 131 a review will then be carried out by the Albanian Director of Health Care. This will consider what action should be taken. It is accepted that the prison establishment medical and nursing staff will take their part in the supervising those elements detailed in the CPT Report.
- Paragraph 150** The Ministry of Justice has submitted to the Ministry of Health a draft policy on combating transmissible diseases. When the reply is received and the comments from the healthcare expert described in

Paragraph 131 is considered then the policy will be approved and published.

Paragraph 153 A Joint Council of Europe and OSCE working Group has made recommendations about training of prison staff. A copy of those recommendations about is attached at Appendix 6. Albania Prison Service trainers have already started on their training programme.

The Ministry of Justice is giving a very high priority to the development of prison staff of all grades. It is acceptable that staff are the most valuable resource. In order to develop a professional and respected prison service considerable attention will be given to the recommendation of the experts from other prison services who are working to assist the Ministry of Justice.

Paragraph 154 All parts of the law have now been implemented.

Paragraph 156 Male juveniles, both sentenced and on remand, are separated from adults in prisons. All the sentenced juveniles are located in a separate section in Lushnja Prison, but they will be transferred shortly to Vagarri Prison where a better regime can be provided. There is one female juvenile remand prisoner in custody. A decision has been made not to segregate her from the adult prisoners who will be able to offer continuing support to her.

Paragraph 157 Paragraph 156 confirms the location of male sentenced juveniles. Male juvenile remand prisoners are located in a special section of Prison 313.

Account was been taken of the CPT comments when implementing article 17 of the new law.

Paragraph 158 The use of German handcuffs in prison establishments has been prohibited (Appendix 7) by the Director General.

- Paragraph 160** It is confirmed that Article 49 of the new law grants prisoners the right to appeal against any sanctions imposed. In order to remove any doubt the Director General will issue an instruction to staff and prisoners clarifying this matter.
- Paragraph 161** The use of handcuffs as the disciplinary measure has been prohibited (Appendix 7) by the Director General.
- Paragraph 162** The cells in question have now been enlarged.
- Paragraph 163** It is agreed that the disciplinary cells in Lushnja Prison will be equipped with a table and chair. A suitable design will be prepared. Prisoners are now given a mattress and clean blankets at night.
- Paragraph 164** It is agreed that prisoners punished by exclusion will be allowed at least one hour of outdoor exercise every day.
- Paragraph 166** It is agreed that the authorised visiting time for sentenced prisoners will be increased to one hour of visits each week. No increase can be introduced at prison 313 because of the size of the population and the lack of space. If the prison population reduces then the increased visit entitlement will also be given to the prisoners located in Prison 313.
- It is further agreed that prisoners in establishments far from their home will be allowed to accumulate up to 7 visiting period.
- Paragraph 167** Tables and chairs are provided in the visit areas at all prisons except Prison 313. The situation at that prison is such that prisoners and their visitors are separated at this time for reasons of security and the safety of staff and prisoners. The position will be reviewed at regular intervals.
- Paragraph 170** It is confirmed that under the authority of Articles 49 prisoners are allowed to communicate with the

President of CPT by confidential letter. The Director General will advise staff and prisoners of this fact.

Paragraph 171 The Ministry of Justice confirms that Articles 68-70 do allow the public prosecutor powers of inspection to include remand prisoners.

Paragraph 173 It is confirmed that the Prison Service Menu Regulations are strictly adhered to and it is accepted that the standards should be raised. Draft proposals increasing the standards are now being considered by the Ministry of Health. If the standards are improved authority will be required from the office of the Prime Minister to make the necessary increase to the budget.

The principles of improving the kitchen equipment including the installation of refrigerators and /or cold rooms is accepted. No funds are available for these improvements but the Ministry of Justice is looking at the possibility of receiving financial assistance from other organisations.

Paragraph 174 Discussions are being held between the Ministry of Justice and the Office of the General Prosecutor to make the procedures more efficient. The registry in every prison does hold a warrant for every person in custody.

Paragraph 176 The Ministry of Justice now has authority for the management of the Tirana Prison Hospital and accepts the principles set out in paragraph 132 of the CPT report.

Paragraph 178 The principle of correct resourcing of the Tirana Prison Hospital is accepted. The appropriate staff resources are now in place and the refurbishment of the building has been completed. Ready access to outside hospital services, when necessary, can now be guaranteed. There continue to be some equipment shortages because of the financial problems being faced. If the budget is increased the equipment will be purchased.

Paragraph 180 The cleanliness of the equipment is much improved and medical and nursing staff understand their responsibilities in this area.

A lack of finance has prevented the repair of the respiratory assistance but this facility is provided at the nearby University Hospital.

Paragraph 183 It is confirmed that :

- the windows and artificial lighting have been repaired.
- the hospital buildings are correctly heated because the system is linked to the nearby University Hospital.
- sanitary facilities are now in a satisfactory state of repair and hygiene.
- mattresses and bedding are properly cleaned and maintained.
- all patients can take up to one hot shower per week under good conditions.

The possibility of the cell call system will be investigated and a decision reached within the next 6 months.

Paragraph 184 Patients are supplied with appropriate clothing and the clothing is cleaned at regular intervals. At this time the insufficient budget does not permit the supply of underwear. The families and friends of prisoners usually supply those items. Plans are being considered at this time to see if the sewing machine workshop at Prison 325 will be able to produce articles of underwear if some organisations donate the material.

Paragraph 185 It is accepted that improvement should be made to the quality and quantity of food given to patients. The proposals under consideration to increase the diet as described in paragraph 173 will also be applied to the food for patients. Enquiries are being made to discover the cost of the equipment required to reheat the food after it has been delivered from the University Hospital.

Paragraph 186 The recommendation of at least one hour outdoor exercise for patients, subject to their state of health is noted. This exercise provision has never been made for patients in the past at any time and will require discussions, consultations and further considerations. A decision on this will be communicated to CPT at a time within the next 12 months from the date of this reply.

Paragraph 188 Every effort will be made to ensure that a sufficient supply of medicines is maintained at the prison Hospital. The extent of this supply will be determined by the available budget.

It is not necessary for prisoners' family to pay for the treatment of the prisoners. The budget for the provision of medicines is insufficient at this time. There are occasions when the families of prisoners pay to purchase medicines which are not available. CPT may be aware that the payment by a patient for treatment and medicines is the normal practice in all civilian hospitals. If the budget to purchase prison medicines is increased in the future then it will be not necessary for the family of the patients to purchase the medicines.

CPT REPORT ON THE VISIT OF 13 - 17 DECEMBER, 1998***Paragraph 4***

The delay in allowing the CPT delegation access to Prison 313 and the Tirana Prison Hospital is very much regretted. Action has been taken to ensure that does not occur in the future and the Minister of Justice has issued an order (Appendix 8) advising Governors and staff of the authority of CPT.

Paragraph 5

It is fully accepted that CPT report must be distributed to the authorities and persons concerned in the report. The Ministry of Justice has decided that CPT reports will be available to all governors in charge of establishments, and not only those who have been visited by the Committee. The Minister of Justice has issued an order (Appendix 8) to that effect.

Paragraph 23

The attention of CPT is directed to (Appendix 2), which forbids the use of handcuffs, fectcuffs and headgears. The Ministry of Justice confirms the instruction applies to all prisoners under the sentence of death, in respective of the establishment in which they are located. This confirmation also applies to outdoor exercise (Appendix 2).

Paragraph 24

The CPT will note that the prohibition of the use of helmets and cuffs (Appendix 2) is an order signed by the Minister of Justice. The position in Police establishments is a matter for comment by the Minister of Public Order.

Paragraph 27

The Ministry of Justice confirms that everyone is supplied with a bed.

Paragraph 28

An order has been issued by the Director General, instructing Governors that every prisoner must be allowed at least one hour of outside exercise every day.

An order has been issued by the Director General (Appendix 3) that the prisoners are to be allowed books and reading materials in addition to religious books.

Paragraph 29

The CPT view of the importance of medical screening of newly arrived prisoners is shared by the Albanian Government. The Director General has issued an order (Appendix 5), that such medical screening should take place on admission.

The compilation of individual and confidential medical files is accepted as a high priority by the Ministry of Justice. The Director General has issued an order (Appendix 5), dealing with those two matters.

Paragraph 30

The recommendation of separation of juvenile – adult prisoners is accepted. The attention of CPT is directed to the reply of Paragraph 156.

Paragraph 31

The attention of CPT is directed to the reply of the Appendix 7, which prohibits the use of 'German handcuffs'.

Paragraph 32

The attention of CPT is directed to the reply of the Appendix 7, which prohibits the use of handcuffs as a disciplinary measure.

Paragraph 34

The Ministry of Justice confirms that the efforts to improve the situation in Prison 313 will continue, subject to any necessary financial constraints.

Paragraph 36

The Director General has issued an order (Appendix 10), dealing with the actions required to improve the hygiene and cleanliness at Tirana Prison Hospital. The patients will continue to be monitored on a regular basis by senior prison service managers.

Paragraph 38

All of CPT recommendations have been accepted in order to improve the living conditions for prisoners at Tirana Prison Hospital. The Albanian Government is pleased that the CPT understands that the recommendations can only be implemented on a gradual basis because of serious financial problems being faced in all areas of the work of the Government.

Appendix 1

REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
National Prison Administration
Nr. _____ Prof. _____ Tirana, _____ 1999

Concerns : Instructions regarding the application of Law Nr. 8328, date 16.04.1998 "The treatment and the rights of the inmates condemned by courts with deprivation of freedom".

All staff working in the whole prison service must be aware that both the physical ill-treatment and verbal abuse of prisoners are not acceptable and will be dealt with severely.

Gramos XHAJFERAJ
Director General

Appendix 2**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
Minister's Cabinet**

Nr. _____ Prot. _____

Tirana, _____ 1999

ORDER

Nr. _____, date _____ 1999

Concerning the Treatment of Inmates Sentenced to Death.

The prison Authorities which has inmates sentenced to death located must carry out the following instructions :

1. The inmates sentenced to death should be not wear a motorcycle helmet on his head and his hands and feet should not be cuffed.
2. The Prison Governor is responsible for the application of this order.
3. The prisoners sentenced to death must take proper outdoor exercise for at least one hour every day.

MINISTER**Thimio Kondi**

Appendix 3

REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
National Prison Administration

Nr. _____ Prot. _____

Tirana, _____ 1999

ORDER

Nr. _____, date _____ 1999

Concerning the application of Law Nr. 8328, date 16.04.1998 "The treatment and the rights of the inmates condemned by courts with deprivation of freedom".

The remand prisons Authorities must ensure that the following instructions are carried out :

Law Nr. 8328, date 16.04.1998, Article Nr. 75 concerning "The treatment and the rights of the inmates imprisoned by courts" authorised that the clause of the mentioned law must be applied even to remand prisoners, respecting the restrictions established in other laws about them.

The Governor of each remand prison must provide all the necessary measures concerning that all the inmates confined in the prison must have at least one hour outside exercise each day.

The inmates mentioned above must be allowed access to books and other reading material and games without any restriction, excluded pornographic materials and those which injures the prison security.

2

The remand prisoners must be allowed to participate in cultural, relaxing and sport activities which has the purpose of preservation of their health and physical and spiritual and mental abilities.

Gramos XHAFERAJ

DIRECTOR GENERAL

Appendix 4**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
National Prison Administration**

Nr. _____ Prot. _____

Tirana, _____ 1999

Concerns : Instructions regarding the application of Law Nr. 8328, date
16.04.1998 "The treatment and the rights of the inmates".

The prisoner orderlies will not be permitted to handle any medication.

The prisoner orderlies will not be allowed to see the medical records of other prisoners.

Orderlies will continue to be used to assist patients but they will not carry out professional nursing duties.

GramosXHAFERAJ**DirectorGeneral**

Appendix 5

**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
National Prison Administration**

Nr. _____ Prof. _____

Tirana _____ 1999

ORDER

Nr. _____, Date _____ 1999

Concerning the application of Law Nr. 8328, date 16.04.1998 "The treatment and the rights of the inmates condemned by courts with deprivation of freedom".

In each individual prison, the doctor of the prison must carry out a medical examination within 24 hours of any sentenced or remand prisoner admission and a medical record must be kept of the examination.

The prison doctors must provide the necessary measures concerning the fact that each prisoner should have a personal medical record, containing information about special examinations and the state of health of the prisoner, filled out by the periodic check up dates. The medical record dates should be confidential to medical and nursing staff.

Gramos XHAFERAJ**DIRECTOR GENERAL**

Appendix 6

2

2. Short-term-programme

2.1 Goals:

Up-dating knowledge, skills, behaviour and attitude of the present staff to the level of the new legislation in Albania and the new standards with respect to the European regulations.

2.2 Requirements:

2.2.1 List of selected topics for the up-dating process which starts with introductory courses.

This list in any case should include topics like

- the new laws, in particular the Law on Rights and Treatment of Prisoners, the Law on Executing Penal Verdicts and the Law on Penitentiary Police; the main chapters and the new goals and perspectives of these laws should be pointed out, Human Rights, European Prison Rules, Recommendation No. R (97) 12 on Staff Concerned with the Implementation of Sanctions and Measures etc.
- security in its different dimensions (i.e. technical, social and administrative security, the so-called dynamic security)
- communication as a means for solving conflicts and problems.

2.2.2 Time-schedule for the up-dating process which includes

- the length of the introductory courses (proposal: 2 weeks),
- the size of the groups for the introductory courses (proposal: 12 persons, in favourable cases up to maximal 20 persons)
- a decision about how many courses can be run parallel respecting the possible absence of the staff from the work in the prisons and the trainers available (proposal: 3-4 courses parallel) and
- a time table as an overview over all courses foreseen.

2.2.3 Trainers necessary for the up-dating process (proposal: 12 persons)

2.3 Implementation:

2.3.1 The Director General of the Albanian Prison Service appoints 12 well qualified and experienced persons, among them the Director of the Albanian Prison Staff Training Center, as trainers for the up-dating process. They preferably belong to the Albanian Prison Staff and have practical experiences. But this is not sufficient: they should have a high degree of professional and personal development and engagement, contact to the basis, teaching abilities and - as a particular requirement - a stable professional perspective: they should be available as trainers for at least 1 year, better for a longer time. Among them should be 3 qualified interpreters. If such persons cannot be found in a sufficient number among the prison staff teachers from schools (or even from universities) should be taken into consideration. The Director General informs the Project Group about the characteristics of the appointed persons (in particular age, function, professional background, expertise in training).

This appointment is crucial for the whole project of up-dating and should be done within the next weeks.

2.3.2 All these 12 trainers visit the Prison Staff Training Schools/Centers of Bavaria, England, Poland and Italy. There they observe, collect information about the training contents and process and contextualize it with their reality in the Albanian prison system.

They stay 2 weeks in the first (and eventually in the second) country, then 1 week only in the last ones (as they have got acquainted already with the new ideas, views and tasks and have developed an own focus of attention).

The structure of the visits is generally the same:

- knowing the expectations and the fears of the visitors
- information about the training process and contents
(along with this information the hosting School/Center could provide theoretical lectures e.g. in Human Rights, communications and different aspects of security as well as practical demonstrations in areas of interest for the guests; the practical demonstrations will also make clear that the behavioural aspects shown have as a necessary condition a positive (inner) attitude toward training, work and prisoners.)
- visit of 2 or 3 prisons, eventually stay in one for two days
- workshop of 1 day duration (the reflecting process includes in particular questions like „what of the observed topics can be applied in Albania?“ „what is difficult/impossible to transfer?“ „what do we need for an implementation of transferible aspects?“)

Immediately after the last week of visit (in Italy) follows a workshop of 3 days in which the Project Group together with the visiting trainers works through the experiences in order to destil them into an Albanian action and time schedule including a specified list of topics for the up-dating process.

The visits and the workshop will be done until the end of summer 1999.

2.3.3 The Albanian Prison Staff Training Center starts with the introductory courses with the present prison staff at the beginning of autumn 1999. Each two out of the group of the 12 appointed visiting trainers lead a group of 12 staff members (up to 20 when there is a high level of common experience and of differentiation among the group members; otherwise there is not enough opportunity within the scheduled time to use the group dynamics for recycling the understanding of the participants and for overcoming their resistance against the new messages) and teach them according to the elaborated list of topics for 2 weeks. There can be run 3 or 4 such groups parallel, if this is possible respecting the absence of the staff from the work in the prisons.

The proces of introductory courses starts top-down, that is prison governors and leading staff members will be the first target persons.

The topics or at least the presentation of the topics probably will be different in the different courses depending on the level of knowledge and expertise of the participants.

The Albanian Prison Staff Training School elaborates a time table showing when how many courses will be run. The introductory courses may finish in summer 2000.

- 2.4 There should be the occasion for a stay of staff members, in particular of trainers, in foreign countries. During this stay (proposal: 2 weeks) the Albanian staff members could accompany their foreign colleagues in selected work-sections. Condition for such a stay in a foreign prison would be the knowledge of the language of the hosting country. As many Albanians seem to be able to speak Italian the prisons of Italy are of special interest for such a mission.
- 2.5 The up-dating process must go on, however, after the introductory courses. This can be done within the in-service-training which already is installed in the Albanian prisons with a duration of half a day per month. This in-service-training could be modified according to the requirements of the list of topics for the up-dating process.

This part of the up-dating process can be enriched by a mentoring system: the trainers already qualified in the study visits could be mentors for those who run the in-service-training in the prisons, in particular for specialists like psychologists, pedagogues and the like, who themselves could be mentors for the staff to be trained.

2.6 Costs:

The costs for the up-dating process mainly will be caused by study visits of the Albanian trainers in other countries, by stays of Albanian staff members in foreign countries and by visits of the Project Group and/or its members in Albania. The Project Group will need some meetings, too, in particular in England and Bavaria when there is the group of the Albanian trainers and in the final workshop after the last visit.

In order to reinforce the efforts for the training representatives of the General Prison Administration of Albania should also visit the countries which are visited by the Albanian trainers-to-be.

The introductory courses should run under circumstances which could make them attractive for the participants. The costs for a good food, for coffe and cake or the like could be born by the Council of Europe.

3. Long-term-programme

3.1 Goals:

- 3.1.1 Scheme for the selection of new staff
- 3.1.2 Curriculum for the basic training of new staff at the Albanian Staff Training Center
- 3.1.3 Perspectives for further training of the total prison staff.

3.2 Requirements:

- 3.2.1 Project plan developed by the Director of the Albanian Training Center which includes
- provisional procedure for the selection of new staff members
 - realization of the needs of the prison staff for their work
 - draft curriculum for the first training of new staff members.
- 3.2.2 Plan for the organisational structure between the Training Center and the prisons which may foresee a mentoring system
- 3.2.3 Information about the basic training in other Training Schools/Centers.

3.3 Implementation:

- 3.3.1 Recruitment of new staff is an extremely important procedure.

Prison work usually is not very attractive or socially very high esteemed. In order to give applicants a perspective for staying in the Prison Service - and not only for doing a job - the work of the prison staff should be made as attractive as possible and that as a separate body with their separate and important objectives within the social context. The requirements for the selection could heighten the social prestige of prison staff. The Albanian Prison Service has to decide how it will organize the selection, locally or nationally. Each way has its advantages and disadvantages. With a locally structured selection there is needed a common standard for the requirements. For details a reference is made to the Recommendation of the Council of Europe No R (97) 12.

- 3.3.2 Basic training is a complex event. It requires a lot of preparatory work concerning its contents and structure.

Therefore the Director of the Albanian Prison Staff Training Center works intensively on the development of an own Albanian basic training of which the contents are in accordance with the requirements of the laws, but also with those of the practice and which prepares effectively for the practical work.

In order to get information about the needs of the practice the Director of the Training Center has to find a good contact with the prison governors. They in turn get their information from their co-workers.

There are several ways of obtaining the needed information. A questionnaire for assorted staff members was discussed in the project group. Its importance was not esteemed very high, however. A better way was seen in a workshop on this subject (which at first could last only one day.) The Director of the Albanian Training Center is invited to use the assistance of the Project Group in any case.

- 3.3.3 On the background of this information the Director of the Training Center elaborates a first draft of a curriculum which respects the requirements of the laws concerned with the prison service. Details of the structure for such a curriculum he may find in those of other countries. The first draft could be ready in summer 2000.

- 3.3.4 As a good basic training has to provide both practical and theoretical aspects of the work which has to be done in the prisons there is the necessity of linking these two aspects during the training. This can be done in different ways like
- by having different phases (e.g. theory at the Training Center and practice in the prisons),
 - by having practitioners as teachers and trainers (who themselves are well trained and qualified)
 - by having clear feed-back from the practice to the Training Center etc.

There is necessary also an organisational regulation which makes clear when who is competent for what decision (e.g. the prison governor for disciplinary decisions against the trainee during the practical phase in a prison or who represents the Training Center during the practical phase in the prisons etc.)

- 3.3.5 In order to find out the best suitable way of the basic training for Albania the Director of the Albanian Training Center and his crew go to other countries for study visits, observe how the others cope with this delicate problem of bringing together theory and practice, and decide about a remodeling of the first draft. This could be done until autumn 2000.
- The actualized curriculum could be the basis for a first run of a basic training in autumn 2000. The experiences of the first run which have to be gathered could lead to a further change of the curriculum.
- 3.3.6 There is further the necessity of regulating the exams, in particular the proceedings, the contents and the examiners.
- 3.3.7 The new trained staff preferably starts its work in prisons in groups: a single newcomer simply will be absorbed by the „we always have done it this way“ of the staff at place. The relationship between the trainers and the trainees may go on after the end of the official courses and a system of mentors established by this.

3.4 Further training.

Training is an important aspect of organisational development. So in turn it is important that the respective training center is involved in continued, in further training, too. In order to develop contributions to the organisational development of the Albanian Prison Service the Albanian Prison Staff Training Center develops a vision of how it could realize this task.

Study visits in different countries and a close cooperation with the Project Group will serve as the basis for this additional task which again cannot be copied but developed on its own way supported by the Project Group.

The existing structure of an in-service-training in the Albanian prisons could be used for further training as well as central courses at the Training Center.

The Project Group considers further training as necessary also for Albania. It suggests, therefore, that the Director of the Albanian Prison Staff Training Center provides a curriculum for a further training respecting the Recommendation of the Council of Europe No R(97) 12.

Appendix 7**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
National Prison Administration**

Nr. _____ Prot. _____

Tirana _____ 1999

ORDER

Nr. _____, date _____ 1999

Concerning the application of Law Nr. 8328, date 16.04.1998 "The treatment and the rights of the inmates condemned by courts with deprivation of freedom".

Each prison must carry out the following action :

The prison authorities must ensure that all prisoners are provided with a bed, a mattress, sheets and blankets, which must be cleaned at appropriate intervals.

The removal of the bed must no longer be applied as a disciplinary sanction in disciplinary cells.

The use of German handcuffs is forbidden.

Handcuffs must no longer be applied as a disciplinary sanction in disciplinary cells.

Gramos XHAFERAJ
Director General

Appendix 8**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
Minister's Cabinet**

Nr. _____ Prot. _____ Tirana, _____ 1999

ORDER

Nr. _____, date _____ 1999

Albanian State has an obligation to apply the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Case in point, in application of Article 8 of the mentioned convention, the Albanian Prison Service will provide to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment the facilities as following :

- a) the un restricted right to enter in any time any prison sites and to circulate freely inside those;
- b) the putting at its disposal all the dates and information concerning the locations where inmates are confined ;
- c) the unrestricted access to enter in any place where sentenced prisoners or remand prisoners are located, including the right to circulate freely inside these places;
- d) the supply of all the information that the mentioned Prison has in its disposal and which is useful for the Committee to carry out its duties.

The Committee has the right to contact without a witness being present the inmates confined in their prison and the right to communicate with anyone who the Committee believes can provide important information for it.

2

Ngarkohet Drejtori i cdo Burgu te marre te gjitha masat e nevojshme per permbushjen sa me te shpejte te rekomandimeve te paraqitura ne raportet e CPT -se per vitet 1997 dhe 1998.

MINISTRI

Thimio KONDI

Appendix 9**REPUBLIC OF ALBANIA****MINISTRY OF PUBLIC ORDER****MINISTRY OF JUSTICE****Joint Order**
Nr _____ date _____**Concerning****The transferring and escorting of prisoners sentenced to death from the Police Stations to the Prisons.**

Due to the application of Law Nr. 8328, date 16.04.1999 "The treatment and the rights of the inmates condemned by courts with privation of freedom", article 3;

We order :

1. The transferring from Police Stations to the prisons under the responsibility of National Prison Administration of the prisoners sentenced to death must to be carried out immediately after the first level Court decision.
2. The Order Police Department in the Ministry of Public Order must organise the necessary measures regarding prisoners sentenced to death transferring and escorting, using their own forces and equipment's, necessary documentation has been completed the National Prison Administration has agreed to accept to the prison.
3. National Prison Administration in the Ministry of Justice have to agree the Order Police Department request for the transfer and to agree the date, the time and the prison where the prisoner is going to be sent.

4. When the prisoners sentenced to death have to be produced at the district Courts and district Prosecutor, the Order Police Department through the District Police Department have the responsibility to escort those using their forces and equipment's from the Police Station remand cells to the Court and back to the prison after the procedure is completed.

5. The mentioned Order came immediately into the force.

Minister of Public Order
Petro KOCI

Minister of Justice
Thimio KONDI

Appendix 10

**REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
National Prison Administration**

Nr. _____ Prot. _____

Tirana, _____ 1999

ORDER

Nr. _____, date _____ 1999

Concerning the application of Law Nr. 8328, date 16.04.1998 "The treatment and the rights of the inmates condemned by courts with deprivation of freedom.

Each prison must carry out the following instructions :

The prison authorities must ensure that all the areas especially the toilets and bath rooms facilities are cleaned at appropriate intervals. In addition, the areas mentioned above are to be cleaned each morning using hot water, detergent and disinfectant.

The Prison Governor must issue written instructions setting out formal cleaning schedules concerning bed rooms, toilets and bath rooms facilities cleaning, especially. The written instruction should make clear who is responsible for cleanliness in each area. The Prison Governor and his Deputy must check cleanliness each day what they make their daily visit to all parts of the prison.

Doctors do have a responsibility in application of this order.

Gramos XHAFERAJ
Director General

19-JUN-99 10:56
1998 JUN 19 10:56
Appendix 11

REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
National Prison Administration

Nr. _____ Prot. _____

Tirana, _____ 1999

Concerns : Instructions regarding the application of Law Nr. 8328, date 16.04.1998 "The treatment and the rights of the inmates condemned by courts with deprivation of freedom".

All the prisoners punished by exclusion from all collective activities must be allowed at least one hour of outdoor exercise every day.

The prisoners placed in solitary confinement as a punishment must be given access to reading matter.

The prisoner punished in the prison has the right to appeal against the punishment and the length of the punishment to the Director General.

The persons deprived of their liberty can communicate by confidential letter to the President of the CPT.

Gramos Xhaferaj
Director General

B. Ministry of Health



REPUBLIC OF ALBANIA
MINISTRY OF HEALTH

Bulevardi "Bajram CURI" Tirana, Albania Tel./Fax +355 42 646 22

Nr. 1520/5 Prot.

Tirana, 23-8 1999

COUNCIL OF EUROPE

Subject : *Sending of report for European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*

Dear Sir,

Attached you will find :

1. The report for European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT),
2. "Mental Health Law", 21 March 1996, No.8092
3. Internal regulation of Elbasan Psychiatric Hospital.

I avail myself of the opportunity to renew the assurances of my highest consideration to You.

Yours sincerely

Fatmir BRAHIMI
Deputy Minister.



COUNCIL OF EUROPE

EUROPEAN COMMITTEE FOR PREVENTATION OF TORTURE AND INHUMAN OR DEGRADIG TREATMENT OR PUNISHMENT (CPT)

First of all I beg you pardon for being late in response to your report to our government on 29 March 1999. Ministry of Health has the honour let you know, Honourable President that your objections made to us during the control of CPT Committe on December 1998, in Elbasan Psychiatric Hospital has been a great help for us to have a right orientation in treating the psychiatric patients. In the 20 CPT paragraph is recommended to us to have as priorities :

a. To ensure the montioring of the somatic health of all patients, through regular check-up.

A weekly consult is decided for all the patients from general pathologist except the daily visit from psychiatrist and a periodical consult from the dentist. Efforts are doing to adjust the microenviromental conditions.

b. To draw up and implement major refurbishment plans for the hospital, with particular emphasis on the supply of drinking water, the sanitary facilities, the electrical installations and the roof's impermeability. The plan must also cover the collection and disposal of waste, starting with that generated in the care units;

Ministry of Health through its Economic Directory has forseen serious invests in Elbasan Psychiatric Hospital through yearly fund of 4 milion leks in order to repair the terrace, sanitary environment, painting and putting glasses, repairing doors and windows and new electrical instalation.

During July '99 an investment contract was carried out with NGO (Red Cross of France) to repair the Elbasan Psychiatric Hospital and we guaranteed that the situation very soon will be improved.

c. to draw up and apply individualised treatment plans for every patient, including not only pharmacological aspects but also the increasing use of physiolgical, social and occupational therapeutic activities;

This plan is realized through limiting the drug use and shorting of the period of the given drugs getting rid of the old form of their treatment for psychiatric patients and embracing the recreational therapy. This process is done through applying environmental occupation therapy and psychotherapy at the hospital and by a multidiscipline staff, which will be operating in these environment.

It is worth to stress that we are trying to set up a psychiatric ambulatory network.

d. to draw up a "hospital care staff charter", clearly setting out each staff member's duties and competence vis-a-vis the patients and the hospital community in general;

The modification of internal regulation for all categories of workers was realized going more power to headnurses, shift nurses and team organizers in the ward introducing the ethics between health workers and also informing them about the elements of psychiatry in respect of the patients and their families.

The situation about people movement is put under control either inside or outside of the hospital through an internal regulation coordinated with private police.

e. to implement a genuine training program for hospital staff, comprising both a basic component for unqualified staff and ongoing training sessions for qualified staff;

Physicians training is carried out through Psyciatric Central Clinic in Tirana, which is realized once a week with actual themes. We have had participation at the training course on stress problems carried out by WHO with all mental health structures, in the same time for middle and low staff medical themes about psychiatric urgency and about psychopharmacology knowledge are planned.

f. to ensure that patients enjoy genuine legal security, through the proper application of the new mental health legislation and the safeguards

contained in it (in Elbasan Psychiatric Hospital and in all other establishments of the same type in Albania).

Patients are protected through implementation of "Mental Health Law", 21 March 1996, No.8092.

Our structures are informed and are able to operate but up to now the collaboration between our structures with those Ministry of Justice is missing. This situation shows that "Mental Health Law" is in its first steps. This problem will be solved by Public Dutch Health School, which is operating in Albania. They have two representatives here, a physician and a social worker but there is a delay of the Dutch part to come for monitoring in 10 district of our country as the first phase because of Kosovo emergency.



**REPUBLIC OF ALBANIA
MINISTRY OF HEALTH
HOSPITAL'S DIRECTORATE**

Bulevardi "Bejram Curri", Tirana, Albania Tel / Fax. + 355 42 646 14. Email minhealth@theoffice.net
Nr 670 Prot. Tirane, me 25.2 1999

2000

To: Ivan ZAKINE
President of the European Committee for Prevention of Torture

From: Fatmir BRAHIMI
Director of the Directory of Hospitals

Subject: The following of the account regarding the accomplishment of the left duties by the CPT.

Further to the notices made during the control of the Commission of the CPT in December 1998 in the Elbasan Psychiatric Hospital and the account prepared by the Ministry of Health with number of prot. 1520/5, dated 23.8.1999, I have the pleasure to inform YOU according to the taken additional measures for the psychiatric patients.

- a. To ensure the monitoring of the somatic health of all patients through the regular check-up.

The weekly consults are made by the internal medicine specialists for all patients, except the daily visit by the psychiatrist. The life conditions of the psychiatric patients are improved through the improvement of the quality of food, the improvement of the conditions of eating and the sufficient furnishing with clothes and the other materials indispensable for the patients.

- b. To draw up and to implement major refurbishment plans for the hospital, with particular emphasis on the supply of drinking water, the sanitary facilities, the electrical installations and the roof's impermeability. The plan must also cover the collection and disposal of waste, starting with that generated in the care units:

The Ministry of Health with the fund from the annual budger of 6.7 million leks finished the complete isolation of the hospital's roof. The French Red Cross, in the following of the contract for a total repair of the Elbasan Psychiatric Hospital, completed the sewage network around the hospital, asphalted the road that leads to the kitchen, reconstructed two wards of the eastern side of the hospital and now is in the process the reconstruction of the other side of the hospital

- c. To draw up and to apply individualized treatment plans for every patient, including not only pharmacological aspects but also the increasing use of psychological, social, and occupational therapeutic activities.

During last time the occupational therapy room is established and functions for 6 to 8 patients that are occupied with the wood production. These woody products are used for the hospital.

- d. To draw up "a hospital care staff charter", clearly setting out each staff member duties and competence ~~is-a~~ -is the patients and the hospital community in general:

By the article 44 of the law 8092, dated 21.03.1996 "For Mental Health", the Ministry of Health has drawn up "The Order of the Psychiatric Health Facilities" including and the protection of the rights of the patients from the moment of the admission to the discharge one from the hospital.

- e. To implement a genuine training program for hospital staff, comprising both a basic component for unqualified staff and ongoing training sessions for qualified staff:

Through the project financed by the program Lien/PHARE and with the support of WHO in October 1999 was organized a seminar with doctors of the 4 psychiatric hospitals and were distributed and commented the posters for mental health. The French Red Cross has organized the discussion of some qualified themes regarding the psychiatric problems, the collective and individual hygiene, for occupational therapy etc with the unqualified and nurse personnel. This program will continue until September 2000.

- f. To ensure that patients enjoy genuine legal security, through the proper application of the new mental health legislation and the safeguards contained in it (in Elbasan Psychiatric Hospital and in all other establishments of the same type in Albania).

Leading by the WHO office in the Ministry of Health and collaborating with the Albanian and foreigner NGO that operate in the field of the mental health is established the Coordination Committee for the strategy of the Mental Health in Albania. This Committee is grouped each month. The main objective of this Committee is to create and to reinforce a network of the ambulatory psychiatric service, at the beginning in Tirana, Elbasan, Vlore and Shkoder and then to be extended in 37 districts of Albania.

DIRECTOR

Estmir BRAHINI




C. Ministry of Public Order

**REPUBLIQUE D'ALBANIE
MINISTERE DE L'ORDRE PUBLIC
DIRECTION GENERALE DE LA POLICE
LE DIRECTEUR**

No. 1852 du Prot.

Tirana, le 05, 10.1999

**RAPPORT DE SUIVI DU MINISTERE DE L'ORDRE PUBLIC DE
LA REPUBLIQUE D'ALBANIE SUR LE RAPPORT DU CPT**

**A l'attention du COMITE
POUR LA PREVENTION DE LA TORTURE
CONSEIL DE L'EUROPE**

STRASBOURG

Après avoir connu le rapport du CPT nous avons traité avec la sérieux maximale et de la prédisposition le rapport, afin de rejoindre de plus en plus les standards européens pour le traitement des prévenus, pour la prévention des actes abusifs de torture contre eux.

Nous vous assurons que les autorités policières albanaises en continuité ont considéré cette affaire en tant que priorité de leur travail.

Ci-dessous nous allons vous exposer des pas concrets qui, selon nous, servent à l'amélioration du travail de la police dans ses rapports avec les prévenus.

Nous sommes conscients que nous avons beaucoup de chemin à effectuer, mais nous sommes sûrs et nous croyons que nous allons parvenir où il faut, parce que nous avons constaté que particulièrement avec votre aide et celle des organisations attachées auprès du Ministère de l'Ordre Public, la situation est en train de changer sans discontinuer.

1. Bref exposé du climat dans lequel travaille la police, ses rapports avec le Ministère Public et les Tribunaux.

1. Nous considérons nécessaire de vous fournir cette information parce que nous croyons que cela est l'un des facteurs qui influent pour la sécurité et le traitement des prévenus.

En général après les événements du février-mars 1997 la police a travaillé sur un terrain défavorable, dans des conditions où son autorité a été presque en crise, ou elle n'a pas pu accomplir des exigences minimales en vue de la sécurité et du traitement des prévenus, parce que comme vous pouvez le savoir, presque tous les locaux de détention ont été détruits et dans ces conditions la police appréciait qu'il y avait d'autres affaires plus importantes à s'en occuper.

Cela veut dire que pour la police n'a pas été facile d'accompagner dans des locaux des commissariats les personnes incriminées, de communiquer avec cette catégorie de personnes et d'exiger l'application des règlements dans les locaux de détention. Donc il y a eu face à face des parties qui exigent réciproquement la satisfaction des obligations qui ne dépendaient pas d'elles.

La période suivante a tenté à orienter le travail de la police dans la réduction des problèmes.

2. Suite aux événements de 1997 on a évalué la situation et les conditions infra-structurelles des locaux des prévenus (les milieux d'accueil, les chambres d'accompagnement et les cellules), on fait des études pour les fonds pour leur restauration ou leur construction en nous adaptant aux standards et aux exigences.

Mais il faut comprendre que l'espace des cellules n'a pas changé et en général on n'a pas construit de nouvelles cellules.

3. Pour profiter d'une aide concrète nous avons été totalement ouverts envers les organisations gouvernementales et non gouvernementales comme la Croix rouge, Le Comité albanais d'Helsinki, le CPT etc, pour avoir accès aux cellules, et pour avoir d'eux une aide concrète pour la sécurité et le traitement des détenus.

4. Le personnel des fonctionnaires de la police qui sert dans les quartiers cellulaires est sélectionné parmi le corps policier et a travaillé sur un système de rotation, donc leur formation de base a été la formation générale policière. Dans quelques commissariats ce personnel est inclus dans la structure de tous les services de la police. Cela veut dire que dans ces cas la qualification est proche du professionnalisme, mais il n'y a pas une qualification propre, surtout comme vous l'avez constaté, il n'y a pas une qualification dans les techniques de la communication interpersonnelles, pour

lesquelles nous pensons qu'elles amélioreraient sensiblement la situation et éviteraient les cas de l'usage illégal de la force.

5. Malgré les difficultés (les espaces des cellules n'ont pas changé), nous avons été très catégoriques contre les instruments rudimentaires et ataviques de l'ancien système et nous avons enlevé les trois anneaux de fer à Elbasan.

6. Les maltraitements et l'usage de la force ont toujours constitué un objet d'examen et des analyses et d'une attitude stricte contre ceux qui les ont manifestés. Et dans ce domaine il y a eu des sanctions administratives et pénales.

De la part du Ministère ont été souvent envoyés des circulaires à destination des structures périphériques de la police dans lesquels a été tirée l'attention et ont été données des instructions pour l'amélioration et une meilleure organisation du travail.

7. On a demandé plusieurs fois au Ministère de la Justice pour qu'il prenne en charge les obligations pour l'administration des prévenus, mais cela n'a pas été possible, selon lui, suite aux incapacités financières. Nous pensons que la police doit administrer les prévenus ou les personnes arrêtées pas au delà de 48 heures, jusqu'à ce qu'il y ait une mesure de sécurité pour elles.

8. Il y a des cas de surpopulation dans les cellules et cela est dû au fait que le Ministère de la Justice ne parvient pas à évacuer les prévenus dans le temps, faute de milieux cellulaires. Cela va être amélioré si notre demande pour que les prévenus soient administrés par le Ministère de la Justice, sera satisfaite.

Vos constatations et des organisations gouvernementales et non gouvernementales ont toujours fait objet de notre travail pour l'amélioration du système de détention en continuité et dans ce cadre nous avons déjà la réglementation no. 1075 du 15.09.1999 relative à "La sécurité et le traitement des prévenus".

La nouvelle réglementation approuvée, a été rédigée en vertu de la Constitution de la République d'Albanie, la Convention européenne des droits de l'homme, la loi relative aux droits et au traitement des prisonniers, la loi relative à l'exécution des décisions pénales, le Code de la Procédure Pénale et la loi relative à la Police.

La nouvelle réglementation par rapport à celle ancienne a subi les modifications suivantes:

Il n'est plus prévue l'obligation de la police pour exécuter les peines capitales, mais uniquement la sécurité et le traitement des prévenus.

On a adapté le traitement des prévenus aux standards européens et aux standards de notre législation.

Les missions de la police pour appliquer la loi sont plus précises et par conséquent cela rend plus facile son application.

Les missions de la Police en rapport avec le Ministère Public, le Tribunal, l'Administration des prisons et le Ministère de la Justice ont été mieux définies.

On a pris en considération les remarques et les suggestions faites par les organisations et les associations internationales qui ont observé notre système de détention.

Le temps d'aération des détenus a été prolongé de 30 minutes au 60 minutes.

La quantité des sorties pour les besoins et la toilette de deux fois dans la journée est devenue trois fois.

Les rendez-vous avec les personnes de la famille et avec les relations de deux fois dans un mois se font trois fois.

La quantité de nourriture que les proches peuvent fournir, de 10 kilos qui était autorisée, est prévue d'être 15 kilos.

Les rencontres avec l'avocat sont permis tous les jours sans la présence des fonctionnaires de la police dès le moment de l'interrogatoire.

Les mineurs sont gardés séparément des adultes et les femmes le temps où elles demeurent dans les cellules de détention ont un annexe particulier sanitaire.

Le controle sanitaire s'effectue au moins une fois dans les 15 jours et les examens medicaux de la part du medecin de la police s'effectuent dans un local special,sans la presence du policier et un service par des medecins specialistes est prevu.

Les detenus ont a leur disposition des matelas,des coussins et des couvertures selon les besoins et les saisons.

Par comparaison a l'ancienne reglementation on a supprime les mesures punitives contre les prevenus qui s'opposent a l'application des reglements(par exemple on n'applique plus la mise de la casque en tete,la mise des menottes et l'interdiction de la sortie en plain air.

La nouvelle reglementation prevoit la quantite qu'il faut des formulaires pour l'administration de toute la procedure,depuis l'entree jusqu'a la sortie des detenus.

Dans la redaction de la nouvelle reglementation pour la securite et le traitement des detenus on a pris en consideration l'infrastructure existante des quartiers cellulaires,et son entiere application demande des investissements financiers,lesquels jusqu'a maintenant ont ete minimales.

L'approbation et l'application de la nouvelle reglementation signifie des ameliorations importantes pour le traitement des detenus et pour ameliorer les services de la police envers les detenus nous avons prevu et nous voulons bien de:

a-ameliorer le systeme du recrutement du personnel qui servira pour la securite et le traitement des detenus.On va installer un corps approprie de service avec des policiers qui ont un stage de travail et on va rediger et appliquer des programmes specifiques de formation.

b-en cooperation avec le Ministere de la Justice on va arranger que les detenus qui surpassent le delai de 48 heures soient administrés par le Ministere de la Justice.

c-en cooperation avec la Direction technique et logistique de notre Ministère on va trouver des fonds pour réaliser en ratique et avec de la qualité les exigences et les standards de la nouvelle reglementation.

d-Le personnel qui effectue les premiers actes de procedure soit convaincu par des exemples concrets que les aveux de l'accusé soient tirés par des efforts professionnels et légaux. On va se focaliser sur l'experience positive sur ce domaine.

e-Adopter une attitude stricte envers le personnel qui abuse dans ses rapports avec les détenus jusqu'à ce que la situation s'améliore.

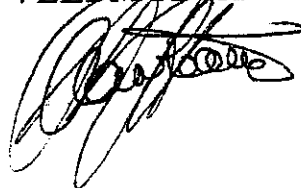
f-augmenter la cooperation avec le Ministère Public, sur les plaintes des détenus contre le personnel de service dans les quartiers cellulaires et réagir légalement contre les personnes responsables.

Nous sommes conscients que nos obligations pour un travail plus orienté et plus qualitative et nous exprimons notre disponibilité pour prendre sur nous les responsabilités, et les consequences qui derivent de l'aplication pas comme il faut des actes juridiques qui disciplinent le traitement humain des détenus.

Nous vous assurons de notre cooperation ultérieure.

LE DIRECTEUR GENERAL DE LA POLICE

Colonel VELLMYETARI



REPUBLIC OF ALBANIA
MINISTRY OF PUBLIC ORDER
ORDER POLICE DIRECTORATE

No. 438 Prot.

Tirana, on 23.02.2000

INFORMATION

**ON THE UNDERTAKEN MEASURES FOR THE PREVENTING OF
THE TORTURE**

To the Ministry of Foreign Affairs
To the Legal Representative Office near the
International Organisms for the Human Rights

TIRANA

Based on the previous rapport sent by the Ministry of Public Order, No. 1852, Date 05.10.1999, we would like to inform you that for the implementation of the requests represented from the European Committee on the "Preventing of the Torture", we clarify that from the Albanian State (Ministry of Public Order and from other Institutions), the given obligations and orientations for this direction, not only have been taken into consideration, but also serious efforts have been done to realize them.

In this aspect, the Constitutional Court of the Republic of Albania, with a special Decision, in December 1999, stopped the application of the sentencing by death in the Republic of Albania, and as a result, it is being worked to abrogate and repeal from the special articles and chapters of the Penal Code, where this sanction is foreseen.

After this decision was taken, the Ministry of Public Order in cooperation with the Ministry of Justice, undertook some concrete measures, about the doing of the right acts for the implementing of this decision, so for the treatment of the ex-sentenced persons by death, also for their transferring from the detention rooms of the Commissariats to the proper Prisons, specified by the Ministry of Justice, according to the penal acts done by them.

In a close cooperation with the European Community and with the other governmental and non governmental organisms, there have been organized two seminars " On the Rights of the accompanied, sentenced and of the detained persons", from these seminars and meetings, it was achieved the conclusion that the system of the detention rooms in its whole, should pass under the dependence and the administration of the Ministry of Justice (General Directorate of Prisons), and for that, all the efforts and concrete steps are being taken, from both parts, for the implementation of this very important issue.

A concern for the Ministry of Public Order, has been and it still is, the overpopulation of the detention rooms, by creating to this ministry many problems. This comes as a result of non-permission by the General Directorate of Prisons about the systematizing of the detained persons, and also the keeping in the Police Commissariats of the pre-sentenced persons in a not legal way.

We have been very open in our work, in the direction of the treatment and the securing of the persons who are accompanied and pre-prisoners, with all the National and International Organisms (N.G.O.), and all the problems consisted from the controls all over the country, that the pre-detention rooms of the Commissariats of the Police, have been taken into consideration, and there were no obstacles for realizing their duties.

But in this framework, the Ministry of Public Order took into consideration the said remarks about the improving of the conditions in the accompanying centers, by reconstructing them step by step, in accordance with the possible financial abilities of the institution.

From this Ministry of the year 1999, there have been reconstructed in the specified parameters in the proper regulations, the rooms of the detention, in the Police Commissariats in Vlore, Permet, Shkoder, Kurbin, Diber, Kolonje, Gramsh, Sarande, Pogradec etc.

Also, for the year 2000, it is thought to be used a considerable fund for the reconstructing and improving the conditions in the rooms of detention in the districts of Gjirokaster, Berat, Mat, Kruje, Mirdite, Lezhe and Kukes.

In order to improve the work, in the framework of the requests asked from your part, with our specialists in the districts, in December 1999, it was done a seminar for three days, in practice and theory on "The implementation of the legal and sub-legal acts, in respect to the human rights".

In this seminar, it was clarified once more, the rights and the obligations of the sentenced persons, pre-prisoners, and also of all the citizens who are accompanied to the organism and the units of the Ministry of Public Order, it was generalized the positive experience in this direction, and there were punished very hard the special cases of violating the rights of the detained, pre-prisoners, and of the accompanied persons, also it was made clear the rights and the obligations of the citizens, according to the international acts, the legal and sub-legal acts, approved by the Albanian State.

With the competence, we confirm that in Albania, it is not ascertained any case of applying the physical and psychological torture against the citizens and the pre-prisoners, and or that we are working intensively on the overall measures, for avoiding any case of not a good behavior of the police employees to the free citizens or to the pre-prisoners.

We confirm our determination for a fruitful cooperation.

GENERAL DIRECTOR OF ORDER POLICE

Colonel Veli MYFTARI