

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 11/006/2005 (Public)
News Service No: 019
1 February 2005

Embargo Date: 1 February 2005 00:01 GMT

Albania: No to impunity for torture and ill-treatment

Amnesty International has learnt of over 105 incidents from the beginning of 2002 to the end of November 2004 in which police in Albania are alleged to have tortured or ill-treated one or more people - an average of 35 incidents a year.

In its report *Albania: Obligations under the UN Convention against Torture - a gap between law and practice* (AI Index: EUR 11/001/2005 <http://web.amnesty.org/library/index/engneur110012005>) published today, Amnesty International stated that it believed the true figure for such incidents was considerably higher and that many went unreported. Most incidents of torture or ill-treatment took place during, or in the hours immediately following, arrest. Victims complained of punches, kicks and beatings; they sometimes suffered injuries so severe that they required medical treatment or even hospitalisation.

Official figures show that prosecutors are reluctant to bring charges of "torture or other inhuman and degrading treatment", except in the most extreme cases which result in "handicap, mutilation, permanent injury or death" (Article 87 of the Criminal Code). Instead, if charges are brought at all, defendants are usually accused of the vaguely-formulated crime of "arbitrary acts", a lighter offence, which in practice often results in the imposition of a mere fine.

"Albania ratified the UN Convention against Torture over 10 years ago, undertaking the legal obligation to prevent torture and ill-treatment under all circumstances. Its report on its implementation of the Convention is due to be considered by the UN Committee against Torture in May this year. It is now time to close the gap between the law and practice, for despite some positive measures, police officers continue to ill-treat detainees, including children, often with impunity," Amnesty International said.

In its report, the organization focuses on certain weaknesses in the provisions of Albanian legislation when measured against the requirements of the UN Convention against Torture, and most importantly, on failures to implement the Convention in practice, including:

- violations of the rights of detainees which facilitate torture and ill-treatment;
- failure to investigate promptly, thoroughly and impartially complaints of torture and ill-treatment and to bring those responsible to justice;
- Articles 86 and 87 of the Albanian Criminal Code (dealing with torture) do not accord with the definition of torture given in the UN Convention against Torture;
- the lack of state reparation, including fair and adequate compensation, for victims of torture and ill-treatment.

Amnesty International is dismayed at allegations of the ill-treatment, sometimes amounting to torture, of children by police. International treaties, which Albania is a party to, oblige its authorities to provide detainees under the age of 18 with additional protection, including conditions and procedural guarantees geared to their special needs. The organization is also gravely concerned that investigation and trial proceedings have failed to establish how a 17-year-old, Eriguert Ceka, received fatal injuries to his head while held in Rreshen police station in July 2004. At a trial in December, a court convicted a police officer of breaking the rules of guard service by leaving the cell area where he was on guard, but concluded that it could not be established whether Eriguert Ceka had injured himself, or had struck his head against a wall as a result of blows inflicted by the police officer or by a cell-mate.

"The parents of Eriguert Ceka have the right to know how their child was fatally injured, and the right to compensation for the state's failure to protect him," Amnesty International said.

Amnesty International's report concludes with recommendations to the Albanian authorities to implement a series of measures in order to fulfil its commitments under the UN Convention against Torture.

Background

Albania ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (UN Convention against Torture) in 1994. In June 2003, the Albanian Government submitted to UN Committee against Torture (CAT) a joint initial, first and second report, which were originally due in 1995 and 1999, on its implementation of the UN Convention against Torture.

Amnesty International welcomes a number of practical measures undertaken to combat police ill-treatment, which owe much to the work of Albanian non-governmental organizations, the Albanian Ombudsperson and experts of international governmental organizations. These include human rights training for police officers, monitoring of conditions and treatment of detainees in police stations, legal and other assistance for children in detention.

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