

ARCT

Albanian
Rehabilitation
Centre for
Trauma & Torture

QSHRT

Qendra
Shqiptare
e Rehabilitimit të
Traumës & Torturës

Tirana, 09 October 2012

Dear Mrs. Jasminka DŽUMHUR

For almost half a century, Albania lived under the most extreme totalitarian communism in the post Second World War in Europe. With the end of the 2nd World War, the Albanian Peoples Republic was declared and its leader, Enver Hoxha stayed in power until his death in 1985, sustaining one of the most repressive systems in the Eastern Europe. Even more than 20 years after the fall of the former communist regime in Albania, there is no precise number of persons missing during the 50 years of the former regime between 1945 and 1991. The overall human toll is not well documented, with estimates ranging from 6,000 to 8,000 individuals killed. As Prof. Philip Alston would say "twenty years after the fall of communism, Albania has not dealt comprehensively with the killings and other human rights abuses committed during those years. It is widely acknowledged that thousands of Albanians were tortured, executed and disappeared by the state, but many victims' families are unable to learn their loved ones' fate, and the details of the regime's abuses have not been accounted for".

According to our research, 20 years after the fall of communist regime, there are still approximately 4,000-4,500 missing persons during the period of the former regime. As the consequence of the insufficient government efforts and the lack of appropriate legislation, families are continuing to struggle in their efforts to exercise their right to know about the fate of their family members. However their efforts to find the truth about the fate of their loved never stopped.

In one of their attempts, on February 8th 2010, human remains of 19 persons were discovered. The remains are still at the custody of the Albanian Legal Medicine Institute, unidentified; do to the lack of expertise of the Albanian Institutions to properly identify those remains. This is just one example of the scope of the issue of missing persons during the communist regime in Albania.

For reasons mentioned above, we would kindly invite you for the country visit to the Republic of Albania with the aim:

1. Assessment of the overall situation regarding the cases of over 4,500 persons disappeared during the communist regime in Albania,
2. Assessment of the existing legislation to address the rights of the victims,
3. Implementation of the UN Convention of enforced disappearance and European Convention of Human Rights from the Institutions of the Republic of Albania,



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4. Propose concrete measures and recommendations for Albanian authorities to locate, exhume and identify mortal remains of the victims of communist regime and other aspects of addressing the rights of the families of missing persons.

We hope that your visit will facilitate the dialogue between the government authorities in Albania and the families of missing persons, as well as the proper treatment of the issue which is preventing Albania to complete the transition from totalitarian regime to open and democratic society. We hope that your visit will contribute as well, to the full implementation of the international conventions including the UN Convention on Enforced disappearance and the ECHR.

Yours sincerely


Adrian Kati
Executive Director
ARCT



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The Albanian Rehabilitation Centre for Trauma and Torture (ARCT) is a non-for-profit, non-political and non-governmental organization registered and operating in Albania since 1995, designing and implementing programs aiming to contribute in building a democratic society without use of torture in a country where strong political persecution has been seen for a long, almost 50 years period of the 20th century.

Lessons from the past is worth learning, especially if they call for a special attention towards respect for human rights and human dignity – this has been, and still is, one of the **basic assumptions** of ARCT engagement in offering Rehabilitation of torture victims services (*combined with scrupulous documentation of violation practices and human suffering*) as well as Prevention of Torture programs (*reporting periodically to International agencies/organizations on the situation of torture in the country, training for police and health staff in prison, pre-detention places, psychiatric hospitals, educational system*), providing assistance and a window of opportunities for this target group. These initiatives are made possible through support of donors such as the European Commission and Open Society Institute, etc (*currently, ongoing*).

For many years this population has faced a model of denial and neglect from state authorities, changing them into a large group of population practically representing Victims of a state organized torture and persecution. In such conditions we try to call for attention of the democratic international community.

Lobbying and advocating for social re-integration of a group of people counting more than 100,000 individuals (*as well as their families*) through jointly working with a Network of 6-8 organizations of former political persecuted remain a significant tool towards conflict prevention and mediation is a society moving with difficulty towards EU.

As a matter of fact we are speaking not only for a group of people and their families, but of consolidating within our society a model and message that: *"violations/breaches of human rights should remain an important issue to deal with."*

As a representative of the Albanian civil society, ARCT is an organization operating in a field where international support is yet vital for the sustainability and continuity of work, as state institutions are often indifferent or even against (*openly or hidden*) human rights organizations.

Through such international support ARCT has been able to influence directly or as a cumulative factor in a number of areas:

- offering services to a large number of torture victims in the country (more than 3000 individuals) contributing to a better life (although yet very difficult) of a defined social group – former political persecuted



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- influencing on national legal frame, besides other, in regard to:
 - Service and treatment of inmates in prisons and pre-detention facilities
 - Service and treatment of individuals in psychiatric hospitals and forensic psychiatry facilities
 - Social Integration of former political persecuted

ARCT represents a concrete opportunity for studies/ research/ surveys, lobbying and advocacy initiatives, training and public events through its staff: there is a team of 2 lawyers (MAs in European and international studies); 2 medical doctors, 3 psychologists (PHD in mental health); 2 social workers; 2 financial managers and other part-time experts, academics, diplomats and journalists.

ARCT Statement of Key Qualifications

1. Monitoring of places of detention, documentation of abuse and making information public, designing and publishing Shadow Reports and recommendations for specific areas of intervention, bringing the issue on the attention of media and international community

2. Advocating for respecting national and international law as well as monitoring of the states efforts to adhere to its obligations.

3. Offering knowledge and expertise for professionals in the field – all have been quantitatively and qualitatively increased during the last years.

4. As pointed out at SIDA country report 2007 by the end of a three-years support for ARCT: through the project, **the civil society role** in the process of independent and effective monitoring mechanisms in places of pre-detention, prisons and psychiatric hospitals were strengthened essentially.¹

5. ARCT has already begun a **national campaign for the prevention of torture** in Albania and completed a number of round table discussions for relevant stakeholders on OPCAT and NPM and in cooperation with the People's Advocate – Ombudsman completed two National Conferences on OPCAT implementation during 2007-08².

6. With regard to prevention of torture and ill-treatment and the **fight against impunity**, there have been reports of use of excessive force and ill-treatment by police officers, most of them during pre-trial detention. However, some efforts have been made by law enforcement agencies to prosecute and indict cases of ill-treatment, torture and arbitrary behavior.



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¹ Sida Country Report on Albania, Section 4.2 "Respect for Human Rights", para 2, 2008

² APT, OPCAT Country Status Ratification and Implementation, as of 09 March 2009, pg.64,
<http://www.apr.ch/content/view/full/40/82/lang.en/> last accessed March, 2009

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The General Prosecutor brought charges against four former senior officials of the State Intelligence Service. Criminal charges have been brought and disciplinary measures taken against police officers for abuse of office. **In compliance with the amendments made to the Criminal Code on torture, the People's Advocate launched in March 2008 a national campaign on torture prevention, in cooperation with the Centre for Rehabilitation of Torture Victims³**

7. ARCT is the only organization working in the domain of **rehabilitation of survivors from torture**, organized violence and prevention of torture in Albania and the direct services covers *Tirana, Durres, Shkodra, Elbasan, Kruja and Kavaja*. Since 1995 ARCT has offered psychological treatment to around 15-20 % of the whole target of former political persecuted in the country, remaining even today the only service facility in regard. During the last 3 years more than 600 clients from the target of former political persecuted have received specialized medical and/or psychological assistance. In addition, around 1500 individuals from the same target received follow-up medical consultations and referral.

8. During 2007-12 ARCT has been focused also on offering **services to victims of police maltreatment of nowadays** gathering also essential information on the hidden part of misconduct and violence modalities in pre-detention facilities and other places of detention.

9. ARCT has been able set a *referral* network of sustaining medical services covering through them a series of services that the center has not been able to provide to the target group.

10. ARCT has as well been able to create **international and regional partnerships** through participation in Balkan Network of rehabilitation Centers (BaN), RCT/IRCT network, South Eastern Europe Refugee Assistance network, as well as being member of OMCT and cooperating with APT, the ARIADNE etc whose expertise has continuously been used for ARCT improved performance.



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³ http://www.delalb.ec.europa.eu/files/albania_progress_report_2008.pdf page 12, para 2.