

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Albania: The role of the People's Advocate and other human rights defenders in combating torture and ill-treatment is crucial**

In the light of recent allegations of police ill-treatment, Amnesty International calls on the Albanian Minister of the Interior and the Director of the Albanian State Police to issue immediate instructions to the Judicial Police and other police officers reminding them that the torture or ill-treatment of a person, whether during or after arrest, or when the person is simply being questioned as a possible witness to a crime, is a serious criminal offence, both under Albanian and under international human rights law, and will be punished accordingly.

Amnesty International also urges the Minister of the Interior and the Director of the State Police to ensure that police officers at all levels are properly informed of the legal functions and duties of the People's Advocate (Ombudsperson), including the right, as set out in Article 19/1 of the Law on the People's Advocate, to enter without any restriction, and without prior authorization, any state institution, including police stations and prisons, and to speak in confidence with any person there, without the presence of officials.

The organization is disturbed to learn that Shkoder Police Directorate has initiated criminal proceedings against the People's Advocate, claiming that he jeopardized an investigation, after he and colleagues exercised their legal right to make an unannounced visit to Shkoder police station. While there they reportedly observed what appeared to be marks of violence on a young man, named as E. A., and therefore instructed the two judicial officers who were questioning him to leave the room so that they could speak with the young man in private. E.A reportedly then alleged that the officers had slapped him to make him testify against his parents in relation to a blood-feud crime which took place in 1997, when he was nine years old. Police have stated that an internal investigation will take place into E.A.'s allegations.

Amnesty International notes that this latest incident follows on from other allegations that police officers in Saranda severely beat two young men, Oltion Varfi and Aristidh Gllucjaj, apparently to force them to sign statements. The two youths were arrested on 6 November 2008 on suspicion of helping people to cross the border clandestinely into Greece. The following day Aristidh Gllucjaj, aged 18, was admitted to hospital. His case was brought to public attention after he was taken from hospital to court on 8 November 2008 to be remanded in custody and lost consciousness in the court room. The People's Advocate called for an investigation to be started against a police officer on charges of torture. The police officer has since been arrested and reportedly charged with "using violence during an investigation".

Amnesty International considers that the role of the People's Advocate, and that of other human rights defenders, is vital in ensuring that allegations of police ill-treatment are heard and investigated, and that when these allegations are founded, the perpetrators are punished. The organization notes that during inspections by the People's Advocate to Vlora Police Station in October 2008, and to Tirana Police Station no. 1 in September 2008, other instances of alleged

ill-treatment came to light, which would probably never have been reported but for such inspections.

Lastly, Amnesty International calls on the Albanian Minister of Justice, the Prosecutor General and the chairman of the High Council of Justice to issue clear instructions to all judges and prosecutors to promptly institute investigations whenever they have cause to believe that a person may have been tortured or otherwise ill-treated by police officers, and to invoke Article 86 of the Criminal Code, dealing with "Torture" when the actions committed correspond to the elements of the crime of torture, as defined in Article 86.

#### Public Document

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