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### ALB103820.E

Albania: The police force, including its structure and location; police corruption; police misconduct; procedures to submit a complaint against police and responsiveness to complaints

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#### Structure of the police force

Albania's 2007 Law on State Police indicates that the Albanian police force is an institution under the jurisdiction of the Ministry of Interior (Albania 2007, Art. 6). According to Article 12 of the law, the police are organized centrally and locally; the General Directorate, located in Tirana, oversees the central level, while the Regional and the Regional Border and Migration directorates administrate functions at the local level (*ibid.*, Art. 12, 13). Article 13(3) of the law indicates that the General Police Directorate

- supervises the performance of police functions and duties by the Regional Police Directorates;
- coordinates matters relating to the recruitment and training of Police employees;
- coordinates the implementation of strategies for the prevention and reduction of crime, the maintenance of public order, the supervision and control of the state borders and in co-ordination with other appropriate agencies, the safeguarding of national security;
- coordinates the performance of police functions and duties;
- coordinates the implementation of international agreements in matters relating to the Police;
- processes data gathered by the Police to the extent that it is necessary for fulfilling the functions of the Police; [and]
- carries out police tasks in accordance with this and other Laws and with Normative Laws based on this and other Laws. (Albania 2007, Art. 13(3))

The General Director of the Police, who is appointed by the Council of Ministers at the recommendation of the Minister of Interior, is in charge of the General Police Directorate (*ibid.*, Art. 13, 20). Regional Police Directorates, which are composed of Commissariats, carry out the directions of the General Director, coordinate training and personnel matters, and supervise the Commissariats and police stations within their region (*ibid.*, Art. 14-15).

At the operational level, police officer titles and their ranking, from lowest to highest, are

- vice-inspector, inspector, and chief inspector;
- at the first management level, they are vice-commissar, commissar, and chief commissar; and
- at the mid-management level, they are leader, first leader, deputy general director and general director (Albania 2007, Art. 36).

The State Police Law explains that trainees who successfully complete Basic Police School are given the rank of vice-inspector (*ibid.*, Art. 41). After a two-year probationary period, they become inspectors (*ibid.*). Promotions between the ranks of inspector and first leader involve a competitive selection process that includes appraisals, exams, and a specified amount of time that, at a minimum, must be spent performing the duties of each rank (*ibid.*).

### **Location of the police**

An organizational chart on the Albania State Police website indicates that there are 12 Regional Police directorates in the following locations: Tirana, Shkoder, Korce, Elbasan, Kukes, Diber, Lezhe, Fier, Berat, Gjirokaster, Vlore and Durres (Albania n.d.). Within each Regional Police Directorate, there are between three and seven commissariats, depending on the region (*ibid.*). Tirana has six commissariats (*ibid.*). There are also commissariats in Kavaje, Shkoder, Pukhe, M. Mahde, Korce, Pogradac, Kolonje, Devoll, Elbasan, Librazhd, Gramsh, Peqin, Kukes, Tropoje, Has, Diber, Mat, Bulqize, Lezhe, Kurbin, Mirdite, Fier, Lushnje, Mallakaster, Berat, Skrapar, Kucove, Gjirokaster, Permet, Tepelene, Vlore, Sarande, Delvine, Durres, Kruje and Sijak (*ibid.*).

### **Police corruption**

Several sources report that the Albanian police are susceptible to corruption (Freedom House 2011; US 10 May 2011; *ibid.* Mar. 2011, Sec. B4). The United States (US) Department of State's 2011 *International Narcotics Control Strategy Report* (INCSR) states that "corruption remains a deeply entrenched problem" in Albania, and that it is difficult to fight corruption among the police and other officials because of "[l]ow salaries, social acceptance of graft and Albania's tightly knit social networks" (US Mar. 2011, Sec. B4). The United Nations Office on Drugs and Crime produced a survey on corruption in the western Balkans, in part by enlisting the Institute of Statistics of Albania to conduct the survey on Albania (UN 2011, 66). The Albania survey was conducted between September and October of 2010 with a net sample size of 3,561 people within 16 regions of Albania (*ibid.*). According to the survey, approximately 17 percent of Albanians who had had contact with the police paid a bribe to a police officer within the last 12 months of the survey (*ibid.*, 26). In a 2009 survey by the Institute for Development Research and Alternatives (IDRA) that measures the perception of corruption in Albania on a scale between 0 and 100, in which 0 signifies "very honest" and 100 signifies "very corrupt," police officers measured 63.1 (IDRA 2009, 9).

The INCSR notes that in 2009 and the first half of 2010, the Albanian police and judiciary increased their efforts to fight corruption among law enforcement personnel (US Mar. 2011 Sec. B4). The INCSR also reports that in May 2010, an Inspections Directorate was established at the Internal Control Service (ICS) of

Albania's Ministry of Interior to address corruption within the police force (ibid.). The European Commission also reports on the establishment of the ICS, noting that it has had some success fighting corruption within the police force, particularly with "petty corruption cases" and against traffic police officers who accepted bribes (EU 9 Nov. 2010, 22). The INCSR indicates that in 2010, 61 criminal complaints involving 111 police officers, including 28 supervisors and 1 mid-level manager, were referred for prosecution (US Mar. 2011, Sec. B4). In addition, the report states that 25 police officers were arrested on charges of "corruption and misuse of authority" (ibid.). According to the European Commission, although there are a greater number of corruption cases in Albania being investigated and prosecuted than in the past, conviction rates are "very low" (EU 9 Nov. 2010, 22).

## **Police misconduct**

Problems that people have reportedly encountered with the Albanian police include "excessive use of force" (ARCT n.d.; Council of Europe 22 Feb. 2011, Sec. 1(3); US 8 Apr. 2011, Sec. 1c), "ill-treatment" (ARCT n.d.; Freedom House 2011; EU 9 Nov. 2010, 26), "use of violence" (AHC 27 June 2011), arbitrary arrest (US 8 Apr. 2011, Sec. 1d), and the use of threats or violence to secure confessions (ibid., Sec. 1c). Sources indicate that police misconduct primarily occurs during arrest and interrogation of suspects (Freedom House 2011; US 8 Apr. 2011, Sec. 1c) or in pre-trial detention (ARCT n.d.).

During a 2008 visit to Albania, the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment found that there were fewer allegations of police misconduct than in 2006 (21 Jan. 2009, 11). However, the delegation reported "credible allegations of recent physical ill-treatment," such as "severe beatings, blows to the feet (so-called 'falaka') and/or to the palms and backs of the hands with objects such as batons" (Council of Europe 21 Jan. 2009, 11). The most serious allegations reportedly concerned misconduct at the Korca, Pogradec and Elbasan police stations (ibid.). More recently, the Tirana-based Albanian Helsinki Committee (AHC) reports that in May 2011, two men, who were apprehended after participation in a political rally, were hospitalized for injuries sustained while in police custody (23 May 2011).

Sources report that on 21 January 2011, a protest organized by the Albanian Socialist Party turned violent; four demonstrators were shot dead by law enforcement officials and dozens of demonstrators and police officers sustained injuries during the clashes (Council of Europe 22 Feb. 2011, 2; US 10 May 2011). According to the Council of Europe's Commissioner of Human Rights, who visited Albania in February 2011 to assess the human rights situation following the incident, a group of demonstrators set parked cars on fire and attacked law enforcement officials with sticks and stones (22 Feb. 2011, 3). The police reportedly responded with "truncheons, water cannons, tear gas and rubber bullets" (Council of Europe 22 Feb. 2011, 3). At a later stage, members of the Republican Guard, a constabulary force that protects government officials (EU 9 Nov. 2010, 23), fired against the demonstrators, causing four deaths and several gunshot wounds (Council of Europe 22 Feb. 2011, 3). According to the Council of Europe report, 113 people were arrested and detained in relation to the event (ibid.). The Ombudsman (also known as the People's Advocate) informed the Commissioner that all the detainees claimed to have been subject to "ill-treatment" by police and forced to sign documents under "psychological duress" (ibid., 4). The report also notes that the event was being investigated by the Office of the General Prosecutor, who detained some members of the Republican

Guard for their role in the shootings (ibid.).

## **Police impunity**

The US Department of State's *Country Reports on Human Rights Practices for 2010* indicates that Albania has a problem with "police impunity" (US 8 Apr. 2011, Sec. 1c). Freedom House similarly notes that police abuse is "lightly if ever punished" (2011). However, the Albanian Rehabilitation Center for Trauma and Torture Victims, a non-governmental organization (NGO) that monitors places of detention and advocates against torture, states that "some efforts" have been made to prosecute police officers for "ill-treatment, torture and arbitrary behaviour," and also that some officers have faced criminal charges and disciplinary actions (ARCT n.d.).

## **Submitting complaints against the police through the Police Directorate**

In a report submitted to the Council of Europe, Albanian state authorities explain that Albanians have the right to submit a complaint against a police officer who commits abuse or performs an illegal act to the Commissariat, Regional Police Directorate, General Police Directorate, or the Ministry of Interior (Albania 10 Jan. 2011, 39). According to the report, such complaints are verified and handled within a month of receipt of the complaint, and a written answer is sent to the complainant (ibid.). There is also a separate sector within the Directorate of Professional Standards, General Police Directorate, called the "Sector of Complaints and Discipline" (ibid.; ibid. n.d.). The Complaints and Discipline sector initiates disciplinary actions against police officers who have breached police rules and regulations (ibid. 10 Jan. 2011, 39).

In correspondence with the Research Directorate, a lawyer at the NGO Albanian Human Rights Group (AHRG) stated that, to file a complaint against a police officer, a complainant must go directly to the police station or to the prosecutor's office, depending on the type of claim (11 Sept. 2011). He said that the judicial police officer has a duty to receive citizen complaints against police officers and to begin investigations (AHRG 11 Sept. 2011). He also noted that if there is evidence that a police officer has committed a criminal offence, the judicial police officer is required to send the file to the prosecutor, who, in turn, must continue the investigation and ask the court to suspend or arrest the accused officer (ibid.).

Similarly, an attorney at a private law firm in Albania stated, also in correspondence with the Research Directorate, that a person could file a complaint against a police officer at any police station in Albania, or, if police officer committed a crime against an individual or a member of his or her own family, at the Prosecution's Office (Attorney 24 Sept. 2011). He said that the complaint could be made either verbally or in writing (ibid.). When the complaint is reported verbally, a police officer with the Public Relations department records the complaint in writing and then reads it to the complainant for verification (ibid.). He stated that the report is reviewed by the Internal Service of the State Police, which is responsible for investigating police officers (ibid.).

According to the AHRG lawyer, the most common complaints brought against police officers are for "violence against citizens" or "arbitrary actions" (11 Sept. 2011). However, he noted that most complaints against police officers are "not resolved," though he did not provide details as to why (AHRG 11 Sept. 2011).

## Submitting complaints against the police through other agencies

Albanian state authorities also note that complainants can submit complaints against police officers to other agencies such as the Prosecution Office, the Internal Control Service, the Ombudsman, or to local or international human rights organizations (Albania 10 Jan. 2011, 39).

Sources report that the Ombudsman processes complaints against police officers (EU 9 Nov. 2010, 24; US 8 Apr. 2011, Sec. 1; Albania Sept. 2009, Sec. IV; Attorney 24 Sept. 2011), particularly for cases related to arrest and detention (US 8 Apr. 2011, Sec. 1d). According to a report by the Ombudsman, individuals or groups of individuals can submit complaints, requests or notifications to his office when governmental bodies or other public authorities have violated their human rights and freedoms (Albania Sept. 2009, Sec. VII). The Ombudsman's office has a unit devoted to cases involving the police, secret service, prisons, armed forces and the judiciary (*ibid.*, Sec. IV). Complaints to the Ombudsman should be made in writing and include any supporting documentation or evidence as well as a description of legal measures already taken to try to resolve the matter (*ibid.*, Sec. IX). However, the Ombudsman notes that citizens can initiate urgent matters by telephone and follow up with a written request or e-mail (*ibid.*).

The Ombudsman has the authority to demand information or documents related to the case from the relevant administrative body, as well as to summon and question any people involved in the case (*ibid.*, Sec. VII). The Ombudsman sends the respective body a brief description of the problem and provides a deadline for responding (*ibid.*, Sec. IX). The deadline is determined in part by the urgency of the matter, but it does not exceed 30 days (*ibid.*). *Country Reports 2010* states that approximately 33 percent of the cases dealt with in 2010 were resolved in favour of the complainants (US 8 Apr. 2011, Sec. 1d).

The Ombudsman has reportedly spoken out against police abuse (BIRN 24 Nov. 2008; Freedom House 2011). According to an article in the Balkan Investigative Reporting Network's (BIRN) news site, *Balkan Insight*, the Ombudsman has "lashed out" against the Ministry of Interior for protecting police officers involved in abuse (BIRN 24 Nov. 2008). The article notes that, following a complaint by the Ombudsman, a police officer was arrested in Saranda for allegedly "torturing" a man (*ibid.*). BIRN also reports that after being criticized for cases of police abuse, the Shkodra police filed a lawsuit against the Ombudsman, accusing him of interfering with a murder investigation (*ibid.*).

Sources indicate that the Office of the Ombudsman is "the main domestic human rights institution" in Albania and that police abuse is one of the main areas in which the Ombudsman has intervened (EU 9 Nov. 2010, 24; US 8 Apr. 2011, Sec. 5). The European Commission, in an assessment of Albania's application for admission to the European Union (EU), credits the office with "enhancing the accountability of state institutions" (EU 9 Nov. 2010, 24). According to the EU report, the Ombudsman has spoken out about poor conditions at police stations, prisons and pre-trial detention facilities (*ibid.*). *Country Reports 2010* notes that although the Ombudsman cannot enforce decisions, in many cases the government has acted on his suggestions (US 8 Apr. 2011, Sec. 5). The Albanian attorney characterized the Ombudsman as an "effective" option for resolving complaints against police (Attorney 24 Sept. 2011).

However, the EU expressed concern about the lack of resources and budget cuts affecting the Ombudsman's office (EU 9 Nov. 2010, 24). Freedom House notes that since February 2010, when the previous Ombudsman's second term expired, the office has been functioning under an acting leader; as of the end of 2010, a new Ombudsman had not been formally appointed (2011).

The Unit for Torture Prevention was created within the Office of the Ombudsman to inspect detention rooms, police stations, and other confined institutions, such as psychiatric hospitals, for signs of torture, inhumane treatment or other human rights violations (Albania Sept. 2009, IV; see also EU 9 Nov. 2010, 26). However, the EU Commission states that this office does not have adequate funding or expertise (EU 9 Nov. 2010, 26).

The AHC is an example of a human rights organization that investigates cases of police abuse and conducts on-site monitoring of police commissariats (AHC 27 June 2011). The AHC indicates that it received four complaints of police misconduct between January and April of 2011 (*ibid.*), while they reportedly received 10 complaints in 2010 (US 8 Apr. 2011, Sec. 1c).

The attorney at the private law firm stated that complainants also have the option to file a lawsuit against the police (Attorney 24 Sept. 2011).

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

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#### Additional Sources Consulted

**Oral sources:** Attempts to contact officials with the Office of the People's Advocate, the Albanian State Police and a representative of Albanian Helsinki Committee were unsuccessful within the time constraints of this Response.

**Internet sites, including:** Amnesty International; European Country of Origin Information Network; Factiva; Human Rights Watch; International Crisis Group; International Federation for Human Rights; Open Society Foundations; Organization for Security and Co-operation in Europe; Radio Free Europe/Radio Liberty; Transitions Online; United Nations - Refworld, ReliefWeb; World Organisation Against Torture.

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